

APPEALS

GENERAL GUIDANCE

INTRODUCTION

Appeals are heard by a special panel called an appeal panel. It is independent of the school and is supervised by the Council on Tribunals.

(Please note that where this booklet says “parent”, this may also include any pupil who is 18 or over).

THE GOVERNORS’ DECISION

If you get a letter telling you that the school in question has decided not to offer a place to your child, it should make clear the reasons for this. You should think carefully about whether or not you wish to appeal against this decision. You will need to think about:

- the school’s policy for admitting pupils (published in the school prospectus) and the specific reasons it has given for not admitting your child;
- your reasons for wanting your child to attend the school and the strength of your case; and
- alternative schools available. You may wish to visit them and/or speak to the headteacher.

HOW DO I MAKE AN APPEAL?

The letter from the governors should say where you should send your notice of appeal and by what date. Your appeal must be in writing.

You should think carefully about the original reasons you gave, if any, for wanting your child to attend the school. You can add more information in the notice of appeal. The appeal panel should have been given copies of your original application form.

You should send copies of any letter or documents, such as medical evidence or evidence of ability, with the statement of your appeal if you wish to use these at the hearing. Or you can send them later to the clerk to be sent round to the appeal panel members. You may produce other documents at the hearing but you should remember that the members of the panel and the governors’ representative will not have had time to look at these or think about them.

If you decide to appeal you will be called “the appellant” in all documents.

HOW DO I PREPARE FOR THE HEARING?

The clerk to the panel will send you details of the date, time and place where the hearing will be held. It may or may not be held at the school.

It is very important that you try to attend the hearing no matter how nervous or uncertain you feel. It helps the panel if you are there in person to put the case for your child.

If you really cannot attend, you should let the clerk know in good time. The hearing will be held without you and your case will be heard on the basis of your written statements. The appeal panel will decide the appeal on the strength of your written case.

You should be given plenty of notice of the date and time of the hearing and, in the case of admission appeals, this should be at least 10 days. At least 7 days before the hearing you should receive a written statement of the governors' case.

You may wish to have the help or support of someone at the hearing. You can do this and you should let the clerk know before the hearing.

If you need the help of an interpreter or special access because you are disabled, then the clerk should be able to help.

You can call witnesses to help your case. If they cannot attend, they should send a letter to the clerk giving their statement.

All hearings are held in private unless there are special reasons. You do have the right to ask for a private hearing.

If you are not sure of anything then you can ask for advice from the clerk.

WHAT HAPPENS AT THE HEARING?

The panel must have:

- one lay member (who can have no personal experience in managing education, cannot be a teacher, does not work for the school and is not a parent of a child at a school); and
- independent people who have experience in education or know about education in the area.

The panel is **independent** of the school and its governors. It must make sure that the hearing is **fair and not biased**.

The clerk is not a member of the panel but is appointed to organise the hearing and take a note of what happens. A clerk can also give advice to the panel.

The hearing should be informal but should follow these stages:

- the governors' representative will present the case for the school;
- you, or your representative, may question the governors' representative;

- you, or your representative, will present your case. You can call witnesses if you wish;
- the governors' representative may ask you questions.

WHERE CAN I GO FOR FURTHER HELP AND INFORMATION

Both you and the school must accept the decision of the appeal panel.

If you have a complaint about the independent admissions appeal panel process you should contact the ESFA using their online complaints form:

<https://www.gov.uk/schools-admissions/complain-about-the-appeals-process>