

Appeals Guide for Parents and Carers

This guide covers appeals for community, voluntary controlled, voluntary aided, foundation and free schools as well as academies and university technical colleges in Leeds.

How to appeal:

You must complete an appeal form. You can also submit any supporting evidence you feel is relevant.

If you are appealing for a community or voluntary controlled school you need to complete a Leeds City Council Appeals form which is available on the Leeds City Council Website at www.leeds.gov.uk or by contacting us using the details below.

Contact Details:

By post: Leeds City Council

PO Box 837

Admissions

Leeds LS1 9PZ

By email: education.appeals@leeds.gov.uk

By phone: 0113 2224414

Website: www.leeds.gov.uk

If you are appealing for an academy, foundation, voluntary aided, free school or university technical college you should contact the school directly to appeal.

Details of schools that hold their own appeals are on the Leeds City Council Website at <http://www.leeds.gov.uk/residents/Pages/Admissions-Appeals.aspx>

Please ensure that you complete the correct appeal form.

Types of Appeal:

Grouped appeals - Where many parents appeal for the same school at the same time (usually heard for Reception and Year 7 appeals). Grouped appeals are heard in two sessions.

The first session is usually heard in the presence of all the parents who have appealed for the school. At this session the school will outline the reasons why they cannot admit additional children. The second session is an individual session where you put forward your reasons for appealing.

You will be expected to attend both the grouped session and your individual session.

Class size appeals – These are where there are special rules about 30 pupils being in a Reception, Year 1 or Year 2 Class. Please see below for more information about Class Size Legislation.

Individual appeals – These are where the whole appeal is heard without any other parents being present.

Who can appeal:

Any parent refused a place at a school can appeal against that decision. You need to make an application for a place at a school before you appeal. Information about applying for a school place is available on the Leeds City Council Website at www.leeds.gov.uk.

Please do not use your appeal form as an application form this may delay your application and the appeal process.

In year 12 if a child is refused a place in a school sixth form or other school educational provision the parent and the child has the right to appeal. If you wish to apply for a place in a sixth form or year 12 please apply directly to the school.

Timescales for appeals to be heard:

With regards to starting Year 7 in September we will receive, arrange and hear your appeal within 40 school days of the deadline for submitting appeals, please check our website for this date.

With regards to starting Reception in September we will receive, arrange and hear your appeal within 40 school days of the deadline for submitting appeals, please check our website for this date.

Appeals for all other year groups will be heard within 30 school days of the appeal being received by the Admissions Team.

What is Class Size Legislation:

The government has passed a law which means that there can only be 30 children in an infant class (Reception, Year 1 and Year 2) with one qualified teacher. You still have the right of appeal even though the grounds for granting this type of appeal are very limited. The appeal panel will consider the following:

The only grounds that an appeal panel can grant an appeal are:

- a) if the admission of an additional child/children would not breach the infant class size limit;
- b) if the admission arrangements did not comply with admissions law or have not been correctly and impartially applied and your child would have been offered a place if the arrangements had complied or had been correctly and impartially applied.
- c) that the decision to refuse admission was one which a reasonable admission authority would have made in the circumstances of the case.

Who attends Appeal Hearing:

The independent appeals panel that hears the appeal will be made up of three people or more who are completely independent of the school and the admitting authority.

Appeal panels include:

- Lay members, that is, people who do not have any personal experience in managing any school (other than as a governor or a volunteer);
- People who have experience of education; and

A clerk will make sure the correct procedures are followed and that the hearing is carried out fairly. The clerk plays no part in the decision making process.

A representative on behalf of the admitting authority, which could be an officer, head teacher, governor or other representative will also be at the hearing

They will explain to you and the panel why your child was not offered a place at the school. The school's headteacher or their representative may accompany the officer.

Do parents have to attend an appeal hearing:

We strongly recommend that you go to the hearing. This will allow you to give your reasons for appealing and give members of the panel the opportunity to ask you questions. Although it is a formal hearing and part of the legal system, the hearing will be carried out as informally as possible.

If you do not attend the hearing, the appeals panel will make a decision on the basis of the written evidence that you have provided; and a statement given by a representative on behalf of the admitting authority, which could be an officer, head teacher, governor or other representative about the reasons why we did not give your child a place at the school you wanted. If you do not attend then the appeal will be heard in your absence. If you are unable to attend the hearing, you may want to ask for the appeal to be heard at a later date.

Can I bring a friend:

You can bring a friend or a relative to support you or present your case. You can also bring a solicitor to present your case but it would be helpful if you advise the Admissions Team of this.

If you require an interpreter:

Please indicate on the appeal form if you require an interpreter and advise of the language.

Making decisions

Appeals covered by class size legislation

Infant Class Size Legislation applies to Reception, Yr1 and Yr2 classes and states that there can be only 30 children in an infant class for each qualified teacher.

appeals for classes covered by Infant Class Size legislation can only be granted if the panel finds one of the following conditions apply:

- a) the admission of additional children would not breach the infant class size limit;
- b) the admission arrangements did not comply with admissions law

or

were not correctly and impartially applied and the child would have been offered a place if the arrangements had complied or had been correctly and impartially applied; or

- c) it decides that the decision to refuse admission was not one which a reasonable admission authority would have made in the circumstances of the case. [i.e. the decision to refuse to admit the child was "perverse in the light of the admissions arrangements"]

Appeals where Class Size legislation does not apply

Panels **must** follow the two stage decision making process below for all appeals (except for infant class size)

First stage – examining the decision to refuse admission

The panel **must** consider the following matters in relation to each child that is the subject of an appeal:

a) whether the admission arrangements (including the area's co-ordinated admission arrangements) complied with the mandatory requirements of the School Admissions Code and Part 3 of the School Standards and Framework Act 1998; and

b) whether the admission arrangements were correctly and impartially applied in the case in question.

The panel **must** then decide whether the admission of additional children would prejudice the provision of efficient education or the efficient use of resources.

Second stage – balancing the arguments

The panel **must** balance the prejudice to the school against the appellant's case for the child to be admitted to the school. It **must** take into account the appellant's reasons for expressing a preference for the school, including what that school can offer the child that the allocated or other schools cannot. If the panel considers that the appellant's case outweighs the prejudice to the school it **must** uphold the appeal.

Complaints about appeals

If you feel that the appeals panel or the admissions authority have not followed proper procedures in the appeal hearing, you can complain to the Local Government Ombudsman for all maintained schools and Secretary of State for academies.

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