

Admission Appeals – notes for parents/carers

THE APPEAL SYSTEM

Purpose of appeal

The choice of school for your child is, obviously, very important to you. If your child has not been allocated a place at your preferred school, you may want to have this decision reviewed by a body that can act independently and make a decision on whether you have grounds for the decision to be overturned. This is the purpose of the School Admission Appeals' System.

The purpose of this document is to explain the appeal system. If you decide to appeal, every effort will be made to help you. Please do not be put off from making an appeal because of doubts about your ability to present your case. The appeals are organised on behalf of the Governing Body as the Admissions Authority and should you need any more information, you should contact Lucy Stacey, Katharine Lady Berkeley's School in the first instance. The appeal panel hearing your case will be interested in the reasons for your appeal, not your skill in presenting your case.

Legislation and Code of Practice

It is necessary to have some basic rules for dealing with appeals. The procedure that will be followed is based on the School Standards and Framework Act 1998 and on a Statutory Code of Practice published by the Department for Education. In addition, the panel takes account of the Code of Practice on Admissions, also published by the Department of Education. Copies of these documents can be seen on the DfE website at www.education.gov.uk. The panel is subject to supervision by the Administrative Justice and Tribunals Council.

WHEN TO APP

Admission to Secondary Schools

Parents/carers can ask for a child to be admitted to a school in any school term. Most appeals concern transfer of students from Primary to Secondary school or the choice of secondary school when moving into a new area.

Formal Appeals

You should not make a formal appeal without first having received a final decision letter from your preferred school.

Deadline Dates

You may appeal once in each school year.

HOW TO APPEAL

Notice of Appeal

Your notice of appeal must be in writing, setting out the grounds on which your appeal is made. Please use the admission appeal application form available on the school website form on the General Information page. Please return the completed form directly to the school.

Reasons for Appeal

The statement of reasons for your appeal is important. It is not enough to state that the reasons will be explained at the appeal hearing. Provide a written statement as to why you feel that your child should attend Katharine Lady Berkeley's School. You will not need to read out this explanation in full as the appeal panel members read all the documents very thoroughly before coming to the appeal hearings. However, you may wish to comment further on your written statement.

Documents and Supporting Evidence

If you want the Appeal Panel to consider any letters or documents, you should enclose a copy with your

appeal form you should try to provide a copy by the deadline date given in your appointment letter. The panel will consider any written evidence you provide before the deadline date. However, any material submitted after this date may not be considered by the panel. Copies of all documents have to be kept for a period of two years, so please provide copies of documents rather than originals.

Attendance

It is in the interests of all concerned for parents/carers to attend appeal hearings if at all possible. You may be accompanied by a friend, or you can ask someone else to represent you. Please let the Clerk to the Appeals Panel know if you intend to do this. However, it is not appropriate for you to be accompanied by a teacher from your child's current school. It is for you as parents to decide if your child should be present at the appeal hearing. If you wish to bring your child please let the Clerk to the Appeal know in advance.

If you are not present, the panel will consider the case very carefully on the basis of any written representations that you have made when giving notice of your appeal, together with the Admission Authority's (School's) statement and any documents supplied by either of you together with the School published Admissions Policy. However, if you are not present, the panel will not be able to ask you questions about your case and you will not be able to question the Presenting Officer from the school.

Special Needs

If you have special problems in attending the hearing (perhaps because you have a disability) or if there is any other information that you think is relevant, please include the information in a separate letter (eg you may need a language interpreter or a person able to sign for you).

Sending the Notice

When you have filled in the notice of appeal, it is advisable to keep your own copy of all the documents, forward this to the school.

ARRANGEMENTS FOR THE APPEAL HEARING

Date and Place

A letter will be sent to you 10 days before the hearing date telling you when and where it will be held. Every effort will be made to deal with appeals on the date allocated to you. It is difficult to rearrange appeal dates without affecting the timetable for other appeals. At least a week before the hearing date, you will be sent a copy of the School's Statement that the panel will consider. The School should explain the application of their Admissions Policy to your case and the reasons for deciding to refuse a place at the school by reference to Section 86 of the School Standards and Framework Act 1998 (see paragraph 3a).

If there are any documents that you are unable to supply with your appeal form, please send a copy by the deadline date given in your appointment letter, so that the panel members and representative from the School can read it before the hearing.

Any documents provided after the deadline date will only be considered if the panel agrees, having taken into account the significance of the material and the implications if the hearing has been adjourned to allow time for everyone to read and consider the additional paperwork.

Multiple Appeals

When there is more than one family appealing for places to the same year group, the panel will hear all the cases before making a decision.

School Visits

While you are waiting for the date of your appeal, please do not miss a chance to visit other schools in the area. The visits may provide helpful information and will not prejudice your case in any way.

THE APPEAL HEARING

The Appeal Panel

Membership of the appeal panel comprises a chair and at least two other panel members. At least one person must be a lay member and another with experience in education. The panel is totally independent of the School. None of the members will have connections with the allocation, or with any schools concerned. The panel must take account of your preference and the School's arrangements for allocating students in excess of the School's published admission number (PAN), if that is thought to be justified in all the circumstances. It will base its decision on the allocation of students and on the circumstances of each case.

Attending the hearing

If you decide to attend the hearing, please wait in the waiting area until you are called into the room where the appeal will be heard. Every effort will be made to hear appeals at the time stated in the letter that is sent to you, but some appeals may take longer than others.

Who may be present?

Appeals will be heard in private. The three members of the appeal panel will, of course, be present, together with a Clerk, who will make notes and advise the panel of matters of law and procedure (but not to participate in the decision making). The School will normally be represented by a Presenting Officer who will enter and leave with you.

On rare occasions, a panel member in training may be present as an observer and you will be informed of this.

The Hearing Procedure

The appeal hearing will follow the procedure set out in the Code of Practice. This may make the hearing appear rather formal; however, every effort is made to put parents/carers at their ease and give them every opportunity to present their case. The procedure is based on fairness and will normally be as follows:

- The Presenting Officer for the school, parents/carers and any supporter are called into the room together. The chairperson will introduce everyone, explain the procedure and decision making process before continuing.
- The Presenting Officer to explain the School's case.
- The parents/carers ask questions of the Presenting Officer.
- The panel members may question the Presenting Officer.
- The parents/carers are invited to give their reasons for appealing.
- The Presenting Officer may question the parents/carers.
- The panel members may question the parents/carers.
- The Presenting Officer will sum up the case for the school.
- The parents/carers will sum up their case.
- The Presenting Officer, parents/carers and any other supporter will leave the room together.

Questions from the appellant, the Presenting Officer or the panel members should only be to clarify a point or situation, not to introduce completely new information or to give advice. It is not advisable for you to discuss your case with other appellants during the time when Hearings are taking place.

The Clerk to the appeal panel will be present at all times to take notes on what is said but takes no part in the decision making process.

Decision making by the panel

The appeal panel will make its decision on the basis of the information supplied by you and the School. The members of the panel will have some background knowledge of the school allocation system, but they will not have had a briefing about your case other than receiving copies in advance of all the documents supplied by you and the school. They will not be given confidential information about your case that is not available to you nor will you receive information about other families who may be appealing.

Documents copied to the panel

The panel will have copies of:

Your notice of appeal and any documents sent with the form.

The school's statement

Any documents sent with the school's statement.

Witnesses

It should not normally be necessary for witnesses to be called (a letter or report will be sufficient), but the Panel may agree to hear evidence from witnesses if it would be relevant to the appeal. Please inform the school office, at the earliest opportunity, if you are considering asking the panel to hear any witnesses.

AFTER THE HEARING**About the decision**

The panel will make its decision after all appeals have been heard. It is first of all necessary for the Presenting Officer to have satisfied the panel that the School was legally entitled to refuse a place at Katharine Lady Berkeley's School on one of the grounds set out in Section 86 of the Schools Standards and Framework Act 1998 (see paragraph 3.1). If the panel is not satisfied then your appeal must be allowed. Once the panel is satisfied on this point, it must then balance the reasons for your appeal against the prejudice to the school of allowing your appeal, taking into account the published admission arrangements. This may involve considering the consequences of allowing all or only some of the appeals and the individual grounds for those appeals. Each case is considered on its merit and is not dependent on a 'quota' system.

Adjournment

It is sometimes necessary for the panel to defer making a decision, e.g. to allow it to hear a number of competing claims for the same school, or to give parents and the Presenting Officer an opportunity to discuss a possible solution.

Announcing the decision

When a decision has been made, it will be notified to you in writing as soon as possible, usually within seven days of the end of the process, and will give the reasons for that decision. If the panel upheld your appeal, the Clerk to the panel or the school office will notify you of the date on which your child may register at the school.

The Effect of the decision

If your appeal is successful it will be binding on the School. If your appeal is not successful, it might still be possible for the School to offer you a place if vacancies occur later, providing you meet the Admission criteria. If you are still interested, you should contact the School and ask to remain on the waiting list.

What next?

There is no further right of appeal against the appeal panel's decision. However, if you consider that there has been maladministration (not keeping to the rules) in the way the decision has been reached, then you have the right to complain to the Education Funding Agency (EFA). A form is available online (www.gov.uk/school-admissions) or you can email (academy.questions@education.gsi.gov.uk). It is also possible for an application for judicial review to be made, but you would be advised to seek legal advice if you consider this course of action. The Secretary of State cannot review decisions of individual Appeal Panels, but can consider whether the Appeal Panel was correctly constituted or whether the School has acted reasonably in exercising its function in respect of the Appeal Process.

01 March 2023