Leicester City Council is the admission authority for the Community and Voluntary Controlled (VC) schools in the city of Leicester and is responsible for the admission and appeal arrangements for these schools. (The governing bodies of Academies, Voluntary Aided (VA), Trust and Free schools are the admission authorities for these types of schools and are responsible for arranging independent admission appeals on behalf of these schools).

This leaflet explains how to make an appeal for a Community or Voluntary Controlled school and what happens at an appeal hearing. You should read the leaflet carefully before completing the appeal form.

You have a right to say which school you would like your child to attend. The admission authority can only refuse your request if:

- The school is full and there have been more applications than places available and the Council feels that to admit any more children to the school would adversely affect the education of those already in the school. This is often called ‘prejudice to the provision of efficient education and/or the efficient use of resources’.

- The infant classes (Foundation 2, Year 1 and Year 2) have already reached the legal limit of 30 pupils (or if the admission of an additional child would cause this limit to be breached in the future) and consequently, if more children were admitted, the admission authority would have to take measures such as employing additional teaching staff in order to meet its legal duty to limit infant classes to a maximum of 30 pupils with a single qualified teacher. This is often called ‘infant class size prejudice’.

Your preference has been refused because the Council feels that to admit any more children to the school would ‘prejudice the provision of efficient education’ and/or the ‘efficient use of resources’ – as detailed above.

What are Appeals?

The School Standards and Framework Act 1998 gives parents the right of appeal against the decision to refuse a school place for their child. As you have been refused a place for your child at your preferred school, you are entitled to attend an appeal hearing in front of an Independent Appeal Panel.
The Panel will be made up of at least three members and none of the panel members will have any connection with the Local Authority or any of the schools in your case.

The Panel will include at least one Lay-member and one Non-Lay member.

**Lay Members** are people without personal experience in the management of any school or the provision of education in any school.

**Non-Lay Members (Experienced members)** are people who have experience in education, who are familiar with educational conditions in the City, or who are parents of pupils at a school.

**How to Appeal**

An appeal must be made in writing. If you decide that you wish to appeal you should complete an appeal form within 10 school days of the date you receive the refusal letter from the Council or by the date stated in the refusal letter.

You should:

- Set out as many reasons as you can for wanting a place at your preferred school.
- Try to explain your reasons as fully as possible.
- Attach copies of any written supporting information, letters, documents or evidence which you would like the Appeal Panel to consider at the hearing.

**What happens next?**

The Legal Services Division of the City Council will acknowledge any appeal lodged and will also arrange an appeal hearing. You will be given at least 10 school days notice of when the appeal panel hearing will take place. Appeal hearings are usually heard in one of the Council’s buildings in the city centre and every effort will be made to try to hear your appeal at a date and time to suit you, but please appreciate that due to the volume of appeals it may not always be possible to do so.

At least seven working days before the hearing take place, Legal Services will send you a statement from the Council explaining why your application was refused and the circumstances at your preferred school.

**Preparing for the Appeal Hearing**

You should read through the statement and other papers. Make a note of any questions that you may wish to ask or anything that you do not understand or you do not agree with. You can then raise these points at the appeal hearing.

You do not have to attend the hearing as your appeal can be considered from the written reasons you have given. However, we strongly encourage you to attend so that you can give a detailed explanation of your reasons for your appeal. Appeal
panels usually ask questions about what you have written. It can be difficult for them to make the best decision without all the information.

If you wish to attend your appeal hearing but are unable to, please contact the Panel Administrators on 0116 252 6075 as soon as possible. Please note that an appeal will not routinely be adjourned to suit the convenience of appellants. If you do not attend the appeal hearing in person, it will be heard in your absence. In these circumstances, it is extremely important to write down as much as possible regarding your case, as the Panel will make a decision based on the written evidence you supply.

If you have any specific needs, for example if you have a disability or you need the help of an interpreter, please contact the Panel Administrators on 0116 252 6075 for advice. Alternatively, complete the relevant section of the Appeal Notice if you need an interpreter or need other special assistance.

**Can I take someone with me?**

You can take anyone of your choice with you to support or represent you at your appeal hearing. This could be a friend, partner or other family member. Locally elected politicians, Special Educational Needs Advisers, Social Workers and Learning Mentors may also be able to help support or represent you during the hearing provided that this does not lead to a conflict of interest. You are also free to have legal representation if you wish. If you wish to be accompanied by a professional representative – for example a solicitor – you should inform the Panel Administrators on 0116 252 6075.

You cannot take along an employee of the school that you are appealing for, or an elected member of the Council who has a direct role in relation to school admissions in Leicester.

**Who else will be at the appeal hearing?**

As well as yourself and the panel members there also will be:

- a presenting officer from the council who will explain why your application has been refused
- a clerk from Legal Services who is responsible for ensuring that the Panel follows the law and the correct procedure and who will make sure that a complete and accurate record is taken of the points raised at the hearing. The clerk is not a member of the Panel and is not involved in making the decision about your appeal. The clerk will notify all parties of the panel’s decision in writing.

