

Admission to schools in Worcestershire – parents' guide to the appeals process – two stage decision-making process

The County Council as Admissions Authority (or the school itself as Admissions Authority in the case of Academies, Foundation Schools, Free Schools and Voluntary Aided Schools) provides school places for children of statutory school age including First, Middle, Primary and High Schools.

This guide explains what happens if you want to appeal the allocation of a school place for your child. If your child is, or will be, in an infant class (Year R – Year 2) and the “infant class size prejudice” rules apply you will need to refer to the leaflet on the Council’s website entitled “Admission to schools in Worcestershire – parents’ guide to the appeals process – pupils in infant classes where “infant class size prejudice” rules apply”.

Education for your child

The law allows you to express a preference for the school you would like your child to attend – 'your preferred school'. However, you do not have an absolute right to choose a school because the law says the Admission Authority need not meet your preference if to do so would prejudice the provision of efficient education or the efficient use of resources.

An Appeal Panel - why?

If your school preference has not been met by the Admissions Authority the law gives you a chance to put your case to an independent Appeal Panel. The Appeal Panel is your opportunity to put your side of the argument and persuade them that your child should have a place at your preferred school.

How will the appeals take place?

Meetings of Appeal Panels are held at County Hall, Worcester. **If you have a disability or a special need which would make it difficult for you to attend the hearing at County Hall, please let the Clerk know as soon as possible, and at least 3 working days before any scheduled hearing.**

The School Appeals Timetable sets out the timeframe for arranging Appeals:

[Appealing a school place offer | Worcestershire County Council](#)

Appeals Process

After you have put the details of your appeal in writing to the Admissions Authority, they pass your details to the Clerk who will organise the independent Appeal Panel which will consider your appeal. The Clerk will send you full details

of the procedure for your appeal before the day of the hearing. If you do not wish to attend your hearing, you can opt to have your appeal dealt with on the basis of the all the written information you have submitted. Please let the Clerk know as soon as possible if this is the case.

You will be given 10 school days' notice of the date and arrangements for the appeal hearing. However, in special circumstances and if all parties agree, the 10 school days' notice can be waived.

Before the hearing, you will be sent the Admission Authority's written Statement setting out their case for refusing your request for a particular school. This, together with any correspondence from you, will be sent to the Appeal Panel. It is important that any further information you want passed to the Appeal Panel is provided as soon as possible and at least by the deadline given to you by the Clerk. The Appeal Panel will decide if any late material, received after this, will be considered. You are responsible for making sure that any supporting evidence for your case is made available so it can be circulated to all parties. You cannot ask the Appeal Panel, Clerk or Admission Authority to contact anyone such as a doctor or social worker to confirm aspects of your case.

The Appeals Team will correspond with the parent(s) that has/have lodged the appeal on the email and/or postal address provided. All paperwork relating to the hearing will be sent to that parent(s) only. You must let the Appeals Team know if another party will also require copies of the paperwork relating to the appeal.

Who Attends the Appeals?

The Appeal Panel is made up of three people who are totally independent of the County Council, the Admission Authority and the school/Academy you are appealing for and are generally not from your local area. Any decisions they make are binding on all parties. The Appeal Panel is required to act in accordance with the School Standards and Framework Act 1998 and the Codes on School Admissions and School Admission Appeals. The Appeal Panel performs a judicial function and must be transparent, independent and impartial, whilst operating in accordance with the principles of natural justice.

The Clerk to the Appeal Panel will also be present at the hearing. The Clerk takes no part in the decision making and simply advises the Panel on the correct procedure. The Clerk may bring a colleague who will take notes for the Appeal Panel's benefit. The Clerk has no involvement in the day to day administration of the admissions process.

The Admission Authority will be invited to provide a Presenting Officer for any hearings that are arranged in order to put its case for refusing your request for your preferred school. If you choose to attend your appeal hearing the Presenting Officer will not be able to speak to the Appeal Panel without you being present. The Presenting Officer is not present when the Appeal Panel make their final decision on your appeal.

What will happen at the hearing?

Every effort is made to try and make the Appeal as informal as possible and not like a Court of Law. There has however, got to be a degree of formality to ensure everyone has their say and everyone has an opportunity to ask questions. You can attend the appeal in person and can bring a friend, a member of your family or your neighbour along with you, either to help you say what you want or to speak for you or simply to give you support. You cannot bring someone from the school you are appealing for. Appeal Panels would not expect to see the child who is the subject of the appeal at the hearing.

