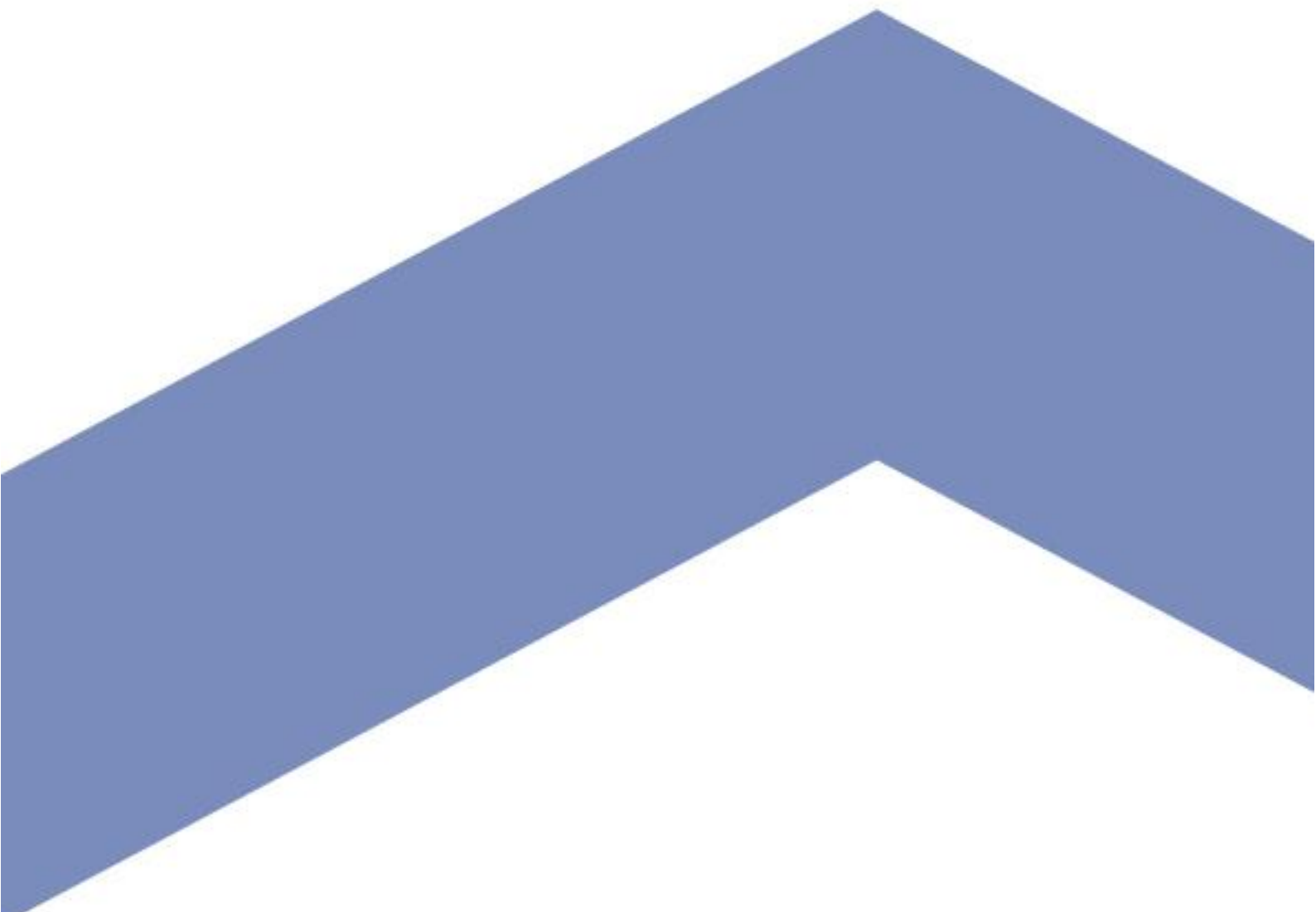


# Terms of Reference

## Schools Admissions Appeals Services

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Date Wednesday, 17 July 2024



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## 1 Introduction

This Agreement (ToR) is established between Staffordshire County Councils School Admissions Appeals & Administration Service (SAAS) and the governing body of **St Andrews Cof E Primary School (860 3043)** (The Admissions Authority).

The Purpose of this agreement is to set out the terms and conditions by which the parties will be bound for the provision of a School Admission Appeals and Administration Service.

The processes in this agreement aim to comply with the relevant codes and regulations.

