

School Appeals FAQs

Q Can I choose the school I want my child to attend?

A The law allows you to express a preference regarding the school you would like your child to attend. However, you do not have an absolute right to choose a school because the law states that the Local Authority (LA)/Governing Body (GB) need not meet your preference if the year group has reached its Admission Number and, as a result, compliance with your preference would 'prejudice the provision of efficient education or the efficient use of resources'

Q My child has not been allocated a place at either my 1st and/or 2nd and/or 3rd ranked preference, and I am unhappy with the LA's offer of a place. What can I do?

A You can appeal against the LA's/GB's decision for any or all of your preferred schools. The law gives you the opportunity to appeal to an Independent Appeal Panel, whose decision is made independently of the LA/GB and the school(s) you are appealing for.

You should complete and return an appeal form for each school you wish to appeal for. Alternatively, if you do not wish to appeal, but are unhappy with the place allocated, you should contact the LA's School Admissions Team on 01924 306766/305617/305616 who will advise you of the schools that have places available. Do not delay as other parents may be seeking alternative school places for their children.

Q Do I have to attend an appeal panel hearing?

A No, but you are strongly advised to attend. You are the best person to tell the Appeal Panel why you want your child to go to your preferred school(s) as you know your situation and will be able to provide information to help the Panel make an informed decision. The appeal hearing is your chance to have your say.

Important – If you, or someone who can put your case for you, cannot attend and another date cannot be arranged, your case will be heard in your absence and your appeal will be decided on the written information that you provided when you submitted your appeal form.

Q My child has a statement of special educational needs?

A If your child has a statement of special educational needs, please contact SENART (Special Educational Needs Assessment and Review Team) on 01924 302465 as your right to appeal is through a First-tier Tribunal (Special Educational Needs and Disability).

Q Who will be at the appeal hearing?

- A**
- You and your partner, or a friend, supporter, or legal adviser
 - The Appeal Panel (consisting of 3 members)
 - The Clerk to the Appeal Panel
 - Representative(s) from the Academy/LA/School/GB
-

Q When and how do I appeal?

- A** You are requested to return the appeal form within 20 school days from the date of the letter notifying you that your application was unsuccessful. This will enable a date for the hearing to be arranged as soon as possible. You must then sign and date the form and send it to the address given on the front of the form.
-

Q What sort of information should I provide?

- A** You are responsible for presenting your case, for deciding what you would like to say at the appeal hearing and what written information you want the Appeal Panel to have. The Clerk to the Appeal Panel cannot request supporting information from other parties on your behalf.

- If your case is based on medical or social grounds of either your child or anyone else in the family, you should provide written evidence from a doctor or other professional, such as a social worker to support this.
- If your case is based on a house move you should provide evidence of confirmation of the completion of your house purchase; or a tenancy agreement; or any other relevant documentation.
- If your case is based on religious beliefs, you should provide where appropriate, a certificate of baptism, a certificate of candidature and a letter of verification from the priest of the church that you attend.
- If part of your case for seeking a new school for your child is dissatisfaction with the current school, such as you believe your child is being bullied, you are advised to provide evidence such as letters of complaint to the school and other correspondence.
- You should also put forward any letters, written reports or documents, or any other evidence that you think will support your case.

If possible, all supporting information should be submitted with the appeal form before the 20 school day deadline. If this is not possible, supporting documentation can be submitted up to three working days before the hearing. If any additional information is submitted after this deadline, the Panel may decide not to consider that information, or may choose to adjourn the hearing to allow all parties the opportunity to consider the new information and prepare a response. The onus is upon you to provide proof of your circumstances where appropriate to do so.

Q Who can help me prepare for my appeal?

A Anyone can help you prepare your appeal: this may be a member of your family, a friend or a representative.

You may wish to contact the Clerk to the Appeal Panel who can help you with any queries or concerns you may have, but the Clerk cannot prepare your case for you.

If you would like further advice or information, the Advisory Centre for Education (ACE) is an independent national education advice centre that provides information on the education system. ACE produce a booklet called 'Appealing for a School', which provides advice on the appeals system and it also gives advice on what to do if your appeal is unsuccessful. ACE may be contacted on free phone 0808 800 5793 (www.ace-ed.org.uk). Alternatively, you can contact the LA's Choice Adviser on 0800 587 8042.

Q What happens to my appeal?

A Receipt of your appeal will be acknowledged within two working days and a copy of the appeal form will be sent to the LA/GB. Appeal hearings for Reception Year and Year 7 appeals within the normal admissions round will usually be heard within 40 school days of the deadline for submitting forms. Appeals for in-year admissions will normally be held within 30 school days of the appeal being lodged. You will be given 10 school days notice of the date of the appeal hearing.

Q Who are the appeal panel members?

A The Appeal Panel will have three members:

- One member must have experience in education; be familiar with educational conditions in the Wakefield District; or be a parent of a registered pupil at a school.
- One member must be a lay person, that is someone without personal experience in the management or the provision of education in any school (disregarding experience as a school governor or in any other voluntary capacity).
- The third member can be from either of the above two categories.

No panel member will have any connection with the school you are appealing for. The Clerk to the Appeal Panel will be present at all times during the hearing. His/Her role is to keep notes of the hearing and to advise the Panel on matters of procedure. S/he will not play a part in deciding the outcome of your appeal, but will stay with the Panel while it makes its decision

Q What powers does the appeal panel have?

A The Appeal Panel can either refuse or allow your appeal and the decision is binding on the LA/GB, the School and you. The Appeal Panel can also consider if the LA's/GB's admission arrangements comply with admissions law and whether they have been properly implemented.

Q What happens at the appeal hearing?

