

# Admission Appeal Panels: Research Study into the Operation of Appeal Panels, Use of the Code of Practice and Training for Panel Members

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School of Education  
Sheffield Hallam University

**Research Report**

**No 344**

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ISBN 1 84185 744 0

May 2002

# CONTENTS

<b>1</b>	<b>EXECUTIVE SUMMARY .....</b>	<b>1</b>
1.1	Background.....	1
1.2	Aims of the research.....	1
1.3	Methodology .....	1
1.4	Views of the appeal process.....	2
1.5	Preparation for an appeal.....	2
1.6	The Code of Practice.....	3
1.7	Venues for appeal meetings.....	3
1.8	Childcare.....	4
1.9	Panel members .....	4
1.10	Training .....	5
1.11	Types of appeal .....	5
1.12	Scheduling of appeals.....	6
1.13	Role of the clerk .....	6
1.14	Multiple Appeals.....	6
1.15	Summary.....	6
<b>2</b>	<b>INTRODUCTION.....</b>	<b>9</b>
2.1	The remit of the research .....	9
2.2	Admissions and parents' right of appeal.....	9
2.3	Number of appeals .....	10
2.4	Differences between areas, sectors and types of school.....	11
2.5	Differences between social groups .....	15
2.6	Recent policy and regulation .....	16
2.7	The timing of appeals .....	18
2.8	Methods .....	18
2.9	Structure of the report.....	18
<b>3</b>	<b>POSTAL SURVEY OF PANEL MEMBERS .....</b>	<b>21</b>
3.1	Aims of the survey .....	21
3.2	Method of distribution .....	21
3.3	Characteristics of panel members.....	23
3.4	Experience of appeals.....	25
3.5	Infant class size appeals .....	26
3.6	Types of appeal heard.....	27
3.7	Recruitment of panel members .....	28
3.8	Support of panel members .....	29
3.9	The school admission appeals Code of Practice .....	31
3.10	Role of the clerk .....	32

3.11	Relations between panel members.....	34
3.12	Training .....	36
3.13	Parents and the panel .....	37
3.14	What are the challenges and rewards? .....	40
3.15	Suggestions for improvement .....	41
<b>4</b>	<b>POSTAL SURVEY OF APPELLANTS.....</b>	<b>47</b>
4.1	Aims of the survey .....	47
4.2	Method of distribution .....	47
4.3	Characteristics of the appellants within the sample .....	49
4.4	Success rates for appellants .....	53
4.5	Preparation for appeal .....	55
4.6	The appeal hearing.....	62
4.7	Appellants' suggestions for improvement.....	68
4.8	Other issues arising.....	69
<b>5</b>	<b>TELEPHONE INTERVIEWS WITH ADMISSION AUTHORITY REPRESENTATIVES..</b>	<b>71</b>
5.1	Purpose of the telephone interviews .....	71
5.2	Respondents.....	72
5.3	Headteachers as presenting officers .....	73
5.4	Issues arising from school admission authorities .....	73
5.5	LEA admission authorities .....	75
5.6	Independent clerks .....	77
5.7	Issues concerning appeal panel members.....	79
5.8	Training of appeal panel members .....	82
5.9	Use of the School Admission Appeals Code of Practice.....	84
5.10	Equity .....	85
5.11	Location of panel meetings.....	86
5.12	Summary and Issues arising .....	87
<b>6</b>	<b>CASE STUDIES.....</b>	<b>91</b>
6.1	Introduction .....	91
6.2	LEA 1 .....	92
6.3	LEA 2 .....	100
6.4	LEA 3 .....	106
6.5	School 1 .....	114
6.6	School 2.....	119
6.7	Thematic analysis of interviews with panel members conducted as part of the case studies .....	128
6.8	Thematic analysis of interviews with appellants as part of the case studies .....	139

<b>7</b>	<b>OVERALL FINDINGS AND DISCUSSION.....</b>	<b>149</b>
7.1	The context of appeals .....	149
7.2	Panel members .....	151
7.3	The Code of Practice.....	153
7.4	Some issues concerning consistency and equity.....	155
7.5	Training.....	156
7.6	Parents' reasons for getting to the appeals stage .....	156
7.7	Does the process work for parents?.....	157
7.8	Parents' preparation for panel hearings .....	159
7.9	Suggestions concerning training of panel members .....	160
7.10	Further suggestions for enhancing the operation of appeal panels .....	162
<b>8</b>	<b>REFERENCES.....</b>	<b>165</b>

**APPENDIX 1**

- (a) Panel Questionnaire
- (b) Appellant Questionnaire

**APPENDIX 2**

Letter to LEAs

**APPENDIX 3**

Panel Cross-tabulations

**APPENDIX 4**

Appellant Cross-tabulations

# **1 EXECUTIVE SUMMARY**

## **1.1 Background**

Every maintained school has an admission authority that decides whether or not children will be admitted to the school. For community schools this is the local education authority (LEA), and for foundation and voluntary-aided schools it is the school governing body. Parents have a right to express a preference for any school. If parents are not allocated a place for a child at their preferred school, they have the right to appeal to an independent appeal panel. The admission authority is responsible for arranging admission appeals and for appointing a properly constituted appeal panel. The vast majority of parents are offered a place in a school for which they expressed some preference and are offered a place at their first preference school; parents either accept the place offered or appeal against the admission authority decision to refuse admission. The number of appeals has steadily increased over the past five years.

## **1.2 Aims of the research**

The general aim of the research was to establish whether or not admission authorities and admission appeal panels were following the guidance in the School Admission Appeals Code of Practice and to identify any areas where different guidance was wanted and would improve the operation of admission appeal procedures. There was also a focus on the training available for members of appeal panel members.

## **1.3 Methodology**

The research used a mix of quantitative and qualitative methods, including a postal survey of 1011 panel members and 317 appellants. Telephone interviews were carried out with representatives from 15 LEAs and 20 voluntary-aided and foundation schools who managed their own appeals.

Case studies, involving observation, interviews with panel members, parents and officers, and documentary analysis were carried out in 3 LEAs and 2 school admission authorities.

#### **1.4 Views of the appeal process**

The appeals process does not always deliver the result parents hope for and, for the majority, it produces an unfavourable outcome. Whilst some areas for improvement were identified in the research most parents and panel members believe that the process works well and is as fair as it can be in the circumstances.

For a variety of reasons parents sometimes embark on courses of action which are unlikely to result in a successful outcome despite being advised about the probability of failure.

#### **1.5 Preparation for an appeal**

The majority of parents found the information they received was easy to understand and they used both the local education authority documents and the Code of Practice in preparing their appeal. Parents indicated that they wanted more information and guidance about the likelihood of them winning their case and they would have liked more detail about the grounds for rejection of their initial admission application to help them prepare.

Generally, parents seemed to prefer informal advice from other parents. None of the parents reported gaining any significant help via Internet sources, apart from accessing OfSTED reports. The majority of parents felt that they knew enough about the admission criteria and knew that their preferred school was over-subscribed. Evidently this did not prevent them from making an appeal.

Most parents felt properly prepared for an appeal and knew whom to contact for advice. However, many panel members and officers interviewed were of the opinion that some parents needed a great deal of help in the preparation and presentation of their case. It was suggested that a guide, for example a concise parental version of the Appeals Code of Practice, may help parents better manage the process and contribute to reducing the levels of appeals. However, it is good practice that all parties have the same guidance and information and there may be some disquiet if parents see that the guidance is not the same as that available to appeal panels. It was found that parents who used the Code as it is were more likely to win their appeals.

## **1.6 The Code of Practice**

The overwhelming view of the School Admission Appeals Code of Practice was that it was clear and gave good guidance on the decision making process. The Code is mostly used for general guidance and the majority of panel members are familiar with its content. In the majority of cases appeal panels are following the guidance contained in the Code. In the case of local authorities this was reported as a universal occurrence but in the case of schools the picture is more varied because some headteachers who act as presenting officers or as 'advisers' to the appeals panel are not necessarily familiar with the Code and the clerks are not always able to fulfil their role as envisaged in the Code.

## **1.7 Venues for appeal meetings**

The majority of parents felt at ease with the places where the hearings were held and were more concerned about the formality of the procedure, including the layout of the room. Panel members however, on behalf of parents, frequently criticised the venues as unsuitable either because of problems concerning accessibility or the facilities available.



Foundation schools tend to hold their panel meetings on their own premises even though the Code of Practice recommends that another neutral venue be used. The guidance concerning the venue is partly to help convey the independence of the appeal hearing.

## **1.8 Childcare**

A small proportion of parents said that they had experienced difficulties with childcare when arranging to attend the panel meeting. Panel members also reported that parents were sometimes inhibited in presenting their case because they had had to bring young children to the hearing.

## **1.9 Panel members**

Many panel members are recruited by responding to advertisements or by being put forward by their local political party. Recruitment through the school governor route is common. White, male, retired, middle class applicants are over represented in relation to the general population. The recruitment of panel members representative of the population of appellants in their area is desirable. There is no reliable evidence of the social characteristics of appellants, nationally or regionally, by which to judge how far panels are representative of this population but it is significant that appeal managers and panel members expressed concern about this on the basis of their experience in their context.

It was a common view of panel members and admission authority officers that the process favoured middle class, articulate parents who are likely to be better able to present their case both orally and in writing although the statistical evidence did not support this in terms of outcomes.

Panel members feel well supported and receive enough information, advice and training to be effective but they also feel that there are unrealistic expectations of them in terms of the time they can give to the

process. The overwhelming majority of panel members believe that the appeals process is as fair as it can be.

### **1.10 Training**

Panel members' satisfaction with the quality of training is high but they believe more is needed. Some panel members claim in the survey and in interview that they have not been offered any training. LEAs are typically conscientious about their training but in schools that are their own admission authorities training is the exception rather than the rule and there is a low level of awareness of what training may or may not be available. In schools the briefing of panel members is far more common than the provision of a dedicated training event. More differentiated training may be needed for example training for Chairs of appeal panels and training for presenting officers.

Sometimes panel members are in the position of having to make a judgement about the veracity of appellants. It would be beneficial to consider the kinds of evidence that parents can realistically be expected to offer for different grounds of appeal.

### **1.11 Types of appeal**

Class size appeals received heavy criticism. Panel members have limited discretion and there is a concern that parents do not understand how limited is the chance that their appeal could be successful. The general feeling was that they wasted time and resources for little useful purpose. If parents can be made more aware of the real likelihood of failure this is likely to reduce frustration on all sides.

## **1.12 Scheduling of appeals**

The practice of some foundation schools of only holding appeals meetings once a year means that some parents who move into an area outside the usual school admission cycle may effectively be denied the right of appeal.

## **1.13 Role of the clerk**

The role of the clerk to the appeal panel is important for ensuring that procedures are followed correctly and for offering legal advice but the capacity for the clerk to fulfil this role varies. In some contexts, the clerk seems to play more of a low-level administrative role and the quality of advice is variable. Most LEAs seem to have clerks who are appropriately qualified but not all schools appoint a clerk who can offer adequate advice to the panel.

## **1.14 Multiple appeals**

There is variability of practices regarding multiple appeals. It may be that further guidance is needed on the conduct of these, particularly about how to organise them efficiently whilst having regard for equity and for making appellants feel that their case is properly considered on its merits.

## **1.15 Summary**

The appeal process is an important part of the process of admission to schools. It is a safeguard against maladministration and a means of balancing the needs of parents and children against the needs of admission authorities, schools and other children in those schools.

The number and proportion of appeals is increasing and this has meant more time spent by administrators and panel members on the process. The

number of appeals varies greatly between admission authorities, some schools and LEAs being inundated while others have very few.

The circumstances leading parents to appeal, the experience of the appeal hearing and the consequences of being unsuccessful mean that the process is often unsettling and sometimes traumatic for parents. Unfavourable outcomes for many parents are inevitable and it therefore has much potential for creating disharmony and disaffection.

In these circumstances the proper, efficient and sympathetic operation of the appeal panel is important. Panel members occupy a middle ground between conflicting interests needing to ensure that both sets of interests are taken into account and that, in each case, the process and outcome is as fair as it can be in such an inherently conflictual context. It is significant therefore that the research project has not found a more disparate and critical set of responses about the experience of the process. Whilst some areas for improvement have been identified most parents and panel members appear to believe that the process is as fair as it can be in the circumstances. Class size appeals however raised difficult issues and evoked strong feelings with panel members and parents feeling frustrated because the appeal appeared to serve little useful purpose.



## **2 INTRODUCTION**

### **2.1 The remit of the research**

In February 2001 the Department for Education and Employment (now the Department for Education and Skills) commissioned Sheffield Hallam University to research into the operation and effectiveness of school admission appeal panels.

The general aims were to:

- Establish whether admission authorities and admission appeal panels are following the guidance in the School Admission Appeals Code of Practice; and, if not, the reasons for this;
- Identify any areas where different guidance is wanted, and would improve the operation of admission appeal procedures and appeal panels, from the points of view of admission authorities, panel members and parents involved in appeals;
- Establish what training has been given to members of appeal panels and identify the scope for improvement to the materials and training.

### **2.2 Admissions and parents' right of appeal**

Every maintained school has an admission authority that decides whether or not children will be admitted to the school. For community schools this is the local education authority (LEA), and for foundation and voluntary-aided schools it is the school governing body.

Parents have a right to express a preference for any school. In the event of a school receiving more applications than it has places available, places are allocated in accordance with the published criteria set by the admission authority. These criteria and the contexts in which they are applied vary considerably from area to area (Williams et al 2001). If parents are not allocated a place for a child at their preferred school, they have the right to appeal to an independent appeal panel. The admission authority is

responsible for arranging admission appeals and for appointing a properly constituted appeal panel.

As a result of the initial admission process, the vast majority of parents (96%) are offered a place in a school for which they expressed some preference and 92% are offered a place at their first preference school (Flatley et al 2001). Parents either accept the place offered or appeal against the admission authority decision.

### 2.3 Number of appeals

The number of appeals has steadily increased over the past five years<sup>1</sup>. There are two measures available, appeals lodged and appeals heard, and both show a similar upward trend (Table 2.1).

**Table 2.1: Appeals lodged and heard by parents against non-admission of their children to maintained primary and secondary schools: England 1995/96 – 1999/00**

	1995/96	1996/97	1997/98	1998/99	1999/00
Appeals lodged as a proportion of total admissions	5%	6%	7%	7%	8%
Appeals heard as a proportion of total admissions	4%	4%	5%	5%	5%

The numerical consequence of this increase in appeals lodged was 26,326 more appeals lodged in 1999/00 compared with 1995/96 and 18,655 more appeal hearings. To illustrate the practical implications of the increase in appeals heard, if this increase were evenly divided between all LEAs in England it would amount to an average increase of over 40% (124 hearings) or approximately 12 more days of hearings. In reality appeals

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<sup>1</sup>Figures for all tables derived from DfES. 2001. "Statistical First Release: Admission Appeals for Maintained Primary and secondary Schools in England 1999/00." DfES.

are not evenly spread, some areas such as London have experienced much larger increases. These figures represent a considerable expansion of the work of administering the appeals and of the time panel members and others spend on the process.

## 2.4 Differences between areas, sectors and types of school

There are differences in the numbers of appeals across areas, sectors, and types of school. In Table 2.2 this area variation can be clearly seen; particularly in relation to secondary school admission appeals.

**Table 2.2: Appeals lodged 1999/2000 by parents against non-admission of their children to maintained primary and secondary schools by English regions as a percentage of total admissions**

	Primary	Secondary	Combined
North East	3%	3%	3%
North West	5%	10%	8%
Yorkshire and Humberside	5%	9%	8%
East Midlands	3%	6%	5%
West Midlands	7%	12%	10%
East of England	5%	6%	6%
London	8%	20%	14%
<i>Inner London</i>	7%	19%	13%
<i>Outer London</i>	9%	21%	15%
South East	4%	8%	6%
South West	5%	7%	6%
England	5%	10%	8%

There is also wide variation between individual LEAs within each area. For example, they range from 0% to 14% for primary schools in the North East and from 3% to 21% for secondary schools in Yorkshire and Humberside (DfES 2001).

There has been some debate (Taylor et al 2001, Williams et al 2001) about why such geographical variation occurs, even between what appear to be similar areas. As noted earlier, Williams et al (2001) found that the modes



of practice concerning admissions and the pattern and diversity of schooling offered, differ markedly from area to area and that these differences are extremely important in determining the administration and experience of admissions in a particular area. For example, one feature that differs markedly from area to area is the level of polarisation, i.e. the existence of extremely unpopular and extremely popular schools. This leads parents to go to considerable lengths to gain a place at a popular school or, more accurately, to avoid an unpopular one (Coldron 2000). The likelihood of such polarisation occurring is greatest in London and other densely populated urban areas (Williams 2001, Taylor 2001). Another important differentiating feature is the diversity of types of schools on offer - foundation, community and voluntary-aided - and the consequent difference in the number of admission authorities in a particular area. Taylor et al (2001) have identified four factors associated with a high proportion of appeals in an area – greater ‘consumer’ behaviour of parents, pressure on school places, diversity of schooling and the level of social advantage of parents. The findings from the interviews with parents reported as a part of this project help illuminate how parents use the appeal process.

There are differences between primary and secondary school appeals. Table 2.3 shows these differences.

**Table 2.3: Admission appeals for primary and secondary schools: appeals lodged and heard by parents against non-admission of their children to maintained primary schools in England 1995/96 – 1999/00**

***Primary schools***

	<b>1995/96</b>	<b>1996/97</b>	<b>1997/98</b>	<b>1998/99</b>	<b>1999/00</b>
Appeals lodged as a proportion of total admissions	5%	6%	6%	6%	5%
Appeals heard as a proportion of total admissions	3%	4%	4%	4%	3%

### **Secondary schools**

	<b>1995/96</b>	<b>1996/97</b>	<b>1997/98</b>	<b>1998/99</b>	<b>1999/00</b>
Appeals lodged as a proportion of total admissions	6%	7%	8%	9%	10%
Appeals heard as a proportion of total admissions	4%	5%	6%	6%	7%

From Table 2.3 it can be seen that a greater proportion of parents appeal for a place in a secondary school than a place in a primary school. Additionally, the proportion of appeals to admissions lodged and heard for secondary schools increased markedly over the five years whilst for primary schools remained almost constant.

The numbers of appeals lodged are considerably higher than those taken to a hearing. There has been little change between 1995/96 and 1999/00. (Table 2.4) in the proportion of appeals taken to a hearing.

**Table 2.4: Appeals heard as a proportion of appeals lodged**

	<b>1995/96</b>	<b>1996/97</b>	<b>1997/98</b>	<b>1998/99</b>	<b>1999/00</b>
Primary	67%	67%	65%	66%	65%
Secondary	72%	74%	72%	73%	73%
Combined	70%	71%	69%	70%	70%

Since 1997/98 there has been a year on year decrease in the percentage of primary school appeals decided in favour of the parent (see Table 2.5). The parental appeal success rate in 1999/00 has reduced by nine percentage points since 1995/96 (a *relative* decrease of nearly 20%). The beginning of this reduction coincided with the legislation restricting infant class sizes to no more than thirty and a consequent change in the grounds on which a panel can decide in favour of the parent. For secondary school

appeals over the same period of time there was virtually no change. It remains the case that primary appeals are more likely to be decided in favour of parents than secondary.

**Table 2.5: Primary and secondary appeals decided in favour of the parents**

***Primary appeals decided in favour of the parents as a percentage of primary appeals heard***

	1999/96	1996/97	1997/98	1998/99	1999/00
Primary	48%	48%	47%	44%	39%

***Secondary appeals decided in favour of the parents as a percentage of secondary appeals heard***

	1999/96	1996/97	1997/98	1998/99	1999/00
Secondary	31%	31%	32%	32%	32%

***All schools appeals decided in favour of the parent as a percentage of all appeals heard***

	1999/96	1996/97	1997/98	1998/99	1999/00
Both primary and secondary	39%	39%	38%	37%	34%

There is a considerable difference between types of school in the proportion of appeals decided in the parent's favour – 38% in Community (and Voluntary Controlled schools), 27% in voluntary-aided schools and 23% in foundation (cf. Dorn 2000 and Taylor 2001). The reasons for these differences are complex and of some interest. Of relevance to this question and the remit of this report are two major differences. Firstly, voluntary-aided and foundation schools are their own admission authority whereas for community schools it is the LEA. This means that the former constitute their own appeal panels. Secondly, there is a greater proportion of over-subscribed (popular) foundation and voluntary-aided schools than

community schools and this means that they are more often over-subscribed and therefore will more often refuse admission. Consequently a greater number of appeals are likely to be lodged. This research looked at some aspects of these differences when considering the operation of appeal panels for the different types of schools.

## **2.5 Differences between social groups**

It is argued (Gewirtz et al 1995; Willms and Echols 1992; Jeynes 2000;) that parents with greater levels of social and cultural capital are able more successfully to manage the admission system, including appeals, than those with fewer educational, social or financial resources. This argument implies firstly, that parents who have more education, more financial resources and certain kinds of social networks will be more aware of all available options (including the possibility of appealing) for getting their preferred place and therefore are likely to lodge more appeals. Secondly, having appealed, they are likely to be more able to manage the appeal process successfully. For example, they are more likely to have the wherewithal in terms of time, educational, social and material resources to access the right information, take advice from relevant sources, do the necessary research, and prepare and present the best possible case. There may be a further suggestion that it is a fair characterisation of the motivation of a proportion of parents that they are skilful consumers who go to appeal as a more or less calculated device for maximising their choice of schools (Taylor 2001). According to this view, for these parents the appeal process is a means for maintaining options. This contrasts with an alternative conception of appeals as a safety net to prevent excessive difficulties, or even injustice, occurring for a few difficult cases. The possibility that appeals function primarily as a means for maintaining options partly lies behind the interest in the increase in the number of appeals i.e. whether or not it is evidence of parents behaving more as consumers than they used to do. This argument is relevant to the research undertaken in this present project because the fair operation of appeal panels requires panel members to judge the balance of prejudice between

schools and parents and between different appellants. This may involve them in judging the motivation of parents for appealing and will involve them in coming to a judgement about the effect of not granting their appeal. In the course of the research we interviewed and surveyed panel members about how they saw their role.

Concentrating on the market function of appeals minimises the role of appeals as a safety net and may inhibit acknowledgement of the disruptive impact of problems with admission to schools on the lives of individuals. Parents may, for a variety of reasons, arrive at the appeal stage in some desperation whether because of fears about the quality of some schools or because, if they do not win the appeal, their lives will be made considerably more difficult in practical ways. Changed domestic circumstances, or family illness or some other life event may cause some difficulty that the admission authority has not been able to accommodate according to its regulations. These are precisely the kinds of needs that an appeal panel is required to balance against the prejudice to the school if more pupils were admitted. It seems important therefore that the emotional dimension to appeals is recognised by everyone concerned. This report considers this in relation to the data from parents.

## **2.6 Recent policy and regulation**

All parties have an interest in reducing appeals because of the considerable transaction and possible emotional costs they involve. Local and central government have a further interest in increasing the number of parents who are satisfied with the admission process. The appeal procedure is an important part of that process.

A new admissions framework was recently introduced in the School Standards and Framework Act 1998. The Act's admission provisions were brought into force by September 1999. The Act required the Secretary of State to issue statutory advice to which all admission authorities must have

regard. The Secretary of State issued two such codes: the School Admissions Code of Practice which came into force on April 1 1999 and the School Admission Appeals Code of Practice which came into force from September 1999.

As well as introducing the Codes of Practice, the Act made appeal panels more independent of the LEAs and governing bodies which made the decisions appealed against, by requiring that no one could serve who was connected with the admission authority against which the appeal was being heard. Panels were also made smaller so as not to intimidate parents and the requirements for their composition are set out in the Act and the appeals code.

Under current law, appeal panels first receive a presentation from the admission authority which explains why it was right to refuse admission, usually because the admission of another child would affect the education provided by the school. If the admission authority does not make its case, the child should be admitted without the parents having to make their case. If the admission authority convinces the panel that the refusal was correct, then the parents must make the case that admission would be in the child's best interests. The panel then has to balance whether these interests outweigh the adverse effect on all pupils' education of another admission. In infant classes where admitting another child would breach the statutory class size limit of 30, which came into force from September 2001, different rules apply<sup>2</sup>. To succeed the parents are required to show that the admission authority acted unreasonably or that it wrongly applied its admission arrangements and the child would have been admitted if the arrangements had been properly applied.

If a parent is unsuccessful at the appeal stage and wishes to pursue the matter further, the Local Government Ombudsman has a remit to

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<sup>2</sup> Panels had to operate these rules in anticipation, for any pupils who would still be in infant classes when the limit came in.

investigate allegations of maladministration in the operation of appeal panels.

## **2.7 The timing of appeals**

In the maintained sector to which this research applies, parents typically choose schools and apply to them in November to December. Schools typically decide which pupils to admit in February to March. Parents are informed of the results of their applications usually in March. Admission appeals typically take place between March and July.

## **2.8 Methods**

The research used a mix of quantitative and qualitative methods. They are briefly described below and are fully elaborated in the relevant chapters reporting the results. The following was undertaken:

- A postal survey of 1011 panel members;
- A postal survey of 317 appellants;
- Telephone interviews with 15 selected LEAs in England;
- Telephone interviews with 20 selected voluntary-aided and foundation schools who managed their own appeals;
- Case studies (including observation, interviews with panel members, parents and officers, and documentary analysis) of 3 LEAs and 2 school admission authorities.

## **2.9 Structure of the report**

In addition to the Executive report and this Introduction the results are presented moving from the general to the more specific, drawing out themes and issues at each stage. Firstly, the surveys of panel members and appellants are presented in order to gain a broad view of the issues. This is followed by the analysis of the qualitative telephone interviews with

officers from the LEAs, voluntary-aided and foundation schools providing an opportunity to set the issues in more specific contexts and allow a closer analysis especially of what officers, who deal day to day with the administration of appeals, say. Next, the five case studies are presented individually, where the operation of appeals can be seen within five specific, detailed contexts. Also in this section two thematic analyses are presented, the first analysis is of the interviews with parents and the second of the interviews with the panel members. These analyses of qualitative data complement the quantitative findings of the surveys. Finally, the issues are discussed and suggestions made in the light of all the data presented.





### **3 POSTAL SURVEY OF PANEL MEMBERS**

#### **3.1 Aims of the survey**

The aim of the survey was to gain information from a representative sample of panel members. Panel members can serve either on LEA admission authority panels only, on foundation or voluntary-aided school admission authority panels only, or on both. The questionnaire (Appendix 1) was designed to gain information about characteristics of panel members, method of recruitment, details of support and training. Their opinions about the appeal process and suggestions for improvement were gained by means of a small number of open response questions.

#### **3.2 Method of distribution**

Questionnaires were distributed voluntarily by admission authority officers. We made contact with a first group of officers through telephone interviews with 35 admission authorities in 15 local education authority areas (15 LEAs and 20 voluntary-aided and foundation schools). As part of the interview the interviewees were asked if they would distribute the panel questionnaires to their panel members in whatever way was most convenient to them. All agreed to do so. Contact was then made with all LEAs in England by letter (Appendix 2) asking them to do the same. In all cases we asked the contact how many questionnaires they needed and we sent that number. Information from the interviewees suggests that distribution took place in a variety of ways - sometimes at a training event, sometimes by post with other material and sometimes through a special posting.

A total of 3419 panel questionnaires was requested by the admission authority contacts in 95 LEAs and 23<sup>3</sup> voluntary-aided and foundation schools. These were addressed to a person nominated by the admission authority. That person undertook to distribute them to their panel members.

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<sup>3</sup> This figure is the 20 first contacts plus 3 additional schools.

Because questionnaires were distributed via this two-stage approach, the number of panel members who actually received a questionnaire cannot be known and therefore an accurate response rate cannot be established. The size of the population of panel members is estimated to be between 8,000 and 12,000<sup>4</sup>. A sample of 1011 responses was achieved from 79 different local education authority areas. If all of the questionnaires were distributed the response rate would be about 30%. The true response rate however is unknown but likely to be higher.

Because a comparatively greater number of local authorities were asked to distribute the questionnaires, and because LEA admission authorities have on average more panel members than voluntary-aided and foundation schools, LEA panel members have a greater representation in the sample. However, because admission authorities commonly share panel members, nearly half of the sample stated that they had experience of appeals on panels for both LEAs and voluntary-aided or foundation schools (see Table 3.1).

**Table 3.1 : Type of admission authority against which appeals have been heard**

	<b>%</b>	<b>n=</b>
Only hearing appeals against the local education authority	46%	455
Only hearing appeals against schools	5%	45
Both	49%	488
Total	100%	988

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<sup>4</sup> This is a rough estimate. The higher figure is based on estimated averages of 32 panel members for each of the 150 LEAs in England, 0.5 panel members for each of the 4084 primary voluntary-aided and foundation schools in England, and 5 panel members for each of the 1044 secondary voluntary-aided and foundation schools in England. The lower figure is based on the same figures but reduces the number for voluntary-aided schools by half to take account of the sharing of panel members between admission authorities (DfES 2001b).

In answer to the question as to whether they were a lay or an education member a large proportion (39%) did not respond to the question. Of those who did ( $n=656$ ) the majority (75%) were education members and the minority (25%) were lay members.

### **3.3 Characteristics of panel members**

How far the range of panel members hearing appeals are representative of the general population, or of the population that an admission authority serves, may affect the credibility of the panel in relation to appellants and other members of the public. There was a higher proportion of men (55%) than women (45%) in the sample. This compares with almost equal numbers of men and women in the general population<sup>5</sup>. The majority (82%) of panel members in the sample were over 50 years old (Table 3.2) compared with only 27% of the general population. 19% of the sample were below fifty years old compared with 42% in the general population<sup>6</sup>. Over half (56%) of the respondents had retired (Table 3.2). These results may be explained by retired people being more likely to be able to be publicly active and give their time as volunteers. They may also be more likely to feel that they have developed skills suitable for the role of a panel member. Regarding ethnicity, 96% of the sample described themselves as white (Table 3.2). The proportion from other ethnic backgrounds (4%) is somewhat lower than the estimate for the general population (7%<sup>7</sup>). Regarding disability, 10% reported a long-term disability which may reflect the high number of panel members over 50. More of those who were 50 years or over were men (60% male, 40% female) whereas in the 30 to 49 age range there were more women than men (35% male, 65% female).

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<sup>5</sup> 2001 figures for population of England and Wales National Statistics.

<sup>6</sup> 2001 figures for population of England and Wales National Statistics

<sup>7</sup> ONS produced an estimate of around 7% minority ethnic groups in England using the labour force survey for 1998.

<http://www.statistics.gov.uk/themes/population/Articles/downloads/Region1998.pdf>

Taken from population trends 96

[http://www.statistics.gov.uk/downloads/theme\\_population/PT96book.pdf](http://www.statistics.gov.uk/downloads/theme_population/PT96book.pdf)

**Table 3.2: Age, ethnicity and employment status of the sample of panel members**

<b>Age</b>	<b>%</b>	<b>n=</b>
Less than 30 years	0%	3
30 - 49 years	19%	186
50 years or over	81%	822
Total	100%	1,011

<b>Ethnicity</b>	<b>%</b>	<b>n=</b>
White	96%	959
Black-Caribbean heritage	1%	7
Black-African heritage	0%	2
Indian	1%	7
Pakistani	0%	2
Bangladeshi	0%	1
Other	2%	16
Total	100%	994

<b>Employment Status</b>	<b>%</b>	<b>n=</b>
Employed full-time	16%	161
Employed part-time	18%	181
Retired	56%	570
Not in paid employment	9%	90
Self employed	1%	6
Total	100%	1,008

These figures suggest that admission authorities may have difficulty in constituting panels that are representative of the population of England in relation to these characteristics. However they should be treated with some caution because representativeness matters at the local level and generalised figures over the whole population will not reflect salient differences in the local contexts. Some indication of whether or not panels are representative at the local level is provided by the open responses on

the questionnaire. In these open responses mention was made of what the respondents perceived as the unrepresentative nature of the panels. It was pointed out that very few members had children in school and that there was a scarcity of younger people sitting on appeal panels. The lack of representation from ethnic minorities was also cited as being a problem. The over-representation of older men was mentioned as potentially disadvantaging single parent appellants who are nearly always women.

Panel members were largely drawn from those in society who are prominent in public service of one kind or another. 78% of the panel members had held a public position such as a governor or a magistrate. The respondents were relatively experienced in appeals with nearly 63% having been appeal panel members for 5 years or less and nearly 30% for two years or less.

There were some differences between London panel members and those from other areas<sup>8</sup>. Panel members from London were more likely to agree that they knew about the guidance in the Appeals Code of Practice because the clerk told them what they needed to know. London members are also more likely to *disagree* that they are kept up-to-date on relevant legal judgements.

### **3.4 Experience of appeals**

Some authorities target appellants as a potential source of panel members. However, the survey results suggest that this is not a major source of volunteers. Prior to becoming a panel member the majority (89%) of respondents had not been involved in an admissions appeal for a child of their own nor had they supported someone else making an appeal against a school. This suggests that the majority of respondents were not motivated to become a panel member by personal involvement with appeals hearings.

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<sup>8</sup> The cross-tabulations showing the findings that follow are given in Appendix 3

In terms of the time demands it was common for our sample of panel members to have spent nine or more days on hearings in the past 12 months (46% had done so, see Table 3.3).

**Table 3.3: How many days have you attended appeals hearings in the last 12 months?**

	<b>%</b>	<b>n=</b>
9 days or more	46%	464
5 - 8 days	25%	249
1 - 4 days	26%	265
None	3%	26
Total	100%	1,004

### **3.5 Infant class size appeals**

The different rules that apply to infant class size appeals are more restrictive than for other appeals. A question was therefore included to gain information as to how panel members felt about their role in respect of infant class size appeals. Respondents were asked whether they agreed or disagreed with the statement, 'When I sit on panels that hear infant class size appeals I feel that I am performing a useful role.' The respondents were almost evenly split in their responses as to whether they agreed or disagreed. Although, amongst those that disagreed, a higher proportion did so strongly (Table 3.4).

The open responses revealed strong feelings about this issue. Some of the respondents who disagreed with the statement wrote that they thought they performed no useful role using words such as 'futile' and 'a waste of time'.

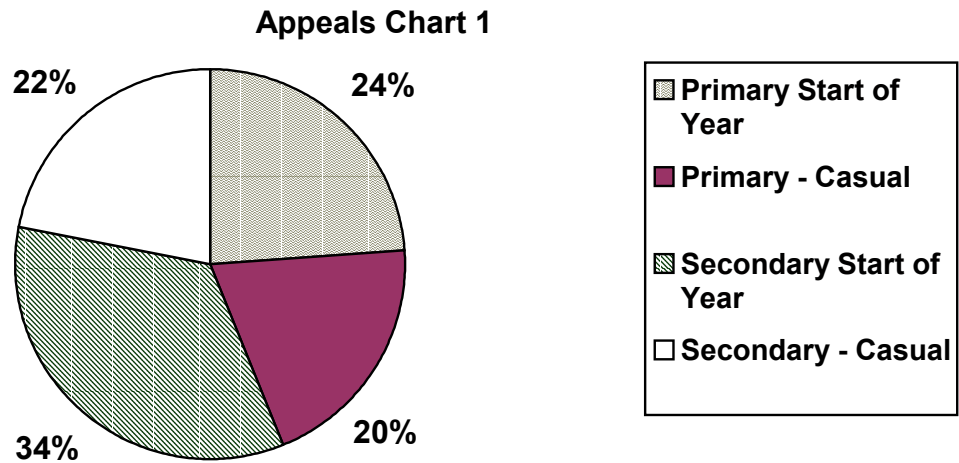
**Table 3.4: When I sit on panels that hear infant class sizes appeals I feel that I am performing a useful role**

	<b>%</b>	<b>n=</b>
Strongly Agree	11%	103
Agree	39%	350
Disagree	33%	303
Strongly Disagree	17%	155
Total	100%	911

### **3.6 Types of appeal heard**

Panel members serve on appeal hearings as and when this is necessary throughout the year. Many appeals are part of the admission procedure for a child entering the reception year or on transition to a new phase of schooling that involves moving to a new school e.g. transfer to a junior or middle school and from these to a secondary or high school. A distinction is generally made between these appeals for admission at the start of the year and those at other times, such as when a family moves in to an area and is refused entry at their preferred school. These are called casual appeals. It was possible to estimate the proportion of time spent by respondents on each of these kinds of appeal for both primary and secondary schools (Chart 1). Respondents spent the greater proportion of time (58%) on admissions at the start of the year but also devote a considerable proportion (42%) on casual appeals. In line with the national figures for the relative numbers for primary and secondary appeals, the sample of panel members reported that they spent more time (56%) on secondary appeals than primary appeals (44%).





Respondents were also asked whether they agreed or disagreed with the statement, 'An appeal for a school place part way through the school year is likely to be more successful than an appeal for a place at the beginning of the school year.' The majority of respondents disagreed with this statement (73% - see Table 3.5). Around a quarter of respondents did agree with the statement although very few agreed strongly (2%).

**Table 3.5: An appeal for a school place part way through the school year is likely to be more successful than an appeal for a place at the beginning of the school year**

	<b>%</b>	<b>n=</b>
Strongly Agree	2%	19
Agree	26%	242
Disagree	61%	583
Strongly Disagree	11%	100
Total	100%	944

### **3.7 Recruitment of panel members**

The main method of recruitment reported was through advertising (39% of respondents were recruited in this way - see Table 3.6). Other important

methods of recruitment were through a governor role (31%) and personal contact (26%).

**Table 3.6: Panel recruitment method**

	<b>%</b>	<b>n=</b>
Advertisement	37%	617
Governor Role	31%	310
Personal Contact	26%	261
Employment Position	6%	61
<i>Total Sample Size</i>	100%	1,011

**NOTE:** Panel members could be recruited in more than one way

### 3.8 Support of panel members

There was considerable satisfaction with the amount and quality of support that panel members received from the local education authority (see Table 3.7).

**Table 3.7: Attitudinal statements regarding support from the LEA**

***The information and guidance that the local education authority provides is sufficient to enable me to carry out my role effectively***

	<b>%</b>	<b>n=</b>
Strongly Agree	23%	228
Agree	71%	700
Disagree	6%	60
Strongly Disagree	0%	3
Total	100%	991

***The admission authority is good at keeping us up to date about the outcome of relevant legal judgements that impact upon the conduct of admission appeals***

	<b>%</b>	<b>n=</b>
Strongly Agree	17%	168
Agree	58%	559
Disagree	21%	200
Strongly Disagree	4%	39
Total	100%	966

***I feel I would like more support from the local authority for my role as an appeals panel member***

	<b>%</b>	<b>n=</b>
Strongly Agree	7%	65
Agree	19%	186
Disagree	64%	628
Strongly Disagree	10%	95
Total	100%	974

From Table 3.7, it can be seen that over 90% of respondents agreed that the information provided by the local education authority was sufficient for them to carry out their role effectively. 75% of panel members agreed that the admission authority kept them up-to-date with legal judgements that might have an impact on appeals panel hearings and 74% felt that they didn't need further support from their LEA.

Attitudes regarding how useful a web site for panel members would be were positive. 63% of respondents agreed that a 'web site for panel members with frequently asked questions/legal problems would be useful' (see Table 3.8)

**Table 3.8: A web site for panel members with frequently asked questions/legal problems would be useful**

	<b>%</b>	<b>n=</b>
Strongly Agree	13%	122
Agree	50%	483
Disagree	29%	272
Strongly Disagree	8%	73
Total	100%	950

### **3.9 The School Admissions Appeals Code of Practice**

#### ***Familiarity and understanding***

Respondents were familiar with the School Admission Appeals Code of Practice and found it a useful source of guidance and support for panel members (see Table 3.9).

**Table 3.9: Familiarity and usefulness of the Appeal Code of Practice**  
***How familiar are you with its contents?***

	<b>%</b>	<b>n=</b>
Very Familiar	28%	275
Familiar	64%	647
Unfamiliar	8%	75
Very Unfamiliar	0%	4
Total	100%	1,001

***I feel I understand all the aspects of the Appeals Code of Practice I need to know in order to become an effective appeals panel member***

	<b>%</b>	<b>n=</b>
Strongly Agree	20%	189
Agree	77%	765
Disagree	3%	33
Strongly Disagree	0%	3
Total	100%	990

From Table 3.9 it can be seen that 93% of the sample of panel members reported to be familiar or very familiar with the contents of the Code of Practice. 97% agreed that they understood all the aspects that they needed to know for them to become an effective appeal panel member.

Respondents found out about the Code of Practice on School Admission appeals in a variety of ways; 69% of respondents stated that it had been introduced as part of the training they had received, 52% said that their LEA had produced guidance and 23% said the clerk had advised them. Access to the code was also high; 59% of respondents had received their own copy.

### ***Use***

In relation to how closely, in the experience of the sample of panel members, the Code is consulted: 68% of respondents said that it was referred to for general guidance, 23% said that it was followed to the letter and 13% said that it was referred to in special or unusual cases<sup>9</sup>.

They were asked about the frequency of use of the Code of Practice. 67% of panel members said panels they had served on used the Code of Practice often, 28% occasionally and 6% said that it was used rarely.

Respondents were also asked, 'If the Code is introduced during a hearing, who usually referred to it?' Panel members identified the clerk (60%) and the Chair (56%) as the people who most often referred to the Code.

## **3.10 Role of the clerk**

The role of the clerk is to advise on procedure and the Code of Practice but he or she has no substantive role in the judgement of the panel. Table

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<sup>9</sup> Respondents could make more than one response and therefore it does not sum to 100%

3.10 presents responses to attitudinal questions regarding respondents' perceptions and experience of the clerks' role.

**Table 3.10: Perception and experience of the clerk's role**

***The role of the clerk is crucial to the effective operation of the appeals panel***

	<b>%</b>	<b>n=</b>
Strongly Agree	60%	595
Agree	36%	361
Disagree	4%	36
Strongly Disagree	0%	0
Total	100%	992

***When making decisions the panel members usually follow the advice of the clerk***

	<b>%</b>	<b>n=</b>
Strongly Agree	5%	51
Agree	29%	275
Disagree	49%	470
Strongly Disagree	17%	161
Total	100%	957

***In general I know about the guidance in the Appeals Code of Practice because the clerk tells us what we need to know***

	<b>%</b>	<b>n=</b>
Strongly Agree	10%	95
Agree	46%	444
Disagree	38%	360
Strongly Disagree	6%	60
Total	100%	959

From Table 3.10, it can be seen that 96% of the sample of panel members agreed that 'the role of the clerk is crucial to the effective operation of appeal panels' and over half of these agreed strongly. However, 66% of respondents disagreed that 'when making decisions, the panel members usually follow the advice of the clerk'. Additionally, 56% of respondents agreed that they knew about the guidance in the Code of Practice because the clerk tells them what they need to know.

### **3.11 Relations between panel members**

Appeals panels have been constituted to reflect a range of interests and knowledge. To this end they are required to have at least one Education member and one lay member.

Education members are:

'People who have experience in education; who are familiar with educational conditions in the LEA's area; or who are parents of registered pupils at a school.'

and lay members are:

'people without personal experience in management of any school or the provision of education in any school (disregarding experience as a school governor or in another voluntary capacity)'

(both extracts from 3.2 School Admission Appeals Code of Practice)

When there is, as deliberately so here, an element of differential expertise, it raises the question whether there is either a tendency for other members to defer to that expertise or alternatively for the expert members unduly to influence proceedings.

To gain information as to whether or not this was an issue for panel members, respondents were asked for their opinions on the level of

contribution panel members had in relation to decision making and the contribution of lay members (see table 3.11).

**Table 3.11: Contribution of panel members and the role of lay members**

***All panel members contribute fully to the decision making***

	<b>%</b>	<b>n=</b>
Strongly Agree	45%	447
Agree	48%	474
Disagree	6%	59
Strongly Disagree	1%	10
Total	100%	990

***When making decisions the lay members of the panel usually follow the lead of the members who have experience of education***

	<b>%</b>	<b>n=</b>
Strongly Agree	2%	19
Agree	10%	102
Disagree	64%	622
Strongly Disagree	24%	235
Total	100%	978

Table 3.11 shows that 93% of respondents agreed that all panel members contributed fully to decision making (almost half of which agreed strongly). Additionally, 88% disagreed that lay members usually followed the lead of the members who have experience in education.

Relations between panel members was not a strong theme in the open responses which suggests that they may, generally, be unproblematic. However there are a few instances cited by a small minority of panel members where relationships seem to be a challenge. For example the



need to stand up to panel members who want to force through their opinions is mentioned occasionally.

### 3.12 Training

Training is crucial for the effective fulfillment of the panel member's role. The survey attempted to gain information about the level, frequency and nature of the training that respondents had had. 83% reported that they had had some training.

Table 3.12 shows detail on the training foci of panel members in the sample who had experienced some kind of training.

**Table 3.12: Focus of training**

	<b>%</b>
The Work of appeal panels	69%
Policies for Admission to Schools	67%
Human Rights Legislation	26%
Disability Discrimination Act	15%
Race relations	15%
Sex discrimination	14%
Other	15%

Respondents in London were found to be more likely not to have received training than other Metropolitan or Shire authorities or selective areas.<sup>10</sup>

The majority of training courses lasted for one day (76%). Only 3% lasted longer than two days.

Generally satisfaction with the quality of training events was high. The great majority of respondents (between 85% and 95% of the sample depending on the particular course) said, of a variety of kinds of training offered for comment, that it was very good/useful.

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<sup>10</sup> The cross-tabulations showing the findings are given in Appendix 3

Respondents were asked to name the organiser/trainer in an attempt to find how widely used some materials were. The response to this question was low. Possibly, non-respondents did not recall the authorship of the materials used during training or did not choose to name them. It is also the case that local authorities are likely to use materials from a variety of sources including those they devise themselves. Only 1% of panel members said that they had attended training offered by ISCG. The feedback on the materials was positive and where they are known about, the ISCG materials seem to be well regarded.

Specific areas of need, mentioned in response to a question about any perceived training needs, included the following topics - legal issues, refresher courses, observations of panels and extra training for Chairs. There was also the opinion expressed in the open responses that the need for differentiation of training was not always acknowledged, and that this may lead to difficulties in the training of members with a range of experience.

### **3.13 Parents and the panel**

The survey found that in the opinions of panel members the presence of parents at an appeal is an important influence on the appeals success. However, the emotional state of a parent was not regarded as being an influence (see Table 3.13).

Referring to Table 3.13, it can be seen that 78% of the sample of panel members agreed that parents are likely to be more successful if they turn up in person to present their case. Additionally, 95% disagreed that 'the more emotional a parent is when presenting their case the more likely it is the appeal will succeed'.

**Table 3.13: Parents and appeals**

***Parents are likely to be more successful if they turn up in person to present their case***

	<b>%</b>	<b>n=</b>
Strongly Agree	25%	247
Agree	53%	522
Disagree	19%	187
Strongly Disagree	3%	29
Total	100%	985

***The more emotional parent is when presenting their case the more likely it is the appeal will succeed***

	<b>%</b>	<b>n=</b>
Strongly Agree	1%	12
Agree	4%	36
Disagree	73%	724
Strongly Disagree	22%	218
Total	100%	990

It is clear from the comments made in the open responses that panel members make great efforts to try and see beyond the emotional aspects of a particular case and they identify this as one of the most challenging aspects of hearing appeals. Being able to make decisions based on impartiality, fairness and a concern for justice was commonly cited as one of the rewarding aspects of being a member of an appeal panel. Dealing with inarticulate and poorly prepared parents so that the fullest information is drawn from them, and the merits of their case dealt with fairly, is also commonly cited as both a challenge and a reward of being a panel member.

Panel members overwhelmingly felt that the panels were fair and helpful to parents (see Table 3.14).

**Table 3.14: How fair is the appeal process**

***The party making an appeal does have the opportunity to present their case thoroughly***

	<b>%</b>	<b>n=</b>
Strongly Agree	62%	617
Agree	33%	332
Disagree	3%	26
Strongly Disagree	2%	18
Total	100%	993

***The proceedings of appeals panels are as fair as it is possible to make them***

	<b>%</b>	<b>n=</b>
Strongly Agree	43%	433
Agree	52%	514
Disagree	5%	46
Strongly Disagree	0%	4
Total	100%	997

From Table 3.14 it can be seen that 95% of panel members agreed that parents had the opportunity to present their case thoroughly and 95% agreed that the proceedings of appeal panels are as fair as it is possible to make them.

A majority of the sample panel members were satisfied with the procedure in terms of stress for parents. 60% disagreed that the appeal process could be made less stressful for parents.

Guidance is given in the Code of Practice about the location of panel meetings. It states that thought should be given to accessibility, impression of independence and privacy. The main difficulty regarding the location of panel meetings is the need to convey to parents that their appeal is being

taken seriously by an independent panel whilst also ensuring that the venue for hearing appeals is informal and accessible. Table 3.15 shows that 81% of respondents agreed that the venue for the hearing managed to strike the right balance between formality and informality.

**Table 3.15: *I think the place where hearings are held manages to strike the right balance between formality and informality***

	%	n=
Strongly Agree	14%	135
Agree	67%	657
Disagree	16%	155
Strongly Disagree	3%	27
Total	100%	974

However, in the open responses panel members frequently criticised as unsuitable the meeting locations, either because of problems concerning accessibility or because of the facilities available. Improving the venue was felt to be one major way in which the organisation of panel meetings could be improved. Parents' views on this are discussed in later chapters.

### **3.14 What are the challenges and rewards?**

Panel members are volunteers and it is of interest to know what motivates them. Respondents were asked what they found to be the most challenging and what the most rewarding aspects of being a panel member. A persistent theme concerned obtaining as much relevant information as possible from all parties so that an impartial decision can be made on the basis of evidence. Sometimes this involved eliciting undisclosed facts and, generally, as one respondent put it, "*Finding the right questions to open up appellants' confidence and ability to present their case fully.*"

With regard to decision making, balancing the needs of the individual with the needs of the school appears to be regarded as *the* significant challenge. Other related challenges are the desire to be impartial, unemotional and fair in the decisions that are made even though this presents many frustrations such as not being able to comment on policy issues, (for example, the imbalance in the supply of school places) and not being able to allow an appeal even though a parent has made a good case.

With regard to the rewards, performing a service for the community was cited as a reason for being an appeal panel member. However, beyond this the rewards were, rather like the challenges identified above, seeing that justice has been done, preventing injustice and making the best possible decisions in complex cases. The following comments typify this attitude:

*'My reward is to leave the appeal, regardless of outcome, knowing that I have tried to reach a fair and unprejudiced decision. However, it is very rewarding to help a deserving case get a place of preference.'*

A sense of satisfaction was also noted when they can make decisions that result in the relief of stress and upset in parents' and children's lives.

### **3.15 Suggestions for improvement**

Respondents were asked whether or not they thought improvements could be made to the organisation and running of appeals for parents or panel members. 36% agreed that improvements could be made while 64% did not. The general picture that emerges is that the majority of panel members think the process is as fair as it can be but that a sizeable minority feel it could be made less stressful for parents and the venues chosen are sometimes inappropriate or inconvenient.

Below are presented the kinds of improvements suggested in the open responses by the minority who felt a change was needed.

**Representation:** There was a view that some parents may need somebody to represent them because it is unfair that some arrive with a professional friend to argue their case whilst others are left to present the case on their own. However, it was recognised that this could become very legalistic and expensive.

**Interpretation of medical evidence:** The difficulty of interpreting medical evidence was pointed out but no suggestions were made as to how this might be better handled.

**Class size:** Panel members regard these appeals as a major problem. One suggestion was a panel that would filter cases and weed out ones that had no hope of succeeding.

**Childcare:** This was a recurrent theme of the open responses. The gist of these responses was that there is no proper provision made for parents who turn up with toddlers and that consequently there is a negative impact on a parent being able to present their case properly.

**Giving parents realistic expectations:** The need for the LEA to communicate the likelihood of their appeal succeeding or failing was a recurring theme. The implication being that if parents understood the odds in their case then some would be less likely to go to a hearing. Consequently there would be fewer appeals and less frustration. One way of helping to do this might be to give parents a clearer indication of the reasons why their applications were rejected.

**Guidance for parents:** A common suggestion was that a guide to help parents manage the process would be very welcome. How to encourage inarticulate parents was felt to be one of the major challenges for panel

members. Specific suggestions were an independent advisor, the use of simpler language and a parental version of the Code of Practice.

**Training of Chairs of appeal panels:** The absence of such training was felt to be a gap that needed to be filled. The shortcomings of chairs was a recurring theme, for example, *“many chairmen are poorly equipped”*; *“the chair seems to vary widely in the questions that they allow to be put”*, *“they all seem to follow their own agenda”*

**Training in general:** The open questions revealed a wish for more training. The areas specifically mentioned were training for multiple and class size prejudice appeals, presenting officer training and some guidance for the questioning of a child. The latter suggests that parents sometimes bring the child, although the Code of Practice does not encourage children to attend, and that panels sometimes feel that it is appropriate to question the child. This is likely to be a rare event.

**The language in which the appeals paperwork is couched:** Some of the local education authority and school paperwork is felt to use unnecessarily bureaucratic language that makes no concessions to the appellants and their range of backgrounds.

**The availability of paperwork before the panel meeting:** Some panel members felt that the paperwork from the LEA was either incomplete or that they received it without sufficient time to assimilate it before the panel meeting. Some also felt that the LEA created too much paperwork, especially relating to where the presenting officer’s case would be photocopied for every hearing. The open questions showed this to be a most contentious issue.

**Timing of appeals:** There were several issues concerning the timing of appeals.



**Too many appeals per day for the panel:** The number of appeals heard during the day was felt by some members to be too many and the time allotted for each appeal too short. The difficulty of concentrating to hear a large number of appeals in a day and sometimes over several days was expressed by some respondents. A typical comment on this theme was:

*'It is a challenge hearing many appeals one after another and maintaining a compassionate but detached air throughout.'*

The volume of cases is also an issue when multiple appeals are heard as one panel member describes the challenge of:

*'Listening to an authority's case for 25 minutes 35 times over and appearing to be interested as though it was the first time the case had been heard.'*

It should be noted that multiple appeals can be arranged so that the LEA case does not have to be heard over and over again and guidance on this is included in the Code.

**The needs of working parents:** The respondents acknowledged the problems for working parents when many appeal panel meetings are held during the day. There was a suggestion that evenings, school holidays and weekends should be considered as times for holding meetings.

**The need for a quick resolution of the appeal:** The open questions also revealed that some members thought the hearings should be held as soon as possible after parents lodge an appeal, as long delays often cause anger.

**Scheduling for panel members:** Some panel members felt that they should be sent the dates of all of the hearings so that they can mark down the times when they are available; they felt that this would help with staff

planning and prevent panel members being called up the day before the hearing.

**Presentation of the admission authority case:** There was a strong feeling repeatedly expressed in the open responses, but contrary to guidance, that school representatives should be present at the hearing as well as a local education authority representative. The implication is that local education authority presenting officers do not always appear to know the necessary details about a school for the panel to give proper consideration of the balance between prejudice to the child as against prejudice to the school. There was also a view that more training was needed in presentation skills.

**Venue and transportation:** The issue of an adequate and neutral venue was a major concern for a minority of panel members. As noted above many respondents felt that the venue was often difficult to get to for the appellants. There were comments concerning the formality of the situation, and how this did not help to put the parents at ease, and the need for a neutral venue so as to show the independence of the panel. Lack of nameplates, refreshments and quiet rooms were also commented on.

**Time commitment from panel members:** Some panel members commented on the unrealistic expectations of them in terms of the time they can give to the process, especially where they are expected to give up a block of several days at a time.

**Payment:** There is a strongly expressed feeling by a minority of panel members that some form of allowance should be paid to them. Others equally strongly reject this idea.



## **4 POSTAL SURVEY OF APPELLANTS**

### **4.1 Aims of the survey**

The aim of the survey was to gain information from a representative sample of appellants. The sampling strategy aimed to represent the population of appellants as closely as possible. Ensuring a sample that perfectly represents all appellants in England is an impossible task. Assumptions and compromises made within the sampling are discussed within this report.

This survey complements the semi-structured interviews from the case study data as part of the triangulated methodology. The questionnaire (Appendix 1) was designed to gather data from the sample of parent appellants on admission authorities, types of appeal, preparation for appeals and experience of appeals. The background characteristics of the sample of appellants was also measured through the questionnaire as were their attitudes towards the appeal process and suggestions for improvement.

### **4.2 Method of distribution**

Access to appellants was difficult. Direct contact would have been ideal as this would allow a random sampling scheme to be developed. However, for reasons of confidentiality and in order to minimise the demands made on LEA officers, we could not ask LEAs to pass on appellant's names and addresses. We therefore decided that, similar to the survey of panel members, questionnaires were to be distributed voluntarily by admission authority officers. We used the contact with a first group of officers through telephone interviews with 35 admission authorities (15 LEAs and 25 voluntary-aided and foundation schools) in 15 local education authority areas. As part of the interview the interviewees were asked if they would distribute the questionnaires to appellants by handing them to appellants at the end of the hearing. All agreed to do so. Contact was then made with all

LEAs in England by letter (Appendix 2) asking them to do the same. In all cases the contact was asked how many questionnaires they needed.

The issued sample comprised of 3,300 requested appellant questionnaires. These were addressed to the person nominated by the LEA who distributed them to appellants attending a hearing. This two-stage approach has methodological implications. The *true* number of appellants who actually received a questionnaire is unknown. Additionally, the actual number of questionnaires requested by each nominated LEA person is likely to contain error due to estimation. What can be stated is that the *true* issued sample is likely to be lower than the 3,300 questionnaires sent out. This means that an accurate response rate cannot be calculated.

Further methodological considerations relate to the lack of contact details on the individual appellants. These included not being able to issue reminder letters, follow-up questionnaires or telephone interviews to help boost the response rate as we did not have the names and addresses. To have asked the LEA to conduct this for us was decided to be too great a demand considering that the sample boost from these techniques is likely to be relatively small.

The final achieved sample was made up of 317 parent appellants from 29 different local education authority areas. There were no respondents from Inner London. Assuming that all of the questionnaires were distributed the response rate would be 10%. The *true* response rate however is unknown but likely to be higher. The lack of population detail, problems of direct contact and final response rate all combine to undermine confidence in how representative the sample actually is. Without some form of monitoring of appellants, the representative nature of such a sample cannot be known. Access to a complete list of all appellants would allow the adoption of random sampling methods. This would help to achieve representation but for this study was not possible due to ethical issues regarding appellants confidentiality.

It is known that there were about 63,000 appellants in 1999/00. It can then be calculated that just over half a percent of these were in the sample.

### **4.3 Characteristics of the appellants within the sample**

As noted earlier there was between-area variation in the number of appeals as a proportion of admissions. It is important therefore to know how representative the sample was in relation to this measure. Table 4.1 shows, in column one, the names of the LEAs; in column 2 the number of respondents from each LEA; and, in the third column, appeals as a percentage of admission. The average percentage ratio of appeals to admissions for all 317 respondents in this sample was under 7%. The average for the whole of England 1999/00 was 8%.

A larger proportion of the sample of parent appellants appealed against the LEA (78%) than against a school (22%). These fairly closely reflect the percentages for England (75% and 25% respectively<sup>11</sup>).

The majority of respondents were mothers (Table 4.2). This concurs with other research that has shown that mothers are more likely to take the main responsibility for school choice (David et al 1994).

90% of respondents were from a non-manual occupational class. A majority was in paid employment (41% in Full-time employment, 74% in any paid employment). Unfortunately, no socio-economic details on the population of appellants in England are available to help assess the sample representation here.

