

<p>Government C19 Guidance Issued on 14th April 2020 School Admission Appeals</p>	<p>Notes about actioning this guidance from JL/ELT Please note questions and action points below</p>
<p>The coronavirus (COVID-19) outbreak will impact on the ability of admission authorities (that is, local authorities, academy trusts or school governing bodies, depending on the type of school) to carry out admission appeals in the usual way.</p> <p>This is because appeal panels must be held in person, which would break the current restriction on gatherings of more than 2 people. There may also be problems securing sufficient independent panel members and partial school openings and closures may impact on meeting certain appeal deadlines.</p> <p>Parents must continue to have the right to appeal to any school which has refused their child a place.</p> <p>We will, therefore, be making regulatory changes that, <u>subject to legislation</u>, will come into force on 24 April 2020.</p> <p>The new regulations will relax some of the current requirements set out in the <u>School Admission Appeals Code 2012</u> and enable admission authorities to proceed with their admission appeals.</p>	<p>JL - once the DfE do state that the Regulatory Changes are confirmed through Legislation (likely to be taken through the House or through SofS approval with resolution of some kind)) then I will update us all.</p> <p>REDS/RODS/NDE Action - please can we make certain that once we get sight of the confirmed changes as of 24 April, that every academy website has the correct details about how a parent can appeal - it needs to be on all academy websites It needs to follow the dfe statement issued</p>
<p>Our aim is to give admission authorities as much flexibility as possible to manage appeals in a way that best <u>suits local circumstances</u>, while also ensuring families appealing an admission decision this year are supported and are not disadvantaged by the measures in place to protect public health.</p>	<p>Most likely this will permit appeals by virtual meetings - as below</p>
<p>The <u>new regulations</u>, which will be in force until 31 January 2021, will:</p> <ul style="list-style-type: none"> ▪ disapply the requirement that appeals panels must be held in person and instead give flexibility for panel hearings to take place either in person, by telephone, video conference or through a paper-based appeal where all parties can make representations in writing 	<p>Thus 3 new regs subject to legislative approval to adhere to:</p> <p>bullet 1 - we can use TEAMS, if we use paper based we will need a system for tightly collating relevant documents and storing them ideally as scanned documents into an electronic folder for records and in the case of a shift from a paper based exercise to a virtual meeting panel</p>

<ul style="list-style-type: none"> ▪ relax the rules with regard to what happens if one of the 3 panel members withdraws (temporarily or permanently) to make it permissible for the panel to continue with and conclude the appeal as a panel of 2 ▪ amend the deadlines relating to appeals for the time that the new regulations are in force. <p>For example, we will require admission authorities to review their existing deadlines for appeals to be submitted and set new or revised deadlines for appeals to be submitted in certain circumstances.</p>	<p>members will need access to anything submitted in hard copy</p> <p>bullet 2 and 3 - JL to update this in relation to temp. Scheme of Delegation a review MO and REDs - addendum if needed once the confirmation is through that regs are relaxed.</p>
<p>Any new or revised deadlines must be reasonable and <u>at least 28 days</u> from the date a notification of refusal of a school place was received by the appellant.</p> <p>We will not, however, be removing any of the clerking duties for admission appeals. Clerks carry out a key role in relation to appeal hearings and provide advice on admissions law as well as keeping an accurate record of proceedings.</p> <p>We will publish guidance to support admission authorities and local authorities in carrying out admission appeals over the coming months to provide further details on these regulations.</p>	<p>Easy to action and align to revised regs. We can make this clear in an addendum - ACTION here is to make sure this is clear on academy website pages about appeals process.</p> <p>Clerking for admission appeal panels- should be as we use currently and each academy should have provision for this.</p> <p>JL - MO to work with REDs to review</p>
<p>Q&A</p> <p>When will the new regulations come into force and when will they expire?</p> <p>The regulations are <u>subject to legislation</u> being made but we expect them to come into force on <u>24 April 2020</u>. The regulations will be time-limited and will expire on 31 January 2021. This will allow local authorities and admission authorities sufficient time to deal with the annual peak in appeals for children due to start new schools at the beginning of September 2020.</p> <p>The regulations will be subject to review, and <u>we can amend legislation to bring forward this date if they are no longer required</u>. Transitional provision will mean the new regulations will continue to apply to appeals that are already</p>	<p>JL - will review further before 24th April. Need to follow up with REDs too</p>

