

School Admission Appeals Guide

Please read these notes carefully before submitting your appeal

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1. **Date, Time and Place**

You will be informed of the date and time for your appeal at least 10 School days prior to the hearing.

Hearings will be held online via Microsoft Team. A link to access the meeting will be sent via email accordingly. Should you not have the facilities to access the meeting remotely alternative arrangements can be made upon request.

If you or anyone attending an appeal hearing has a disability and/or requires any special arrangements, please do not hesitate to let us know in advance by contacting Democratic Services on telephone number 01384 815238 or via email at Democratic.Services@dudley.gov.uk.

If you lodge an appeal and there are other persons who have parental responsibility but do not live at your address, it is your responsibility to notify them and consult with them at all stages in relation to the appeal.

2. **Preparing for the Appeal**

You will receive a copy of all relevant documentation for the hearing at least 7 school days in advance of the hearing date. If you have any additional documents such as a letter or medical report which you want to bring to the attention of the Independent Appeal Panel, please send a copy to Democratic Services **by the date specified in your notification letter**.

Please note that it is for the Independent Appeal Panel to decide whether any material submitted after the specified deadline is to be considered taking into account its significance and the effect of a possible need to adjourn the hearing.

A Microsoft Teams meeting link for you to access the meeting online will be sent via e-mail, together with guidance notes on how to connect to the hearing. Please familiarise yourself with the information and the Microsoft Teams application in advance of your appeal hearing date, to avoid any delay on the day.

3. Attendance at the Appeal

It will be assumed that the date and time you have been given is convenient, unless Democratic Services is otherwise informed.

If you are unable to attend the appeal please contact Democratic Services as soon as possible. You will be given the following options:

- (1) Have the appeal heard in your absence.
- (2) Send a representative on your behalf (usually a friend or family member)
- (3) Request that the hearing is rescheduled for a later date (exceptional circumstances only)

If you choose to have the appeal heard in your absence, the Panel will make its decision by looking at the written information which has been provided. The Panel will give the same attention to your appeal, whether or not a parent/guardian is present. If you do not attend the hearing, it is important that you provide your full reasons for the appeal clearly in writing.

If you do not attend the hearing without giving prior notice, the Panel may make its decision in your absence, based on the information provided in your appeal form.

You may have a friend with you for moral support or a representative to speak on your behalf. Please note an employee of the school in question or an elected member of the Council, who has a direct role in relation to school admissions, is not allowed to attend. You are permitted to have legal representation at your hearing if you wish.

If you change your mind, and decide not to go ahead with your appeal, please inform Democratic Services as soon as possible.

4. Procedure at the Hearing

The appeal is private and all papers and discussions are treated as confidential. The Panel will invite you into the meeting and the Chair will introduce those present. The Panel will consist of three people, at least one of whom has experience in education and another being a lay member. The Chair may be drawn from either of these categories. The Panel is completely independent of the Admissions Authority, it will have no connection with the school you want your child to attend.

Also attending the appeal will be a Presenting Officer on behalf of the Admission Authority (together with a representative of the School) and a Clerk. The Presenting Officer's role is to outline the reasons for the decision not to admit your child and answer any detailed questions in relation to the case and/or School in question. The Clerk's role is to explain the appeals procedure to all parties and to ensure that the relevant facts provided by the appellant and Admissions Authority are recorded, together with the Panel's decisions and reasons. The Clerk also provides procedural advice but has no part in the decision.

The appeal will take place in two stages –

Stage One – School Presentation

The Presenting Officer will explain why your child has not been allocated a place at the school of your preference. They will seek to prove:

- (1) that the admission arrangements complied with the mandatory requirements of the School Admissions Code and Part 3 of the School Standards and Framework Act 1998 and were correctly and impartially applied in the case in question; and
- (2) that to provide a place at the school you prefer would prejudice the provision of efficient education or the efficient use of resources;

You will have the opportunity to ask questions along with the panel. Should you not be able to attend your hearing and you wish to ask questions of the admission authority's representative, please send your question(s) in writing by email to Democratic.Services@dudley.gov.uk, and arrangements will be made for the question(s) to be submitted on your behalf.

If there is more than one appeal for the same school and year group, other parents appealing may also be present at this stage. The information presented will not be specific to your child.