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<sup>11</sup> DfES 2001a

**Table 4.1: Respondents by LEA compared with official figures on appeals (a percentage of admissions)**

	Number in sample	Total appeals (as % of total admissions)
<b>NORTH WEST</b>		<b>8%</b>
Blackburn	2	9%
Cumbria	5	2%
Sefton	10	7%
Tameside	2	13%
Trafford	11	7%
Wigan	5	6%
<b>YORKSHIRE AND THE HUMBER</b>		<b>8%</b>
Barnsley	18	7%
Doncaster	1	3%
East Riding	12	14%
Hull	3	13%
<b>EAST MIDLANDS</b>		<b>5%</b>
Derbyshire	16	4%
Leicester	2	13%
Lincolnshire	3	5%
Nottingham	13	4%
<b>WEST MIDLANDS</b>		<b>10%</b>
Dudley	11	14%
Telford & Wrekin	2	17%
Wolverhampton	8	5%
<b>EAST OF ENGLAND</b>		<b>6%</b>
Cambridgeshire	2	5%
Essex	17	4%
Hertfordshire	26	15%
<b>OUTER LONDON</b>		<b>15%</b>
Bexley	5	13%
Ealing	4	8%
Enfield	1	41%
Greenwich	2	11%
Waltham Forest	5	26%
<b>SOUTH EAST</b>		<b>6%</b>
Kent	43	9%
Surrey	1	6%
West Sussex	3	4%
<b>SOUTH WEST</b>		<b>6%</b>
Wiltshire	8	2%
<b>Total with LEA detail</b>	<b>241</b>	
<b>Unknown</b>	<b>76</b>	
<b>Total Sample</b>	<b>317</b>	

**Table 4.2: What relationship are you to the child who was the focus of the appeal?**

	%
Mother	77%
Father	20%
Other	3%
Total	100%

n= 282

88% of respondents classified their ethnicity as white. The 12% of the sample who classified themselves as from minority ethnic origins is higher than the 7% estimate for other ethnic groups in the general population<sup>12</sup>. However, the general population and population of appellants may well be very different. As the ethnic breakdown of appellants in England is unknown a realistic assessment of how representative the sample is regarding ethnicity cannot be made. Additionally, the 12% represents only 39 cases. Statistical analyses involving a sub-sample with so few cases are limited and generalisations from them are unlikely to be reliable and caution is observed.

The ethnicity and/or socio-economic background of parent appellants may well be crucial factors in explaining experiences of and attitudes towards the appeal process. Unfortunately, this survey cannot confidently examine their impact. This is due partly to a lack of monitoring of ethnic and socio-economic backgrounds of appellants and partly due to the problems of representation discussed in section 4.2.

Data was also collected regarding the appellant's or their partner's experience of the educational system. 4% had had personal experience in

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<sup>12</sup> ONS produced an estimate of around 7% minority ethnic groups in England using the labour force survey for 1998 (see previous chapter for full reference).



education as a teacher in the same LEA to which they had appealed and 5% had experience in education in another LEA. Furthermore, 8% had experience as a school governor, 12% had been a member of a Parent Teacher Association and 1% had experience of education as a council member.

Legal training or experience of legal procedures is also a relevant characteristic since it may affect competence and confidence in relation to the appeal process. 9% stated that they had some legal training or experience of legal procedures.

The majority (83%) of appellants had not been involved in the admission appeals process previously. The largest number of re-appealing respondents had attended a hearing just once before. 4% of appellants had appealed three or more times.

A question concerning the type of school (e.g. community, foundation, voluntary-aided) had a high proportion of missing cases. This may be due to sample members being unfamiliar with the distinctions between school types used. 21% of respondents had appealed for a school which was its own admission authority. The national figures for the number of appeals for different types of schools are given in Chapter 2, p14.

Table 4.3 shows that there were almost equal numbers of appeals by respondents for places at secondary and primary schools whereas for England as a whole there are about twice as many appeals heard for secondary than for primary.

The majority of appellants had appealed for the child to start a school at the beginning of the school year and 40 (13%) had appealed for a place outside the usual admission period. Sixty-two (20%) of the respondents had appealed for a place in an infant school.

**Table 4.3: Breakdown of the sample by type of school appealed against**

	<b>%</b>	<b>n=</b>
Secondary	49%	154
Primary	49%	156
Not specified	2%	7
Sample size	100%	317

#### **4.4 Success rates for appellants**

52% had been successful in their appeal. A greater proportion had been successful in their appeal than for England as a whole; in 1999/00 only 34% of appeal hearings had been decided in the appellant's favour.

This is a considerable difference. According to DfES figures (DfES 2001) the sample contains a higher concentration of parents who have appealed successfully than is found in the population it aims to represent. Bias within any sample survey is inevitable (non-response alone ensures this). However, the discrepancy between these two figures provides insight into the nature of this bias. For example there may be a greater willingness on the part of appellants to return the questionnaire if they had been successful. With knowledge of this, the sample-parents attitudes towards the appeal process are likely to be more positive than those in the wider population.

The results were analysed to see if there was any association between the type of school (infant, primary or secondary) and status of school (community, voluntary-aided, or foundation) and the likelihood of success or failure of the appeal. No evidence for such an association was found within this sample.

A similar exercise was conducted to see if there was any association between background characteristics (occupational class and ethnicity) of the appellant and the likelihood of success or failure of the appeal. The social class of the appellant bore no significant relation to whether the appeal was successful or not. There was however a statistical relation between ethnicity and success at appeal but it is important to recall at this point the earlier caveats concerning the small number of respondents. Nevertheless, appellants from ethnic minority groups are found to be more likely than others in the sample to have their appeal rejected<sup>13</sup>. 30% of appellants from an ethnic minority were successful. This is close to the England 99/00 average of 34% although these figures are not validly comparable. However, as official figures on appeal success are not replicated across ethnic groups, the reliability of this ethnic difference cannot be examined.

Assuming reliability, one explanation for this ethnic disparity might be that respondents from ethnic minorities come from LEAs with a higher concentration of rejected appeals. There is some evidence to back this up. However, problems of low numbers are exacerbated here, as detail on the LEA was only provided by 17 respondents from minority ethnic groups. The impact of this is that inferences cannot be confidently drawn that would help examine reasons for the ethnic differences in successful appeal rates. Table 4.4 provides some detail on the LEA appeal rates for the 17 respondents from ethnic minority backgrounds.

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<sup>13</sup> See Appendix 4 for cross-tabulations

**Table 4.4: Success rates for each LEA from which ethnic minority respondents who were unsuccessful were drawn**

<b>LEA area</b>	<b>No of respondents</b>	<b>Appeals lodged as a % of admissions</b>	<b>% appeals decided in appellant's favour</b>
Waltham Forest	3	26%	14%
Trafford	2	7%	26%
Sefton	1	7%	26%
Wolverhampton	3	5%	26%
Essex	2	4%	30%
Dudley	2	14%	31%
Leicester	1	13%	33%
Blackburn and Darwen	2	9%	34%
Bexley	1	13%	44%
<b>n=</b>	<b>17</b>		
<b>Average for England</b>		<b>8%</b>	<b>34%</b>

#### **4.5 Preparation for appeal**

When appellants were faced with making an appeal the people they most often turned to for help and advice were other parents (Table 4.5). Almost half (49%) of the respondents discussed the possibility of appealing with other parents. 33% of appellants stated that they had spoken to a teacher or governor from the previous school and 27% to a teacher or governor from the school they were applying to. 24% had discussed their appeal with an LEA officer and 3% had sought help from a legal advisor.

**Table 4.5: Who did you discuss the possibility of appealing with?**

	<b>%</b>	<b>n=</b>
Other parents	49%	155
Teacher/governor from previous school	33%	105
Teacher/governor from school applying to	27%	86
LEA officer	24%	75
Other	24%	75
Legal adviser	3%	11

Missing = 2 (the number of responses and percentage were higher than the sample size because the results are taken from a number of questions where the appellants could answer in more than one way)

The response to an open question asking what might improve the organisation of appeals revealed a concern with better information and guidance. 43% of responses were about those two aspects. Since information is of great importance in appellants' preparation for appeal they were asked what sources of information they had found most useful. Sources they found of most use were the local education authority documents (44%) and the Appeals Code of Practice (49%). Around half (49%) of the appellants had spoken to other parents and 41% of those stated that this had been helpful. Of the small percentage that had used a legal advisor the majority had found their help to be useful. A few had consulted the Advisory Centre for Education but generally appellants seemed not to be aware of the help they could offer.

In response to the question, 'Did you feel you had the skills to prepare for the appeal unaided?' 62% of appellants answered 'yes'.

The procedures involved in an appeal need to be correct but also transparent and easy to understand. Appellants were asked a number of questions about how easy they found the procedure. Getting the necessary forms seemed not to be a problem for most people. However, knowing where to send the forms once completed does appear to be more problematic (see Table 4.6).

**Table 4.6: Perceptions on the clarity of appeal procedures**

***It was easy to obtain the necessary forms and documents to make an appeal***

	<b>%</b>
Strongly agree	29%
Agree	60%
Disagree	7%
Strongly disagree	4%
Total	100%

n = 313

***It was confusing knowing which documents to send off***

	<b>%</b>
Strongly agree	5%
Agree	20%
Disagree	59%
Strongly disagree	16%
Total	100%

n= 309

It can be seen from Table 4.6 that the great majority of respondents (89%) agreed that they had found it easy to obtain the necessary forms and documents to make their appeal.

Knowing where to send the documents seemed to have posed more of a problem. A quarter agreed that it was confusing knowing which documents to send off. However, a majority did disagree.

The next two attitude questions asked about the information that parent appellants received. Use of the Code of Practice and clarity of the information received are examined (see Table 4.7).

**Table 4.7: Information use and clarity**

***I used the Code of Practice on School Admissions in my preparations***

	<b>%</b>
Strongly agree	13%
Agree	54%
Disagree	24%
Strongly disagree	9%
Total	100%

n = 296

***The information I received about making an appeal was clear and straightforward***

	<b>%</b>
Strongly agree	15%
Agree	58%
Disagree	21%
Strongly disagree	6%
Total	100%

n= 312

From Table 4.7 it can be seen that a majority of the sample of parents had used the Code of Practice (67%). A majority also agreed that the information they received about making an appeal was clear and straightforward.

Having received the documents appellants may still need queries answered. The majority felt that they knew where to go for advice although over a third did report that they did not (Table 4.9).

**Table 4.8: If I had a query I knew where to go for advice**

	%
Strongly agree	14%
Agree	52%
Disagree	23%
Strongly disagree	11%
Total	100%

n = 313

An appellant's case will need to be made partly in relation to the admission criteria of the preferred school. A majority said that they knew enough about these criteria however 40% of respondents reported that they did not (Table 4.9).

**Table 4.9: I knew enough about the admissions criteria for my preferred school**

	%
Strongly agree	13
Agree	57
Disagree	19
Strongly disagree	11
Total	100

n=308

Appellants were asked about their level of preparation for the appeal hearing. Table 4.10 shows that the majority of parents did feel that they were adequately prepared.



**Table 4.10: I was adequately prepared for the hearing**

	%
Strongly agree	18%
Agree	55%
Disagree	19%
Strongly disagree	8%
Total	100%

n = 309

There were significant associations between appellant's success or failure at appeal and the likelihood that they would agree or disagree with a number of statements concerning preparation<sup>14</sup>. Those who were successful were more likely to agree and those who had been unsuccessful were more likely to disagree with the statements,

*If I had a query I knew where to go for advice.*

*Any queries I had about the preparation were answered.*

*The information I received about making an appeal was clear and straightforward.*

*I used the Code of Practice on School Admissions in my preparation.*

*I knew enough about the admission criteria for my preferred school.*

Those who were unsuccessful were more likely to agree and those who had been successful were more likely to disagree with the statements,

*It was confusing knowing which documents to send off.*

*I was adequately prepared for the hearing.*

Both successful and unsuccessful appellants were as likely to agree that the preparation for the appeal hearing was time consuming (Table 4.11).

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<sup>14</sup> See appendix 4 for cross-tabulations.

**Table 4.11: The preparation for the appeal hearing was time consuming**

	%
Strongly agree	29%
Agree	36%
Disagree	30%
Strongly disagree	5%
Total	100%

n = 307

Unsurprisingly, then, those who had been successful were more likely to be positive about all aspects of preparation and those who had been unsuccessful were more likely to be negative about these aspects.

Many of the appellants appeared to be over-optimistic about the outcome of their hearing (see Table 4.13).

From Table 4.12 it can be seen that 66% of respondents reported that they had expected to gain a place at their preferred school although 72% indicated that they had appreciated how over-subscribed the school was. It is worth restating here that 47% of the sample had experienced successful appeals.

**Table 4.12: Perceptions prior to appeal**

***I undertook the appeal expecting to gain a place at my preferred school***

	%
Strongly agree	31%
Agree	35%
Disagree	29%
Strongly disagree	5%
Total	100%

n= 304

***I had not appreciated how over-subscribed the school was***

	<b>%</b>
Strongly agree	8%
Agree	20%
Disagree	52%
Strongly disagree	20%
Total	100%

n = 297

**4.6 The appeal hearing**

The hearing is potentially a daunting experience and the procedures allow appellants to take a friend or relative or other person for support. 44% of the respondents had done so. The guidance also prompts authorities to consider the needs of appellants so as to facilitate their full participation and to make the experience as satisfactory as possible in terms of their treatment. Accordingly a number of questions were asked to gain information as to the appellants' experience of the hearing.

The questionnaire asked appellants whether care responsibilities, disabilities or any other circumstance had offered a potential barrier to their effective participation. 5 appellants (2%) stated that a disability offered a potential barrier to their effective participation, 10 appellants (3%) stated that care responsibilities were a potential barrier and 9 appellants (3%) cited other reasons. Appellants were then asked if they had been offered suitable assistance. Of these 24 appellants, 12 said they had been offered suitable assistance and 12 said they had not.

Childcare is an important consideration in allowing some appellants who are the primary carers to participate effectively. In the previous chapter it was noted that panel members were concerned about child care arrangements for appellants partly because some parents brought young children to the hearing and this made it more difficult for the appellant to make their case. Appellants were asked whether they agreed or disagreed

with the statement “I had no difficulty with child care arrangements for the hearing.” While 72% agreed, 28% disagreed (Table 4.13).

**Table 4.13: I had no difficulty with child care arrangements for the hearing**

	%
Strongly agree	18%
Agree	54%
Disagree	17%
Strongly disagree	11%
Total	100%

n= 287

Appeals are held during the working day and although appellants are given a time it is possible that hearings over-run. Appellants who work need to take time off work to attend the hearing and the questionnaire attempted to gauge how much of a problem this was for appellants. They were asked to agree or disagree with the statement, “It was difficult to attend the hearing because of work commitments.” The majority indicated that this had not been a problem but a substantial minority appeared to have had some difficulty (Table 4.14).

**Table 4.14: It was difficult to attend the hearing because of work commitments**

	%
Strongly agree	10%
Agree	22%
Disagree	48%
Strongly disagree	20%
Total	100%

n= 290

The appeal process is intended to ensure that appellants have an opportunity to make the best presentation of their case and for that case

then to be conscientiously weighed against that of the admission authority. Ideally appellants would feel, even when the decision had gone against them, that they had been able to present their case and that the panel had considered it carefully on its merits. The questionnaire attempted to find how appellants felt about these things.

It seems that most appellants felt that the panel showed sufficient interest. (Table 4.15)

**Table 4.15: The panel members seemed uninterested in my case**

	%
Strongly agree	13%
Agree	10%
Disagree	46%
Strongly disagree	31%
Total	100%

n = 298

The great majority of appellants also felt that they were given adequate time to present their case (Table 4.16).

**Table 4.16: I was given adequate time to present my case**

	%
Strongly agree	24%
Agree	65%
Disagree	6%
Strongly disagree	5%
Total	100%

n = 300

Most found the hearing relaxed and thought that the panel tried their best to put the appellants at ease (Table 4.17).

**Table 4.17: The hearing was relaxed and the panel did their best to put me at ease**

	%
Strongly agree	28%
Agree	50%
Disagree	15%
Strongly disagree	7%
Total	100%

n = 294

One of the main purposes of the Code of Practice was to better ensure the independence of panels from the admission authority against which the appeal was being heard, and, just as importantly, to convey that independence to appellants. Findings in the survey as to how far appellants perceived the panel to be impartial and the decisions to be fair are therefore of particular interest. Two questions addressed this issue, one relating to the experience of the hearing and one to the outcomes. Regarding the first, appellants were asked to agree or disagree with the statement, "I felt the hearing was conducted fairly." The majority of respondents agreed but a sizable minority, 25% did not. (Table 4.18).

**Table 4.18: I felt the hearing was conducted fairly**

	%
Strongly agree	22%
Agree	53%
Disagree	13%
Strongly disagree	12%
Total	100%

n = 297

With regard to the second question concerning outcomes, appellants were asked whether they thought that the decision the panel arrived at was fair or not. 60% thought the panel made a fair decision and 40% did not.

It would not be surprising if the answers to both questions were influenced by the outcome. That is, we might expect that a proportion of those who had been successful would more likely perceive the process as having been fair whereas those whose appeal had been rejected would more likely think it had not been fair. This is reflected in the data. 97% of successful appellants reported that they thought the decision was fair. This compares with 19% of unsuccessful appellants.

This suggests a considerable degree of confidence in the independence of the panel. It should, however, be remembered that in the sample of appellants who responded, successful appellants were over-represented.

The appeal hearing is potentially stressful for appellants. Table 4.20 presents responses that confirm that this was the case for over half of respondents.

**Table 4.20: The hearing was not as stressful as I had imagined**

	%
Strongly agree	8%
Agree	37%
Disagree	34%
Strongly disagree	21%
Total	100%

n = 297

The guidance explicitly acknowledges this and authorities and panels are advised how they might reduce stress. One of these is to consider the effect of the venue's access and the sense of formality imposed by the venue on the appellants. The survey results show that most felt comfortable in the place where the hearing took place although one third did report being uncomfortable (Table 4.21).

**Table 4.21: I felt comfortable in the place where appeals hearing was held**

	%
Strongly agree	16%
Agree	51%
Disagree	22%
Strongly disagree	11%
Total	100%

n = 297

The questionnaire sought to find what proportions found the process unsettling for the family. 69% agreed that it was unsettling and 31% that it was not (Table 4.22).

**Table 4.22: The process was unsettling for the family**

	%
Strongly agree	35%
Agree	34%
Disagree	24%
Strongly disagree	7%
Total	100%

n = 300

The substantive meaning of this finding is not clear. It is likely that the statement was taken as referring to the whole process of admission with the hearing being the final stage rather than just the process of appealing. The results therefore may tell us about appellants feelings about the admission process rather than just the operation of the appeal.

The time between the actual hearing and the notification of the result appeared to vary. Over half of appellants had been informed within 3 days, nearly a quarter between 4 and 7 days and about one in seven appellants had had to wait for a period of 8 days or more (Table 4.23).



**Table 4.23: How long was it between the hearing and knowing the result?**

	%
3 Days	57%
4 – 7 days	27%
8 days or more	16%
Total	100%

n= 289

#### **4.7 Appellants’ suggestions for improvement**

Appellants were asked to suggest any improvements to the organisation of the appeals process. A strong theme in the responses was about guidance and representation. The comments suggest that appellants want more guidance and advice concerning the process (even though 67% of respondents had used the Code of Practice), and many of them would like some kind of representation from the beginning of the procedure.

A second theme was related to the information that appellants receive. Many felt that they wanted more guidance on the likelihood of winning an appeal and explicit mention was made about class size appeals in relation to this point. A further issue was the wish for specific information appropriate to the appellant’s situation rather than generic statements.

The need for improvements in the competence of the authority was a further theme with some respondents citing inappropriate letters and not being informed about the process. Some appellants felt that they should be consulted about their availability concerning times and dates that they could attend hearings.

A recurring theme in the open responses was the level of formality of the hearings. The opinion was expressed that less formality should be shown at the hearings and that the “courtroom style” was intimidating.

Finally, a major concern was to do with the length of time the whole process took. Appellants thought that hearings should be held earlier in the year, and the whole process should be shortened. They also felt that the notification of the decision following the hearing takes too long, and that any decisions concerning the success of the appeal should be communicated as soon as possible.

#### **4.8 Other issues arising**

60% ( $n=136$ ) of respondents' appeals for a secondary school place were successful. This is well above the very consistent national rates between 1995/96 to 1999/00 of 32% and reflects the greater number of successful appellants in our sample. However, only 37% ( $n=62$ ) of respondents' appeals for an infant school place were successful. There are no national figures available for infant appeals as separate from primary but our figure of 37% is below the national level for successful primary appeals of 39% which is itself considerably lower than the previous four years<sup>15</sup>. This low success rate for infant appeals may be expected since the legislation is designed to allow appeals only in specific circumstances so that infant class sizes can be kept to 30 as the law requires. The application of the legislation to all infant classes explains the rate in the latest year being lower than the four previous years.

The national figures show that the chances of an appellant winning an appeal to a voluntary-aided school and a foundation school are less than for an appeal to a community school. 38% of appeals for community schools are decided in favour of appellants whereas, for voluntary-aided schools the figure is 27% and for foundation schools 23%<sup>16</sup>. 75% of respondents in our sample appealed for a community school place and 25% for a voluntary-aided or foundation school. A figure that accords with the proportion of appeals nationally to those different types of schools.

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<sup>15</sup> DfES 2001

<sup>16</sup> Ibid

There was however no significant difference between types of schools in the proportion of appeals upheld and those rejected in our sample.

## **5 TELEPHONE INTERVIEWS WITH ADMISSION AUTHORITY REPRESENTATIVES**

### **5.1 Purpose of the telephone interviews**

The purpose of the telephone interviews was to elicit more detailed information than would have been possible through using a quantitative survey alone. In particular it was hoped that the interviews would give us further indication early in the project of the range and type of issues, situations and practices relating to appeals that exist in different parts of the country. To this end selected Local Education Authorities were contacted by letter describing the focus of the research. The letter asked the Chief Education Officer to nominate the relevant person to be interviewed. These people were then contacted to arrange a 40 minute telephone interview. At the end of the interview the officer was asked to identify three schools in the area that were their own admission authority and that had experienced appeals. The research team subsequently contacted the headteacher of these schools to arrange a telephone interview.

Officers were interviewed from different types of local education authority areas where the experience of admission appeals may raise different issues. The selected sample sought to include a geographical spread of LEAs of different types and sizes as well as a range of school types. The final sample included a wholly selective area; areas with a relatively large number of appeals; LEAs that are geographically diverse; LEAs with different densities of population and areas with relatively large numbers of admission authorities.

Telephone interviews were held with 15 local education authority representatives. This is 10% of all the LEAs in England. Schools that are their own admission authorities were chosen from within these 15 LEA areas and 20 school admission authority interviews were conducted.

## 5.2 Respondents

### *The LEA Respondents*

Most of the respondents nominated for interview by the LEAs worked as administrators in some version of the Committee Services Departments<sup>17</sup> of their Local Authorities. This meant that they had a clerical and committee servicing background. Some of them acted as clerks to the appeal panels which meant that they received the forms from parents, arranged the appeals, put the panel together, sent out the LEA's statement and the parents' case along with supporting documents such as medical information, assisted the panel and ensured that procedures were followed.

There were a variety of job titles and this reflects the variety and different sizes of local authorities that formed the sample. In the smaller unitary authorities officers were likely to combine their appeals role with other roles concerning, for example, asset management or the planning of school places. Some had a legal background and four were education officers working in the local education authorities. Most of the people interviewed had an operational role but a small number had a more strategic role.

### *The school respondents*

Most of the people interviewed were headteachers or deputy headteachers. Occasionally a school administrative officer was interviewed but this was a rarity. On two occasions the head or deputy and administrative officer were present during the telephone interviews.

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<sup>17</sup> Examples of other titles that were used for Departments included Corporate Services Directorate – Democratic Services Division; Communication and Community Services Unit; County Secretary's Department

### **5.3 Headteachers as presenting officers**

Most of the headteachers and deputies interviewed fulfilled the role of presenting officer. There was an issue of how comfortable headteachers and deputies felt in this role. Factors such as leadership style, size of school and whether there was a high or low chance of an appeal being successful affected this. For example, in a small school a headteacher may feel more vulnerable if an appeal is successful because of the possibility that issues might become personalised. One headteacher made a point of chatting informally to the parents before the appeal panel meeting and felt that this assuaged any potential difficulties that might arise. However, an infant school headteacher preferred not to take on the role of presenting the school's case for fear that relationships with the parent might be jeopardised and this could be awkward if the appeal were successful. One diocesan education representative actively discouraged headteachers from taking the role for this reason.

### **5.4 Issues arising from school admission authorities**

Most of the key issue identified by the schools related specifically to the school's context rather than generic issues relating to the appeals process. The major concern was the effect of admitting more children than the headteacher felt it was able to accommodate.

#### ***Issues for heavily over-subscribed secondary schools***

In the sample there were two secondary schools that received more than 100 appeals annually. In such schools there was some resentment that they have to spend a lot of time and resources on hearing appeals when only a tiny fraction of appeals stand any chance of success. Such schools can be described as 'battle hardened' with a jaundiced and sceptical view of the process. In effect children were only admitted on appeal where there were very exceptional circumstances, for example where child sexual abuse was a factor or terminal illness or if the child had a particular

physical or medical condition. Also a large number of appeals is difficult to manage from the point of view of finding people who are willing to give up three 12 hour days to hear the appeals.

The Code of Practice provides guidance about grouped appeals. One school managed them all in three very long days. One meeting is used to present the school's case to a hall full of parents and answer key questions. At the actual appeal hearing with individual parents and panel the school's case is outlined briefly before each appeal and each appellant has the chance to talk to the panel themselves.

The outcome of all this activity in this school was that in 1999/2000 4 appeals were allowed, in the present round, 2000/2001, 4 were admitted and in the two years before 1999/2000 it was 2 and 3 respectively. Thus, very small numbers of appeals are successful but the volume of activity, resource expenditure and impact on the school and parents is considerable.

The other over-subscribed secondary school received approximately 500 more applications than its admission number and dealt with about 100 appeals. There had been one year when the school had recruited what it described as a 'rogue' panel member when its standard number had been exceeded by some 40 children but this was an exception and, ordinarily, successful appeals were in low single figures. The process is managed by a full time admissions officer but, as the school points out, the problem it faces is the number of appeals, the time and the expense. Although funding is potentially available for the administration of appeal panels under Regulation 19 c of the Financing of Maintained Schools (England) Regulations 2001, this possibility was not referred to by the schools. The general impression gained was that these admission authorities were not aware of it.

The appeals process was seen by these interviewees as a waste of time for all concerned and something that must be endured. Even though there

was a recognition that there are some 'sad' cases, parental reasons for lodging an appeal were looked upon sceptically. Admission authorities may reduce the number of appeals by giving information on over-subscription and appeal success rates and these schools attempted to do this (for example one held a meeting where those things were spelled out) but they still received a large number of appeals most of which stood little chance of success.

## **5.5 LEA admission authorities**

Some officers raised the problem of making judgements 'on the balance of probability' when parents are allowed to bring any information they want to the meeting. In contrast a LEA has to have all of its information prepared in advance. Because there is no way of checking parents' information for accuracy unless an adjournment is asked for, panel members have to take a lot on trust from the parents.

The volume of appeals is an issue for admission authorities and parents. Where the volume of appeals is high, there is potential for making parents appear as if they are being treated in a summary fashion. The process may appear to be more symbolic and ritualistic than a meaningful opportunity to consider the merits of their case.

Two ways of managing large numbers of appeals were reported. Some authorities make one presentation to parents for the first stage of the process while others make the presentation for each parent's hearing. The choice of model was largely determined by the numbers involved. As was seen with some schools facing large numbers of appeals, the first stage of the process is held on a different day or evening so that parents don't have to wait around for the second stage of the appeal to be held.

One local education authority had experienced difficulties with multiple appeals and did not know how to arrange them for the best. Another local



education authority asks for groups of *three* parents to come at the same time and they will come in before the panel for the first stage of the appeal. When a parent makes their case at the second stage, the other two parents wait outside. The local education authority officer made the point that she had not been sure how parents would feel about other parents being there, but they do seem to find it quite reassuring perhaps because they can see that they are not the only ones involved. The advantage of grouping the appeals in this way is that the LEA case does not have to be repeated for each hearing. The local education authority also ensures that the letter giving notice of the appeal says “*you and two other people will be there*”.

One local education authority organises appeals in groups of *four* at a time and has recently reduced the number of appeals heard in a day because of the information that needs to be provided. The clerks were finding that they did not have enough time to write up the notes for each case and also send out letters.

### ***Class size appeals***

The LEA officers commonly voiced the opinion that class size appeals were a problem. Many of the respondents felt that the appeal was not a ‘real’ appeal for either parents or for panel members and, if an appeal were to be successful, it would only be because of incorrect application of the criteria or an error of some other kind.

The problem was located by respondents in the primary legislation on different class sizes rather than the Code of Practice on appeals. A number of LEA interviewees felt that infant class size appeals was the biggest issue for panel members, some of whom had resigned because they could not accept a situation which they regarded, ‘*as a waste of public money*’ and ‘*a waste of time for parents to go through a process in which they were unlikely to succeed*’.

There was concern expressed that parents did not understand what was going on, nor how limited was the chance that their appeal would be successful. It was felt that in parents' minds the expression "*you have the right of appeal*", automatically translated as "*we have a good chance*", whereas in reality most parents had very little chance of gaining a place. Clearly, this situation can occur in all types of appeal but the very limited chance of success in a class size appeal makes it a special case.

Not all the LEA officers interviewed had had panel members resign and one of them explained that faced with the commonly held view that they were a waste of time for all concerned he encouraged panel members to think about the fact that people have the right to appeal and mistakes do happen.

There were examples of the local education authority trying to reduce its class size appeals through the way it presented information on the application form given to parents. Some authorities appeared to have been successful in reducing appeals in this way whereas others, despite making it clear that the grounds on which an appeal could be successful were very limited, found that it had a limited impact. Publishing better information about, for example, over-subscription and appeal success rates may have an impact on reducing the level of infant class size appeals but on the evidence of these interviews it is unlikely to be a panacea. It is also possible, as noted earlier in this report, that giving fuller reasons for refusal might reduce the number of appeals because parents could better judge the chances of success in their case.

## **5.6 Independent clerks**

The role of the clerk to the appeal panel is important for ensuring that procedures are followed correctly and that proper consideration is given to parents' cases.

