



Admission Appeal Protocols during the Coronavirus Pandemic

The coronavirus outbreak has inevitably impacted the admission appeals process in 2020 and 2021 and Marling School is unable to carry out admission appeals in the usual way. The Department for Education has put some temporary regulations in place, which remain in force until 30 September 2021 - *The School Admissions (England) (Coronavirus) (Appeals Arrangements) (Amendment) Regulations 2021*. This allows admission authorities as much flexibility as possible to manage appeals in a way that best suits local circumstances. It is unlikely that Marling School will be able to hold appeal hearings in person in 2021 and that the best way forwards for us is to hold our appeals using the video conferencing package ZOOM. This will enable Marling School to carry out our appeals in accordance with the temporary regulations whilst maintaining our obligations around natural justice with procedural fairness in the appeals process for Marling School this year.

1. Constitution of appeal panels

The requirements for the membership of an appeal panel remains the same. The admission authority must appoint an independent appeal panel comprising of a chair and two other people. The panel must consist of at least one lay person, and one person with experience in education, who is acquainted with educational conditions in the local authority area, or who are parents of registered pupils at school.

Under the temporary regulations, however, if one of the 3 panel members withdraws (either temporarily or permanently) from a panel for a reason relating to the incidence or transmission of coronavirus (COVID-19), it is permissible for the panel to continue and conclude the appeals as a panel of 2, irrespective of the background of those members, one of whom will be designated the chairperson and will have the casting vote.

2. Prior to the Appeal Hearing

The appellant will be notified by email of the date for their appeal hearing, which will take place through Zoom. Appellants, under the temporary regulations, will be given at least 14 calendar days' written notice of an appeal hearing, although appellants can waive their right to this.

The email that will be received by appellants will include the following information:

- The date and time of the hearing;
- The names of the panel members;
- Instructions on how to join the hearing through Zoom.

Where an appellant cannot access the required equipment to take part in the appeal or an interpreter is required for the virtual appeal hearing, please contact the school's Admissions Officer to inform the school as soon as possible on admissions@marling.school.

Where an appellant is unable to join the hearing on the day, the panel will proceed with the hearing in the absence of the appellant, and a decision will be made by the panel based on any written submissions provided.



3. During the Appeal Hearing

Appellants can enter the virtual hearing by clicking the link provided in the joining email. The appellant should click on the meeting link approximately 5 minutes before the hearing is due to start. You will be held in the virtual 'waiting room' until the clerk and panel are ready to start the meeting. We will have your contact mobile phone number to hand, should it be necessary to contact you on the day of the hearing. Please be aware that should the hearing preceding yours overrun, you will not be able to access the virtual 'waiting room' until the previous hearing has been 'unlocked'. As soon as this happens, you will gain access to the 'waiting room'.

If you experience problems joining the hearing please follow the instructions in the joining email.

At the start of the hearing the clerk will introduce the parties, and ensure that the appellants are aware of the order of procedure for the hearing and are comfortable with the meeting etiquette as detailed below:

3.1 Appeal Hearing Order of Procedure:

- The school's presenting officer to present the school's case
- The panel and appellant to ask questions of the presenting officer
- The appellant to present their case for appeal
- The panel and presenting officer to ask questions of the appellant
- The presenting officer to summarise their case
- The appellant to summarise their case
- The presenting officer and appellant to be asked to leave the virtual meeting
- Please note: no decisions will be made until all appeal cases have been heard.

3.2 Virtual Meeting Etiquette

It is important that the following meeting etiquette tips are adhered to by all parties:

- Only those participating in the appeal should be present in the room. Do not have other household members in the same room, unless they are contributing to the appeal hearing.
- Only speak when invited to do so by the chair of the panel. Both the appellant and the school's presenting officer will be asked if they have any questions/comments throughout the process. Please speak clearly.
- Due to the General Data Protection Regulation (GDPR), appeal hearings **must not** be recorded for individual personal use or for sharing in any format by the Admissions Authority, Appellants, Appeal Clerk or any member of the Appeal Panel. Failure to comply with this will result in a formal complaint to the Data Commissioner.

4. Outcome of Appeal Hearings

In accordance with the Department for Education's temporary regulations, decision letters should be sent within **7 calendar days** of the date of the final hearing, wherever possible. The Appeal Clerk will email the decision letters to all appellants, in order to distribute them as quickly as possible. All decision letters will be distributed on the same day.