

HELPFUL INFORMATION REGARDING ADMISSION APPEALS

Submitting an Appeal

If you have received notification that your application for a place at the Thomas Hardy School was unsuccessful, the law enables you to appeal to an Independent Appeal Panel.

What is an Independent Appeals Panel?

The Independent Appeals panel is an Independent panel of members who sit to hear admission appeals for students wishing to obtain a place at the School. Appeal panels perform a judicial function and are required to be independent and impartial, operating according to the principles of natural justice. The appeal procedure is governed by the School Admission Appeal Code.

Appeal panel members are voluntary, supporting the panel in their own time. Members are unable to sit as part of a panel until they have received appropriate training.

Who is the Clerk?

The Clerk is independent of the school and Education functions of the Local Authority. He/she makes the administrative arrangements for the hearing. In addition the Clerk provides an impartial service and will act as an independent source of advice on procedure and on admission law. The Clerk will be present throughout the Appeal Hearing to take notes but will take no part in reaching a decision on your case.

When does the Appeal Panel sit?

Appeal hearings are heard during school term time, usually between the hours of 9.00 am and 5.00 pm.

How do I make an appeal?

You should complete the Appeal form located on this website. Alternatively you can contact Vicky Smyth, at the school on 01305 266 095 or vsmyth@thomas-hardye.net. You will always be given at least 20 school days from the date you were notified that your application for a place at the school, was unsuccessful, to lodge your appeal with the Clerk.

Please ensure that you complete the form in full, including all of the information that you would like the appeal panel to consider. The form will be sent to the Appeal Panel before the hearing, so it is important that you have included every detail which you would like them to know. Ask someone to help you if you have any problems with the form.

Your completed appeal form must be sent to:

The Clerk to the Independent Appeals Panel

PO Box 64

Axminster EX13 9AQ

What information/evidence should I send with my appeal?

You should submit with your completed appeal form all of the information that you would like the Appeal Panel to take into consideration. You will be given a deadline (up to five school days before the hearing date) to submit any supporting information / evidence not submitted when you lodged the appeal (for example if you are moving house it is advised that you provide evidence of your current/new address). Information received by the Clerk after the deadline will be presented to the panel for consideration. If the panel considers the information to be significant, an adjournment could be called to enable all parties' adequate opportunity to consider it.

What happens after I have sent my completed appeal?

Once your appeal has been lodged, the Clerk to the Independent Appeals Panel will acknowledge your appeal, and advise the appropriate admissions authority (the school) that an appeal has been received.

Arrangements for the hearing are then made in accordance with the timescales specified in the Admission Authorities Timetable (see attached document).

Information on the **Appeal Hearing Procedure** is shown below. However the Clerk will send you a copy with your notification of appeal hearing (at least ten school days before the hearing). However you do have the right to waive this period of notice if it suits your situation / circumstances to do so.

Procedure for Appeal Hearing

Attendance

Appellants (person making the appeal) are encouraged to attend the hearing in person and may be represented, or accompanied by a friend. You may not be supported by an employee or representative of the school. It is for the Appellant to decide whether the child concerned should attend the hearing. The Clerk should be informed **in advance** of any persons who will be accompanying or representing you. You must also notify the Clerk in **advance** if you intend to call any witnesses at the hearing.

The Panel

The Appeals Panel consists of independent, voluntary members. The Panel will comprise at least, **three members** including the panel chair, and will consist of:

- at least **one lay member** without personal experience in the management or provision of education in any school
- at least **one person with experience in education**, who is acquainted with educational conditions in the area, or who is the parent of a registered pupil at a school

The names of the panel members and Clerk will be sent to all parties no less than eight school days before the appeal hearing. Appellants must inform the Clerk if any of the panel members are known to them.

Presenting Officer

The Admission Authority will provide a 'presenting officer' to present the case as to why admission to the school has been refused. This will usually be the Head teacher and / or Governor of the school.