### ***Clerking in school admission authorities***

There were three models for the use of independent clerks emerging from the interviews. Firstly, some schools use a professional clerk from the local education authority and this was reported to work smoothly. Secondly, some schools used a volunteer trained clerk but they reported difficulty in recruiting such a person. The more appeal panel meetings that are held the more difficult it is to recruit. One secondary school explained:

*'If I phoned you up and said, 'look, would you like to do us a favour and write loads of notes all day - For nothing!! what would you say?'*

For this reason some of these schools said they were prepared to pay for these services. A third group of schools used untrained clerks because it was either difficult to recruit professional clerks or the school judged that they were too expensive. One of the school representatives interviewed explained that their school clerked its own appeals using "school secretary type people".

The difficulty of recruiting a clerk, and the saving on the generally high transaction costs for schools, meant that some held appeal hearings only in time for the beginning of the year when the majority of appeals were received. This could have serious consequences for parents who move into an area outside the normal admission round.

*'Well, we hold all of our appeals in May and if people want to appeal, we just say, wait until the next round of appeals, and the reason we do it, is it's very difficult to get a panel and a clerk.'*

This could be seen as removing a parent's right of appeal and provides an example of the difference between school based and local education authority based appeal arrangements. The latter are able to guarantee that a parent's appeal will be held in a reasonable time for example, one local education authority guarantees that an appeal will be heard within six-weeks.

## 5.7 Issues concerning appeal panel members

### ***School admission authorities***

The majority of schools said that they had found it difficult to recruit members. There were two concerns raised with reference to recruitment. One was the difficulty of recruiting people to serve in principle, which means being on a list of volunteers. The second was the difficulty of getting people from such a list for actual hearings on particular days. This was particularly difficult for schools with a large number of appeals. Both aspects are exemplified in the following quotation.

*'It's very difficult. We place adverts and we invite people in, but it isn't easy to recruit. I can't blame them. It's three full days from 8 o'clock in the morning till 8 o'clock at night we run. And so we've got a panel, but every time it's difficult to recruit people.'*

Denominational schools tended to help each other by using governors of one school to sit on appeal panels in other schools. Generally, the denominational schools felt that actual recruitment wasn't the problem, it was finding the same people who could hear all the appeals that needed to be heard over a specific period.

Some schools spoke highly of the information and support provided by the local education authority and took up the invitation from LEAs to draw on their volunteer list. But for others there were inhibitions to such co-operation. For example religious schools were concerned to have people who shared the religious outlook of the school. For this reason the sharing of governors (as noted above) from other denominational schools was an attractive solution. Sometimes schools simply did not know that they could use the LEA people. In other areas schools would like to use them but, because of recruitment difficulties experienced in the LEA, there are not sufficient LEA panel members to make this possible. Occasionally, foundation schools would use members from the LEA's panel when they could not find anyone else but often these schools also had arrangements

with other foundation schools about swapping governors. In one LEA there was a common panel of members that was used but the ex-grant maintained foundation schools would never contemplate using a panel of members organised by the LEA. For the most part this avoidance stemmed from the fact that relationships had become strained as a result of schools acquiring GM status. However, this is not to suggest that foundation schools did not want independent panel members. It was rather that some foundation schools took the view that members from a list arranged by a local education authority would not have the school's best interests at heart.

In general the Roman Catholic dioceses used their own panel members but the local education authority and dioceses would share members in times of need. Relationships between LEA and Roman Catholic dioceses appeared, from these interviews to be unproblematic. The telephone survey provided no data on Church of England dioceses.

### ***LEA admission authorities***

The picture regarding the recruitment of panel members is mixed. LEA officers voiced the same concerns as schools. That is whether the local education authority could find sufficient suitable members and whether there would be enough members available to deploy at the time when appeals are arranged. A third concern was whether panel members were representative of the local population.

While the majority of authorities interviewed found recruitment difficult four authorities said that recruitment was not a major problem. These were more proactive in seeking out new members and had the staff time to organise this.

The representativeness of the panel members was reportedly a more pervasive problem. The fact that a list of panel members was representative of the local population did not always guarantee that each panel hearing was representative "*we've got quite a good mix, but we still*

*end up with perhaps an all male panel sometimes or an all white panel. It does happen". One local education authority had recruited some new black Afro-Caribbean members who tended to be younger and in employment and consequently were not in a position to hear appeals over a number of days.*

*'What they can't do is sit on one of our large ones where there's 130 appeals running in 10 or 11 days of sitting - a lot of them can get time off for public service, but they're not all in that sort of post.'*

Generally, representation was a problem, although the nature of the problem was not always the same. The most common scenario reported was a preponderance of white, male, retired, middle class applicants. Thus, there appeared to be a general problem of over-representation of particular social groups and several authorities felt that there was an over representation of school governors but this was also a major avenue of recruitment.

### ***Methods of recruitment and induction***

Advertising in the press was used for recruiting panel members (as required in the Code of Practice). This method had the advantage of being an open invitation not dependent on existing networks but it was felt to be an ineffective means of recruitment.

Where authorities offer some opportunity for potential panel members to find out about the role and have their questions answered this seems to work out well. One local education authority found that it helped them to recruit a more representative group of panel members.

*'We get them to come along to a session for about an hour, where we explain what the process is all about and then they decide whether they're interested or not. It's worked well - in that we've actually ... managed to recruit some younger members, and more women members.'*

Some authorities were content to use their school governors as potential panel members and to advertise every three years in conformity with the legislative requirements. Other authorities were very proactive at seeking out panel members from all potential sources. Thus, for example, one local education authority makes a point of contacting ex-appellants who are described as “*excellent panel members, very committed.*”

Induction procedures varied with the local education authority quoted below being particularly conscientious compared to others.

*‘There’s like an induction exercise where you tell them what’s required of a panel member and there’s a role play exercise in groups and they watch a mock appeal - so they see if they would be interested in doing it and if they’re still interested they put their names forward and they attend at least two real appeals as observers. So it’s a fairly long induction.’*

## **5.8 Training of appeal panel members**

### ***School admission authorities***

The picture regarding training was very mixed. Firstly, there was no common view about what constitutes ‘training’. Sometimes the dissemination of information, for example through a briefing, was counted as training. Headteachers who were presenting officers were often unaware of whether panel members had received training and sometimes they themselves had not received any training as a presenting officer. One headteacher had attended a diocesan training event that he found to be ‘*very, very thorough and very good*’. However, from the denominational schools in the sample the general picture was that diocesan training was either unavailable or very patchy. The dioceses in this sample left it to the local education authority to train panel members.

Some examples of the responses to questions about training illustrate the diversity of provision. One headteacher described the training that had

been available to panel members as providing photocopies of different small sections of the Code of Practice with highlighted points and talks with the clerk to the appeals panel, who has a legal background. In a similar vein another headteacher described some very brief panel training based on what an appeal is, how an appeal panel works, what the role of an appeal panel is and a brief review of the guidance. One school was using a panel of members set up by the diocese when the school became grant maintained. Those members were still serving. They had some training from the diocese at the very beginning of their time as a panel member but had not had any training in connection with the most recent Code of Practice. In one school, where in the region of 70 appeals were organised, the panel members had received no training but the Clerk had attended several courses. The following comment illustrates a rather typical approach to 'training' for primary school appeal panel members:

*'I see each member of the panel and go through the Code of Practice with them and I give them some information about the Code of Practice and what the role of the panel is and give them the relevant information, but that's about all.'*

### **LEA admission authorities**

The overwhelming bulk of the training provided for panel members appears to be organised by local authorities. All the LEAs interviewed undertook their own training but the extent of this varied and was influenced by whether there was a small or large number of appeals and consequently the number of panel members who needed training. To a minor extent training involving an external organisation and/or an individual was used to complement the in-house training. This was found to be useful.

The most common form of training was the annual event although one LEA held an up-date training session at the beginning of the year before the appeals started and at the end of the year to share experiences.



Most respondents were of the opinion that the most successful aspect of training was the role-play in mock appeals and the case histories. One LEA had used a video from Enfield on '*how not to run an appeal*' which was regarded as quite good. It was not always evident that there was accurate recall about which organisation had produced which materials.

Organisations that were mentioned as providing training were:

Butterworths – One local education authority used the organisation because it provided a legal perspective.

The Law Society – The materials were praised as was the training "*a full set of notes with lots of reference to the Code of Practice and School Standards Framework Act, lots of case law, lots of ombudsman cases ... very useful material.*"

ACE – Two authorities mentioned ACE by name and one of those wanted to include more training from ACE because it provided a parent perspective that was felt to be lacking in the other training.

Two authorities mentioned explicitly the use of ISCG training and/or the use of the materials.

Some authorities differentiated the training offered by role and by level of experience. One local education authority offered two types of training; a once a year event based on the Law Society training days that are given to officers and members, and individual sessions for panel members who wanted to 're-learn' or discuss some of the issues.

## **5.9 Use of the School Admission Appeals Code of Practice**

The interviews with the school admission authorities gave a picture of a patchy knowledge and use of the Code of Practice. As mentioned above, many of the headteachers and deputies interviewed were presenting

officers and did not necessarily have a detailed knowledge of the preparation that the appeal panel members had received in terms of the information they had been given or any training in which they had taken part.

Generally, there was a tendency to look to the clerk for guidance about the Code but, given the difficulties of recruiting clerks identified above, a reliance on the clerk would present a difficulty for some schools. The general view was that the Code of Practice was good.

There was a much more informed response from the LEA officers. Their feedback on the Code of Practice was very positive. The common view was that panel members liked some form of guidance and the Code of Practice provided a useful set of principles to follow. All LEA officers interviewed felt that it was very useful. They reported that all panel members were given their own copy and some stated that the Code was followed very closely.

It seems that most LEAs do not use panel members unless they have received training and are familiar with the Code of Practice.

## **5.10 Equity**

Respondents from both school admission authorities and LEAs felt that parents needed more help in preparing and presenting their case as they often did not know what was expected of them. They felt that some parents are better placed to handle the process but, for example, a frequently expressed view was that the members of appeals panels were experienced enough not to be swayed by the fact that some parents were more articulate and better able to present their case

The point was made that panellists are very good at seeking out additional information, but, that sometimes it's difficult to get further information from

parents and some of the appeals are very brief because the parents are not able to articulate the further information that is needed.

There was a universal perception that, all things being equal, actually turning up in person to present a case makes an appeal more likely to succeed.

## **5.11 Location of panel meetings**

### ***LEA admission authorities***

The significance of the location of panel meetings is bound up with the need to convey to parents that their appeal is being taken seriously whilst also ensuring that the venue is accessible and that the proceedings are not too daunting for parents. From the telephone interviews it appears that some LEAs go to great lengths to make the surroundings as comfortable as possible.

In some urban areas the ability to offer parking is a major and sometimes overriding consideration. Equally, transport links are important and appeals are held centrally because, as one officer describes the situation:

*'It's not good practice where parents have got to travel miles, so we try and hold it centrally, but I think that is one of the most daunting factors and traumatic for parents.'*

LEAs do not hold their appeal panel meetings at the school where a parent is appealing for a place because the Code of Practice advises that a neutral venue should be chosen.

Foundation schools tend to hold their panel meetings at the schools even though the Appeals Code of Practice recommends that a neutral venue is used rather than the school. This is recommended to ensure that the panel is seen to be independent, but the schools appear to believe that the cost of going elsewhere would be prohibitive.

## 5.12 Summary and issues arising

On the basis of the interviews with school and LEA representatives it is possible to draw some preliminary conclusions in relation to the key research questions.

*Are admission authorities/admission appeal panels following the guidance contained in the School Admission Appeals Code of Practice and, if not, what are the reasons for this?*

In the majority of cases appeal panels are following the guidance contained in the Code. In the case of LEAs this was reported as a universal occurrence but in the case of schools the picture is more varied because some headteachers, who act as presenting officers or as 'advisers' to the appeal panel, are not familiar with the Code and clerking arrangements may not be adequate. In the majority of cases a copy of the Code is distributed to panel members although it is not common for the Code to be used in the panel meetings. The clerk is a source of advice on the Code but not all schools are able to appoint a clerk who can offer advice to the panel. Although most panel members have their own copy of the Code of Practice it is not used extensively by panel members. Rather, it is mainly used as a reference document by the clerk to the appeal panel. Some schools are not following the Code's recommendations concerning venue.

*Are there any areas where different guidance is wanted and would improve the operation of the admission appeal procedures and appeals panels?*

LEA respondents did not identify any areas where *different* guidance was wanted although there was a general view that if clearer guidance on infant class size appeals could be provided it would be welcome.

The overwhelming view of the Code of Practice was that it was clear and gave good guidance on the decision making process. However, there were some specific examples cited of where the Code of Practice could be improved.

Heavily over-subscribed schools would like to see a different kind of appeals system because of the demands that the present system makes on the school's time and resources.

*What training has been given to members of appeal panels and by whom?*  
Most training offered by LEAs is in-house involving officers from legal services and the education department. There was some awareness of the ISCG materials and some LEAs had made use of them. The feedback on the materials was positive. However, in the region of half the authorities could not recall the materials or had not used them.

The picture regarding school admission authorities and training is much more problematic. It appears that for schools that are their own admission authority training, as commonly conceived, may be the exception rather than the rule. Most of those interviewed were unaware of training materials that were available. Briefing of panel members is far more common than the provision of a dedicated training event.

Training represents another time commitment for panel members along with the actual demands of the voluntary role. LEAs are in a position to insist that panel members undertake training before they take part in a panel meeting. Not all of them do this, partly because of recruitment difficulties, but the LEA can be a key influence. As regards improvement to the materials, respondents made the case for more differentiated material taking account of panel members' different roles and levels of experience.

*Is any different advice wanted?*

The class size issue was referred to extensively and it is clear that different advice was wanted to prevent the volume of cases that have no chance of success. No specific suggestions were advocated.

### *Does the process work for parents?*

In terms of outcomes the process of course does not always deliver the result parents hope for. In terms of whether the process was a fair procedure that delivered a just result according to the regulations, the feeling of these admission authorities was that it worked as well as could be expected.

There was a significant view that inarticulate and disadvantaged parents did not fare well in the present arrangements and needed help with presenting their case. Appeal panels can be adept at questioning parents to ensure that they have provided all the information they want to get across and questioning the local education authority in terms of supporting facts that are made in the statement.

### *Does the process work for panel members?*

Most respondents felt that members contributed fully to the decision making process and that the education member of the panel did not dominate proceedings. The class size appeals are an important area where the process does not seem to be working for panel members.

The officers alluded to the unrealistic expectations of panel members in terms of the time they can give to the process, especially where they are expected to give up a block of several days at a time.

### *Casual admissions*

Parents may be ill served if they move into an area outside the normal admission round. There is evidence that, informally, LEAs will look sympathetically at cases where a parent would have been eligible for admission if they had been able to apply during the normal admission round. However, for schools that are over-subscribed there is some evidence that parents may effectively be denied a right of appeal because the proposed time-scale for hearing the appeal is far too lengthy for a child to be without a school place.

### *Different types of appeal*

There is no evidence from the telephone survey, apart from the issues identified around class size appeals, that any one type of appeal is any more problematic than any other type of appeal.

### *The different locus of schools and local authorities*

An important consideration would seem to be the different roles of schools and LEAs in relation to managing the appeal process. LEAs have a wider brief than schools because they need to help parents find a school place if an admission appeal is unsuccessful. They also need to ensure that parents' experience of the process is as positive as it can be in the circumstances. An education officer who is a paid employee of the council does not have the same kind of immediate interest in the outcomes of an appeal or face the same kind of pressures as does a headteacher in a school, particularly an over-subscribed school.

## **6 CASE STUDIES**

### **6.1 Introduction**

The case study element of the research provides further understanding of the practice in context of five admission authorities. Data were collected using semi-structured interviews with admission authority officers, appeal panel members and parents; observations of panel hearings and documentary analysis. Of the five case studies three are LEA admission authorities and two are individual schools who administer their own appeals. The following fieldwork was conducted.

#### **LEA 1**

- Interview with presenting officer
- Observation at appeal hearing
- Interviews with three panel members
- Interviews with five parents

#### **LEA 2**

- Interview with admissions clerk
- Interview with presenting officer
- Observation at appeal hearing
- Interviews with five panel members
- Interviews with four parents

#### **LEA 3**

- Interview with admissions clerk
- Interview with presenting officer
- Observation at appeal hearing
- Interviews with four panel members
- Interviews with five parents



### **School 1**

- Interview with headteacher
- Observation at appeal hearing
- Interviews with two panel members
- Interviews with five parents

### **School 2**

- Interview with headteacher
- Interviews with two panel members.
- Interviews with five parents

## **6.2 LEA 1**

### **Background**

LEA 1 is part of an Inner London authority. The population is diverse in terms of prosperity with areas of significant poverty close to areas of great wealth. It is one of the most ethnically diverse areas in Inner London and has the most mobile school population. The mobility rate in primary schools is 12.1% and that for secondary schools is 10.5%. As with other London areas there is considerable cross-LEA traffic in secondary admissions. Only around half of primary children resident in the borough move on to the LEA's secondary schools. This also means that there are many applications from outside the LEA.

There are considerable differences in the popularity of schools although the majority of both community and aided and foundation schools are over-subscribed. There are 40 primary schools 14 of which are community schools, 19 Church of England voluntary-aided and 7 Roman Catholic voluntary-aided. Twenty-eight of the 40 are over-subscribed, about half of them heavily so. There are 8 secondary schools. Only 3 of these are community schools, two of which are moderately over-subscribed and one

heavily so. The 5 others are religious schools, four of which are heavily over-subscribed and one moderately so.

The two voluntary-aided Church of England schools are girls only and there are 700 more secondary places in the area for girls than for boys although there are identical numbers of boys and girls in the area schools altogether. In the community schools boys outnumber girls by 800. The OfSTED LEA Inspection report commented that secondary provision is increasingly incompatible with the religious and ethnic diversity of the population of the borough.

The borough has a higher than average level of appeals heard for secondary schools - around 32%. The appeals for the community schools, which are the subject of this case study, are much lower at just over 2%. This is because of the relative unpopularity of two of the community schools that have only a small number of first preference applications above their admission number although the third is heavily over-subscribed.

The percentage of appeals for primary schools is 5% and the average for all schools is 20%.

### ***Conduct of the case study***

Interviews were conducted with the admissions manager who was also the presenting officer for the authority. Three panel members and five parents were interviewed and one hearing was observed where four cases were presented. In addition, the School Organisation Plan and letters, instructions and aide-memoires were collected and analysed.

### ***Management of the appeal process***

Since the area has a high proportion of over-subscribed aided and foundation schools (65%) compared to less well-subscribed community schools (35%) the authority is responsible for a minority of appeals in the area. The LEA has an admissions manager who presents the case on

behalf of the authority and is responsible for informing parents of their statutory rights regarding appeals. This officer also recruits and organises training of panel members.

The authority employs an outside clerk on an ad hoc basis. As the admissions manager explained,

*'When I get an appeal...I immediately send them to her and negotiate a date and so on and she deals direct with the parents and the panel. She convenes the panel, she chooses the people from the list, which we provide obviously, and she notifies the parents of the hearing and stuff and they reply to her if they can't come or whatever.'*

This separation of roles and responsibilities helps to maintain the independence of the process from the interests of the LEA. Stages one and two of the appeal process are heard for each case. This is a practical possibility because of the relatively small number of appeals.

The hearings are held at the Council Offices.

*'It's very, very difficult to find alternative accommodation. They do meet here...It's very difficult to find suitable accommodation that people can get to with disabled access and everything else.'*

Admissions Manager

A translation service and provision of interpreters is offered in the initial guidance notes for appellants. Childcare facilities are not offered and, in the letter informing appellants of the date of the appeal, they are discouraged from bringing the child for whom the place is being requested.

There is an intermediate and informal stage prior to the appeal hearing. If a parent had cited maladministration as a reason for appealing (i.e. that the admission authority had not followed its own admission arrangements)

the admissions manager saw it as her responsibility to investigate and, if a mistake were found, to concede the place before it went to an appeal.

This is particularly relevant to infant class size appeals because parents only have two grounds for appeal and one of them is maladministration. In effect, by dealing with maladministration prior to the appeal, any cases that do get to the hearing stage have even less likelihood of success.

### ***Information received by parents in preparation for the appeal***

In the composite prospectus there is full advice given about appealing against admission decisions. This information sets out the formal requirements on admission authorities to provide reasons for their refusal to offer a place, the time limits for appeals to be made, the likely timescale of the procedure, the independence of the panel and the binding nature on schools and the LEA. It is formal in tone, in keeping with the rest of the composite prospectus. Special mention is made, in a yellow highlighted paragraph, of the restricted grounds on which class size appeals might be granted. This is clearly an attempt to reduce unrealistic expectations on the part of parents. It too is formal and contains precise and qualified language as it seeks to discourage such appeals whilst not implying that there is no hope. The passage is quoted in full as it illustrates the difficulty of wording such guarded warnings.

*From September 2001, subject to certain very limited exceptions, infant classes (that is, Reception, Year 1 and Year 2) will not be allowed by law to contain more than 30 pupils if the class has only one teacher. If you are applying for a place in reception, Year 1 or Year 2, the school (or the local education authority in the case of a community school) may refuse to admit your child if to accept in any more children would mean that the school would need to take measures, for example employing an additional teacher or building extra classroom space, before it could meet the requirement that an infant class must not have more than 30 pupils. Appeal panels considering appeals in these cases will only be able to uphold your*

*appeal if they consider that the decision to refuse your child was unreasonable or that your child would have been offered a place if the admissions arrangements had been properly carried out.*

When a parent has lodged an intention to appeal against the local education authority decision not to offer a place at a community school the clerk to the panel sends a letter advising them of the time and place of the hearing. Enclosed with this letter is an information sheet running to two sides of A4 called, *School Admission Appeal Panel Procedures for Community Schools in (LEA 1) Notes for Appellants*. This explains the independence of the panel and its constitution. It states that they will receive information seven days in advance of the hearing, *“setting out how the Council’s admission policy was applied in your case and the reasons for the decision...[and] copies of any information or documents which the Director wishes to put before the panel.”* It stresses that the panel will strive for informality compatible with a fair hearing. It then describes exactly what will happen from the moment the parent arrives, through the introduction procedure, the order of speaking and the purpose of each stage. It restates in plain language the grounds on which the panel makes its decision and the kinds of judgements they have to make at the different stages. It explains the parents’ responsibility to send any written evidence to the clerk in time for it to be circulated to panel members. At the end of this text there is a brief offer of help for certain categories of parents. It states,

*Please do not hesitate to contact the clerk if you require any further information or advice concerning the arrangements for the hearing (e.g. facilities for disabled parents, provision of interpreters, etc.) as well as the procedures to be followed.*

This apparently less than wholehearted offer was elaborated on by the admission manager who commented on the offer of an interpreter:

*'...We ask them if they need an interpreter. Will they be able to bring one or do they want us to provide one? And then we use our language service...Sometimes the interpreter comes, we pay for them, and the parent doesn't come. Sometimes the parent comes with a friend who can speak the language anyway...We don't have [official interpreters] very often. Most times they bring a friend...which they feel more at home with than with a commercial interpreter...'*

For those appealing for an infant school place they receive a similar sheet but with extra information concerning the class size legislation. This is intended to make clear the restricted grounds on which the panel can consider the appeal.

### ***Hearing procedures***

The appeal hearings are held in, a tall modern tower block situated in central London. In the hearing observed the appeals took place in a bright, airy and modern room on the 17<sup>th</sup> floor, with magnificent views of London. There is an abundance of public transport to the venue and there is access for disabled people. Childcare facilities are not offered. Appellants wait in a seated area outside of the room where the hearings are held. In the hearing observed, no parent brought children. Water was made available to the panel but not to the appellants.

In the hearings observed the atmosphere was fairly informal. The Chair introduced the panel, explained the way the hearing was to be conducted and stressed the independence of the procedures. These observed hearings followed the suggested order from the Code of Practice and there was no contact between the appellants and the panel members prior to the hearings. The headteacher is usually present and this is very much encouraged by the appeals manager and panel members as it provides accurate knowledge of the school situation. The local education authority case is presented by the admissions manager for each appeal and then the appellants are invited to make their case.

In the observation of the appeal hearings the clerk always asked whether the appellant felt that they had had the opportunity to put their case. At the end of each hearing the presenting officer and the headteacher left the room with the appellants.

### ***Panel members***

There are twenty panel members on which to draw. Twelve of these are lay members and eight are education members. There are more women than men on the list and the admissions manager felt there was a need to attract a more representative range of people. Lay members are mainly recruited through advertisements. Education members are nominated by the political parties. They are not politicians themselves but they are political appointments.

The clerk does not necessarily know what political party the people on the availability list come from. People who have been councillors in the borough in the past are not allowed to sit on the panel as according to legal advice it was thought that they would jeopardise the independence of the panel. However there were some councillors from neighboring authorities who wanted to continue to serve on an appeal panel and so were recruited to the LEA's list.

On application to be a panel member the admissions manager sends a questionnaire asking them to provide relevant information. If there is any doubt about their eligibility the application is referred to the City solicitor for a decision.

Subsequently there is a kind of informal selection process that takes place. Whenever a panel member has, in the eyes of the clerk, proved him or herself not to have suitable qualities as a panel member the clerk is likely not to choose them to sit.

*'You have to be sensible. I mean we would never rule anyone out...but there are people who are just...not in any one's*

*interest...Not people who are not on our side or something, but people who just aren't acceptable for one reason or another. '*

### ***Training***

One full day's training was offered on two different occasions to all panel members, although it was particularly aimed at those who were new to the role. It was run by the ISCG and the feedback was good. This training was also offered to the voluntary-aided and foundation schools in the area. Two clerks to voluntary-aided admission authorities came. The newly appointed panel member interviewed, reported attending three days of training prior to sitting on a panel. This had involved going through the legislation, talking to other experienced members and role-playing. She found the training very useful. An experienced panel member interviewed felt training was essential. She would like more training on the Human Rights Act. She also felt that panel members are not kept up to date on relevant legal judgements and legislation. This information is distributed to the clerk but not to the panel members.

All panel members are issued with the Code of Practice. In addition the panel chairs are provided with an aide-memoir which sets out the principles of a fair hearing and the procedures to be followed including how to establish an informal but correct atmosphere in the hearing.

### ***Issues arising***

Although the local education authority offers advice and training, the voluntary-aided schools do not always make use of these opportunities. They do however share some of the same panel members.

Because there is an expectation that there will be senior representation from the school the costs in time are potentially substantial. However, because there are relatively few community schools, and these are the less popular schools with parents, these costs could be higher. It is projected that there will be an increased pressure on school places in the near future, and therefore a likelihood of increasing levels of appeals.



LEA 1 does not have a clerking service administered by another section of the authority. The clerk is employed on a loose contractual ad hoc basis. The management of the appeals process is undertaken by one competent person, who stated that,

*'I think we're almost unique in the councils according to my research that our Committee Services or other parts of the council don't get involved in appeals at all. So the other side of that is that I have to advertise for lay members and appoint them. I have to organise training. I have to really, you know, do everything that in nearly every other council is done by someone outside of Education.'*

Admissions Manager

The majority of LEA admission authorities have the clerking of appeals administered by another section of the local education authority, however, the LEA is not in fact unique in this arrangement and varying practices of clerking provision exist.

### **6.3 LEA 2**

#### **Background**

This Metropolitan Borough Council is on the border of a large conurbation and adjacent to other semi rural areas in the north of England. The schools in LEA 2 are organised along comprehensive lines and serve a total population of just over 40,000 pupils. The LEA has:

- 80 Community/ Controlled Primary/Junior Schools
- 33 Voluntary-Aided Primary & Junior Schools
- 11 Community High Schools
- 3 Voluntary-Aided High Schools.

The authority manages all the appeals in the area, including the voluntary-aided schools and provides panel members and clerking services. There

have been approximately 600 admission appeals lodged and 450 appeals heard during 2001. In 1999/2000 the percentage of primary appeals was 3% and of secondary appeals 10%. These figures are below the national average. The bulk of these appeals are dealt with over the summer period. The number of appeals lodged has remained consistent over the years with the exception of primary appeals, which doubled during the year 1999-2000. This was due to changes in the authority admission criterion to include siblings and also changes in distance measurements.

### ***Conduct of the Case Study***

The fieldwork for the case study was conducted during the period from March to September 2000. It consisted of the following:

- Interview with admissions clerk
- Interview with presenting officer
- Observation at one appeal hearing
- Interviews with five panel members
- Interview with four parents

### ***Management of the appeals process***

The Committee Services Department administers the clerking of the appeals hearings. There is a team of three clerks working on admission and exclusion appeals. The education department has one dedicated presenting officer and is in the process of training another person to present the LEA case. The LEA places great emphasis on the independence of the clerking service from the education department and seriously attempts to convey this independence to parents. As the senior clerk points out:

*'We don't use Council headed notepaper. We have headed paper for the Education Appeals Panel. We sign letters as Secretary to the Education Appeals Panel, not Chief Executive or Council Solicitor or*

*whatever, so we try to use different titles and different notepaper than the rest of the Council use.'*

The panel members also attempt to ensure that the parents understand that they are independent from the education department. One panel member explained that he deliberately asks hard questions of the presenting officer to testify to his independence.

The presenting officer is not accompanied by headteachers and reported that he thought that it would not be an effective use of the headteachers' time. Furthermore, he believed that it would potentially damage the relationship between the successful parent and the headteacher.

*'If the parent sits in a meeting that, despite every effort, sometimes can become confrontational and then wins their appeal and they've gone through that process with the headteacher and then the headteacher has to try and form a positive relationship with them as a parent, it's about the worst footing you can get off on, isn't it?*

Presenting Officer

As a number of schools are over-subscribed, the authority has to deal with multiple appeals. They are heard on an individual basis rather than grouped en masse. This often results in hearings lasting for up to five days. One of the panel members raised concerns regarding this procedure and the difficulty of maintaining concentration over a long period.

### ***Information received by parents in preparation for the appeal***

Parents who file for appeals are sent a guide to the appeals process. All of the parents interviewed stated that they received adequate information to make their appeal. One parent felt the information could have been in plainer English and thought that it did not explain what would be expected of her at the hearing.

*'I don't think they ever made it clear what you were going up against. A bit more information and the fact that, you know ... I mean they're well rehearsed on what they're going to say. They've done it years and years and years. I mean you have never done this before.'*

PM3

Parents also receive an authority case letter setting out the grounds for refusing a place. Some of the panel members felt that the information regarding class size appeals could have been made clearer for the parents.

### ***Hearing procedures***

At the present time all appeals are held in the Town Hall. The Town Hall is a large imposing Victorian building with grand old chambers and marbled floors. The rooms in which hearings take place are council committee rooms with oak-panelled walls and large solid tables. Both parents and panel members interviewed suggested that the formality of the surroundings might be a little intimidating. In the hearings observed the Chairs explained the independence of the panel and maintained a professional formality with the presenting officer. The order of the hearing was as described in section 4.46 of the School Admission Appeals Code of Practice. Experienced clerks, who outline the procedures to the parents and also offer support and guidance to the panel members, always serve the appeals hearings. In the hearing observed, the presenting officer questioned the parents in an intimidating way. This point was reinforced by one of the parents interviewed.

The presenting officer is an experienced education officer who has a good knowledge of the schools within the area. This placed him in a strong position to field questions regarding the schools and removed the necessity for the headteacher or school representative to be present. The presenting officer provided the panel members with maps of where the school is situated in relation to where the appellant lives.

### ***Panel members***

There are approximately 27 appeal panel members in the LEA. At the time when elected council members were removed from appeal panels (in accordance with the School Admissions Appeals Code of Practice) LEA 2 took the view that other panel members, who sit on the Education Committee, such as teachers and governors, should also be debarred from the appeal panels. This means in total that they lost 12 panel members in addition to the councillors. The Committee Services department places advertisements in the local press on a regular basis but have not managed to recruit many new members through this method. Several new members have recently been recruited by word of mouth through other panel members or local councillors. The majority of the panel members are well-established, experienced members. In terms of representation, there is a good gender balance. The majority of members are retired professionals but there are a number of younger panellists.

### ***Training***

The panel members were all familiar with the Code of Practice and reported that they referred to it regularly. In terms of training, the more recently recruited panel members felt as though the training and guidance they received was insufficient.

*‘Just that I feel that I didn’t get enough training before I started. I was thrown in at the deep end.’*

PM1

The authority addressed the training needs of the panel members by holding a full day of ISCG training in March 2001. This was regarded as useful and beneficial by the members interviewed. Feedback forms issued by the training providers are reported by the officers to give a positive response to the training. The more experienced panel members, however, suggested that they knew much of the information outlined in the training already. This point was reinforced by the presenting officer who stated that the training

*'... covered an awful lot of ground. Most panel members, because they're experienced panel members, (were) familiar with it and it didn't really add anything to it and it was ... very programmatic ... and there didn't seem to be the opportunity ... for members to actually pick up on the issues that were of more concern to them. So no, I didn't think that was a very effective use of their time.'*

Presenting Officer

### ***Issues arising***

The key issue in the appeals process in LEA 2 is the unrest amongst panel members regarding class size prejudice appeals. Several experienced panel members have resigned over the issue and others expressed their feelings of frustration and lack of opportunity to use their judgement.

The panel members are mainly experienced and have a good insight into the schools. Also, as there is only one presenting officer within the authority, they appear to have grown accustomed to his approach in dealing with the parents. These factors have the potential for creating bias in favour of the LEA. As the senior clerk points out:

*'They are not deliberately biased either in favour of the Education Division or any particular parents. I mean we don't have people, who sit on appeals, where they've got an interest in the decision, But you do build up an impression of a school and over a period of time you do inevitably build up a relationship with the Education Officer and tend to believe what he says more than you believe a parent, who you've seen for an hour and you'll never see again. And that's just inevitable because they don't deliberately try to be biased, but it is a consequence of being on the panel for some years.'*

## 6.4

### LEA 3

#### Background

LEA 3 is a large Metropolitan District council in the north of the country. The schools are organised along comprehensive lines and serve a total population of over 100,000 pupils. The authority has

- 181 Community/ Controlled Infant and Primary Schools
- 13 Community/ Controlled Junior Schools
- 49 Voluntary-Aided Primary Schools
- 1 Voluntary-Aided Junior School
- 36 Community High Schools
- 7 Voluntary-Aided High Schools.

The support services for education, including school place allocations, is currently managed by a private company. The LEA does not manage all the appeals in the area, but facilitates some voluntary-aided schools by providing panel members and clerking services. In terms of appeals, there have been approximately 1600 admission appeals lodged and 1400 appeals heard during 2001. The bulk of these appeals are dealt with over a concentrated ten-week period. The number of appeals lodged has been consistently high over the years. In 1999/2000 the percentage of primary appeals was 7% and of secondary 14%. For all schools it was 10%, three points above the national average. This may be a reflection of the parental perceptions of the shortcomings of a number of less popular inner city high schools. Within some areas, the parent of every child allocated a place at a particular school will appeal against the allocation.

In September 2000, the City Council launched an inquiry into school appeals as a response to growing concerns regarding the appeals process. The inquiry made a number of recommendations, which have now been implemented. They included a single school application form;

new guidance notes for parents wishing to appeal; external training for clerks, presenting officers and panel members; and a recruitment drive to obtain panel members.

### ***Conduct of the case study***

The fieldwork for the case study was conducted during the period from March to September. It consisted of the following:

- Interview with admissions clerk
- Interview with presenting officer
- Observation at one appeal hearing
- Interviews with five panel members
- Interviews with five parents

### ***Management of the appeal process***

The Committee Services Department administers the clerking of the appeal hearings. The clerking arrangements appear to be inadequately resourced and viewed generally as “seasonal work”. It does not therefore have a dedicated team working on appeals, just one appeals officer who is perceived by both the panel members and presenting officer to be very competent. She has, as she put it, to go around “begging” committee clerks to serve appeals hearings or bring in temporary staff from an agency to clerk the appeals hearing. This results in appeal hearings frequently being clerked by either several different clerks at best and often by agency staff without relevant experience.

The headteacher of the school for which the parent states a preference nearly always accompanies the presenting officers from the LEA. This has a significant effect on the appeals proceedings, described under “Issues Arising.”

As a number of schools are over-subscribed, the authority has quite often to deal with a lot of multiple appeals. They are heard on an individual basis



rather than grouped en masse. This often results in hearings lasting for up to five days.

Until the 1990/2000 round of appeals, the panel members in LEA 3 conducted multiple appeals hearings by deciding after the first appeal of the day, whether prejudice would arise if more children were admitted, then moving to hear all the remaining cases for a particular school. The decision for the factual first stage would hold beyond the hearing and would be a key consideration at each subsequent hearing that may occur throughout the year. As no record was kept, decisions on stage one were often based on memory or hearsay. This ad hoc approach takes on some significance in the context of LEA 3. Establishing that a case was not made at stage one is rare in most authorities but the presenting officer stated that on a number of occasions in previous years the case within this authority had not been made at stage one. The reason for this is that headteachers, who are always present at appeals hearings, frequently argued against the authority and openly stated they could take other children. The system has now been modified and the panel hears all the appeals for a particular schools and decides on stage one and two at the same time.

***Information received by parents in preparation for the appeal***

Parents who lodge an appeal are sent a guide to the appeal process. All of the parents interviewed stated that they received adequate information to make their appeal. Several parents complained about delays in receiving the information.

Parents also receive an authority case letter which is a standard article, and is used for all appeals to both secondary and primary schools. Attached to the case letter there is supposed to be a statement from the headteacher explaining why the school cannot accommodate any more pupils. The headteacher's statement is often missing from the case letter and panel members have suggested it is often variable in content. Indeed the presenting officer remarked that the Ombudsman had previously critically commented on this. The headteacher, or headteacher's

representative, at the actual appeal hearing verbally presents the specific reasons for refusal to the individual schools. This potentially disadvantages the parents, as they have no time to prepare questions regarding the specific issues within the school. If they appeal to more than one school they are likely to receive several copies of the same standard form.

### ***Hearing procedures***

At the present time all appeals are held in the City Hall. There is, however, a proposal to hold some of the school appeals in areas where the schools involved are located. The City Hall is a large and imposing Georgian building with grand old chambers and marbled floors. The rooms in which hearings take place are council committee rooms with oak-panelled walls and large solid tables. In the hearing observed the panel Chair explained the independence of the panel and maintained a professional formality with the presenting officer. The order of the hearing was as described in section 4.46 of the School Admission Appeals Code of Practice. An issue particular to LEA 3 is that the presenting officer offers a general overview of the reasons for refusal and then passes over to the headteacher to present the case for the school and field the parents' questions.

### ***Panel members***

There are approximately 100 appeal panel members in LEA 3. About one half of the panel members are well-established experienced members and around the same number have recently been recruited through advertising in the local press. In terms of representation, there appears to be a good gender balance. A large proportion of the panel members are retired people and there is a low representation of members from minority ethnic groups. Attempts have been made to recruit from minority ethnic groups and advertisements have been distributed via the Black Governors Unit and the Race Equality distribution list. The response rate, however, has been low. One of the panel members interviewed was a young woman of Pakistani origin who was persuaded to become a panel member when she complained about the conduct of panel members at her own child's appeal hearing. She argued that:

*'They've got to get the ethnic minority people in there because if they don't, they can't address their issues. They don't know their background. They don't know their problems, so how can they?'*

The appeals officer stated that s/he has had some difficulty in gaining clear guidance from the legal department as to panel membership. It is felt that the Code of Practice is a little ambiguous on this point. The appeals officer has removed a number of competent and experienced people from the panel pool because they were previous local authority councillors and perceived to be part of the authority. When it comes to constituting panels for the hearing, there is some difficulty in recruiting panel members with educational experience because school governors are categorised as lay persons.

There is evidence of conflict between various interested parties. We have already noted that some headteachers openly contradict the local education authority case, arguing that the school would be willing and able to take more children. In addition, the admission authority has voiced a concern about panel members' suitability to serve, and have officially complained to the appeals officer about the conduct of some panel members who openly state that their role is to let children into schools. There is also evidence of some panel members perceiving others as unsuitable and even going so far as refusing to attend training and panel hearings in their company.

### ***Training***

The authority held two full days of ISCG training in March 2001, which was regarded as useful and beneficial by the members interviewed. Feedback forms issued by the training providers are reported by the officer to indicate a positive response to the training. The panel members who were interviewed however, suggested that whilst new members received benefit from the training, the more experienced panel members did not gain much from it. As one panel member stated:

*'I think this year, 2001, there has been this more authoritative approach to training including the ISCG, but by then I'd become, without boasting, experienced enough not to find it terribly valuable, but I believe it was very valuable to lesser experienced (panel members) and newcomers because there were a lot of newcomers on the training session and they would benefit, but I was saying to myself, "Well I've heard all this. I know all this. I don't need telling again.'*

The aim of the training, in addition to providing an overview for new members, was apparently to address some contentious issues. This included the insistence of panel members on headteachers being present at all the appeal hearings and to reiterate the importance of dealing with class size prejudice appeals within the set guideline. Subsequent interviews with panel members and officers revealed that although panel members are working within the guidelines in relation to class size appeals, they still insist on headteachers attending the hearings.

The officer responsible for appeals has established a series of workshops for Chairs of panels and attempts to draw on good practice developed by experienced Chairs over time. One such example of this was the development of a multi-ranking grid. This was a device created by one experienced Chair to help with the issue identified above arising from multiple appeals, which he presented at a workshop and which is now being incorporated into all the appeals hearings.

Panel members and officers involved in the appeals process are updated on significant legal judgements via a regular appeals newsletter. The panel members interviewed all stated that they used the Code of Practice as a regular reference guide and generally found it useful and informative.

### ***Issues arising***

The key issue in the appeals process in LEA 3 is the attendance of the headteacher at appeal panel hearings. There are two different issues

concerning headteachers. Firstly, the panel members in LEA 3 insist on headteachers, or a senior representative, being present at every appeal hearing, even if they last a number of days. There is a widely held view among panel members that it is crucial for the panel to ask the headteacher details about the school.

Furthermore, if the school does not send a representative, it appears to be quite commonplace for some panels to take the view that the school is in a position to take more children and therefore grants the appeals. This view was echoed by a number of panel members at the training sessions that were observed. This places the individual schools under enormous pressure to attend all appeal hearings. Secondly, whilst some headteachers clearly feel unable to accommodate extra pupils; there are some headteachers who are more than willing to take extra pupils and express this view openly at the panel hearings. The panel members are therefore presented with mixed messages from the headteachers as to how many extra pupils schools can accommodate, which undermines the case made by the authority.

Another issue facing the LEA is the absence of a dedicated appeal clerking team. There is only one dedicated clerk for appeals and the rest are made up either of other clerks (who regard their main role as serving committees) or by agency staff who receive limited training. It appears that it is commonplace for multiple hearings to be served by a different, often inexperienced, clerk every day. This problem is exacerbated by the fact that some of the panel members are, according to the interviewees, forthright in their views and need experienced clerks to give them firm guidance.

The presenting officer's role is also regarded as a clerical operation and, with the exception of the chief presenting officer, most of the presenting officers are low-grade clerical staff rather than experienced education officers who know the schools and school procedures well. The majority of presenting officers in LEA3 have not visited the school and are not in a

position to answer questions during the hearing. Therefore they are reliant on the presence of the headteacher to field questions. Paradoxically many heads actually weaken the authority case by saying that they had taken a specific number of extra students in the previous year without causing a problem.

Several panel members were critical of the LEA in terms of their inefficiencies in passing on the relevant documentation to both them and the parents in reasonable time before the appeal hearing.

The issue of class size prejudice was significant in the previous year as the authority had a significantly high rate of cases being allowed. In year 2000/2001, there were 300 appeals for class size prejudice. Out of these, 82 cases were successful. The clerking service came under severe criticism for giving insufficient advice to panel members regarding the legal constraints. The clerking service suggests that the reason for this was that several Chairs of panels attempted blatantly to defy the government on this issue, because they perceived it as being unfair. The clerking service has now adopted a much tougher stance on the advice given both during training and at appeal hearings. The admission officer reported that this is having some positive results. The panel members also appear to be less insistent on headteachers being present in class size prejudice cases.

During the course of this year there have been twenty-five complaints to the ombudsman regarding the appeal process, most of which have been dismissed. It appears that the main complaint is that the panel did not listen to the parents or the admission authority did not give seven-days notice. There have also been several complaints regarding comments made by presenting officers. One case involved a headteacher in a class size appeal advising parents that he could take a lot more children as he had an empty classroom. Although the panel accepted the authority case, the parents felt the decision was unjust in the light of the headteacher's comments. The ombudsman found there was no case to answer. This

example highlights the problem in LEA 3 with headteachers speaking out against the LEA.

## **6.5 School 1**

### **Background**

School 1 is a Church of England Specialist Performing Arts College in an Inner London Borough. It is a single sex, voluntary-aided secondary school. The admission limit for the school is 120, half of which are Church of England places, slightly more than a third are Open places, a tenth are Performing Arts places and a very few Special Consideration places. Subject to these criteria the school operates a banded admission system whereby it administers a test of general ability. 25% of the school's intake are those scoring higher in the test, 50% from those scoring in the mid-range and 25% from those scoring in the lower range.

The school is extremely over-subscribed and has very high levels of appeals. The school received nearly 800 applications for admission during 2001. Out of these 212 parents went to appeal. Out of 212 only four appeals were successful. The number of children applying for places at this school has steadily increased over the past five years from 400 to almost 800. The number of appeals, which are successful, is consistently in low single figures each year.

The school's popularity appears to have been built upon two factors. Firstly, the significant improvement in the school during the nineties resulted in it being awarded Beacon status and receiving the coveted title of the most improved school in the country. The school is also popular because it is a single sex school. Over half of all applications come from Muslim families who wish to have their daughters educated in a single sex school.

Applicants wishing to apply for a place at the school are required to follow a set procedure. This firstly involves a compulsory visit to the school on one of the open days. This is followed by an assessment day test, which will determine in which band the pupil is placed for the allocation of places. Those applying for one of the Church of England places are required to have a standard letter from their religious leader. Finally, all applicants and their parents must attend an interview in order to establish the family's religious background, commitment to faith and current involvement in their religion.

### ***Conduct of the case study***

The fieldwork for the case study was conducted during the period from May to September. It consisted of the following:

- Interview with headteacher
- Interview with admissions administrator
- Group interview with five presenting officers
- Interviews with three panel members
- Interviews with five parents

### ***Management of the appeals process***

The school manages its own appeals, but draws from the authority panel members' pool. The clerking of the appeals is conducted by a private clerking service. The role of presenting officer is divided between the headteacher and five members of the senior management team. The panel hearings for this year were conducted over seven full days.

### ***Information received by parents in preparation for the appeal***

Parents who lodge an appeal are sent a guide to the appeal process. All of the parents interviewed stated that they received adequate information to make their appeal.



### **Hearing procedures**

At the present time all appeals are held in the school during the school day. The school is quite small and reportedly 6.4 % over capacity, consequently accommodation is limited. The hearings take place in a classroom and the parents wait outside in the corridor. The panel members reported that the room was most unsuitable. The headteacher offered the following rationale for holding the hearings within the school.

*'We have it in the school and it's noisy and they complain and they complained about the heat, but we're making the point that we cannot take any more kids and the panel were acutely aware that we couldn't take any more.'*

The presenting officers had, in previous years, stayed in the room with the panel members throughout the hearings. The presenting officers reported that they were most annoyed when asked by the panel chair to leave after every case so that the parents did not get the wrong impression regarding the independence of the panel.

### **Panel members**

Three panel members heard the appeals. They were all experienced members drawn from the City Council's appeal panel pool. One of the panel members had previous experience of hearing appeals at the school, whilst the other two members had no previous dealings with the school. All three of the panel members reported that they had concerns with the school's admission policy in terms of how the criteria were applied.

### **Training**

The City Council held an ISCG training event during the previous year to which all of the voluntary-aided schools were invited. The headteacher did not attend the training. The senior staff who act as presenting officers in the school had not received training and none of them had a copy of the Code of Practice. The presenting officers seemed to be unaware of the contents of the Code of Practice and did not understand, for example, the

process of leaving the room after each case. They also had the impression that the panel could only allow an appeal if maladministration was found. They did not seem to understand the second balancing stage whereby the panel exercises its discretion between the degree of prejudice and the weight of parental factors. They were also unaware of the points to consider when setting up the accommodation arrangements for the appeals.

### ***Issues arising***

The headteacher stressed that the process of dealing with such large numbers of appeals is costly and extremely time consuming for both herself, the senior management team of the school and a clerical assistant who works almost exclusively on admissions and appeals. The headteacher believes this is exacerbated by the fact that a significant proportion of parents from various minority ethnic groups are accompanied by community lawyers who send further correspondence to the school after the appeal. The school often feels the need to employ a solicitor to help word the response and therefore incurs additional costs. The headteacher appeared to be unaware that funding is available to admission authorities, under regulation 19c of the Financing of Maintained School Regulations, to meet expenditure incurred in connection with the administration of appeals.

The school in addition spends a great deal of time conducting interviews with parents in order to establish “commitment to faith”. This involves interviewing each of the 417 parents and children who applied under the Church of England category. The reported aim of the interview is to establish the family’s commitment to their religious faith. This is a very time consuming process for the staff involved and is in addition to the required letter from a minister. The headteacher believes that the interview is very beneficial in establishing the child’s commitment to her faith. The senior management team say it is useful to gain an overall impression of the family, to see how supportive the parents are and to assess the legitimacy of some claims.

The letter, which goes out for the year seven appeals, clearly states the right to appeal. However the school gets casual admission requests throughout the year and does not inform the parents that they can appeal against the refusal. Parents can therefore be misled as to their right to appeal.

The criteria for the 4 Special Consideration places were misinterpreted by some of the parents interviewed. The school intends the places to cater for exceptional social or medical need whilst the parents interviewed applied under this category for their exceptionally gifted and talented child.

During the course of the seven days of appeals at the school there were clearly a number of tensions between the panel and the presenting officers. They were reported by, and caused concern to, both parties. One presenting officer stated:

*'They (the panel) were challenging ... All the way through they challenged the policy, which is not ... And they encouraged, almost encouraged the parents to challenge the policy, which I think was grossly unfair and grossly misleading to the parents who thought that they had more of a chance! And then you look at the ones that they gave us!*

There was also some tension between the panel members and the clerk. The panel chair felt as though the clerk was operating beyond her role and stated that she intervened on several occasions by asking the parents questions. The headteacher did not appear to view positively how panel members had come to their decisions, and suggested that their treatment of both the clerk and presenting officers was not good.

The headteacher and members of the school's senior management team perceived the appeal system to be unfair and as penalising successful schools. They also expressed concern with the fact that the successful appeals are mainly concentrated in the bottom ability band. We were

unable to ascertain whether this was true or not. The school felt this was because the top ability band pupils often hold up to four different school places. This the school feels offers them greater opportunity to 'pick and choose' and they therefore tend not to appeal.

## **6.6 School 2**

### **Background**

School 2 is a mixed voluntary-aided Catholic comprehensive school in a large city in the North of England for children between the ages of 11 to 18. It caters for 1100 pupils and virtually all of them come from a Roman Catholic (RC) background. The school Governing body is the admission authority and the clerking service is administered by the City Council committee services department on behalf of the school.

There are 7 voluntary-aided secondary schools in the city. Appeals in the area are generally quite high, but are in line with other metropolitan areas, with around 1600 appeals lodged and around 1400 being heard by the admission appeal panels annually. The school's standard admission number is 168. Of this number 90% (151) places are reserved for RC children. This may mean that some places are not taken up, but will remain reserved for RC pupils. Governors may admit non-Catholic pupils if places are available but not more than 10% of the normal admission.

The school is a popular school and serves a wide catchment area. Certain parishes are identified in the admission criteria though feeder schools are not explicitly named. It has proven academic success and has achieved a good reputation. The school acquired specialist Sports College status in September 2000. The school's OfSTED Report stated that it has "*many strong features...provides a good standard of education....[and] pupils of all levels of ability usually make at least satisfactory progress*". Both the overall social and economic backgrounds of the pupils and their level of

attainment on entry to the school are well above average. Around 1% of pupils come from an ethnic minority background.

The reputation of the school is echoed in one of the parent interviews:

*'...it's an excellent school. It's got a good reputation. I think the discipline side is quite good. It's very well organised. It's got good results and they were very welcoming when we went and my husband said it was the cleanest school he's been in!'*

PAR19

Furthermore, the school's relationship with the feeder schools is apparently very good and there are regular meetings held between the head of the school and the heads of the feeders.

The admission criteria are similar to other Catholic voluntary-aided schools in the area, although they are in a different priority order. The first criterion is RC pupils living in the RC parishes and attending the RC primary schools serving these parishes. There are seven criteria altogether, too many to list here, and there is potential for confusion, as demonstrated by this parent:

*'It was all sent to me. Yes, it was all there for me. It can be a bit confusing reading it all, all the jargon but, you know, I sat and I read it over and over and made sure I understood what it was, but ... it's quite confusing in parts, the categories and what is like other pupils and what are 'other' pupils. I'm just assuming that it means non-Catholics, you know? That's just my conclusion, but does it mean that? I don't really know.'*

PAR18

When the admission limit is reached subsidiary criteria are used to determine priorities; these include 'children of permanent members of teaching staff' and 'siblings'. Parents do not have to prove that they are

practising Catholics. The only evidence needed of affiliation to the RC church is a baptismal certificate.

In 1999/2000 168 places were available and 194 applications were received. Thirteen children were given places as a result of appeal. In 2000/2001 there were 168 places and 204 applications, with 22 appeals of which 11 were successful. There have been two unsuccessful Ombudsman cases this year, one for maladministration against the panel and the other against the school.

### ***Conduct of the case study***

The fieldwork for the case study was conducted during the period from March to September. It consisted of the following:

- Interview with admissions clerk
- Interview with presenting officer
- Interview with one panel member
- Interviews with five parents

The presenting officer was also the Assistant Head of the school.

### ***Management of the appeal process***

The school is its own admission authority, but passes the clerking of appeals onto the LEA clerking service and draws from the LEA panel member's pool. The role of the presenting officer is taken by the assistant head, who has been in the role for 15 months and has had autonomy working alongside the Admissions sub-committee of governors. This Sub-committee consists of the Chair of Governors, two other governors and the Head; the presenting officer is invited to meet with them for advice, discussion and to bring them up to date on the school's admission policy. The presenting officer has been through two appeals for his own children and therefore empathised with the appellants.

The school admission authority appeared to be content with the services provided by the city clerking service.

The presenting officer appeared to be unaware that they did not have to use the clerking service provided by the LEA but could hire clerking services from elsewhere. He thought that the clerk they used managed to remain neutral, and furthermore did a good job advising them about aspects that they should be aware of and talking them through procedures. The school also has a dedicated receptionist who handles the administrative side of the appeal process. She works on admissions for three days a week, and is employed to work on the school reception for the remainder of her time, and appears to empathise with the anxiety the parents face when they are unsuccessful in being allocated a place at the school.

The administrator felt that sometimes the school had been too helpful because this helpfulness had led to parents blaming the school for their failure to win an appeal due to the advice they had given.

### ***Information received by parents in preparation for the appeal***

In the prospectus there is full advice given about appealing against admission decisions. This information is formal in tone and sets out that the decision of the Appeal Committee is binding on the governors, and that there are time limits for appeals to be made. It does not mention the formal requirements on admission authorities to provide reasons for their refusal to offer a place, nor does it give the likely time-scale of the procedure or stress the independence of the panel. The information does not discourage parents from appealing stating that last year “*further children were given places as a result of appeal*”.

The procedure for acquiring forms to make an appeal was perceived as posing unnecessary difficulties by two parents who complained that there was no form to fill in, which meant that they had to write a letter to inform the school that they wanted to appeal against the decision.

Another parent felt that the rejection letter after the hearing was far too generic, and that something more personal would have been acceptable. There was no admissions contact details for advice on the initial rejection letter, so some parents did not know where to turn to for advice and guidance. When one appellant rang the school for some factual information s/he found them to be very uncooperative, passing them onto the DfES. This was not helpful advice for the parent, as the DfES do not keep the information s/he needed.

### ***Hearing procedures***

The hearings are not held at the school, but at the City Council Civic Hall to try and convey independence. One of the panel members felt that the Civic Hall was too grand to be suitable. The rooms were too formal, and were either too large or too small with some having the appearance of a courtroom due to the large tables. One parent felt that the Civic Hall was a far better location than the school itself as it was not linked:

*'...it needs to be in a location that's not linked to the school and not linked to the LEA really. So the Civic Hall's not a bad location...the parking's not too bad and the building's nice.'*

PAR17

A few of the parents found the Civic Hall difficult to locate, and one suggested a map would have helped with this problem. Some parents who drove to the hearing had difficulties parking in the City centre, whereas other parents had no trouble parking at all. Three out of the five parents had had to take unpaid time off work; one worked flexi-time so had had to rearrange his day.

Prior to the hearing the presenting officer waited outside the room, following the guidance in the Code of Practice. He then walked in with the clerk and the appellants. Even though this meant that the school representative had to walk in every time a new hearing commenced he believed that this was a better way of conducting an appeal than having



multiple appeal hearings. The independence was pointed out to the appellants at each hearing. The independence of the panel was further asserted by the fact that the presenting officer sat away from the panel. The panel members were very keen not to be seen to be overly familiar with the school representatives, and this neutrality was taken so far as to provide the panel members with coffee, but not the presenting officer.

Appeal hearings for the school usually have governors' representative present, this is fairly normal within hearings for voluntary-aided Catholic schools in this area. The representative is normally the parish priest to avoid withdrawing another teacher from normal school work. Some of the priests are foundation governors of the school. Within the hearing the governors' representative will explain the governor's decision to refuse a place and then pass the case on to the presenting officer. The presenting officer is the only one who asks the appellants questions and the governor's representative answers queries from the appellants concerning such things as the parish boundaries, as these are often different to the LEA boundaries.

One of the parents commented on the lack of refreshments available. Her hearing had been held on a hot day and she had asked for a glass of water and had been told she could not have one. The parents also found the venue to be too formal. One had found the set up of the room had made this worse and that a round table would have been far more appropriate. Furthermore, one parent thought that the panel were not interested in her case, and that the outcome was a foregone conclusion.

One appellant felt that the panel had been sympathetic. They had explained the entire procedure to her, which she found very helpful and listened carefully to what she had to say. She also felt that she had had enough time to present her case and was very impressed when she became upset and was offered a cup of tea by a member of the panel.

The Chair is very experienced, has sat on many long sessions of appeals over the years and appears to be in charge of the proceedings. The parents differed in their perceptions of the Chair. The attitude of the Chair irritated some parents, and in one case the couple had decided that the mother would present the case due to the fact that the father had connections with the members there. Despite this the Chair subsequently directed all of the questions at the father and ignored his wife even though he kept looking at his wife to answer. This couple had found the hearing to be both condescending and difficult, and they noticed that the panel kept looking at their watches and were visibly fidgeting. They thought that the panel were not courteous and their 'tone' was not right.

After the hearing the appellants are sent a letter informing them whether they have been successful. The letter contains no reasons for the decision. The letter sent out is different to the one sent by community schools and was modeled on a letter from an information training pack. It refers to the fact that they considered all the arguments the panel and parents put forward and to the two-stage process. The clerk felt that the letter was perhaps too harsh and that a detailed rejection explanation would perhaps make the process less stressful.

### ***Panel members***

In addition to the LEA panel members the diocese also has its own pool of members. The members from the diocese usually have educational experience. The diocese pool is run separately and independently from the LEA pool, and the school draws from both of these sources.

A panel member from the school felt that there was a representative mix of ethnic minorities, and young and old members. The members she had encountered at the school changed every time, but always included two from the diocese and one from the LEA pool. These could either be education or lay members.

There have been occasional problems with the recruitment of panel members. For example, a practising priest from one of the local parishes named in the admission criteria, wanted to become a member. The clerk perceived that this may cause a conflict of interest so subsequently did not allow him to sit on hearings.

### ***Training***

Training events are run for the LEA panel members and members from the diocese are invited to these events. The LEA held two full days of ISCG training in March 2001, which were mainly to do with the new class size prejudice legislation. One diocese panel member felt that her training had been adequate, and suggested that they would benefit from some training and guidance concerning appeals for schools in the diocese and how they differ.

