

How the written appeal process works

Due to COVID-19, the Department for Education has made temporary changes to the school appeals process so appeals can be heard without everyone physically meeting.

Infant class size or primary reception appeals

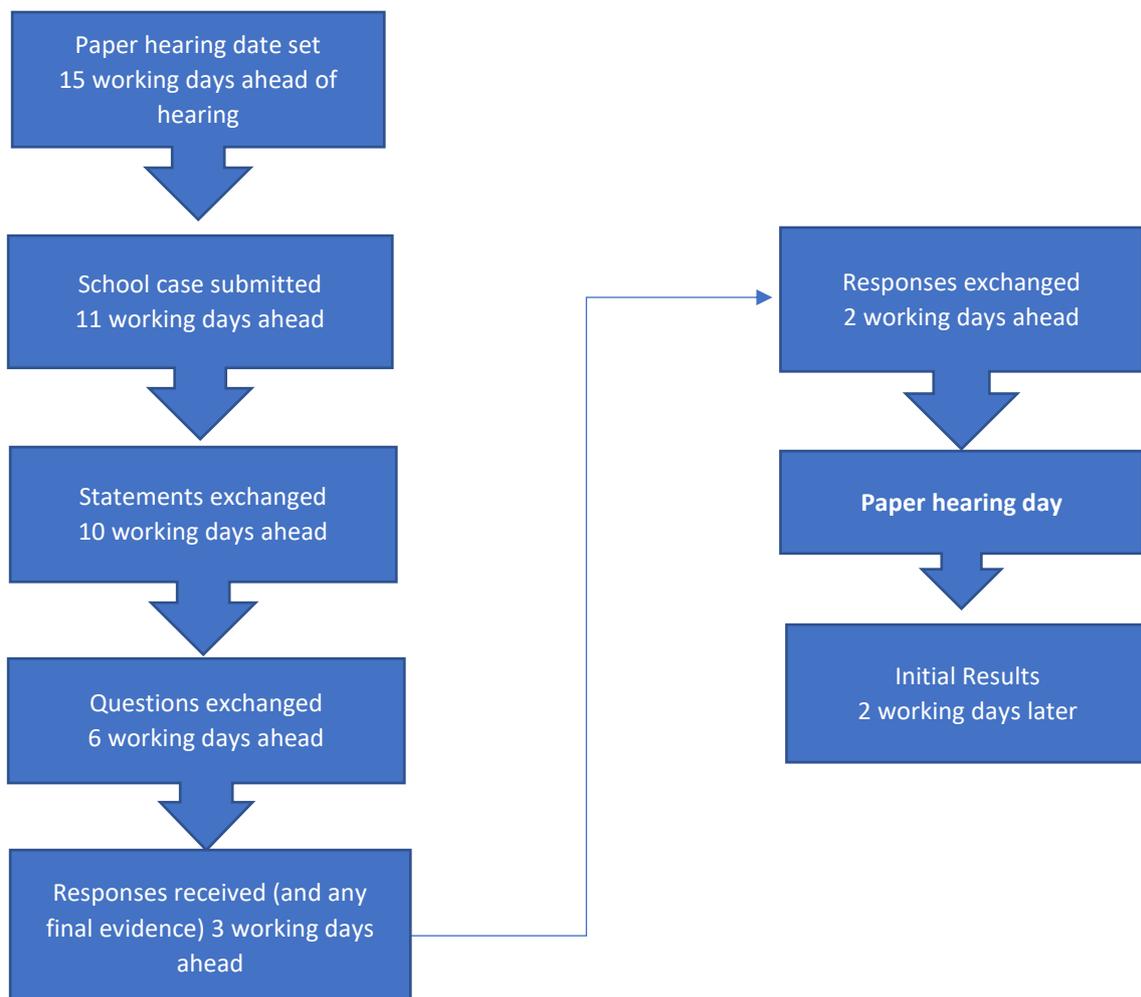
There will be no face-to-face hearing. Decisions will be made by independent panels based on the written information supplied from schools and parents. This means all **on-time** appeals should be heard before the new academic year starts in September 2020.

