



Education
Funding
Agency

Academy admission appeals complaints review 2013

This document sets out the key findings from our review of complaints about maladministration by Independent Appeal Panels (IAPs) in 2013. It also suggests what steps can be taken to ensure future appeals are compliant with the [School Admission Appeals Code](#).

The Education Funding Agency (EFA) received 245 complaints about maladministration by IAPs between April to October 2013. 146 of these were in scope and investigated. This represents 4% of all open academies in October 2013.

Key findings

Of the 117 IAP complaints investigated and concluded by October 2013, 33 (28%) were upheld or partially upheld.

Although each case is treated individually, the results of our review has shown that IAPs make a number of common mistakes. **We would like to draw your attention to these and provide you with 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 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 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

Preparations for 2014 round of admission appeals

You will be in the process of finalising arrangements for handling 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
- 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.

We will soon be launching a new online IAP complaint form and a fact sheet for appellants. These have been developed in order to provide clearer information for those who wish to understand the process following an appeal hearing. We have also listened to feedback from clerks and will be alerting them earlier to any potential complaints about IAPs. This will provide clerks with more time to collate evidence and plan for any leave.