A The procedure for hearing an appeal will depend on whether or not it is a multiple appeal (where more than one appeal is being heard for the same year group at the same school), or an infant class size appeal. For the procedure followed at infant class sizes appeals, please refer to Q17.

Standard Appeal procedure (not infant class size appeals)

The Chair will introduce the Appeal Panel Members and the Clerk, and will invite others to introduce themselves. The Chair will explain the two-stage procedure to be followed at the hearing:

Stage 1 (examining the decision to refuse admission)

- The LA/GB presents the case for refusing your child a place at your preferred school.
- You and the Panel may ask questions on the facts of the case presented.
- The Chair will ask you and the LA/GB to leave the room while the Panel decides if the LA/GB has proved that to admit further pupils would 'prejudice the provision of efficient education or the efficient use of resources'. The Panel will also decide whether the admission arrangements are lawful and have been followed correctly.

If the Panel finds that the admission arrangements were unlawful and/or were not followed correctly and that your child would have been offered a place if they had been lawful/correctly applied, your appeal will go no further and your child will be given a place at the school. Similarly, if the Panel decides that the LA/GB has not demonstrated that prejudice would occur; your child will be given a place at the school at this point. (Please note that this only applies if there is one appellant. Please see section below on multiple appeals for cases where there is more than one appellant).

If the Panel finds that the LA/GB has proven that prejudice would occur if your child were to be admitted and that the admission arrangements were lawful and followed correctly, the appeal will proceed to Stage 2 of the appeals procedure.

Stage 2 (balancing the arguments)

- You present your case, giving the reasons why you want your child to attend your preferred school.

- The Panel and the LA/GB may ask you questions about your reasons for wanting a place at the school.
- The Chair will ask you if you have said everything you wish to say and if you have had a fair opportunity to put your case.
- The Chair will thank you and the LA/GB for presenting your cases and ask you both to leave.

The Panel will then decide whether your personal reasons outweigh the difficulties of another child being admitted to the school.

Multiple Appeals – If there is more than one child appealing for the same year group at the same school, all parents will be invited to attend Stage 1 of the hearing at the same time. Stage 2 of the hearing will be heard in private with no other parents present. If there are a significant number of appellants, Stages 1 and 2 may not be held on the same day. Exact timings will be confirmed in the letter notifying you of your appeal hearing.

If the Panel finds that a number of children meet the criteria for being given a place at Stage 1 of the hearing, but that it would be prejudicial for the school to admit all those children, the Panel will move to Stage 2 of the hearing and hear all individual cases before determining which children should be given places.

Q My child has been refused a school place because of infant class size legislation, what does this mean?

A An infant class is a class in which the majority of pupils will reach the age of 5, 6 or 7 during the school year. These classes are normally Reception and Years 1 and 2, although it can affect a Year 3 class where mixed year groups exist. The law states that subject to limited exceptions, no infant class with one qualified teacher may contain more than 30 pupils. This limits the grounds under which an Appeal Panel can admit an additional child.

Q What can the Appeal Panel consider?

A The Appeal Panel can only allow an infant class size appeal if one of the following factors applies to your case:

- The admission of additional children would not breach the infant class size limit.
- Your child would have been offered a place if the admission arrangements had been properly implemented.
- Your child would have been offered a place if the admission arrangements had complied with admissions law.
- The decision to refuse admission was not one which a reasonable admission authority would have made in the circumstances of the case.

Q What happens at an infant class size appeal? (single appeal)

A The facts of the case are outlined by the LA/GB. You will be able to question the case for refusal of your child and so will the Panel. You will then be given the opportunity to explain your reasons for wanting that school for your child. However If your case does not meet one of the above criteria your appeal cannot be allowed.

Q In what circumstances may the appeal panel adjourn?

- A**
- If you submit a lot of additional information on the day of the hearing that requires more time for consideration by all parties present.
 - If the Appeal Panel requires further information from the LA/GB.
 - If the hearing takes longer than anticipated to deal with the case.
 - If an Appeal Panel member is ill or absent.
-

Q When will I know the appeal panel's decision?

A The Appeal Panel's decision is communicated to you in writing. The Clerk will inform you when you can expect to receive the decision letter. This is normally within five working days. However, the notification of decisions may take longer with large multiple appeals.

Q What should I do if my appeal has been refused?

A You can express a preference for any number of Wakefield schools. If that school cannot admit your child, you have the right of appeal for a place at that school and so on. You should contact the Admissions Team as soon as possible as you have a legal duty to have your child educated.

Q If I appeal does my child move up the waiting list?

A No. Your child's position on the waiting list is not affected by appealing.

Q If my appeal is unsuccessful, can I appeal again?

A You cannot appeal again for the same year group at the same school in the same academic year unless there has been a significant and material change in your circumstances or those of your child or the school. You may apply for a place in a later academic year at the same school and have a further right of appeal if that application is unsuccessful.

Q Can I complain?

A The Appeal Panel's decision is binding on all parties. If you think that the proper procedures have not been followed by the Appeal Panel, you can ask the Local Government Ombudsman (LGO) to investigate. A complaint to the LGO must relate to the administration of an appeal rather than the appeal decision. Generally, the LGO cannot consider whether the appeal

panel's decision was correct.

The LGO can be contacted on:

Advice line: 0300 061 0614

Website: www.lgo.org.uk

Email: advice@lgo.org.uk

Post: The Local Government Ombudsman

Beverley House

17 Shipton Road

York

YO30 5FZ

If your appeal was for an Academy, complaints regarding maladministration should be made to the Secretary of State, via the Young People's Learning Agency.

The Young People's Learning Agency can be contacted on:

Email: academyquestions@ypla.gov.uk

Post: Young People's Learning Agency

Cheylesmore House

Quinton Road

Coventry

CV1 2WT
