

**THE EDUCATION (ADMISSION APPEALS ARRANGEMENTS) (WALES)
(CORONAVIRUS) (AMENDMENT)(AMENDMENT) REGULATIONS 2021
CHILDREN'S RIGHTS IMPACT ASSESSMENT**

1. Describe and explain the impact of the proposal on children and young people.

The Education (Admission Appeals Arrangements) (Wales) (Coronavirus) (Amendment) (Amendment) Regulations 2021 amend certain procedural and constitutional requirements that are set out in the Education (Admission Appeals Arrangements) (Wales) 2005 relating to school admission appeals panels until 30 September 2022. The Regulations ensure that school admission appeals are able to take place in 2021 and 2022, despite any practical difficulties or measures in place to limit the spread of Coronavirus.

Currently these measures This includes the current requirement to undertake risk assessments which may determine that appeals may not take place within certain premises and thus restrict the ability for parties to meet in person and guidance on self-isolation, which may cause difficulties in securing sufficient panel members for appeal hearings.

These Regulations follow two sets of Regulations which were in place between May 2020 and January 2021 and January 2021 and September 2021 which similarly amended the School admission Appeal Regulations 2005.

Admission authorities are supportive of an extension to the temporary amendments, suggesting that the flexibility afforded by the temporary amendments is advantageous for both admission authorities, appeal panels and appellants alike.

Although the 2021 Regulations will extend the relaxation of current requirements, they will maintain obligations around natural justice and procedural fairness. The vast majority of the requirements of the School Admission Appeals Code remain appropriate and must still be complied with. We do not propose to remove any of the clerking duties for admission appeals. Clerks carry out a key role in relation to appeal hearings in providing advice on admissions law as well as keeping an accurate record of proceedings and ensuring that the appeal hearing is fair. Clerks must have a good understanding of the law on admissions and must have received appropriate training that includes equality law. This applies equally to appeal hearings held remotely, or determined on the basis of written submissions only.

Where an appeal cannot take place in person, the appeal panel must take steps to ensure that the parties are able to fully present their cases virtually or in writing, and be satisfied that the appeal is capable of being determined fairly and transparently. The amendment to these Regulations seeks to safeguard the interests of parents and children and young people by ensuring that school admission appeals are administered in the fairest and most equitable way possible.

Updated non-statutory guidance will be published alongside the 2021 Regulations which makes clear where the School Admission Appeals Code must be complied

with, as well as reminding appeals panels of their duties to comply with Equality Act 2010.

2. Explain how the proposal is likely to impact on children’s rights.

Any parent (except one whose child has been permanently excluded from two schools) whose child is refused any school place, or young person who is refused a place in a school sixth form, has a statutory right of appeal to an independent appeal panel (this right of appeal does not extend to applications for nursery education). Parents or young people who have had an offer of a place withdrawn also have a right of appeal.

The temporary changes will be welcomed by parents who must continue to have the right of appeal should they not be happy with the school they have been offered. Safeguards have been built into the Regulations to ensure that appellants still have adequate time and notice to lodge appeals, and that their appeals will continue to be heard fairly, as quickly as possible in the circumstances, and in line with the requirements of natural justice.

UNCRC Article	What are the positive or negative impacts of the proposal?	Reasons for your decision (including evidence)	How will you mitigate negative Impacts?
Article 12: respect for the views of the child	<p>The temporary changes will ensure that appeals are able to take place and that the views of the child/young person can be taken into account.</p> <p>Where appeals are unable to take place in person due to Coronavirus, there is a potentially negative impact on children and young people who (themselves or their parents) are unable to attend their appeals panel virtually due to</p>	The Digital Inclusion Framework, published in December 2010, identified those people who were most likely to be digitally excluded.	<p>Provision for the hearing to take place based on written evidence supplied by the appellant. The Clerk to the Appeals Panel is encouraged to engage with the appellants prior to the hearing to understand their requirements and ensure they are able to participate as fully as possible.</p> <p>The Appeals Code provides that parents may be represented by a friend or advisor to speak on their behalf.</p> <p>Parents retain the right to complain about</p>

	<p>being digitally excluded.</p> <p>There is a potential positive impact in allowing appellants to still appear at their hearing, which may not otherwise be possible due to practical implications or measures in place to reduce the spread of coronavirus. This allows parents to present evidence to support their case and ensures that the interests of the child to are considered.</p>		<p>maladministration on the part of the Appeals panel.</p>
<p>Article 28: right to education</p>	<p>The school admission appeals system works effectively ensures a fair process for appeals. Admission appeals panels play a vital role in ensuring a balance between the right of the parents to a full and fair hearing and protecting schools against admitting so many children that it is prejudicial to efficient education or the efficient use of resources.</p> <p>Appeal panels must take into account the general duty of an admission authority to</p>	<p>Our aim is to give admission authorities as much flexibility as possible to manage appeals in a way that best suits local circumstances, while also ensuring parents appealing an admission decision this year are supported and are not disadvantaged by the measures in place to protect public health. Ensuring families are still given their opportunity to appeal against decisions as to where children should attend school contributes to a more</p>	<p>The new regulations will relax current requirements but will maintain obligations around natural justice and procedural fairness. We do not propose to remove any of the clerking duties for admission appeals. Clerks carry out a key role in relation to appeal hearings in providing advice on admissions law as well as keeping an accurate record of proceedings and ensuring that the appeal hearing is fair.</p> <p>Admission authorities are well-versed with</p>

	<p>comply with parental preference.</p>	<p>equal Wales. Ensuring a fair process for admission appeals to take place at this time contributes to children's rights.</p> <p>The temporary changes aim to ensure that appeals can go ahead and ensure that children secure a school place at the earliest opportunity. To delay all appeals would not be fair on parents or children who may have to start at one school and then move to another if their appeal is upheld disrupting their education.</p>	<p>understanding and providing for the needs of families within their locality.</p>
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