You may decide to have your appeal dealt with on the basis of all the written information you have submitted, without your attendance. If you are unable to attend the hearing you can get a friend or family member to represent you at the hearing and make your case for you.

General advice is that legal representation ought not to be necessary and that Appeals should normally take place in as informal an atmosphere as possible. If you do decide to be legally represented you need to let the Clerk know well in advance of your hearing.

Single Appeals

If yours is the only Appeal you will be met by the Appeal Clerk who will also introduce you to the Presenting Officer. You will then go into the meeting room with the Clerk and the Presenting Officer to meet the Appeal Panel. The Chairman of the Appeal Panel will give a brief introduction. The Clerk will already have sent you the Admission Authority's case - or Statement - and the person from the Admission Authority (the Presenting Officer) will then be asked to explain it. After this you will be given a chance to ask questions about the Statement. Members of the Panel will also ask questions.

You will then be asked to say whatever you wish in support of your child going to your preferred school. The Appeal Panel will have already received and had the opportunity to read any paperwork you have sent in support of your appeal. When you have finished putting your case the members of the Appeal Panel will have a chance to ask you questions, and the Presenting Officer may also ask questions of you.

The appeal concludes with the Presenting Officer summing up the Admission Authority's case and you will be asked to sum up yours. **If you feel you have anything left to say please say it at that point.** Once the hearing is over you and the Presenting Officer will be asked to leave the meeting so that the Appeal Panel can make a decision in private.

A single Appeal usually lasts around 40 minutes.

Multiple Appeals

There may be cases where more than one person is appealing for the same school and the hearings are being held over a number of days. Here you will be

invited to attend a morning or afternoon hearing with a number of other parents also appealing for that school. At the hearing the group of parents will be met together by the Appeal Clerk who will also introduce parents to the Presenting Officer. The meeting will fall into two parts.

PART 1 (parents are present as a group for the Admission Authority's case/Statement)

- All parents and the Presenting Officer go into the meeting room and meet the Appeal Panel
- The Presenting Officer will present the Admission Authority's Statement/case
- All parents present and members of the Appeal Panel will be able to ask questions on the Statement.

PART 2 (each set of parents are seen individually by the Panel at 15-20 minute intervals)

- This is your opportunity to speak to the Panel in private (without the other parents present) on your particular case
- The Panel and the Admission Authority (Presenting Officer) will be able to ask questions on your case
- The Admission Authority will sum up their Statement/case
- You will be able to sum up your case and have the final word.

The second part of the Appeal where you see the Appeal Panel in private to discuss your personal case is arranged so that you have about 15-20 minutes. You will be given a time for this so that you have an approximate idea of when your personal Appeal will start.

What can I say in the hearing?

It is important that you say whatever you think is relevant to your argument. The Appeal Panel has to make its decision on the information they have been given; they cannot guess, presume or assume. Your appeal hearing will be held in private and everything said is strictly confidential.

Do I need to be at the Appeal?

As outlined above, the Appeal Panel are able to consider your Appeal on any letters or other written material you have sent – in other words by written representation without your attendance at the hearing.

If you know that it will be **impossible** for you to attend an appeal at a certain time, let the Clerk know as soon as possible. If you cannot come to the appeal and there is no one who can come along in your stead to speak, the Clerk, if able to, will try to make alternative arrangements although given the volume of appeals that have to be arranged it is not always possible to organise another date. **Please remember that if you do not attend the Appeal hearing and the Clerk has not received a reasonable explanation as to why you have not**

attended, the Panel will consider the Appeal on any letters or written material you have provided.

How do the Panel make their decision?

The Admissions Authority can refuse your preference where they think to admit more children to the year group in question would "prejudice the provision of efficient education or efficient use of resources". This means that to let more children into the school year group would be bad not only for the children already there but also for any further children joining them because the year group is at its limit. The Panel must consider whether the Admissions Authority is correct in its assessment that it would be prejudicial to admit more children to that year group. The decision making process the Panel goes through is explained more fully below.

Considering prejudice and balance

The Admission Authority has said that it does not feel able to admit more children to the year group and provided a Statement to explain why. You and the Appeal Panel will be given the opportunity to ask questions on the Statement. The members of the Panel will consider this and also the case you have put for wanting your preferred school. The decision is in two stages and includes consideration of whether the Admissions Authority has applied its rules correctly. The Appeal Panel has the power to either refuse or allow your appeal.

