

School Admission Appeals

Notes of guidance for parents/carers

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These notes explain how you can make an appeal and the appeals process for oversubscribed schools. Please read this document carefully before you complete your appeal form and/or attend an appeal hearing, as it contains key information to help you prepare for your appeal.

1. Can I complete and return the Appeal form for any school in Luton?

You must apply directly to The Shared Learning Trust if you wish to appeal for The Stockwood Park Academy, The Chalk Hills Academy or The Linden Academy. If you wish to appeal for any other Luton school, please complete and return the Appeal Form to the address detailed under the heading ‘How Can I make an Appeal?’ below or complete and submit the Appeal Form online.

2. When do I have the right to appeal?

You have the right to appeal when the school(s) you prefer for your child is full and your application for a place has been refused by the admission authority.

3. How can I make an Appeal?

You are strongly encouraged to complete and submit an online application. The online application process is both quick and easy.

Please click on the Appeal Form button located on our website at www.luton.gov.uk/schoolappeals to complete and submit your Appeal Form online.

Alternatively, you can also print an Appeal Form from our website, complete fully and then return via the post to;

Luton Council
 School Appeals Team
 Town Hall
 George Street
 Luton
 LU1 2BQ

Should you have any queries, please e-mail admissionsappeals@luton.gov.uk

4. School Admissions Appeals Timetable

Starting School – Reception Year:

Offer Letter	16 April 2021
Appeals Deadline	17 May 2021
20 school days after offer letter	
Appeals will be heard from	13 July 2021

Infant to Junior Transfer – Year 3:

Offer Letter	16 April 2021
Appeals Deadline	17 May 2021
20 school days after offer letter	
Appeals will be heard from	13 July 2021

High Schools and Academies – Year 7:

Offer Letter	1 March 2021
Appeals Deadline	12 April 2021
20 school days after offer letter	
Appeals will be heard from	4 May 2021

The Local Authority will plan to hear all appeals, for the Year R, 3 and 7 intakes that are received 'on time' within forty school days.

If your appeal is received after the deadline your appeal may be heard after others for the same school.

Late applications for a school will usually be heard within 30 school days after the appeal is lodged. At present, due to the new temporary regulations stipulating that appeals should be held remotely, this may not be until the Autumn Term for any appeals submitted after the deadlines detailed in the timetable above.

5. Can I appeal for more than one school?

You can appeal for more than one school, providing that you have previously made an application for a place at the school and named that school as one of your three preferences. If you are appealing on paper (not using the online form), you will need to complete separate appeal forms for each school.

6. What is the process?

We will acknowledge receipt of your appeal within two weeks.

An Independent Committee, called The Independent Education Appeals Panel ('Appeals Panel'), will hear your appeal as soon as possible after the receipt of the Appeal Form. This will normally be within 30 school days of the application being received. You will normally be given written notice of at least 10 school days before the date of the appeal hearing. You may agree to a shorter notice period and you should confirm this with the Clerk to the Appeal Panel in writing.

If you are appealing for a Reception Year (Year R), a Starting Junior School (Year 3) or a Transfer to High School place (Year 7), please see the timetable located in (4) above. We will endeavour to hear appeals submitted on time within 40 school days.

You should contact the Appeals Team on 01582 548019 or e-mail admissionsappeals@luton.gov.uk if you have not received acknowledgement of your appeal within 2 weeks of posting or submitting your appeal.

7. Who are the Appeal Panel?

Your case will be heard and considered by the Appeal Panel.

In Luton, three people usually make up the Appeal Panel, with a Clerk to take notes and advise legally and procedurally as necessary. Appeal Panels are set up under Schedule 24 of the School Standards and Framework Act 1998. Appeal Panels must operate according to the principles of fairness and natural justice.

The Appeal Panel will be made up of three people with at least one from each category listed

below;

Lay persons -someone who does not have personal experience in the management of the school or the provision of any education in any school (disregarding experience as a school governor or in another voluntary capacity);

Experienced persons – a person with experience in education, or who is familiar with schools in Luton; or who is a parent of a child at a school (but cannot be parents of a pupil at the school concerned in the appeal).

