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Admission Appeal – Information for parents.

Prejudice appeals

**The legal basis for School Admission Appeals**

School admission appeals follow a procedure that is laid out in the School Admission Appeals Code 2022. This provides an opportunity for both the school case and the parent/legal guardian case to be heard and examined by an Independent Appeal Panel.

The Code places the responsibility for making arrangements for your appeal on the admission authority for the school or academy. They have decided that the process will take place remotely.

Therefore, your appeal will take place either (a) by video or telephone conference; or (b) by consideration of the written information that you have submitted if you do not wish to attend the appeal.

Option (b) is also the default option if you do not attend the appeal without explanation.

**Who will attend the appeal hearing?**

Those present at the hearing will be:

* You (the parent/legal guardian) and whoever you wish to be with for support; your partner, relative, friend, adviser, interpreter or signer, who may speak on your behalf or help you to present your case. You cannot be supported by someone from the admission authority (the school) for which you are appealing for a place. Your child may attend but it is for you to decide whether this would be helpful or appropriate, particularly if the content of the appeal may be sensitive.
* Other appellants – if there is more than one. ALL appellants are invited to attend Stage 1 of the appeal process but Stage 2 is an individual and confidential hearing where you have the opportunity to talk through your own reasons for appeal in the absence of all other appellants.
* A representative from the admission authority – this will usually be a governor of the school; a representative from the teaching staff such as the headteacher or deputy, or a member of the school administration team, such as the school admission officer. They are known as the ‘Presenting Officer.’
* The Independent Appeal Panel – three members, one of whom is the Chair. At least one member must have education experience and at least one must not (*a lay member*). You will be advised of the panel’s names within the notification of the appeal hearing date. Please let the Clerk to the Appeal Panel know immediately if you know someone who is sitting on the Panel for your appeal.
* The Clerk to the Appeals Panel, who provides advice on law and procedure and prepares the decision letter, but does not take part in the decision-making.

**Order of the Hearing**

**Stage 1 (The School Case)**

All parents appealing for a place for their child are invited to attend. The Chair of the Appeal Panel and/or the Clerk welcomes and introduces everyone and explains the procedure.

1. The Presenting Officer will present the case for the school to all parents/legal guardians.
2. The parent(s)/legal guardian(s) will have the opportunity to question the Presenting Officer.
3. The appeal panel will have the opportunity to question the Presenting Officer.
4. The Panel will adjourn and decide whether the school has proved its case, namely whether there would be prejudice\* if any additional students were to be admitted. (\**Prejudice means would it be detrimental to the education provided by the school if it has to admit any additional students*.)
5. If the panel decide that the school has not proved it would be prejudicial to allocate

additional places, the appeals will be allowed. If the panel decide that the school has

proved prejudice, the appeal moves to the second stage.

**Stage 2 (Individual Cases)**

1. The parent/legal guardian will be asked to present their case.
2. The appeal panel will have the opportunity to question the parent/legal guardian.
3. The Presenting Officer will be given the opportunity to question the parent/legal guardian.

**Sum Up / Decision**

1. There is the ability for the Presenting Officer to sum up their case if they wish to do so. There is also the ability for the parent/legal guardian to sum up their case.
2. The presenting officer and the parent/legal guardian leave. The appeal panel will make their decision at the end of hearing all the appeals for the school. The Panel has the power to decide that your circumstances outweigh the prejudice that would be caused to the school and can allocate your child a place. The clerk must remain with the panel to record their decision.
3. The decision of the Independent Appeal Panel is final and binding on both parties. The decision will be communicated in writing by the clerk.

**What do I need to have with me?**

You will need to make sure you have the papers that are sent to you before the Appeal. These include the schools ‘Statement of Case’ and your own Notice of Appeal Form. You may also have submitted supporting documents (e.g. medical evidence or details of a house move) in advance of the hearing.

It will be at the discretion of the Panel whether to accept any supporting evidence that you want to submit **after** the deadline for doing so has passed.

**Preparing for the hearing**

You are responsible for presenting your case and for deciding what you would like to say at the appeal hearing.

Prior to the hearing you are advised to:

* re-read the Notice of Appeal you submitted.
* make sure you have looked at the school Statement of Case and make a note of any questions you would like to ask the representative of the school/academy that relate to the school case.
* spend some time deciding what you would like to say when the panel invites you to explain your reasons for wanting your child to attend your preferred school – it might be helpful to make notes of the main points, but it is not necessary to prepare a speech or formal presentation, as the Panel will have read all the papers you have submitted in advance.

**On the day(s) of the hearing**

Please be punctual when joining the meeting.

It is difficult to predict how long the school case (Stage 1) will take, as this depends on the number of questions that are asked. You are allocated about 20-25 minutes for your individual case (Stage 2). However times may overrun and so it is wise to allow longer.

It is particularly important to tell the appeal panel everything that is relevant to your case. The appeal for your child is confidential so please feel free to say whatever you need to. It is important for you to explain if there are particular family circumstances or previous experiences relating to your child and his/her schooling and this is something to consider when deciding whether your child is in attendance with you.

The members of the appeal panel have to make their decision based on the information they have been given, so make sure you tell them everything you believe they need to consider.

**After the appeal**

The clerk will write to you to inform you of the panel’s decision. This will normally be within 5 working/school days of when the decisions are made. However in the summer term when many multiple appeals take place, this may take longer. You will be given an indication of the likely time period at the end of your individual appeal.

**Complaint to the Education and Skills Funding Agency (ESFA)**

If you think that the proper procedures have not been followed during your appeal then you can ask the ESFA to investigate. The ESFA can investigate complaints about the procedure of the appeal that may have affected its outcome.

You can find further information and guidance within a fact sheet at [www.gov.uk](http://www.gov.uk) entitled “Complaints about an academy independent admission appeal panel”.

But please note, complaints can only be based on maladministration rather than the panel’s decision on the merits of your appeal.