



Appeal process: system leader or teaching schools application decision

1. Introduction

This document outlines the process for making an appeal against an unsuccessful application outcome for:

- teaching schools
- national leaders of education and national support schools
- national leaders of governance

2. How to appeal

Unsuccessful applicants have 10 working days from receipt of the outcome to submit their appeal. Those wishing to appeal should:

- download an appeal form
- complete and return the form by the agreed deadline to Systemleader.APPEALS@education.gov.uk

The Senior Manager, System Leadership, in consultation with the relevant directors, will have discretion to extend the time limit, in circumstances where not to extend it would result in substantial injustice to the appellant.

For example, substantial injustice could be seen as occurring where the appellant's ability to submit an appeal was impaired by his or her own health or that of someone close to him or her and could be confirmed by a doctor's note.

3. Reasons for appeal

An appeal may be made on the basis of:

- a view that an incorrect judgement against the agreed and published criteria has been made
- a belief that incorrect procedures have been followed resulting in an applicant being unsuccessful

4. The appeals process

When the appeal form has been received, the appeals team will acknowledge receipt, in writing, within 3 working days.

If the appeal is against a judgement, the Department for Education will:

- present the appellant's appeal form, the original paperwork and any notes made during the applications and/or appeals process to the system leaders' designation appeals panel

The appeals panel will review the original decision.

The panel will only admit evidence that was available at the original assessment. No new evidence will be taken into account. No personal representation at the appeal panel meeting is permitted.

If the appeal is against a matter of procedure, the Department for Education will:

- examine the nature of the appeal and investigate the matter – how the appeal is investigated will depend on the nature of the appeal
- determine what has happened and the implications of this and then make recommendations for next steps, in which case the procedure outlined in section 6 will be followed, with the inclusion of the additional information from the investigation

5. Members of the appeals panel

The appeals panel will comprise of individuals who were not part of the original decision making process and will be selected from the following:

- the Department for Education's independent adjudicator (Chair)
- a senior representative from the Department for Education
- two serving system leaders
- a former HMI (Ofsted inspector)

6. The role of the appeals panel

The role of the appeals panel is to consider all appeals presented and determine whether to uphold or to reject each appeal.

The panel may only consider the evidence presented to them in forming a judgement.

In cases where there is a procedural element to the appeal, the appeal panel may take recommendations to the Department for Education.

Panel members may question the Department for Education representative(s) on:

- matters pertaining to the individual case
- any matters of precedent and consistency of previous decisions
- matters of detail concerning the Department for Education
- the relevant designation processes

The panel is not remitted to introduce new assessment or moderation requirements to the designation process. It can, however, make recommendations for improving the appeals procedure.

The panel may make recommendations on the content of the letter to the appellant informing the appellant of the panel's decision. The chair of the panel will approve all such letters.

In cases where a panel member recognises the appellant, he/she must declare this and not contribute to consideration of the case.

7. The outcome of the appeal

The decision of the appeals panel in all cases will either:

- ratify the original decision, in which case the appellant may wish to resubmit a revised application for the next application round
- overturn the decision judgement, in which case the application will be designated within the designation timeline outlined in the applicable application process

These are the only 2 options open to panel

The result of the appeal is final.

The panel may also make recommendations to the Department for Education on matters arising from the appeal.

The appeals panel will inform the appellant of the outcome of the appeal, by letter, giving reasons for the decision within 7 working days of the appeal meeting.

8. Access to information

Applicants may, at any time, request information used by the Department for Education to make the decision about their case, for example a copy of the assessment visit report or reference. A request for access to this information should be made in writing to Systemleader.APPEALS@education.gov.uk

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