

Pupil Admissions Appeal Process

May 2020



Find out what happens at an appeal hearing and how you can prepare for it



www.kirklees.gov.uk/admissions

Introduction

We understand that it can be an anxious time when parents and carers make an appeal for a school place. To support you to understand more about what a school appeal involves and give you information about the process this booklet is intended to answer questions you may want to ask and address some of your concerns. We have tried to explain as clearly as possible what happens at an appeal hearing and how you can prepare for it.

Why do I need to appeal?

Your child has been refused a place at your preferred school(s) because the school has reached its published admission number (PAN) in your child's year group, this means the year group you have applied for is full. You now have the right to appeal to an independent appeal panel. The appeal panel will listen to your reasons for wanting a place at your preferred school(s) and can decide to admit your child, above the school's published admission number, if they feel a place should be made available.

Further details about how places are allocated and how waiting lists are managed at your preferred school(s) are shown on the Kirklees website.

www.kirklees.gov.uk/admissions

Types of appeal

There are two different types of appeal:

General Issues appeal

This type of appeal is likely to take place in two parts and could take place on two separate dates. Your invite letter will tell you this. There may be more than one family present at your appeal. All parents, the presenting officer and the headteacher (if present) will go into the hearing together. At the first part of the hearing the presenting officer from Pupil Admissions will explain why a place at your preferred school for your child has been refused. The headteacher/Governor of your preferred school may also submit a statement which supports this decision, this will be read out by the presenting officer. You and the appeals panel can question the presenting officer on the information they have read out, but don't worry if you don't have any questions at this stage. The panel will definitely have some questions which may answer any concerns you might have or prompt you to ask questions yourself. After all the questions, the panel will ask everyone to go back to the waiting room so that they can make a decision about the first part of the hearing.

The panel will decide whether they consider the school to be full and if any further admissions to the school would be prejudicial to efficient education. If they decide the school is full and a case has been

made then the process will move onto part two of the hearing, which is known as the 'balancing stage'.

If the panel decides the school is not full there is no need to move on to part two of the hearing. A place will be made available at the school for your child.

If there is more than one family at the appeal hearing each family will be invited into part two of the appeal separately with the presenting officer and school representative. You will be asked to explain your reasons for wanting a place at your preferred school. If there are other parents /carers appealing for the same school, the panel will not make a decision until they have heard each family's individual case. Depending on how many parents/carers are invited to the hearing you may be required to stay for the whole session, this may be a few hours if your appeal is heard last. There is no disadvantage in your appeal being heard first or last. If you have a reason why you need to leave by a certain time you need to tell the panel. Once you have presented your case, you are free to leave. Each case is looked at individually. The panel will balance the needs of your family against those of the school and decide if they can allow your appeal or not.

Key Stage 1 Class Size appeal

Key Stage 1 refers to Reception, Year 1 and Year 2. Not all appeals for these year groups fall under this category, it depends on the way the school arrange their Key Stage 1 classes. The law states that children of infant age must not be taught in a class of more than 30 children with one teacher. For example if the admission of your child to your preferred school means the school would exceed 30 children in a class taught by one teacher, the appeal is heard as a Key Stage 1 Class Size appeal. Key Stage 1 Class Size legislation is very restrictive and there are only very exceptional circumstances in which an independent appeal panel can allow a Key Stage 1 Class Size appeal.

An appeal panel can only allow a Key Stage 1 Class Size appeal, when:

- **the admission of an additional child would not breach the infant class size limit; or**
- **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**
- **the decision to refuse admission was not one which a reasonable admission authority would have made in the circumstances of the case.**

In the School Admissions Appeals Code the Consideration of 'reasonableness' is defined as:

The threshold for finding that an admission authority's decision to refuse admission was not one that a reasonable authority would have made is high. The panel will need to be satisfied that the decision to refuse to admit the child 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'.

If your appeal is allowed because you meet one of the above criteria, your child will be admitted into the school as an 'excepted' pupil. This means the school are lawfully allowed to have 31 children in the class with one teacher for the remainder of the time your child is in Key Stage 1 or until the class drops back down to 30. Other definitions of an excepted pupil are:

- a) children admitted outside the normal admissions round with statements of special educational needs specifying a school;

- b) looked after children and previously looked after children admitted outside the normal admissions round;
- c) children admitted, after initial allocation of places, because of a procedural error made by the admissions authority or local authority in the original application process;
- d) children admitted after an independent appeals panel upholds an appeal;
- e) children who move into the area outside the normal admissions round for whom there is no other available school within reasonable distance;
- f) children of UK service personnel admitted outside the normal admissions round;
- g) children whose twin or sibling from a multiple birth is admitted otherwise than as an excepted pupil;
- h) children with special educational needs who are normally taught in a special educational needs unit attached to the school, or registered at a special school who attend some infant classes within the mainstream school.

