



Llywodraeth Cymru
Welsh Government



Unpublished

PUBLICATION

Changes to school admission appeal arrangements: impact assessment

An assessment of changes to school admission appeal arrangements

First published: 12 January 2023

Last updated: 12 January 2023

This document was downloaded from GOV.WALES and may not be the latest version.

Go to <https://www.gov.wales/changes-school-admission-appeal-arrangements-impact-assessment-html> for the latest version.

Get [information on copyright](#).

Contents

Section 1: what action is the welsh government considering and why?

Section 8: declaration

This document was downloaded from GOV.WALES and may not be the latest version.

Go to <https://www.gov.wales/changes-school-admission-appeal-arrangements-impact-assessment-html> for the latest version.

Get [information on copyright](#).

Section 1: what action is the welsh government considering and why?

Parents have the right to express a preference for any school they would like their child to attend and where there are places available admission authorities, (the local authority or governing body depending on the type of school) must usually comply with that preference. Parents have a right to appeal a decision by an admission authority not to offer their child a place at their preferred school.

There are two separate categories of admission appeals dealt with under the School Admission Appeals Code (“the Appeals Code”):

- Appeals against an admission authority’s decision to refuse admission to a maintained school.
- Appeals by the governing bodies of community or voluntary controlled schools against a decision by the local authority (their school’s admission authority) to admit a child who has been permanently excluded from two or more schools.

Admission appeals panels are independent of the admission authority. As part of its deliberation the panel should consider whether the admission authority has acted correctly in applying its admission arrangements when reaching its decision.

The Education (Admission Appeals Arrangements) (Wales) Regulations 2005 (“the 2005 Regulations”) prescribe matters relating to appeals brought under sections 94 and 95 of the School Standards and Framework Act 1998. The

School Admission Appeals Code imposes mandatory requirements on admission authorities to ensure the appeals process is fair and transparent.

In undertaking their school admission functions admission authorities, local authorities and school governing bodies (when not acting as admission authorities) and appeal panels must comply with the 2005 Regulations, the School Admission Code and Appeals Code.

The 2005 Regulations and the Appeals Code currently provide for appeals hearings to be held in person (face to face).

Temporary amendments to appeal arrangements in Wales

Due to restrictions imposed in response to the COVID 19 pandemic it was not always possible or appropriate to comply with the Appeals Code and the 2005 Regulations. For example, restrictions on social distancing made it impossible to hold hearings in person.

The Welsh Government therefore introduced the Education (Admission Appeals Arrangements) (Wales)(Coronavirus) (Amendment) Regulations 2020. The 2020 Regulations temporarily amended the 2005 Regulations and the Appeals Code to give admission authorities, local authorities and appeal panels some additional flexibility when dealing with appeals during the outbreak.

The temporary changes provided that where it was not reasonably practicable for an admission appeal panel to comply with the procedural requirements in the Appeals Code or Schedule 2 of the 2005 Regulations on appeals in person for a

This document was downloaded from GOV.WALES and may not be the latest version.

Go to <https://www.gov.wales/changes-school-admission-appeal-arrangements-impact-assessment.html> for the latest version.

Get [information on copyright](#).

reason related to the incidence or transmission of coronavirus, they were able to hold hearings by remote access or decide appeals on the basis of the written information provided.

The temporary changes were extended twice. The most recent, [the Education \(Admission Appeals Arrangements\) \(Wales\) \(Coronavirus\) \(Amendment\) \(Amendment\) Regulations 2021](#), ended on 30 September 2022 (subject to certain transitional provisions for appeals already in train on that date).

Review of the effectiveness of the temporary arrangements

During the summer of 2022 officials undertook a review of the effectiveness of the temporary arrangements by way of a survey of the Association of Directors of Education in Wales (ADEW) School Admissions Officer Group, which has representation from all 22 local authorities and diocesan authorities. 18 local authorities responded, along with one diocesan authority which responded on behalf of schools for which the governing body is the admissions authority in one local authority area.

An analysis of survey responses showed that since the temporary arrangements came into force, a total of 3,543 appeals were heard by respondents, 2,937 (83%) of which were held remotely. 943 appeals were successful. The feedback from respondents was positive, suggesting that the temporary arrangements worked well and provided benefits for local authorities, admission authorities, schools and appeal panels in both time and cost savings.

This document was downloaded from GOV.WALES and may not be the latest version.

Go to <https://www.gov.wales/changes-school-admission-appeal-arrangements-impact-assessment.html> for the latest version.

Get [information on copyright](#).

A number of local authorities provided some positive feedback they'd had from parents. This included parents not having to take time off work, not having to arrange childcare and not having to travel to venues to attend hearings. Local authorities also reported the perception that families appeared to be more comfortable in undertaking their appeal at home in their own surroundings. We hope to gather more evidence on the direct views of parents on these arrangements through the formal consultation.

Some initial teething problems were experienced with IT issues, which were usually resolved quickly. Over the period of the temporary arrangements admission authorities and appeals panels have become accustomed to undertaking remote appeals and have put in place the necessary technology and support to facilitate them.

Some concerns were raised regarding the use of written appeals as a first choice, with one authority requesting that appeals determined by written information only being used only where face to face or remote hearings are not possible.

All 22 local authorities have requested that the flexibility provided by remote appeals are retained and made permanent.

We are therefore consulting on changes to the Appeals Code and 2005 Regulations to add an option for holding appeal hearings remotely as well as face to face.

This document was downloaded from GOV.WALES and may not be the latest version.

Go to <https://www.gov.wales/changes-school-admission-appeal-arrangements-impact-assessment-html> for the latest version.

Get [information on copyright](#).

Section 8: declaration

Declaration

I am satisfied that the impact of the proposed action has been adequately assessed and recorded.

Name of Senior Responsible Officer / Deputy Director: Emyr Harries

Department: Education Directorate

Date: X January 2023

This document may not be fully accessible.

For more information refer to our [accessibility statement](#).

This document was downloaded from GOV.WALES and may not be the latest version.

Go to <https://www.gov.wales/changes-school-admission-appeal-arrangements-impact-assessment-html> for the latest version.

Get [information on copyright](#).