

GUIDANCE NOTES ON APPEALS AND COMPLETING THE APPEAL FORM

These guidance notes are intended to be read alongside the admission appeal form to provide parents with guidance in completing the appeal form and information relating to the admission appeals process. The guidance applies primarily to appeals against the decision of the admission authority not to admit your child to Haberdashers' Abraham Darby.

We would strongly advise all parents to carefully read this guidance before completing and submitting their appeal form to Haberdashers' Abraham Darby.

YOUR RIGHTS

Parents have the right to appeal if they do not accept the decision of an admission authority not to offer a place at a particular school. The admission authority may be the local authority or the governing body of the academy. Independent Appeal Panels ("IAP") will be set up to hear appeals relating to admission and the local authority, governing body or academy will have to abide by any decision that the IAP reach.

The responsibility for arranging an IAP rests with Haberdashers' Abraham Darby. They are not administered by the part of the local authority which is responsible for education or the allocation of school places.

The IAP that will look at your appeal will usually consist of at least three members although in some cases they may be five. At least one of the members will be a lay person which will be a person without personal experience in the management of any school or the provision of education in any school (except as a school governor or in another voluntary capacity). There must also be a person on the IAP who has experience in education and is familiar with the educational conditions in Telford & Wrekin or who is a parent of a pupil registered at school. One of the panel members will be nominated to Chair the meeting. It is important to note that the IAP are completely independent of the admission authority and the Academy to which your appeal relates. No member of the IAP will have had anything to do with the decision against which you are appealing or any connection to the Academy. These arrangements are in accordance with the requirements set out within the School Admissions (Appeals Arrangements) Regulations 2012 and the Department for Education's "School Admission Appeals Code" ("the Appeals Code"). A copy of the code can be downloaded from: www.gov.uk/government/publications/school-admissions-appeals-code.

At the hearing, a Clerk will also be present to act as an independent adviser to the IAP. The clerk's role is primarily to provide independent advice on procedure and admissions law and to keep an accurate record of proceedings. It will also be the clerk that writes to you once the IAP has made a decision on your appeal to confirm that decision and to explain the reasons for it.

THE APPEAL FORM AND WHAT TO DO WITH IT

The Appeals Code states that that your appeal must be in writing and must state why you are appealing. The appeal form is aimed at finding out some basic information

about you and your child and your reasons for appealing. Further information regarding your reasons for appealing is set out on pages 3 and 4.

If you wish to appeal, you should complete the appeal form in full giving as much information as possible and send the completed form to the Clerk to the IAP c/o Haberdashers' Abraham Darby to receive it within the specified time limits. Further information regarding these time limits can be found on the Academy's website. Please email the completed appeal form to: abrahamdarby.appeals@taw.org.uk

When you send the appeal form you should also include any documentation that you wish to be considered in support of your appeal. We recommend that you send anything you think may help your appeal at this time although all documentation should be sent to the Clerk to the IAP no later than three working days prior to the hearing. Whilst you are able to submit documentation at any time up to (or during) the IAP hearing, if you do provide documentation later than three working days prior to the hearing then it will be up to the IAP as to whether they will take such documentation into account. Parents should also note that if they do provide a large quantity of documentation at a late stage (even if it is more than three working days) then it may be necessary for the hearing to be adjourned to a later date.

HOW THE APPEALS ARE HANDLED

When you have submitted your appeal, the IAP will request paperwork to be provided from the Academy's Presenting Officer setting out their case in writing. This will then be sent to you and, from this, you will then be able to see the detail as to why your application for a place was unsuccessful and why the admission authority is unable to admit any more children. You will also be notified of the date and time that the IAP will meet in order that you can make any necessary arrangements to attend the hearing if you wish. There is no obligation on you to attend an IAP hearing however it can be helpful for IAPs to hear your reasons for appealing in person and to ask you questions to ensure that they have all the information that they need. If you are unable to attend, the IAP will consider the written representations you have submitted on your appeal form and any supporting documents/paperwork you have submitted, but it does mean that you will not be able to enlarge upon what you have said in writing or answer any questions the IAP may have. Therefore we would encourage you to attend or to appoint a representative to act on your behalf.

A few days before the IAP hearing to discuss your appeal, each member of the IAP will be sent a copy of your completed appeal form together with any other supporting documents which you may have sent and a copy of any evidence submitted by the Presenting Officer of the Academy. The IAP will review this documentation in advance of the hearing and, in doing this, we have found that parents do not need to go over everything they have written but can focus on their important points. At the same time you will be sent details of the identity of the IAP members. Please check this information on receiving it and if you know any of the members of the IAP please contact the Clerk to the IAP immediately as it may be necessary to identify another panel member to attend for your appeal.

The emphasis on the appeal hearing is informality although the IAPs are required to follow certain procedures by law. Further information on these procedures can be found in the Appeals Code. The IAP hearing will consist of a briefing/presentation by or on behalf of the Academy's Presenting Officer, following which you and the IAP will have the opportunity to ask questions to the Presenting Officer. After this, you will then have the opportunity to tell the IAP about your reasons for appealing and both the IAP and the Presenting Officer will also have the opportunity to ask you questions about what you say. You and the Presenting Officer will have the opportunity to sum up your position

at the end of the hearing if you wish to do so.

IAP hearings are held in private and we regard them as confidential. As such, IAP hearings are not open to the public or press. The key aim of these hearings is to give every parent a fair opportunity to put their point of view to the IAP. Appeals will not be heard in the Academy's building and you will normally be told at least two weeks in advance when your appeal will be considered, although you may be asked to agree to shorter notice in some circumstances.

Often there are a number of appeals for the Academy. In that case, we try to arrange for the same IAP to deal with all the appeals where possible. If there are a lot of appeals for places at the Academy, the IAP will probably have to meet on more than one day but, in any event, it will not reach a decision until it has listened to all those appeals.

Where an IAP is handling more than one appeal, we have found that it helps all concerned if appeals are looked at in groups. In this instance, the IAP will hear the case on behalf of the Academy's Presenting Officer with all parents present. By doing it in this way, we can save everyone's time and we believe that the parents involved actually benefit because they can help each other in asking questions of the Academy's Presenting Officer and in getting their views across to the IAP.

To ensure that parents are able to speak to the IAP without other parents being there, we arrange hearings so that parents will be given the opportunity to tell the IPA about their particular case on an individual basis. At this stage in the hearing, only the IAP, Clerk and the Academy's Presenting Officer will be in the room although the IAP will not make any decisions until it has heard each parent's case.

We ask that a maximum of two people attend the appeal hearing and no children should be in attendance as there are no child care facilities available.

Please note that the recording of the appeals hearing is not permitted. The term "recording" covers any type of audio and video recording device, including personally owned equipment (such as mobile phones).

REASONS FOR APPEALING

The appeal hearing is your chance to put forward your views and to ask questions. But there is more to it than that – as stated above, we will send to each member of the IAP, in advance of the hearing, copies of anything you send us to support your appeal. In this way the IAP will know why you are appealing.

We would therefore recommend that you complete the section on the second page of the appeal form as fully as you can. In writing down your reasons for appealing, you ought to bear in mind the following points:-

- ❖ Unless you tell us about it, neither the Academy nor the IAP will know about what you have said to the admission authority in earlier stages of the allocation process. We have had nothing to do with your case before now and it is up to you to put forward all your points now, even though you may have covered them all before with the admission authority. If you do have any documentation which supports or proves your reasons for appealing then we would recommend you provide these when submitting your appeal.
- ❖ If you enclose original documents with the appeal form and you would like them back, please tell us and we will copy them and return them to you either straight away or after the IAP has met.