There may be more than one family present at a Key Stage 1 Class Size appeal. All parents/carers, the presenting officer and the headteacher or school representative (if present) will go into the hearing together. They will listen to the local authority's and the school's case about why your child has been refused a place. Both you and the panel will be able to ask questions about the information that has been read out. Don't worry if you do not have any questions at this stage of the hearing. The panel will definitely have some questions which may answer any concerns you might have or prompt you to ask questions yourself.

The panel will then see each family individually along with the presenting officer and the school representative. They will ask you to explain your reasons for wanting a place at the school and how you meet one of the the three criteria written in bold on this page. The panel may ask you questions about your case. If there are other parents/carers appealing for the same school, the panel will not make a decision until they have heard each family's case. Once you have presented your case, you are free to leave. Depending on how many parents are invited to the hearing you may be required to stay for the whole session, this could be for a few hours if your appeal is heard last. There is no advantage in your appeal being heard first or last. If you have a reason why you need to leave by a certain time you need to tell the panel. Each case is looked at individually. The panel will decide if any of the appeals can be allowed under the three criteria written in bold on this page.

Regulations

School Admission's appeals are heard under the School Admissions Code and the School Admissions Appeals Code, The School Admissions (Admission Arrangements and Co-ordination of Admission Arrangements) (England) Regulations 2012, The School Admissions (Appeals Arrangements) (England) Regulations 2012 and the School Admissions (Infant Class Sizes) (England) Regulations 2012. Links to all these regulations can be found on the Department for Education website www.education.gov.uk

How can I appeal?

You can complete the paper version of the appeal form found at the back of this booklet, or you can complete an online appeal form. This can be found at www.kirklees.gov.uk/admissions. If you appeal online, you will receive an automated response and a receipt number. If you complete a paper appeal form, you will not receive an acknowledgement, unless you enclose a stamped addressed envelope. Appeals made on a paper should be returned to **Pupil Admissions**, Kirkgate Buildings, Byram Street, Huddersfield, HD1 1BY

Who can help me with my appeal?

Pupil Admissions are happy to provide information about the appeal process, but please remember it is our role to present a case that no more children should be offered places at your preferred school(s) because it (they) are full. You may want some independent advice for example from ACE Education Advice CIC & ACE Education Training LLP website www.ace-ed.org.uk. or www.gov.uk/schools-admissions/appealing-a-schools-decision

How do I prepare my case?

You need to include all the reasons why you would like a place at your preferred school. Think about the problems it will cause you if your appeal is unsuccessful. You may need to consider how you will get to the school that is allocated for your child on a daily basis, transporting different children to different schools, childcare, work and health issues. You can include supporting letters with your appeal paperwork and you can bring someone along for moral support, this might be a relative, friend, health professional or local councillor.

If there are medical reasons why you need your child to go to your preferred school, your will need to provide evidence from your doctor or a consultant's letter.

If you have moved house, you will have been asked to provide documentary evidence of the move. This evidence won't guarantee your child a place at your preferred school but it could improve your child's position on the waiting list. If you have not already provided this evidence, please include it with your appeal form or scan it and attach it to your online appeal.

What happens at an appeal hearing?

Appeal hearings are usually held at Huddersfield Town Hall or Dewsbury Town Hall but may also be held at the school. When you arrive you will be guided to the waiting room where you will be met by the presenting officer from the Pupil Admissions team. If there is more than one appeal for the same school, there may be other parents/carers in the waiting room and a representative from the school may be there also. If you are the only parent/carer appealing for a place at your preferred school, your appeal will last for approximately 45 minutes. You will be allowed as much time as you need to explain your reasons for wanting a place at your preferred school. If more than one family is appealing for a place at your preferred school, you may be required to stay for the whole morning, afternoon or evening session. Please think about this if you need to make child care arrangements and parking arrangements.

The legal clerk will come to the waiting room to collect everyone when it is time for the appeal to start. To begin with everyone goes into the room where the panel will be sat and the appeal will be heard. The section above called 'types of appeal' explains what happens in the appeal hearing.

Who attends an appeal hearing?

- the presenting officer from the local authority (Pupil Admissions officer) and a representative of the school might be present;
- a legal clerk will take notes about the discussions and checking that the process is followed legally and in line with the School Admissions Appeal Code;
- an independent appeal panel made up of three people will also be present. At least one member of this panel will have an educational background and the others might be lay members (people with no educational experience though all panel members have to undertake regular appeal panel training);
- parents/carers – there might be more than one set of parents/carers present for the school you are appealing for. You can bring someone along for moral support this might be a relative, friend, health professional or local councillor.

Do I need to attend the appeal?

We strongly recommend that you go to the appeal so you can answer any questions the panel may have about your family's circumstances. If you choose not to attend the hearing, the panel may make a decision on your appeal based only on the information that is available to them. The panel know this can be a stressful time for you and will try to make the proceedings as comfortable and relaxed as possible.

Can I appeal again?

