

**THE EDUCATION (ADMISSION APPEALS ARRANGEMENTS) (WALES)
(CORONAVIRUS) (AMENDMENT) (AMENDMENT) REGULATIONS 2021
EQUALITY IMPACT ASSESSMENT**

1. Describe and explain the impact of the proposal on people with protected characteristics as described in the Equality Act 2010.

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.

This change is being made to allow admission appeals to continue to be conducted in 2021 and 2022 despite practical difficulties that may be caused by measures in place, to limit the spread of coronavirus. These measures currently include the 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. Also in respect of guidance on self-isolation, which may cause difficulties in securing sufficient panel members for appeal hearings.

The 2021 Regulations are preceded by the Education (Admission Appeals Arrangements) (Wales) (Coronavirus) (Amendment) Regulations 2020 and the Education (Admission Appeals Arrangements) (Wales) Coronavirus (Amendment) Regulations 2020 which amended the same procedural and constitutional requirements that set out in the Education (Admission Appeals Arrangements (Wales) 2005 relating to school admission appeals panels until 30 September 2021. These Regulations were introduced to allow appeals to continue to be conducted despite restrictions in place in response to the Coronavirus pandemic.

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

Although the 2021 Regulations will extend the relaxation of current requirements, the vast majority of the requirements of the School Admission Appeals Code remain appropriate and must still be complied with. The overriding principles governing all appeals continue to be procedural fairness and natural justice. 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.

The appeals panel must comply with the Equality Act 2010 (including section 29). This includes considering an appellant's attendance and representation at the hearing where this involves remote access and the duty to consider any reasonable adjustments that may be needed. The clerk will be responsible for ensuring that any decisions taken in relation to requests for reasonable adjustments are recorded as

part of the appeal record and confirmed with the appellant in writing prior to the appeal hearing.

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 Appeals Code provides that the appellant may be accompanied or represented by a friend, adviser, interpreter or signer who may speak on the appellant's behalf. An independent advocacy service could be used if necessary.

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

This extension to the amendment of the 2005 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.

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 under the Equality Act 2010 and the Public Sector Equalities Duty.

Record of Impacts by protected characteristic:

| Protected characteristic or group | What are the positive or negative impacts of the proposal? | Reasons for your decision (including evidence) | How will you mitigate Impacts? |
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| Age (think about different age groups) | Where appeals panels are unable to meet in person there may be potential negative impacts on older people who may be digitally excluded. | The Digital Inclusion Framework, published in December 2010, identified those people who were most likely to be digitally excluded, including older people. | 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. |

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| | | | <p>As now, the Admissions Appeals Panel must comply with the Equality Act 2010.</p> <p>The Clerk to the Appeals Panel must have received appropriate training including in Equality law. The Clerk is responsible for ensuring compliance with the Equality Act 2010 and the Public Sector Equalities Duty.</p> <p>The Appeals Code provides that the appellant may be accompanied or represented by a friend or adviser, who may speak on the appellant's behalf. An independent advocacy service could be used if necessary.</p> |
| <p>Disability (think about different types of disability)</p> | <p>Where panels are unable to meet in person there may be potential negative impacts on people with hearing or visual impairment.</p> | <p>The Digital Inclusion Framework, published in December 2010, identified those people who were most likely to be digitally excluded, including disabled people.</p> | <p>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>This includes when considering an</p> |

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| | | | <p>appellant's attendance and representation at the hearing where this involves remote access and the duty to consider any reasonable adjustments that may be needed. The clerk will be responsible for ensuring that any decisions taken in relation to requests for reasonable adjustments are recorded as part of the appeal record and confirmed with the appellant in writing prior to the appeal hearing.</p> <p>Admission authorities are well-versed with understanding and providing for the needs of families within their locality, including the provision of BSL, interpreters and appeals papers in alternative formats.</p> <p>The Appeals Code provides that the appellant may be accompanied or represented by a friend, adviser, interpreter or signer who may speak on the appellant's behalf. An independent advocacy</p> |
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| | | | <p>service could be used if necessary.</p> <p>The Clerk to the Appeals Panel is responsible for ensuring compliance with the Equality Act 2010 and the Public Sector Equalities Duty.</p> |
| Gender Reassignment (the act of transitioning and Transgender people) | None. | | |
| Pregnancy and maternity | None. | | |
| Race (include different ethnic minorities, Gypsies and Travellers and Migrants, Asylum seekers and Refugees) | Where panels are unable to meet in person there may be potential negative impacts on people whose first language is not English or Welsh. | The addition of translation services may prove complicated for appeals panels to take place virtually. | <p>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>Admission authorities are well-versed with understanding and providing for the needs of families within their locality, including the provision of translators and</p> |

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| | | | <p>appeals papers in alternative languages.</p> <p>The Appeals Code provides that the appellant may be accompanied or represented by a friend, adviser, interpreter or signer who may speak on the appellant's behalf. An independent advocacy service could be used if necessary.</p> <p>The Appeals Panel must comply with the Equality Act 2010 including section 29 and the Public Sector Equalities Duty.</p> |
| Religion, belief and non-belief | None. | | |
| Sex / Gender | None. | | |
| Sexual orientation (Lesbian, Gay and Bisexual) | None. | | |
| Marriage and civil partnership | None. | | |
| Children and young people | The majority of requirements in the Code continue to | | |

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| <p>up to the age of 18</p> | <p>apply. The appeals process continues to be based on equity and fairness. The changes will allow appeals panels to go ahead during the current restrictions ensuring that children are able to secure a school place as soon as possible</p> | | |
| <p>Low-income households</p> | <p>Where panels are unable to meet in person there may be potential negative impacts on people from low income households who may be digitally excluded.</p> | <p>The Digital Inclusion Framework, published in December 2010, identified those people who were most likely to be digitally excluded, those who live in social housing; those on lower incomes; the unemployed and economically inactive.</p> | <p>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>Where appellants are unable to participate through virtual meeting tools due to lack of IT equipment or access to the internet, a telephone hearing or hearing using written evidence may take place as an alternative.</p> <p>The Clerk to the Appeals Panel is responsible for ensuring compliance with the Equality Act 2010 (including section 29) and the</p> |

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| | | | Public Sector Equalities Duty. |
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| Human Rights | What are the positive or negative impacts of the proposal? | Reasons for your decision (including evidence) | How will you mitigate negative Impacts? |
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| <p>Article 14: Prohibition of Discrimination in respect of these rights and freedoms.</p> | <p>Where panels are unable to meet in person due to the impact of coronavirus, some people may not be able to fully participate in a virtual or telephone hearing.</p> | <p>Some people may be digitally excluded, either because of a protected characteristic, or because they otherwise are unable to access the required tools, such as a computer, telephone or the internet.</p> | <p>The Appeals Panel must comply with the Equality Act 2010 including section 29.</p> <p>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 alternative to appearing at a hearing by video conference or telephone is for the appeals panel to use the evidence submitted by the appellant in support of their case. The Clerk must to contact the appellant to ensure they are content.</p> <p>The Appeals Code provides that the appellant may be accompanied or represented by a</p> |

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| | | | <p>friend, adviser, interpreter or signer who may speak on the appellant's behalf. An independent advocacy service could be used if necessary.</p> <p>Parents retain the right to complain about maladministration on the part of the appeals panel.</p> <p>It is not possible to account for every situation and, given the special circumstances in the light of the current Covid-19 health crisis, we consider this to be the fairest solution.</p> |
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