



A Parents' Guide to the
Schools Appeals Process
in Birmingham

Background Information

Birmingham City Council in its role as Local Education Authority (LA) provides schools for primary and secondary pupils in the Birmingham area.

Where you have been refused a place at a school you have the right to appeal to an independent Appeal Panel set up under the School Standards and Framework Act 1998. The Appeal Panel is completely independent and the decisions they make are binding on the LA, the school and on you.

This guide explains what happens if you decide to appeal against the LA's decision not to offer your child a place at your preferred school.

What Happens Before the Appeal

You have already been advised of the reasons for refusing a place at your preferred school and your right of appeal. You may have already included information supporting your appeal on your appeal form. If not, you should send your completed form to the LA's School Admissions and Pupil Placements Service. You now have to decide whether you want to attend the Appeal Hearing in person, and tell the Appeal Panel in your own words, your arguments for wanting a particular school.

Alternatively you may decide you do not want to appear in person, but have your appeal dealt with on the basis of a written statement. In this case the Appeal Clerk will ensure that the Appeal Panel is given all the correspondence you have submitted before making a decision.

The Admissions Appeals Panels meet throughout the school year to consider appeals but the Summer Term is particularly busy hearing appeals for the Primary reception year and secondary transfers for year 7.

Once appeal dates have been arranged, you will be given at least 10 school days' notice of the time and date of the Appeal Hearing. However, if there are special circumstances and you agree, the appeal may be arranged sooner. You will be sent the appeal papers 7 days before the Appeal Hearing, including the LA's written statement setting out its case for refusing your request for a particular school.

This information, along with any information you have provided will also be sent to members of the Appeal Panel.

It is, therefore, important that any additional information you want passed on to the Appeal Panel, needs to be with the Appeal Clerk as soon as possible (at least 7 days before your Appeal Hearing). All the information provided by you will also be sent to the LA, so ensuring a complete exchange of information between all parties.

If you are unable to attend the Appeal Hearing on the date arranged, you need to inform the Appeal Clerk as soon as possible, as it may be possible to make alternative arrangements, but this cannot be guaranteed.

If, however, you are not at the Appeal Hearing and the Appeal Clerk has not received an explanation for your absence, the Appeal Panel may consider your appeal on any statements or other written material you have previously submitted.

Waiting Lists

Children who are starting primary school in reception year or transferring to secondary school for Year 7 and who have not gained a place at their preferred school may be placed on a waiting list. The LA's School Admissions and Pupil Placements Service will draw up the waiting lists and you should understand that the waiting lists and the appeals process are two completely separate things. If you decide to appeal, this will not affect your waiting list position.

The Appeal Panel has no power to move parents up or down the waiting list and is not allowed to take account of your waiting list position. If you want more information on waiting lists you should contact the LA's School Admissions and Pupil Placements Service on the number given at the end of this leaflet.

Who will be at the Appeal

The Appeal Panel will consist of three people, who are not councillors or employees of the Council, made up of a combination of non-lay and lay members, defined as follows:-

- (i) A non-lay member with experience in education, will be acquainted with the educational conditions in the area of the Local Authority, or a parent of a registered pupil at a school in the area;
- (ii) A lay member will be a person without personal experience in the management of any school or provision of education in any school (otherwise than as a Governor or in any other voluntary capacity).

An LA Officer will be present to put the school's case. She/he will be able to answer any questions you have regarding both the school's case and how the admission arrangements applied to your child.

The Appeal Clerk will also be present.

The Appeal Clerk will take no part in the

decision-making process but has the responsibility to ensure that the relevant facts are established, the appeal process is followed and the appeal is fair.

Other than these persons, the Appeal Hearing is held in private and everything that is said is strictly confidential.

Is it like a Court?

NO. The appeal is conducted as informally as possible and not as a Court of Law. You can bring a friend or a member of your family along with you, either to help you say what you want or to speak for you, or simply give you support. Legal representation ought not be necessary and the Appeal Hearing should be an informal but structured forum.

However, if you do decide to be legally represented, you need to tell the Appeal Clerk before the Appeal Hearing, as the Appeal Panel may wish to seek its own legal advice.

May I bring my Child to the Appeal?

The Appeal Panel usually feels that this is unnecessary and that a child should not miss school as a result, but the decision is really yours. You know whether your child could cope with the experience.

What happens at the Appeal Hearing?

You may have an opportunity to speak with the LA Officer before the Appeal Hearing starts. At the Appeal Hearing the Appeal Panel Chairperson will introduce all the parties and explain the proceedings to you.

Based on previous experience, appeals take approximately 15 minutes and both you and the LA Officer will have the opportunity to fully address the Appeal Panel.

The Appeal will normally go ahead as follows:-

- Case presented by the LA Officer;
- Questions to the LA Officer from the parents and the Panel;
- Parents' case;
- Questions to the parents from the LA Officer and the Panel;
- Summing up of the case by the LA Officer;
- Summing up of the case by the parents.

