

Appeal Hearings.

Appeal Hearings are convened on behalf of Governing Bodies of VA schools by Diplomatic Services once an Appeal has been received.

The Appeal Panel are independent and have no knowledge of the school or area. The number of members of the panel will vary depending on the number of appellants but normally there are three. For a panel of three, two members of the panel must have experience of working in education and the third is a 'lay' person. Appeal panel members receive extensive training.

A neutral venue, close to where the appellants live, is selected by Diplomatic Services. Appeals are not held in the school concerned.

The order and nature of an admissions appeal hearing.

1. The Chairman of the Panel welcomes everyone and introduces the members of the panel, the representatives from the school and the appellants. The Chairman then outlines and explains for the appellants the procedures which will be followed and, where appropriate, refers to the limited scope of an infant class size appeal.
2. The Presenting Officer for the school then makes the case for the Governing Body. The Appellant and Panel will have already had a copy of the Governors statement.
3. The Presenting Officer will then be questioned by the panel and the appellant. Whilst there can only be one presenting officer a member of the senior management team, usually the Headteacher, will be able to answer more specific questions about the organisation of the school.
4. The appellant can then make their case to the panel. The Governing Body and Panel will have already received the appellant's statement.
5. The appellant can then be questioned by the Panel and the Presenting Officer for the Governing Body.
6. The Presenting Officer will then sum up the case for the school to the panel.
7. The appellant will then sum up their case to the panel.

The Chairman will always try and create as informal an atmosphere as possible to allow the appellant to relax however, this is a formal hearing which will be clerked by Diplomatic Services and records kept to ensure correct procedures were followed.

Reaching decisions on appeals.

Appeal Panels must follow the two stage process as set out below for all appeals **other than** those against decisions made on the grounds of infant class size prejudice (see below)

Stage one: establishing the facts, at which the panel considers whether the schools published admissions arrangements:

1. comply with the mandatory requirements of the School Admissions Code and Part 3 of the SSFA 1998.
2. were correctly applied in the individual's case, and decides whether 'prejudice' would arise were the child to be admitted. If this is proved, the panel moves on to the next stage.

Stage two: balancing the arguments, at which the panel exercises its discretion, balancing the degree of prejudice to the school against the appellant's case for the child being admitted to the preferred school, before arriving at a decision.

Infant class size appeals.

Where a child has been refused admission to a school on infant class size prejudice grounds, an appeal panel can only offer a place to a child where it is satisfied that either:

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 SSFA 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.