8. What will happen at an Appeal Hearing?

The Clerk will greet you in Reception and answer any questions you may have prior to the hearing. The Clerk will then take you into the appeal hearing, together with the representative of the School and/or Presenting Officer.

The Admission Authority must provide a presenting officer to present the decision not to admit the child and to answer detailed questions about the case being heard and about the school.

The Chair of the Appeal Panel will welcome you and introduce everyone present. The Chair will explain how the appeal will be conducted and ensure you are given a reasonable opportunity to put your case forward.

Appeal Hearings perform a judicial function and must operate according to the principles of natural justice. A procedure is followed at each Appeal Hearing, as follows;

- a) The Presenting Officer on behalf of the admission authority will put their case first as to why a place could not be offered to your child.
- b) You and in turn the Panel will be given the opportunity to ask questions on the case put forward by the Presenting Officer.
- c) Where multiple Appeals are received for the same school, a) and b) above may take place as a Grouped Appeal, to ensure that all the Appeals are heard by the same Appeal Panel. This means that the Presenting Officer will put forward the case on behalf of the admission authority in the presence of all parents/carers appealing for that particular school and the Appeal Panel. All parents and the Panel will then have the opportunity to put forward questions on the case put forward by the Presenting Officer.

A representative of the School may also be in attendance for Grouped Appeals and individual Appeals.

Once the above has been completed, the stages detailed below will always take place individually and in private (no other parents appealing the same school will be present).

- a) You will then be given the opportunity to give your reasons for wanting your preferred school(s) and why you feel your child should be offered a place. You may make notes to read to the members of the Appeal Panel. It is important that you have told the Appeal Panel everything you wish to raise at this point. Please note you will not be able to introduce any new information once the panel moves to the summing up stage in e) and f) below.
- a) The Presenting Officer will then be given the opportunity to ask you questions. The Panel

will then also be given the opportunity to ask you questions on your case.

- b) The Presenting Officer will then sum up the case for the Admission Authority
- c) You will then be given the opportunity to summarise your reasons for wanting your preferred school.

Please note, whilst Appeal hearings will be heard in private, on occasion specified people other than the Presenting Officer and anyone assisting may attend as observers if you and the Appeal Panel have no objection.

If your case has been listed as a Grouped Appeal, your Individual Appeal may take place on a different date and time. Please note the date and time for both your Grouped and Individual Appeal Hearings in the paperwork provided to you in advance of the hearing. You should attend both stages.

If you have not received any paperwork 10 days prior to the Appeal Hearing please contact the Appeals Team on the details located in (21) below.

Individual Appeal Hearings are usually listed for no more than 45 minutes. Please note, on occasion, Appeal Hearings may exceed their specified time or start later than advertised due to unforeseen circumstances.

You may wish to bring a friend or supporter to the Appeal Hearing. You may also choose to have someone represent you at the hearing, which could be a friend or family member. You have the right to seek legal advice, and be represented by a legal advisor, but most appellants do not find this necessary.

A parent(s)/carer has the right of appeal for the school of their preference on behalf of their child. The appeal is designed for the parent to put their case forward. Please do not bring your child or any other child to the appeal hearing. There are no child care facilities at The Legrave Centre. Parents must make alternative arrangements for children to be looked after.

Please ensure you have made adequate child care arrangements so that you can be in attendance until the conclusion of your Appeal Hearing.

9. Where and when do Appeal Hearings take place?

Appeal hearings are held during the working day during term time only.

School appeals are currently being held remotely using Zoom. You will receive joining details from our Legal Department prior to date set for the appeal hearing and a link will be sent to your e-mail address. Please ensure that you regularly review your e-mails after submitting your school appeal.

10. How much notice will I be given of an Appeal Hearing?

You will normally be given written notice of at least 10 school days before the date of the appeal hearing.

