

Swakeleys School for Girls Admissions Appeal Hearings Policy 2023-24

1. Rationale

All parents/carers have a right to appeal against the decision of the Admissions Committee of the School's Governing Body not to admit your child. The Governors will make arrangements to hear your appeal which will comply with the requirements laid down in the School's Instrument and Articles of Governance and in accordance with the DfE new School Admission Appeals Code 2012. This document outlines the process for these arrangements.

2. Success criteria

Swakeleys School for Girls¹ has a clear and understandable policy and provides a fair and open route by which appeals may be made.

3. Objectives

- a) To explain the process for Admissions Appeals including time scales wherever possible.
- b) To explain any documentation pertaining to Appeals.

4. Methodology

4.1 Admissions Criteria and Procedure

The criteria for the admission of pupils to the School, in the event of it being oversubscribed, were specifically approved by the Secretary of State and the School; adherence to these criteria is a condition of our Academy status. The criteria have to be published in the School Prospectus in accordance with the Education Act and the School's Composite Prospectus in accordance with the Education Act and the School's Instrument and Articles of Governance.

² The Admissions Code 2012 states that banding can be used as a form of selection to produce and intake representative of the national ability range.

4.1.1 The criteria prescribes an admission limit of 240 pupils per year from September 2018. Adherence to this admission limit enables the School, as required, to provide for the efficient education of all pupils and to continue to comply, amongst other things, with the regulations governing school premises.

4.1.2 The procedure for carrying out the admissions process has to comply with the Education Act and the School's Instrument and Articles of Government; it has to be specifically approved by the Governing Body and then published in the composite School Prospectus in accordance with the regulations.

¹ Swakeleys School for Girls is referred to as 'the School' from this point on. ² Paragraph 1.25 Admissions Code 2012
Swakeleys School for Girls

4.2 The Duty of the Appeals Panel

The Appeals Panel is independent of the Governing Body; it is NOT a panel acting on behalf of the Governors. The duty of the Appeals Panel is to consider impartially the information presented by both parties to the appeal before making its decision in the way prescribed below.

The Appeals Panel will take into account the information presented by both the appellant (you as the parent/carer) and the Admissions Committee of the School's Governing Body at all stages of the admissions process, in the exchange of documents prior to the appeals hearing and at the appeals hearing itself. This information will comprise:-

- 4.2.1 The Admissions Policy of the school, the application form and any supporting information provided by parents at the time of application.
- 4.2.2 Any further information taken into account by the Admissions Committee at the time it decided not to allocate a place to the child of the appellant.
- 4.2.3 Information sent to parents by the Admissions Committee at the time parents were informed that their child would not be allocated a place.
- 4.2.4 The notice of appeal and any documents sent in its support by parents.
- 4.2.5 Information provided by the Admissions Committee to the Appeals Panel in response to your appeal.
- 4.2.6 Information provided by both parties during the course of the appeals hearing.
- 4.2.7 Any other relevant documentation/information.

Copies of all the documents referred to in 4.2.1 to 4.2.7 inclusive will be distributed to the members of the Appeals Panel, the Chairman of the School's Admissions Committee and the appellant as described in 4.6. This duty will be carried out by the independent Clerk to the Governing Body.

4.3 Grounds for Appeal

Parents are entitled to appeal the decision of the Governing Body not to allocate a place to their child. Examples of reasonable grounds for appeal would include that:-

- 4.3.1 The Admissions Committee failed properly to apply the admissions criteria;
- 4.3.2 The Admissions Committee failed to follow the published procedure for dealing with admissions.

However, you may decide you have grounds for appeal other than those set out above.

4.4. Notice of Appeal

You should:-

- 4.4.1 Write to, or telephone, the Clerk to the Governors at the School in the first instance. The Clerk is neither a member of the Admissions Committee nor the Appeals Panel and will be willing to give you impartial advice on the grounds for a successful appeal.

This Policy was ratified by the Governing Body on 13th July 2022

- 4.4.2 Ask the Clerk to send you a Notice of Appeal form which you must fill in and return to the Clerk at the School address.
- 4.4.3 Ensure, where possible that this is requested from the Clerk by the published deadline.
- 4.4.4 Specify the grounds on which you are making an appeal.
- 4.4.5 Ensure that as far as possible you send, with your notice of appeal, copies of documents you intend shall be considered at the meeting in support of your appeal.

