

Admission Appeals Procedure Guidance

Section 94(1)b and 2 of the Schools Standards and Framework Act 1998 (as amended by the Education Act 2002) specifies the right of parents/guardians to appeal against an admission authority's decision to refuse admission for their child(ren) to a school under the normal admission procedures. The Governors of St. Martin's CE Primary School (on behalf of the Director of the LDBS Frays Academy Trust), as the Admission Authority for this school, must make the arrangements enabling the parent/guardian of the child(ren) to appeal against a decision not to offer a place to their child(ren) at this school.

Before lodging an appeal, the parent/guardian should consider fully the reasons why your child(ren) have not been offered a place, as well as any alternatives, which have been offered to you.

In accordance with the requirements of The Education (Admissions Appeals Arrangements) (England) Regulations 2002 and The School Admission Appeals Code of Practice, the Governing Body of St. Martin's CE Primary School has made the following arrangements for appeals in respect of Admissions to the school:

All Appeals must be made in accordance with the procedures laid down by the Governing Body.

All documents to be served under the Admissions Appeal procedure will be sent by first class post to the Address supplied by those appealing on the pro-forma.

1. Parents/Guardians of children, who have not been offered a place for their child(ren) at the school will be provided from the school with a pro-forma on which to present their appeal to the Appeal Committee.
2. Appeals must be in writing and lodged on the pro-forma with the Governors. The appeal must set out the grounds on which the appeal is being made, and sent to the address on the pro-forma.
3. On receipt of a written appeal, all those appealing, will be offered the opportunity of appearing before an Appeal Committee and making a verbal presentation. You will be given at least ten school days' notice (from the date of posting by First Class mail) of the hearing unless you consent to a shorter period.
4. At least seven (7) days before the hearing (not including the date of the hearing or sending out of the papers), those appealing will be provided by the clerk to the Hearing with copies of the evidence in support of the admission authority's case.
5. At the hearing, those appealing may be accompanied by a friend, relative or representative, and will be invited to speak in support of the appeal. The appeal will be heard in private, although the panel may at its discretion hear more than one appeal at a time where the grounds for refusal are the same or similar. In this case, those appealing will present their own appeal in private to the panel.

6. If those appealing do not wish to attend in person or it is not reasonable to offer an adjourned hearing date, the appeal will be heard in the absence of those appealing and based on their written submission. Those appealing can choose to appear but not to speak and rely only on their written submission.
7. Those appealing in respect of admission to the Infant classes (Reception, Years 1 and 2) should be aware of the statutory class sizes permitted by regulation and that, in respect of appeals relating to 'infant class size prejudice', there are only limited grounds on which such appeals can be upheld. These are where the panel is satisfied that:
 - (1) The child would have been offered a place if the admission arrangements had been properly implemented;
 - (2) The child would have been offered a place if the arrangements had not been contrary to mandatory provisions in the School Admissions Code and the School Standards and Framework Act 1998; and/or
 - (3) The decision to refuse admission was not one which a reasonable admission authority would have made in the circumstances of the case.
8. The hearing will be informal and in front of a panel of at least three people, who are independent of the school and not active members of the teaching profession in the Local Education area. The panel will be supported by a Clerk, who is responsible for the procedural and legal aspects of the hearing, but is not part of the panel.
9. The conduct of the hearing will be in accordance with The School Admission Appeals Code of Practice and at the discretion of the Panel but will in general be as follows:

'STAGE A': The School's Case (with all parents present if there is more than one appeal case)

- Introduction and Welcome by the Chairperson or Clerk followed by an explanation of the procedure to be followed.
- A member of the Admissions committee for the School will explain why the Governors were unable to offer a place for the child(ren) at St. Matthew's School (The case for the school).
- The member may be questioned by the appeal panel first, followed by the parent/guardian.
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'STAGE B': The parent's/parents' case (No other parents in the room)

- Those appealing will then be offered the opportunity to speak in support of their appeal. (The case for the parents/guardians).
- Questions: Firstly the Appeal Panel members will ask the parents/guardians questions. Then the school's Presenting Officer is invited to ask parents/guardians questions.
- The Panel Chair confirms the parent's/guardian's reasons for appealing.

- Summing up by the School's Presenting Officer
- Summing up of the case by parent(s)
- The Panel Clerk will then outline the arrangements for communicating the Appeal Panel's decision.
- The Panel Chair will ask the parents/guardians and the Presenting Officer if they have said everything they wished to and given every opportunity to put case forward.

Members of the panel may ask questions at any time if they require clarification of what is being said or if they require more information in order to reach their decision.

- 10 Both those appealing and the Governors will be advised in writing of the decision of the Appeal Panel by the Panel Clerk, within 5 working days, who will advise the reason(s) if the appeal by the parent/guardian has not been successful.

The decision of the Appeal Panel is binding.

The Appeal Panel will make its decision based on the following:

First: Will the admission of an additional child or children to the year in question adversely affect the provision of efficient education.

Second: If this is the case, they then have to balance this factor against the parent/guardian's reasons for wanting their child(ren) admitted, taking into account the Governors' arrangements for admitting children to the School.