11. Can I change the date and time of the appeal hearing?

If you know that you cannot attend an appeal on certain dates, please tell us on your appeal form. We will try to avoid these dates but this will not be possible if we are arranging a Group Appeal.

If you are unable to attend the appeal hearing date allocated, you should advise the Council's Legal Services in writing of the reason(s) as soon as possible. You must state if you wish to have the appeal hearing re-scheduled or wish it to go ahead in your absence. You can contact the Legal Department on 01582 546653. In exceptional circumstances your appeal may be rearranged.

If you fail to attend or arrive late, the appeal hearing can, if the Appeal Panel decides, take place in your absence. In these circumstances, the Appeal Panel will consider and determine your appeal on the basis of the information provided on your appeal form or in any further evidence produced.

12. How will my appeal be decided?

Appeals only arise when schools are oversubscribed in a particular Year group.

Your appeal may fall under one or more of the following categories;

Infant Class Size Prejudice (Reception and Key Stage 1 Appeals)

This process relates to children in Reception Year and Year 1 and 2 only (5-7 year olds).

The School Standards and Framework Act 1998 provides that Local Education Authorities and governing bodies of schools must comply with limits on class sizes.

Under the law the statutory limits are in force for infant classes and since September 2001, no Key Stage 1 class (YR R, 1 and 2 infant class) may contain more than 30 pupils with a single qualified teacher. Class size prejudice arises when the admission of a 31st child would require the employment of a further teacher and/or the establishment of another class.

Where the Council has refused admission on the grounds that class size prejudice would occur, an Appeal Panel can **only** allow an appeal in the two circumstances listed below.

1. The decision to refuse admission was not one which a reasonable admission authority would make in the circumstances of the case.

A reasonable decision is one which a sensible admission authority would make taking in to account factors such as the admission policy for the school, the internal operation of the school and the school's ability to accommodate pupils and meet the class size limit of 30. Or

2. Your child would have been offered a place if the admission arrangements had been properly implemented.

The Appeal Panel will consider whether the admission authority carried out the admission arrangements properly or if the rules were broken. If your child would have been given a place if the rules had been applied properly then an appeal must be allowed.

In all other circumstances the Appeal Panel have to dismiss the Appeal.

To prepare for an infant class appeal, you should consider the grounds on which your appeal is based showing evidence as to which of the two conditions applies. You may talk about personal factors but the Appeal Panel cannot allow an appeal unless they are relevant to either of the two conditions.

Key Stage 2-4 Appeals (Year 3 and above)

There are two stages to be considered by the Appeal Panel for Key Stage 2-4 appeals;

- a) **Factual stage** – The Appeal Panel, having heard evidence from the Admission Authority must be satisfied that the Year Group in the preferred school is full and that to admit a further pupil would prejudice the efficient use of education or use of resources in that school. If the Appeal Panel is not satisfied that prejudice has been caused then the appeal can be allowed at this stage. However, there is no automatic presumption, especially in the instance of multiple appeals where admitting the number of appellants could subsequently seriously prejudice the education and resources of the school.

If the Appeal Panel agrees that admitting another pupil would cause prejudice it then moves on to the second stage.

- b) **Balancing stage** - If the Appeal Panel is satisfied that prejudice would arise, it will then consider the case you have presented. Consideration will be given as to whether the reasons which you have given in support of your application demonstrate that the prejudice to your child in not attending the school outweighs the prejudice to the school of accepting a further child. If the Appeal Panel considers that the reasons do outweigh the prejudice to the school, it may allow the appeal. In order to make a decision the Appeal Panel will consider all of the relevant evidence submitted by both you and the Admissions Authority.

Please refer to 4) above to check the current timetable for appeals.

If multiple appeals are received for one school, the first stage detailed above 'Factual Stage' may take place as a Group Hearing. Even if the school cannot demonstrate prejudice the Appeals then progress to the second stage, individual appeals detailing your specific reasons for appealing the decision to refuse your child a school place will then be heard and considered at a separate time afterwards (this may be on a different date to the Grouped Appeals).

