

Manor Park Primary School



GENERAL INFORMATION ON THE SCHOOL APPEAL PROCESS

Date of last review: September 2021

Reviewed by: *Governors*

Agreed by *Governors*: October 2021

Shared with all staff: October 2021

Frequency of review: *Annually*

Date of next review: September 2022

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GENERAL INFORMATION ON THE SCHOOL APPEAL PROCESS

1. The Appeal Panel, although appointed by the City Council, is in law an independent body, and **not** part of the City Council.
2. The time of your remote appeal hearing is shown in the attached letter. You are asked to be available a few minutes before this time, so that the remote hearing can begin on time. You will have received 14 calendar days' notice of the appeal date unless you have waived this right.

There may be other appeals to be heard for the same school. If this is the case no decisions will be made until all of the appeals for the school have been heard.

Every effort is made to arrange hearings when parents can attend. However, because of the number of appeals that have to be heard, it is not always possible to guarantee that all appeals will be heard on the days when all parents are available.

3. **You have the right to attend the remote hearing of your appeal.** A friend or representative may accompany you at the remote hearing. You are free to have legal representation if you wish, but this ought not to be necessary. A representative of the school in question cannot attend the remote hearing in the capacity of friend or advisor. It is important to bear in mind that the remote hearing is not intended to be a platform for a debate on the law. If you find it hard to understand English you may request that someone is with you at the remote hearing who can interpret or we can arrange an interpreter for you if you indicate on your appeal form that you need an interpreter.

If you do intend to be accompanied at your remote hearing please notify Mrs Julie Bowell, telephone 024 76972647 or e-mail julie.bowell@coventry.gov.uk before the remote hearing date. Mrs Bowell will require the name, telephone number and email address of the person you wish to attend the hearing with you.

All parents are encouraged to attend the remote appeal hearing.

Please bear in mind that the remote hearing is your chance to put your case, so do use the opportunity to say as much as you can in support of your appeal both on the appeal form and at the remote hearing.

The remote appeal hearing is intended to be as informal as is possible to help parents feel relaxed and able to say what they wish to say to the panel. The order of the remote hearing is on an attached sheet (Order of remote hearing).

4. You may call witnesses to speak in support of your appeal, but written evidence in the form of a letter can be submitted to the appeal panel and should be provided to Mrs Julie Bowell at least 3 working days before the remote hearing is due to take place.

If your appeal is based on you moving house it would be helpful if you could provide evidence of the move e.g, a letter from your Solicitor indicating that contracts has been exchanged and when you will be moving house.

If there are medical reasons for your appeal, then these reasons should be supported by a report from your doctor. As this information is confidential to the patient it is your responsibility to provide this - you will need to provide any supporting information at least 3 working days before the remote hearing. Data protection prevents the panel from contacting any medical professional to verify any medical information on which you rely.

If you wish to send these letters in after your appeal form is submitted, please note any further evidence that you wish to put before the Panel must be submitted to us 3 working days before your remote hearing date. Any evidence received after this date may be refused by the Panel or your remote hearing adjourned to a later date so that all parties can consider the evidence properly.

5. **If you cannot attend the remote appeal hearing**, or decide not to do so, your appeal may be decided on the information available to the appeals panel, including the appeal form and any other written information you have sent in for the appeal panel to consider.
6. Your appeal will be one of two types:

Two Stage Appeal

The first part will be a factual stage when a Presenting Officer from The Education Authority will present their case, explaining why your child has not been able to gain a place at your preferred school. You may question this information or raise new issues but at this stage it is all about the effects on the school to have more children and not about your individual case. (This information is from the General Address and Statement which is attached)

The second part of the remote appeal is where the Panel will ask you to present your case giving all relevant information that supports your case. Once you are satisfied you have given the Panel all of the information you feel they need in relation to your appeal, the remote hearing will end.

The Panel will then decide, based on the evidence provided by the Education Authority, if the admission arrangements comply with the law and have been correctly applied. They also consider whether it would prejudice the efficient education or efficient use of resources if any more children were admitted to the school, this is called establishing prejudice. If they do not find prejudice your child would be given a place.

If the Panel do find prejudice, the Panel will then consider the evidence you have provided and make a decision on whether your case outweighs the prejudice they had decided would occur.

Infant Class Size Years R, 1 & 2 (Key Stage 1) where there are classes of 30 pupils to one Teacher

The Presenting Officer will present the case for the Education Authorities case, explaining why Infant Class Size is applicable. You will then present your case and give any relevant information to support your case. In this type of appeal the Panel can only uphold an appeal in very limited circumstances:

PLEASE NOTE: Where a child has been refused admission to a school on "Infant Class Size Prejudice" grounds, an Appeal Panel may only uphold where:

- a) It finds that the admission of an additional child/ children would not breach the infant class size limit; or
- b) It finds that the admission arrangements did not comply with admissions law or were not correctly and impartially applied and the child would have been offered a place if the arrangements had complied or had been correctly and impartially applied; or
- c) It decides the decision to refuse admission was not one which a reasonable admission authority would have made in the circumstances of the case.

The Panel **must** dismiss the appeal where:

- a) It finds that the admission arrangements did comply with the admissions law and were correctly and impartially applied; or
- b) It finds that the admission arrangements did not comply with the admissions law or were not correctly and impartially applied but your child would not have been allocated the place in any event

PLEASE NOTE: Infant class size appeals have very limited circumstances in which the appeal can be successful.

7. After hearing all the appeals for a particular school the Panel will make it's decisions. You will receive a letter telling you of the decision of the appeal panel within 7 calendar days of the decision being made where possible.