### Definitions

Word/Phrase	Definition
Admission Authority	the body which is responsible for the admission arrangements of a child to a School (which in the case of a maintained or voluntary controlled schools is the Local Education Authority (Council), but in the case of Foundation and Voluntary Aided Schools is the Governing body and for Academies is the Academy Trust
Appellant	A person who makes an appeal against the decision by the Admission Authority to refuse the admission of their child to the school.
Appeal	the written information by each Appellant in respect of their child's refusal of a place at the school
Clerk	The Clerk (who is not a Panel member) but is appointed to support each Panel by ensuring that all relevant facts are established, and the Hearing is conducted in a fair and appropriate way.
NAR	Normal Admissions Round
Panel	the Panel which is convened to make a decision at each Hearing regarding the refusal of admission of a child to a school.
Panel Members	The members of each panel
SAAC	Schools Admission Appeals Code (in force and applicable to appeal)
SAC	School Admissions Code (in force and applicable to appeal)
School Day	A day on which School is in session
SAAS	The School Appeals and Administration Service
Hearing	Each admission hearing which is arranged by SAAPS under this Agreement.
ICS	Infant Class Size Legislation

## 2 Service Description The following services will be provided to the school:

### 2.1 Service hours:

Any of the Council's usual working days, which shall exclude weekends, statutory bank holidays, public holidays, any day between Christmas Day and New Years Day (inclusive)

Working hours are 8:30am to 5:00pm Monday to Thursday and 8.30am to 4.30pm on Friday

## 2.2 Training and Recruitment

- ❖ Panel members are recruited by SAAS as volunteers. Panel members can claim expenses, including travel expenses, when attending a hearing in Person.  
Panel members are recruited for the 2 categories required for a fair and transparent process and include Lay (someone without personal experience in the management of any school or provision of education in any school (except as a school governor or in another voluntary capacity) and Education (people who have experience in education, who are acquainted in education, who are acquainted with educational conditions in the local authority area, or who are parents of registered pupils as school.
- ❖ Clerks are appointed on a contract with Staffordshire County Council and offer a paid service to the panel.
- ❖ Clerks receive training in accordance with the SAAC in the application of the SAC and the SAAC and have access to legal advice from Staffordshire County Council, if required, during the hearing.
- ❖ Clerks are required to undergo mandatory training provided by Staffordshire County Council Annually in Data Protection, Cyber Security and Records Management.
- ❖ Clerks on appointment are required to complete Staffordshire County Council mandatory training in Corporate Parenting, Customer Service, Freedom of Information and Modern Slavery. This training is done once only on appointment and if the modules are refreshed.
- ❖ Panel members are trained annually by Staffordshire County Council including specific training via Legal Services, Admissions Service, Information Governance Unit and SAAS. This ensures that panel members have knowledge of the SAC and admission arrangements and how they are applied as well as understanding confidentiality and data protection. The processes in place via SAAS ensures that panel members are compliant.
  - Clerks are also present at this training session
- ❖ Clerks are required to sign an Acceptable Use Policy document and Panel members a statement of understanding to ensure Compliance with data protection and security policies.
- ❖ Panel chairs are recruited from the cohort of panel members (volunteers) and specific training relating to the chairing of a hearing and their role is provided.

## 2.3 The Pre-Hearing Service:

- ❖ All appeals received by SAAS against the Admission Authority's decision to refuse an application for a school place will be date recorded and saved within the CAPITA system.
- ❖ upon receipt of an appeal, an auto acknowledgment and a copy of the information containing frequently asked questions will be sent to the Appellant(s).
  - For ICS appeals this will include the very limited circumstances an admission over the limit is permitted.
- ❖ Appellant(s) shall be provided with the contact details for the SAAS Team, who will respond to any queries or concerns that the Appellant may have.
- ❖ A copy of the appeal will be forwarded to the Admission Authority.
- ❖ SAAS shall identify an appeal date, in liaison with Admitting Authority and a panel shall be convened, with each panel consisting of 3 panel members and a Clerk.

