

Guidance note for submitting an appeal

Should I appeal?

Before you can lodge an appeal, you will have received an email or letter explaining why it was not possible to offer your child a place at your preferred school(s). Depending on the type of appeal, this will be because your child did not rank as high within the admissions criteria as those who had been offered places or the year group was full at the time of your application.

In normal circumstances, before any appeal takes place, the relevant year group will be full and no places are 'reserved' for children who are successful at appeal. Therefore, an independent appeals panel are looking for exceptional reasons why your child should be given a place at the school. Any upheld appeal will result in the year group being over the recommended limit which could have health and safety implications and a harmful effect on the teaching and learning of all children in the year group.

Who will consider my appeal?

Your appeal will be heard by a panel of three members. The panel will comprise of a combination of lay people and people with experience in education (who may be teachers or people with knowledge of educational matters in the Bradford area or parents of children currently in school). One of the members will chair the panel and be responsible for the conduct of the hearing.

These people are acting independently of the Admission Authority and have no connection with the school for which you are appealing or the school that your child has been allocated. They will have received appropriate training to enable them to fulfil their role.

Who is the Admission Authority?

If you are appealing for a place in a community or voluntary controlled school, the Admission Authority is the Council (Local Authority).

If you are appealing for a place in an academy, free school, foundation school, trust school or voluntary aided school, the Admission Authority is the governing board of that school.

What should I put in my appeal?

When considering each appeal, the panel look for exceptional reasons why a child should attend the particular school you have applied for.

Please ensure that you attach to the appeal form any evidence that will support your appeal, such as letters from a hospital consultant/paediatrician, social services, utility/council tax bill, solicitor's letter or rental agreement (if applicable). It is your responsibility to provide this information beforehand in support of your appeal. The independent appeal panel cannot contact any professionals on your behalf; neither can they take into consideration any documents submitted after the appeal has been dealt with.

Are all appeals the same?

Appeals for primary and secondary schools during the normal admissions round are known as 'block or multiple appeals.' This is because there are usually a number of parents appealing for Reception or Year 7 places at one particular school.

Appeals for all other year groups or for mid-year transfers, are known as 'transfer appeals' as they could occur at any time during the school year.

For block or multiple appeals, parents are given a deadline by which the appeal form should be returned. All appeals for one particular school and same year group are scheduled together where possible. No decisions are made until all cases in that group have been considered.

What happens when I have submitted my appeal form?

Your completed form and any supporting documents will be sent to Legal and Democratic Services who will arrange your appeal. If you would like us to acknowledge the receipt of your appeal form, you can send us a stamped addressed envelope with your form. If you submit your appeal form by email, you will receive an acknowledgment once it has been logged.

How could my appeal be dealt with?

Appeals can be scheduled in a number of ways, including video conference, telephone conference or by a face to face hearing at City Hall in Bradford.

You will be advised how the panel will deal with your appeal and the necessary arrangements in advance of your hearing.

Who will be included in an appeal hearing?

In addition to yourself and the three panel members, there will be a representative of the Admission Authority on behalf of the school you are appealing for and a Governance Officer who takes notes and advises on procedure. The Governance Officer is provided by the Legal and Democratic Services department of the council.

Is it important that I take part in my appeal hearing?

Yes, it is very important that you join/attend the appeal as the panel members will have questions for you about your reasons for appealing.

You will be sent an invitation at least 10 school days before the date of your hearing which will explain how it will take place and if necessary give you instructions about joining the appeal. A telephone number will also be provided in case you experience technical difficulties.

If you would like, you can be accompanied or represented by a family member, friend or advisor who may speak on your behalf. Your representative can be a Councillor or locally elected politician unless they have a connection with the school concerned.

If you require help with spoken English, you should also ensure you have someone present to assist you. If you have no-one to interpret for you or if you need special facilities or assistance due to disability, **please inform Legal and Democratic Services at least seven days before the hearing.**

Please join/attend your appeal at the time stated on your invitation. If you do not do so, it will be considered in your absence and it will not be possible to rehear it after that time.

How is the decision reached on my appeal?

The panel will review the final documentation and make a decision on your appeal following the procedure set out in statutory guidance.

Appeals are decided by a simple majority of votes cast by members of the panel. The appeal must either be upheld or dismissed; it cannot be upheld subject to conditions.

