

Changes to local authority powers and duties resulting from Coronavirus Regulations 2020: School admissions

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Introduction

This is a guide to the provisions of the **School Admissions (England) (Coronavirus) (Appeals Arrangements) (Amendment) Regulations** and to new, modified or suspended local government powers and duties applicable to councils in England only. **It is a guide and not legal advice.** If you are unsure or have any concerns about the meaning or applicability of the Act, or any of the provisions made under the Act, you should seek your own detailed legal advice.

Information in this document can also be downloaded as a [Comma Separated Variables \(CSV\) spreadsheet](#).

New duties

Function(s): Education and learning – Schools – School admissions

School admission appeals – withdrawal of panel chair due to Coronavirus

Where a member of an appeals panel has to withdraw due to Coronavirus, and the member withdrawing is the panel Chair, the admission authority must appoint (or arrange for the clerk to the appeal panel to appoint) one of the remaining members of the panel as the Chair.

Legislation: [Section 11 of the The School Admissions \(England\) \(Coronavirus\) \(Appeals Arrangements\) \(Amendment\) Regulations 2020](#)

Notes:

Applies in: England

Applies to: county council, district council, London borough, metropolitan council, unitary authority and the common council of the City of London

School admission appeals - deadlines for appeal submission

Where the admission authority or local authority sends an admission decision the deadline for an appeal specified in that admission decision must be:

- (a) at least 28 days from the date of the notification of the admission decision, and
- (b) expressed by reference to a fixed date or a number of calendar days.

Legislation: [Section 11 of the The School Admissions \(England\) \(Coronavirus\) \(Appeals Arrangements\) \(Amendment\) Regulations 2020](#)

Notes:

Applies in: England

Applies to: county council, district council, London borough, metropolitan council, unitary authority and the common council of the City of London

School admission appeals – review of appeal deadline

In respect of an admission decision sent after 28 February 2020 which contains a deadline for an appeal that is not in accordance with the requirements of these regulations the admission authority must review the existing deadline for the appeal.

Legislation: [Section 11 of the The School Admissions \(England\) \(Coronavirus\) \(Appeals Arrangements\) \(Amendment\) Regulations 2020](#)

Notes:

Applies in: England

Applies to: county council, district council, London borough, metropolitan council, unitary authority and the common council of the City of London

School admission appeals – conditions for appeal deadline

Where the admissions authority must review the existing deadline for an appeal and, where the conditions in sub-paragraph (3) are satisfied, the authority must set a new deadline for the appeal which must be:

- (a) at least 28 days from the date of the notification of the new deadline, and
- (b) expressed by reference to a fixed date or a number of calendar days.

(3) The conditions are that:

- (a) no appeal has already been lodged in response to the admission decision
- (b) the existing deadline refers to school days, or the admission authority otherwise considers that the existing deadline is unclear in all the circumstances; and
- (c) the existing deadline has not already expired.

Legislation: [Section 11 of the The School Admissions \(England\) \(Coronavirus\) \(Appeals Arrangements\) \(Amendment\) Regulations 2020](#)

Notes:

Applies in: England

Applies to: county council, district council, London borough, metropolitan council, unitary authority and the common council of the City of London

School admission appeals – notification of revised deadline

Where a new deadline has been set in accordance with these regulations, notification of the new deadline must be sent to the recipient of the original admission decision within 28 days of 24th April 2020 or seven days from the date of an admission decision which does not comply with the requirements of these regulations, whichever is later.

(5) The notification of the new deadline must be sent by:

- (a) the admission authority where that admission authority sent the relevant admission decision, or
- (b) the local authority where that authority sent the relevant admission decision on behalf of another admission authority.

(6) The requirement in sub-paragraph (5)(b) only applies once the local authority has been informed of the new deadline by the relevant admission authority.

Legislation: [Section 11 of the The School Admissions \(England\) \(Coronavirus\) \(Appeals Arrangements\) \(Amendment\) Regulations 2020](#)

Notes:

Applies in: England

Applies to: county council, district council, London borough, metropolitan council, unitary authority and the common council of the City of London

School admission appeals – notification to appellant of appeal

The admission authority must provide appellants with at least 14 days' written notice of an appeal hearing.

Legislation: [Section 11 of the The School Admissions \(England\) \(Coronavirus\) \(Appeals Arrangements\) \(Amendment\) Regulations 2020](#)

Notes:

Applies in: England

Applies to: county council, district council, London borough, metropolitan council, unitary authority and the common council of the City of London

School admission appeals – issue of decision letter

An appeal panel must send decision letters on appeals to the parties within seven days of the hearing, or finalisation of the determination of the appeal, wherever possible.

Legislation: [Section 11 of the The School Admissions \(England\) \(Coronavirus\) \(Appeals Arrangements\) \(Amendment\) Regulations 2020](#)

Notes:

Applies in: England

Applies to: county council, district council, London borough, metropolitan council, unitary authority and the common council of the City of London

School admission appeals – appeal hearing and decision timing

All appeals which have been lodged, whether in time or not, must be heard and determined by an appeal panel as soon as reasonably practicable.

