



Llywodraeth Cymru
Welsh Government

PUBLICATION

Changes to school admission appeal arrangements: children's rights impact assessment

A children's rights impact assessment of changes to school admission appeal arrangements

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Children's rights impact assessment

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

We are consulting on proposed changes to the School Admissions Appeals Code and the Education (Admission Appeal Arrangements) (Wales) Regulations 2005 to include an option for holding appeal hearings remotely as well as in person. The proposal makes permanent with appropriate adaptations temporary arrangements put in place in response to the Coronavirus pandemic. A survey of local authorities which are the admission authorities for the majority of schools in Wales suggests that these arrangements worked well and resulted in savings in time and costs for admission authorities, appeal panels and parents alike.

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

The proposals will not impact children's rights. Parents have a right to express a preference in any school they would like their child to attend and where there are places the admission authority must usually offer them a place. Parents whose child is refused a school place, or young people refused a place in a school sixth form, have a statutory right of appeal to an independent appeal panel. Appellants, including young people, refused a place in a school sixth form retain the right to make oral representations at their appeal. The changes we propose have no effect on this.

The school admission appeals process is predicated on natural justice and procedural fairness. Where an admission authority decides to hold an appeal remotely, they must take steps to ensure that the parties are able to fully present their cases remotely and be satisfied that the appeal is capable of being

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determined fairly and transparently.

Clerks will continue to 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 in person.

The proposed amendments to the Appeals Code and the 2005 Regulations will continue 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.

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	There is a potentially a negative impact on children and young people who (themselves or their parents) are unable to take part in their appeal	Regardless of the forum chosen, for example, whether face to face or remotely, appeal panels must allow appellants the opportunity to make oral representations and to clarify their written appeal.	The admission authority will have discretion to decide whether appeals are held face to face, remotely or a mixture of both. Where an admission authority decides to hold an appeal remotely, they must take steps to ensure that the parties are able to fully present their cases remotely, and be satisfied that the appeal is capable of being determined fairly and transparently.

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UNCRC Article	What are the positive or negative impacts of the proposal?	Reasons for your decision (including evidence)	How will you mitigate negative Impacts?
	remotely due to being digitally excluded.	<p>The results of our survey of local authority school admission officers suggests that appellants may feel more comfortable undertaking an appeal remotely in their own home.</p> <p>The Appeals Code provides that parents may be represented by a friend or advisor. The Digital Inclusion Framework, published in December 2010, identified those people who were most likely to be digitally excluded.</p>	<p>Clerks will continue to 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 in person.</p> <p>The Clerk to the Appeals Panel should engage with the appellants prior to the hearing to understand their requirements and ensure they are able to participate as fully as possible.</p>
Article 28: right to education	There is no impact on a child's right to education. Efficient use of resources.	Parents have a right to appeal a decision by an admission authority to refuse admission of their	The proposed amendments to the Appeals Code and the 2005 regulations will provide flexibility in the format of hearing appeals but will maintain obligations around natural

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UNCRC Article	What are the positive or negative impacts of the proposal?	Reasons for your decision (including evidence)	How will you mitigate negative Impacts?
		<p>child. Young People have a right to appeal a decision to refuse admission to a school sixth form.</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 and young people appealing an admission decision are supported and that the appeals process is fair and transparent.</p>	<p>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 understanding and providing for the needs of families within their locality.</p>

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