

EDUCATION ACT 2002

You have the right to appeal to an Independent Panel who has the power to direct the governors to make places available at the school.

These notes tell you how to appeal and what happens if you do.

1 **ALL APPEALS MUST BE IN WRITING**

If you wish to appeal against the academy's decision you must fill in an appeal form and send it by e-mail or post to the address stated on the form.

2 **WHAT TO PUT IN YOUR APPEAL**

It is important to put **all** your reasons for wanting a place on the form. It is *your* responsibility to provide any documentation in support of your appeal, and these should be sent with your appeal form (where possible).

If you are unable to submit all of your documents with your appeal form, you must make sure you submit these to the Appeals Coordinator at least five days before your appeal. If you provide additional documents after this deadline or on the day of your appeal, the panel may be unable to consider them, or they may defer your appeal to another date. The panel cannot consider documents submitted after the appeal hearing has taken place.

3 **WHAT HAPPENS NEXT**

Your appeal form will be acknowledged within 7 days of receipt.

For applications in the normal admissions round, your appeal will be arranged within 40 school days of the deadline for appeal forms. For applications outside the normal admissions round, the appeal will be arranged within 30 school days of the appeal form being received.

The Clerk will send you a letter giving you the date, time and location of the appeal hearing. You will be notified of this at least 14 calendar days (or 10 school days) before the hearing to give you time to prepare your case.

You will also receive a statement from the academy at least one week before your appeal hearing which will give the reasons why your child cannot be admitted to the academy.

4 **ATTENDING THE HEARING**

You should try to attend the hearing if at all possible. The Appeals Panel will get a better idea of your case if they can ask you questions. Alternatively, you may send someone to represent you if you are unable to attend.

You may wish to ask someone to attend the hearing to help you or speak for you. This can be a friend or adviser, such as a Choice Adviser, a locally elected politician, or an employee of the local education authority such as an educational social worker, SEN advisor, or learning mentor. You **must** notify the clerk if you intend to be represented or accompanied at the hearing.

If you choose not to attend the hearing, the Appeals Panel will make a decision on the basis of:

- a) the written evidence you have provided.
- b) a written statement and an oral statement given at the hearing by the Presenting Officer for the academy, giving the reasons why your child cannot be admitted to the academy.

5 **GIVING YOUR EVIDENCE**

The Appeal hearing follows a set procedure. You may feel the meeting is very structured, as the Chair will be strict on who can speak and when questions can be asked. The Chair will conduct the meeting and guide you through it. You will always have the opportunity to say everything you wish, ask any questions and sum up your case. All the people at the appeal hearing will treat your appeal in the strictest confidence.

The following people will be present:

- a) The Panel of 3 or 4 people which will be made up of people who are either:
 - lay persons, that is people without personal experience in the management of any school (other than as a governor or in a voluntary capacity), or
 - people with educational experience, such as teachers or parents.

These people are acting independently of the Local Authority or school governors (admission authority) and have no connection with the academy you are appealing for or the school that your child has been allocated. These are the people who will make the decision about your appeal.

- b) The Clerk is independent of the academy and is there to advise on the procedure, and to take notes of the proceedings.
- c) A representative (known as the Presenting Officer) for the academy will be present to explain why your child cannot be admitted to the academy.

The Presenting Officer will start first and present the reasons for not allocating a place for your child. You may then ask questions and you may challenge any statement made. You will then be asked to give the reasons for wanting your child to go to the academy and you may be asked questions about these reasons.

It is important to give all of your reasons why you want a place for your child at the academy. The panel cannot consider any reasons or evidence submitted after the appeal hearing has taken place.

6 THE PANEL'S DECISION

No decisions are made by the Panel until all cases in that round have been heard. The Panel meets in private, which means no parents or academy representatives will be present. The Clerk will be present purely to assist the Panel on matters of evidence or procedure and to record the decision but is not involved in the decision-making process.

In making their decision the Panel follows a two-stage process.

(a) First Stage

The Panel must assess whether admitting any additional children would cause prejudice to the academy and also whether each child would have been offered a place had the admission arrangements been properly implemented. The Panel must then consider two separate issues as follows: -

- (i) If the Panel decides that all the children who are the subject of the appeals could be admitted without prejudice to the academy, it must uphold all the appeals.
- (ii) Where the academy is able to satisfy the appeal panel that there would be prejudice, the panel must move to the second stage of the appeal to decide whether any of the individual appellant cases outweigh the prejudice.

(b) Second Stage

- (i) If the panel decides that admission of additional children could result in prejudice it must consider for each individual case whether the appellant's grounds for admission to the academy outweigh such prejudice. In other words, is your case stronger than the academy's case.
- (ii) If there are several cases which outweigh the prejudice to the academy and merit admission, but the panel determines that the academy could not cope with that number of successful appeals, the panel must then compare all cases and decide which of them to uphold.

7 FINDING OUT ABOUT THE DECISION

The Clerk will write to you to let you know the results of your appeal within 7 calendar days (or 5 school days) after all the appeals hearings for that round have finished. No information will be given over the telephone or to callers at the academy.