

## **SCHOOL STANDARDS AND FRAMEWORK ACT 1998 (S.84)**

### **SCHOOL ADMISSION APPEAL PANEL - NOTES FOR GUIDANCE**

School Admission Appeal Panels have been set up to enable parents who have been refused a place (or places) for their child at their preferred school(s) to appeal against the decision. If you have been refused a place at a "Voluntary Aided", "Foundation" or "Trust" school, this decision has been made by the school's governing body. For all other schools, this decision has been taken by the Children's Services Authority (CSA).

If you are not satisfied with the CSA's or the governing body's decision, the Appeal Panel provides an independent, impartial and informal forum for both parents and the admission authority to present their respective cases and to be confident that they will be given a fair hearing. The decision of the Appeal Panel is binding on the CSA and the governing body.

(See paragraph 19, below, if your appeal concerns an infant class.)

**If you wish to make an appeal please read the following notes carefully, especially note 6 where immediate action is required.**

1. The Panel is drawn from persons with experience of education and lay members. Usually the Panel will comprise three persons. All Panel members have received appropriate training.
2. The hearing will be held at a venue in the area of the school you are appealing for or at a venue in or near to Truro. Hearings are heard in private and will be as informal as possible.
3. Although we do recommend that parents attend the hearing if at all possible, the appeal may, if you wish, be determined by the Panel on the basis of written representations without you having to attend (see para 17). The CSA or governing body will still have the right to make its case in person.
4. You will only be responsible for your own expenses in making an appeal (i.e. your travelling costs to the appeal venue).
5. The Clerk of the School Admission Appeal Panel is The Head of Legal and Democratic Services, Cornwall Council, County Hall, Treyew Road, Truro, TR1 3AY.
6. You will have received the 'Notice of Appeal' form. Please complete the form **clearly** and return it to the Clerk to the Appeal Panel. You should only complete and sign the form if you have parental responsibility for the child. If you are acting on behalf of a child's parent(s) or carer(s), they must provide a signed letter giving you authorisation to act on their behalf.
7. If you are appealing for a place at more than one school a separate form must be completed for each and you should clearly indicate your first preference school.
8. The Clerk will send you a photocopy of the form by way of acknowledgement of receipt of your appeal.
9. At least ten school days in advance of the hearing you will be notified in writing of the time, date and venue. It is important that you read the information carefully and complete and return a copy to the Clerk. If you fail to attend, the appeal will be determined on the information available. Of necessity, the time advised will be an arrival time and there may be a delay in starting individual hearings.
10. At least seven working days before the hearing you will be sent details of the case which the CSA or the governing body representative will be presenting at the hearing, together with the names of the Panel members and clerk(s).
11. At the hearing the CSA or governing body representative will explain the reasons for making the decision to refuse your child a place at your preferred school and you will be able to put forward your reasons for disagreeing. Each party will be able to question the other party. Although adequate time will be given to both parties, the hearing is not intended as a forum for lengthy arguments. All written material should be submitted to the Clerk before the hearing; only in exceptional circumstances will the Panel allow additional written material to be presented at the hearing. The Panel could decide to adjourn a hearing if extra time is needed for all the parties to consider additional written information.
12. If there is more than one appeal relating to the same school and year group the Panel may decide to hear appeals jointly. Please be assured though, that you will still be able to present your own case in private.

13. You may be accompanied or represented by a friend, adviser, interpreter or signer who may speak on your behalf at the hearing. If you think you will need the services of a translator or signer, please let the Clerk know as soon as possible so that the necessary arrangements can be made. Such services would be free of charge. Your friend or adviser could be a Choice Adviser, a locally elected politician, or an appropriate employee of the Local Authority, provided that this would not lead to a conflict of interest. Your friend or adviser cannot be an employee of the school you are appealing for or a member of the admission authority concerned.
14. Legal representation should not be necessary, but you are free to have such representation if you wish. It should be noted that appeal hearings are not intended to be a platform for a debate on the law. The Clerk should be informed in advance if you will be represented by a solicitor.
15. It is possible that a school representative will accompany the presenting officer at the hearing in order to answer questions about the school. The school representative will not be able to comment on any individual child or case. It is not normally necessary for any other witnesses to attend appeal hearings, although this would be at the discretion of the Panel. It is up to you to decide whether your child should attend the hearing, but it is not necessary for your child to do so.
16. **It is stressed that the proceedings are as informal as possible and take the form of a structured discussion.**
17. If you have opted for written representations you will receive the written case of the Admission Authority seven days before the appeal hearing and will be given the opportunity to submit any further written comments which the Panel will take into consideration when determining the appeal. The CSA or governing body will still have the right to make its case in person at the hearing.
18. The Panel, in making its decision, will take into account
  - (a) any preference expressed by you in respect of your child and the reasons for this preference; and
  - (b) the arrangements for the admission of pupils published by the CSA or governing body.
19. Subject to certain limited exceptions, no infant class may contain more than 30 pupils. (Infant classes are those in which the majority of pupils will reach the age of 5, 6 or 7 during the school year.) Where the admission of your child has been refused because to agree admission would mean an infant class size exceeding 30, you may appeal against this decision but the grounds on which your appeal can be dealt with are limited. Your appeal will only be successful if you can show that:
  - (a) the decision to refuse a place was not one which a reasonable CSA or governing body would make in the circumstances of the case; or
  - (b) your child would have been offered a place if the admission arrangements had been properly implemented; and/or
  - (c) your child would have been offered a place if the arrangements had not been contrary to mandatory provision in the School Admissions Code and the School Standards and Framework Act 1988.
20. Appeal Panels cannot hear complaints or objections on wider aspects of local admission policies and practice, such as the admission arrangements used by the CSA or governing body. However, the Panel must refer immediately to the Schools Adjudicator any unlawful admission arrangements they identify during the course of their deliberations.
21. Normally the Panel's written decision on the appeal will be sent to you within five working days of the hearing. The decision is binding on all parties. The Local Government Ombudsman can investigate complaints of maladministration.
22. If you would like to contact the team regarding any matter relating to your appeal please email [educationappeals@cornwall.gov.uk](mailto:educationappeals@cornwall.gov.uk) or contact via phone on 0300 1234 101 and ask for Democratic Services School Admission Appeals Team.