

APPEAL PANEL SEPTEMBER 2015 INTAKE GUIDANCE FOR PARENTS Harris Academy Falconwood

THE FORM

The form provided with this leaflet has been produced to assist you in making your appeal. You should include all matters you want the Appeal Panel to consider. Neither the Clerk nor the Appeal Panel will be requesting information regarding your case from any source. It is your responsibility to include and to provide any supporting evidence relevant to your case.

If part of the reason for your Appeal is your/or your child's medical/health condition, it may be helpful to your case if you were able to provide written evidence of this. The Clerk cannot write to your GP or hospital consultant about such matters.

THE APPEAL

The appeal will be heard at the **Croydon Park Hotel, 7 Altyre Road, Croydon, CR9 5AA**. A letter will be sent to you at least 14 days before your appeal stating the date and time it will take place and the procedure to be followed. Appeals will be heard in May 2015 and, as it is likely that there will be many appeals, it will NOT be possible to provide alternative dates if you are unable to attend on the scheduled day. The Principal's statement as to why your child has not been offered a place at Harris Academy Falconwood (the Academy's Case) will also be sent. In addition, you will receive a copy of your appeal form and any other information which you have supplied to the Clerk. The Appeal Panel will be circulated with exactly the same information.

COMBINED APPEAL HEARING

Parents appealing for Harris Academy Falconwood will be asked to attend a late afternoon/early evening hearing at the Academy. The Clerk will send you the details nearer the time. At the hearing the Principal will present the Academy's case and you and the panel will be able to ask questions of the Principal. The panel will then adjourn and decide if the Academy has made its case. You will still have your own individual appointments to put your case in the following days but WILL NOT be able to question anything that has already been said about the Academy at the combined hearing.

THE MEMBERSHIP OF THE COMBINED APPEAL PANEL

The combined Appeal Panel will consist of three persons, as specified by current legislation. No member of the Panel will have been involved in the original decision not to allocate your child a place at Harris Academy Falconwood.

WHO ATTENDS THE APPEAL

You have a right to attend the Hearing and are allowed to bring someone to help with the presentation of your case. Normally the child whose appeal is being considered is not admitted. The Hearing will last up to 20 minutes which is a guideline on time as multiple appeals will be heard.

A person will attend to represent Harris Academy Falconwood (the Academy Representative). Neither you nor the Academy's Representative is present with the Appeal Panel without the other. The Clerk, who is an independent source of advice on procedure, will be present throughout the Hearing. If you do not attend the Hearing, your appeal will be decided on the information available. Whether you attend or not, the Panel will consider the written evidence you have submitted.

PROCEDURE

Appeal Hearings are conducted as informally as possible and the Chair is responsible for the procedure which is as follows:

- The Chair will welcome you and introduce the members of the Appeal Panel and the Academy's Representative.
- The Chair will outline the procedure to be followed.
- The Academy's Representative will present the Academy's case, and you may ask questions if you wish.
- The Chair will ask you to present your case. The Appeal Panel will already have all the written information you have submitted to the Clerk
- Members of the Panel and the Academy's Representative may ask you questions.
- The Chair will give the Academy's Representative and you the opportunity to sum up your case (without adding any new information) before he/she asks you to leave.
- The Clerk will remain with the Panel to record the decision.

The appeals process is based on fairness and the principles of natural justice.

THE DECISION

There are two stages:

Stage One – Examining the decision to refuse admission - The Academy's Representative must satisfy the Panel that the Academy's published admission criteria have been properly applied in your case.

If the Panel is satisfied that the admission criteria have been properly applied the Panel will then consider whether it would be prejudicial to the efficient education or the efficient use of resources at the school if your child was admitted. This is effectively to look at whether the published admission number is a justified limit or whether any more pupils could be admitted.

Stage Two – Balancing the arguments - If the Panel is satisfied that the published admission criteria have been properly applied and (if appropriate) that there would be prejudice to the school if your child was admitted, the Panel must then go on to the second stage where the Panel will listen to your case and balance the degree of prejudice to the school in admitting your child against the weight of the reasons you put forward for admission, before arriving at a final decision.

THE COMMUNICATION OF THE DECISION

The Clerk will inform you of the combined Appeal Panel's decision in writing as soon as possible after the Hearing but only after all Appeals have been heard. The Academy's governing body, representative and local authority will also be advised. The decision of the combined Appeal Panel is final and binding on both you and the Academy.

If you consider that your Appeal has been conducted in a way that has been unfair, you are entitled to ask the Secretary of State to investigate matters on your behalf. You should be aware that the Secretary of State cannot review or overturn decisions of Appeal Panels but only consider if the Panel was correctly constituted and that they have not breached the mandatory provisions of the Code of Practice.

SUCCESSFUL APPEALS

If your appeal is successful, you will be allocated a place at Harris Academy Falconwood.

FURTHER INFORMATION

This information is only for guidance. The legal basis of Appeal Panels is contained in the 1988 and subsequent Education Acts. If you need any further information, please contact the Clerk to the Appeal Panel. Should you need any further information on proceeding with an appeal, please contact Harris Academy Falconwood, The Green, Welling, Kent, DA16 2PE.

DEADLINE FOR APPEAL FORMS SEPTEMBER 2015 INTAKE

The final deadline for Admissions Appeals is **30th March 2015, at 4pm**. Appeals should be made to the Clerk to the Governors of Harris Academy Falconwood, at Harris Academy Falconwood, The Green, Welling, Kent.