

The order of the appeal hearing (two stage)

Once all parties are present either in person or via video link, the Clerk will introduce themselves and explain role is to provide advice and guidance to the Panel on law and procedures, keep a note of the hearings and send decision letters. Clerk will also outline the general procedure to be followed, confirm that the Panel are independent of the School and the Admission Authority, any decision made by the Panel will be legally binding and that a written decision letter will be sent within 7 calendar days, wherever possible. The Clerk will also answer any questions parents may have regarding the process.

The Panel Chair welcomes the parties and invites the Panel Members and Presenting Officer to introduce themselves. The chair will check that all parties have the correct paperwork and that the parents do not know any of the panel members.

1st Stage: establishing the facts.

The presenting officer gives general information about the admission arrangements, the school parents are appealing for, and if appropriate, other neighbouring schools;

The parents and Panel Members may question the presenting officer about the information given raising any issues they may have including issues with the application of the published admissions policy.

2nd Stage: balancing the arguments

1. The parents present their case giving any relevant information that supports their case;
2. The panel and presenting officer may question the parents;
3. Summing up by the presenting officer and the parents if they so wish.

At the end of the hearing the Chair will check everyone has raised all the issues they wished to and thank everyone for attending.

The presenting officer and the parents leave the hearing.

The decision

After hearing all appeals the panel will then make its decisions. This is done in the absence of both parties.

The panel must consider in relation to each child:

- a) Whether the schools published admission arrangements comply with the mandatory requirements of the Schools Admissions Code and Part 3 of the SSFA 1998, and
- b) Whether the admission arrangements have been correctly and impartially applied in each case.

The Panel must then decide whether the addition of additional children would prejudice the provision of efficient education or the efficient use of resources.

The Panel must allow appeals at this stage where:

- a) It finds that the admission arrangements did not comply with admissions law or had not been correctly and impartially applied, and the child would have been offered a place if they had been; or
- b) It finds that the admission of additional children **would not** prejudice the provision of efficient education or the efficient use of resources (no prejudice).

If no prejudice is found the appeal is successful and a place will be granted at the school.

If prejudice is found, the Panel will then consider the information provided at Stage 2 of the appeal. The Panel must balance the prejudice to the school against the parent's case for the child to be admitted to the school. It must take into account the parent's reasons for expressing a preference for the school, including what that school can offer the child that the allocated school or other schools cannot (a balancing exercise). Each case is judged on its own merits and is not compared with any other case.

October 2022