You, any other parents present, the Presenting Officer and/or the Admission Authority's Representative will then leave while the Panel considers whether the admission arrangements comply with the law and were properly implemented. The Panel will also consider whether the admission of a further pupil to the school would prejudice the provision of efficient education or the efficient use of resources. The Clerk will remain with the Panel to record its decision.

If the Panel finds that either:

- the admission arrangements did comply with the law and were correctly and impartially applied in the case in question; or
- they did not comply with the law or were not correctly and impartially applied but had they been the child would **not** have been offered a place

and it finds that the admission of additional children would prejudice the provision of efficient education or efficient use of resources, it will move to the second stage of the appeal.

You will be notified verbally by the clerk of the Stage 1 decision.

For individual appeals

If the Panel finds that either:

- the admission arrangements did **not** comply with the law or were **not** correctly and impartially applied and the child would have been offered a place if they had been; and/or
- an additional admission would **not** prejudice the provision of efficient education or the efficient use of resources,

your child will automatically be offered a place at the school without the need to go to the second stage.

For multiple appeals for the same school and year group

Where a number of children would have been offered a place, but to admit that number would seriously prejudice the provision of efficient education or efficient use of resources, the panel must proceed to the second stage.

Stage Two – Individual Hearing

You will have the opportunity to explain in private why you want your child to be admitted to the school you prefer. The Panel, the Presenting Officer and/or the Admission Authority's Representative may also ask questions or make comments arising from your case.

The Presenting Officer will sum up their case. Following this you will have the opportunity to sum up your case.

The Panel will consider your reasons for expressing a preference for the school, including what the school can offer your child that the allocated or other schools cannot. It must balance the prejudice to the school against your case for wanting the school place. If the Panel considers your reasons outweigh the prejudice to the school, it will allow your appeal.

For multiple appeals

The Panel will not compare individual cases when deciding whether a case outweighs the prejudice to the school. However, where the Panel finds there are more cases that outweigh the prejudice than the school can admit, it is required to compare the cases and uphold those with the strongest case. The Panel will not make any decisions on individual cases until all appeals have been heard for the school.

5. Formality

Although the procedure may sound formal, this process is followed to ensure that appeals are heard efficiently and fairly. The Panel wants you to feel comfortable and have the opportunity to say everything which is relevant to your appeal.

It is up to you how you present your appeal. However, it is suggested that when you put your case to the Panel, draw its attention to your main reasons as stated in your appeal papers and, where necessary, provide any new information which you feel the Panel should take into account.

6. The Decision

The Panel will not give its decision at the hearing. It is appreciated, however, that you will be keen to know the result of your appeal, therefore, you will be able to contact Democratic Services the next working day after your appeal (or the working day after the last appeal if the hearing is over multiple days) for a verbal answer, this will only be a yes or no decision. The Panel's decision will then be sent out to you in writing. Where possible, this will occur within 5 school days of the hearing.

If there is anything you are not sure about, please contact Democratic Services, on 01384 815238 or email democratic.services@dudley.gov.uk for more information.

If my appeal is unsuccessful

Appellants do not have the right to a second appeal in respect of the same school for the same academic year unless, in exceptional circumstances, the admissions authority has accepted a second application from the appellant because of a significant and material change in the circumstances of the parent, child or school but has still been refused admission.

Appellants may apply for a place in the same school in respect of a later academic year and have a further right of appeal if that application is unsuccessful.

If you feel aggrieved by the way in which your appeal has been handled, you may consider:

- (a) Complaining to the Local Government and Social Care Ombudsman (the Ombudsman)*. Although the Ombudsman cannot look at the merits of the decision they may investigate whether there has been any failure to comply with the procedural rules or other irregularities in the way the appeal was handled. [Local Government & Social Care Ombudsman – School Admissions](#)

*Should your appeal relate to an Academy, independent (private) school, free school or city technology colleges, complaints of maladministration should be made to the Education and Skills Funding Agency. Please read the factsheet at the following link for further information

[Complaints about an academy independent admission appeal panel.](#)

- (b) Judicial Review. You could choose to contact a solicitor to advise you on how to pursue your complaint in the Courts by way of Judicial Review.