



## Two-Stage School Admission Appeals Procedure: Notes for Parents

Please read these notes carefully

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### Contents

1. Date, Time and Place
  2. Preparing for the Appeal
  3. Attendance at the Appeal
  4. Procedure at the Hearing
  5. Formality
  6. The Decision
- 

#### 1. Date, Time and Place

You will be informed of the date, time and place for your appeal, by letter, at least 10 School Days prior to the hearing (unless you have waived your right to this notice period).

If possible, the hearing will take place at a venue in your local area.

#### 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 Officer (see details below) at least 5 School days before your appeal.

If you wish to produce any additional written documentation you must comply with the deadline stated above. The School Appeals Service will not accept additional information after this date. If you wish to submit further information after this deadline please take 6 copies to the hearing and notify the Clerk as soon as possible upon your arrival.

**Please be aware any information provided after this deadline may not be considered at your hearing. The Panel must 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.**

### **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
- (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 a number of security questions.

You may bring a friend with you 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 education authority such as an educational social worker, SEN adviser or learning mentor, provided that this will not lead to a conflict of interest. However, 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 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 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. It 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.

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.

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.

### **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.

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 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 second working day after your appeal (or the second 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. 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](mailto:schoolappeals@warwickshire.gov.uk) for more information.

**David Carter**  
**Strategic Director**

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