
Ymateb i Ymgynghoriad / Consultation Response

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Pwnc / Subject:	Changes to school admission appeal arrangements

Background information about Estyn

Estyn is the Office of Her Majesty's Inspectorate for Education and Training in Wales. As a Crown body, we are independent of the Welsh Government.

Our principal aim is to raise the standards and quality education and training in Wales. This is primarily set out in the Tertiary Education and Research Act 2022 and the Education Act 2005. In exercising its functions, we must give regard to the:

- Quality of education and training in Wales;
- Extent to which education and training meets the needs of learners;
- Educational standards achieved by education and training providers in Wales;
- Quality of leadership and management of those education and training providers;
- Spiritual, moral, social and cultural development of learners; and,
- Contribution made to the well-being of learners.

Our remit includes (but is not exclusive to) nurseries and non-maintained settings, primary schools, all age schools, secondary schools, independent schools, pupil referrals units, further education, adult community learning, local government education services, work-based learning, and initial teacher training.

We may give advice to the Welsh Parliament on any matter connected to education and training in Wales. To achieve excellence for learners, we have set three strategic objectives:

- Provide accountability to service users on the quality and standards of education and training in Wales;
- Inform the development of national policy by the Welsh Government;
- Build capacity for improvement of the education and training system in Wales.

This response is not confidential.

Response

Introduction

Our overall position is that whilst we would support the changes suggested, we would not want any groups to suffer or be at a disadvantage from the proposed changes. An example of this could be low-income families who may not have access to suitable technology to enable them to participate in the remote appeals process. Suitable provision should be made for these families. In addition, families for whom English or Welsh is an additional language should have access to interpreting/translation facilities to enable them to understand and access the whole appeals process. This provision should be made to guide them through the whole process and not only at the appeal hearing as it seems is currently the case.

Consultation questions

Question 1 – Do you agree that the 2005 Regulations and the School Admission Appeals Code should include an option for holding appeals remotely?

Agree	<input checked="" type="checkbox"/>	Disagree	<input type="checkbox"/>	Neither agree nor disagree	<input type="checkbox"/>
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If you disagree, please suggest alternative proposals or provide further feedback.

Supporting comments

We support the fact that there should be an option for holding appeals remotely. Local authorities have fed back to the Welsh Government that these temporary arrangements have had benefits in terms of time and cost savings. Feedback by parents to local authorities also appear to support the proposal. It would be useful to consider the evidence directly from parents on their views on these arrangements through this consultation, although this may be quite limited because the target audience mentioned in the draft revised code does not include parents or appellants.

We agree that this could support improved representation at these hearings

Question 2 – Do you agree the following formats allow for a fair and transparent appeal hearing?

Format	Agree	Disagree	Neither agree nor disagree
Face to face	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Remote (telephone)	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Remote (video conference)	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Written submission	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Supporting comments

Face to face and video conferencing can allow parents to represent their views more accurately. Facial, emotional, and verbal cues can often convey messages that are missed using other formats. Telephone and written submissions would be useful as an alternative option when face to face and video conference is not possible due to parents' circumstances.

Question 3i – Do you agree that admission authorities should make the decision on whether to offer appeal hearings in person, remotely or give a choice to attendees for either?

Agree	<input type="checkbox"/>	Disagree	<input checked="" type="checkbox"/>	Neither agree nor disagree	<input type="checkbox"/>
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If you disagree, please suggest who should make the decision.

Supporting comments

As the choice of school is an extremely important one for parents, we believe that parents should make the decision on whether the appeal hearings should be held face to face or remotely. In addition, it is our view that the date of the appeal hearing should be negotiated with parents so that they can make the necessary arrangements to attend and ensure that they are able take a friend, family member or someone else for support at the hearing if they need to. An interpreter should also be made available if requested by parents. We believe that this will provide a consistent approach across admission authorities.

Question 3ii – What factors should be taken into account in reaching this decision?

The admission authorities should ensure close liaison with parents to ensure that their choice of appeal hearing is met and that parents have the necessary technology available to them if the hearing is to be conducted remotely. Parents should not be disadvantaged if they do not have the necessary equipment to undertake the session remotely and consideration should be given as to how they could access suitable equipment on a temporary/loan basis.

Question 4 – Do you agree that appeals held entirely by telephone should be limited to where video conferencing cannot be used for reasons relating to connectivity or accessibility, and only if the appellant and presenting officer both agree?

Agree	<input type="checkbox"/>	Disagree	<input checked="" type="checkbox"/>	Neither agree nor disagree	<input type="checkbox"/>
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Supporting comments

Before considering holding appeals entirely by telephone, the admission authorities should consider how they can ensure suitable accessibility for parents who would prefer video conferencing but do not have the necessary technology or connectivity to enable them to do so. For example, during the pandemic many schools loaned laptops and mobile internet devices to parents from low-income households to ensure that they were not disadvantaged in relation to their children’s education and to help reduce the impact of poverty on these families.