To ensure that parents (known as “appellants”) and schools can participate as fully as possible in the process, there will be an opportunity to ask questions of both parties and for everyone to see responses prior to the panel making its decision on each case. Panel members may also ask questions.

All parties can also email or post evidence they feel is relevant to their case, bearing in mind [Infant Class Size legislation](#).

If you have appealed for a very small school where reception classes are mixed with older year groups, it may not be subject to ICS legislation. This also applies for those appealing for junior or middle school places. We will contact you about how your appeal will be heard.

Flowchart of paper appeal process



The process in 7 steps

Step 1

Appellants submitted their appeal by 22 May 2020

Step 2

School appeals team emails appellants to explain the new process and request that they submit any further evidence as soon as possible (should they wish to do so).

Step 3

School appeals team notifies school of the appeal and requests their written statement against admission. We'll then schedule the appeal and notify everyone.

Step 4

School appeals team will share the school and appellants' evidence with everyone. We'll invite everyone to ask any questions.

We'll share queries with the school, admission authority or appellants to answer. We'll compile an overall Q&A document to share with everyone.

Whilst evidence is not limited, people should be aware that the panel must comply with [Infant Class Size legislation](#) when considering their decision.

The panel may not consider evidence submitted after the deadline (i.e. 3 working days prior to the appeal)

Step 5

Panel members will convene via conference call to consider the case. The clerk will be involved throughout and will take comprehensive notes.

Step 6

Following the decision, the clerk will inform the school appeals team. The team will email the result to appellants within 2 working days.

Step 7

The school appeals team will send a full decision letter to the school, admission authority and the appellants as soon as possible after the hearing.

Infant Class Size legislation

All class sizes for reception, year 1 and year 2 are subject to Infant Class Size legislation. This means that panels are restricted in what they can decide. Infant class sizes can be a maximum of 30 children (unless there are excepted pupils). There are limited reasons why a panel may decide to uphold an appeal. These are described in full in the School Admission Appeals Code, and paraphrased here:

An appeal can only be upheld where the panel finds that either:

- a) the admission of additional children would not take the class size above the limit of 30
- b) the admission arrangements did not comply with admissions law or were not correctly applied, **AND** the child would have been offered a place if they had been
- c) the decision to refuse a place was not one which a reasonable admission authority would have made.

In Hertfordshire (2018-19), 1.3% of infant class size appeals were found in favour of the appellant, due to incorrect application of admission rules. In previous years, the figure ranged between 0.5% and 1.5%.

Roles and participants – who does what

Clerk to the appeal panel

A legally trained clerk is involved and present during the entire hearing process. They are independent and impartial to the admission authority so they can ensure the process is fair and transparent.

The clerk's role is to be an independent source of advice on procedure and admissions law, to keep an accurate record of proceedings through written notes, and to provide everyone with written notification of the panel's decision.

Panel members

The appeal panel will have a minimum of 3 members:

- one member must have experience in education, be acquainted with educational conditions in the local authority's area, or be a parent of a registered pupil at a school
- one member must be a 'lay person', someone without personal experience in the management of any school or the provision of education in any school (except as a school governor or in any other voluntary capacity)
- the other panel members will be from either of the above 2 categories.

No member of the appeal panel will have connection with either the appellant's preferred school or the school at which their child has been allocated a place. The decision of the panel is made independently of the school, admission authority and local authority (if the local authority is not the admission authority).

The revised temporary regulations allow for appeal hearings to proceed with 2 members if 1 of the 3 panel members needs to withdraw due to COVID-19.

Appellant

Parent who has submitted the appeal, requesting a place at their preferred school.

School / admission authority

The school / admission authority is not involved with the decision-making process of the appeal hearing.

They are responsible for presenting the case, stating why a place cannot be offered to a child at the appellant's preferred school. They will present the school's case and answer any questions raised.

If you have any questions or comments about this process, please email the school appeals team at school.appeals@hertfordshire.gov.uk. If you need help with writing your appeal, family and friends can support with this. Travellers can request support from the Traveller team – please contact us for details, or if you have a child with special educational needs, SENDIASS may be able to help on 01992 555847.