

CROYDON EDUCATION APPEALS SERVICE

EDUCATION ADMISSION APPEAL RULES OF PROCEDURE

- 1. Under section 94(1) and (2) of the School Standards and Framework Act 1998("the Act"), parents have the right to appeal against an admission authority's decision refusing their child admission to a school. These Rules are made under section 84(3) of the Act with due regard to the Admissions Appeals Code of Practice. These rules apply to appeals submitted on or after 1 March 2008.**
- 2. Some of these rules require certain things to be done within a number of "working days" or "school days". A "working day" is any day except Saturday, Sunday or a day when the Admissions Authority offices are closed for a holiday. A "school day" is any day except a day when the school is in recess and includes a training day. In these rules a "parent" includes any person who is not the parent of a child but who has parental responsibility for him (as defined by the Children Act 1989) or who has care for him. An "Admission Authority", for community and voluntary controlled schools is the Council (unless the Council has delegated this duty to the Governing Body). For Voluntary Aided schools, Trust schools, Foundation schools and Academies, the "Admission Authority" is the Governing Body of the school.**

Making an Appeal

- 3. Any parent can appeal to the Admissions Appeal Panel. Appeal Panels will often have to handle appeals from a number of parents who all wish their children to be admitted to a particular school. In these circumstances the Education Appeals Clerk may arrange for one Panel with the same members to consider all the appeals for that school.**
- 4. If you want to appeal you must apply in writing to the Education Appeals Clerk. Your appeal can be made on a form supplied by the Education Appeals Clerk, but it does not have to be.**
- 5. Your appeal must state your name and address and the school appealed for and must make clear the grounds of appeal. If your appeal does not make this clear, the Education Appeals Clerk must ask you for more information. If you do not give this information, the Education Appeals Clerk may turn down your appeal.**
- 6. If the Education Appeals Clerk thinks your appeal is not one that the Panel has power to deal with, the Officer will turn down your**

appeal. The Officer must explain why your appeal has been turned down.

7. Unless the Education Appeals Clerk turns down your appeal, the Officer must send a copy of it to the Admissions Authority. The Officer must do this not more than 5 working days after receiving your appeal. If your appeal is not complete or is not clear and the Officer has to ask you for more information your appeal will be treated as if it has not been received until the information is provided.
8. A copy of your appeal must be sent to the Admission Authority not more than 5 working days after the Officer receives the full information.
9. When a copy of your appeal has been sent to the Admissions Authority, the Education Appeals Clerk will write to tell you that this has happened. Not more than 5 working days after you receive the letter you must send the Education Appeals Clerk a copy of any letter or document that you have that has anything to do with the appeal. If you fail to comply with this rule your appeal will still be heard by the Panel but the Panel may adjourn in order to allow the panel and the Presenting Officer the opportunity to consider the late information.

How the Admission Authority Replies to an Appeal

10. If the Admissions Authority is sent a copy of an appeal that a parent has made, the Admissions Authority must reply to it.
11. The Admissions Authority's reply to an appeal must be in writing. In that reply the Admissions Authority must comply with paragraph 2.19 of the Schools Admissions Appeal Code and in particular you must provide a written statement summarising how places at the school were allocated and summarising the reasons for the decision appealed against.
12. The letter sent to the Admissions Authority will also give information about the date set aside for hearing the appeal. The reply must be sent to the Education Appeals Clerk at least 10 school days before the hearing date.
13. With the reply the Admissions Authority must send the Education Appeals Clerk a copy of any letter or document you have as specified in paragraph 2.19 of the Admissions Appeal Code of Practice. In particular, the Admissions Authority must send a copy of the parents' appeal form and a copy of the decision letter.

Before the Panel Meeting

14. The Admissions Appeal Panel will normally meet to consider the appeal not more than 30 school days after the date the Education Appeals Clerk received a valid appeal. If the Officer has to ask the parent for more information before the appeal can be accepted, the Panel must meet not more than 30 school days after the date the Education Appeals Clerk received the requested information.
15. The Education Appeals Clerk must give the parent, the Presenting Officer and anyone representing them at least 7 working days notice of the hearing (not including the date of the hearing or of sending out the papers) and notice of when and where the Admissions Appeal Panel will be meeting. Documents may be sent electronically but only with the agreement of all the parties concerned. When documents are sent electronically by the Clerk, they will be sent in pdf format.
16. The Education Appeals Clerk must send the parent and the Admissions Authority (or a person representing them) copies of any letters or documents which the other side has sent to the Officer. The Officer will not sift out what they consider to be inappropriate material
17. Parents may be represented by a friend, adviser, interpreter or signer who may speak on their behalf at the hearing. If a parent intends to be represented at the hearing the parent must tell the Education Appeals Clerk, not less than 5 working days before the Panel meets. The Education Appeals Clerk will tell the other side not less than 3 working days before the Panel meets.

Postponing the hearing

18. If you ask for the hearing to be postponed, the Education Appeals Clerk can postpone it if the other side agrees.

Withdrawing the Appeal

19. An Appeal can only be withdrawn if the parent requests this in writing.

The Admissions Appeal Panel Hearing

20. An Admissions Appeal Panel hearing can have three or five members: each panel must have at least one lay member and at least one person with experience in education or who is a parent of a registered pupil at a school.

