

Admission and Appeal Guidance for own admission authority & VA and foundation schools and academies

Independent Appeal

Appeals Panels

Appeal Panels perform a judicial function and must be transparent, accessible, independent and impartial, and operate according to principles of natural justice. Two or more admissions authorities in same authorities in the same Local Authority may make joint arrangements for hearing.

The Clerk

Admission authorities **must** appoint a clerk to the Appeal Panel who is independent of the school and the education functions of the Local Authority. The clerk **must** have knowledge of the Appeals Code, the School Admissions Code, other law relating to admissions and other relevant law, and be able to offer advice to enable the Panel to undertake its judicial function.

The Panel

The Panel **must** consist of a minimum of three members appointed by the relevant authority/Diocese.

Procedure

Admissions authorities **must** inform appellants that any information or evidence not submitted by the deadline might not be considered at the appeal. Admission authorities must ask appellants whether they intend to call any witnesses or be represented at the hearing. Parents may waive the right to 10 days' notice.

The Papers

The Admissions Authority **must** supply the Clerk to the Appeal Panel with all relevant documents needed to conduct the hearing in a fair and transparent manner and in accordance with the specified timetable. This **must** include details of how the admission arrangements and the coordinated admission arrangements apply to the appellant's application, and the reasons for the decision to refuse admission and an explanation as to how the admission or additional child would prejudice to the efficient education or efficient use of resources.

The Clerk **must** send all the papers required for the hearing, including the names of the Panel members, to both parties and the members of the Panel a reasonable time before the hearing. This will allow opportunity for any objections regarding impartiality, of Panel members to be notified to the Clerk. An Appeal Panel **must** decide whether any material not submitted before deadline is to be considered, taking into account its significance and the effect of a possible need to adjourn the hearing.

Attendance and representation

The admission authority **must** provide a presenting officer to present the decision not to admit the child and to answer detailed questions about the case being heard and about the school. If no representing officer attends on the day of the appeal, the Panel can decide to



resolve the case by using the evidence submitted by the admission authority if it satisfied that to do so will not disadvantage the appellant.

Appeal Panels **must** allow appellants the opportunity to appear in person and make oral representations. Appellants may be represented, or accompanied by a friend. Where an appellant fails, or is unable to attend and it's impractical to offer an alternative date the appeal may go ahead and be decided on the written information submitted. Appeal Panels must comply with their duties under the Equality Act 2010 when considering an appellants attendance and representation at the appeal.

Panels **must not** allow representatives of school to support individual appeals for places at their school at the hearing itself, or by providing letters of support for appellants.

The Chair

The Chair is responsible for the conduct of the hearing including introducing the parties and explaining the roles of the Clerk and the Panel, explaining how the hearing will be conducted, and ensuring the parties have sufficient opportunity to state their case and ask questions.

Prejudice

Whilst the Panel **must** take into account the schools published admission number, the admission authority must be able to demonstrate prejudice over and above the fact that the published admission number has already been reached. The Panel **must not** reassess the capacity of the school, but must consider the impact on the school or admitting additional children.

Decisions

The Panel **must** communicate the decision of each appeal, including the reasons for that decision, in writing to the appellant, the admission authority and the Local Authority. The Chair or the Clerk **must** sign the decision letter and send it to the parties as soon as possible after the hearing but not later than five school days, unless there is a good reason, in the case of applications outside normal admissions round, the child must be admitted without unnecessary delay.

The Panel **must** ensure that the decision is easily comprehensible so that the parties can understand the basis on which the decision was made. The decision letter **must** contain a summary of relevant factors that were raised by the parties and considered by the Panel. It **must** also give reasons for the Panel's decision, including how, and why, any issues of fact or law were decided by the Panel during the hearing.