## 2.4 Planning & Deadlines:

- ❖ NAR appeal hearing dates are published on the Staffordshire County Council's Website by the 28 February annually [Appeal hearing dates 2024 - Staffordshire County Council](#)
- ❖ For NAR, appeals must be heard within 40 school days of the deadline for lodging appeals
- ❖ Late applications should be heard within 40 school days of the deadline for lodging appeals where possible, or within 30 school days of the appeal being lodged.
- ❖ NAR is the normal admissions round i.e. applying for Reception, Secondary Yr7.
- ❖ In year admission appeals must be heard within 30 school days of the appeal being lodged. An in-year application is an application for the admission of a child to a school outside of the NAR.
- ❖ Appellant(s) must receive at least 10 school days' notice of the appeal hearing date (by law).
  - If less, Appellant(s) can waive their 10 school days' notice, if they wish to this must be agreed in writing.
- ❖ The Admission Authority must supply SAAS with all relevant documents needed to conduct the hearing in a fair and transparent manner and in accordance with the specified timetable. This must include details of how the admission arrangements and the coordinated admissions scheme apply to the Appellant(s) application, the reasons for the decision to refuse admission and an explanation as to how admission of an additional child would cause prejudice to the provision of efficient education or efficient use of resources.
- ❖ Supporting documents for Appellant(s) will be provided to the Admissions Authority and panel members no later than 4 clear working days before the hearing. NB: In the event that additional information is shared later than this with SAAS it will be e-mailed to all parties as soon as possible.

## 2.5 Panel Packs & Clerks Paperwork:

SAAS will send all the papers / information required for the hearing, to the Admission Authority, Appellant and the Panel, electronically. SAAS will use its best endeavors to provide the papers / information 5 school days before the appeal. (Paper copies of all documents are provided to panel members **only** on request). Such papers / information to include: -

1. Agenda & Appeal times
2. Schools Admission Arrangements
3. Schools Case
4. The Appellants Appeal
5. And additional information provided by the Appellant(s)

The Clerk will receive, in addition to the above, the necessary decision documents for Stage 1 and Stage 2 of the hearing.

## 2.6 Appellant Communication:

SAAS will provide Appellant(s) with an electronic letter confirming the date and time of the hearing and school statements at least 7 school days in advance.

## 2.7 Panel Questions & Q&A:

Panels must follow the two-stage decision making process below for all appeals  
The clerk will notify all parties of the order of proceedings

**Stage 1**

- a) case for the Admission Authority.
- b) questioning by all Appellant(s) and panel.

**Stage 2**

- c) case for the Appellant (Individually).
- d) questioning by the Admission Authority and panel.
- e) summing up by the Admission Authority.
- f) summing up by the Appellant(s)

Appeal panels will operate according to the principles of natural justice.

- a) members of the panel must not have a vested interest in the outcome, or any involvement in an earlier stage of the proceedings.
- b) each side must be given the opportunity to state their case without unreasonable interruption.
- c) written material and evidence will have been seen by all the parties.

## 2.8 Microsoft Teams Invites:

SAAS will send TEAMS Link invites out to all parties 5 school days before the hearing. When you receive the link, you can either join by a) clicking on the link for full video access, or b) dial the number in the e mail which will allow audio access via telephone.

It is expected that all parties access the video TEAMS link and activate their cameras, however, it is understood that there are occasions when the technology is not available, and a telephone link is the only option, and this will not prevent the hearing from progressing if the appellant is willing to do so.

Appeal panel hearings will **not** be recorded or transcribed. The Clerk takes notes of the proceedings for panel decision making only and these are not available to appellants or admission authorities, who are advised to take their own notes of the proceedings for their own records.

## 3 Roles and Responsibilities

### 3.1 Provider's obligations (SAAS)

- ❖ Responsibility for making arrangements for appeals against the refusal of a school place rests with the Admission Authority of the school in question.
  - SCC undertake this responsibility on behalf of the Admission Authority
  - appeal panels must allow appellants the opportunity to make oral representations
- ❖ Appeal hearings are held remotely, SAAS must be satisfied that the appeal is capable of being heard fairly and transparently. In doing so SAAS must be satisfied that the parties will be able to present their cases fully and that each participant has access to video or telephone facilities allowing them to always engage in the hearing.
  - Appeal Hearings will be held privately, and a Clerk provided to note the decision and Rationale. NB: Clerks notes are for SAAS only and are not shared or available under FOI. They are available to the DfE in the event of a complaint.
- ❖ SAAS undertake all administration tasks on behalf of the Admission Authorities, including: -
  - Collating and sharing all information relevant to the Appeal with all parties
  - Communication with the Appellant(s)
  - Secure storage and disposal of all appeal information adhering to policies.

- Provision of the decision letter to the Appellant(s), the Admission Authority and the Local Authority as soon as possible after the hearing but not later than five school days, unless there is good reason.
- Adhering to all timescales prescribed in the Admission Appeals Code
- Recruitment and training of panel members and Clerks
  - Collating and maintaining a list of conflicts of interest for ensuring the panel members and Clerk are independent and impartial.
- Communication and Provision of documentation to the DfE/ombudsman in the event of a complaint by an appellant regarding the appeal process and decision.