If your appeal is part of a group of appeals for the same school, no decisions can be made until the last appeal in the group has been heard.

Two stage decisions

For all appeals other than infant class appeals (reception, year 1 and year 2) the panel goes through a two stage decision process. This is set out in statutory guidance.

In the first stage, the panel discusses and decides on the following questions;

- Whether the school's published admission arrangements comply with the mandatory requirements of the School Admission Code and with part 3 of the School Standards and Framework Act 1998?
- Whether the published admission arrangements were correctly and impartially applied in your case?

(If the panel concludes that the arrangements did not comply or were not correctly and impartially applied, it will consider whether your child would have been offered a place had they been compliant or correctly and impartially applied).

- Has the Admission Authority made out its case that to admit any more children to the school would be prejudicial to the provision of efficient education or the efficient use of resources?

If the panel finds that a single appeal can be upheld on any of the above points, it must do so. In all other circumstances the panel will go on to stage two of the decision making process.

In stage two, the panel makes a "balancing judgement" and decides whether the benefits to your child of going to the school you are appealing for outweighs the detriment to the school in admitting additional children. If the Panel finds that, on balance, your case is stronger, it will uphold your appeal (however please refer also to the next paragraph).

If your appeal is part of a group of appeals for the same school and the panel considers there are several cases which outweigh the prejudice in the group, but also thinks that the school could not cope with all the children, it must compare all those cases and decide which of them to uphold. It can decide to uphold all or only some of the appeals.

If your appeal is upheld, the Admission Authority is under a duty to admit your child.

Infant class size decisions

Appeals for reception, year one and year two where classes have reached the legal limit of 30 children are subject to a different and **much more limited** decision making process.

Panels must consider the following questions:

- Whether the admission of an additional child would breach the infant class size limit?
- Whether the admission arrangements complied with the mandatory requirements of the Schools Admissions Code and part 3 of the School Standards and Framework Act 1998?
- Whether the admission arrangements were correctly and impartially applied in your case?
- Whether the decision to refuse admission was one which a reasonable Admission Authority would have made in the circumstances of the case?

Panels may **only** uphold appeals where the answer to one of those questions is “NO”.

In addition, if your appeal is part of a group and the panel considers that a number of children would have been offered a place based on the above questions but that their admission would seriously prejudice the provision of efficient education or the efficient use of resources, it must go to a second stage of the decision process.

In this stage it must compare all those cases and decide which of them to uphold. It can decide to uphold all or some of the appeals.

Please remember that, although you can present any information you wish in support of an infant class size appeal and although the panel will listen carefully to everything you have to say, the panel will not be able to use that information as a reason to uphold your appeal unless it also relates to the four questions shown above.

Parents often believe that the panel should uphold their appeal because the decision to refuse a place was ‘unreasonable’ (see the last point above), however the threshold for unreasonableness is extremely high in infant class size appeals. In order to find that the Admission Authority’s decision to refuse admission was unreasonable, the panel need to be satisfied that the decision was ‘perverse in the light of the admission arrangements’ i.e. it was ‘beyond the range of responses open to a reasonable decision maker’ or ‘a decision which is so outrageous in its defiance of logic or of accepted moral standards that no sensible person who had applied his mind to the question could have arrived at it’.

How do I find out about the decision?

You will be informed of the outcome of your appeal in writing. Your letter will be sent to you within 5 school days after your appeal has been decided or 5 school days after the final

appeal in the group has been heard, unless there is a specific reason why this cannot be done.

If my appeal is refused can I appeal again?

Appellants do not have the right to a second appeal in respect of the same school for the same academic year unless, in exceptional circumstances, the Admission Authority has accepted a second application because of a significant and material change in the circumstances of the parent, child or school.

How do I complain if I am not happy with the outcome of my appeal?

If the school you have appealed for is an academy or a free school, you may complain to:

Academy Admission Appeal Complaints

Academies Central Unit

Education Funding Agency

8th Floor, Earlsdon Park

Butts Road, Coventry CV1 3BH

Or email: academy.questions@education.gsi.gov.uk

For all other schools, complaints should be directed towards the Local Government and Social Care Ombudsman at PO Box 4771, Coventry, CV4 0EH, or, by telephoning 0300 061 0614.

You can also access them online at: www.lgo.org.uk/contact-us