



# BOURNEMOUTH SCHOOL FOR GIRLS

## INFORMATION RELATING TO INDEPENDENT ADMISSIONS APPEALS

### INTRODUCTION

- 1 The Independent Admissions Appeals Panel (the Panel) is constituted by the Governing Body in accordance with the School Standards and Framework Act 1998, the School Admissions (Appeal Arrangements) (England) Regulations 2012, and relevant Codes of Practice.
- 2 The Panel comprises three members who are independent from the school and its Governing Body. The Panel will be clerked by a member of the Poole Borough Legal Services Team. Members of the Panel may be subject to change due to unavoidable circumstances.

### BASIS OF APPEAL

- 3 The Governing Body, through the Headteacher, has a duty to comply with an expressed parental preference of parents for their daughter to attend Bournemouth School for Girls unless to do so would:
  - a) prejudice the provision of efficient education or the efficient use of resources, or
  - b) be incompatible with the selection process as the arrangements for admission to the preferred school (i.e. Bournemouth School for Girls) are based wholly on selection by reference to ability or aptitude.

### PROCEDURE

- 4 The Governing Body provides an Appeals Secretary who 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.
- 5 The Governing Body provides an independent Clerk to the Admissions Appeals Panel who makes a record of the proceedings of the meeting and records 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.
- 6 Parents will have been advised of the reason why their application for their daughter to attend Bournemouth School for Girls has not been granted.
- 7 When parents have been advised of the unsuccessful outcome of their application for their daughter to attend Bournemouth School for Girls, parents would also have been informed that they can give notice of appeal, the name and address of the Appeals Secretary to whom the appeal must be sent or delivered, the date by which it should be received, the fact that the appeal must be in writing and that it must set out the grounds on which it is made. A form on which the appeal can be lodged is also sent to the parents.

- 8 The Appeals Secretary will dispatch to the parent and Clerk:
  - a) a written statement summarising the application of the school's admission policy to the case in question with any relevant background information, and
  - b) copies of further information or documents which are to be put before the 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.
- 9 The Clerk is responsible for ensuring decisions are received by the appellant.

## **NOTICE OF APPEALS – PROCEDURE FOR PARENTS**

- 10 An appeal should be made in writing to the Appeals Secretary setting out the grounds on which it is made.
- 11 The appeal should be accompanied by any **photocopied** documents, information and evidence which the appellant considers relevant to the appeal. The Appeals Secretary will ensure that all the appeal documentation is passed to the Clerk of the Panel.
- 12 The deadline for lodging the appeal is 26 April.
- 13 Late appeals may be accepted as valid appeals by the Panel.
- 14 On receipt of a notice of appeal by parents, the Panel:
  - shall afford the appellant the opportunity of appearing and making oral representation
  - may allow the appellant to be accompanied by a friend or be represented (this representative may not be an employee of Bournemouth School for Girls).

The Panel, through its Clerk, should encourage parents to attend to present their case. Parents are advised that:

  - they may elect not to attend in which case the Panel would rely on their written statements
  - 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 the information that is available.
- 15 Unless the appellant has consented in writing to a lesser period, the appellant should be given at least ten (10) school days' notice of the date of the meeting of the Panel at which the appeal is to be heard.
- 16 The appellant may submit additional information any time up to the hearing but, if anything new is provided too close to the hearing date which the Panel thinks may be significant, the Panel may need to adjourn to allow all parties the opportunity to consider it.

## **ORGANISATION OF APPEALS**

- 17 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.
- 18 The Panel must not make decisions on any appeals until all appeals have been heard.
- 19 Where a Panel starts with three members, and one has to temporarily withdraw (e.g. because of illness) the Panel must postpone the remaining hearings until a later date. However, all appeals would have to be reheard if the absent panel member could not return to complete the hearings.

## CONDUCT OF HEARINGS

- 20 The atmosphere at a hearing should be one of informality where the parties can put their case simply.
- 21 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 Panel are binding upon the Governing Body.
- 22 The order of the hearing will be in two stages:

**First stage: establishing the facts**, at which the Panel considers whether the school's published admission arrangements:

- i) comply with the mandatory requirements of the School Admissions Code and Part 3 of the SSFA 1998;
- ii) were correctly applied and decides whether 'prejudice' would arise were the student to be admitted.

If these are proved, the panel moves on to the second stage.

**Second stage: balancing the arguments**, at which the Panel exercises its discretion, balancing the degree of prejudice to the school against the appellant's case for the girl being admitted to the preferred school, before arriving at a decision.

The format for the two stages is normally as follows:

### STAGE 1

- The specific case for the School, given by the Headteacher or Presenting Officer of the School
- Questioning by the appellant(s)
- Questioning by the Panel.

At the conclusion of the case for the School, the Panel will ask the appellants and the Headteacher to leave whilst they discuss whether the School's published admission arrangements were correctly applied. The Panel will make a provisional decision of whether 'prejudice' would arise were the girl to be admitted; should the Panel provisionally accept the case for the School, then Stage 2 will comment.

### STAGE 2

- The Headteacher/Presenting Officer presents the case for the school
- Questioning by the appellant(s)
- Questioning by the Panel
- Case for the appellant(s)
- Questioning by the Headteacher/Presenting Officer
- Questioning by the Panel
- Summing-up by the Headteacher/Presenting Officer
- Summing-up by the appellant(s)

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.

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 seen by the appellant.

- 23 All Stage 2 appeals will be heard in private.
- 24 Parents have occasionally asked if their child could present the case or be present at the Appeal. This is considered by the Panel to put undue stress upon the student and is not advisable.
- 25 There may be occasions when the Panel is hearing more than one Admissions Appeal in relation to the School, in which case Stage 1 of the Appeals will be held with all appellants. The Chairman will explain the procedure to the parents. The Headteacher/Presenting Officer for the School will present the general case in the presence of all parents. All the parents, in each other's presence, may be invited to question the Headteacher/Presenting Officer for the School on what has been said.
- 26 If the Panel provisionally believes that the School has made its case, the process then moves on to Stage 2 (see Section 21). 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.

### **DECISION OF THE PANEL**

- 27 The decision of the Panel on any appeal is binding on the persons concerned and on the Governing Body.
- 28 The decision of the Panel and the grounds on which it was made shall be communicated by the Clerk in writing to the appellant, to the Governing Body and to the Headteacher within five (5) school days.
- 29 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 as admission is based wholly or partly on selection by reference to ability or aptitude if the student does not meet the criteria. If, despite these factors, the Panel is considering allowing some, but not all appeals, it may need to compare the circumstances of one parent with another to establish which appeal should succeed.
- 30 In either event the decision should be fully and clearly expressed and be capable of being understood by a lay person.

### **DEFINITION OF TERMS**

- 31 The term 'parents' is deemed to include the carer(s) of a child, and whilst used in the plural applies equally to one-parent families.

### **FURTHER INFORMATION**

- 32 Further information on the appeal procedure can be found on the DfE website [www.education.gov.uk](http://www.education.gov.uk)