

The Hearing Process for Appellants – Individual Appeals

1. Introduction

The School Admissions Appeals Code 2012 provides for all parents to be able to have an appeal heard at a face to face hearing if they wish. The Department for Education's response to the challenges of the COVID19 outbreak and the increased risk of transmission is to issue The School Admissions (England) (Coronavirus) (Appeals Arrangements) (Amendment) Regulations 2020, which came into force on 24 April 2020 and will be in place until 31 January 2021.

The Regulations relaxed some of the Code's requirements to enable admission authorities to make arrangements for hearings to be held remotely.

The new Regulations and Wiltshire Council's specific arrangements aim to ensure that:

- parents continue to have the opportunity to challenge and review the decision to refuse admission as fully, transparently, consistently and as fairly as possible;
- Panel Members continue to be able to consider the evidence and information put forward by admission authorities and parents and to ask questions as a part of that consideration; and,
- admission authorities continue to be able to defend their decisions to refuse admission and to present evidence in support of their case.

Arrangements will be unchanged from the current arrangements unless specified and as a consequence of the current circumstances.

Regulatory changes to the Department for Education's School Admissions Appeals Code (2012) came into force on Friday 24 April and relaxed some of the current requirements set out in the Code to enable admission authorities to proceed with hearing their appeals remotely. The School Admissions Appeals Code and DfE guidance on the changes as a result of Coronavirus can be seen online here: <https://www.gov.uk/government/publications/school-admissions-appeals-code>.

The new regulations, which will be in force until 31 January 2021:

- disapply the requirement that appeals panels must be held in person and instead give flexibility for panel hearings to take place either in person, by telephone, video conference or through a paper-based appeal where all parties can make representations in writing;
- relax the rules with regard to what happens if one of the 3 panel members withdraws (temporarily or permanently) to make it permissible for the panel to continue with and conclude the appeal as a panel of 2; and,
- amend the deadlines relating to appeals for the time that the new regulations are in force.

The aim of the legislation is to give admission authorities as much flexibility as possible to manage appeals in a way that best suits local circumstances, whilst also ensuring families

appealing an admission decision are not disadvantaged by the current measures in place due to Covid-19.

2. Prior to the Appeal Hearing

- Please read the Appeal Document Pack so that you are aware of the contents of the documents that will be referred to during the appeal.
- A few days prior to your hearing ensure that you are able to access the “Join Microsoft Teams Meeting” link sent to you via email. You will have been sent a how to join your meeting document along with the email which should guide you in the process. You should be able to get as far as the screen which says, “someone will let you in to the meeting soon”. If you are unable to do this, please email educationappealsadmin@wiltshire.gov.uk at the earliest opportunity.
- Please also review the Preparatory Advice and Meeting Etiquette Guidance contained in your Appeal Document Pack.

3. The Appeal Hearing

- On the day of your appeal hearing, please follow the meeting link in your email promptly at the appointed time. The meeting will have been set up so that you have to wait in a “virtual lobby”. The Clerk of the meeting will receive an alert so will know you are waiting. Please allow sufficient time for the meeting, and some extra time, in case the hearing prior to yours overruns and you have to wait longer than expected. Please do not worry if this is the case, you will be let in to the meeting as close to the appointed start time as possible.
- The hearing will be conducted in private.
- Those present at the hearing will be:
 - The 3 Independent Appeal Panel members, these are trained volunteers and are independent of Wiltshire Council.
 - A representative of the Admissions Authority, usually a member of the Admission Team from Wiltshire Council.
 - A representative from the school. Often, but not always the Headteacher of the school will attend.
 - A Democratic Services Officer, who will act as the Clerk to the panel. The Clerks role is to provide procedural and legal advice to the Panel and to make a record of the proceedings. The Clerk does not take part in the decision-making process.
 - The Appellant(s) (accompanied by someone if agreed).
 - Trainee Panel members and Clerks may be present.

