



25 April 2020

Official Statement

Admissions appeals during the outbreak of Corona Virus 2020

Email to headteachers, admissions authorities within the Archdiocese and for distribution to parents/carers as required
CC Archbishops Council and Trustees

On 23 April 2020, the government laid revised regulations for the conduct of admissions appeals. This is to support the conduct of fair, transparent and open processes when face-to-face appeals panels are impossible under the terms of the COVID-19 lockdown and social distancing. The Archdiocese welcomes this flexible approach. It also acknowledges the likely impact and increase on the workload of clerks to admissions panels, the potential for greater anxiety among appellants and the obvious risks inherent in the approach. Of note here is the requirement to extend the period for submission of an appeal to 28 calendar days from the date of the notification. In these revised regulations, all days are counted as calendar days, **not** school days.

In such circumstances, it is not surprising that the Government recognises that the appeals process may have to extend into July and August this year. The guidance is explicit in stating the intention to get all appeals completed before 1 September 2020, so that pupils have the best chance of settling into school with their peers, whether or not the appeal is successful.

In discussion with a very experienced group of clerks, it is agreed that a one-size-fits-all solution is not appropriate at this time. Rather, the Archdiocese believes that each admissions authority should establish a process that is most likely to work in the local context of the school. The revised regulations clearly discount the use of face-to-face panels. They propose that the most likely method for conducting the panels will be by video conference. They allow for phone conferences to replace the face-to-face element. The decision of which of these methods is to be used is with the appellant. If they are unable to attend the hearing using the technology required, the Panel can decide, as a last resort, to consider the appeal on the paperwork provided. Panels may decide to request further information from the appellant before proceeding to consideration based on the paperwork submitted.

The revised regulations reinforce the role of the clerk in determining locally, the best method for managing the appeals panel process. Please establish as soon as possible, how any admissions appeals are to be handled for your school, by which method, and with what support. There may be a need to provide additional administrative support, help with copying and distribution of paperwork to remote locations for the processes. Most likely will be the need to select and test a technology to facilitate the appeals. We know at the moment, for example, MS Teams can only support four concurrent users on screen at any one time, and that Zoom has been subject to some hacks. We will be endeavouring to ensure all panellists are suitably trained to use whichever conferencing tool becomes the norm for your school.

Given the circumstances, the Archdiocese welcomes the possibility that the admissions authority's Presenting Officer 'may make one submission', shared widely by 'webcast' to all appellants and their authorised 'friends' especially in multiple appeal hearings. Appellants will still have the opportunity to question the Presenting Officer. The Presenting Officer will still be required to attend all hearings. The Archdiocese also notes that panels are required to meet by video conference to determine the outcome of a written appeal, even when the submissions have been made in writing alone

The Archdiocese wishes to take this opportunity, therefore, to draw everyone's attention to the following key principles in the revised guidance:

- 'It is recommended that the clerk contacts appellants as soon as possible to explain the new, temporary arrangements for appeals and to establish whether they have access to the necessary equipment for telephone or video conference. Where possible, the clerk should contact the appellant by telephone.



- Appeal panels must comply with their duties under the Equality Act 2010 when conducting remote access appeals, including when considering an appellant’s attendance and representation at the hearing. This includes a duty to consider any reasonable adjustments that may be needed. It is recommended that the clerk ensures 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’.
- Appeal panels must give due consideration when a request for a deferment to a later date is received from an essential key worker.

See: www.gov.uk/government/publications/school-admissions-appeals-code/changes-to-the-school-admission-appeals-code-regulations-during-the-coronavirus-outbreak#section-1-the-constitution-of-appeal-panels

The Archdiocese also wishes to remind everyone of compliant practice with regards to the, albeit relaxed for the time of the outbreak, requirements of the GDPR and *Keeping Children Safe in Education* (2019).

I know that many of you would look to Keith Burleton at times like this. Keith is currently furloughed. I have, however, had an informal conversation with him on these matters. His insight and wisdom have informed this statement.

Please do not hesitate to get in touch if you need further help and guidance on this matter. I am in regular touch with other Diocesan Schools Commissioners on this and other matters and will feed forward any new information or insight that becomes available.

With every good wish for the work,

Dr Simon Hughes
Director of Education