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Admission Appeal – Information for parents (Sixth Form Appeal where required grades have not been obtained)

**The legal basis for School Admission Appeals**

School admission appeals follow a procedure that is laid out in the School Admission Appeals Code 2022. This provides an opportunity for both the school case and the student/parent/legal guardian case to be heard and examined by an Independent Appeal Panel.

The Code places the responsibility for making arrangements for your appeal on the admission authority for the school or academy. They have decided that the process will take place remotely.

Therefore, your appeal will take place either (a) by video or telephone conference; or (b) by consideration of the written information that you have submitted if you do not wish to attend the appeal.

Option (b) is also the default option if you do not attend the appeal without explanation.

**The Law**

For this type of appeal, the Panel are required 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.*

**What do I need to have with me?**

You will need to make sure you have the papers that are sent to you before the Appeal. These include the schools ‘Statement of Case’ and your own Notice of Appeal Form. You may also have submitted supporting documents (e.g. medical evidence or details of a house move) in advance of the hearing.

It will be at the discretion of the Panel whether to accept any supporting evidence that you want to submit after the deadline for doing so has passed.

**Who will attend the appeal hearing?**

Those present at the hearing will be:

* You (the student/parent/legal guardian) and whoever you wish to be with for support; your partner, relative, friend, adviser, interpreter or signer, who may speak on your behalf or help you to present your case. You cannot be supported by someone from the admission authority (the school) for which you are appealing for a place. Students are encouraged to attend a Sixth Form appeal.
* A representative from the admission authority – this will usually be a governor of the school; a representative from the teaching staff such as the headteacher/principal or deputy, or a member of the school administration team, such as the school admission officer. They are known as the ‘Presenting Officer.’
* The Independent Appeal Panel – three members, one of whom is the Chair. At least one member must have education experience and at least one must not (*a lay member*). You will be advised of the panel’s names within the notification of the appeal hearing date. Please let the Clerk to the Appeal Panel know immediately if you know someone who is sitting on the Panel for your appeal.
* The Clerk to the Appeal Panel, who provides advice on law and procedure, but does not take part in the decision-making.

**Preparing for the hearing**

You are responsible for presenting your case and for deciding what you would like to say at the appeal hearing.

Prior to the hearing you are advised to:

* re-read the Notice of Appeal you submitted.
* make sure you have looked at the school Statement of Case and made a note of any questions you would like to ask the representative of the school/academy that relate to the school case.
* spend some time deciding what you would like to say when the panel invites you to explain your reasons – it might be helpful to make notes of the main points, but it is not necessary to prepare a speech or formal presentation, as the Panel will have read all the papers you have submitted in advance.

**On the day(s) of the hearing**

Please be punctual when joining the meeting.

Your appeal is likely to take between 30 and 45 minutes. However times may overrun, so it is wise to allow longer.

It is particularly important for you to tell the appeal panel everything that is relevant to your case. The appeal for is confidential so please feel free to say whatever you need to. The members of the appeal panel have to make their decision based on the information they have been given, so make sure you tell them everything you believe they need to consider.

**Order of the Hearing**

**The School Case**

The Chair of the Appeal Panel and/or the Clerk welcomes and introduces everyone and explains the procedure.

1. The Presenting Officer will present the case for the school.
2. You and the Panel will have the opportunity to question the Presenting Officer.

**The Individual Case**

1. You will be asked to present your case.
2. The Presenting Officer and the Panel will have the opportunity to question you.

**Sum up / Decision**

1. You and the Presenting Officer can sum up if you wish to do so.
2. The presenting officer and you leave. The appeal panel will make their decision at the end of hearing all the appeals listed on the day. The Panel are required to consider the case in line with the relevant law (as quoted above). The clerk must remain with the panel to record their decision.
3. The decision of the Independent Appeal Panel is final and binding on both parties. The decision will be communicated in writing by the clerk.

**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 when the decision is made. You will be given an indication of the likely time period at the end of your individual appeal.

**Complaint to the Education and Skills Funding Agency (ESFA)**

If you think that the proper procedures have not been followed during your appeal then you can ask the ESFA to investigate. The ESFA can investigate complaints about the procedure of the appeal that may have affected its outcome.

You can find further information and guidance within a fact sheet at [www.gov.uk](http://www.gov.uk) entitled “Complaints about an academy independent admission appeal panel”.

But please note, complaints can only be based on maladministration rather than the panel’s decision on the merits of your appeal.