

## 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 to the following address:

**The Clerk to the Appeals Panel  
c/o Dixons McMillan Academy  
Trinity Road  
BRADFORD  
BD5 0JD**

### 2 **WHAT TO PUT IN YOUR APPEAL**

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

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 the address above, at least five days before your appeal. If you bring additional documents 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 has been heard.

### 3 **WHAT HAPPENS NEXT**

Your appeal form will be acknowledged within 7 days and will be forwarded to the Clerk to the Independent Appeals Panel who, for applications in the normal admissions round, will arrange your appeal within 40 school days of the deadline for appeal forms.

For applications outside the normal admissions round, the Clerk will arrange your appeal within 30 school days of the appeal form being received. The Clerk will send you a letter giving you the date, time and place of the appeal hearing. You will be notified of this at least 10 school days before the hearing to give you time to prepare your case.

You will also receive a statement from the Academy one week before your appeal hearing which will give the reasons why your child was not allocated a place at that 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 meet you and ask you questions. Alternatively, you may send someone to represent you if you are unable to attend.

You may wish to bring someone to 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 was not allocated to the school of your preference.

### 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 in the room:

- a) The Panel of 3 or 4 people is 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 in the local area, 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 for which you are appealing 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 the Panel, the Academy, and the parents on the procedure, and to take notes of the proceedings.
- c) A representative (known as the Presenting Officer) for the Academy will explain why a place has not been allocated to your child.

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, for example the maximum number of children to be admitted to the Academy or the effect on the provision of efficient education or efficient use of resources if any more children were admitted. You will then be asked to give the reasons for wanting your child to go to your preferred school 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 take into account any reasons or evidence submitted after the appeal hearing.**

## **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 has no involvement 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. This involves no comparison between individual cases. 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 five school days after all the hearings have finished. No information will be given over the telephone or to callers at the Academy.