Legislation: [Section 11 of the The School Admissions \(England\) \(Coronavirus\) \(Appeals Arrangements\) \(Amendment\) Regulations 2020](#)

Notes:

Applies in: England

Applies to: county council, district council, London borough, metropolitan council, unitary authority and the common council of the City of London

School admission appeals – appeals regarding excluded children

Where the governing body of a school receives a written decision to admit to the school a child to whom, at the time when the decision is made section 87(2) of SSFA 1998 applies, any appeal must be made within 21 days from:

- (a) the date of notification of the decision where that date is on or after 24 April 2020; or
- (b) the 24 April 2020 where:
 - (i) the decision was notified before 24 April 2020,
 - (ii) no appeal has been lodged in response to the decision before 24 April 2020, and
 - (iii) an existing appeal deadline relevant to the decision has not already expired before 24 April 2020.

Legislation: [Section 11 of the The School Admissions \(England\) \(Coronavirus\) \(Appeals Arrangements\) \(Amendment\) Regulations 2020](#)

Notes:

Applies in: England

Applies to: county council, district council, London borough, metropolitan council, unitary authority and the common council of the City of London

School admission appeals – decision regarding excluded children

All appeal hearings concerning excluded children must be held, and appeals determined, as soon as reasonably practicable.

Legislation: [Section 11 of the The School Admissions \(England\) \(Coronavirus\) \(Appeals Arrangements\) \(Amendment\) Regulations 2020](#)

Notes:

Applies in: England

Applies to: County council, district council, London borough, metropolitan council, unitary authority and the common council of the City of London

New powers

Function(s): Education and learning – Schools – School admissions

School admission appeals –withdrawal of panel members due to Coronavirus

Where one or more members of an appeal panel has to withdraw from membership of the panel as a result of a coronavirus exception, the appeal panel may continue to consider and determine the appeal provided there remains a panel of at least two members, regardless of whether those members meet the requirements of paragraph 1(2) of Schedule 1.

Legislation: [Section 11 of the The School Admissions \(England\) \(Coronavirus\) \(Appeals Arrangements\) \(Amendment\) Regulations 2020](#)

Notes:

Applies in: England

Applies to: county council, district council, London borough, metropolitan council, unitary authority and the common council of the City of London

School admission appeals – remote appeal hearings

An appeal panel may decide to hold an appeal hearing using remote access provided:

- (a) the parties are able to present fully their case;
- (b) each participant has access to the electronic means to allow them to hear and be heard and (where using a live video link) see and be seen, throughout the appeal hearing; and
- (c) the panel considers that the appeal is capable of being heard fairly and transparently.

Legislation: [Section 11 of the The School Admissions \(England\) \(Coronavirus\) \(Appeals Arrangements\) \(Amendment\) Regulations 2020](#)

Notes:

Applies in: England

Applies to: county council, district council, London borough, metropolitan council, unitary authority and the common council of the City of London

School admission appeals – decision based on written evidence

Where any of the conditions prescribed with regard to remote appeal hearings are not met, an appeal panel may make their decision on the appeal based on the written information submitted.

- (3) Where a decision is to be made on written evidence the appeal panel must ensure that the parties are able to present fully their case, in order for the panel to make a decision on the appeal which is fair and transparent.

Legislation: [Section 11 of the The School Admissions \(England\) \(Coronavirus\) \(Appeals Arrangements\) \(Amendment\) Regulations 2020](#)

Notes:

Applies in: England

Applies to: county council, district council, London borough, metropolitan council, unitary authority and the common council of the City of London

School admission appeals – revised deadline for submission of documents

The admission authority may set new or revised reasonable deadlines for:

- (a) an appellant to submit additional evidence;
- (b) the admission authority to submit their evidence; and
- (c) the clerk to send relevant appeal papers to the appeal panel and the parties.

Legislation: [Section 11 of the The School Admissions \(England\) \(Coronavirus\) \(Appeals Arrangements\) \(Amendment\) Regulations 2020](#)

Notes:

Applies in: England

Applies to: county council, district council, London borough, metropolitan council, unitary authority and the common council of the City of London

Revised duties

Schools – admissions appeals

A local authority must constitute an appeal panel as prescribed for appeals brought under the School Standards and Framework Act 1998.

Legislation: [School Admissions \(Appeals Arrangements\) \(England\) Regulations 2012/9](#)

Notes: Details of appeal and decision arrangements have been modified in England by the School Admissions (England) (Coronavirus) (Appeals Arrangements) (Amendment) Regulations 2020. Enabled by School Standards and Framework Act 1998

Applies in: England

Applies to: county council, district council, London borough, metropolitan council, unitary authority and the common council of the City of London

Education – admissions appeal arrangements

A local authority shall make arrangements for admissions appeals.

Legislation: [Section 94 of the School Standards and Framework Act 1998](#)

Notes: Regulations and details of arrangements have been revised in England as a result of the School Admissions (England) (Coronavirus) (Appeals Arrangements) (Amendment) Regulations 2020. See also sections 95 to 95A of the School Standards and Framework Act 1998 and SIs 2005/1398 (as amended), 2007/105 and 2012/9

Applies in: England

Applies to: county council, district council, London borough, metropolitan council, unitary authority and the common council of the City of London.