

**GUIDANCE NOTES FOR PARENTS ATTENDING SCHOOL APPEAL HEARINGS (PREJUDICE APPEALS)**

1. School Appeals Panels are independent bodies set up under the Education Act 1998 to hear appeals by parents against the refusal by the School’s Governing Body to admit their child to the school of their preference.
2. Appeal Panels consist of three members who are independent of the school being appealed for. The decision of the panel is binding on both parties involved.
3. It is the role of the Clerk to the Appeals Panel to undertake all administrative arrangements for the appeal hearing and to provide independent procedural advice to the Appeals Panel.
4. All hearings will be held in private and the information you should submit both in your documentation and verbally at the hearing will be considered as strictly confidential.
5. The procedure used by the Appeals Panel at the hearing will be as informal as possible and will give both parties an opportunity to put evidence forward. You should expect the hearing to last no more than 40 minutes.
6. You may be accompanied by a friend or relative to the hearing, educational social worker, SEN advisor or learning mentor, provided that this will not lead to a conflict of interest. In line with Admission Appeals Code, representatives of schools supporting individual appeals for place at their school will not be allowed by the Panel, either at the hearing itself or by providing letters of support for appellants. Such support could create conflicts of interest and unfairness to other appellants. This would extend to representations by anyone who was a member of the School’s Governing Body.

**STRUCTURE OF THE HEARING**

1. The school or their representative will first explain their case and why it was not possible to offer any further places at the school.
2. The Appeals Panel and yourself will have the opportunity to ask questions of the school or their representative.
3. It is then your turn, you will be able to put your case and to explain the reasons why you want your child to attend this school.
4. The Appeals Panel and the school or their representative then have the opportunity to ask you questions on what has been said.
5. It is then the turn of the school or their representative to sum up their case.
6. You will then be asked to sum up and be given the final word before you and the school or their representative leave the room.
7. You will be advised at the hearing when the decision will be made and when it will be sent to you.
8. Having heard all the appeals scheduled on that day, or in the case of a round of scheduled appeals lasting over several days, after the last appeal has been heard, the Panel will then proceed as follows:

**First stage – examining the decision to refuse admission**

1 The Panel must consider in relation to each child that is the subject of the appeal:

1. Whether the admission arrangements (including the area’s co-ordinated admission arrangements) comply with the mandatory requirements of the School Admissions Code and Part 3 of the School Standards and Framework Act 1998; and
2. Whether the admission arrangements were correctly and impartially applied in the case(s) in question

2 The Panel must then decide whether the admission of additional children would prejudice the provision of efficient education or the efficient use of resources

3 The Panel will uphold the appeal at the first stage where:

1. It finds that the admission arrangements did not comply with admissions law or had not been correctly and impartially applied and the child would have been offered a place if the arrangements had complied or had been correctly and impartially applied; or
2. It finds that the admission of additional children would not prejudice the provision of efficient resources

However, where there is more than one appeal and 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 will proceed to the second stage.

The Panel will also proceed to the second stage where:

1. It finds that the admission arrangements did comply with admissions law and that they were correctly and impartially applied to the child; or
2. It finds that the admission arrangements did not comply with admissions law or were not correctly and impartially applied but that, if they had been, the child would not have been offered a place; or
3. It finds that the admission of additional children would prejudice the provision of efficient education or efficient use of resources

**Second stage – balancing the arguments**

The Panel must balance the prejudice to the school against the appellant’s case for the child to be admitted to the school. If the Panel considers that the appellant’s case outweighs the prejudice to the school, the appeal will be upheld. If the Panel considers that the appellant’s case does not outweigh the prejudice to the school, the appeal will be dismissed (ie refused)

In multiple appeals, the Panel will not compare the individual cases when deciding whether an appellant’s case outweighs the prejudice to the school. However, where the Panel finds that there are more cases which outweigh prejudice than the school can admit, the Panel will compare cases and uphold those with the strongest case for admission. Where a certain number of children could be admitted without causing prejudice the Panel must uphold the appeals of at least that number of children.