The presenting officer had had no formal training; he had only had a brief 20-minute discussion with the head. The presenting officer had previously attended an appeal on behalf of his daughter for the same school, so he had some idea of what the process entailed. When he made his first presentation for the school he was worried, as he knew that if he was not effective, the school could potentially have a number of extra children attending. The presenting officer has a copy of the Code of Practice, which he refers to and finds to be useful.

Some interviewees believed that the panel members lack knowledge concerning the procedures and principles of admission appeals. For example, it was reported that during one hearing the panel had to send for legal advice as a parent had mentioned a specific section of the code, and the panel did not understand what she was talking about.

### ***Issues arising***

The consistency of the panel appeared to be a concern for some parents who mentioned that appellants with exactly the same criteria as themselves had got through on appeal, whereas they had not. The

presenting officer also felt this was an area of worry and was concerned whether the decisions would have been different if another chair had been present.

The appellants interviewed felt that they should be given more information explaining the procedure, perhaps in the form of some explanatory guidance notes. They also suggested that they should be allowed to take their child into the hearing with them. One appellant's son wanted to present the case himself and another parent stated that her daughter needed questions answering.

The admission criteria also seemed to cause some concern and the clerk pointed out that under note 6 for the admission criteria it states:

*Proven and exceptional need for admission must be supported at the time of application by documentary evidence*  
School Prospectus

She felt that this statement is too loose due to the fact that it is a subjective judgement whether one medical condition is deemed to be worse than another. She felt that this school's criteria should be more objective.

The panel members perceived the location of the hearing as being too grand and formal. The parents, however, did not appear to feel that this was an issue and were more concerned with the set-up of the room than the formality of the building. Furthermore, in over-subscribed schools such as School 2 there is a real need for some kind of training for presenting officers, due to the fact that any maladministration may lead to the admission of a large number of pupils.

## 6.7 Thematic analysis of interviews with panel members conducted as part of the case studies

### Background

The panel members interviewed had varying degrees of experience. Six had over ten years' experience, three were new panel members and the rest had, on average, five years' experience. In terms of gender balance, there were seven male and ten female interviewees. Most of the panel members are retired professionals and only two members are under the age of fifty. The majority of panel members are also school governors and several served as local magistrates. The most commonly cited routes into becoming an appeal panel member were either in response to advertisements in the local press or being put forward by their local political party. Only one person joined through a different route; she became a member after feeling incensed at the treatment she received as an appellant. The motivation to become a panel member frequently came from their involvement and understanding of the education system as school governors. A number of members also felt as though they were paying something back to society.

*'I felt I had quite a lot to give and felt that I could contribute and, well, perhaps it's really putting it too strongly to say contribute something back to society, which I did feel.'*

PM2

The amount of time they spent on hearing appeals varied from two days per year for newly appointed panel members to up to twenty days for long serving panel members. The average number of days spent on appeals was ten. The panel members serve on a voluntary basis and only received refreshments and travel expenses. Some appeal clerks have suggested that panel members should be paid for their duties. All of the interviewees rejected the idea of payment. Several referred to the sense of public pride they gain from performing public duties.

*'I've got mixed feelings about that. I mean I've done five days' work at ten hours a day. I've done 50 hours for nothing and I could take the view, "Hey, I should be paid for this," but I don't know. I'm not sure fundamentally and deep down whether it is the sort of post that should be paid. I mean magistrates are not paid and councillors didn't used to be paid. They used to do it for civic pride, you know, and that's the way I think it should be and I think panel members shouldn't be paid. I don't think you could make people into salaried employees, no.'*

PM3

*'I would not be attracted by being paid ... I wouldn't want to be paid ... I'm coming because I'm putting something back into society, not because I'm paid.'*

PM2

### ***Initial and ongoing training and use of code of practice***

The training was generally thought of as being useful and interesting, and the panel members who had participated in these events felt that they had learnt a great deal about admission appeal hearings. This is echoed in the panel survey where 85-95% found their training to be very good or useful. The ISCG training was implemented in all three of the case study LEA admission authority areas, and the two schools who were their own admission authority were offered the training but did not take it up. The majority of panel members in the case study areas therefore undertook ISCG training, whereas the panel survey revealed that only 1% of respondents took on this type of training. Training was thought of as being extremely important.

The most commonly quoted form of training was role-play. A small number of panel members' felt that role-play was not particularly useful. One member felt that a video of a hearing would be useful.

A panel member suggested that there should be a greater amount of time allocated for questions. Those members who had taken part in the observation of panel hearings agreed that this was very useful, although it was mentioned that this should occur prior to the annual training session.

Training concerning the class size legislation appeared to be welcomed, as it informed panel members what the grounds were for granting this type of appeal. Some members thought that there should be slightly different training events in the separate authorities due to the differing rules that are applied there.

The amount of training varied between one day and three days, depending largely on how long the person had served on a panel. Some of the training events were organised by the LEA. In other areas the members actually had to ask for training themselves. The more experienced panel members generally felt that their initial training had been insufficient or non-existent:

*'There was very little training. I mean it was all comparatively new and I think everyone was feeling their way...the sort of training that we were receiving was on the job training.'*

PM10

It was felt that training had improved over the past year and one member commented that they received training sessions on a fairly frequent basis considering the role that they fulfil. Some members, however, still feel that they are not obtaining enough training to perform their job in an adequate manner prior to them sitting on panels.

Members felt that extra training was needed in a number of areas such as the observations of panels, training for presenting officers, training on how to become a chairperson, discussions with individuals who run tribunals, and guidance on decision-making. The need for training in the areas of observations, and chairing were also mentioned in the panel survey.

A very commonly expressed view was that there should be a differentiation in training between the new panel members and those who are more experienced. Some experienced members found that the training covered old ground. One member stated:

*'We're all at different stages and so we're all asking different questions and wanting to know different things...in a way that's quite useful because you're all asking different questions, but in a way it sort of holds you back because you're doing different things.'*

PM7

Another member felt that this kind of all-encompassing training was very programmatic, and this meant that often there was no opportunity for discussion regarding issues of concern. One panel member did not read any documentation that was passed to her as she felt that she already knew enough through her experience of hearings.

In general the panel members felt that they were not kept fully up to date with relevant legal judgements, many said that they had to find out this information on their own from sources such as the Internet, the newspapers or other members. In contrast the responses from the panel survey showed that a majority agreed that their LEA was good at keeping them up to date on legal judgements.

The majority of the panel members felt that they were familiar with the Code of Practice. However, some more experienced members felt that even though some may say they are familiar this did not necessarily mean that they had read it thoroughly. Panel members generally found the Code of Practice to be a useful document, especially for clarification. One member suggested that it was particularly helpful for those who do not have a background in the education field.

The main suggestion for improvements to the Code of Practice was to produce a document containing summaries of each section. Panel



members feel it would be easier to digest and would also be more suitable for lay members.

Members who sat on appeals for schools who were their own admission authority tended to have more concerns with the Code of Practice than other members. Some felt that the admissions criteria needed standardising for all authorities, others thought that the actual Code should relate to these types of schools more thoroughly:

*' [The Code is] geared to the county schools and the way they do their admissions, which is quite different from the way the diocese does them.'*

PM13

The salience of this issue was illustrated by this research project's findings that some church schools do not always adhere to the guidance in the Code of Practice even though admissions and appeals law applies equally to all types of maintained schools.

### ***Factors influencing panel members***

Once an admission authority has satisfied the appeal panel that there would be prejudice if the child were admitted to the school, the panel moves on to the second stage of the process and considers the parents' reasons for applying to a particular school for their child. The role of a panel member is to balance the degree of prejudice and the weight of the parental perspective. However, in order to do this, they have to take into consideration a number of factors which determine the outcome. The factors which individual panel members take into consideration vary between different members, and between different admission authorities.

The issue of compelling reasons for granting appeals was explored with the interviewees. Panel members cited a variety of circumstances, which they thought swayed the balance in favour of the appellant. The most commonly cited reasons were to do with health, either where the child

would have a physical difficulty travelling to an alternative school because of existing health problems, and/or where new health problems might possibly arise because of travelling to an allocated school. Another commonly cited reason was the security and safety of the child. Panel members appeared to place great emphasis on the safety of travel routes to and from schools. Employment risks to parents were another commonly cited reason for granting an appeal. The interviews were peppered with stories of individual extenuating social circumstances. The issue of distance had a major role to play in both of the following examples.

*'It was a mother, who was in a wheelchair, and she'd got a job and she wanted to send her child to the school, which was literally three doors away from where she lived – and she hadn't got a place. And she couldn't take the job if she had to get the child to the other side. And we thought that was a good reason. So that was on a medical issue.'*

PM6

*'We had one recently where a mother was undergoing very severe chemotherapy and the father was obviously very distressed about all this and, ... circumstances as to who could look after the child made one school far more convenient than the other. I mean we had no hesitation in granting that. I mean we felt, well, that poor father – he's got enough to cope with without one more problem.'*

PM5

The grounds cited by the interviewees for refusing appeals varied considerably. The fact that a school had a good reputation and the child was bright appeared to hold little influence with panel members, although from the parents' perspective the reputation of the school is often of central concern. Also important to parents is the maintenance of their child's social network. Some panel members however did not regard this as significant.

*'Well, if it's just things like, "Her friends are going to that school," ... we do feel that they make new friends quite easily at that age ...*

PM5

Nor did a number of panel members appear to take reported bullying as a basis for deciding in favour of the parents unless it was so severe it would be supported by documentary evidence.

*'it's a terrible thing bullying, and it can be devastating to the child – but if we accept a bullying without medical evidence, without, ... something ... more substantial on top of that, then there'd be lots of kids getting in on bullying. And having experience in schools, I think it's something that schools can and should sort out'.*

PM3

Most of the panel members referred at some stage to the issue of establishing the truthfulness of the parents' claims. There is a commonly held view that what parents say cannot always be taken at face value.

*'I think they try and fob you off with a lot of ... well, I wouldn't call them lies exactly, but they try and fob you off with some sob stories.'*

PM12

Personal knowledge of schools in the area can have a bearing on the panel members' decisions. They have often built up a pool of knowledge about the local schools which can affect their decisions. A number of members acknowledge that this information can potentially have a marked effect and they strive to remain neutral.

*'You're meant to be making a decision on what's being presented and what the parent has been told. So I think in that sense to know the schools actually gives you a little bit of an unfair ... Because you're making decisions on what knowledge you've already got, not the knowledge that the parent has.'*

PM1

### ***The ranking of multiple appeals and the factors considered***

In the case of multiple appeals, whereby panels handle appeals from a number of parents for the same popular school, one panel comprising the same members should, as stated in the Code of Practice, consider all the appeals. All of the panel members interviewed adhered to this principle. Multiple appeals can be dealt with as grouped appeals, whereby the admission authority presents a general case to the hearing in the presence of all parents in a group. Then, if prejudice exists, the parents' cases will be heard individually. The other way to hear multiple appeals is individually whereby the admission authority repeatedly presents its case followed by each parent's case. The panel members interviewed were all involved in such individual appeals. This process often involves panel members hearing in excess of 60 appeals over a five-day period, the panel ranking appeals in their order of strength. They remain mindful of the school's admission criteria and other factors in the appellant's case. Furthermore, there is no set procedure for ranking appellants and panel members adopt a variety of methods.

*'If we're doing say one or two days' worth or something or even four or five days' worth, we'll classify them A, B, C ... and C is an outright, "No, we're not going to let them in." A is, "We really must come back and look at this very seriously because I think this is a very good case," and B is because we can't quite decide between the two if you like, but it just means we'll revisit it ... we'll come back and look at all the A's and maybe the B's or the B+'s or whatever, at the end of the period.'*

PM8

*'It's something that we in this authority have put together over the last 12 months or so from experience in dealing with multiple appeals and it has a series of headings across the top and the total heading says, "Criteria which may be used by the chair to rank multiple appeals." So it isn't absolute and it's up to the panel to say,*

*colleague to colleague on the panel, whether we regard that as important.'*

PM10

*'I mean when we're deciding we usually as a panel say 'definitely no, definitely yes' and then you end up with the maybes, but ... we're then discussing some in more detail and trying to be fair so that the ones we refuse are all worse and the ones that we grant ... It's got to be a dividing line. The nearer they are to that dividing line the harder they are to decide.'*

PM5

The Code of Practice recommends that decisions should not be made on individual cases until all the cases for the particular school have been heard. However, panel members in one particular authority sometimes went against this advice.

*'We tend to carry on, but so often what happens is you've done three and then you've been told that these next two are not going to come and you say, "God, we're going to sit here an hour doing nothing, so let's do those three." Whether that's good or not, I don't know.'*

PM8

None of the panel members was involved in group appeals, however a number of them expressed reservations about the logistics of this process if large numbers are involved.

*'I would say that it is totally impractical to hear multiple appeals on the grouped basis because you couldn't require all 76 appellants to attend once to hear what the school has to say, then invite them to go away and come back again three days later at 11.55 pm to present their case. I don't think it's practical at all. I can't see any*

*circumstances where that could be a technique to be used. It's not fair on the appellants.'*

PM10

### ***Class size prejudice issues***

One area that appears to cause considerable concern to panel members is the issue of class size prejudice. As from September 2001 a class size limit of 30 has been placed on all infant classes. This has resulted in a number of changes being made to admissions over the past two years in order to avoid class size prejudice. This limits the circumstances upon which a panel can uphold an appeal. The class size prejudice category of appeal can only be upheld if either the decision was not one which an admission authority would reasonably make in the circumstances of the case; or that the child would have been offered a place if the admission arrangements had been properly implemented. This obviously limits the grounds upon which the panel can uphold an appeal as the panel cannot in these cases consider whether prejudice outweighs parental consideration. This legislation has resulted in many panel members feeling that class size prejudice appeals are "a waste of time" for those concerned.

*'The appeal system really is futile because they're not going to get a place unless they can prove that the system wasn't administered properly.'*

PM1

*'Well, what's the point? I mean there's no point, is there? We're just rubber stamping really and ... parents are coming in and they're wasting their time and you feel as though you're going through a charade really, you know, and it feels like ... I mean I'll do it, but I mean you feel sorry for them because they're really thinking ... They think they've got a chance and they haven't and it's not fair.'*

PM3

*'I think a lot of them are a waste of time. A complete waste of time! You know, we sort of think, "Well, what have we been here all day for?'*

PM5

Several panel members found the process clearly frustrating as they had to listen to the parents' case but had little or no opportunity to use their judgement.

*'If they say there's 30 in a class it doesn't matter how ... you know, how good the case is, you know, how much that child really needs to go to that school, you know, there's no decision you can make unless they can prove there's been maladministration which sometimes happens, but very, very rarely.'*

PM3

A common theme regarding the issue of class size prejudice was a feeling of sympathy for the parents who they regarded as having false hopes. Several members were highly critical of the Government's stance on the issue.

*'I think the whole procedure needs looking at. The DfEE says, or the Government say, "Every parent has the right to appeal to the school of its choice." That's the left hand. The right hand says, "No primary school class can have more than 30 children." So how ... ? What do we do? We sit here and we've got this balancing act. How do you square the circle? You can't.'*

PM6

*'It's become just mechanical hasn't it? There isn't really an appeal process any more there. I think maybe Government should grasp that nettle and say, "Right, it's 30 and there's no appeal process, and get rid of it.'*

PM10

Since class size appeals can only be allowed in particular exceptional circumstances, the admission authorities might considerably reduce the numbers of parents appealing for infant classes, if they provided sufficient information to parents about the limited grounds for class size appeals. As noted earlier, some authorities attempt to do this apparently with varying success. However there is no evidence beyond the report of the interviewees as to the real effects of such measures.

## 6.8 Thematic analysis of interviews with appellants as part of the case studies

All of the parents interviewed had attended an appeal hearing and at the time of the interview had already been informed of the outcome. In one case the parent had been rejected but unusually had been given permission to re-appeal on the basis of a new medical condition and was awaiting the outcome of the second hearing. Out of the 21 parents 6 appeals had been successful and 14 had been unsuccessful. Table 1 shows the distribution of successful and unsuccessful appeals between the five case studies.

**Table 1: Outcome of appeal**

	LEA 3	LEA 2	LEA 1	School 1	School 2	Totals
Successful	4	1			1	6
Not Successful		1	4	5	4	14
Don't know		1				1

18 of the parents were appealing for a place at secondary school, two of which were for transfers into Year 8, and 16 were transfers to secondary school from primary. The remaining 3 were appeals for a place in an Infant school. Table 2 shows the number of secondary and primary places appealed for distributed between the cases.



**Table 2:**

	LEA 3	LEA 2	LEA 1	School 1	School 2	Totals
Infant		2	1			3
Secondary	4	1	3	5	5	18
Number of appeals	4	5	5	9	6	3

The greater number of secondary school appeals reflects the national picture where there are more secondary appeals than there are primary (DfES, 2001). Table 2 records the number of appellants applying for a single secondary or infant place although some of them lodged multiple appeals. In fact these 21 parents accounted for 29 appeals lodged and heard. The last row of Table 2 shows the distribution of the number of appeals between the cases.

The parents were self-selected by responding to request letters passed on to them at the appeal hearing by the appeals clerks. They were then interviewed by telephone and the interview recorded and transcribed.

### ***Reasons for getting to the appeals stage***

As noted in the introduction there is some debate about why parents appeal. It is of interest therefore to look at how and why the parents in the case studies came to appeal.

*The unlucky:* There was one group of parents who it seems fair to describe as unlucky. They all appealed because they had just missed out on the distance criterion and the alternative offered was more distant than the local school. The prospect of not going to the preferred school had, for each of them, caused considerable stress but in the event all three parents were successful in their appeal.

*The unsuitable alternative:* This group of parents got to the point of appealing because the school allocated was thought unsuitable and/or the preferred school was the only one to offer a feature important to the

parents. The alternative schools had rejected their applications. One parent had wanted a Roman Catholic school but it was over-subscribed with no other Catholic school available, another had wanted a mixed school nearby rather than the more distant boys' school, which was allocated. One family was Jewish and did not want the Church of England school they had been allocated and one had wanted an all girls school but the only ones available were very heavily over-subscribed. Typically the appeal mattered to these parents. The rejection of their application had caused considerable turmoil in the family, not because of practical considerations but because of not gaining the educational context they wanted for their son or daughter. Two of the appeals were successful and two were unsuccessful.

*The inexperienced:* This group of parents might be described as inexperienced and unskilled in the management of the admissions process. For various reasons these parents had not been aware of criteria they had to fulfil and consequently made unrealistic applications to over-subscribed schools. The practical consequences were so dire that they had appealed sometimes in a state of desperation. One parent had applied to a Roman Catholic school but did not fulfil the religious criteria; another had assumed that by attending the nursery attached to the school that transfer to the main infant school would be automatic. There were two parents who were unrealistically requesting a transfer into Y8 of a heavily over-subscribed secondary school (one from a private school she could no longer afford and one because she feared her son would be excluded and wanted to move him to a different school before this happened). Two, further parents were appealing because changed rules concerning siblings prevented their child following an older sibling or because they had earlier been refused entry into a feeder school which meant that they were not eligible for their preferred secondary school. All were unsuccessful.

*Playing the system:* The final group might be described as unsuccessfully attempting to play the system. They appear to have made unrealistic applications and appeals because they believed that there was a

theoretical but remote chance of being accepted. None of them was successful, but unlike some of the others these parents were not typically upset when their initial applications were rejected and their lives were not disrupted by not winning their appeals. Each of the three parents had applied out of their own authority for more than one heavily over-subscribed voluntary-aided schools and had subsequently appealed for all the schools when their applications were rejected. One of these families had already gained a place at a private school in case all of the appeals failed. These parents were aware of the odds.

*'I mean inevitably, you know, you look at the figures and you know that, ... last year 240 appeals were made and 5 were accepted so you know you've got to make a pretty convincing case.'*

PAR11

Even when the likelihood of rejection is emphasised this did not discourage one of these parents.

*'The letter that they sent us out said that they only had a handful of places available for appeals, so we applied on the hope that we would be one of those few, that we would be able to convince them our daughter needed and deserved a place.'*

PAR8

The remaining two parents had appealed because they had had a mild preference for the particular school. In one case it was because the OfSTED report of the infant school his child was currently attending was not as good as the report of another over-subscribed school, so he appealed for a transfer into Y1. In the other case they already had a place at a heavily over-subscribed voluntary-aided school and were happy for their daughter to attend but appealed because the other school was marginally more desirable

### ***The emotional impact on the parents of the rejection of their initial application and the possibility of losing the appeal***

Many of the interviews with these parents were punctuated by tears and emotional distress. In many cases parents spoke of financial and organisational upheaval as a result of losing their appeal. They also reported a negative impact on their children including anxiety and a sense of rejection. It was clear from the face to face interviews (and the open responses in the parental survey) that most parents who arrive at the point of appealing are anxious and apprehensive about the result. This is because it matters greatly to them and that they may know the odds are against them.

Acknowledging the emotional impact and the complexity of motives of this parental sample provides a fuller understanding of the meaning of appeals for these appellants.

### ***Time involved in the preparation***

Many of the parents found that preparation for their appeal was time consuming and they tended to put a great deal of effort into gathering together evidence.

*'We documented it all, read it all chapter and verse. I mean the panel said it was the best presented case they'd got for ages! But I mean we'd covered every aspect. You know, we knew what they were looking for. We'd even taken photographs of the school to show the windows – that we weren't making it up. We went in and took photographs in the schools with their permission to say that the corridors were dark and, ... we took shots of the chapel and all sorts. So they couldn't just dismiss it, which is often what they do.'*

PAR17

### ***Difficulties of attending, child care and time off work***

The LEA appeals are commonly held in one of the main council buildings such as the Civic or County Hall. None of the parents interviewed

expressed any concern with independence posed by the venue. Most found the venue central and accessible.

A considerable proportion had to take unpaid time off work or change work shifts in order to attend the hearing. This was sometimes difficult to negotiate with employers or simply added to stress because of having to catch up when back at work. Six of the parents said they had taken unpaid time off work, and some of these were also accompanied by their partners who had done the same. One father had at the some inconvenience returned early from a business trip abroad to be at the hearing. In ten of the cases both the mother and the father had attended the hearing. Eight mothers and one father had attended on their own. The remaining two took a friend.

## **Information**

### ***The issue of information***

The greater diversity that has been an essential part of the policies of various governments since 1988 has introduced immense complexity into the process of choosing a school (Flatley, and Williams 2001). The great majority of parents negotiate the process of admissions successfully. This is a result of the considerable efforts of admission authorities to provide clear information and guidance under their responsibilities stated in the School Admissions Code of Practice. The complexity is seen in the great range of admission criteria and the fact that these vary between community, foundation and voluntary-aided religious schools. This is partly responsible for the fact that, although information is present, some parents are not aware of it or do not absorb its implications. Different ways in which parents can fall foul of the criteria are exemplified in the interviews with the 21 parents. Some were ignorant of the criteria. Some mistook their significance, misinterpreted them, or mistakenly judged that they fulfilled them. This complexity is relevant because parents have to prepare their case in relation to the admission criteria.

A different and additional kind of complexity is introduced by the procedural requirements of appeals hearings – the two stage process, the need to give a chance for all parties to present their case, the different regulations bearing on infant appeals, the remit and responsibility of the panel. How far parents feel they are informed about these things is therefore crucial to their experience of the process.

### ***Sources of information***

Parents are (or should be) informed of their right to appeal when they receive a letter refusing any school place application. Those in our sample received a pack from the admission authority explaining the appeal process, once they had requested an appeal hearing. The information in the packs we saw does not necessarily equip parents with an understanding of how to build their case to the best advantage and exactly what to expect from the hearing.

Parents may seek additional advice from sources other than the admission authority. However, nine parents did not seem to have taken advice from anyone else. Those parents who did generally sought advice from individuals known to them. Six had spoken to the headteacher of the child's current primary school. The advice given by the head ranged from background information on the school in question to advice on what to say at the appeal. Most found the advice helpful.

Some parents felt they gained more of an understanding of how to present their evidence and what to expect at the hearing from acquaintances within the education system. Others found it helpful to discuss the appeal with parents who had experience of the appeals situation with the same school.

There were two parents who had sought advice from the Law Society or other advisory services. However, none of the parents reported gaining any significant help via Internet sources, apart from accessing OfSTED reports, and one parent highlighted the fact that information on the Internet

is dependent on ease of access. Several parents suggested that schools were not particularly forthcoming with information on admission numbers.

### ***Parents' experience at the actual hearing***

Many of the parents commented on the daunting nature of the hearing. This was sometimes due to the fact that they were held in a great hall of local government or because of the appearance of the people on the panel or the layout of the room. Parents' compared the hearing with a court of law.

The sense of being on trial, judged and in the wrong was not shared by all parents and was related to the level of self-confidence and the emotional state of each parent. A sense of relative powerlessness was however a significant aspect of many accounts.

Parents' comments were commonly about the behaviour and attitudes of the panel members. Some felt patronised and felt that they were spoken to in a condescending fashion

One recurring complaint regarding the panel members was that they did not appear actually to listen to the parents.

*'She wasn't listening... she was just trying to get us in and out as quickly as possible.'*

PAR8

Headteachers may be present at the appeals either as the presenting officer from their own school or to accompany the LEA presenting officer. This can be a daunting experience for parents facing someone who they see as having rejected them initially and also being equally aware of the potential for setting off on the wrong foot.

*'Of course, it's really hard when you're facing the deputy head or the head of the school who says, you know, "We don't want you." ... "We don't want your child in our school. We haven't got room for*

*them!” And you’ve got to ... steel yourself and think, “Right, well, you know, I’m sorry, but he’s ... if I can get through this, he’s coming!”*

PAR20

It is a key requirement that the panel should be independent of the admission authority and convey that they are independent to the parents no matter what the venue. Parents recognised that panels strove to do this in most cases.

***Factors which would have improved the process***

The parents were all asked what could have made the process easier for them. One recurring concern expressed by a number of parents was the time scale of the overall process. It was felt that this was far too long and left some children unsure of which school they would be attending. This is seen as being particularly stressful during the period when all the other children were visiting their new secondary schools.

*‘It just dragged on so long ... it all starts ... when you put your applications and everything in and it just dragged on. It just seemed to drag on forever and my son had to go through his SATs exams in the middle of it, you know...’*

PAR13

The time allocated to them in the hearings was also cited as an area in which the process could be improved. Several parents felt as though they were not given long enough to present their case, and they felt that they were made to feel more pressured rather than less. Furthermore, they believed that the effect on their presentation of the daunting nature of the experience should have been taken into account. The length of time allocated for the parental case presentation was typically ten minutes.



Some parents felt as though they would have benefited from the procedures involved at the actual hearing being made clearer from the outset.

*'In particular what is the basis on which you can appeal. I mean what ... what do you have to show... They make it sound like, "Oh, they're just going to hear your reason and try to make a judgement on it," but in fact you have to demonstrate something and you don't know what it is.'*

PAR1

One parent suggested that an advocate should accompany parents, a theme that was reinforced by some panel members and parents in the postal surveys.

Some of these feelings were shared by parents whether or not they were successful in their appeal. This suggests that the process itself is a source of unhappiness and not simply the outcome. It may be, therefore, that the anxiety the process engenders, the investment it requires, the potential problems that losing may present and the sense of powerlessness through reliance on others for an important aspect of your life, all contribute to the discontentment.

For all but those who were 'playing the system' for marginal gain, a strong theme was resentment that they had to put themselves through this unpleasant experience especially if they later came to think that there was very little chance of success.

## **7 OVERALL FINDINGS AND DISCUSSION**

### **7.1 The context of appeals**

The opportunity to appeal is an important part of the process of admission to schools. It is a safeguard against maladministration and a means of balancing the needs of parents and children against the needs of admission authorities, schools and the other children in those schools.

The number and proportion of appeals is increasing and this has meant more time spent by administrators and panel members on the process. The number of appeals varies greatly between admission authorities, some schools and LEAs being inundated while others have very few.

The circumstances leading parents to appeal, the experience of the appeal hearing and the consequences of being unsuccessful mean that the process is often unsettling and sometimes traumatic for parents. Unfavourable outcomes for many parents are inevitable and it therefore has much potential for creating disharmony and disaffection.

In these circumstances the proper, efficient and sympathetic operation of the appeal panel is important. Panel members occupy a middle ground between conflicting parties needing to ensure that both sets of interests are taken into account and that, in each case, the process and outcome is as fair as it can be in such an inherently conflictual context. It is significant therefore that the research project has not found a more disparate and critical set of responses about the experience of the process. Whilst some areas for improvement have been identified most parents and panel members appear to believe that the process is as fair as it can be in the circumstances. Class size appeals however raised difficult issues and evoked strong feelings. Panel members and parents felt frustrated because these appeals appeared to serve little useful purpose.

Differences were noted between schools that are their own admission authority (voluntary-aided and foundation) and LEAs. The schools

consulted were less likely to offer systematic training for panel members and clerking arrangements were questionable more often in schools than in LEAs.

The different roles of schools and local authorities in relation to managing the appeals process may be pertinent to these differences. LEA admission authorities may find themselves in an ambiguous position having to balance the needs of the individual with the needs of the wider community. They have an ongoing relationship with parents and a wider brief than schools because they need to help parents find a school place if an admission appeal is unsuccessful. Another difference is that a local education authority officer does not have the same kind of immediate and direct vested interest in the outcomes of an appeal or face the same kind of pressures as does a headteacher in an over-subscribed school. Further, accountability may be to different constituencies on different criteria. LEAs also have more resources at their disposal compared with schools. These resources include an infra-structure offering legal advice, committee servicing, training and extended lines of responsibility where judgements and practices are subject to considerable scrutiny.

Although this may explain some of the differences between LEAs and schools that are their own admission authority there also appears to be variation of practice amongst those schools. One of the reasons for this may be that, although all have less developed infrastructural support than Community schools, some have more support than others. The Roman Catholic dioceses provide a service to their voluntary-aided schools in terms of advice and training more similar to the LEAs. The Church of England dioceses appear to give more autonomy to their schools and they consequently offer less in the way of systematic support. The foundation schools have no wider network to draw on.