FIRST STAGE – EXAMINING THE DECISION TO REFUSE ADMISSION

The Panel must consider:

(a) whether the admission arrangements (including the area's co-ordinated admission arrangements) comply with the mandatory requirements of the School Admissions Code and Part 3 of the School Standards and Framework Act 1998, and whether they were correctly and impartially applied in the case(s) in question (and therefore by implication if they were not, whether the child in question would have been offered a place if the arrangements had been properly applied or did not contravene mandatory provisions – it is not enough that a mistake has been made, the mistake must have cost your child a place at the school), and

(b) whether the admission of additional children to the school would prejudice the provision of efficient education or efficient use of resources or in lay terms does the Appeal Panel agree with the Admissions Authority that the year group has reached its limit?

THE PANEL SAY NO

The Panel disagree with the Admission Authority and do not accept its case that there would be difficulties admitting more children to the year group.

The Panel can therefore agree to admit more children to the particular year group however this may not mean all the appeals, if there is more than one, are upheld.

OR, THE PANEL SAY YES

The Panel agree with the Admission Authority.

If the Panel have found that there would be prejudice, that is they agree with the Admission Authority that the year group has reached its limit, or your appeal has not been upheld where there was a finding of no prejudice (see above), there is still a second stage in their decision making.

SECOND STAGE – BALANCING THE ARGUMENTS

The Panel will look at whether you have given any special reasons during your Appeal for wanting a particular school which are so strong and overriding that they outweigh any prejudice the Admission Authority say would occur.

THE PANEL SAY YES

The Panel agrees that your case outweighs the prejudice to the school. Your appeal is upheld and a place made available.

OR, THE PANEL SAY NO

Your appeal is turned down.

How long will the Appeal process take?

A single Appeal usually lasts about 40 minutes. If there is more than one Appeal for a particular school you will be given a time for the Admission Authority's presentation of their Statement and **then a second time for your individual Appeal. You need to arrive in good time for the first time shown in your letter; this is the start of the Appeal. If you do not arrive on time then your Appeal, and those of other appellants, may be delayed.**

Where there are multiple appeals for a school the waiting time may vary from as little as 5 to 10 minutes up to 2 hours and in some cases more. It is wise, if you are having to take time off work, to reckon on either a whole morning or a whole afternoon.

A typical timetable for a multiple hearing may be:

10.00 a.m. Presentation of the case by the representative of the Admissions Authority and questions by parents and members of the Panel.

Individual Appeals:

10.45 a.m.	First Appeal
11.00 a.m.	Second Appeal
11.15 a.m.	Third Appeal
11.30 a.m.	Fourth Appeal
11.45 a.m.	Fifth Appeal
12.00 noon	Sixth Appeal

PLEASE NOTE THAT: Appeals are heard during the working day. Dates for meetings are usually during term time however dealing with a large number of appeals sometimes means dates have to be arranged during the school holidays. If you are appealing for more than one school, you will have separate hearings for each school which are also likely to be on different days.

When will I know the decision of the Appeal Panel?

It may be possible to email you the decision on the day of your appeal or, if there are a number of appeals for a particular school over the course of a few days, on the last day of the hearings when the decisions on all cases are made. The Clerk will write to you with the Appeal Panel's decision as soon as possible after the hearing but not later than five school days, unless there is good reason. The Panel's decision is binding on the particular Admission Authority involved.

What can I do if my appeal is unsuccessful?

If you are unsuccessful there is no further right of appeal. You may want to consider placing your child on the waiting list for your preferred school. Waiting lists are maintained by the Admissions Authority and your position on a waiting list has no bearing on your Appeal. In the case of local authority maintained schools, if you are unhappy with the way your case was dealt with you can complain to the Local Government and Social Care Ombudsman (LGO). A complaint to the LGO is not a further appeal and cannot overturn the Appeal Panel's decision. The LGO can only investigate if there has been maladministration i.e. a failure to follow correct procedures or failure to act independently or fairly. If your complaint is about an Academy you will need to contact the Department for Education.

Further information about the appeals process is available on the Government's website here: <https://www.gov.uk/schools-admissions/appealing-a-schools-decision>

The Local Government and Social Care Ombudsman's website is here: <https://www.lgo.org.uk/make-a-complaint/how-to-register-a-complaint>

Whatever you decide to do there is no guarantee of a place for your child at the preferred school. You are therefore advised to consider making alternative arrangements for your child's schooling. This may mean contacting the relevant Admissions Authority which could be an Academy or the School Admissions Team (for local authority maintained schools) to talk about the options open to you. The Admissions Team will be able to talk about alternative schools, transport options and if necessary 'education otherwise'.

Strategic Director for Commercial and Change Clerk to the Appeal Panel

Tel Worcester (01905) 843579

Email AppealsTeam@worcestershire.gov.uk