

## The role of an appeal panel

The primary function of the Independent School Appeals Panel is to decide whether a child who has been refused a place by an admission authority, should be given a place. The panel make decisions on cases where a parent or guardian has appealed against the decision to refuse their child a place at a particular school. The appeal panel is independent of the local authority and its decisions are binding on the relevant admission authority, unless overturned by the courts.

Appeal panels perform a judicial function and are transparent, independent and impartial. A clerk will be present at all appeals to give legal and procedural advice to the panel. Although panels act independently of the local authority they must consider very carefully any legal or procedural advice given by the clerk.

## Admission appeal hearings overview

Hearings take place during the day throughout the year on scheduled dates and peak between May and July. It takes about 30 minutes to hear an appeal and it is normal for multiple appeals to be heard by the same panel on the same day, especially when considering appeals for one school. Refreshments are provided, including lunch if there are several appeals scheduled for one day.

The majority of appeals are heard during May, June and July for the September admissions, but appeals are heard sporadically throughout the year.

Where there are two or more appeals for a particular year group at the same school, the same panel and clerk should sit on all the appeals. This is most likely to occur during the main admissions round and it is possible on occasion that a panel will need to sit for more than one day depending on the number of appeals.

There are generally two parties present at appeal hearings:

- The presenting officer from the admissions authority.
- The parents, who may be represented or accompanied by a friend or adviser.

Each party has the opportunity to present a case to the panel starting with the admission authority. The panel members listen to the presentations and question the parties to make sure that they have enough information to reach a decision. Once the parties have stated their case and all questions have been asked, the parties leave the room and the panel makes a decision in private. This is recorded by the clerk, who subsequently notifies every one of the panel's decision in writing.

Once the panel has made its decision it is binding on all parties, that is the parent(s), the school governing body, the head teacher and the local authority. The panel cannot revisit its decision once made.

## F.A.Q's

### What types of appeals are there?

There are generally two types of appeals against an admission authority's decision to refuse a place. A different decision-making process applies to each:

1. The admissions authority has determined that the published admissions number (number of pupils that the admission authority has agreed can be admitted to the school each year) has been reached and to admit another child would prejudice the provision of efficient education or the efficient use of resources at the school.
2. The admissions authority has determined that to admit another child to a reception, year 1 or year 2 class would breach the statutory limit of 30 pupils in a class with a single qualified teacher. This is known as an 'infant class size' appeal.

### Who can be on the panel?

Every Plymouth Independent School Appeals Panels consists of three people and there are strict legal rules about who can be a panel member. Panels must include:

1. Lay members – these are people who have not worked in a school in any paid capacity, although they may be (or have been) a school governor or work (or have worked) in a school as a volunteer.
2. Education / experienced members – these are people who have experience in education or are acquainted with educational conditions in the area, such as teachers or teaching assistants or parents of registered school pupils

Each admission appeal panel must consist of at least one member from each of these categories, with the third member being drawn from either.

In order to maintain the panel's independence, panel members cannot hear appeals for any case where they have a connection to the school or family in question. This also means that employees or members of Plymouth City Council cannot sit as panel members.

### Are there any prohibitions on panel members?

Unfortunately, you are disqualified from being an independent appeal panel member if:

- You are an elected member of Plymouth City Council.
- You have failed to attend the training required by the local authority.

It is essential to ensure that panel members are independent and retain their independence for the duration of service, so panel members must have no links to the school in question.

The following people may be able to sit on appeal hearings generally, but will be excluded from hearing appeals for a particular school to which they may be connected, as follows:

- A member or former member of the governing body of the school in question.
- An employee of Plymouth Council or the governing body of the school in question, other than as a teacher or teaching assistant.

- Any person who has, or at any time has had, any connection with the authority, school or any person that might reasonably be taken to raise doubts about that person's ability to act impartially.

## **Do I need any specific qualifications?**

There are no specific qualifications required to become a panel member. We welcome applicants from any background and with a diverse range of knowledge and experience.

To assist you in formulating balanced and reasoned decisions, it is desirable that you have the ability to:

- Put nervous parents at ease
- Listen to information carefully
- Assimilate complex information and to question in a structured manner
- Raise questions on information provided to the Panel both in written form and orally
- Remain calm, impartial and be fair at all times
- Respect the confidentiality of information obtained through the appeal process
- Consider evidence and to understand and apply legislation
- Make reasoned, balanced and objective decisions to ensure a fair appeal hearing
- Look beyond individual personal circumstances to form a just conclusion

## **Would I receive training?**

Full training will be provided prior to taking part in an appeal hearing and existing panel members will usually have refresher training every two years. Panel members that have not had full training will not be able to sit on a panel.

## **When will appeal hearings take place?**

Appeals can only be heard during school term time and will take place during the working day (not on evenings or weekends). Peak periods for appeals tend to be during the early summer months (May to July), once parents are given an offer of a school place for infant, junior, primary or secondary schools. During this period hearings for some schools may take all day or on occasion although rarely, on consecutive days. A full day will usually be between 10:00am and 4:00pm.

## **How much time would I need to give?**

We appreciate the availability of panel members may vary and be dependent on work or other commitments. There is no minimum number of days you have to sit. You can choose to serve as a panel member as few or many times as you like throughout the year.

The clerk keeps a database of panel members and will contact you when organising an appeal to check your availability. In addition the clerk may contact you at the start of appeal season in February asking for your availability over the peak months from May to July. This is purely for planning purposes and panel members will be contacted again should they be required on one of those dates.

## **Where will appeal hearings take place?**

Appeal hearings usually take place at the Plymouth Council House, the address of which is:

Plymouth Council House  
Armada Way  
Plymouth  
Devon  
PL1 2AA

Notification will be provided should appeals need to take place at an alternative venue. The venue at Council House is fully accessible for disabled people, but please advise us of any requirements.

## **Will I get paid for serving on the panel?**

The role of a panel member is voluntary. However refreshments, including lunch, will be provided for panel members throughout the day. Please ensure you advise us of any dietary needs. Free car parking is available at the usual venue.

## **How do I apply?**

If you would like to be considered as an independent appeal panel member, please complete the application form and return via email or post using the below contact information. If you would like to speak to a clerk please call 01752 398164.

By post:

Clerk to the School Appeals  
Independent School Appeals Panel  
Chief Executive Office  
Plymouth City Council  
Ballard House  
Plymouth, PL1 3BJ

By e-mail: [school.appeals@plymouth.gov.uk](mailto:school.appeals@plymouth.gov.uk)