**Can my child attend the hearing?**

Yes your child may come with you to the hearing. However, you need to consider that this can be distressing for some children and, unless there are exceptional circumstances, we recommend that children do not attend.
The Appeal Hearing

The hearing will be held in private and will be as informal as possible but will follow a set procedure to make sure that every appeal is dealt with the same way. Panel members know that this is an important and stressful time for you. They are used to dealing with parents and carers at this difficult time, so do not worry if you need extra time to think about all the things that you want to say.

The appeal hearing will be in two parts. The appeal process begins with a presentation from the presenting officer from Leicester City Council, the admission authority for the school.

In the first part of the appeal, the presenting officer will explain why applications have been turned down and will aim to show that the criteria for allocating places have been followed properly. In this part of the appeal the presenting officer will explain why applications have been turned down and will provide information about the school - its size, the number of pupils on roll, as well as other details about the school’s situation. This is to show how difficult it will be if more children are admitted to the school.

Other parents, who are also appealing for a place at the school, may be present during this part of the appeal. This is because the school case is about facts and figures about the school and the prejudice the school believes will be caused by admitting additional pupils. It ensures that all parents have the opportunity to hear and challenge the school case. In the first part of the appeal hearing, there is no discussion about the individual circumstances of any of the appellants.

After the presenting officer has presented the school case, parents/legal guardians will be invited to ask any questions and the panel will also have the opportunity to ask questions.

There may be a short adjournment at the end of this stage of the appeal for the panel to decide if the case for prejudice has been proved by the presenting officer. If prejudice is not proven, the appeal hearing will end at this stage and you will be informed that your appeal has been successful.

However, if prejudice is proven, the appeal moves to the second stage which is your opportunity to put forward your case and for you to explain why you want your child to go to the school. When you have said everything you want to say, the presenting officer and the appeal panel may ask you questions.

At the end of the hearing, you will be given the opportunity to summarise the main points of your case, so that the panel is left with a clear idea of why you want your child to go to the school and how important it is to you.

You and the presenting officer will then leave the room.

The panel will make their decision by balancing the evidence they have heard from you against the case made by the admission authority. The panel’s decision is binding on the school and the admission authority.
Multiple appeals

Often the two parts of the hearing take place on the same day. However, where there are a large number of parents appealing for the same school – multiple appeals - the first part (the school’s case) may take place at an earlier date, with the individual hearings scheduled later. A timetable will be arranged so that one panel with the same members can consider all the appeals.

In the multiple appeals, panels do not make their decisions on individual cases until all the appeals have been heard. Multiple appeals are heard in 2 stages as described above. In the first stage the panel has to assess whether admitting any further children would cause prejudice to the school; whether the appeal arrangements had been properly implemented and whether the admission arrangements were lawful.

If the panel decides that all the children who are appealing could be admitted without causing prejudice to the school, all the appeals will be upheld.

Where the panel decides that there would be prejudice, the appeal moves to the second stage of the process where the case of each appellant is heard individually. For each individual, the panel has to decide if their case outweighs the school’s case for prejudice. If there are several cases which outweigh the prejudice to the school and merit admission (but the panel determines that the school could not cope with that number of successful appeals) the panel must compare all cases and decide which of them to uphold. Where there are multiple appeals, no decisions will be made until all the appeals have been heard for that school.

When will I know the decision?

The clerk will write to you to inform you of the panel’s decision usually within 5 working days – although this may not always be possible where there are multiple appeals for one school.

What if my appeal is agreed?

You child will be offered a place at the school and you will be advised to contact the school to discuss admission arrangements.

The decision of the appeal panels is binding on parents, the City Council and schools. The decision cannot be changed by anyone employed by the local authority (Leicester City Council), or by City Councillors or even by Members of Parliament.
What if my appeal is refused?

If your child is already attending a school, he/she may continue to attend that school. However, you may contact the School Admissions Service on 0116 252 7009 for advice about getting a place at another school.

Please remember that it is your responsibility to make sure that your child is attending a school or is home-educated.

Further appeals

The law says if you have appealed unsuccessfully you may apply for a place at the same school for a later academic year and have the right of appeal if your application is unsuccessful. There are limited circumstances in which a second appeal within the same academic year may be permitted.

You do not have the right of a second appeal for the same school for the same academic year except where the local authority (through the Legal Division) agrees to a second appeal because of faults in the first appeal, or if the authority (through the Admissions Service) accepts that a further application is warranted because of a significant and material change in circumstances. These changes would have to be factors which affected the level of priority of your application. If you think this applies in your case, you should contact the School Admissions Service (0116 252 7009) for advice about whether this applies to you.

If you feel that the appeal panel has not followed proper procedures (leading to maladministration causing injustice) you may complain to the Local Government Ombudsman. The role of the Ombudsman is not to review the substance of a decision made by a panel but to see if there was any administrative fault in the way the decision was reached.

The Ombudsman can be contacted at:
Local Government Ombudsman,
The Oaks No 2,
Westwood Way,
Westwood Business Park,
Coventry
CV4 8JB
Tel: 02476 820000     Adviceline: 0845 602 1983

Seeking advice:

You may find it useful to contact:

- **Advisory Centre for Education (ACE)** – an independent national advice centre for parents of children in state schools. They offer information and advice on state education, including admission appeals. They can be contacted by telephone on 0808 800 5793 weekdays 10am – 5pm or through their website [www.ace-ed.org.uk](http://www.ace-ed.org.uk)