

School Appeals Update

Governance - 6 February 2023

Presenters:

Laura Gittos
Head of Governance

Jaswinder Kaur
Democratic Services and Systems
Manager

[wolverhampton.gov.uk](https://www.wolverhampton.gov.uk)

School Appeals

Under section 94 of the School Standards and Framework Act 1998, responsibility for making arrangements for appeals against the refusal of a school place rests with the admission authority of the school. The admission authority and appeal panel must act in accordance with The School Admission Appeals Code 2022, the School Admissions (Appeal Arrangements) (England) Regulations 2012, the School Admissions Code, other law relating to admissions, and relevant human rights and equalities legislation, for example, the Equality Act 2010.

The following table sets out the admission authority and appeals authority for each type of school in England.

Type of school	Who is the admission authority	Who is responsible for arranging an admission appeal
Academies	Academy Trust	Academy Trust
Community schools	Local Authority	Local Authority
Foundation schools	Governing body	Governing body
Voluntary aided schools	Governing body	Governing body
Voluntary controlled schools	Local Authority	Local Authority

The School Appeals Unit in Democratic Services is responsible for administering the arrangements for appeals for primary and secondary schools. The unit currently provide the appeals service to 72 schools.

An Independent Appeal Panel is made up of people who have no connection at all with the original decision. It is the responsibility of the relevant admission authority to convene the panel, including appointing a clerk.

School Appeals

Admission authorities must set a timetable for organising and hearing appeals. It is the responsibility of the admissions authority to ensure that appeals lodged by the appropriate deadlines are heard within the following timescales:

Deadline to hear appeal in the normal admission round	Must be heard within 40 school days of the deadline for lodging appeals.
For applications made in the normal admissions round	Appeals must be heard within 40 school days of the deadline for lodging appeals.
For late applications	Should be heard within 40 school days from the deadline for lodging appeals if possible, or within 30 school days of the appeal being lodged.
For applications for in year admissions	Must be heard within 30 school days of the appeal being lodged.
Notification of appeal date to appellant	Must provide written notification of the date and arrangements no later than 10 school days before the hearing.
Notification of Decision	Must communicate the decision of each appeal, including the reasons for that decision, in writing to the appellant, five school days of the hearing wherever possible.

School Appeals Arrangements

Appeal Hearings	<ul style="list-style-type: none">• The new Appeals Code allows appeal hearings to be held remotely by video conference.• The Council conducts appeals using Microsoft Teams.• This provides appellants and panel members greater flexibility to join hearings.• The appellant can request for the hearing to take place in person and the team will accommodate the request.
Reasonable Adjustment	<ul style="list-style-type: none">• The appellant will be asked whether they need any reasonable adjustments to be made in order to take part in the appeal, for example, if they need a BSL or language interpreter or another reasonable adjustment relating to a disability.
Attending the Hearing	<ul style="list-style-type: none">• The appellant is encouraged to attend the hearing and present their case in person.• If the appellant is unable to attend and informs the team in advance of the hearing, the team will reschedule the hearing.• If the team have not been notified beforehand, the panel will determine whether to proceed and a decision made based on the written information sent in.
Papers for Appeals	<ul style="list-style-type: none">• Before the appeal, the appellant will be sent the appeal papers. These include all documents submitted by the appellant and the school's statement of case where they set out why they refused the appeal.

School Appeals

What happens at the appeal hearing

An independent panel of three people will decide whether the appeal is successful or not and must follow the [school admission appeals code](#).

1. The admission authority/school will explain why they did not offer your child a place.
2. The panel check if the admission authority/school applied its admission policy correctly and if the policy follows the admissions code.
3. If the admission authority/ school have done everything correctly, the parent/guardian will explain to the panel why they should give their child a place at preferred school.
4. The appeals panel must decide if the school's admission criteria were properly followed and comply with the [school admissions code](#).
5. If the criteria were not properly followed or do not comply with the [school admissions code](#) your appeal must be upheld.
6. If your reasons for your child to be admitted outweigh the school's reasons for not admitting any more children at all, your appeal will be upheld.

What happens after the hearing

1. The clerk will send out a decision letter within 5 school days where possible. If the panel is hearing a large number of appeals for the same school, this may delay the decision letter. This will be advised at the time of the hearing.
2. The decision of the appeal panel is binding and only the courts, by way of a judicial review, can overturn a decision.
3. If a parent/guardian think that the council or the panel have not followed proper procedures in the appeal hearing, they can complain to the [Local Government Ombudsman](#). They can't overturn the decision but they can ask for the appeal to be heard again.

School Appeals – Development Plan

A review of the School Appeals Unit has been conducted by the Head of Governance and Democratic Service and Systems Manager. The below table outlines the developments being taken forward.

Development	Details
Structure of the School Appeals Unit	<ul style="list-style-type: none">• Detailed review and improvements of all job descriptions and person specifications for employees in the School Appeals Unit.• Two additional posts have been advertised to improve resilience and add extra capacity and assistance with peak periods.
Training and Development	<ul style="list-style-type: none">• Refresher training will be delivered to Clerks and Panel Members.• All employees will attend customer services, body language and how to deal with difficult situations training due to the emotional nature of the role, and to ensure the parent is supported during what is a difficult period.
Processes	<ul style="list-style-type: none">• Updating existing processes for administration and reporting of appeal activities.• Focus on the customer, and as a result deliver a better overall service.• Release resource to areas of priority.• Build capacity within the service.• Learn from and apply best practice.
Recruitment of Independent Panel Members	<ul style="list-style-type: none">• Increase number of panel members.• On-going recruitment campaign of panel members.• Developing a recruitment campaign plan.

wolverhampton.gov.uk