- Any other officer of the Council as appropriate.
- Once everyone is present who should be, the Clerk will:
 - Welcome them to the meeting;
 - Run through a “roll call” of everyone at the meeting to ensure everyone can hear/be heard and see/be seen if using video;
 - Run through the meeting controls in Teams, by sharing their screen;
 - Explain what happens in the event of technical issues (see below);
 - Run through the meeting etiquette
- The Clerk will then hand over to the Chair for the appeal to start.

The Meeting Process

The order of the hearing is as follows:

- case for the admission authority;
- questioning by appellant(s) and panel;
- case for the appellant(s);
- questioning by the admission authority and panel;
- summing up by the admission authority;
- summing up by the appellant(s).

This is described in more detail below:

- The Chair will explain the meeting process.
- The Chair will explain the impartiality and independence of the Panel and that the decision is binding on all parties.
- The Chair will ask the representative of the Admissions Authority to explain the reasons why the appellant was not offered a place at the school of their preference. This is usually called the schools case. If the Headteacher of the school is present, they may add further details.
- The Panel and the Appellant will then have the opportunity to ask questions of the Admissions Authority representative and Headteacher if present. Please hold questions until the presenting officer has finished their submission, to avoid interruptions and talking across each other. Please use the ‘raise your hand’ or chat function within MS Teams to inform the clerk that if you have a question. At this time, questions should be regarding the school’s case.
- A short recess (approximately 10-minutes) will be declared for the Panel to determine whether the school and Admission Authority have made their case. Everyone, apart from the Panel Members and Clerk, will be advised of the time that they should re-join the meeting. To re-join the meeting at that time, use the same link that was used to join the meeting originally. The Clerk will then remove participants from the meeting, so the Panel can make their decision.
- At the appointed time, click on your join meeting link to re-join the meeting. The Clerk will let you in from the virtual lobby.

- If the Admissions Authority have not made their case, the appeal will be upheld, and the appellant will get a place at the school. If they have made their case, then the meeting will continue, and the Appellant will have the opportunity to make their case.
- The Chairman will ask the Appellant or their representative to present their case.
- The representatives of the Admissions Authority and School can ask questions of the Appellant for clarification and information.
- The Panel will then ask questions of the Appellant for clarification and information.
- Both the representative of the Admissions Authority and School, and the Appellant and/or their representative, will be given the opportunity to sum up.
- The Chair will double check that everyone has had the opportunity to say everything they wanted to.
- The representative of the Admissions Authority, the School and the Appellant and/or their representative will be asked to leave the hearing so that the Panel can consider the information and make a decision. The Clerk will advise when you will be contacted with the Panel's decision. The Clerk will remove everyone apart from the Panel and Clerk from the meeting.
- The Clerk to the Panel will remain in the meeting but only to record the proceedings and decision made.

4. Technological Issues

- If you experience technological problems during the meeting, which mean you drop out of the meeting, please try to re-join the meeting straight away by clicking again on the meeting link you were sent.
- If you are unable to join in this way, please use the contact telephone number provided to you prior to the meeting for this eventuality.
- The clerk will then try to dial you in to the meeting so that your hearing can continue.
- If this is unsuccessful then your hearing will be adjourned and re-arranged for as soon as is practicable.

The Decision

1. Each appeal will be considered on its own merits.
2. The decision will take full account of all submissions and information submitted to the panel, the Schools Admissions Policy, the School Admissions Appeals Code 2012 and the School Admissions Code 2014.
3. The Appellant and the representative of the of the Admissions Authority and School will be notified verbally of the decision usually either the day of the Appeal or the day after the Appeal.

They will also be notified in writing as soon as possible and in any event within 7 calendar days of the hearing.

4. If the appeal has been upheld contact will be made by a representative of the Admissions Authority or the School to make the necessary arrangements.
5. There is no right of appeal against the decision of the panel.

Please note that these documents are intended as a guide and procedures may be subject to slight changes.