<p>underway but which have not yet concluded on or before 31 January 2021.</p>	
<p>Why not postpone admission appeals until the autumn term or cancel all appeals? Parents must continue to be able to submit an admission appeal if they believe the school place they have been offered is unsuitable for their child, and it is right that we provide clarity on this situation now rather than asking parents and the sector to wait until the autumn. Delay could be disruptive for children whose appeals are upheld, resulting in them moving school after the start of the autumn term. These measures will ensure families appealing an admission decision this year will not be disadvantaged by the measures in place to protect public health.</p>	<p>Clear guidance here that even with the 3 new regs, it is critical that it is BAU to get appeals heard and in the required timescales.</p>
<p>How will the new flexibilities maintain fairness for the appeals process? The new regulations will relax current requirements but will maintain obligations around natural justice and procedural fairness. We will not be relaxing any of the requirements on clerking and our accompanying guidance will reinforce the importance of training, following correct procedure and ensuring fairness.</p>	<p>This is clear and fair in the 3 new regs they are proposing to relax.</p>
<p>Who will decide whether appeals will be heard in person, by telephone, video conference or on paper? If appeals cannot be safely heard in person due to social distancing measures, <u>the clerk should contact all parties and explain the temporary arrangements for appeals</u>. The clerk should establish whether everyone has access to the necessary equipment and that the appellant is able to participate in a hearing by telephone or video conference. However, in line with the <u>School Admissions Appeals Code</u>, where an appellant fails, or is unable, to take part in the hearing, and it is impractical to offer an alternative date, <u>the appeal may go ahead and be decided on the written information submitted</u>. Where that happens, the appeal panel must take steps to ensure that the parties are able to fully present their cases and be satisfied that the appeal is capable of being determined fairly and transparently.</p>	<p>Action - query here - please can we check currently who has been Clerking any panel?</p> <p>MO - please can you check with REDs?</p> <p>MO - please can we confirm who clerks bearing in mind that : <i>A clerk must have knowledge of this Code, the School Admissions Code, other law relating to admissions and other relevant law, and be able to offer advice to enable the panel to undertake its judicial function</i></p> <p>And we need confirmation re which Ambassadors are used for admission appeals?</p>

<p>Which appeal deadlines will be subject to change? The <u>new regulations will provide more flexibility for admission authorities to set new or revised deadlines for submitting an appeal.</u> Our proposed amendments to deadlines will ensure that appellants will be given at least 28 calendar days' written notice of a new appeal deadline and at least 14 calendar days' written notice of an appeal hearing (although appellants can waive their right to this). All deadlines for the hearing of appeals must be as soon as reasonably practicable. Decision letters should be sent within 7 calendar days of the hearing, wherever possible.</p>	<p>Timescales here really clear and must be communicated to each academy - REDs/RODs and JL to ensure this is clear in the addendum issued. We will set the timescales and ensure we have a common approach here in meeting revised regs.</p>
<p>Will these changes apply to all admission appeals? The new regulations are aimed at supporting admission authorities and local authorities with both <u>primary and secondary admission appeals over the summer and into the autumn. This is when the majority of all admission appeals take place.</u> They will apply to appeals submitted on or after the day the regulations come into force, but before 31 January 2021. They will also apply to appeals submitted before the regulations come into force but where the appeal has not been completed.</p>	<p>All clear and we can ensure all academies are aware of this</p> <p>LA - do our admissions for us but do we have appeals year on year ? - MO to confirm with JL</p>
<p>Will parents still be able to lodge a maladministration complaint if they are unhappy with the way their appeal has been administered? Yes, it is important that parents are able to lodge a complaint if they have evidence of maladministration</p> <p>We will not be relaxing any of the requirements set out under Section 5 of the <u>School Admissions Appeals Code</u> which covers complaints about appeals.</p>	<p>Clear that we continue to follow the Appeals code - used already by academies.</p>