4.5. Appeals Panel

The Appeals Panel must be established and must proceed in accordance with the School's Instrument and Articles of Government and the new DfE School Admission Appeals Code 2012.

- 4.5.1 The Chairman will be independent of the School and its Governing Body but will be someone who is experienced in education or acquainted with educational conditions in the area.
- 4.5.2 The Panel will consist of three members: one of whom will be lay member who has no connection with the management or provision of education in any school.
- 4.5.3 No-one who was a member of the Admissions Committee that took the original decision over admissions may be a member of the Appeals Panel;

The Clerk to the Panel will be there to give independent advice on procedure, on law, to record the proceedings and to order the business of the Panel. The Clerk has no role to play in the decisions made by the Panel; he or she is not a member of the Panel but attends all stages of the hearing in order to carry out the duties described. The Clerk to the Panel will write to you as soon as possible to inform you of the decision of the Panel.

4.6 Appeals Hearing Date

- 4.6.1 You will be notified by the Clerk to the Governors of the date for the Appeals Hearing. Normally this will be fourteen days before the proposed date and all appeals will be heard within the timescale set in the Appeals Code (2012).
- 4.6.2 No less than five working days before the hearing, the Clerk to the Governors will send you a written statement of the School's case in respect of your appeal and any relevant background material. Similarly you should provide the Clerk to the Governors with copies of any documents you intend to refer to at the hearing and which you have not already sent under 4.4.5 above.

4.7 Appeals Hearing Proceedings

- 4.7.1 Appeals will normally be held in private but a member of the Council of Tribunals may attend as an observer.
- 4.7.2 Where there are several appeals to be considered each case will be heard individually, and the procedure will be as set out below. Where there are a large number of appeals it may be the case that the presenting officer for the Admissions Committee

presents its general case in the presence of all or groups of parents (and any representatives).

4.7.3 The presentation of the case for the appellant will be given individually.

4.7.4 The appellant (the parent or guardian) will have the opportunity of appearing at the Appeals Hearing and making oral representation; the appellant may, at their own expense, engage an interpreter to assist in the presentation of his/her case (or to ask the school to provide this service); the appellant is allowed to be accompanied by a friend or representative. The Headteacher, Governing Body and the Admissions Committee of the Governing Body are allowed to attend and to make oral or written representation directly or through a representative, but only in specific and limited circumstances controlled by the Panel.

4.7.5 All participants in the meeting will be introduced to each other and the role of the Clerk will be explained. The procedure to be followed will also be explained.

4.7.6 The order of proceedings will be:-

- i. Presentation for the case of the Governing Body delivered by the presenting officer (Admissions Committee) (see 4.7.2 above)
- ii. Presentation of the evidence of any person called in support of the case of the Governing Body (Admissions Committee)
- iii. Questioning by the Panel and/or the appellant and/or their representative
- iv. Presentation of the case for the appellant (see 4.7.4 above)
- v. Presentation of the evidence of any person called in support of the case of the appellant
- vi. Questioning of the case for the appellant by the presenting officer and/or the Panel
- vii. At any time the members of the Appeals Panel or the Clerk to the Panel may ask questions if they need clarification of what is being said or if they need more information
- viii. Both parties are given the opportunity to sum up, with the appellant speaking last.

4.7.7 At this point all persons except the Panel members and the Clerk shall retire while a decision is made. The Clerk will play no part in the decision-making process. The appellant will be informed in writing of the Panel's decision.

4.8 Decisions of the Appeals Panel

4.8.1 The School's Admissions Committee has a duty of the Articles of Governance, to comply with an application for admission made by parents on behalf of their child except in the following limited circumstances:-

- i) the child has a statement of special educational needs which specifies attendance at a school other than Swakeleys School for Girls; (the "named" school)
- ii) the child's admission to the school would be incompatible with the approved admissions arrangements;
- iii) the Admissions Committee is fairly and reasonably satisfied that acceptance of the

application would prejudice efficient education or the efficient use of resources.

4.8.2 In making its decision about your appeal, the Appeals Panel has first to be satisfied that at least one of these sets of circumstances is fulfilled. If it is not satisfied, then your appeal automatically will be upheld because of the school's duty (see 4.8.1) to comply with the application you made on behalf of your child. In this sense, the onus lies on the Admissions Committee to satisfy the Appeals Panel that at least one of the sets of circumstances mentioned in 4.8.1 above applies.

