

Challenging Behaviour School Admission Appeals Procedure: Notes for Parents

Please read these notes carefully

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1. Date, Time and Place

You will be informed of the date and time of your appeal, by email at least 10 school days before the hearing (unless you have waived your right to this notice period).

Your hearing will be heard virtually using Microsoft Teams. The email address you provide will be used for all correspondence and to send the invitation for the virtual hearing. If you are unable to communicate with us in this way or access a virtual hearing, please contact school appeals on 01926 412954.

2. Preparing for the Appeal

If you have any special requirements for the hearing, please fill in and return the form enclosed in order that the necessary preparations can be made.

You will receive a copy of the same papers which go to the Appeal Panel, at least a week before the date of the hearing. If you have any additional documents such as a letter or medical report which you want to bring to the attention of the Appeal Panel, please send a copy to the School Appeals Service (see details below) at least 5 school days before your appeal. In the case of multiple day hearings this means 5 school days before the first day of the hearing.

Please be aware that if you wish to provide any information after the deadline above, the Panel may not be able to consider it at your hearing. They will take account of its significance and the effect of a possible need to adjourn the hearing when deciding if the information is to be considered.

As we are holding virtual hearings, we are not able to accept any additional evidence on the day of the appeal.

3. Attendance at the Appeal

It will be assumed that the date and time you have been given is convenient unless the School Appeals Service is otherwise informed.

If you are unable to attend the appeal, please contact the School Appeals Service as soon as possible. You will be given the following options:

- (1) Request that the hearing is rescheduled for a later date (please be aware that any appeals for the same school/year group will still go ahead and decisions will be made)
- (2) Send a representative on your behalf (usually a friend or family member)
- (3) Have the appeal heard in your absence.

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 come to 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.

If you change your mind, and decide not to go ahead with your appeal, please inform the School Appeals Service as soon as possible. You will be asked to quote your unique reference number (which can be found at the top of any correspondence from the School Appeals Service) and asked some security questions.

You may bring a friend with you to the hearing for moral support or a representative to speak on your behalf. This can be a Choice Adviser, a locally elected politician, or an employee of the local authority such as an education social worker, SEN adviser or learning mentor, provided that this will not lead to a conflict of interest. However, an employee of the school you are appealing for, an elected member of the Council, who has a direct role in relation to school admissions, is not allowed to attend in this capacity.

You are free to have legal representation at your hearing if you wish, but this ought not to be necessary. Please inform the School Appeals Service if you wish to call any witnesses or be represented at your hearing.

4. Procedure at the Hearing

The appeal is held in 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 is a lay member. The Chair may be drawn from either of these categories. The Panel is completely independent of the Admission Authority and will, wherever possible, come from another area of the county. It will have no connection with the school you want your child to go to or the school suggested by the Admission Authority.

Also attending the appeal will be a Clerk. 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 Admission Authority are recorded, along with the Panel's decisions and reasons. The Clerk is also there to provide advice on law and procedure.

For virtual hearings, there will also be a Moderator, whose role is to ensure that the technical aspects of the hearing work smoothly and the parties are invited into and leave the hearing at the right times. The appeal will take place in two stages –

STAGE ONE – School Presentation

The Presenting Officer and/or the Admission Authority's Representative will explain why your child has not been offered a place at the school you preferred. 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;
- (2) that your child exhibits “challenging behaviour”, as defined as follows in the Admissions Code 2021: “behaviour can be described as challenging where it would be unlikely to be responsive to the usual range of interventions to help prevent and address pupil misbehaviour or it is of such severity, frequency, or duration that it is beyond the normal range that schools can tolerate. We would expect this behaviour to significantly interfere with the pupil's/other pupils' education or jeopardise the right of staff and pupils to a safe and orderly environment”. This finding should be specifically recorded in the decision; and
- (2) that to provide a place at the school you prefer to your child in particular would prejudice the provision of efficient education or the efficient use of resources.

You will have the opportunity to ask questions.

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 your child met the definition of “challenging behaviour” and 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 **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
- Your child did not meet the definition of challenging behaviour and/or
- admitting your child 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.

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 your child meets the definition of Challenging Behaviour
- and it finds that the admission of your child would prejudice the provision of efficient education or efficient use of resources, it will move to the second stage of the appeal.

If the Panel finds that the admission of all additional children appealing would NOT prejudice the provision of efficient education or efficient use of resources, the children will be offered a place at the school without the need to go to the second stage

STAGE TWO

You will have the opportunity to explain 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.

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.

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. They will have read your papers in advance.

It is up to you how you present your appeal. However, it is suggested that when you put your case to the Panel, you draw its attention to your main reasons as stated in the 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, your result will be emailed to you by the third working day after your appeal. The Panel's full decision will also be sent out to you by email. Where possible, this will occur within 5 school days of the hearing.

If there is anything you are not sure about, please contact the School Appeals Service, on 01926 412954, or write to us at Warwickshire County Council, Shire Hall, Warwick, CV34 4RL or email schoolappeals@warwickshire.gov.uk for more information.

School Appeals Service

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