

Appeals Procedure

Education Act 2002

You have the right to appeal to an Independent Panel who has the power to direct the academy to admit your child.

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

All appeals must be in writing

If you wish to appeal against refusal of a place for your child, you should submit the appeal via the Appeals Portal linked on the academy's website. If you are unable to access the internet, please contact the Admissions and Appeals office.

The Appeals Portal

When you click the link on the appeals page you will be directed to an Appeals Portal. You will be asked to set up an account (an email and password). This is where you will submit the appeal, upload your documents and see the progress of the appeal. All details relating to your appeal will be found in your Appeals account, including the date and time of your appeal. You will receive notification of your appeal date via the Portal.

What to put in your appeal

It is important to put **all** of your reasons for wanting a place when you complete the appeal. It is *your* responsibility to provide any documentation in support of your appeal and these documents should be uploaded to the Appeals Portal within the required timeframe.

If you are unable to upload all of your documents at the time of submitting your appeal, you must make sure you upload these to the Appeals Portal 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.

What happens next

Your appeal will be acknowledged immediately via the Appeals Portal.

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

Attending the hearing

You should try to attend the hearing if 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 advisor, such as a Choice Advisor, a locally elected politician or an employee of the local education authority such as an educational worker, SEN advisor or learning mentor. You **must** notify the [Appeals Coordinator](#) 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 based on:

- The submitted appeal and any documents you have provided.
- A written statement and an oral statement given at the hearing by the Presenting Officer for the academy, giving reasons why your child cannot be admitted to the academy.

Giving your evidence

The Appeal 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 who are acting **independently** of the Local 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. The panel is made up of people who are either:

- a. Lay persons, that is people without personal experience in the management of any school (other than as a school governor or in another voluntary capacity), or
 - b. People with educational experience, such as teachers or parents.
- 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 also 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.

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 the 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.

Finding out about the decision

You will be advised of the decision via the Appeals Portal within 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.