You will always have the final say at the appeal but summing up is optional and not a chance to repeat your case again. You only need remind the Panel of the main points of your case and tell them anything new that you forgot to say earlier on. Once the Appeal Hearing is over, you and the LA Officer will be free to leave the room.

What can I say?

You should feel free to say whatever you think is relevant to your argument. (There are some limits on the grounds for upholding infant class size appeals which may affect this, please see below.)

Both the Clerk and the Appeal Panel will want to make sure that you do not leave the Appeal Hearing thinking things have been left unsaid.

Appeal Clerks are often asked by parents to advise them what to say at the Appeal Hearing. As the Independent/neutral person in the process, the Clerk is not allowed to do this. However, at previous appeals to yours, other parents have often used the same arguments, such as:-

- All of your child's friends will be going to the particular school;
- You can choose the school you want. (NO – the law says you can express a preference for a school, but you do not have the legal right to a choice of school);
- One school is closer/better than another;
- Your child has a medical condition that means they should attend the school
- Your child has siblings at your preferred school;
- Parents often raise issues relating to transport, work commitments and child care arrangements.

You are free to raise any of the above points and any others relevant to your circumstances. However, the Appeal Panel has to balance the prejudice that would be caused to the school if another child was to be admitted, against the level of prejudice that would be caused to your child if they were not admitted. Appeal Panels have previously decided that the above arguments were in some cases not strong enough to outweigh the LA's case and the appeals have been dismissed.

This is advice based on past experience and is not meant to stop you from appealing. However, you must carefully consider the case that you want to present.

Consider also whether you need to produce evidence to support your case before the appeal. For example, if your case is that your child has a medical condition, the Appeal Panel will expect to see some supporting evidence of the condition, such as a letter from your GP or a hospital.

Infant Class Size Appeals

The Government has placed legal limits on the size of infant classes which means that generally, there can be no more than 30 pupils with a single teacher for reception year and for years 1 & 2. The Government has also restricted the circumstances in which an Appeal Panel can uphold appeals for classes where the limit of 30 has already been reached so that

an appeal for these year groups can only be upheld where;

- (a) The Appeal Panel finds that the admission of additional children would not breach the infant class size limit.
- (b) Your child would have been offered a place if the published admission arrangements had been applied properly.
- (c) Your child would have been offered a place if the arrangements had not been contrary to the school admissions code and the legislation.
- (d) The decision to refuse to admit your child was not one which a reasonable admission authority would have made in the circumstances of the case.

These are very limited grounds and again, you must carefully consider your case before proceeding with your appeal.

How does the Appeal Panel make a Decision?

The Appeal Panel having heard and read the case for both parties will consider all the information available very carefully, before making their final decision. If the Appeal Panel is hearing a number of appeals for one particular school, decisions will not be made available until all the appeals for that school have been heard. In some cases appeals for one school can be spread over a number of days. For appeals (other than infant class size appeals) the Appeal Panel in making their decision will have to follow a two stage process:

- (i) First Stage - the panel considers whether the school's published admission

arrangements comply with the School Admissions Code and the School Standards and Framework Act 1998 and were correctly applied to your child's case and decides whether there would be prejudice caused to the school by admitting another child, in multiple appeals, additional children. If the Panel decides that the school would not be prejudiced by admitting another child and yours is the only appeal being heard for that school, your appeal will be allowed. If, however, the Panel decides that the school would be prejudiced by admitting another child / additional children, they go on to consider (ii) below.

- (ii) Second Stage - the Panel will consider the reasons given by you for wanting the school and whether they are strong enough to outweigh the prejudice which would be caused by letting another child into the school.

Can I appeal if I don't live in Birmingham?

Yes you can. Exactly the same appeal procedure will apply. However, any parent who does not live in Birmingham should contact their own Education Authority about school places. Please do not wait until your appeal has been heard in Birmingham before you contact your own Education Authority. If you do, you may find there are a limited number of places left.

Where does the Appeal take place?

Appeal Hearings are held at Congreve Passage (Council House Extension) Birmingham. (See map on back page). Due to the large number of appeals which the Appeal Panels hear, you will be given a date and time for your appeal and it is not always possible to change this appointment.

Arabic

إن رغبتم بالحصول على هذا المطبوع بلغة بر ايل أو على أنشريطة تسجيل صوتية أو طباعة الحروف الكبيرة أو بلغة أخرى من لغات الجاليات أو بصيغ و هيات أخرى فالرجاء الاتصال بموظف الاستنانات (ايلز كلارك) على الهاتف 0121 303 3668.

Bengali

আপনি এই প্রচারপত্রটি বেইল ভাষায়,
কেলোট টেইপে, বড় আঙ্গরে ছাপায় কিংবা অন্য কোন ভাষায়
বা মাধ্যমে রপ্তে চাইলে অস্বগ্রহ করে আমাদের “এপীলস ফ্রাক”-এর সাথে
0121 303 3668 নম্বরে যোগাযোগ করবেন।

Chinese

欲要這份資料的凸文版、錄音帶、大字
體版、社區的少數民族語言版以至其它版式，
請致電 0121 303 3668 接觸申訴事務員。

Gujarati

જે તમને આ પત્રિકા બ્રેઇલ લીખીમાં,
ઓડિયો ટેપ પર, મોડી છાપમાં, બીજી સામાજિક ભાષામાં અથવા
કોઈ અન્ય આધારમાં જોઈએ તો કૃપા કરી અપીલ્સ કર્કનો
0121 303 3668 પર સંપર્ક સાધો.

