

Two-Stage 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 0845 155 1793.

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; 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.

If there is more than one appeal for the same school, 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

As hearings are taking place virtually, in the case of multiple day appeals, the School's Presentation will take place at the start of each day, with any questions and answers from previous days being read out by the Clerk. The decision for Stage One will be taken after the School's Presentation on the final day.

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,

In the case of an individual appeal your child will automatically be offered a place at the school without the need to go to the second stage.

However, in multiple appeals where a number of children would have been offered a place and 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.

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.

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 – 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.

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 the appeals which have been listed together 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. 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, a dedicated telephone line has been set up for you to contact on the third working day after your appeal (or the third working day after the last appeal if the hearing is over multiple days). The Panel's decision will then be sent out to you in writing 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 0845 155 1793, 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

February 2023

English	If you find this document difficult to understand, and would like help in reading it or translating it, please contact ITS on 01926 412698
Arabic	إذا واجهتك صعوبة في فهم هذه الوثيقة وتريد الحصول على مساعدة في قرائتها أو ترجمتها، يرجى الإتصال بـ "ITS Unit" على هاتف رقم 01926 412698
Bengali	এ নথি আপনার জন্য বুঝতে কঠিন হলে এবং এটা পড়তে আপনার সাহায্যের প্রয়োজন হলে দয়া করে ITS Unit কে 01926 412698 এ নাম্বারে যোগাযোগ করুন।
Czech	Pokud Vám bude zatěžko tomuto dokumentu porozumět a chtěli byste, aby Vám ho někdo pomohl přečíst nebo přeložit, obraťte se prosím na ITS Unit na čísle 01926 412698.
French	Si vous avez du mal à comprendre ce document et souhaitez obtenir de l'aide pour le lire ou le traduire, veuillez contacter ITS Unit au 01926 412698.
Gujarati	જો તમને આ દસ્તાવેજ સમજવામાં અઘરો લાગતો હોય, અને તેને વાંચવા કે તેનો અનુવાદ કરવામાં તમને મદદ જોઈતી હોય, તો કૃપી કરીને 01926 412698 પર ITS નો સંપર્ક કરો.
Hindi	अगर आपको यह दस्तावेज़ समझने में मुश्किल लगता है, और आप इसे पढ़ने या इसका अनुवाद करने में मदद चाहते हैं, तो कृपया ITS से 01926 412698 पर संपर्क करें।
Polish	Osoby, mające trudność ze zrozumieniem tego dokumentu, które chciałyby uzyskać pomoc z jego przeczytaniem lub przetłumaczeniem, proszone są o kontakt z ITS pod nr. 01926 412698.
Portuguese	Se tiver dificuldade em compreender este documento e gostaria de obter ajuda com a leitura ou com a tradução, por favor contacte a ITS através do n.º 01926 412698.
Panjabi	ਜੇ ਤੁਹਾਨੂੰ ਇਹ ਦਸਤਾਵੇਜ਼ ਸਮਝਣ ਵਾਚਿ ਔਖਾ ਲੱਗਦਾ ਹੈ, ਅਤੇ ਇਸ ਨੂੰ ਪੜ੍ਹਨ ਵਾਚਿ ਮਦਦ ਲੈਣਾ ਜਾਂ ਇਸ ਦਾ ਅਨੁਵਾਦ ਕਰਾਉਣਾ ਪਸੰਦ ਕਰੋਗੇ, ਤਾਂ ਕਰਿਪਾ ਕਰਕੇ ITS ਨਾਲ 01926 412698 'ਤੇ ਸੰਪਰਕ ਕਰੋ।
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Slovak	Ak by ste mali problém tomuto dokumentu porozumieť a chceli by ste, aby Vám ho niekto pomohol prečítať alebo preložiť, obraťte sa prosím na ITS Unit na čísle 01926 412698.
Somali	Haddii uu fahamka dukumentigan kugu adkaado aadna jeclaan laheyd in akhriskiisa lagugu kaalmeyo ama in la soo turjumo, fadlan hey'adda ITS Unit kala soo xiriir 01926 412698.
Urdu	اگر اس دستاویز کو سمجھنے میں آپ کو مشکل پیش آتی ہے اور اسے پڑھنے میں مدد یا اس کا ترجمہ حاصل کرنا چاہتے ہیں تو براہ مہربانی ITS Unit یونٹ کو 01926 412698 پر فون کریں۔

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