

Admission Appeal Panels

Information for applicants

Thank you for your interest in becoming a member of the Devon Independent Appeals Panel.

This booklet provides information on the operation of the Panel and the appeal process. Hopefully it will give you all the information you need to help you decide whether to apply to become a Panel Member, however if you need anything further please contact Fred Whitehouse on 01392 3813632 or email fred.whitehouse@devon.gov.uk (please CC in appeals@devon.gov.uk).

1. Background

The School Standards and Framework Act 1998 makes provisions for the establishment of independent appeals panels. The School Admission Appeals Code (the Code) has been issued under this Act. The Code sets out the requirements and guidelines for Independent Appeal Panels in respect of admissions. All Panel Members receive a copy of this Code.

2. Role of an Appeal Panel

The Appeal Panel is independent of the local authority and of the school. Its decision is binding on both, unless overturned by the courts.

Appeal Panels perform a judicial function and need to be transparent, independent and impartial.

Although Panels act independently they must consider very carefully any legal or procedural advice given by the Clerk.

3. Appeal Panel Membership

There is a pool of Panel Members and each appeal panel consists of three people. There are strict legal rules about who can be a Panel Member and the criteria for admissions and exclusions are similar. Panels must include:

- ❖ Lay members – these are people who have not worked in a school in any paid capacity, although they may be (or have been) a school governor or work (or have worked) in a school as a volunteer.
- ❖ Non-Lay members ('Educationist') - People who have experience in education or are acquainted with educational conditions in the area, such as teachers or teaching assistants or parents of school pupils.

The Panel must consist of at least one member from each of these categories.

One of the Clerk's responsibilities is to ensure that every Panel is properly constituted.

There may be appeals you will not be able to hear, for example because you have, or have had a connection with an interested party which might raise doubts about your ability to act impartially; for example you know one of the appellants. In the event that you are required to withdraw from an appeal hearing, another panel member will be selected to hear the appeal in your absence.

4. Panel Members

There are no specific qualifications or experience that you need to become a Panel Member and almost anyone can take on the role. We welcome people with all types of knowledge, background and experience, as groups made up of diverse individuals tend to make better informed decisions.

Panel Members are expected to read all of the papers that are sent to them and to play an active part in questioning all parties at the hearing. They should show no favour to either party and avoid expressing personal opinions during the course of a hearing, acting independently of the local authority and the school.

Panel Members need to have the ability to carefully consider the cases of all parties and then make a balanced and reasoned decision based on what they have read and heard.

Everyone involved in an appeal hearing needs to be familiar with the Department for Education's Schools Admission Appeals Code and Exclusion guidance, which will be provided to you.

Panel Members are also required to attend training and briefing sessions.

The role is voluntary, although when held in person expenses are paid for attending panel hearings and briefing/training sessions. Refreshments & a catered lunch are also provided.

On the day of an appeal, you can expect to be required for up to a full working day.

5. Skills profile

Most people will already have a range of skills to help them become a Panel Member and we offer access to good quality training and support, so don't worry if you think you don't yet have some of the skills or confidence to take on the role.

The following qualities and skills will help you to undertake the work of the Panel:

- ❖ The ability to communicate effectively with a wide range of people
- ❖ The ability to read and assess information and identify key points/issues

- ❖ The ability to listen to information and identify key points and issues
- ❖ The ability to ask questions to obtain information and clarify points being made
- ❖ The ability to analyse information and use it to form opinions and conclusions
- ❖ The ability to obtain and weigh up evidence to reach reasoned decisions based on that evidence
- ❖ Willingness to work as part of a team
- ❖ Willingness to take advice
- ❖ Willingness to develop your own skills and knowledge

You will also be expected to develop an understanding of:

- ❖ the admissions and exclusions appeal processes and the guidance and legislation supporting them
- ❖ the rules of natural justice
- ❖ the role of the Clerk

6. Training for Panel Members

All newly appointed Panel Members will receive full training and you will not be able to take part in hearings until you have been properly trained which will include the provision of the statutory guidance for admission appeals.

The Clerk provides an independent source of advice on procedure for all parties. They keep up to date with developments in case law and changes in legislation and guidance and provides additional training or briefings to Panels if required.

7. School admissions

This section provides some basic information on admissions.

Parents can appeal a decision made by a school to refuse their child a place when the school that they would prefer is considered by the admitting authority to be full, because in the admitting authority's view to admit any further children 'would prejudice the provision of efficient education or the efficient use of resources' (Section 86(3)(a) of the 1998 School Standards and Framework Act).

School places are allocated according to availability and it is not always possible for the admissions authority to offer a child a place at their preferred school. This is because each school has a maximum number of pupils that can be admitted

each year and demand might exceed the number of places available. The limits that are set on numbers are designed to ensure that children in the school receive an 'efficient and effective' education.

Too many children being admitted to a particular school could lead to overcrowding or pressure on the facilities and other resources in the school, thereby having an adverse impact on the school's ability to ensure that the children receive an efficient and effective education. This is also referred to as 'prejudicing, or causing prejudice to, the efficient provision of education or efficient use of resources'.

8. Admission appeals

All parents have the right to make an appeal to an Independent Appeal Panel if their child is not offered a place at their preferred school. The Panel will decide whether a child who has been refused a place should then be given a place at their preferred school.

There are essentially two types of appeal against the refusal of a place:

- ❖ Two Stage Appeal - where the school has determined that to admit another child would prejudice the provision of efficient education or the efficient use of resources, in other words the school is full.
- ❖ Infant Class Size Appeal - an infant class size appeal (otherwise known as a "KS1" appeal), is an appeal against a refusal of a child to be admitted into Years R, 1 or 2 at a primary school where the number on roll would exceed 30 pupils in a class with a single qualified teacher.

Parents are invited to submit information and evidence to support their appeal prior to the appeal hearing taking place.

Panel members are sent these papers as soon as they are available to read before the hearing takes place.

The Admitting Authority will submit a statement to the panel outlining the school's reasons for not offering a place to the appellant. The appellant will also receive this statement in advance of their hearing to enable them to formulate any questions they may have about the admission process.

9. Admission appeal hearings

Hearings take place during the day. It usually takes about 45 minutes to 1 hour to hear each appeal. The hearings start at 10am with a Members briefing at 9.30am, and generally are heard (with regular breaks) for up to a full day.

On occasion, a Panel may need to sit for two or more consecutive days depending on the number of appeals being heard for one school. This generally only takes place during the 'normal round' of admissions (i.e. for entry in

September in Year 7 or Reception, where we have many appeals for one school). These are heard from May – July.

There are generally two parties present at appeal hearings:

- ❖ the presenting officer from the Local Authority – sometimes with the Headteacher of the school concerned
- ❖ the parents, who may be represented or accompanied by a friend or adviser

Each party has the opportunity to present a case to the Panel.

The Panel Members listen to the presentations and question the parties to ensure that they have enough information to reach a decision. Once the parties have stated their case and all questions have been asked, the parties leave the room.

10. Venue for appeal hearings

Since March 2020 hearings have been held remotely via Microsoft Teams which had been allowed under relevant Coronavirus legislation.

Before this, hearings were held at County Hall in Exeter and parking provided to all Panel Members.

In the future it is likely we will adopt both ways of working, which has recently been codified into the new admissions code by the Department for Education.