### 3.2 Admission Authority's obligations:

Our panel members are volunteers who give up their time and we treat them always with the greatest respect and gratitude. It is important that the information they have been given is accurate and relevant to assist them in the decision-making process.

- ❖ It is the responsibility of the Admission Authority to forward any appeals or documentation sent to them directly via e-mail to [schooladmissionappeals@staffordshire.gov.uk](mailto:schooladmissionappeals@staffordshire.gov.uk)
- ❖ A template will be e-mailed to the school for completion of the school statement and **must be returned no later than 10 working days** before the hearing date.
- ❖ The Admission Authority / school must supply all relevant documents needed to conduct the hearing in a fair and transparent manner and in accordance with the specified timetable. This must include details of how the admission arrangements and the coordinated admissions scheme apply to the appellant's application, the reasons for the decision to refuse admission and an explanation as to how admission of an additional child would cause prejudice to the provision of efficient education or efficient use of resources.
- ❖ The Admission Authority **must** provide a presentation officer to present the decision not to admit the child and to answer detailed questions about the case being heard and about the school. If no presenting officer attends on the day of the appeal, the panel can decide to resolve the case by using the evidence submitted by the Admission Authority if it is satisfied that to do so will not disadvantage the appellant.
- ❖ Provide SAAS with an email address and telephone number for enquiries and respond to enquiries within 2 school days
- ❖ Comply with the decision of the independent panel to allow an appeal.

## 4 Monitoring and Reporting

SAAS will collate appeal information on an annual basis this will include

- The number of appeals Received
- The number of appeals forwarded to a hearing
- The number of appeals Upheld
- The number of Dfe complaints
- The number of Dfe complaints upheld

This information is available to schools on request annually in September

## 5 Problem Management

Issues will be reported to: -

**Vicki Sandells – Business Operations Manager**



[vicki.sandells@staffordshire.gov.uk](mailto:vicki.sandells@staffordshire.gov.uk)



01785 276311

For general enquiries please contact SAAS



[schooladmissionappeals@staffordshire.gov.uk](mailto:schooladmissionappeals@staffordshire.gov.uk)



01785 895335

## 6 Financial Terms

Staffordshire County Council will allocate reasonable funds to meet admission appeals costs for **all** Staffordshire Schools. Due to economy of scale, internal departments and systems we are able to keep the cost at a minimum and no additional charges will be applied to academies for the use of the service in 2024/25.

Average cost per appeal 23/24 = **£160.94**

## 7 Review and Adjustment

This ToR will be reviewed annually, and, when changes in legislation require the agreement to be reviewed and updated where necessary.

## 8 Data Sharing and Protection of Data

### 8.1 Data Protection Policy:

The Provider will adhere to the "Data Protection Policy v1.6" which outlines the authority's commitment to protect personal data and ensure compliance with data protection legislation. This includes understanding specific roles such as the Senior Information Risk Owner (SIRO) and Data Protection Officer (DPO).

### 8.2 Information Sharing:

In line with "A 10 step guide to sharing information to safeguard children", the service provider will ensure that data sharing is conducted transparently, with clear objectives, secure policies, and systems in place.

### 8.3 Data Protection Principles:

The Provider will follow the data protection principles and share information based on the right lawful basis, including in emergency situations, as per the guide.



**8.4 Data Sharing Agreements:**

Formal data sharing agreements will be entered into, specifying the nature of the data to be shared, the purposes of sharing, and the legal basis for it.

**8.5 Security Measures:**

Appropriate technical and organisational measures will be implemented to ensure the security of the data, including encryption, access controls, and secure data transfer methods.

**8.6 Data Retention:**

Data will be retained in accordance with the established retention policies and will be securely disposed of when no longer needed.

**8.7 Training and Awareness:**

Staff involved in data handling will receive regular training on data protection and privacy to ensure awareness and compliance.

**8.8 Incident Response:**

A clear process will be in place for reporting and managing data breaches or incidents, in line with the "Data Protection and Privacy" guidelines.

**8.9 Review and Audit:**

Regular reviews and audits will be conducted to ensure ongoing compliance with data protection laws and the terms of the SLA

**9 Signatures**

By signing below, both parties agree to the terms outlined in this TOR

Provider's Signature



Date: 17/07/2024

Academy Trust Signature \_\_\_\_\_



Date: \_08.10.2024