Question 5 – 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?

Agree	<input type="checkbox"/>	Disagree	<input checked="" type="checkbox"/>	Neither agree nor disagree	<input type="checkbox"/>
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or

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

Agree	<input type="checkbox"/>	Disagree	<input checked="" type="checkbox"/>	Neither agree nor disagree	<input type="checkbox"/>
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Supporting comments

The consultation document should define clearly what is meant by “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”. If it means that the appeal will be successful, based on the written evidence then this needs to be said clearly. If not, then the document needs to outline exactly how the appellant will not be disadvantaged.

If an appellant fails to attend, consideration should be given as to the reasons for the non-attendance. Other issues such as health or family emergencies can sometimes take priority over attending a meeting. The consultation document also needs to define more clearly what is meant by it being “impractical to offer an alternative date”. For example, who is it impractical for? An alternative date should, within reason, be negotiated with the appellant to make sure that it is not impractical.

Question 6 – Do you agree that hybrid appeal hearings should be an option? (By ‘hybrid’ we mean where one or more participants join remotely, by video conference or telephone, and one or more attend in person.)

Agree	✓	Disagree	<input type="checkbox"/>	Neither agree nor disagree	<input type="checkbox"/>
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Supporting comments

We would agree that hybrid appeal hearings should be an option and consideration should be given as to how the appellant could be supported so that they are not disadvantaged in any way, for example if the appellant does not have access to suitable video conferencing facilities.

Question 7 – Do you agree that hybrid appeal hearings can be conducted in a fair and transparent way which enables the appellant and presenting officer an opportunity to present their case?

Agree	✓	Disagree	<input type="checkbox"/>	Neither agree nor disagree	<input type="checkbox"/>
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Supporting comments

We agree with this subject to our supporting comments for question 6 above.

Question 8 (for local authorities) – Do you agree the proposed Appeals Code will result in new costs/savings for local authorities?

Agree	<input type="checkbox"/>	Disagree	<input type="checkbox"/>	Neither agree nor disagree	<input type="checkbox"/>
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Please explain why and what estimation can be made of these additional costs/savings – this may include, for example, organisational, staffing, venue, travel and technology costs/savings.

Supporting comments

Question 9 (for schools) – Do you agree the proposed Appeals Code will result in any costs/savings for schools?

Agree	<input type="checkbox"/>	Disagree	<input type="checkbox"/>	Neither agree nor disagree	<input type="checkbox"/>
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Please explain why and what estimation can be made of these additional costs/savings – this may include, for example, organisational, staffing, venue, travel and technology costs/savings.

Supporting comments

Question 10 – Minor technical drafting changes will also be made to ensure the Appeals Code is up to date – these include changes to legislation, other educational codes of practice and departmental names. Please provide any comments you have on the proposed changes.

Supporting comments

We would have no issues with minor technical drafting changes that have little or no impact on the overall school admission appeals code.

Question 11 – We would like to know your views on the effects that the proposal to allow appeal hearings to be held remotely or in person would have on the Welsh language, specifically on opportunities for people to use Welsh and on treating the Welsh language no less favourably than English.

What effects do you think there would be? How could positive effects be increased, or negative effects be mitigated?

Supporting comments

It should be an expectation to all involved that there is the option to hold appeal hearings remotely or in person in Welsh should the appellant wish. Also, this expectation should be communicated clearly and in such a way that those participating in the hearing can opt for either language in a non-discriminatory or biased way.

Question 12 – Please also explain how you believe the proposed policy to allow appeal hearings to be held remotely or in person could be formulated or changed so as to have positive effects or increased positive effects on opportunities for people to use the Welsh language and on treating the Welsh language no less favourably than the English language, and no adverse effects on opportunities for people to use the Welsh language and on treating the Welsh language no less favourably than the English language.

Supporting comments

The admission appeals documents should make it clear that any communication including appeals, whether remotely or in person can be through the medium of Welsh or English.

Suitable translation and interpreting facilities should be provided to ensure that this can happen.

Question 13 – We have asked a number of specific questions. If you have any related issues which we have not specifically addressed, please use this space to report them:

We have concerns that the impact assessment does not appear to have considered how this proposal might affect those who are from lower income households, nor has it explicitly considered those with protected characteristics, for example from minority ethnic backgrounds or those who may not have English or Welsh as their first language.

Responses to consultations are likely to be made public, on the internet or in a report. If you would prefer your response to remain anonymous, please tick here: