cannot offer support by either oral or written means. An external appellant is able offer letters of support or be represented at the hearing by someone from their secondary school.

In both instances, the panel would encourage you to prepare in advance the hearing, e.g. write an outline of what you wish to tell the panel.

What will happen at the hearing?

When you arrive at the hearing, the Clerk of the panel will meet you in the waiting area and take you to the meeting room. The Chair will invite everyone present to introduce themselves. The panel will be three local people who are volunteers and totally independent of the school and Local Authority. Some will have a direct experience in education, others are known as lay members. All panel members have been trained before they can sit on appeal panels. The Clerk is more than just a notetaker, he or she can offer the Panel legal advice. At the end of the hearing, the Chair will then close the hearing and advise you that the Panel will consider your case, without the school being present, once all the appeals for the school have been heard. The Clerk remains with the panel solely to record their decision and to offer any procedural or legal advice.

How will the panel make their decision?

The panel make their decision in two stages as outlined above. They will study the paperwork from both sides, together with the oral submissions and make a decision. Their decision is binding on the school and the appellant.

When will I hear the result?

The decision, together with the reasons for the decision, will be sent to you and the school in writing by the Clerk within five school days after all the appeals for your preferred school have been heard. In addition, notification of successful appeals will appear on our website within 24 hours of the last hearing for a particular school. Full details are given in the invitation letter.

What happens if I do not attend the hearing?

If you decide not to attend the hearing, the panel will consider the appeal on the basis of the written information available. However, we strongly urge you to attend in order to ensure that the panel has all the information you wish to give. It also gives you the opportunity to answer any questions which may arise.

Can I appeal against the panel's decision?

If you think that the appeal has not been conducted according to the code of conduct you can complain to the Local Government Ombudsman (Community schools only) or the Education Funding Agency (for Academies and Free Schools. **They cannot overturn the panel's decision.** However, if it is believed that you have been disadvantaged by the appeal process, you may be offered a fresh hearing with a different panel and Clerk.

- For the LGO view: www.lgo.org.uk
- For EFA view:

www.gov.uk/government/organisations/education-funding-agency/about/complaints-procedure

I have never done this before. Where can I get further information and advice?

The code of conduct allows for the Clerk to give you independent advice regarding the appeal process. If you have a question about the statement from the school, contact us. We may suggest you speak to the school to clarify matters. Our contact details are on the front page. E mail is always the easiest way to contact us. Additionally, ACE a charity run by volunteers will give limited free advice. They can be contacted on 0300 0115 142, Monday to Friday from 10 am - 1 pm, during term time only.

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APPEALING FOR PLACE IN A SIXTH FORM

A Guide for students, parents and carers.

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Updated Autumn 2015

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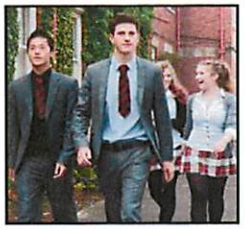
Your right to appeal



Appealing for a place at a sixth form is different to years seven to eleven. Any student over the age of 16 has the right of appeal; as do your parents. However, that does not necessarily mean that there will be two appeal hearings! Appeals can be for internal, as well as, external candidates. Admission to all sixth forms is administered by schools, irrespective of the type of school. Every school is different, so it is important to read the school's website which will have details about applying for places and appealing. Dates to apply for a place vary from school to school, but all appeals take place in September AFTER GCSE your results are known. If you are not offered a place, you have the right to appeal under section 94 of the SchoolStandards & Framework Act 1998.

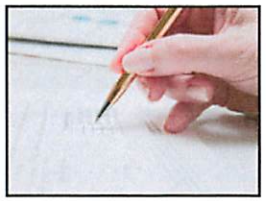
The law about education post 16

Education for those over the age of 16 has changed. A student can leave school on the last Friday in June if he/she is 16 by the end of the summer holidays, but **MUST** do one of the following until the age of 18.

- Stay in full-time education. This does not mean the school where education was received from the age of 11; it could mean a college or another school. Secondary Schools do **NOT** have to offer places to all students in year 11, if they do not meet their published admission criteria. Most schools set minimum grades for GCSEs. However, your school must offer help and advice to secure your continuing education.
- Start an apprenticeship or traineeship.
- Work or volunteer (for 20 hours or more a week) while in part-time education or training.

What is an appeal panel?

The panel that will hear your appeal is independent of the school. It consists of three people who are familiar with education in the area. None of them will have any present or past connection with the school, except they may have heard previous appeals for the school. The hearings have to be conducted in accordance within the law, following a procedure set out in a code of practice used by every school in the country.



We make every effort to ensure that the proceedings are as informal as possible, enabling you and your parent(s) to have the opportunity to explain the reasons for your appeal in your own way and to ask questions. On average a hearing normally takes 20 minutes.

When will my appeal be heard?

Although you will usually get ten school days notice of the hearing, we recognise that you may wish to have your hearing heard sooner. The start of life in a sixth form is an important time. The "invitation" letter will advise you where and when your hearing will take place. It will include a statement from the school setting out the reasons why the school could not offer a place. This will usually be due to your examination results which did not meet their minimum academic entry level. For some external candidates, it could be that although you have the requisite GCSE grades, the school is oversubscribed and had to apply its oversubscription criteria. It is important for you to know why a place was not offered as your appeal will be conducted slightly differently. Please bring the statement to the hearing as it will help you understand what the school is saying.

Am I wasting my time appealing?

No, appeals for places in the sixth forms can be successful, but you must demonstrate a strong case.The panel will certainly be eager to listen to your reasons for wanting a place.

The panel make their decision in two stages.

Stage 1

Firstly, the panel will examine the decision to refuse a place. Was your application considered in line with the school's publish admission criteria for places in the 6th form and was it a legal decision?

Stage 2

The route the panel takes at the second stage depends on why you were refused a place in the sixth form. The panel must follow either section 3.16 or 3.17 of the appeals code.

3.16 Where applicants have been refused admission to a particular school because there are more eligible children than places available and oversubscription criteria have been applied, appeal panels must follow the two stage process at paragraphs 3.2 to 3.9 above.

3.17 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.

Type A - you have the requisite grades, but the sixth form **is** oversubcribed.

The panel will balance your arguements as to why a place should be offered, against the prejudice to education arguement presented by the school.

Type B - you did not score the requisite grades and the school **is not** over-subscribed.

The panel must decide if the school made a reasonable decision in the light of known circumstances. You may offer mitigation, but the panel cannot make their own assessment to decide if you are of the required standard; they can only take into account third party information. However, for internal appellants, section 2.13 of the appeals code states that staff employed by the secondary school