The School Admissions Appeals Code states parents/carers cannot appeal more than once for a place in a year group at their preferred school in the same school year, unless there has been a significant and material change in the circumstances of the parent, child or school. If you feel this is the case, please put your request in writing to the Pupil Admissions team and provide supporting evidence. A decision will then be made about whether a second appeal can be granted.

Parents/carers can apply for a place in the same school in a different academic year and have the right of appeal again, if that application was refused because the year group is still full.

What will the appeal paperwork include?

During the week before the appeal you will receive your appeal paperwork which is sent to you by post.

This will include:

- the admission authority's case for refusing your child a place at your preferred school
- information about your preferred school and the allocated/suggested school(s)
- a map of your home in relation to these schools
- your appeal form
- a copy of your application form
- other relevant information.

Please bring this paperwork to the appeal hearing with you.

Can I appeal for more than one school?

Yes, you can appeal for any school which you have been refused a place.

When will I find out the result of my appeal?

The legal clerk will write to you informing you of the decision within five school days of the hearing.

Is the decision final?

Yes, the decision is final and binding on the parent/carers, school and admission authority so it is important you tell the panel everything you want them to know.

If you feel your appeal procedure was not carried out correctly, you can write to the Local Government Ombudsman/Education Funding Agency who will investigate for you.



Useful contacts

Pupil Admissions

Kirkgate Buildings, Byram Street, Huddersfield, HD1 1BY

Tel: **01484 225007**

Email: pupiladmissions@kirklees.gov.uk

Website: www.kirklees.gov.uk/admissions

Legal and Governance Team (School Admissions Appeals)

Civic Centre 3, High Street, Huddersfield, HD1 2TG Tel: 01484 221000

ACE Education Advice CIC & ACE Education Training

Website www.ace-ed.org.uk

Department for Education (DFE)

www.gov.uk/schools-admissions/appealing-a-schools-decision

Huddersfield Town Hall

Ramsden Street, Huddersfield, HD1 2TA

Tel: **01484 221900**

Dewsbury Town Hall

Wakefield Old Road, Dewsbury, WF12 8DG

Tel: **01924 324501**

Kirklees schools

Contact details for all Kirklees schools can be found at

www.kirklees.gov.uk/beta/schools/search-for-a-school/default.aspx

Pupil Admission Appeal

Before completing the paper form or submitting an online appeal, please read this booklet carefully and visit our website www.kirklees.gov.uk/admissions to find out what type of appeal your appeal will be, for example Key Stage 1 Class Size appeal or General Issues appeal. If you do not have access to the internet, please contact Pupil Admissions who can confirm what type of appeal your appeal will be.

- For appeals up to and including Year 2 there are two types of appeal, Key Stage 1 Class Size Issue Appeals (CS) and General Issue Appeals (GI). The type of appeal depends on how the school arrange their classes and the year group your child is in.
- For appeals for Year 3 onwards, these are always General Issue appeals (GI).
- If after looking through the school appeal types on the Kirklees website, you find that the school you are appealing for is an own admission authority school please contact the school directly for their appeals process. You do not need to complete this form.
- **Please attend your appeal. If you choose not to attend the appeal panel meeting, the panel may make a decision on your appeal based only upon the information which is available to them.**
- **Please return your appeal form to Pupil Admissions, Kirkgate Buildings, Byram Street, Huddersfield, HD1 1BY or email pupiladmissions@kirklees.gov.uk**

Pupil Admissions Appeal

Section 1: Child's details

Name of parent/carer				
Contact Telephone number				
Address of parent/carer				
Name of child				
Child's date of birth	day	month	year	
Does the child reside at the same address as the Parent/Carer? If not, please provide details				
Present or last school				
School(s) offered or suggested by Kirklees Pupil Admissions				
The name of the school you are appealing for				

Details of siblings who live at the same address
 (Siblings: brothers and sisters including half brothers and sisters, stepchildren, adopted and fostered children living with the same family at the same address. Please note that cousins do not count as siblings.)

Name	Date of birth	School

Do you intend to be present at the appeal hearing? Yes No

Please Note: If you do not intend to be present or represented, the appeal will be heard on the basis of the information supplied on this form and any other accompanying information you may supply.

Please indicate if you require any additional support at the hearing, for example interpreter (please state language required), induction loop, British Sign Language interpreter etc.



Please list any dates when it will not be possible for you to attend the appeal hearing. Please remember that an appeal will take some weeks to arrange.

Section 2: Grounds of appeal

Please give as much information as possible in support of your appeal below. There is no limit to the amount of information you can provide. If you would prefer, you can submit your grounds of appeal by attaching it to this form along with any other information you feel relevant. If your appeal is a Key Stage 1 Class Size appeal, please explain which of the three criteria you meet (see page 2).

Supporting information

(please list each item of supporting evidence you have provided here)

Declaration

I certify that the information given on this form is accurate and may be circulated to the appeal panel and school

Signature of parent/carers

Date:

Supporting Information