

GATESHEAD COUNCIL SCHOOL ADMISSION APPEAL PANELS

PROCEDURE GUIDE – NORMAL PREJUDICE

This guide is for parents or guardians who wish to appeal against the decision of an admission authority not to admit their child to their preferred school. Once you have submitted an appeal, you become the appellant.

The School Standards and Framework Act 1998 places a duty on admission authorities to admit a child to the parent/guardian's preferred school unless to do so would prejudice the provision of efficient education or the efficient use of resources. The Act also allows a parent/guardian the right of appeal against the decision to refuse a place at a school.

If you are appealing the decision against a place in Reception, Year 1 and Year 2, please see the Infant Class Size procedure guide.

1. Who is the panel

The Panel that hears your appeal will normally consist of three members from the following categories:

- One or two persons (not councillors) who have experience in education or who are familiar with local educational circumstances in Gateshead, or who are parents of registered pupil(s) at a school (not the school to which you are appealing).
- One or two lay members, (persons without personal experience in the management of a school or the provision of education in any school otherwise than in a voluntary capacity).

The Panel is impartial and acts independently of the Admission Authority and its decisions are binding on all parties.

The Panel must act in accordance with the law and the School Admissions Appeal Code.

The Panel is supported by a Clerk. This is an officer from the Council's Democratic Services Team. The Clerk constitutes the Panel and provides advice to all parties.

2. Before the Appeal

You will be given at least 10 schools days' notice of the date on which your appeal will be heard. This notification will include a deadline for the submission of any further information relating to your appeal that you would like the panel to consider. If you are appealing following National Offer Day, it is likely that your appeal will be heard as part of a multiple appeal. As it is important for appeals for the same school to be heard by the same panel, it will not be possible to alter the date that is set for your appeal.

Around a week before the hearing, you will be sent a copy of the paperwork for your appeal hearing.

The Admission Authority (the school Governing Body or the Local Authority) will provide a statement summarising the Authority's policy for allocating school places and their reasons for not giving your child a place at the school you have chosen.

The Panel will be sent a copy of the Admission Authority's statement, a copy of your appeal form and any additional information you have submitted, along with your application and refusal letter. The school will be sent a copy of all the documentation relating to your appeal.

3. Attending the hearing

While your appeal must be submitted in writing, you are given the opportunity to attend the hearing to put your appeal in your own words to the Panel. Appeal hearings are held at the Civic Centre, Gateshead.

You may be represented at the appeal hearing or accompanied by a friend for support. You may also call witnesses.

If you do not wish to or are unable to attend the hearing, your appeal will be decided on the written information you have provided. The admission authority would still be allowed to attend the hearing and present their case to the panel.

4. Order of proceedings

- 4.1 The procedure outlined below is for when there is only one appeal for a year group at a school. This procedure is varied for a multiple appeal; these variations are explained at point 5: Multiple Appeals.
- 4.2 The hearing will be as informal as possible and will be heard in private. At the start of the hearing the Chair will welcome all parties, introduce those present and explain how the hearing will be conducted.

The panel will follow a two-stage process:

Stage 1 – School's Case (examining the decision to refuse)

- 4.3 The Admission Authority representative will present the statement previously circulated to all parties. Panel members and yourself as the appellant(s) will be given the opportunity to ask questions of the school's case.
- 4.4 After questions, the representative will be given the opportunity to sum up, and you will leave the meeting room, with the school representative, in order to allow the panel to make a decision on Stage 1 in private. The clerk will remain with the panel to take a note of the decision and to provide advice on law and procedure.

4.5 If you do not attend the hearing, the Admission Authority representative will still leave the meeting before the panel considers its decision. At no point will either you or the admission authority representative be left alone with the panel members.

4.6 In its deliberations at Stage 1, the Panel will consider whether:

- a) The admission arrangements were lawful and whether they were correctly and impartially applied to your child's case; and then
- b) Whether the admission of an additional child would prejudice the provision of efficient education or the efficient use of resources.

4.7 The admission authority must be able to demonstrate prejudice over and above the fact that the published admission number has been reached.

If the panel finds either that:

- a) the admission arrangements were not lawful or had not been correctly and impartially applied **and** your child **would** have been offered a place if they had been; or
- b) the admission of an additional child would not prejudice the provision of efficient education or the efficient use of resources

then your appeal will be upheld and the hearing will conclude. If not, the hearing will proceed to the second stage.

Stage 2 – balancing the arguments

4.8 At the second stage the panel will consider the prejudice that will be caused to the school if your child was admitted and your reasons for preferring the school to the one allocated and others in the areas and decide which argument has most weight.

4.9 You will be invited to present your case to the panel. Panel members and the school representative will have the opportunity to ask you questions. You will then leave the room with the school representative and the panel will make a decision in private.

4.10 You will be notified of the outcome of the hearing in writing, within 5 working days of the date of the hearing.

5. Multiple Appeals

5.1 Where a number of appeals have been received for the same year group at a school it is expected that the same panel will consider all the appeals for that school at the same meeting. In those circumstances all appellants will be invited to attend Stage 1 at the same time with individual appointment times allocated for the potential second stage. This is to ensure that all appellants hear the same information about the admission arrangements and the school.