4.8.3 In the circumstances referred to in 4.8.1i, the Appeals Panel is required to make a judgement based upon the contents of the statement of special educational needs. If the Appeals Panel is satisfied that attendance at another school is specified, then your appeal will be turned down; if it is not satisfied, your appeal will be upheld and a place at Swakeleys will be allocated to your child.

4.8.4 In the circumstance referred to in 4.8.1ii, the Appeals Panel is required to make a judgement as to whether your child's application does or does not meet the requirements for admission on medical, sibling or geographical grounds published in the composite School's Prospectus or any other grounds they deem reasonable.

- i) If the Appeals Panel decides that, notwithstanding the case made by the Admissions Committee, your child's application does meet those requirements then the appeal will be upheld and a place at the School will be allocated to your child.
- ii) If the Appeals Panel decides that, notwithstanding the case you have made, your child's application does not meet those requirements then it will go on to consider your appeal under the set of circumstances referred to in 4.8.1iii above.

4.8.5 In the circumstances referred to above the Appeals Panel is required to consider your appeal in two distinct stages:

- i) The Factual Stage:- the Appeals Panel must decide whether prejudice to efficient education or the efficient use of resources would occur if places are allocated to more than 240 children (the number who must be admitted under the admissions criteria each year 7 intake). If the Appeals Panel decides that there would be no prejudice, then your appeal will be upheld and a place the School will be allocated to your child. When there are several appeals to be considered, the Appeals Panel is required to decide how many places (if any) can be allocated without prejudice to the school and will have to decide from its list of priorities (established during the course of the appeals hearings) to which children such places should be allocated. If your child is one of those given high priority in these circumstances by the Appeals Panel, then a place at the School will be allocated to her.

- ii) The Balancing Stage:- When the Appeals Panel is satisfied that the admission of

more than 240 children under the admissions criteria would cause prejudice to efficient education or the efficient use of resources it has a further duty to decide which (if any) appeals should be upheld because of the personal circumstances presented by the appellant despite the prejudice which would occur to the school. The Appeals Panel may decide that, on balance, the disadvantages to be experienced by other children in the School (as a result of more than 240 being admitted under the criteria) will be outweighed by the advantage to be gained by your child in being allocated a place; in these circumstances your appeal will be upheld and a place at Swakeleys allocated to your child. If the Appeals Panel decides that, on balance, the disadvantages to other children outweigh the advantages to be gained by your child, then the appeal will be turned down.

- 4.8.6 Decisions by the Panel on the appeals of all parents or guardians (if there are more than one) will be made at the same meeting of the Panel (which may not be on the same day as the hearing if several appeals are to be heard).
- 4.8.7 The decisions of the Appeals Panel are binding upon the Governors and parents.
- 4.8.8 Following the decision of the Appeals Panel, parents may contact the Local Government Ombudsman (21 Queen Anne's Gate, London SW1H 9BH) who will investigate written complaints about maladministration on the part of the Appeals Panel. This is not a right of appeal and has to relate to issues such as excessive delay, rather than just that the person making the complaint thinks that the decision is wrong. Only if the Ombudsman finds there was 'maladministration' does he/she have the authority to propose a fresh appeal.
- 4.8.9 Judicial review is possible under limited circumstances.

4.9 Help with your Appeal

Appealing against the decision of an admission authority can be stressful and challenging for parent(s)/carer(s). The school is very sensitive to this fact and is always prepared to assist in the logistics and general preparation of your appeal. The school is unable to offer specific or legal advice/recommendations as this is the responsibility of the appellant. There is specific advice and practical help available from a number of organisations and sources which are better qualified than the school or any members of its staff in this area.

Examples of these organisations and sources are:

The Advisory Centre for Education (ACE) LTD ACE publishes a useful booklet called "Appealing for a School". A copy can be downloaded from their website at www.ace.ed.org.uk/contact-us/
Tel: 08088005793

E mail: enquiries@ace-ed.org.uk

A choice advice service is available via your local authority and choice advisors can support you through the appeals process, particularly at the application stage and then preparing your appeal.

5. Monitoring

This Policy was ratified by the Governing Body on 13th July 2022

The Headteacher along with the Presenting Officer, are responsible for monitoring this policy in this action.

6. Evaluation

This policy will be evaluated as and when Appeals are heard.

7. Review

This policy will be reviewed every two years by the Curriculum and Pastoral Sub Committee and ratified annually by the Full Governing Body of the Academy Trust.