Another explanation for varying practice between schools that are their own admission authority may be found, in part, in the variation in the volume of appeals heard by different schools. Despite the availability of some funding

to help with the administration of appeals, it appears that large numbers place a heavy burden on a schools' human and financial resources and contribute to a poor experience for parents who are appealing. Some schools may prefer not to have any involvement with appeals and one option for them would be to consider asking the local education authority to do it for them. However, many foundation schools see it as a point of principle to remain in control of all aspects of admission.

Many panel members sit on appeals for both Community schools and schools that are their own admission authority. The overall impression is of a determination amongst panel members, and most admission authorities studied for this project, that parents should receive the best advice and the best treatment possible.

## **7.2 Panel members**

Panel members are volunteers and although they can have expenses reimbursed they receive no payment for their time hearing appeals or attending training events. There was a strongly expressed feeling by a minority of panel members that some form of allowance should be paid to them. Others just as strongly rejected this idea. There is not sufficient evidence to know what the balance of opinion is on this issue.

Perhaps because of the volunteer status and the need for more panel members (because of the increase in the volume of appeals) recruitment appears to be a problem for admission authorities. Many panel members are recruited by responding to advertisements or through being put forward by their local political party. Recruitment through the school governor route is common. It was generally felt to be a problem that the make up of the panel was not sufficiently representative of the community served by the hearings. Even where a more representative list of panel members existed it was not always possible to put together a representative panel. In the eyes of the appellants this potentially threatened the credibility of the panel

adequately to understand their case. The social characteristics of appellants either in England as a whole or region by region is not known and so it is not possible to use any statistical evidence to test this hypothesis. However the evidence of panel members, admission managers and presenting officers carries some weight on this issue. They know, albeit impressionistically, both the panel members and the appellants and on this basis their concern about the representativeness of the panels needs to be taken seriously.

With regard to the appeal process the most commonly cited reason that panel members gave for upholding an appeal was on health grounds. However, the interpretation of medical evidence was an area that panel members cited as one where they would like more guidance. Some found it difficult to know how to judge medical evidence and would like some basic help in how to approach the task, such as generic questions or a framework that could be applied to the evidence.

Panel members seem to be well aware of the need to ensure that they are impartial and fair in the decisions that are made. On the basis of the evidence in this project, the majority of panel members approach seriously and carefully the need to obtain as much relevant information as possible from all parties and to make an impartial decision on the basis of evidence. With regard to decision making, balancing the needs of the individual with the needs of the school appears to be regarded as *the* significant challenge.

Many panel members and admission authorities felt that the process favoured more highly educated and articulate middle class parents who were likely to be better able to present their case both orally and in writing. There was a significant view that inarticulate and otherwise disadvantaged parents did not fare well in the present arrangements and needed help with presenting their case. However no significant association was found between the occupational class of parents and the likelihood of success or failure of the appeal. Further, there was evidence in the interview

transcripts that panel members were aware of the fact that parents had different presentational skills and that it was part of their responsibility to discern the facts of a case and judge on the basis of evidence rather than presentation. Nevertheless, some panel members stated that it is sometimes difficult getting the relevant facts from some parents even when prompted and that this may marginally affect those in lower socio-economic groups. There was a universal feeling that a guide to help parents manage the process would be useful including the use of simpler language and a parental version of the Code of Practice.

Most respondents felt that during the hearings all members contributed fully to the decision making process. On the whole panel members felt well supported and that they received enough information, advice and training to be effective. The general impression was of a need for less paperwork overall and for it to be written in more appropriate language, be more concise, contain more relevant detail and be distributed to panel members in good time for them to study it before a hearing. There was a feeling on the part of panel members that unrealistic expectations are sometimes placed on them in terms of the time they can give to the process, especially where they are expected to give up a block of several days at a time. A number of panel members felt that there were too many appeals heard during the day and that the time allotted for each appeal was too short.

### **7.3 The Code of Practice**

The common view was that panel members welcomed the guidance. The Code of Practice was thought to be clear, gave good advice on the decision making process and provided a useful set of principles to follow. The Code is mostly used for general guidance and the majority of panel members are familiar with its content. For most of them it had been introduced as part of the training they had received. In the majority of cases appeal panels are carefully following the guidance contained in the Code. In the case of local authorities this seemed almost universally to be the

case, but for schools that are their own admission authority the picture is more varied. Here some headteachers, who act as presenting officers or as 'advisers' to the appeal panel, may not be familiar enough with the Code.

The overwhelming majority of panel members believe that the clerk is crucial to the effective operation of appeal panels and a source of guidance about the Code of Practice. Whilst the role of the clerk to the appeal panel is important for ensuring that procedures presented in the Code are followed correctly and for offering legal advice the capacity for the clerk to fulfil this role varies. In some contexts, the clerk seems to play more of a low level administrative role and, as a consequence the quality of advice is variable. Most of the clerks used by local authorities are trained Committee Services people who are experienced in committee procedures. In the case of schools that are their own admission authority some try to use a professional clerk from the local authority and this was reported to work smoothly. Others would like to use a volunteer trained clerk but they reported difficulty in recruiting such a person. A third group of schools used untrained clerks because it was either too difficult to recruit professional clerks or they were deemed too expensive for the school. Other schools used one of their administrative staff which, even if the advice was actually impartial, meant there was considerable potential for a conflict of interest. The general conclusion is that the quality of clerking varies considerably and seems to span a continuum that runs from low level administrative clerk to legal adviser.

The project found no instances of a panel deliberately deciding not to follow the guidance contained in the Code of Practice, but there were examples of the Code not being followed, usually as a result of a lack of information and/or training provided for and/or taken up by panel members, presenting officers or clerks.

LEA respondents did not identify any areas where different guidance was wanted although there was a general view that if clearer guidance could be provided to parents and panel members on infant class size appeals it

would be welcome. Guidance was also requested on “hybrid” appeals where an appeal begins as a normal appeal because the numbers admitted to a class have not yet reached 30 but, due to the number of appeals, if some appeals were allowed, it would become an infant class size appeal.

#### **7.4 Some issues concerning consistency and equity**

There are some issues concerning consistency of panel judgements that are worthy of consideration. If prejudice has been demonstrated panels must decide, on the basis of each parent's case, the balance of prejudice to the school and to the child. Because panels make a judgement on each case it is not surprising that the research found that panels appeared to use different grounds for their decision. In the case study areas the criteria that were taken into account or given priority were different from area to area and sometimes between panels in the same area. This inconsistency need not be considered a problem in that a judgement is made on a conflict between two parties, by a properly constituted group of independent peers on the facts before them. Equity resides in each case being dealt with under this same procedure. Difficulties might arise however if apparently similar cases had different outcomes. Inconsistency (real or perceived) could be taken as symptomatic of unfairness and indeed some parents in this research expressed such a concern. In other words, there may be limits to the differences that can be evident before unfairness is inferred. It is arguable therefore, that in this sense an appeal panel has some responsibility for consistency between cases because it will normally be making comparisons between more than one case in any one sitting and often between different hearings. One answer would be to set up clear criteria on which judgements are to be based but this would be in conflict with the principle of relying on the flexible but possibly inconsistent judgement of a panel and the use of a relatively rigid set of criteria also carries disadvantages.



## **7.5 Training**

All the LEA admission authorities interviewed undertook their own training but the extent of this was influenced by whether there were a small or large number of appeals and panel members who needed training. To a lesser extent training involving an external organisation and/or an individual was used to complement the in-house training. There was some awareness of the ISCG materials and some local authorities had actually made use of them. The feedback on the materials was positive. Some authorities tried to differentiate their training by role and by level of experience.

School admission authorities appear typically not to provide systematic training. There is a low level of awareness of what training may or may not be available and, generally, if panel members are recruited by a school little training beyond briefing seems to be provided for them although some take up the LEA's invitation to participate in their training events.

## **7.6 Parents' reasons for getting to the appeals stage**

Parents sometimes embark on courses of action which are unlikely to result in a successful outcome despite being advised about the low probability of success. Parents want what they see as the best for their children and want to feel that they have done everything possible to bring this about. Even when the possibility of an appeal being successful is remote the fact that all avenues were explored to try and achieve the best for their child can help to explain why parents pursue appeals that, from an outside perspective, seem destined to be unsuccessful.

Given that some parents appeal on grounds that are unlikely to succeed it raises the question of whether anything could be done to give these parents a more realistic expectation of whether the appeal is likely to be successful or not. Some admission authorities have tried to reduce the volume of appeals by better communicating the likelihood of winning. Some

LEAs actually advise appellants that it is unlikely their appeal will succeed but others have received legal advice not to do this as it may appear that the outcome is predetermined. This is particularly an issue with class size appeals where there is a concern that parents do not really understand how limited the chances are that their appeal could be successful. A reduction in the volume of appeals would reduce pressure on recruitment, administrators and panel members and this may, in the end, benefit appellants.

On the basis of the interviews for the case studies four categories of reasons and circumstances were proposed that lead parents to appeal. These are, bad luck (unforeseeable changes of catchment or changes of admission criteria); inexperience (and consequent incompetence in managing the admission process); a desire for a particular kind of education (single sex, denominational) not available in the school initially offered; and, a desire to play the system for marginal gain.

Some parents were desperate for a successful outcome whereas for others (a minority) the benefits of winning were marginal. A proportion of parents in each of the categories might have been deterred by more information that enabled them to understand the likelihood of winning their appeal. It is likely therefore to be worth LEAs and schools investing in developing more effective ways of conveying this information. It is also likely to be the case that a proportion of parents, either because of desperation or because even the smallest chance is considered to be worth the effort, will not be deterred by more effective communication of the odds.

## **7.7 Does the process work for parents?**

In terms of outcomes the process of course does not always deliver the result parents hope for. In terms of whether it was a fair procedure that delivered a just result according to the regulations, the feeling of admission

authorities was that it worked as well as could be expected and a significant number of parents agreed.

Whilst childcare was not a barrier to the effective participation of parents in the appeal hearing a majority of parents said that they had had difficulties with childcare when arranging to attend the panel hearing. A further issue was the inconvenience for working parents of panel hearings held during the day.

There is some evidence that, informally, at least some local authorities will look more sympathetically at cases where a parent would have been eligible for admission if the parent had been able to apply during the normal admission round. However, for schools that are over-subscribed and their own admission authority there is evidence that some parents are effectively denied a right of appeal, either because the proposed time-scale for hearing the appeal is far too lengthy for a child to be without a school place or because the schools only hold appeals once a year.

An issue that parents complained strongly about was the length of time the whole process took. Parents and their children are, understandably, unsettled by the first refusal and the uncertainty that this often causes. They are therefore keen to make their case at appeal and to know the outcome. This is particularly true for parents making up the large number of appeals for the beginning of the school year. For parents the process starts from the moment they express their preference for a school in the normal round of admissions, usually in November. It is difficult for admission authorities to deal with the complex procedure of allocating places much before February. Given the difficulties of setting up appeals, recruiting panel members and in some cases hearing large numbers of appeals it is sometimes as late as May or June before the appeal decision is known. There may be little room for substantially reducing the time that these procedures take.

## **7.8 Parents' preparation for panel hearings**

The majority of parents found the information they received was easy to understand and they used both the local education authority documents and the Code of Practice in preparing their appeal. Generally, parents knew whom to contact for advice but, for the most part, they preferred informal advice from other parents. None of the parents reported gaining any significant help via Internet sources, apart from accessing OfSTED reports. Mostly, they felt that they were prepared for the hearing and did not need further help or guidance. However, a significant proportion said that they did not feel they had the skills needed to prepare their appeal.

Many parents said they wanted more guidance and information and many wanted more information about the likelihood of them winning their case. It is worth noting that this chimes well with the wishes of admission authorities to communicate this too. The survey of parents showed that the majority of them felt they had the information they needed to make an appeal, knew where to go to if they had a query and felt that their queries were answered. However, many panel members and officers interviewed were of the opinion that parents needed a great deal of help in the preparation and presentation of their case.

A few panel members suggested that some kind of formal advocate or representative should be considered for parents. Most of those interviewed felt that this was not a fruitful way forward because of the threat of over-legalising the procedure.

Some parents would have liked more detail about the grounds for rejection of their initial admission application even though the majority felt that they knew enough about the admissions criteria for their preferred school. This is a legitimate wish and one which, if met may avoid a number of unnecessary appeals. However it would require substantial additional work on the part of admission authorities.

## 7.9            **Suggestions concerning training of panel members**

Panel members are volunteers and most already give a great deal of time to their role. Any further demands on their time should be reasonable in this context. On the evidence of this research the overwhelming majority of panel members are committed to doing a good job and therefore welcome training that enables them to fulfil their role more adequately. This means that a range of different ways of providing support in addition to group meetings at a given time and place could fruitfully be investigated. This might include an imaginative mix of video and written material, on-line support and conferencing, seminars and the sharing of good practice. The suggestions below try to make appropriate use of this variety of methods. Some minor recommendations are presented concerning the introductory material, the ongoing needs of panel members are then discussed and then some other suggestions concerning training are presented.

***Suggestions concerning the introductory material:*** In terms of induction into the role, the main need is to make introductory guidance available to new members other than at an event that may only be organised once a year. A written guide with supporting video material or on-line tutorial, incorporating the same kind of material as the ISCG seminar, could be made available for this purpose. This should not replace attendance at the next seminar available, but should complement it. This would also serve to reinforce the key messages of the event for those who have attended the session.

One addition to the introductory content might be to include some material about the parental perspective and the impact of the appeal process on parents. Sometimes panel members are in the position of having to make a judgement about the veracity of appellants. This judgement might be helped by consideration of what is known about the parental experience of admissions and the range of reasons why parents appeal. Further, it would be beneficial to consider the kinds of evidence that parents can realistically be expected to offer for different grounds of appeal.

**Post-introductory training for lay and education members:** During the course of serving as a member all panel members need, in addition to the general introductory event,

1. to refresh their memories of, and to reconsider in the light of experience, the main principles and information provided in the introductory material;
2. to be aware of new legislation affecting appeal decisions;
3. to share issues of practice with others;
4. to prepare for taking the role of chair as and when necessary.

The first point can be met through the introductory tutorial pack or on-line support described above. The second point lends itself to on-line updates. Only a quarter of panel members felt that a website would be useful but, one dedicated to panel member support, including the updating of relevant legal decisions, might be useful. In relation to the third point this can be seen as one way in which practice could be improved and panel members could feel supported .

Problems of security and confidentiality may make the establishment of an on-line conference difficult. However the presentation of suitably edited cases which illustrate critical judgements may be posted on an on-line conference where panel members could discuss the issues arising.

Chairing the panel is an important role in relation to the satisfactory operation of the hearing for both parents and panel members. There is a need for training in the generic skills of chairing a panel.

**Training for others involved in the hearing:** LEA officers, headteachers (or other senior members of staff) and governors may all take on the role of presenting officer. There is at present no substantial training for this role although the Code of Practice advises that there should be training for all

involved in administering appeals. There needs to be a range of provision including targeted written guidance, and training events for presenting officers. Where it is already acquired the legal training of clerks is sufficient for the role they play. It would however be useful for a means to be established for clerks to share issues arising specifically from appeal panel hearings.

***Targeting members of panels of schools that are their own admission authority:*** A high percentage of panel members attend both kinds of appeals but, for those who only hear appeals against schools that are their own admission authority, they may be cut off from being part of a wider network and the opportunity to access training. Targeting panel members who might hear only appeals against schools that are their own admission authority might therefore particularly be beneficial.

***More differentiated training:*** Some more differentiated offering according to the level of experience may be a more efficient use of panel members training time.

***Focused training:*** Consideration might usefully be given to offering training focused on particular issues (e.g. the Human Rights Act) so as to enable participants to deal with the issues in more depth than is possible in an event covering a range of matters.

***Higher profile for ISCG materials:*** Feedback on the ISCG materials was positive. The ISCG materials need a much higher profile if they are to be used more extensively.

## **7.10 Further suggestions for enhancing the operation of appeal panels**

***Helping parents prepare their case:*** Potentially there are benefits in offering effective support to parents to prepare their case. When parents are more aware of the procedure and understand the roles and responsibilities of

everyone concerned, then the stress experienced by some parents when making an appeal may be reduced. In addition, if parents share a greater understanding of the powers of the panel prior to the hearing, its remit and the grounds on which it can grant the appeal, the panel are likely more easily to gain relevant information from the parent. Further, preparation that clarified for appellants possible grounds for a successful appeal and, therefore the strengths and weaknesses of their case, might have the effect of making some parents more realistic. A possibility, though it would have substantial costs, would be to introduce some kind of pre-appeal meeting for appellants. It is important that parents feel that this guidance is offered by an independent person. Ways of offering more support might usefully be considered with the emphasis being placed on helping parents to make the case themselves rather than engaging others to argue for them.

**Advisory bodies:** There are advisory bodies that can be consulted by parents for example ACE (the Advisory Centre for Education). Those who did consult them found their help very useful but only a very small proportion of parents did so. It would be useful if their help were better publicised.

**Advisory booklet/website:** In addition to listing further sources of help, a booklet/website could provide basic information about the panel constitution, hearing procedure and how best to prepare their case with a section with FAQ's and answers.

**Childcare for parents:** If at the time when the clerk contacts the parents to arrange the hearing parents were asked if they needed childcare this would greatly help those few that need it.

**Venue:** The venue for panel hearings was criticised frequently by panel members for being unsuitable, either because of problems concerning accessibility or the facilities available. Improving the venue, in line with the guidance already available, was felt to be one major way in which the organisation of panel hearings could be improved.



***Time of appeal hearings:*** Consideration should be given to holding hearings at times other than during the working day such as evenings, school holidays and weekends.

***Multiple appeals:*** Given the variability of practices regarding multiple appeals it may be that further guidance is needed on the conduct of these, particularly how to conduct them efficiently whilst also having regard for equity and for making appellants feel that their case is properly considered on its merits.

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## **APPENDIX 1**

- (a) Panel Questionnaire**
  
- (b) Appellant Questionnaire**

## PANEL MEMBERS' SURVEY SCHOOL ADMISSION APPEALS: CODE OF PRACTICE

We are trying to find out how well the school administration appeals processes are working, following the introduction of the Code of Practice published in 1999.

We would like to find out a little about the following:

*The background of appeals panel members and their preparation for the role.  
The appeals procedures and the guidance that has been made available to you.  
The extent to which Appeals Panel members use the guidance contained in the School Admission Appeals Code of Practice.*

All this information will remain confidential and it will not be possible to identify the responses of individuals.

Please indicate your answers by putting a cross in the most appropriate box . If you cross the wrong box by mistake, please shade that box in completely and place a cross in the correct box.

If a written response is required, please write your answer neatly in BLOCK CAPITALS in the box provided.

### Personal Details

Q1 Which age group do you belong to?

Less than 30 years       30 - 49 years       50 years or over

Q2 Are you?

Male       Female

Q3 Are you?

Employed full time       Employed part time       Retired   
Not in paid employment

Q4 a) What is/was your current/last area of paid employment? (*Please specify*)

Q4 b) What is/was your Job Title?



Q5 Are you in, or have you ever held, a voluntary or publicly elected position e.g. School Governor, Magistrate etc?

Yes  No

If **Yes**, please specify

Q6 Which of the following best describes your ethnic origin?

Bangladeshi <input type="checkbox"/>	Black - African heritage <input type="checkbox"/>
Black - Caribbean heritage <input type="checkbox"/>	Chinese <input type="checkbox"/>
Indian <input type="checkbox"/>	Pakistani <input type="checkbox"/>
White <input type="checkbox"/>	Other <input type="checkbox"/>

Q7 Do you have a long term disability? (i.e. one which substantially limits your day to day activities and/or affects the kind of work that you can do)

Yes  No

Q8 Prior to becoming a panel member, have you ever made an appeal, or supported someone else making an appeal against a school admission decision?

Yes  No

**Role on Appeals Panels**

Q9 Are you?

	Yes	No
<b>A lay member</b> <i>(someone without personal experience in the management of any school or the provision of education in any school, other than as a Governor or in another voluntary capacity)</i>	<input type="checkbox"/>	<input type="checkbox"/>
<b>An education member</b> <i>(someone with experience in education, e.g. a teacher or parent of pupils in a school)</i>	<input type="checkbox"/>	<input type="checkbox"/>

Q10 How long have you been a member of a Schools Admission Appeals panel?

years

Q11 How did you become a member of a School Admission Appeals panel? *Mark all that apply.*

- Recruited through employment position  Recruited through governor role   
 Recruited through personal contact  Replied to advertisement   
 Other (*Please specify*)

### Experience on Appeals Panels in the last 12 Months

Q12 Do you sit on a panel:

- Only hearing Appeals against the local authority for non admission to their school?   
 Only hearing Appeals against schools that are responsible for their own admissions?   
 Both

Please give the name of the local authority area in which the school or schools are situated:

Q13 How many days have you attended appeals hearings in the last 12 months?

- None  1 - 4 days  5 - 8 days  9 or more days

Q14 Please estimate how many of **each type** of appeal you have heard in the past 12 months:

	None	1 - 10	11 - 20	20+
Primary - admission at start of year	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Primary - admission at other times of year	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Secondary - admission at start of year	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Secondary - admission at other times of year	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

### Information Materials

Q15 How did you find out about the Code of Practice on School Admission Appeals?

- Introduced during training course I attended   
 The LEA have produced guidance about it   
 The Clerk has advised us about it   
 I was given a copy   
 Found out myself

Survey : 548



Page : 3



The Survey and Statistical Research Centre

Q16 How familiar are you with its contents?

Very Familiar	Familiar	Not very familiar	Not at all familiar
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Q17 Do the Appeals Panels you are a member of use the Code of Practice?

Often	Occasionally	Rarely
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Q18 If the Code of Practice is referred to during a hearing, who usually introduces it?

A panel member	<input type="checkbox"/>
The Chair	<input type="checkbox"/>
The Clerk	<input type="checkbox"/>

Q19 In your experience, how closely is this Code of Practice followed?

Always followed to the letter	<input type="checkbox"/>
Used as a general guidance for all procedures	<input type="checkbox"/>
Referred to in cases with unusual circumstances	<input type="checkbox"/>
Used indirectly through advice from the Clerk	<input type="checkbox"/>
Don't know	<input type="checkbox"/>
Other materials generally used. <i>Please specify</i>	<input type="checkbox"/>

Q20 Sometimes information is produced by various bodies, e.g.LEAs - to assist appeals panel members. If you have received any of this is there anything that you have found particularly useful in helping you carry out your duties? *Please specify*





## Training as a panel member

We are interested in whether you have received any training (separately, or as part of another session) in any of the areas below and, if so, how useful it has been. Please complete all the appropriate boxes.

Q21 a)	Organiser/Trainer	Length of Course (days)	Date of course																				
<b>The LEA's policies for admission</b>	<input style="width: 100%;" type="text"/>	<input style="width: 20px;" type="text"/> <input style="width: 20px;" type="text"/>	<table style="display: inline-table; border-collapse: collapse;"> <tr> <td style="text-align: center;">D</td><td style="text-align: center;">D</td> <td style="text-align: center;">/</td> <td style="text-align: center;">M</td><td style="text-align: center;">M</td> <td style="text-align: center;">/</td> <td style="text-align: center;">Y</td><td style="text-align: center;">Y</td><td style="text-align: center;">Y</td><td style="text-align: center;">Y</td> </tr> <tr> <td style="border: 1px solid black; width: 20px; height: 20px;"></td> <td style="border: 1px solid black; width: 20px; height: 20px;"></td> <td style="border: 1px solid black; width: 10px; height: 20px;"></td> <td style="border: 1px solid black; width: 20px; height: 20px;"></td> <td style="border: 1px solid black; width: 20px; height: 20px;"></td> <td style="border: 1px solid black; width: 10px; height: 20px;"></td> <td style="border: 1px solid black; width: 20px; height: 20px;"></td> <td style="border: 1px solid black; width: 20px; height: 20px;"></td> <td style="border: 1px solid black; width: 20px; height: 20px;"></td> <td style="border: 1px solid black; width: 20px; height: 20px;"></td> </tr> </table>	D	D	/	M	M	/	Y	Y	Y	Y										
D	D	/	M	M	/	Y	Y	Y	Y														
Q21 b) How useful was this?	Useful	Need better	Unnecessary																				
Very Good	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>																				
Q22 a)	Organiser/Trainer	Length of Course (days)	Date of course																				
<b>The work of appeals panels</b>	<input style="width: 100%;" type="text"/>	<input style="width: 20px;" type="text"/> <input style="width: 20px;" type="text"/>	<table style="display: inline-table; border-collapse: collapse;"> <tr> <td style="text-align: center;">D</td><td style="text-align: center;">D</td> <td style="text-align: center;">/</td> <td style="text-align: center;">M</td><td style="text-align: center;">M</td> <td style="text-align: center;">/</td> <td style="text-align: center;">Y</td><td style="text-align: center;">Y</td><td style="text-align: center;">Y</td><td style="text-align: center;">Y</td> </tr> <tr> <td style="border: 1px solid black; width: 20px; height: 20px;"></td> <td style="border: 1px solid black; width: 20px; height: 20px;"></td> <td style="border: 1px solid black; width: 10px; height: 20px;"></td> <td style="border: 1px solid black; width: 20px; height: 20px;"></td> <td style="border: 1px solid black; width: 20px; height: 20px;"></td> <td style="border: 1px solid black; width: 10px; height: 20px;"></td> <td style="border: 1px solid black; width: 20px; height: 20px;"></td> <td style="border: 1px solid black; width: 20px; height: 20px;"></td> <td style="border: 1px solid black; width: 20px; height: 20px;"></td> <td style="border: 1px solid black; width: 20px; height: 20px;"></td> </tr> </table>	D	D	/	M	M	/	Y	Y	Y	Y										
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Q22 b) How useful was this?	Useful	Need better	Unnecessary																				
Very Good	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>																				
Q23 a)	Organiser/Trainer	Length of Course (days)	Date of course																				
<b>Disability Discrimination Act</b>	<input style="width: 100%;" type="text"/>	<input style="width: 20px;" type="text"/> <input style="width: 20px;" type="text"/>	<table style="display: inline-table; border-collapse: collapse;"> <tr> <td style="text-align: center;">D</td><td style="text-align: center;">D</td> <td style="text-align: center;">/</td> <td style="text-align: center;">M</td><td style="text-align: center;">M</td> <td style="text-align: center;">/</td> <td style="text-align: center;">Y</td><td style="text-align: center;">Y</td><td style="text-align: center;">Y</td><td style="text-align: center;">Y</td> </tr> <tr> <td style="border: 1px solid black; width: 20px; height: 20px;"></td> <td style="border: 1px solid black; width: 20px; height: 20px;"></td> <td style="border: 1px solid black; width: 10px; height: 20px;"></td> <td style="border: 1px solid black; width: 20px; height: 20px;"></td> <td style="border: 1px solid black; width: 20px; height: 20px;"></td> <td style="border: 1px solid black; width: 10px; height: 20px;"></td> <td style="border: 1px solid black; width: 20px; height: 20px;"></td> <td style="border: 1px solid black; width: 20px; height: 20px;"></td> <td style="border: 1px solid black; width: 20px; height: 20px;"></td> <td style="border: 1px solid black; width: 20px; height: 20px;"></td> </tr> </table>	D	D	/	M	M	/	Y	Y	Y	Y										
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Q23 b) How useful was this?	Useful	Need better	Unnecessary																				
Very Good	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>																				
Q24 a)	Organiser/Trainer	Length of Course (days)	Date of course																				
<b>Human Rights Legislation</b>	<input style="width: 100%;" type="text"/>	<input style="width: 20px;" type="text"/> <input style="width: 20px;" type="text"/>	<table style="display: inline-table; border-collapse: collapse;"> <tr> <td style="text-align: center;">D</td><td style="text-align: center;">D</td> <td style="text-align: center;">/</td> <td style="text-align: center;">M</td><td style="text-align: center;">M</td> <td style="text-align: center;">/</td> <td style="text-align: center;">Y</td><td style="text-align: center;">Y</td><td style="text-align: center;">Y</td><td style="text-align: center;">Y</td> </tr> <tr> <td style="border: 1px solid black; width: 20px; height: 20px;"></td> <td style="border: 1px solid black; width: 20px; height: 20px;"></td> <td style="border: 1px solid black; width: 10px; height: 20px;"></td> <td style="border: 1px solid black; width: 20px; height: 20px;"></td> <td style="border: 1px solid black; width: 20px; height: 20px;"></td> <td style="border: 1px solid black; width: 10px; height: 20px;"></td> <td style="border: 1px solid black; width: 20px; height: 20px;"></td> <td style="border: 1px solid black; width: 20px; height: 20px;"></td> <td style="border: 1px solid black; width: 20px; height: 20px;"></td> <td style="border: 1px solid black; width: 20px; height: 20px;"></td> </tr> </table>	D	D	/	M	M	/	Y	Y	Y	Y										
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Q24 b) How useful was this?	Useful	Need better	Unnecessary																				
Very Good	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>																				
Q25 a)	Organiser/Trainer	Length of Course (days)	Date of course																				
<b>Sex Discrimination Act</b>	<input style="width: 100%;" type="text"/>	<input style="width: 20px;" type="text"/> <input style="width: 20px;" type="text"/>	<table style="display: inline-table; border-collapse: collapse;"> <tr> <td style="text-align: center;">D</td><td style="text-align: center;">D</td> <td style="text-align: center;">/</td> <td style="text-align: center;">M</td><td style="text-align: center;">M</td> <td style="text-align: center;">/</td> <td style="text-align: center;">Y</td><td style="text-align: center;">Y</td><td style="text-align: center;">Y</td><td style="text-align: center;">Y</td> </tr> <tr> <td style="border: 1px solid black; width: 20px; height: 20px;"></td> <td style="border: 1px solid black; width: 20px; height: 20px;"></td> <td style="border: 1px solid black; width: 10px; height: 20px;"></td> <td style="border: 1px solid black; width: 20px; height: 20px;"></td> <td style="border: 1px solid black; width: 20px; height: 20px;"></td> <td style="border: 1px solid black; width: 10px; height: 20px;"></td> <td style="border: 1px solid black; width: 20px; height: 20px;"></td> <td style="border: 1px solid black; width: 20px; height: 20px;"></td> <td style="border: 1px solid black; width: 20px; height: 20px;"></td> <td style="border: 1px solid black; width: 20px; height: 20px;"></td> </tr> </table>	D	D	/	M	M	/	Y	Y	Y	Y										
D	D	/	M	M	/	Y	Y	Y	Y														
Q25 b) How useful was this?	Useful	Need better	Unnecessary																				
Very Good	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>																				



Q26 a) **Organiser/Trainer** *Length of Course (days)* *Date of course*

**Race Relations Act**     /   /

Q26 b) How useful was this?

