

**CHIEF EXECUTIVE'S DEPARTMENT
SCHOOL ADMISSION APPEAL FORM
NOTES FOR GUIDANCE
(Please read these before filling in your appeal form)**

YOUR RIGHTS

Parents have the right to appeal if they do not accept the decision issued by the Director of Children and Young People's Services offering a place at a particular school. To deal with appeals, appeal panels will be set up and the local authority and school will have to abide by the appeal panel's decision. The appeals are administered by the County Solicitor's Office, not the Director of Children and Young People's Services.

It is likely that the appeal panel which will look at your appeal will consist of three or five members. At least one of the members will be a lay person, i.e. a person without personal experience in the management of any school or the provision of education in any school. There must also be a person on the panel who has experience in education and is familiar with the educational conditions in Leicestershire or who is a parent of a pupil registered at school. These arrangements are in line with the requirements of the Education (Admission Appeals Arrangements) (Amendment) Regulations 2007 and the DFE School Admission Appeals Code. The appeal panels are independent of the local authority and the Director of Children and Young People's Services. No member of the appeal panel will have had anything to do with the decision against which you are appealing or any connection with the school you are appealing for. You will be notified of the names of the panel members and clerk at least three working days before the hearing. You should note however that if there are unforeseen circumstances these may be subject to change.

THE APPEAL FORM AND WHAT TO DO WITH IT

The School Standards & Framework Act 1998 which gives you your right of appeal also says that your appeal must be in writing and you must state why you are appealing. The attached form is aimed at finding out some basic information.

If you wish to appeal, you should complete the form giving as much information as possible and send the completed form so that the County Solicitor receives it at County Hall within the time limit.

HOW THE APPEALS ARE HANDLED

When you have put in your appeal, the Director of Children and Young People's Services will send you his side of the case in writing. You will then be able to see what he has to say about your appeal. A few days before the appeal panel meets to discuss your appeal, each member of the panel will be sent a copy of this completed form of appeal and any other supporting documents which you may have chosen to send with it. In this way, we have found that parents do not have to go over everything they have written but can concentrate on their important points.

The emphasis is on informality. The appeal panels are not open to the public and press and we regard them as confidential. The aim is to give every parent a fair opportunity to put their point of view to the appeal panel. Appeals will be heard at County Hall and you will normally be told at least ten school days in advance when your appeal will be considered, although you may be asked to agree to shorter notice.

Often there are a number of appeals for the same school. In that case, we try to arrange for the same appeal panel to deal with all the appeals for that school; if there are a lot of appeals for the same school, the appeal panel will probably have to meet on more than one day but, in any event, it will not reach a decision until it has listened to all those appeals.

Where an appeal panel is handling more than one appeal, we have found that it helps all concerned if appeals are looked at in groups, so that, for example, a morning or afternoon session will be taken up with the appeal panel listening to say six or seven appeals at the same time. By doing it this way, we can save everyone's time and we believe that the parents involved actually benefit because they can help each other in asking questions of the Director of Children and Young People's Services' representative and in getting their views across to the appeal panel.

Even if we group appeals in this way, it is unlikely that there will be more than twelve or fourteen parents and friends/representatives there at any one time - a reasonably small meeting. When you are telling the panel your reasons for appealing this will be in private without any other parent being present. There is no time limit on individual hearings (but the Clerk will stop you if you are repeating information already provided) so you need to be prepared to attend for the whole morning or afternoon session.

As we have said, the emphasis is on informality, and you will have a fair opportunity to tell the appeal panel why your appeal should be allowed. An officer from the Children's Services Department will be there to explain to the appeal panel their point of view and you will be able to ask the officer some questions. The appeal panel or the officer from the Children's Services Department may wish to ask you questions, if they want to clarify something you have said, but again, the aim is to be as informal as possible.

Now that you have some idea of our arrangements for handling your appeal, we need to know how you would like us to handle your appeal so that we can organise the appeals and know who to expect at County Hall on the day.

REASONS FOR APPEALING

This is your chance to put forward your views - in fact the School Standards & Framework Act 1998 says you must do so at this stage. But there is more to it than that - as we have said, we will send to each member of the appeal panel, in advance of the meeting, copies of anything you send us to support your point of view. In this way the panel will know why you are appealing.

