



EAST RIDING
OF YORKSHIRE COUNCIL

SCHOOL ADMISSION APPEALS

APPEALS FOR PLACES AT SCHOOLS IN THE EAST RIDING OF YORKSHIRE

APPEAL FORM AND GUIDANCE FOR PARENTS

East Riding of Yorkshire Council will, on request, provide this document in Braille, audio or large print format. If English is not your first language and you would like a translation of this document into any other language, please telephone (01482) 393939.

INTRODUCTION

You have a statutory right to apply for a place for your child at your preferred school and to say why you want your child to go to a particular school. If your application is turned down, you have the right to ask for your case to be considered by an independent admission appeal panel.

Schools' admission authorities make decisions about which children schools can admit. All admission authorities normally have to comply with parents' expressed preferences unless they can show that the number of children given places has reached the maximum number that the school can reasonably and properly cater for. If an admission authority turns down your application, it has to make arrangements for you to lodge an appeal and for it to be considered by an independent panel.

The way schools and admission authorities deal with school admissions and school admission appeals is governed by legislation, regulations and two codes of practice which have been issued by the Secretary of State for Children, Schools and Families: the Code of Practice on School Admissions and the Code of Practice on School Admission Appeals. These two codes are available on the government website along with other guidance documents at: www.dcsf.gov.uk.

These guidance notes explain how you can lodge an appeal against a decision not to admit your child to a school in the East Riding of Yorkshire. If you want to lodge an appeal for a place at a school in another area, you should contact the admission authority responsible for that school.

CHILDREN WITH STATEMENTS OF SPECIAL EDUCATIONAL NEEDS

If your child has a statement of special educational needs and you have not been given a place at the school you want, you can appeal but your appeal has to be considered by a Special Educational Needs Tribunal. School admission appeal panels cannot consider appeals relating to children with statements of special educational needs. You should therefore contact the Council's Special Educational Needs Team and ask them for more information. Contact details for the Special Educational Needs Team are given at the back of this booklet.

HOW DO I MAKE AN APPEAL?

Attached is a form you can use to lodge your appeal for a school place. Appeals must only be submitted by someone who has full parental responsibility for the child concerned. You should complete the form, setting out clearly why you want your child to go to the particular school you want. Make sure you include all information you believe is relevant to your case. It will help your case if you include supporting documents and letters where relevant and give as much information as possible in support of your appeal. Enclose copies of doctor's letters or medical certificates, if relevant and not already submitted with your original application for a school place. If you have recently moved to the area, proof of your house purchase or rent agreement should be provided for the appeal panel to see. You should also send in any other written evidence you believe is necessary for your appeal. If you attend the appeal hearing, it would be helpful to bring along the originals of any copied documents you send in.

It is important to remember when you are preparing your appeal that you need to explain why it is important that your child should be given a place at the school for which you are appealing. Your case should clearly set out why you want your child to go to that particular school. For your appeal to be successful you will have to show why your child should have to go to that particular school and not to any other school.

When you have completed the form you should send it to the Admissions Team. The address is shown at the end of this guidance. The Admissions Team will acknowledge receipt of the appeal form normally within five working days.

AFTER LODGING THE APPEAL, HOW LONG WILL IT TAKE BEFORE THE APPEAL IS HEARD?

The Code of Practice on School Admission Appeals sets out the timescales within which appeals must be heard. Normal admissions rounds are the formal processes set up for parents to apply for places in the normal year of entry to a school. That is to say, for those who are applying for their children to start at an infant or primary school for the first time, or to transfer from an infant to a junior school, or for their children to transfer from primary to secondary education. All other applications made outside the normal admissions rounds are referred to as in-year applications.

Appeals for transfers between schools during the school year or outside the normal admissions round (in-year applications), the hearing will be held within 30 school days of the receipt of the appeal form.

Appeals relating to applications for first admission to primary and infant schools or for transfer from primary to secondary education made in the normal admissions round, the hearing will take place within 40 school days of the deadline set for lodging appeals.

