

APPEAL PROCEDURES - NOTES FOR THE GUIDANCE OF PARENTS/CARERS

1. Introduction

An independent Appeal Committee will be established to consider appeals made by parents against decisions to refuse admission to the school.

Committee members comprise:-

- (i) persons who are eligible to serve as lay members;
- (ii) independent persons who have experience of education, and are acquainted with the educational conditions in the area.

For information, a person is eligible to be a lay member if he/she is a person without personal experience in the management of any school or the provision of education in any school (otherwise than as a governor or in any other voluntary capacity) and he/she does not have or has not at any time in the past had, any connection with the school or an employee of the Education Service of a kind which might reasonably be taken to raise doubts about his/her ability to act impartially in relation to the Governing Body

There will also be a Clerk present to take notes and advise the Committee on matters of procedure.

2. The Committee's Powers

Consideration by an Appeal Committee should be in two distinct stages:-

- (i) **The Factual Stage**, where the Committee decides as a matter of fact whether there was a lawful reason to refuse admission; if there was not, the child must be admitted; if there was, the Committee must move to
- (ii) **The Balancing Stage**, where the Committee exercises its judgement to balance the degree of prejudice to efficient education which would result from admitting the child, and the strength of the parent's case, so as to arrive at a decision which is binding on the admissions authority

In some cases there will be a number of parents who appeal against the allocation and express preferences for places at the same school. Where there are multiple appeals for admission to a particular school the Appeal Committee may, if this proves necessary, deal with such appeals over a number of days. Decisions on all such appeals will be reserved until all the cases have been heard.

The decision of the Appeal Committee is binding on the Governing Body and there is no further right of appeal.

3. Making an Appeal

Attached is an appeal form for you to complete and return. You may submit any further details you wish and copies of any letters or other documents you consider relevant. If you wish to do so, the letters etc., should be sent as soon as possible to the Clerk to the Appeal Committee so that they can be circulated to members of the Committee in advance of the meeting. **The Committee will automatically be shown copies of any previous correspondence you have had with the school in connection with the placement.**

#### 4. The Hearing

At least 14 days notice of the time and place of the hearing will be given to you by the Chairman of the Appeal Committee. If you are unable to attend the hearing the Committee will make their decision, in your absence, on the written material in front of them. You may always send further comments in writing should you wish but, if you do, you should send them as soon as possible to the Chairman of the Appeal Committee so that they can be circulated to members of the Committee in advance of the meeting.

The Committee will usually allow you to be accompanied by a friend or be represented. Hearings are informal and legal representation is seldom necessary or appropriate. It should not normally be necessary for a child to attend.

The procedure will normally be :-

- (i) A representative of the school will put the case for the school, explaining why your preference cannot be met and how to do so would prejudice the provision of efficient education or the efficient use of resources. You and members of the Committee may then ask questions of them.
- (ii) You present your case and may be asked questions by the school's representative and members of the Committee.
- (iii) The school replies to any particular points and sums up the school's case.
- (iv) You sum up your own case.

At the end of the appeal both parties withdraw leaving the Committee to make their decision. The decision is made at the conclusion of the hearings for all the appeals made to the school. Written confirmation will be sent to you as soon as it is practicable.

#### 5. General

The emphasis of Appeal Committees is on informality and fairness. A Committee may vary their proceedings so long as both parties have the opportunity to present their case.