- 5.2 The same procedure outlined above will be followed, however questions regarding your particular circumstances should be kept for the second stage which will be held in private, without the other parents.
- 5.3 If the panel decides that all appellants' children could be admitted without prejudice in Stage 1 it must uphold all the appeals and the hearing will conclude.
- 5.4 However, if the panel finds that additional children could be admitted without prejudice to the provision of efficient education or the efficient use of resources **but** that the number of appeals meant there would be prejudice if they were **all** admitted, then the panel must proceed to the second stage to decide which of the appeals to uphold.
- 5.5 If the admission authority is able to satisfy the panel that there would be prejudice if **any** of the children were admitted, the panel will proceed to the second stage to decide whether any of the individual parental cases outweigh the prejudice to the school.

Where the panel proceeds to the second stage, no decision will be taken on any individual case until the second stage of all appeals has been completed.

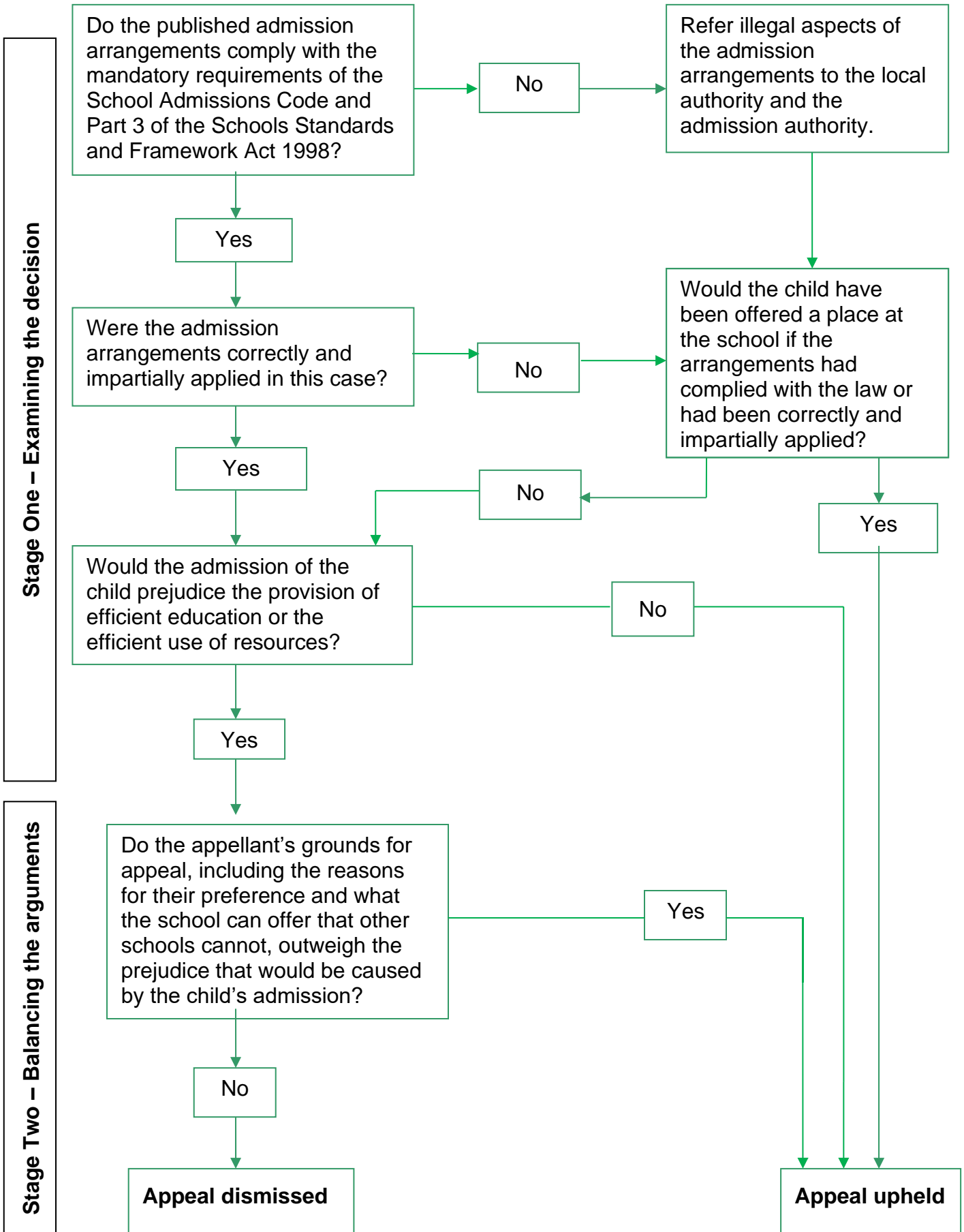
You will receive the outcome of the appeal in writing, within 5 working days of the date of the last appeal.

- 5.6 There are flowcharts at the end of this document that set out the process.

6. After the Appeal

- 6.1 The Panel's decision is binding on all parties. There is no further right of appeal for the same school for the same academic year unless, in exceptional circumstances, the admission authority has accepted a second application from you and that in turn has been refused.
- 6.2 If you feel there has been maladministration by an admissions appeal panel you can make a complaint to the Local Government and Social Care Ombudsman www.lgo.org.uk
- 6.3 The Ombudsman may investigate complaints of maladministration in the conduct of an appeal hearing or in respect of its organisation. However, the Ombudsman can only, at most, request a re-hearing and cannot overturn the decision of any appeal panel.
- 6.4 If the school is an Academy then you may complain to the Department for Education www.gov.uk
- 6.5 An appeal panel's decision can only be overturned by the courts where the appellant or admission authority is successful in a judicial review of that decision.

Single Admission Appeal



Multiple Admission Appeals