Very Good  Useful  Need better  Unnecessary

Q27 a) **Organiser/Trainer** *Length of Course (days)* *Date of course*

**Other specific training**     /   /

Q27 b) How useful was this?

Very Good  Useful  Need better  Unnecessary

Q28 If applicable, please state below any areas for which you feel the training and guidance material has been inadequate. *Please specify*



Q29 Please say how strongly you agree/disagree with the following statements:

	Strongly Agree	Agree	Disagree	Strongly Disagree
The Appeals Code of Practice provides enough guidance for the panel to operate effectively.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
The information and guidance that the local authority provides is sufficient to enable me to carry out my role effectively.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
The role of the Clerk is crucial to the effective operation of the Appeals panel.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
In general I know about the guidance in the Appeals Code of Practice because the clerk tells us what we need to know.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
I feel I understand all the aspects of the Appeals Code of Practice that I need to know in order to be an effective Appeals Panel member.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
I think we should always be sent the outcomes from all local appeals hearings, so that we know what is going on in the authority.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
I feel I would like more support from the local authority for my role as an appeals panel member.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
A web site for panel members with frequently asked questions and legal updates would be useful.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
The proceedings of Appeals panels are as fair as it is possible to make them.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
The party making an Appeal does have the opportunity to present their case thoroughly.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
The Appeals process could be made less stressful for parents.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
All panel members contribute fully to the decision making.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
When making decisions the panel members usually follow the advice of the Clerk.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
When making decisions the lay members of the panel usually follow the lead of the members who have experience in education.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
I think the place where hearings are held manages to strike the right balance between formality and informality.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
When I sit on panels that hear infant class size appeals I feel that I am performing a useful role.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>



Please say how strongly you agree/disagree with the following statements(cont.):

	Strongly Agree	Agree	Disagree	Strongly Disagree
Parents are likely to be more successful if they turn up in person to present their case.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
The parents who should really attend to present their case are often the parents who don't attend.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
The more emotional a parent is when presenting their case the more likely the appeal will succeed.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
An appeal for a school place part way through the school year is likely to be more successful than an appeal for a place at the beginning of the school year.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
The Admission authority is good at keeping us up to date about the outcome of relevant legal judgements that impact upon the conduct of Admission appeals.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Q30 Are there any improvements that you think could be made to the **organisation** of an Appeals session (e.g.timing, notification, paperwork etc.) for panel members or for parents?

Yes

No

If Yes, please outline ideas:

Q31 Are there any improvements that you think could be made to the **way the Appeals session is run** (e.g. order of presentation, time of day, child care facilities etc.) for panel members or parents?

Yes

No

If Yes, please outline ideas:

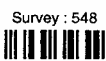


Q32 What are the most challenging aspects of your role as a panel member?

Q33 What are the most rewarding aspects of your role as a panel member?

Q34 Do you have any further comments about appeals panels?

**Thank you for filling in this questionnaire. All the information will remain confidential to the research team and individual responses will not be identifiable**



## Parents/Appellants Survey

### School Admission Appeals : Code of Practice

We are trying to find out how well the school admission appeals processes are working, following the introduction in April 1999 of the Code of Practice on School Admission Appeals. As a person who has recently experienced the process your views are crucial to this task.

We would particularly like to find out about your experiences of :

- the information and help available to you
- the processes involved, and
- the treatment you received when making an appeal.

Please take a few minutes to answer the questions below. The information you provide will remain confidential and it will not be possible to identify the responses of individuals.

Please mark an  in the appropriate boxes or write clearly within the boxes specified, in blue or black ink.

#### 1. About the appeal

1.1 Date of the appeal hearing
D D / M M / Y Y Y Y <input type="text"/> <input type="text"/> / <input type="text"/> <input type="text"/> / <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/>
1.2 Was the appeal against :
A local authority decision concerning one of their schools <input type="checkbox"/>
Name of the authority <input type="text"/>
A school that decides its own admissions <input type="checkbox"/>
Name of the school <input type="text"/>
1.3 Type of school to which you appealed for a place (please mark all that apply)
Infant <input type="checkbox"/> Community <input type="checkbox"/> Selective <input type="checkbox"/>
Junior <input type="checkbox"/> Voluntary controlled <input type="checkbox"/>
Primary <input type="checkbox"/> Voluntary aided <input type="checkbox"/>
Middle <input type="checkbox"/> Foundation <input type="checkbox"/>
Secondary <input type="checkbox"/> Partially selective <input type="checkbox"/>

Survey : 5481



Page : 1



Survey and Statistical Research Centre

1.4 What type of appeal did you make? (please mark all that apply)

Appeal to start at the beginning of a school year

Admission under the new infant class size legislation

Admission outside the usual admission period

Other (please specify below)

1.5 What relationship are you to the child who was the focus of the appeal?

Mother  Father

Grandmother  Grandfather

Other (please specify below)

**2. Background information**

2.1 Ethnic group - Please indicate which of the following best describes you

Bangladeshi  Black - African heritage

Black - Caribbean heritage  Chinese

Indian  Pakistani

White  Other

2.2 Occupation - Are you (and your partner, if applicable) working :

	Self	Partner
Full time	<input type="checkbox"/>	<input type="checkbox"/>
Part time	<input type="checkbox"/>	<input type="checkbox"/>
Retired	<input type="checkbox"/>	<input type="checkbox"/>
Not in paid employment	<input type="checkbox"/>	<input type="checkbox"/>

2.3 What is/was your current/last main area of paid employment?

Self

Partner

**Job title**

Self

Partner

2.4 Do you (or your partner) have any personal experience in education as a

teacher in the same LEA to which you have appealed

teacher in another LEA

school governor

member of a Parent Teacher Association

council member

Other (please specify below)

2.5 Do you have any legal background e.g. legal training, experience of legal proceedings etc.

Yes  No

2.6 Have you been involved in making an appeal before?

Yes  No

If yes, how many times?

Never

Once

Twice

Three times

More than three times





**3. On deciding to appeal**

3.1 Did you discuss the possibility of appealing with anyone?

- LEA Officer
- Teacher or governor from previous school
- Teacher or governor from school applying to
- Legal adviser
- Other parents
- Other (please specify below)

3.2 How useful was the information you received in preparing for the appeal? (please mark all that apply)

	Very useful	Useful	Not very useful	Did not consult/use
Discussion with LEA officer	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Local authority documents	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Appeals Code of Practice	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Discussion with teacher or governor from previous school	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Discussion with teacher or governor at the school to which you were applying	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Legal adviser	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Other parents	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Other (please specify below)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

3.3 Did you feel you had the skills to prepare for the appeal unaided?

- Yes
- No

3.4 Did you take anyone with you to the hearing, for support?

- Yes
- No



3.5 Did the panel members use your correct name?

Yes                      No

---

3.6 At any point in the process did any of the following offer any potential barriers to your effective participation?

care responsibilities                       disabilities                       other

---

3.7 If so, were you offered suitable assistance?

Yes                      No

If no, please elaborate

**4. Please say how strongly you agree/disagree with the following statements, with respect to your experience in preparing for and making an appeal against an admission decision.**

**Preparation for the appeal**

	Strongly agree	Agree	Disagree	Strongly disagree
It was easy to obtain the necessary forms and documents to make an appeal	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
If I had a query I knew where to go for advice	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
It was confusing knowing which documents to send off	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Any queries I had about the preparation were answered	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
The information I received about making an appeal was clear and straightforward	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
I used the Code of Practice on School Admission in my preparations	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
I knew enough about the admissions criteria for my preferred school	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
The preparation for the appeal hearing was time consuming	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
I was adequately prepared for the hearing	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>



**At the hearing**

	Strongly agree	Agree	Disagree	Strongly disagree
I undertook the appeal expecting to gain a place at my preferred school	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
I had not appreciated how oversubscribed the school was	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
The panel members seemed uninterested in my case	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
I felt comfortable in the place where appeals hearing was held	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
I was given adequate time to present my case	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
The hearing was relaxed and the panel did their best to put me at ease	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
The process was unsettling for the family	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
I felt the hearing was conducted fairly	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
The hearing was not as stressful as I had imagined	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
It was difficult to attend the hearing because of work commitments	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
I had no difficulty with child care arrangements for the hearing	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

**5. If you know the results of your hearing, please answer the following questions. If not go to 6**

5.1 How long was it between the hearing and knowing the result?

less than 3 days       4 to 7 days       8 days or more

5.2 Was your appeal

Upheld       Rejected

5.3 What grounds were given for the decision? (please specify if known)

5.4 Do you feel this was a fair decision?

Yes       No



6. Are there any improvements, that you think could be made :

To the **organisation** of an Appeals session for parents?

Yes  No

If yes, please outline your ideas below

Are there any improvements, that you think could be made :

To the **way the Appeals session is run?**

Yes  No

If yes, please outline your ideas below

7. Any other comments about your appeal, or the appeals process in general?

**Thank you, for filling in and returning this questionnaire. All the information will remain confidential to the research team and individual responses will not be identifiable in any way.**



## **APPENDIX 2**

### **Letter to LEAs**

Sheffield Hallam University  
School of Education  
36 Collegiate Crescent  
Sheffield  
S7 2LB

Tel: 01142252306

Dear Chief Education Officer/Director of Education (actual name to be used)

**The School Admission Appeals Code of Practice: DfEE funded  
Sheffield Hallam University Research Project**

I am writing to you in connection with the above DfEE funded project, to seek your assistance and to ask if you would kindly pass on the contents of this letter to the most appropriate person who can deal with the issues identified below. It may be an LEA officer, or depending on how the Appeals process is managed, it may be an officer in the wider local authority.

Sheffield Hallam University has been commissioned to conduct research into the impact of the new Code of Practice for School Admission Appeals.

Specifically, the aims of the research are:

1. To establish to what extent admission authorities/admission appeal panels are using the guidance contained in the School Admission Appeals Code of Practice.

2. To gather views about whether different guidance may be needed in some instances and whether the operation of appeal panels could be improved in any way.

3. To establish what training members of appeal panels have received, what kind of training materials have been used and to identify whether there is any scope for improvement.

As part of this project we are sending out questionnaires to panel members and to parents and we request your assistance in passing these questionnaires on to your panel members and to parents who are appealing. The questionnaires will be returned directly to us and it involves your officers only in passing them on to the relevant people.

Accordingly, I should be grateful if you could let me have the name and contact details of an appropriate Officer to whom we could speak and subsequently forward the questionnaires.

You can write to the address above, or telephone 0114 2255652 or e-mail [j.h.coldron@shu.ac.uk](mailto:j.h.coldron@shu.ac.uk). However, because we are operating on a tight time-scale it may be easier if I telephone in a few days time to ascertain who would be the most appropriate person to speak to.

Thanking you in anticipation of your assistance

Yours sincerely

Professor John Coldron

## **APPENDIX 3**

### **Panel Cross-tabulations**



## LEARECOD \* THE CLERK HAS ADVISED US ABOUT IT

### Crosstab

			The Clerk has advised us about it		Total
			No	Yes	
LEARECOD	shire	Count	375	99	474
		% within LEARECOD	79.1%	20.9%	100.0%
		% within The Clerk has advised us about it	52.4%	45.2%	50.7%
	london	Count	45	29	74
		% within LEARECOD	60.8%	39.2%	100.0%
		% within The Clerk has advised us about it	6.3%	13.2%	7.9%
	selective	Count	47	8	55
		% within LEARECOD	85.5%	14.5%	100.0%
		% within The Clerk has advised us about it	6.6%	3.7%	5.9%
	metropolitan	Count	248	83	331
		% within LEARECOD	74.9%	25.1%	100.0%
		% within The Clerk has advised us about it	34.7%	37.9%	35.4%
Total		Count	715	219	934
		% within LEARECOD	76.6%	23.4%	100.0%
		% within The Clerk has advised us about it	100.0%	100.0%	100.0%

### Chi-Square Tests

	Value	df	Asymp. Sig. (2-sided)
Pearson Chi-Square	14.865 <sup>a</sup>	3	.002
Likelihood Ratio	14.034	3	.003
Linear-by-Linear Association	1.010	1	.315
N of Valid Cases	934		

a. 0 cells (.0%) have expected count less than 5. The minimum expected count is 12.90.

**LEARECOD\* The admission authority is good at keeping us up to date about the outcome of relevant legal**

judgements that impact upon the conduct of admission appeals

Crosstab

			The Admission authority is good at keeping us up to date about the outcome of relevant legal judgements that impact upon the conduct of admission appeals		Total
			agree	disagree	
LEARECOD	shire	Count	359	93	452
		% within LEARECOD	79.4%	20.6%	100.0%
	% within The Admission authority is good at keeping us up to date about the outcome of relevant legal judgements that impact upon the conduct of admission appeals		53.4%	42.1%	50.6%
london	Count	41	27	68	
	% within LEARECOD	60.3%	39.7%	100.0%	
	% within The Admission authority is good at keeping us up to date about the outcome of relevant legal judgements that impact upon the conduct of admission appeals		6.1%	12.2%	7.6%
selective	Count	44	10	54	
	% within LEARECOD	81.5%	18.5%	100.0%	
	% within The Admission authority is good at keeping us up to date about the outcome of relevant legal judgements that impact upon the conduct of admission appeals		6.5%	4.5%	6.0%
metropolitan	Count	228	91	319	
	% within LEARECOD	71.5%	28.5%	100.0%	
	% within The Admission authority is good at keeping us up to date about the outcome of relevant legal judgements that impact upon the conduct of admission appeals		33.9%	41.2%	35.7%
Total	Count	672	221	893	
	% within LEARECOD	75.3%	24.7%	100.0%	
	% within The Admission authority is good at keeping us up to date about the outcome of relevant legal judgements that impact upon the conduct of admission appeals		100.0%	100.0%	100.0%

### Chi-Square Tests

	Value	df	Asymp. Sig. (2-sided)
Pearson Chi-Square	15.966 <sup>a</sup>	3	.001
Likelihood Ratio	15.328	3	.002
Linear-by-Linear Association	4.898	1	.027
N of Valid Cases	893		

a. 0 cells (.0%) have expected count less than 5. The minimum expected count is 13.36.

**LEARECOD \* done any training Crosstabulation**

			done any training		Total
			no	yes	
LEARECOD	shire	Count	77	399	476
		% within LEARECOD	16.2%	83.8%	100.0%
		% within done any training	48.7%	51.3%	50.9%
	london	Count	30	44	74
		% within LEARECOD	40.5%	59.5%	100.0%
		% within done any training	19.0%	5.7%	7.9%
	selective	Count	6	49	55
		% within LEARECOD	10.9%	89.1%	100.0%
		% within done any training	3.8%	6.3%	5.9%
	metropolitan	Count	45	286	331
		% within LEARECOD	13.6%	86.4%	100.0%
		% within done any training	28.5%	36.8%	35.4%
Total		Count	158	778	936
		% within LEARECOD	16.9%	83.1%	100.0%
		% within done any training	100.0%	100.0%	100.0%

**Chi-Square Tests**

	Value	df	Asymp. Sig. (2-sided)
Pearson Chi-Square	33.636 <sup>a</sup>	3	.000
Likelihood Ratio	27.513	3	.000
Linear-by-Linear Association	1.867	1	.172
N of Valid Cases	936		

a.

0 cells (.0%) have expected count less than 5. The minimum expected count is 9.28.

## **APPENDIX 4**

### **Appellant Cross-tabulations**

**CLASS2 \* Was your appeal Crosstabulation**

			Was your appeal		Total
			Upheld	Rejected	
CLASS2	professional	Count	13	21	34
		% within CLASS2	38.2%	61.8%	100.0%
		% within Was your appeal	9.6%	16.2%	12.8%
	intermediate	Count	67	56	123
		% within CLASS2	54.5%	45.5%	100.0%
		% within Was your appeal	49.6%	43.1%	46.4%
	skilled non manual	Count	28	34	62
		% within CLASS2	45.2%	54.8%	100.0%
		% within Was your appeal	20.7%	26.2%	23.4%
	skilled manual	Count	15	12	27
		% within CLASS2	55.6%	44.4%	100.0%
		% within Was your appeal	11.1%	9.2%	10.2%
	semi and unskilled manual	Count	12	7	19
		% within CLASS2	63.2%	36.8%	100.0%
		% within Was your appeal	8.9%	5.4%	7.2%
Total		Count	135	130	265
		% within CLASS2	50.9%	49.1%	100.0%
		% within Was your appeal	100.0%	100.0%	100.0%

**Chi-Square Tests**

	Value	df	Asymp. Sig. (2-sided)
Pearson Chi-Square	5.003 <sup>a</sup>	4	.287
Likelihood Ratio	5.038	4	.283
Linear-by-Linear Association	.926	1	.336
N of Valid Cases	265		

a. 0 cells (.0%) have expected count less than 5. The minimum expected count is 9.32.

## CROSSTABS

**ETHNIC \* Was your appeal Crosstabulation**

			Was your appeal		Total
			Upheld	Rejected	
ETHNIC	non white	Count	8	19	27
		% within ETHNIC	29.6%	70.4%	100.0%
		% within Was your appeal	5.6%	14.4%	9.8%
	white	Count	135	113	248
		% within ETHNIC	54.4%	45.6%	100.0%
		% within Was your appeal	94.4%	85.6%	90.2%
Total	Count	143	132	275	
	% within ETHNIC	52.0%	48.0%	100.0%	
	% within Was your appeal	100.0%	100.0%	100.0%	

**Chi-Square Tests**

	Value	df	Asymp. Sig. (2-sided)	Exact Sig. (2-sided)	Exact Sig. (1-sided)
Pearson Chi-Square	6.003 <sup>b</sup>	1	.014		
Continuity Correction <sup>a</sup>	5.050	1	.025		
Likelihood Ratio	6.129	1	.013		
Fisher's Exact Test				.016	.012
Linear-by-Linear Association	5.981	1	.014		
N of Valid Cases	275				

a. Computed only for a 2x2 table

b. 0 cells (.0%) have expected count less than 5. The minimum expected count is 12.96.

## If I had a query I knew where to go for advice \* Was your appeal

Crosstab

			Was your appeal		Total
			Upheld	Rejected	
If I had a query I knew where to go for advice	Strongly agree	Count	32	11	43
		% within If I had a query I knew where to go for advice	74.4%	25.6%	100.0%
		% within Was your appeal	22.1%	7.9%	15.1%
	Agree	Count	79	72	151
		% within If I had a query I knew where to go for advice	52.3%	47.7%	100.0%
		% within Was your appeal	54.5%	51.8%	53.2%
	Disagree	Count	21	38	59
		% within If I had a query I knew where to go for advice	35.6%	64.4%	100.0%
		% within Was your appeal	14.5%	27.3%	20.8%
	Strongly disagree	Count	13	18	31
		% within If I had a query I knew where to go for advice	41.9%	58.1%	100.0%
		% within Was your appeal	9.0%	12.9%	10.9%
Total	Count	145	139	284	
	% within If I had a query I knew where to go for advice	51.1%	48.9%	100.0%	
	% within Was your appeal	100.0%	100.0%	100.0%	

### Chi-Square Tests

	Value	df	Asymp. Sig. (2-sided)
Pearson Chi-Square	16.166 <sup>a</sup>	3	.001
Likelihood Ratio	16.685	3	.001
Linear-by-Linear Association	12.012	1	.001
N of Valid Cases	284		

a. 0 cells (.0%) have expected count less than 5. The minimum expected count is 15.17.



**Any queries I had about the preparation were answered \* Was your appeal**

**Crosstab**

			Was your appeal		Total
			Upheld	Rejected	
Any queries I had about the preparation were answered	Strongly agree	Count	26	8	34
		% within Any queries I had about the preparation were answered	76.5%	23.5%	100.0%
		% within Was your appeal	18.7%	6.2%	12.6%
	Agree	Count	78	71	149
		% within Any queries I had about the preparation were answered	52.3%	47.7%	100.0%
		% within Was your appeal	56.1%	54.6%	55.4%
	Disagree	Count	26	34	60
		% within Any queries I had about the preparation were answered	43.3%	56.7%	100.0%
		% within Was your appeal	18.7%	26.2%	22.3%
	Strongly disagree	Count	5	16	21
		% within Any queries I had about the preparation were answered	23.8%	76.2%	100.0%
		% within Was your appeal	3.6%	12.3%	7.8%
n/a	Count	4	1	5	
	% within Any queries I had about the preparation were answered	80.0%	20.0%	100.0%	
	% within Was your appeal	2.9%	.8%	1.9%	
Total	Count	139	130	269	
	% within Any queries I had about the preparation were answered	51.7%	48.3%	100.0%	
	% within Was your appeal	100.0%	100.0%	100.0%	

**Chi-Square Tests**

	Value	df	Asymp. Sig. (2-sided)
Pearson Chi-Square	18.206 <sup>a</sup>	4	.001
Likelihood Ratio	19.118	4	.001
Linear-by-Linear Association	1.091	1	.296
N of Valid Cases	269		

a. 2 cells (20.0%) have expected count less than 5. The minimum expected count is 2.42.

The information I received about making an appeal was clear and straightforward  
 \* Was your appeal

**Crosstab**

			Was your appeal		Total
			Upheld	Rejected	
The information I received about making an appeal was clear and straightforward	Strongly agree	Count % within The information I received about making an appeal was clear and straightforward % within Was your appeal	33 75.0% 22.4%	11 25.0% 8.0%	44 100.0% 15.5%
	Agree	Count % within The information I received about making an appeal was clear and straightforward % within Was your appeal	86 51.2% 58.5%	82 48.8% 59.9%	168 100.0% 59.2%
	Disagree	Count % within The information I received about making an appeal was clear and straightforward % within Was your appeal	23 40.4% 15.6%	34 59.6% 24.8%	57 100.0% 20.1%
	Strongly disagree	Count % within The information I received about making an appeal was clear and straightforward % within Was your appeal	5 33.3% 3.4%	10 66.7% 7.3%	15 100.0% 5.3%
Total		Count % within The information I received about making an appeal was clear and straightforward % within Was your appeal	147 51.8% 100.0%	137 48.2% 100.0%	284 100.0% 100.0%

**Chi-Square Tests**

	Value	df	Asymp. Sig. (2-sided)
Pearson Chi-Square	14.551 <sup>a</sup>	3	.002
Likelihood Ratio	15.090	3	.002
Linear-by-Linear Association	12.797	1	.000
N of Valid Cases	284		

a. 0 cells (.0%) have expected count less than 5. The minimum expected count is 7.24.

**I used the Code of Practice on School Admissions in my preparations**

**\* Was your appeal**

**Crosstab**

			Was your appeal		Total
			Upheld	Rejected	
I used the Code of Practice on School Admissions in my preparations	Strongly agree	Count	25	10	35
		% within I used the Code of Practice on School Admissions in my preparations	71.4%	28.6%	100.0%
		% within Was your appeal	18.0%	7.7%	13.0%
	Agree	Count	66	81	147
		% within I used the Code of Practice on School Admissions in my preparations	44.9%	55.1%	100.0%
		% within Was your appeal	47.5%	62.3%	54.6%
	Disagree	Count	34	28	62
		% within I used the Code of Practice on School Admissions in my preparations	54.8%	45.2%	100.0%
		% within Was your appeal	24.5%	21.5%	23.0%
	Strongly disagree	Count	14	11	25
		% within I used the Code of Practice on School Admissions in my preparations	56.0%	44.0%	100.0%
		% within Was your appeal	10.1%	8.5%	9.3%
Total		Count	139	130	269
		% within I used the Code of Practice on School Admissions in my preparations	51.7%	48.3%	100.0%
		% within Was your appeal	100.0%	100.0%	100.0%

**Chi-Square Tests**

	Value	df	Asymp. Sig. (2-sided)
Pearson Chi-Square	8.608 <sup>a</sup>	3	.035
Likelihood Ratio	8.816	3	.032
Linear-by-Linear Association	.177	1	.674
N of Valid Cases	269		

a. 0 cells (.0%) have expected count less than 5. The minimum expected count is 12.08.

I knew enough about the admissions criteria for my preferred school \* Was your appeal

**Crosstab**

			Was your appeal		Total
			Upheld	Rejected	
I knew enough about the admissions criteria for my preferred school	Strongly agree	Count	25	11	36
		% within I knew enough about the admissions criteria for my preferred school	69.4%	30.6%	100.0%
		% within Was your appeal	17.4%	8.1%	12.9%
	Agree	Count	87	74	161
		% within I knew enough about the admissions criteria for my preferred school	54.0%	46.0%	100.0%
		% within Was your appeal	60.4%	54.8%	57.7%
	Disagree	Count	22	31	53
		% within I knew enough about the admissions criteria for my preferred school	41.5%	58.5%	100.0%
		% within Was your appeal	15.3%	23.0%	19.0%
	Strongly disagree	Count	10	19	29
		% within I knew enough about the admissions criteria for my preferred school	34.5%	65.5%	100.0%
		% within Was your appeal	6.9%	14.1%	10.4%
<b>Total</b>		Count	144	135	279
		% within I knew enough about the admissions criteria for my preferred school	51.6%	48.4%	100.0%
		% within Was your appeal	100.0%	100.0%	100.0%

**Chi-Square Tests**

	Value	df	Asymp. Sig. (2-sided)
Pearson Chi-Square	10.536 <sup>a</sup>	3	.015
Likelihood Ratio	10.727	3	.013
Linear-by-Linear Association	10.173	1	.001
N of Valid Cases	279		

a. 0 cells (.0%) have expected count less than 5. The minimum expected count is 14.03.

**It was confusing knowing which documents to send off \* Was your appeal**

**Crosstab**

			Was your appeal		Total
			Upheld	Rejected	
It was confusing knowing which documents to send off	Strongly agree	Count	5	11	16
		% within It was confusing knowing which documents to send off	31.3%	68.8%	100.0%
		% within Was your appeal	3.4%	8.0%	5.7%
	Agree	Count	20	35	55
		% within It was confusing knowing which documents to send off	36.4%	63.6%	100.0%
		% within Was your appeal	13.8%	25.5%	19.5%
	Disagree	Count	89	79	168
		% within It was confusing knowing which documents to send off	53.0%	47.0%	100.0%
		% within Was your appeal	61.4%	57.7%	59.6%
	Strongly disagree	Count	31	12	43
		% within It was confusing knowing which documents to send off	72.1%	27.9%	100.0%
		% within Was your appeal	21.4%	8.8%	15.2%
Total		Count	145	137	282
		% within It was confusing knowing which documents to send off	51.4%	48.6%	100.0%
		% within Was your appeal	100.0%	100.0%	100.0%

**Chi-Square Tests**

	Value	df	Asymp. Sig. (2-sided)
Pearson Chi-Square	15.117 <sup>a</sup>	3	.002
Likelihood Ratio	15.510	3	.001
Linear-by-Linear Association	14.351	1	.000
N of Valid Cases	282		

a. 0 cells (.0%) have expected count less than 5. The minimum expected count is 7.77.

**I was adequately prepared for the hearing \* Was your appeal**

**Crosstab**

			Was your appeal		Total
			Upheld	Rejected	
I was adequately prepared for the hearing	Strongly agree	Count	41	13	54
		% within I was adequately prepared for the hearing	75.9%	24.1%	100.0%
		% within Was your appeal	28.3%	9.6%	19.3%
	Agree	Count	87	71	158
		% within I was adequately prepared for the hearing	55.1%	44.9%	100.0%
		% within Was your appeal	60.0%	52.6%	56.4%
	Disagree	Count	13	35	48
		% within I was adequately prepared for the hearing	27.1%	72.9%	100.0%
		% within Was your appeal	9.0%	25.9%	17.1%
	Strongly disagree	Count	4	16	20
		% within I was adequately prepared for the hearing	20.0%	80.0%	100.0%
		% within Was your appeal	2.8%	11.9%	7.1%
Total		Count	145	135	280
		% within I was adequately prepared for the hearing	51.8%	48.2%	100.0%
		% within Was your appeal	100.0%	100.0%	100.0%

**Chi-Square Tests**

	Value	df	Asymp. Sig. (2-sided)
Pearson Chi-Square	33.107 <sup>a</sup>	3	.000
Likelihood Ratio	34.697	3	.000
Linear-by-Linear Association	31.732	1	.000
N of Valid Cases	280		

a. 0 cells (.0%) have expected count less than 5. The minimum expected count is 9.64.

**The preparation for the appeal hearing was time consuming \* Was your appeal**

**Crosstab**

			Was your appeal		Total
			Upheld	Rejected	
The preparation for the appeal hearing was time consuming	Strongly agree	Count	40	39	79
		% within The preparation for the appeal hearing was time consuming	50.6%	49.4%	100.0%
		% within Was your appeal	27.6%	29.1%	28.3%
	Agree	Count	46	56	102
		% within The preparation for the appeal hearing was time consuming	45.1%	54.9%	100.0%
		% within Was your appeal	31.7%	41.8%	36.6%
	Disagree	Count	51	36	87
		% within The preparation for the appeal hearing was time consuming	58.6%	41.4%	100.0%
		% within Was your appeal	35.2%	26.9%	31.2%
	Strongly disagree	Count	8	3	11
		% within The preparation for the appeal hearing was time consuming	72.7%	27.3%	100.0%
		% within Was your appeal	5.5%	2.2%	3.9%
Total		Count	145	134	279
		% within The preparation for the appeal hearing was time consuming	52.0%	48.0%	100.0%
		% within Was your appeal	100.0%	100.0%	100.0%

**Chi-Square Tests**

	Value	df	Asymp. Sig. (2-sided)
Pearson Chi-Square	5.427 <sup>a</sup>	3	.143
Likelihood Ratio	5.518	3	.138
Linear-by-Linear Association	2.513	1	.113
N of Valid Cases	279		

a. 0 cells (.0%) have expected count less than 5. The minimum expected count is 5.28.