

The School Admissions (England) (Coronavirus) (Appeals Arrangements) (Amendment) Regulations 2020

The DfE has introduced urgent temporary regulatory measures to disapply elements of the School Admission Appeals Code. The new temporary regulations were laid before parliament last week and came into force on 24 April 2020. The DfE has also published [non-statutory guidance](#) to support admission authorities in managing their admission appeals. A summary is provided below but please do read the DfE guidance if you would like further detail or contact Carlo Kodsi at carlo.kodsi@haringey.gov.uk for a discussion.

KEY CHANGES

Appeal Hearings conducted remotely

- Face-to-face appeal hearings should not take place until the government guidelines on social distancing indicate it is safe to do so. Hearings should be conducted by **telephone or video conference**. Where telephone or video conference is not possible, appeals conducted entirely based on written submissions are acceptable.

Deciding on an appeal based on written submissions only – process

- The DfE has set out a process that can be used to decide on appeals on the basis of written submissions only. Whilst admission authorities and appeal panels can exercise their own judgement in these circumstances, the DfE encourages that this approach is adopted to ensure parent/carers are able to fully present their case and allow the panel to make a decision which is fair and transparent.

Appeals timetable

- The temporary regulations impose some new rules relating to appeal timetables and that admission authorities may set new or revised reasonable deadlines. Admission authorities are also urged to determine appeals lodged as part of the main admissions round before the start of the September 2020 term, wherever possible.

Panel members withdrawing – 2 panel members

- An appeal panel has 3 members. Where a panel member needs to withdraw part way through the appeals process and it is not reasonably practicable for the panel to be reconstituted in the normal way for a reason related to the incidence or transmission of coronavirus (COVID-19), a **panel made up of at least 2 members may continue to consider and determine the appeal.**

NO CHANGES

Clerks and maintaining natural justice and procedural fairness

- The new regulations relax current requirements but will maintain obligations around natural justice and procedural fairness. The DfE has not relaxed any requirements with respect to clerking. 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.

Complaints to the Ombudsman – maladministration

- Parents retain the right to raise a complaint of maladministration on the part of the appeal panel.

The DfE has been clear that families appealing on admission decisions this year should be supported and not disadvantaged by measures in place to protect public health.

In Haringey, the majority of own admission authority schools have delegated the responsibility of arranging appeal hearings to the Local Authority. Officers are working to ensure that appeal hearings can be heard remotely during the summer term and we will soon be in touch with the relevant schools to ask them to check their appeal statements and advise on the dates of appeal hearings in cases where schools provide their own Presenting Officer.