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Guidance

Changes to school admission appeals due to coronavirus

Updated 21 January 2021

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We have laid new regulations which extend the provisions detailed in the guidance until the 30 September 2021.

The new regulations come into force on 31 January 2021, subject to parliamentary procedure. We will update this guidance as soon as possible.

Due to coronavirus (COVID-19) restrictions we have made changes to the way admission authorities (school governing bodies, local authorities and academy trusts depending on the type of school) carry out admission appeals this year.

The [new regulations temporarily amend the 2012 Appeals Regulations](#) and give admission authorities, local authorities and admission appeal panels more flexibility when dealing with appeals during the COVID-19 outbreak.

The accompanying [guidance on changes to the admission appeals regulations](#) is non-statutory and is aimed at supporting all of those who have a duty to act in accordance with the [School Admission Appeals Code](#).

Our aim is to:

- give admission authorities as much flexibility as possible to manage appeals in a way that best suits local circumstances
- ensure families appealing an admission decision this year are supported and are not disadvantaged by the measures in place to protect public health

Important dates

The regulatory changes came into force on 24 April 2020 and will remain in force until 31 January 2021.

The changes mean:

- admission authorities will have sufficient time to deal with the annual peak in appeals for children due to start new schools at the beginning of September 2020
- parents will continue to have the right to appeal to any school which has refused their child a place

Summary of changes

The new regulations:

- 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
- amend the deadlines relating to appeals for the time that the new regulations are in force

Changes to appeal deadlines

The new regulations provide more flexibility for admission authorities to set new or revised deadlines for submitting an appeal.

Our amendments to deadlines will ensure that appellants will be given:

- at least 28 calendar days' written notice of a new appeal deadline
- at least 14 calendar days' written notice of an appeal hearing (although appellants can waive their right to this)

All deadlines for the hearing of appeals must be as soon as reasonably practicable.

Decision letters should be sent within 7 calendar days of the hearing, wherever possible.

Maintaining fairness in the appeals process

The new regulations relax current requirements but will maintain obligations around natural justice and procedural fairness.

We are not relaxing any of the clerking duties for admission appeals. Clerks carry out a key role in relation to appeal hearings and provide advice on admissions law as well as keeping an accurate record of proceedings. Our [accompanying guidance also reinforces the importance of training for panel members](#), following correct procedure and ensuring fairness.

Maladministration complaints

Parents can continue to lodge a complaint if they have evidence of maladministration.

We are not relaxing any of the requirements set out under Section 5 of the [School Admissions Appeals Code](#) which covers complaints about appeals.

Early suspension of changes

The regulations are subject to review, and we can amend legislation to bring forward the date on which they end, if they are no longer required.

Transitional provision means the new regulations will continue to apply to appeals that are already underway but which have not yet concluded on or before 31 January 2021.

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