

# **KING'S NORTON BOYS' SCHOOL**

## **CONSTITUTION AND PROCEDURE OF THE ADMISSIONS APPEALS PANEL**

### **INTRODUCTION**

- 1 This Panel was constituted by the Governing Body in accordance with the Code of Practice on School Admissions, which was established under Section 84 of the School Standards Framework Act 1998.
- 2 The Admissions Appeals Panel comprises three members, one of whom must be a Lay Member (someone without personal experience in the management or provision of education in any school) and one member must have personal experience in education. The third member may be from either category and one member shall act as Chairman.

### **PROCEDURE**

- 3 The Clerk to the Governing Body, or representative, acts as the Panel's Clerk. The Clerk is responsible for convening meetings of the Panel at a time suitable to the members and any individuals appearing before it, circulating to members before the meeting all the relevant papers, making a record of the proceedings of the meeting, and recording the Panel's decisions and the reasons for them. The Clerk will not participate in the deliberations of the Panel but will be present at that time to advise on procedural matters.
- 4 The parents will have been advised of the reason why their application for their child to attend King's Norton Boys' School had not been granted.
- 5 When parents have been advised of the unsuccessful outcome of their application for their child to attend King's Norton Boys' School, parents would also have been informed that they can give notice of appeal. Those parents who so do will be sent an Appeals Package. This will consist of:-
  - (a) an Admission Appeals Form and the date by which it must be returned
  - (b) this copy of the Constitution and Procedure of the Admissions and Appeals Panel
  - (c) a copy of the Criteria For Admission.
- 6 The Clerk is responsible for ensuring decisions are received by the appellant.

### **BASIS OF APPEAL**

- 7 The Governing Body, through the Headteacher, has a duty to comply with an expressed parental preference of parents for their child to attend King's Norton Boys' School unless to do so would:-
  - (a) prejudice the provision of efficient education or the efficient use of resources

- (b) be incompatible with the approved admission arrangements.

## **NOTICES OF APPEAL - PROCEDURE FOR PARENTS**

- 8 An appeal should be made in writing to the Clerk of the Panel setting out the grounds on which it is made.
  - 9 The appeal should be accompanied by any copy documents which the appellant intends to produce.
  - 10 The appeal must be received within twenty-one (21) days from the date on which the Appeals Package was despatched.
  - 11 Appeals received after the deadline will not be accepted unless extenuating circumstances can be clearly demonstrated.
  - 12 On receipt of a notice of appeal by parents, the Appeals Panel:
    - (a) shall afford the appellant the opportunity of appearing and making oral representation;
    - (b) may allow the appellant to be accompanied by a friend/adviser or be represented by a friend/adviser;
    - (c) shall allow the Headteacher to make written or oral representations.
- The Panel, through its Clerk, should encourage parents to attend to present their case but can, however, be advised:
- (d) that they may elect not to attend, in which case the Panel would rely on their written statements;
  - (e) that, otherwise, if they do not attend and it is not reasonably practical to offer an adjourned hearing date, the appeal will have to be held and decided on what information is available.
- 13 Unless the appellant has consented in writing to a lesser period, the appellant should be given at least fourteen (14) days' notice of the date of the meeting of the Panel at which the appeal is to be heard.
  - 14 At least seven (7) days before the hearing the Clerk to the Governing Body will despatch to the parent copies of further information or documents which are to be put before the Appeals Panel. Substantial new issues raised for the first time at the hearing may have to be adjourned to allow any party taken by surprise to consider the issues.

## **ORGANISATION OF APPEALS**

- 15 The Governing Body wishes to emphasise the over-riding need for fairness to each individual, and the need to ensure that each appellant is exercising a genuine right of appeal.
- 16 For those reasons it may well be the Appeals Panel would wish to consider all appeals before making and announcing any decisions.
- 17 As the Governing Body has decided that the Appeals Panel should have a membership of three persons, the absence of any member during the

proceedings and when a decision is reached, may invalidate those proceedings. The decision on an appeal must be taken by the full Panel. If, therefore, a member has to withdraw before the decision has been reached, a new Panel will need to be appointed to consider the appeal.

## **CONDUCT OF HEARINGS**

- 18 The atmosphere at a hearing should be one of informality where the parties can put their case simply.
- 19 At the start of the hearing the Chairman will welcome the parties, introduce those present, explain the Clerk's role (i.e., giving procedural advice to the Panel, recording its decisions and the reason(s) for them, notifying the parents accordingly but not taking any part in the decision-making process), stress the informal nature of the proceedings, and state that the decisions of the Appeals Panel are binding upon the Governing Body.
- 20 The Order of Hearing will normally be:
- (a) the case for the Governing Body, usually given by the Headteacher or another designated teacher;
  - (b) questioning by the parent;
  - (c) the case for the parent;
  - (d) questioning by the Governing Body;
- (Any member of the Panel may ask questions at any time if they require clarification of what is being said or if they need more information in order to reach a decision, but such questions must be put before the summing-up process commences);
- (e) summing-up by the Governing Body;
  - (f) summing-up by the parent.
- NB The Panel should never allow oral information to be submitted to them in the absence of the appellant, nor should it consider written matter unless it has been sent by the appellant.

## **PRIVATE HEARINGS**

- 21 All appeals shall be heard in private.
- 22 There may be occasions when the Panel is hearing more than one admissions appeal in relation to the school, in which case the Governing Body may present its general case in the presence of all parents, the Chairman explaining the procedure to those parents present. All the parents in turn, and in each other's presence, may be invited to question the Governing Body's representative on what has been said. Thereafter:-
- (a) the appeals shall be held individually with the Governing Body limiting the application of its admissions policy to each individual case, with parents completing the questioning by dealing with points peculiar to their own child.

- (b) if such appeals arise because of over-application for the number of places available, they should be dealt with fairly. Therefore, the Panel will adjourn its decisions until all hearings have taken place, then consider their decisions and issue them.

## **DECISIONS OF THE APPEALS PANEL**

- 23 The decision of the Panel on any appeal is binding on the persons concerned and on the Governing Body.
- 24 The decision of the Panel and the grounds on which it was made shall be communicated by the Panel in writing to the appellants, to the Governing Body and to the Headteacher.
- 25 The decision should state in relation to an unsuccessful appeal that admission to the school cannot be given for whatever reasons were accepted by the Panel, specifying e.g., if the admission would prejudice the provision of efficient use of resources or be incompatible with the approved admission arrangements.
- 26 In either event the decision should be fully and clearly expressed and be capable of being understood by a lay person.
- 27 The decision should be communicated by the Clerk.
- 28 Parents should be aware that a complaint may be made to the Secretary of State for Education if they consider the Governing Body has acted unreasonably or failed to discharge duties imposed on them by Education Acts in exercising all the relevant responsibilities falling upon it in relation to admission to the school.

Parents should note, however, that the Secretary of State should not be regarded as a further "court of appeal" in terms of dissatisfaction with the decision of the Admissions Appeals Panel; his responsibilities are concerned with specific complaints as indicated in the previous paragraph and his powers of intervention are limited.

## **DEFINITION OF TERMS**

- 29 In this Memorandum the term 'parents' is deemed to include the guardians of a child, and whilst used in the plural, applies equally to one-parent families.