13. Must I attend the Appeal Hearing and can I bring anyone with me?

You are strongly advised to attend the appeal hearing to explain your case and answer questions.

You may bring a friend or family member with you who may speak on your behalf. You may have legal representation but appellants do not usually find this necessary. If you are bringing someone else with you please let us know on your appeal form. If you bring a several people with you to the Hearing, the Appeal Panel may ask them to wait outside.

14. Will I need an interpreter?

If English is not your first language and you will need an interpreter, please notify us. Please detail on the appeal form which language you require.

You may ask a friend or adviser to speak on your behalf in addition to the interpreter.

To ensure that all parties are able to communicate accurately and effectively the Appeal Panel does not allow friends or family members to interpret for appellants. A professional interpreter can be provided at your request. Such requests must be made in advance of the Hearing.

If the Appeal Panel does not feel all parties can communicate effectively and you have not requested an interpreter your appeal may be adjourned to a later date until one can be arranged.

15. Will I need to produce any evidence and if so, when?

Please complete the grounds for your appeal on the back of your Appeal Form. You should carefully consider why you want your child to attend a particular school.

You should have clear and sound reasons why your child should be offered a place at your preferred school. If your case is based on medical grounds you should provide written evidence from your child's consultant or medical professional in advance of the hearing.

If you have moved house you will need to provide evidence that you are residing at your new address. This evidence could include, but is not limited to, a Council Tax letter or Tax Credit awards letter etc.

We also recommend that you provide evidence, including any letters of complaint and other correspondence, if your reason in full or part for seeking a new school for your child is dissatisfaction with the current school, i.e. you believe your child is being bullied.

Please note that a member of the admission authority may check with the school concerned. The admission authority may also submit written evidence from your child's current school for the Appeal Hearing.

Please provide any further evidence seven days in advance of your hearing. Evidence produced at the hearing may result in the hearing being adjourned and re-scheduled to an alternative date and time or the Panel refusing to accept and consider that evidence.

16. Can I bring my child with me?

Please try to avoid bringing your children to the appeal hearing as childcare facilities are not available at the venue.

17. How and when will I know the panel's decision?

The clerk to the Panel will usually write to you within 7 days, although this is not always possible when there are multiple appeals for one school. In multiple appeals all letters will go out at the same time as soon as possible following the hearing.

18. How will I find out the outcome of my appeal?

The Clerk to the Appeal Panel will write to you with the outcome of your appeal hearing within 5 school days. During May, June and July, when multiple hearings may take place for one school, notification of the outcome may take slightly longer.

19. What happens if I am not happy with the result?

The Appeal Panel's decision is final and binding on both you and the admission authority. It is not possible for the admission authority to reverse the decision of the Appeal Panel.

If you believe that the Appeal Panel acted improperly or unreasonably in handling your case you can complain to the following depending on what type of school you are appealing against. Please note, you can complain about the way the appeal was carried out but you cannot complain about the decision itself.

Community, Foundation and Voluntary Aided Schools

Local Government and Social Care Ombudsman
PO BOX 4771
Coventry
CV4 0EH

Tel: 0300 061 0614

Website: www.lgo.org.uk

Academies

The Secretary of State is responsible for complaints about appeals for Academies, and has appointed the Education and Skills Funding Agency (ESFA) to investigate these complaints on their behalf.

ESFA

Ministerial and Public Communications Division

Department for Education

Piccadilly Gate

Store Street

Manchester

M1 2WD

Tel: 0370 267 001

20. Can I appeal again?

If your appeal is unsuccessful, you cannot request another appeal for the same school in the same academic year, unless there has been a significant change in your circumstances.

21. Useful Contact Numbers

School Appeals Team

Telephone: 01582 548019

E-mail: admissionsappeals@luton.gov.uk

Legal Services

Telephone: 01582 546653

E-mail: DocumentCreation@luton.gov.uk