Procedure

At the start of the appeal, the panel chair will:

- **welcome** the parties and introduce the panel members, clerk, presenting officer for the school and the appellant (s).
- **explain** the procedure clearly and simply, giving details of the issues which the panel will be addressing and in what order.
- **clarify** that the panel is an independent body and that if it upholds the appellants' appeal, the decision will be binding on the admission authority (the school), unless overturned by a court.

The hearing then takes place as follows:

Stage 1 - Establishing the Facts

- The **Admission Authority's (school's) case** is presented. In the case of multiple appeals, the case may be presented once to **all** appellants.
- **questioning by the appellant's and panel**; all questions must be based on **facts** and not conjecture and apply only to the School's case, and not to any individual case.

The Presenting Officer and Appellant (s) will be asked to leave the hearing whilst the panel considers;

- whether the Admission Authority have satisfied the panel that the school's published admission arrangements fully comply with the law and Schools Admissions Code and were correctly and impartially applied in the case of each application
- Whether the admission of the child, or in the case of multiple appeals, the admission of any individual children, would cause prejudice to the school.

If the panel decides that the child or, in the case of multiple appeals, all the children **could** be admitted without prejudice to the school, it upholds the appeal(s) and the appeals process ends.

If the Admission Authority satisfies the panel that there **would** be prejudice, the panel moves on to Stage 2, hearing each appellant's case individually to decide whether any outweigh the prejudice. In multiple appeals, this involves no comparison between individual cases unless there are several cases outweighing prejudice and the panel decides that the school could not cope with that number of successful appeals.

Note: In the case of multiple appeals, an appellant's case (Stage 2) may not be heard on the same day as Stage 1. This will be advised in the appointment letter.

Stage 2: Balancing the arguments

- each appellant's **case** is presented
- **questioning** by the panel and Admission Authority
- **summing up** by the Admission Authority
- **summing up** by the appellant(s)

The Decision

The panel will retire to make its decision. In coming to a decision, the panel balances the appellants' case for the child to be admitted against the degree of prejudice to the school.

In the case of multiple appeals, if the panel decides that there are several cases which outweigh the prejudice to the school but that the school could not cope with that number of successful appeals, they will compare all cases and decide which of them to uphold.

A letter advising of the panel's decision will be sent by the Clerk to the Appellant, Admission Authority and Local Authority as soon as possible, ideally within **5 school days** of the date of the hearing (this may not always be possible where there are multiple appeals). The decision of the Appeal Panel is final and binding upon the Admission Authority.

Post Appeal

In the event that the appellants' appeal is upheld, upon receipt of the decision letter from the Clerk, the school will contact the appellant directly to make arrangements for the admission of the child to the school.

It is recognised that, where the appellants' case is not upheld, appellants may not be happy with the outcome of the appeal. An appellant will not have a right to a further appeal, in respect of the same school for the same academic year, unless, in exceptional circumstances, the Admissions Authority accepts a second application from the appellant because of a 'significant and material change in the circumstances of the parent, child or school but is still refused admission.' In this situation the appeal would be heard by a different appeal panel from the first. However, the appellant could apply for a place in the same school for a later academic year. If that application was unsuccessful they would have a further right of appeal.

If the appellant considers that the Appeal Panel did not follow the proper procedures (Maladministration) in hearing their appeal, they can complain to the Local Government Ombudsman. A complaint to an Ombudsman is not a further appeal. It must relate to the administration of an appeal rather than the appeal decision.

Further information is available by contacting the Local Government Ombudsman's Advice Line on 0300 061 0614, visiting the website at www.lgo.org.uk, email advice@lgo.org.uk or by writing to;

The Local Government Ombudsman
PO Box 4771
Coventry
CV4 0EH

Appellants may complain to the Secretary of State for Education, Sanctuary Buildings, Great Smith Street, London, SW1P 3BT, if they consider that the Authority has acted unreasonably or failed to discharge duties imposed upon it by the education legislation. This should not be regarded as a further “Court of Appeal” in terms of dissatisfaction with the decision of an Appeal Panel.

The above information is merely intended as guidance– no liability is accepted if any of the information contained within this document is incorrect or has altered following publication.