

INFORMATION SHEET – APPEAL HEARING PROCEDURE

ATTENDANCE

Appellants (person making the appeal) are encouraged to attend the hearing in person and may be represented, or accompanied by a friend. You may not be supported by an employee or representative of the school. It is for the Appellant to decide whether the child concerned should attend the hearing. The Clerk should be informed **in advance** of any persons who will be accompanying or representing you. You must also notify the Clerk in **advance** if you intend to call any witnesses at the hearing.

THE PANEL

The Appeals Panel consists of independent, voluntary members. The Panel will comprise at least, **3 members** including the panel chair, and will consist of:

- at least **one lay member** without personal experience in the management or provision of education in any school
- at least **one person with experience in education**, who is acquainted with educational conditions in the area, or who is the parent of a registered pupil at a school

The names of the panel members and Clerk will be sent to all parties no less than 8 school days before the appeal hearing. Appellants must inform the Clerk if any of the panel members are known to them.

PRESENTING OFFICER

The Admission Authority will provide a 'presenting officer' to present the case as to why admission to the school has been refused. This will usually be the Head teacher and / or Governor of the school.

PROCEDURE

At the start of the appeal, the panel chair will:

- **Welcome** the parties and introduce the panel members, clerk, presenting officer for the school and the appellant (s).
- **Explain** the procedure clearly and simply, giving details of the issues which the panel will be addressing and in what order.
- **Clarify** that the panel is an independent body and that if it upholds the appellants' appeal, the decision will be binding on the admission authority (the school), unless overturned by a court.

The hearing then takes place as follows:

STAGE 1: Establishing the facts

- The Admission Authority's (school's) case is presented. In the case of multiple appeals, the case may be presented once to all appellants_
- questioning by the appellant's and panel; all questions must be based on facts and not conjecture

The Presenting Officer and Appellant (s) will be asked to leave the hearing whilst the panel considers;

- whether the Admission Authority have satisfied the panel that the school's published admission arrangements fully comply with the law and Schools Admissions Code and were correctly and impartially applied in the case of each application
- Whether the admission of the child, or in the case of multiple appeals, the admission of any individual children, would cause prejudice to the school

If the panel decides that the child or, in the case of multiple appeals, all the children could be admitted without prejudice to the school, it upholds the appeal(s) and the appeals process ends_

If the Admission Authority satisfies the panel that there would be prejudice, the panel moves on to Stage 2, hearing each appellant's case individually to decide whether any outweigh the prejudice. In multiple appeals, this involves no comparison between individual cases unless there are several cases outweighing prejudice and the panel decides that the school could not cope with that number of successful appeals_

Note: In the case of multiple appeals, an appellant's case (Stage 2) may not be heard on the same day as Stage 1. This will be advised in the appointment letter.

STAGE 2: Balancing the arguments

- each appellant's case is presented
- questioning by the panel and Admission Authority
- summing up by the Admission Authority
- summing up by the appellant(s)

THE DECISION

The panel will retire to make its decision_ In coming to a decision, the panel balances the appellants' case for the child to be admitted against the degree of prejudice to the school.

In the case of multiple appeals, If the panel decides that there are several cases which outweigh the prejudice to the school but that the school could not cope with that number of successful appeals, they will compare all cases and decide which of them to uphold.

A letter advising of the panel's decision will be sent by the Clerk to the Appellant, Admission Authority and Local Authority as soon as possible, ideally within 5 school days of the date of the hearing (this may not always be possible where there are multiple appeals)- The decision of the Appeal Panel is final and binding upon the Admission Authority.