Punjabi

ਜੇ ਤੁਸੀਂ ਇਸ ਪਰਚੇ ਨੂੰ ਬਰੇਲ, ਮੁਰਨ ਵਾਲੀ ਟੇਪ, ਵੱਡੀ ਛਪਾਈ, ਕਿਸੇ ਹੋਰ
ਬੋਲੀ ਜਾਂ ਕਿਸੇ ਹੋਰ ਬਰਤਰ ਵਿੱਚ ਲੈਣਾ ਚਾਹੁੰਦੇ ਹੋ ਤਾਂ ਕਿਰਪਾ ਕਰਕੇ
ਅਪੀਲਜ਼ ਕਲਰਕ ਨੂੰ 0121 303 3668 ਨੰਬਰ ਉੱਤੇ ਫੋਨ ਕਰੋ।

Urdu

اگر آپ کو یہ پمفلٹ بریل، آڈیو ٹیپ، بڑے پرنٹ، کمپنی میں بولی جانے والی کسی زبان میں یا
کسی اور انداز میں درکار ہو تو براہ کرا کرک سے اس سٹیشن نمبر پر رابطہ کیجئے 0121 303 3668

Vietnamese

Nếu quý vị muốn có tờ thông tin này bằng chữ Braille, băng
ghi âm, chữ in lớn, trong các loại ngôn ngữ hoặc các hình thức
khác, xin liên lạc với Thư Ký Ban Chống Án số 0121 303 3668.

Further Information

I hope you have found this guide helpful.

If you need to talk to the Clerk about your appeal please call 0121 303 3668.

Enquiries concerning the admissions process, please write to:

School Admissions and Pupil Placements Service
PO Box 16513
Birmingham
B2 2FF

Telephone: 0121 675 0555

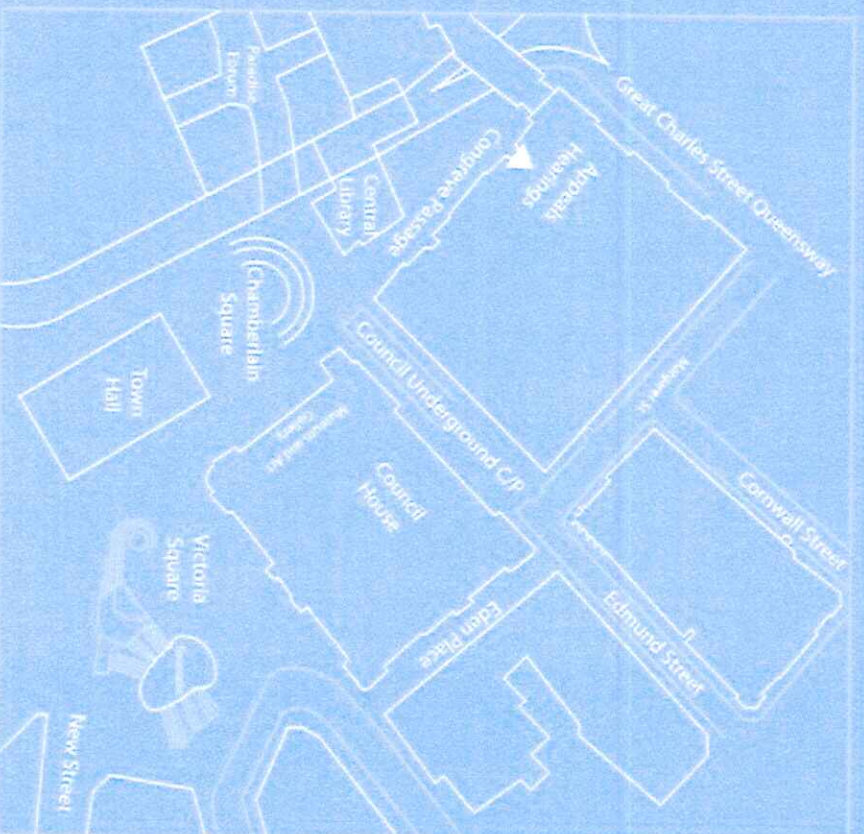
Email: admissions@birmingham.gov.uk

The admissions process is regulated by the Department for Education.

Birmingham City Council and the Appeal Panel work to statutory Codes of Practice which may be obtained from the DfE website www.education.gov.uk

Education Appeals Administrator
Committee Services
Council House
Birmingham B1 1BB

Appeals Hearings Venues



There are disabled access facilities at Congreve Passage. However, if you have any special needs which may require assistance, please contact the clerk.