

## A new School Admission Appeals Code for 2022

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29 July 2022

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The changes are limited but do provide greater flexibility in how appeals are heard for admission authorities. The Code builds upon the approach taken by the DfE in the amendments brought in during the pandemic that allowed appeal hearings to be undertaken virtually by video, telephone or as a last resort, on the papers.

### Virtual hearings to continue

In early 2022, the DfE consulted on changes to the admission appeal arrangements and 93% of respondents were in favour of virtual hearings being allowed to continue following the expiry of the Covid-19 amendment regulations.

The Code now allows appeals to be heard either at a physical hearing, remotely or by a combination of the two. Where appeal hearings are held remotely, admission authorities must be satisfied that:

- the appeal is capable of being heard fairly and transparently
- the parties will be able to present their cases fully
- each participant has access to video or telephone facilities allowing them to engage in the hearing at all times

The clear presumption in the Code is that remote hearings should be by video and telephone hearings only to be used as a back-up option where there are accessibility or connectivity issues. Paper-based hearings are not permitted under the Code.

It is important that admission authorities understand these changes and adapt their operations accordingly.

Where the admission authority purchases an appeals service, it remains important for the authority to understand the changes and ensure that their service provider implements the changes in accordance with the Code. Recent Ombudsman decisions have confirmed that even where a service provider is engaged, the admission authority remains responsible for compliance with the Code's requirements.

Should you require advice or assistance on any aspect of admissions or appeals, please contact Richard Freeth on [Richard.freeth@brownejacobson.com](mailto:Richard.freeth@brownejacobson.com) or 0121 237 3961. Alternatively, you can [find out more about our admissions appeals support services here](#).

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