



Government consultation on changes to the School Admission Appeals Code

Response of the Association of School and College Leaders

A. Introduction

- 1 The Association of School and College Leaders (ASCL) represents over 21,500 education system leaders, heads, principals, deputies, vice-principals, assistant heads, business managers and other senior staff of state-funded and independent schools and colleges throughout the UK. ASCL members are responsible for the education of more than four million young people in more than 90 per cent of the secondary and tertiary phases, and in a rapidly increasing proportion of the primary phase. This places the association in a strong position to consider this issue from the viewpoint of the leaders of schools and colleges of all types.
- 2 ASCL welcomes the opportunity to respond to this consultation. We note that the government is only seeking views at this time on the specific proposed changes within this consultation, and not on any wider issues in relation to school admission appeals.

B. Response to questions

Question 1.1: Do you agree that admission authorities should have flexibility to allow a panel of two to continue hearing and making decisions on appeals in the event the third member has to withdraw either before or part way through an appeal or group of appeals?

- 3 Yes.

Question 1.2: Do you believe that allowing a panel of two to continue hearing and making decisions on appeals is beneficial and means that appeal hearings can continue without unreasonable delay?

- 4 Yes.

Question 1.3: In circumstances where a panel member has to withdraw, do you believe that the appeal(s) will continue to be heard in a fair and transparent way by the two remaining panel members, even if this means both members are either lay people or people with an education background?

- 5 Yes. However, thought needs to be given to what would happen with a panel of only two members if they have different views on whether to uphold or reject an appeal. Would this mean that a decision could not be reached?

Question 1.4: Do you believe that this flexibility should only be permitted where either postponing or rearranging the appeal(s) would cause unreasonable delay to the determination of the appeal?

6 Yes. ASCL supports any changes that ensure the quickest and fairest outcomes for children and young people.

Question 2.1: Do you agree that the Appeals Code should include an option for holding appeals remotely?

7 Yes.

Question 2.2: Do you believe the following formats allow for a fair and transparent appeal hearing?

8 Face to face – Yes.

9 Remote (telephone) – Yes.

10 Remote (video conference) – Yes.

11 Written submission – Yes.

Question 2.3: Do you agree that admission authorities should make the decision on whether to offer appeal hearings in person, remotely or a choice to attendees of either?

12 Yes.

Question 2.4: Do you agree that appeals should only be considered on the basis of the written evidence submitted where either:

a) The presenting officer does not attend and the appeal panel is satisfied that it can resolve the case by using evidence submitted by the admission authority if the appellant will not be disadvantaged in doing so; or

b) The appellant fails or is unable to attend and it is impractical to offer an alternative date?

13 Presenting officer – Yes.

14 Appellant – Yes.

Question 2.5: Do you believe that hybrid appeal hearings should be an option? By 'hybrid' we mean where one or more participants join remotely (by video and/or telephone) and one or more attend in person.

15 Yes.

Question 2.6: Do you believe that a hybrid appeal hearing can be conducted in a fair and transparent way which enables the appellant and presenting officer an opportunity to present their case?

16 Yes.

Question 3.1: The purpose of the minor technical drafting changes, as set out in Annex A, is mainly to update references to legislation, Codes and departmental names. Please provide any comments you have on the proposed changes.

17 No comments.

Question 4.1: Do you have any comments about the potential impact of our proposals on individuals on the basis of their protected characteristics? Please provide any comments you have.

18 No comments.

Question 4.6 (for schools): Do you believe the proposed Appeals Code will result in any new operational burdens for schools? If yes, please explain why and what these burdens may be.

19 No.

Question 4.7 (for schools): Do you believe the proposed Appeals Code will result in any new costs for schools? If yes, please explain why and what estimation can be made of these additional costs. This may include, for example: organisational, staffing, venue and technology.

20 No.

Question 4.8 (for schools): Do you believe the proposed Appeals Code will result in any reduced operational burdens for schools? If yes, please explain why and what burdens will be reduced.

21 No.

Question 4.9 (for schools): Do you believe the proposed Appeals Code will result in any savings for schools? If yes, please explain why and what estimation can be made of these additional savings. This may include, for example: organisational, staffing, venue and technology.

22 No.

C. Conclusion

23 We are grateful for the opportunity to contribute to this consultation.

24 We hope that this response is of value to the process. ASCL is willing to be further consulted and to assist in any way that it can.

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