

Admission Appeal - Guidance Notes for Students and Parents (Sixth Form Appeals)

APPEALS IN 2024 WILL BE HELD VIA ZOOM

Please read these notes before completing the Notice of Appeal

Some Background.

The Academy Trust or Governing Body is the admission authority for Academies, Foundation Schools and Voluntary Aided Schools. They make the decision about the admission of students (not the Local Authority or the Diocese).

Students, parents, and legal guardians have the right to appeal against the decision not to offer a place in Year 12 at the school.

The clerk, who works in conjunction with the Diocesan Board of Education, sets up an Independent Appeal Panel to hear your appeal.

The most up-to-date school admission appeal law can be found in the School Admissions Code 2021 and the School Admission Appeals Code 2022, produced by the Department for Education.

Student/Parental Preference.

Your application will have been refused on the basis that **either** (a) the school is already at capacity for the number of students admitted to the Sixth Form **or** (b) the required Grades were not obtained to confirm a provisional offer of a place in the Sixth Form.

Your Right to Appeal (“Should I appeal?” / “Is it worth me appealing?”).

The law provides you with an opportunity to put your case to an Independent Appeal Panel.

This panel consists of members appointed by the Diocesan Board of Education and is completely independent of the school. There are three members on each panel; at least one must be a *lay member*, that is someone without personal experience in the management or provision of education and at least one must be a *non-lay member*, that is, someone with experience in education.

If you are appealing because (a) the Sixth Form was already up to capacity without being able to offer you a place, it is important you understand that the Appeal Panel has the power to offer a place over this number and if they make this decision then the student will be admitted.

The Panel will look at the school circumstances and at the reasons/circumstances that relate to the student and/or family before coming to a decision.

If you are appealing because (b) the required Grades were not obtained, the Panel is only allowed to consider the law that is contained within the School Admission Appeals Code – paragraph 3.17 namely;

In the case of an appeal where the child did not reach the specified entry requirements, the panel must not make its own assessment of a child's ability but must decide whether the admission authority's decision that the child was not of the required standard was reasonable in light of the information available to it. In doing so, it must consider whether any process in place to consider such cases (for example, where a pupil had not been studying in England and therefore did not have GCSEs) was carried out in a consistent and objective way.

In these circumstances the chances of being successful against this criterion are slim.

The panel decision is binding on the school and the appellant and is the final action available (unless there is a complaint about the appeal process).

Notice of Appeal Form.

If you would like to submit an appeal against the refusal, you will need to complete a Notice of Appeal Form. On the form, you should explain your case with particular reference to the above criteria. Please give your reasons in as much detail as you are able. You may also wish to include supporting evidence, where this is directly relevant to the points you are making.

Please refer to the school and/or Diocese website and guidance information for the timeframe and place where to submit your Notice of Appeal.

NB. If you do not attend the appeal hearing in person, the appeal is likely to proceed in your absence. In these circumstances, it is extremely important to write down as much as possible regarding your case, as the panel will make a decision based on this written evidence.

The Appeal Hearing.

On receipt of your Notice of Appeal Form, you will be provided with details of the date and time of the appeal hearing. The appeal process will take place remotely and the appeal clerk will provide more detail to you about this in the acknowledgement of your notice of appeal.

You will be sent a copy of the school 'Statement of Case' and details of the procedure that will be followed at the appeal hearing. However, it may be helpful for you to know, in outline, what will happen on the day of the appeal.

The Appeals Administrator will ensure that the members of the panel receive all the relevant papers in good time before the date of the hearing.

The appeal hearing will be in two parts. The process begins with someone from the school (known as the 'Presenting Officer') addressing the panel about the circumstances of your application. They will refer to the school's Statement of Case. The Presenting Officer may be a governor, teacher or a staff member who deals with admissions. After the presenting officer has presented the school case, you and the Panel will have an opportunity to ask questions.

The second part of the hearing is when you get your opportunity to explain why you believe you/your child should be allocated a place at the school.

After hearing your case the Panel will make a decision having regard to the relevant law.

Should parents/the student attend the hearing?

Yes, if at all possible and students are encouraged to attend.

You are likely to be the best person to explain the circumstances and so provide the panel with information to help them to make an informed decision.

You are entitled to bring your partner, a member of your family, a friend or adviser along to the appeal with you and they may help you to present your case.

It should not normally be necessary for you to instruct a lawyer as this is not a court of law and the Panel will aim to keep the hearing as informal as possible.

It is for parents/legal guardians to decide whether their child should attend the hearing.

Help Preparing your Appeal.

These guidance notes should provide some useful information when preparing your appeal but you will have the opportunity to clarify or raise any issues (including the consideration of any reasonable adjustments) with the appeal clerk right up to the time of your appeal.

After the Appeal.

After the appeal, the clerk will write to you to inform you of the panel's decision. This will normally be within 5 school days of the appeal. However, in the summer term when multiple appeals take place this may take slightly longer.