

# Are you ready for any admission's appeals that come your way?

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**As the 2019 admissions deadline approaches, our advisory specialist Dai Durbridge shares his top tips to help you prepare for any appeals that come your way.**

## Part one - before the hearing

The [Admissions Appeals Code](#) requires admission authorities to take a number of steps, and to make certain information available to parents before appeal hearings. Doing so compliantly and efficiently is important, as is getting your preparation done to ensure you put your best case forward and the hearings run smoothly.

## Tip one: timetabling

The Code is clear on what must be set out in the timetable. The appeals process and supporting timetable must be published on responsible admission authorities' websites by 28 February. This date is set in stone, so our advice is to get the timetable ready well in advance and get it on the website in early February each year.

## Tip two: parental requests and FAQs

The code allows parents to make reasonable requests for information which they need to help them prepare their case. Many parents take advantage of this and often search online for lists of questions to ask; the key is to be prepared for them. To make life easier, draft an FAQ and make it freely available to appellants.

The questions you should seek to answer in your FAQ's should come from three sources:

- The online lists of questions that parents may access
- The questions asked by your appellants from previous years
- The questions asked by this year's appellants

Your FAQ's needs to be a living document, updated every year - removing questions that are no longer relevant and to adding in new ones as appropriate. It is likely that you end up with a long list of questions, so consider breaking it down into categories.

## Tip three: don't reinvent the wheel

We actively encourage our clients to share best practice; openly sharing their FAQ document with others, whilst also reviewing local authority and other providers' websites to see what questions they have answered and how.

## Tip four: draft your prejudice statement

A prejudice statement is the most important document referenced in the appeals process, so much so that we've given it a section of its own (below) to help ensure that your statement is fit for purpose.

## Tip five: review appellant cases

Prior to the hearing you need to review and highlight areas of challenge in the appellants' cases, alongside your own prejudice statement. This will help support your position that the school's prejudice is greater than that of the appellant.

## Tip six: train your panel and your clerk

It is the admission authorities' responsibility to train the panel and the clerk to adequately manage the appeal. It is also in the best interests of your school and the individuals involved and so it is important that you take your responsibility seriously. A panel lacking knowledge and/or a clerk lacking the confidence to competently manage the hearing can be seriously detrimental. To ensure the smooth and efficient running of the appeals, formal training is critical.

## Part two - drafting a strong prejudice statement

For all appeals that are not linked to an infant class, a prejudice statement must be drafted by the admission authority to set out why the school cannot take further pupils. It is the most important document referred to during the appeal, and the one upon which your position will succeed or fail.

At the hearing, the panel will consider whether the admission of additional children would prejudice the provision of efficient education or the efficient use of resources at the school. In other words, the panel will balance the prejudice to the school against the appellant's case by looking at the:

- effect on the school in the current and following academic years as that year group progresses
- physical changes to the school since the published admission number was set
- impact of the Fair Access Protocol on the school
- impact on the organisation of classes, availability of teachers and the effect on children already at the school

## Tip one: include a sharp, well drafted summary

Your prejudice statement may run over a number of pages. To make sure the key points are understood include an executive summary on the first page so that panel can be easily reminded of your position.

## Tip two: describe your school

If the appeal hearing is not taking place at your school then you need to ensure the panel understand the context of your case. Set the scene by including details of the physical layout, build period, classroom design and the community it serves. This will enable the panel to appreciate the reality of your school.

## Tip three: make it comprehensive but easy to read

As well as the background and compliance points, you need to include detail such as the number on roll (for the past few years), current school population and the impact of the Fair Access Protocol. To keep it easy to read, split it off into headings that naturally flow.

## Tip four: don't reinvent the wheel

Just like the FAQs, the format of a good prejudice statement and the principles underpinning its content can apply to many admission authorities. Don't be afraid to share yours or to ask others to share theirs.

## Tip five: know your statement inside out

You'll get the chance to read your statement at the hearing and are then likely to face questions from the panel and the parents. You need to know every bit of it so you can answer questions confidently and consistently. Invest time before the day of the hearings to make sure

you know your case.

## **Part three - at the hearing**

Hopefully by now you'll have got your pre-hearing steps sorted and have drafted a cracking prejudice statement; now you need to get the appeal hearing right.

### **Tip one: hold the appeal at the school**

You are allowed to and, if you have the space to hold it there, we recommend that you do so. Whilst it saves the cost of hiring a venue, the primary benefit is it gives the clerk and the panel a feel for your school, including how busy it can get, the layout, age and design more generally.

### **Tip two: have a strong presenting officer**

Your presenting officer is the face and voice of the school at the appeal. They need to know the school inside out, be able to answer the questions posed by parents and the panel and set out the content of the prejudice statement with knowledge and conviction.

### **Tip three: the right documents**

Make sure you have the key documents with you at the hearing. You need both codes, your admission policy, your prejudice statement and the various appellant cases.

### **Tip four: work with the clerk**

A well-trained clerk will ensure the hearing runs smoothly and if needed, keep the panel in check. If they are not forthcoming with managing the panel, you should ask the clerk to step in.

### **Tip five: use your prejudice statement**

You've drafted a really good prejudice statement so don't be afraid to use it. Read it out in the hearing, highlighting the key parts (the strongest elements) and address the panel when doing so.

### **Tip six: answer all questions**

The panel and parents will have questions for you. Answer them all and be consistent across appeals for the same year. If you have answered a question pre-hearing, make that point but also restate the answer so as you appear helpful, open and consistent.

### **Tip seven: challenge the parental case**

After the prejudice statement, this is the most important part of the hearing. You will have highlighted areas of challenge in your pre-hearing prep and now is the time to put those challenges to the parent. Naturally this is an emotive issue for parents but this can lead to some embellishment in their case. It is your job (along with that of the panel) to get clarity. Remember – this is all about your prejudice being greater and challenging the appellant case to evidence that.

By following our top tips we hope that you will successfully manage your position and any appeals that come your way. If however, you would like the support of one of our experts to ensure the process runs smoothly, we are delighted to offer a range of fixed price and bespoke solutions to meet your requirements. These include:

- clerking (£1,250/day) or presenting officer (£1,500/day) services
- prejudice statement reviews and
- in-house training for your teams.

## **Contact**

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