

SCHOOL ADMISSION APPEAL HEARINGS

The purpose of an appeal hearing is to provide an independent, impartial but informal forum for parents and the Admission Authority (usually the LEA) to present their respective cases when a parent wishes to appeal against the decision of the LEA to refuse admission to their school of choice. There are rules about who may serve on appeal panels and these are intended to preserve the independence of the Panel (e.g. they cannot be local authority councillors). School Governors can sit as lay members or as the parents of a child registered at another school (if that applies). Appeal hearings are convened as required – there may be several in a year or none at all. Individuals who express an interest in serving on appeal panels who are also school governors will not be called upon to sit on a panel if the school whose governing body they are members of is the subject of the appeal nor if their school is likely to be affected by the outcome of the appeal i.e. the child would be offered a place at the school as an appropriate alternative. Members of appeal panels must receive training on the appeal process and in appeal hearings they are guided on matters of procedure by the Clerk of the Panel who is a qualified solicitor. Panel Members are eligible to receive allowances for financial loss, travel and subsistence. They can also be compensated for any loss of earnings that arises as a result of attending an appeal panel.

What Happens at an Appeal Hearing

There is a panel of 3 or 5 people at the appeal hearing.

- The admission authority (LEA) will explain why the application for admission was refused.
- The appeals panel must decide as a matter of fact whether to admit the child would prejudice the provision of efficient education or the efficient use of resources at the school in question. It is a matter for the LEA to prove this to be the case.
- The appeals panel must also decide if the Authority's admission arrangements/criteria were properly applied and are legal according to the School Admissions Code. If they are legal and were properly followed, the panel must decide if they were followed fairly and thoroughly.
- If the criteria weren't properly followed or are illegal, the appeal must be upheld. Similarly if the panel finds that prejudice would not arise were the child to be admitted then the appeal must be upheld.
- If the appeal has not been upheld on the grounds above, then the parent (s) will be able to give their reasons why their child should be admitted. The panel will decide if the parents' reasons for their child to be admitted outweigh the admission authority's reasons for not admitting another child.

(The considerations are slightly different when the Admission Authority's case is based on infant class size limits)

- The Panel's decision is binding on both parties and must be communicated in writing to the parents and admission authority as soon as possible and ideally within 5 working days.