

**GUIDANCE NOTES FOR PARENTS ATTENDING SCHOOL APPEAL HEARINGS WHERE INFANT CLASS SIZE LEGISLATION APPLIES**

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 - INFANT CLASS SIZE LEGISLATION APPLIES (*This is where there are 30 children per class).***

1. The School or their representative will first explain their case and why it is 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, and you will be given the opportunity to put your case.
4. The Appeals Panel and the school or their representative then have the opportunity to ask you questions.
5. It is then the turn of the school or their representative to sum up their case.
6. You will then be given the opportunity to sum up your case and have 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.

**However, it is important for you to be aware that there are limitations on the Panel and unless you are able to persuade it that:**

1. the admission of additional children would not breach the infant class size limit OR
2. the admission arrangements did not comply with admissions law or have not been correctly and impartially applied and your child would have been offered a place if the arrangements had complied or had been correctly and impartially applied OR
3. that the decision to refuse admission was not one which a reasonable admission authority would have made in the circumstances of the case

**then the Panel will not be able to allow the appeal for your child to attend this school.**

The Admission Appeals Code states that the threshold for finding that an admission authority’s decision to refuse admission was not one which a reasonable authority would have made is high. This Code states that the Panel will need to be satisfied that the decision to refuse to admit (your) child was ‘perverse in the light of the admission arrangements’ ie it was ‘beyond the range of responses open to a reasonable decision maker’ or ‘a decision which is so outrageous in its defiance of logic or of accepted moral standards that no sensible person who had applied his mind to the question could have arrived at it’

When you present your case, if you are providing information which the Panel feels does not relate to what it can take into account, you may be reminded of the grounds and asked how your case relates to them.

**If at the first stage of the process – examining the decision to refuse admission – the Panel is satisfied that none of the grounds a,b,c, above (for allowing an appeal) have been met, the panel will dismiss (ie refuse) the appeal.**

If however, where there is more than one appeal and 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, where the Panel will compare each appellant’s case for their child to be admitted and decide which of them, if any, to uphold. Where the school could admit a certain number of children without breaching the infant class size limit (or without needing to take measures to avoid breaching it that would prejudice the provision of efficient education or efficient use of resources) the Panel must uphold the appeals of at least that number of children.