

SOUTHEND HIGH SCHOOL FOR BOYS

APPEALS AGAINST NON-ADMISSION NOTES FOR THE GUIDANCE OF PARENTS

Introduction

The Department for Education requires all schools to operate an Admissions Policy which is transparent and fair, and which is applied consistently to all applicants. Where schools have more applicants than places, fair oversubscription criteria must apply which, again, must be applied consistently to all applicants. To protect parents where they feel that a school has not applied the Admissions Policy or the oversubscription criteria consistently, the School Standards and Framework Act 1998 (as amended by the Education and Inspections Act 2006) gives parents the right to an independent appeal against a decision not to admit their child to a school to which they have applied. The Governing Body of an Academy school is the admissions authority for that school and is required to make arrangements for such appeals. Appeal Panels will consider the application for admission made by the parents together with their reasons for doing so, and the school's published admissions policy together with its explanation of why admission was refused. The School Admission Appeals Code of Practice came into force on 1st October 2022.

Notice of Appeal

The law requires that the grounds for appeal must be set out in writing. The aim of the accompanying form - Notice of Appeal - is to ensure, as far as possible, that all relevant facts are available to an Appeal Panel and to give you a chance to explain, in your own words, the case you wish to make. There may be additional documents which you wish to form part of the appeal and be given to the panel - these should be sent to the Clerk to the Appeal Panel c/o the school in advance of the appeal hearing. If desired, previous correspondence between parents and the school may be included in the documents submitted to the Panel.

The panel will be presented with a copy of any written documentation which the school wishes to present, having read the grounds for the parents' appeal. You will, of course, be provided in advance of the hearing with a copy of that documentation. You are entitled to attend the hearing to present your case; you may be accompanied by a friend or representative (legal representation will not usually be necessary) who may speak on your behalf. Your friend or representative cannot be a member of the admission authority. If you intend to be represented, to be accompanied by a friend or adviser, or to bring an interpreter, you should inform the Clerk to the Governors in advance. It is not normally necessary for a child or other witness to attend.

You will be notified of the date, time and venue of the Appeal Panel hearing. At least 10 school days' notice of the hearing will be given (this may be less if you have indicated that you would be willing to accept less notice). If the date indicated causes major problems for you please inform the Clerk to the Governors immediately, but you should note that if it is not reasonably practicable to offer an adjourned hearing, the appeal will be decided on whatever information is available.

The Constitution of the Appeal Panel

The Appeal Panel will normally comprise three people appointed by the admissions authority from the following categories:

- People who are eligible to be lay members, without personal experience in the management of any school or the provision of education in any school (although it is permissible to use people who have experience as governors of other schools, or who have been involved in education in any other voluntary capacity). There must be at least one lay member of the panel.

- People who have experience in education, who are acquainted with educational conditions in the area, or who are parents of registered pupils at a school. There must be at least one panel member from this category.

None of these people will have been involved in consideration of your case prior to the hearing. There will also be an independent clerk present to take notes and advise on matters of procedure and evidence.

The Appeal Panel will act quite independently of the school's Governing Body and the Local Authority.

The Nature of the Hearing

Hearings will be conducted in as informal an atmosphere as possible with every opportunity for questioning and discussion of issues. The generally accepted procedure for an Appeal Panel Hearing is as follows:

1. The case for the admissions authority will be put first. You and members of the panel may ask questions.
2. You will be given the opportunity to present your case. You may be asked questions by the admission authority's representative and members of the panel.
3. The admission authority's representative can reply to points raised and will then sum up the admission authority's case.
4. You will have the opportunity to reply to points raised and to sum up your case.

It is possible that there may be some variations from the above procedure at the discretion of the Chairman of the Panel.

The decision of the panel and the grounds on which it is made will be notified in writing to yourselves and the Governing Body of the school simultaneously by the Clerk to the panel.

The decision of the Appeal Panel is binding on the admissions authority.

The Task of the Appeal Panel

The matters to be taken into account by an Appeal Panel in considering an appeal must follow a two-stage process:

- First stage: establishing the facts. The panel must consider two separate issues: a) whether the admission arrangements for the school (including any co-ordinated admission arrangements) were correctly and impartially applied to the child concerned; and if not, whether the child would have been offered a place had they been properly implemented; and b) whether or not there would be prejudice to the provision of efficient education or efficient use of resources caused by the admission of an additional child.
- Second stage: balancing the arguments. The panel uses its discretion to balance the degree of prejudice to the school against the parent's case for their child being admitted to the preferred school.

Grammar schools are permitted to select children for admission on the basis of academic ability and may leave places unfilled if there are insufficient eligible applicants. In the case of appeals for admission to the Sixth Form and in-year appeals, where the child did not reach the specified entry requirements, the panel must not make its own assessment of a child's ability, but must decide whether the admission authority's decision that the child was not of the required standard was reasonable in light of the information available to it. In doing so, it must consider whether any process in place to consider such cases was carried out in a consistent and objective way.