21. The pool from which a panel has to be appointed must include persons without personal experience or provision of education in any school. It is permissible to have persons who have experience as governors of other schools, or who have been involved in education in any other voluntary capacity(“lay member”) also persons with experience of education who is experienced with educational conditions in the area or who is a parent of a registered pupil at a school(“experienced member”).

22. A teacher or a teaching assistant must not sit on a panel hearing an appeal against decisions about admissions to their school.

A person must not sit on an a panel considering an appeal against a decision if they were amongst those who made the decision, or provided information which contributed to the decision.

23. A person must not sit on a panel if the appeal concerns parents who are connected in any way with the person’s business or social interests.

24. A person must not sit on a panel if the appeal is one where the person has previously assisted or advised the parent.

The Panel Meeting

25. The Admissions Appeal Panel is to be chaired by one of the members of the Panel.

26. The Admissions Appeal Panel must not consider a dispute in the absence of any member of the Panel.

27. The Education Appeals Clerk or another qualified member of the Democratic Services Team is to attend meetings of the Admissions Appeal Panel as a clerk.

28. If the parent or the Admissions Authority fails to attend the meeting of the Admissions Appeal Panel, the Panel can still go ahead and consider the appeal.

29. Subject to rules 32 and 33 below the Admissions Appeal Panel can adopt whatever procedure seems appropriate as long as the Panel allows both sides to put their case fully and makes sure that both sides have a fair and reasonable hearing without unreasonable interruption. In particular, the Panel must allow both sides to attend, to see all written material and evidence, to be represented, to be accompanied by a friend or adviser, to bring witnesses and to put questions to witnesses brought by the other side.

- 30. A Member of the Council ("a councillor") may not be the adviser, friend or representative of either party.**
- 31. All appeals, other than those against decisions made on grounds of infant class size prejudice must follow a two stage process consisting of a first stage, establishing the facts and a second stage, balancing the arguments as set out in paragraphs 3.1 to 3.6 of the School Admissions Appeal Code.**
- 32. In the case of infant class size appeals the Appeal Panel will follow the process set out in paragraphs 3.20 to 3.26 of the School Admissions Appeal Code**
- 33. Unless the parent, the Admission Authority and the Panel agree otherwise, only the following people can be present while the Panel meets: The Parent and the parent's friend, interpreter, adviser or representative; the Admission Authority Presenting Officer and one additional representative; witnesses; members of the Administrative Justice Tribunals Admissions Authority (AJTC); and staff of the Democratic Services Team.**
- 34. The Admissions Appeal Panel can adjourn or, if it seems more convenient, decide that the appeal should be considered anew by a different Panel.**

Multiple Appeals

- 35. Where the Clerk receives multiple appeals for the same schools for pupils starting infant or transferring to secondary schools, the appeals may be grouped together and heard by the same panel over a period of days in accordance with rules 36 to 39 below.**

Grouped multiple appeals

- 36. Grouped multiple appeals are where the Presenting Officer's case in respect of the school is heard once for the first stage of the appeal in the presence of all parents, including any representatives, who may question the case.**
- 37. If the panel concludes that prejudice exists, it will be necessary to move to the second stage. At this stage, the appeals of all the parents must be heard individually without the presence of the others, and be given consideration of whether the admission arrangements were properly applied. Decisions will not be taken until all the appeals have been heard.**

Individual multiple appeals

- 38. Individual multiple appeals are where the Presenting Officer presents the case at the first stage, followed immediately by the individual parent's case in the order of the hearing set out above. In these circumstances, the panel will hear the admission authority's case repeatedly for each parent. Where there are large numbers of appeals, the Education Appeals Clerk may decide, to arrange grouped multiple appeals.**
- 39. During the first stage, where the Presenting Officer is arguing that prejudice would arise, the case will always be the same. At the start of the hearing, the clerk must explain that the Presenting Officer must not produce new evidence or expand on the case in subsequent appeals, as parents whose cases were heard earlier in the process will not have had an opportunity to consider and respond to that new evidence. However, if significant new evidence comes to light during the questioning of the Presenting Officer, the clerk must ensure that the panel considers what bearing that evidence may have on all previous and subsequent appeals and advise the panel on how to proceed fairly. This may entail adjourning the hearing to give all parents the opportunity to consider and challenge the new evidence.**

The Panel Decision

- 40. Whilst the Panel is considering its decision, everyone except the Panel members and the clerk must go out of the room. The Panel may also request the clerk to leave during any part of their discussions, but the clerk must be present when the decision is made and also when it is announced.**
- 41. If all the members of the Admissions Appeal Panel cannot agree on their decision, the decision of the majority is to be the decision of the Panel.**
- 42. The Admissions Appeal Panel must record its decision in writing and include in that decision its findings on material questions of fact and its reasons. If the decision is not unanimous, the decision must include the reasons for the minority's dissent.**
- 43. A copy of the decision must be sent to both sides within 3 working days of the meeting of the Admissions Appeal Panel.**
- 44. Admissions Appeal Panel decisions are not public documents and will not to be made available by the Education Appeals Clerk for the public to inspect.**

45. If the Panel's decision contains clerical errors or omissions, these can be corrected at any time with the authority of the Chair of the Panel.
46. The Panel may authorise the payment of the travel and other out of pocket expenses of the parent where it feels it appropriate to do so.

Urgent Appeals

47. If a dispute can reasonably be regarded as "urgent" the Education Appeals Clerk can reduce any of the non statutory time limits set by these Rules.