



## Academy admission appeals complaints review 2014

This document sets out the key findings from the Education Funding Agency's (EFA) review of complaints about academy Independent Appeal Panels (IAPs) in 2014. It also suggests what steps academies and clerks can take to ensure future appeals are compliant with the [School Admission Appeals Code](#).

EFA received 234 complaints about maladministration by IAPs between 1 April and 30 September 2014. 132 of these were in scope and investigated. Despite the growing number of new academies, this represents 4% less IAP complaints and 10% less in scope complaints compared to the same period in 2013.

### Key findings

Of the 94 IAP complaints investigated and concluded by 30 September 2014, just over a third were upheld or partially upheld.

Although each case is treated individually, the results of our review have shown that IAPs make a number of common mistakes. **We would like to draw your attention to these and provide you with some advice on what IAPs can do to avoid making these mistakes in the future.**

The most common reasons of complaint were about where the IAP was found not to have adequately considered:

- the lawfulness of the academy's admissions arrangements
- whether the arrangements had been applied properly
- the child's individual circumstances

We also found some evidence of poor record keeping, including instances where the clerks' records of appeal hearings were incomplete or illegible, as well as:

- errors on paperwork, and paperwork not being issued to appellants in good time ahead of their appeal hearing. This could leave appellants feeling that they have little time to prepare for the hearing or left concerned that the panel has been given incorrect information to base their decision on
- decision letters being unclear, poorly written or containing mistakes, leaving appellants often confused as to how the IAP came to the decision it did
- lack of impartiality by the panel and procedural errors during the hearing
- failing to accurately record what took place at the hearing. This was often exacerbated by the decision letter not reflecting all of the appellant's points

- how the IAP considered evidence of the child's academic ability in appeals specifically for grammar schools
- appellants not being informed of their right to complain (or who to complain to) where they had evidence that the appeal hearing had been handled incorrectly and where they felt they may have suffered an injustice because of this

These findings are by no means unique to academies. The Local Government Ombudsman, which performs a parallel role in handling complaints about IAPs for maintained schools, produced a [Focus Report](#) in September 2014 which set out the lessons learned from cases it has considered.

## **Preparations for 2015 round of admission appeals**

You will be in the process of finalising arrangements for this year's round of appeals for September admission. Arrangements must comply with the requirements set out in the School Admission Appeals Code, which you are bound to by the terms of your funding agreement.

IAPs perform a judicial function and must be transparent, accessible, independent and impartial, and operate according to principles of natural justice.

IAP complaints can take several weeks, sometimes months, to resolve, leaving a child and their parents uncertain about their future. To ensure appellants receive a fair hearing and do not need to make a complaint, we ask you to remind clerks you have appointed that they:

- must be fully trained in admissions law, as should all panel members
- must provide clear written information to appellants in good time before the appeal hearing, as set out in section 2 of the School Admission Appeals Code
- understand the two stage process for hearing appeals for grammar schools (ie when an IAP review process has been held)
- check the Office of the Schools Adjudicator website (if necessary) to ensure they are aware of any determinations about unlawful academy admissions arrangements which may impact the hearing
- must fully explain the process at the start of each hearing so that appellants and panel members are clear on what to expect
- should treat appellants in exactly the same way as representatives of the admission authority
- should properly understand and address each case on its individual merits
- must take full and legible records of proceedings
- should provide 'plain English' decision letters, making very clear why the appeal has not succeeded

As the admission authority you are responsible for ensuring records of proceedings and any other evidence requested from the clerk is made available to the EFA, including during the summer holiday period.

The online IAP complaint form and fact sheet were produced for appellants last year. These have been updated in order to provide clearer information for those who wish to understand the process following an appeal hearing.

## **Parent fact sheet**

Please ensure a link to the [academy independent appeal panel complaint fact sheet](#) is included in the clerk's decision letter following an appeal.

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