- ❖ The IAP may decide that it should allow some but not all the appeals that it hears for the Academy. The IAP will form its own view of any case and may have to decide between individual cases. It will consider the circumstances of individual children in detail and with care, based on all the information put before it. You should therefore ensure that you cover any points which you feel will convince the IAP to allow your appeal and back that up with documentation where you are able.
- ❖ It is up to the IAP to decide which cases it hears are to have priority. The IAP does not have to apply the same tests and criteria as the local authority in deciding priorities and can adopt a completely different test if it wishes. As a result, just because your case might meet some of the priority criteria set out within the Academy's admissions policy this does not mean that your appeal will succeed, although it would obviously make sense to draw the IAP's attention to it.
- ❖ The IAP will consider the following:
 - i. whether the admission arrangements complied with the mandatory requirements of the School Admissions Code and the School Standards and Framework Act;
 - ii. whether the admission arrangements were correctly and impartially applied;
 - iii. whether the admission of additional children would prejudice the provision of efficient education or the efficient use of resources.

Where the IAP find that the admission arrangements did comply with the mandatory requirements, they were correctly and impartially applied and that prejudice would be caused through the admission of additional children, the IAP will then have to balance the prejudice to the Academy against the reasons that you put forward for expressing a preference for Abraham Darby. More information can be found within the Appeals Code.

ATTENDING THE APPEAL

If you say that you wish to attend the IAP hearing and then do not come to the hearing, the IAP will decide your appeal in your absence on the basis of any written information you may have sent us beforehand. Further information regarding written appeals is provided below.

If you do attend then you may wish to be accompanied by a representative or supporter. However we ask that a maximum of 2 people attend the hearing and no children should be in attendance as there are no child care facilities available.

You may wish to be "represented" at the hearing, that is, for someone else to speak and ask questions for you at the IAP hearing. If you are represented, your representative can tell the IAP about your situation although you will still need to answer questions. You will, of course, have to pay the costs of any representation. In our experience, it is not usually necessary for parents to be represented but it is entirely your choice. If you wish your appeal to be handled in this way, please let the Academy know when you submit your appeal form with your representative's address details in order that we can send copies of all letters to your representative.

Please note that the recording of the appeals hearing is not permitted. The term "recording" covers any type of audio and video recording device, including personally owned equipment (such as mobile phones).

WRITTEN REPRESENTATIONS

It helps the IAP if you can attend the hearing to put your case because the IAP may wish to ask you questions on what you have written. However, you do not have to attend. The IAP can, if you wish, decide your appeal on your written comments and the comments of the Academy's Presenting Officer. The fact that you are not present when the IAP looks at your case will make no difference – the IAP will be advised that they must give equal attention to all appeals whether or not the parent or guardian is there.

If you wish to have your appeal dealt with in this way, please inform the Academy when you submit your appeal form.

FURTHER COURSE OF ACTION

The IAP is the last stage in the admissions process and any decision reached by the IAP will be binding on you, the local authority and the Academy. However, there are some further courses of action that can be considered.

In the case of academies, you are able to make a complaint to the Education Funding Agency which handles such complaints on behalf of the Secretary of State for Education. Further details and guidance regarding how to complain can be found on the GOV.UK website at the following address: www.gov.uk/academy-admissions

Please note that this course of action is not simply where you are unhappy with any decision that an IAP reaches but where you feel that there has been maladministration (a failure to follow proper procedures) in the way your appeal has been dealt with.

In the case of maintained schools and academies, you are also able to apply to the court for a judicial review of the IAP's decision where you consider that there has been an error in law. This is a very complex process and therefore if you are considering taking this course of action we would strongly recommend that you seek independent legal advice.

WHAT TO DO WITH THE APPEAL FORM - AND BY WHEN

If you wish to appeal you should complete the appeal form in full, sign it and send it, together with any further supporting documents, as soon as possible by email to: abrahamdarby.appeals@taw.org.uk. Alternatively delivery the form by hand or by post addressed to:

**The Clerk to the Independent Appeal Panel
c/o Haberdashers' Abraham Darby
Ironbridge Road, Madeley
Telford TF7 5HX**

The Appeals Code sets out certain time limits within which appeals should be received. Further information regarding these time limits can be found on the Academy's website under Appeals. New Year 7 Intake Appeals are usually heard over at least 2 days in May. Please note that Mid-year Appeals can take up to 6 weeks to arrange.

Whilst appeals received after the specified deadline will still be accepted, it may mean that there is a longer delay until your appeal is heard and/or that your appeal will be heard after all of the other appeals for the Academy have been heard.