Appeals relating to applications for places in a school's sixth form, the hearing will take place within 40 school days of the appeal being received unless the offer of a place was conditional on exam results. Where the offer is a conditional one, the appeal will take place within 30 school days of the appeal being lodged.

If your appeal is because of a house move to the area of your preferred school, the appeal will not normally be heard until: you are resident at the new house and can produce written evidence for the independent appeals panel; or, if you are buying a house, you have documentary proof to show that you have exchanged contracts and have a date for completion.

If you are currently living abroad and are returning to live in the United Kingdom, the appeal will not be heard until the child concerned is living in the United Kingdom. Exceptions will be made for Crown Servants who have written evidence confirming that they are returning this country.

You will be given at least ten school days' notice in writing of the time and place of your appeal hearing. At least seven days before the hearing, you will be sent a written statement from the Authority explaining how the admissions policy has been applied in your child's case and the reasons why it was not possible for your child to be admitted to the school of your choice. We will also let you know the names of the panel members and the general arrangements for the hearing.

WHAT HAPPENS AT APPEAL HEARINGS ?

Your appeal will be heard by an independent admission appeal panel of three people. The chairperson and members of the appeal panel are appointed by the Council and include teachers, parents, lay members and other people familiar with the local education system. The panel members who consider your case will have no connection with the admission

authority, the Council or a school which is the subject of the appeal. The panel members' decision is binding on all parties: the appellant, the admission authority and the school.

You can choose whether or not to attend the appeal in person. If you attend, you will be able speak in support of your appeal and will be able to answer any questions that the appeal panel members may have. If you do not attend, the appeal will be considered on the basis of what you have written in your case and any supporting documents you have sent in.

If you decide to attend the hearing, you may be accompanied or represented by a friend, advisor, interpreter or signer who may speak on your behalf at the hearing. This friend or advisor can be a locally elected politician, or a local authority employee such as a social worker, special educational needs advisor or learning mentor, provided that this will not lead to a conflict of interest.

The way appeals have to be heard is set out in the government's Code of Practice on School Admission Appeals. As noted above, the appeal panel is made up of three people and is chaired by one of the panel. The chairperson will make sure that the appeal follows the correct procedure. All appeals are confidential and are held in private.

Apart from the appeal panel members there will also be a clerk present and the representative from the local authority or the school's admission authority. The clerk is there to take notes of the hearing, to record the appeal panel's decision and to give legal advice about the conduct of the appeal. The local authority or admission authority representative is there to explain the reasons why a school place has been refused.

Sometimes, other people will also be present, for example people training to be clerks, or an additional legal expert to advise the panel. Additionally, the local authority or admission authority representative may also be accompanied by the headteacher or senior representative from the school.

There are two different ways that appeals are conducted by appeal panels. Most follow the general procedures set out below. However, in cases where the appeal is for a place in Reception, Year 1 or Year 2 at an infant or primary school where the statutory limit on class sizes has been reached, the procedure is different. Both procedures are described below.

How Appeals are Conducted – General Appeals

1. Introductions – the clerk to the panel will briefly explain how the appeal will be conducted and introduce the panel members and the other people present. The chairman will then start the appeal hearing by asking the local authority or admission authority representative to present their case.

2. The admission authority's case – the representative present will briefly summarise the main parts of the authority's case as set out in the papers you will already have received. Normally, each appeal will be heard individually. However, if there are a lot of appeals for the same year group at the same school, this part of the appeal may be held as a grouped appeal with a number of appellants attending to hear the authority case together. You will be able to ask questions of the authority's representative, as will the appeal panel members. At this stage the appeal panel members will be looking to see whether or not there has been a legitimate reason for refusing your child a place at the school, that is to say that the school is full, that it would be unreasonable to admit any more children and that problems would arise by admitting an extra child which would adversely affect the education the school provides or the efficient running of the school or the efficient use of its resources. At

this stage, the panel can only consider things that relate to the admission arrangements and to the circumstances at the school.