It makes sense, therefore, to complete section 5 as fully as you can. In writing down your reasons for appealing, you ought to bear in mind the following points:-

- Unless you tell us about it, neither we nor the appeal panel will know about what you have said to the Director of Children and Young People's Services in earlier stages of the allocation process. We have had nothing to do with your case before now and it is up to you to put forward all your points now, even though you may have covered them all before with the Director of Children and Young People's Services.
- If you enclose original documents with this appeal form and you would like them back, please tell us and we will copy them and return them to you either straight away or after the panel has met. You may submit additional information any time up to the date of the hearing but if you provide anything new too close to the hearing date, the panel may need to adjourn to allow the Director of CYPS the opportunity to consider it.
- The appeal panel may decide that it should allow some but not all the appeals. The panel will form its own view of any case and may have to decide between individual cases. It will consider the circumstances of individual children in detail and with care, based on all the information put before it. You will therefore need to cover any points which you feel will convince the appeal panel to allow your appeal.
- It is open to the appeal panel to settle for itself how it will decide which cases are to have priority. For example, the local authority may have decided that if a school is over-subscribed but still has some space left, it will give preference to children joining older brothers or sisters in the same school or those with proven medical grounds or special domestic or social needs. The appeal panel does not have to apply the same tests as the local authority in deciding priorities and can adopt a completely different test if it wishes. You will see that, just because your case might meet some of the priority criteria this does not mean that your appeal will succeed, although it would obviously make sense to draw the appeal panel's attention to it.
- For appeals involving non-infant classes, the Panel will, in accordance with the DFE admissions appeals code, consider:-
 - i. Whether the mandatory requirements of the code and legislation have been complied with;
 - ii. Whether the code and legislation has properly been applied in your case; and
 - iii. Whether it would cause prejudice to the provision of efficient education or the efficient use of resources to allow your appeal.

If the panel find that the code and legislation has not been properly applied or no prejudice would be caused by allowing your appeal then the appeal will be allowed at that stage.

If the panel are satisfied that the arrangements have been properly applied and it would be prejudicial to the provision of efficient education or the efficient use of resources to admit your child, then the panel will balance this and decide if the reasons put forward in support of your appeal outweigh any prejudice to the school. For more detailed guidance please see the School Admissions Appeals Code available on the DFE website (www.education.gov.uk).

ATTENDING THE APPEAL PANEL

If you say that you wish to attend the appeal panel and then do not come to the meeting, the panel will decide your appeal in your absence on the basis of any written information you may have sent us beforehand.

You may wish to be accompanied by a representative or supporter. If your representative or supporter is in fact your spouse or partner living at the same address you do not need to complete the address details in section 6.

You may wish to be “represented”, that is, for someone else to speak and ask questions for you at the appeal panel. If you are represented, we would not expect you to speak at the appeal panel except to answer questions. You will, of course, have to pay the costs of your representation. According to the Appeals Code of Practice, legal representation will seldom be necessary or appropriate. If you wish your appeal to be handled in this way, please indicate this in section 6 and insert your representative’s address details, since we will send copies of all letters to your representative.

WRITTEN REPRESENTATIONS

It helps the appeal panel if you can attend the meeting to put your case because the panel may wish to ask you questions on what you have written. However, you do not have to attend. The appeal panel can, if you wish, decide your appeal on your written comments and the comments of the Director of Children and Young People’s Services. The fact that you are not present when the appeal panel looks at your case will make no difference – the appeal panel will give equal attention and weight to all appeals whether or not the parent or guardian is there.

If you wish to have your appeal dealt with in this way, please indicate in section 6.

SPECIAL RESTRICTIONS ON APPEALS FOR INFANT CLASSES WITH 30 PUPILS

From September 2001 class sizes for 4 to 7 year olds may not exceed 30 pupils. If your appeal relates to such a class, then you should be aware that the panel is not allowed, by law, to allow your appeal and make the class size bigger than 30. The only exceptions to this are if the panel is satisfied that the Director of Children and Young People’s Services has not properly implemented the admission arrangements and that your child would have been admitted if those arrangements had been properly implemented or that the decision the Director of Children and Young People’s Services has made not to admit your child was a decision that no reasonable admission authority would have made in the circumstances of the case. If your appeal is for infant class admission you will be sent more information about the process by the Director of Children and Young People’s Services about 7 days before the hearing together with the statement of his case.

WHAT TO DO WITH THIS FORM - AND BY WHEN

If you wish to appeal, complete the appeal form, sign it and send it as soon as possible to the County Solicitor at the address at the end of the form. The County Council has decided that appeals must reach the County Solicitor within a certain time - the letter which you received from the Director of Children and Young People's Services with this appeal form will say what that date is.

We suggest that you should use first class mail to avoid delay - if time is short, deliver the form to the County Solicitor's Office at County Hall by hand. It is advisable to keep a copy of your completed form before sending it to the County Solicitor.

If you need an Interpreter at the hearing, please telephone 0116 3057912 immediately.

If you will have any access requirements at the appeal hearing or if you require further copies of these notes, larger print, braille or audio tape formats please telephone 0116 3057912 or contact us by

MINICOM - 0116 305 6160
FAX - 0116 305 6161