3. Consideration by the panel of the authority's case – when the authority representative has finished their case and the panel and the person appealing have finished asking questions, the chairman will ask the authority representative and the appellant to leave while the panel decide whether or not the authority has shown that it had a legitimate reason for refusing your child a place. If the panel concludes that the authority has not established its case, then you will be given a place for your child at that school and the appeal ends. If the panel decides that the authority has shown that the school is full and that admitting any additional child would lead to problems, the appeal proceeds to the next stage where you can present your case.

4. The appellant's case – the appeal panel will have seen all of the papers you sent in for your original application and for your appeal. You or your representative can present your arguments for a place at the school. It is important that you make sure that the appeal panel are made aware of everything that you think is important and relevant to your case. The panel members and the authority representative can ask you questions.

5. Summing up by the authority – the authority representative usually briefly sums up the reasons for refusing a place.

6. Summing up by the person making the appeal – you can summarise your reasons for wanting your child to go to the school.

7. Panel's decision – both the authority's representative and the appellant have to leave. The chairman will say when you will be able to find out the outcome of your appeal. Sometimes, the panel may decide that an important piece of information is missing or they may feel that they want more detailed advice. In these circumstances the panel can adjourn the hearing and arrange for the hearing to be re-arranged when the information or advice is available.

How Appeals are Conducted – Infant Class Size Appeals

Where the school and the authority argue that they cannot admit anymore children because the statutory limit on class sizes has been reached, the Code of Practice on School Admission Appeals states that appeals have to be conducted differently. Where the infant class size limit of 30 children in a class has been reached, admission appeal panels can only uphold a parent's appeal if it can be shown that:

- the admission arrangements for the school had not been applied properly and the child would have been given a place if they had been;
- the admission arrangements contradicted the provisions of the Code of Practice on School Admission Appeals and the applicant would have been offered a place for their child if the arrangements had properly followed the Code;
- or the decision to refuse the child a place was not one which a reasonable authority would have made.

The courts have said that in deciding whether or not a decision was unreasonable, the decision to refuse a place must be "...perverse in the light of the admission arrangements..." and 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."

The way appeals are conducted is therefore different:

1. Introductions – as above

2. The admission authority's case – as above, the admission authority's representative will summarise the authority's case. The authority's case will include details of the class organisation at the school and will show how the class size limit has been reached. Also as above, the panel members and the appellant can question the authority's case.

3. The appellant's case – unlike the general appeals, the panel do not consider the authority's case separately. Instead, after the questioning of the authority's case has finished, the appellant will be asked if there are any points or any information which they want to put forward.

4. Summing up by the authority – the authority representative usually briefly sums up the reasons for refusing a place.

5. Summing up by the person making the appeal – you can summarise your reasons for wanting your child to go to the school.

6. Panel's decision – as with general appeals above, both the authority's representative and the appellant have to leave and the chairman will say when you will be able to find out the outcome of your appeal. Also as above, the panel can decide to adjourn the hearing for more information.

DECISION OF THE PANEL

The clerk to the appeal panel will normally advise you in writing of the decision of the panel and the grounds on which the decision was made within five working days of the appeal hearing. If there a lot of appeals for places in the same year group at the same school, the clerk to the appeal panel will write to you within five working days of the last hearing.

RIGHTS TO FURTHER APPEALS

You can appeal for places at any number of schools but will normally only be allowed to appeal once for a place at a given school in the same school year. A further appeal for a place at the same school will only be allowed if there has been a significant change in circumstances which substantially affects the reasons why you want a place at the school or if new information comes to light which was not available when the original appeal was heard.

COMPLAINTS

If you feel that the way in which the procedures or admissions decisions have been reached by the Council or the way in which your appeal was dealt with have been improper or unreasonable, you can make a complaint to the Council. If you are not happy with the Council's response to that complaint you can make a further complaint to the Commissioner for Local Government Administration (Ombudsman), Beverley House, Shipton Road, York, YO3 6FZ. The Ombudsman will look at the way your application and appeal were administered. If you want to challenge the decision made by the independent admission appeal panel, you should seek legal advice.

FURTHER INFORMATION

Information in this leaflet relating to appeals arrangements for community and voluntary controlled schools in the East Riding of Yorkshire are published in accordance with the School Standards and Framework Act 1998 (as amended by the Education Act 2002) and in accordance with the School Admission Appeals Code of Practice. The code of practice is available at The Department for Education website (www.dcsf.gov.uk) and has a lot of other information about admissions and appeals.

Independent information and guidance on admissions and admissions appeals is also available from the Advisory Centre for Education (ACE) at www.ace-ed.org.uk. You can contact the ACE

By post - Advisory Centre for Education (ACE)
 1c Aberdeen Studios
 22 Highbury Grove
 London
 N5 2DQ

By telephone - General Advice Line,
 Freephone 0808 800 5793
 (Mon–Fri 10am–5pm)

PRIVACY NOTICE

The School Admissions Team is part of a Council service called Pupil Services. Information about how the information provided on your application will be used is given below.

What do we use the information for?

Pupil Services uses the information provided by applicants on application forms and associated documents to undertake the Council's statutory functions as identified in legislation (for example, the Education Act 1996, the School Standards and Framework Act 1998, the Education and Inspections Act 2006) and in statutory guidance.

The Council's statutory functions carried out by Pupil Services include:

- ensuring the provision of sufficient school places for children resident in the East Riding of Yorkshire;
- acting as the admission authority for community and voluntary controlled schools;
- receiving and processing applications for places at all state funded schools in the East Riding of Yorkshire and for all children resident in the East Riding;
- advising the Council on matters relating to home to school and college transport for children of compulsory school age and students of sixth form age;
- ensuring that the Council's policy on home to school and college transport is administered and applied so that children and students who qualify for support are identified and the transport support provided;
- providing advice and guidance for parents on all of the Council functions for which Pupil Services is responsible.

What information do we hold and use?

We collect and process the following information:

- personal information (such as name, title, address including postcode, home telephone number, work telephone number, email address, date of birth, gender, medical information)
- school data information, including pupil data.

On what grounds do we use the information?

Pupil Services collect and lawfully process information about schools and children to whom we provide services under the following:

- Children Act 1989
- Education Act 1996
- School Standards and Framework Act 1998
- Human Rights Act 1998
- Children Act 2004
- Working Together to Safeguard Children 2015
- Education and Inspections Act 2006
- The School Information (England) Regulations 2008
- The School Admissions (Admission Arrangements and Coordination of Admission Arrangements) (England) Regulations 2012
- The School Admissions (Admission Arrangements and Coordination of Admission Arrangements) (England) (Amendment) Regulations 2014
- The School Admissions Code
- The School Admissions Appeals Code
- Home to school and college travel and transport guidance

We process personal data for the following reasons:

- consent has been given for the processing of personal data for one or more specific purposes;
- processing is necessary for compliance with a legal obligation to which East Riding of Yorkshire Council is subject ;
- processing is necessary in order to protect the vital interests of you or of another person;

- processing is necessary for the performance of a task carried out in the public interest or in the exercise of official authority vested in East Riding of Yorkshire Council.

We process special categories data for the following reasons:

- explicit consent has been given for the processing of the personal data for one or more specified purposes;
- processing is necessary to protect the vital interests of the applicant, the applicant's children or of another person where they are physically or legally incapable of giving consent.

How do we collect this information?

Pupil Services collect personal information as part of the process of supporting children, young people and their families. Information will be collected from face-to face meetings, over the telephone, by letter, application forms, online forms and email. Information may also be collected from relevant partner agencies as appropriate.

Who we share your information with?

Pupil Services may share relevant information within the East Riding of Yorkshire Council and various external partners to support schools, children and young people and their families. Services might include:

- schools (including academies and schools in other local authority areas)
- other local authorities
- children's social care
- early years
- youth and family support
- education inclusion services
- welfare rights
- Special Educational Needs and Disabilities (SEND)
- safeguarding unit
- legal department
- educational psychology team
- exclusion reintegration team
- human resources
- council tax
- child health

How long do we store it and is it secure?

The council has retention schedules in place to ensure that information is only held for as long as it is needed. Information on how long your information will be held is available on the Council's website, www.eastriding.gov.uk, on the retention page.

Details of how we keep your information secure are available on the general **privacy information** page.

What rights do you have?

The rights that you have depend upon the grounds upon which we collected your information. All of the rights you could have are outlined on the council's website on the data protection page. In most cases, people who have been involved with Pupil Services will have the following rights:

- **The right of access** - You are entitled to see the information the service holds about you and can request a copy by emailing data.protection@eastriding.gcsx.gov.uk
- **The right to rectification** - If you believe any information the service holds about you to be incorrect please email ils.support@eastriding.gov.uk and we will amend the information accordingly.
- **The right to erasure/right to be forgotten** – The service has determined that all requests to permanently delete a service user record will be dealt with on an individual basis. All requests for deletion should be sent to ils.support@eastriding.gov.uk
- **The right to restrict processing** - Should you wish the service to limit how we use your data please email ils.support@eastriding.gov.uk with the reason for your request.

- **The right to data portability** – The service has determined that there will be no requirement for data portability.
- **The right to object** - In addition to the right to limit the use of your data, you also have a right to object to the use of your data for certain actions. Should you wish to object please email ils.support@eastriding.gov.uk with the reason for your request.

Where can I find out more?

If you want to know more about how the council uses information, your rights or have a concern about the way we are collecting or using your personal data, we request that you raise your concern with us in the first instance. Contact details are available on the **general privacy information** page. Alternatively, you can contact the **Information Commissioner's Office**.

CONTACTING THE ADMISSIONS TEAM

For further information or advice, please contact the Admissions Team

By email - schooladmissions@eastriding.gov.uk

By post - School Admissions Team
Children Families and Schools
East Riding of Yorkshire Council
County Hall
Beverley
HU17 9BA

By telephone - (01482) 392100

CONTACTING THE SPECIAL EDUCATIONAL NEEDS TEAM

By email - send.enquiries@eastriding.gov.uk

By post - Special Educational Needs Section
Children Families and Schools
East Riding of Yorkshire Council
County Hall,
Beverley
HU17 9BA

By telephone - (01482) 392163



EAST RIDING

OF YORKSHIRE COUNCIL

SCHOOL ADMISSION APPEAL FORM

Please complete all sections of the form in **black ink** or typescript.

| PARENT/GUARDIAN DETAILS | | | | |
|---|--|----------------|----|-----------|
| Mr/Mrs/Ms/Other (please state) | | Initial | | Surname |
| Address | | | | Post Code |
| | | | | |
| Day telephone number | | | | |
| Mobile telephone number | | | | |
| If you are not the person who made the original application for a school place, please state your relationship to the child | | | | |
| YOUR CHILD'S DETAILS | | | | |
| First Name | | Middle Name(s) | | Surname |
| Date of Birth (DD/MM/YYYY) | | DD | MM | YYYY |
| Address | | | | Post Code |
| | | | | |
| Does your child have a statement of special educational needs? | | Yes / No | | |
| School currently attending | | | | |
| School place offered by Authority | | | | |
| School preferred by parent or carer | | | | |
| Date of proposed admission or transfer | | | | |
| Do you intend to be present at the appeal hearing? | | Yes / No | | |
| Will you be represented at the appeal hearing? <i>If 'yes' please state who.</i> | | Yes / No | | |

Please give your grounds for appeal. Explain in detail why you think your child should go to your preferred school. Continue overleaf and enclose any supporting documents.

Continue on separate sheet if necessary

I certify that the information given above is true and may be circulated to members of the appeals panel.

Signature of parent or carer

Date

Please send this form to:

**School Admissions Team
Children Families and Schools
East Riding of Yorkshire Council
County Hall
Beverley
HU17 9BA**