



Department  
for Education

# **Changes to the School Admission Appeals Code**

**Government consultation**

**Launch date 7 February 2022**

**Respond by 3 April 2022**

# Contents

Introduction	3
Who this is for	5
Issue date	5
Enquiries	6
Additional copies	6
The response	6
About this consultation	7
Respond online	7
Other ways to respond	8
Deadline	8
Section 1: Constitution of appeal panels - membership	9
Background	9
Proposal	9
Questions	10
Section 2: Attendance and representation	12
Background	12
Proposal	13
Questions	13
Section 3: Minor technical drafting changes	16
Questions	16
Section 4: Impact assessments	17
Public Sector Equality Duty	17
Questions	17
New Burdens Assessment	17
Questions	18
Annex A: Minor technical drafting changes	20
Background	20
Annex B: Regulation changes	23
Annex C: Your details	24

## Introduction

This consultation seeks views on the Department for Education's proposal to revise the School Admission Appeals Code 2012 (the Appeals Code<sup>1</sup>). The Appeals Code applies to admission appeals for all maintained schools and academies (including free schools, University Technical Colleges and Studio Schools) in England. The Appeals Code does not apply to any maintained or academy special school, alternative provision or stand-alone 16-19 provision.

There are two separate categories of admission appeals dealt with under the Appeals Code:

- a) Parents have the right to appeal to any maintained school or academy (subject to the exceptions listed above) which has refused their child a place. An appeal hearing provides parents with an opportunity to set out the reasons why their child should have a place at their chosen school.
- b) Appeals by the governing bodies of community or voluntary controlled schools against a decision by the local authority (their school's admission authority) to admit a child who has been permanently excluded from two or more schools.

The rules on admission appeals are set out in the School Admission (Appeal Arrangements) (England) Regulations 2012<sup>2</sup> and the statutory School Admission Appeals Code 2012. The Appeals Code imposes mandatory requirements on admission authorities to ensure the appeals process is fair and transparent. The admission authority (academy trust, governing body or local authority, depending on the type of school) is responsible for establishing the appeal panel. The appeal panel is independent of the admission authority and it should come to its own independent conclusion about whether the school should admit the child. The panel considers the case presented by both the admission authority and the parent and its decision is binding. The panel is supported by a fully trained clerk.

Due to the COVID-19 pandemic, it was not always possible to meet all of the statutory requirements of the Appeals Code for holding appeal hearings. For example, COVID-19 restrictions at some points made it impossible to hold hearings in person (face to face). We, therefore, introduced the School Admissions (England) (Coronavirus) (Appeals Arrangements) (Amendment) Regulations 2020<sup>3</sup> (the "temporary regulations") in April 2020. This provided admission authorities, local authorities and admission appeal

---

<sup>1</sup> [School Admission Appeals Code](#)

<sup>2</sup> [School Admission \(Appeal Arrangements\) \(England\) Regulations 2012](#)

<sup>3</sup> [School Admissions \(England\) \(Coronavirus\) \(Appeals Arrangements\) \(Amendment\) Regulations 2020](#)

panels flexibility to enable appeal hearings to continue to be heard in a timely way. These temporary arrangements are:

- disapplying the requirement in the Appeals Code that appeal hearings must be held in person where it is not reasonably practicable to follow the normal appeals process due to the COVID-19 pandemic, and instead give flexibility for them to take place either in person or by telephone or video conference, or where none of those options are possible through a paper-based appeal where all parties can make representations in writing;
- relaxing the rules with regards to what happens if one of the three panel members withdraws (temporarily or permanently for reasons due to COVID-19) to make it permissible for the panel to continue with and conclude the appeal as a panel of two; and
- amending the timescales relating to appeals by referring to calendar rather than school days and replacing a fixed deadline with '*as soon as reasonably practicable*'.

The temporary regulations were extended, most recently through the School Admission (England) (Coronavirus) (Appeals Arrangements) (Amendment) (No. 2) Regulations 2021<sup>4</sup> and are due to expire on 30 September 2022 (subject to certain exceptions for ongoing appeals). As things stand, when the temporary regulations expire the requirements relating to appeals will revert to the rules under the Appeals Code and the 2012 regulations (without amendment).

During the academic year 2020 to 2021, while the temporary arrangements were in effect, a total of 41,110 appeals were heard, of which 7,823 were successful. The flexibilities provided by the temporary regulations have been essential to enable so many appeals to continue during the COVID-19 pandemic and these figures demonstrate how well local authorities and other admission authorities have adapted to hearing appeals remotely.

We reviewed the operation of the temporary regulations with local authorities, admission authorities, diocesan bodies and appeal clerks in August and October 2020 and in July 2021 before extending them in January 2021 and September 2021. We received 32 responses to our last survey in July 2021 – from 21 local authorities, 8 diocesan bodies, 1 multi-academy trust and 2 independent appeals services. All 32 responded that they supported the temporary arrangements and 30 indicated that remote hearings should be a permanent option. The feedback suggested that the temporary arrangements were working well and provided benefits for local authorities, admission authorities, schools and appeal panels in both time and cost savings. 27 respondents also provided some

---

<sup>4</sup>[School Admission \(England\) \(Coronavirus\) \(Appeals Arrangements\) \(Amendment\) \(No. 2\) Regulations 2021](#)

feedback they'd had from parents with 25 of those reported parents being positive about the remote arrangements. There was also a perception, confirmed in some cases by feedback to local authorities by parents, that the arrangements were enabling parents to more easily access the appeals system without, for example, having to take significant time off work and/or incur any other additional costs, such as arranging additional childcare. Admission authorities also reported a significant drop in the number of hearings where parents had failed to attend. Through the consultation, we hope to gather more evidence on the direct views of parents of these arrangements. A number of stakeholders have requested that some of the flexibilities are retained and made permanent. We are therefore consulting on changing the Appeals Code to add an option for holding appeal hearings remotely and allow for the possibility of a panel of two members to continue hearing and making decisions on appeals, in the event that a third panel member needs to withdraw.

It would be our intention to bring these changes into force immediately after the expiry of the temporary regulations on 1 October 2022. However, we will keep this under review in light of the continuing impact of COVID-19. We may need to make some changes to the way the temporary regulations expire to ensure that the two sets of rules align in the most sensible way.

**This consultation is limited and we are only seeking views on these proposed changes and not on any wider issues in relation to school admission appeals.**

## Who this is for

This consultation is for anyone with a role or interest in school admission appeals, including:

- Appeal panels
- Local authorities
- Schools, including academies and free schools
- Governing bodies and academy trusts
- Parents/carers
- Other interested parties

## Issue date

The consultation was issued on 7 February 2022.

## Enquiries

If your enquiry is related to the policy content of the consultation you can contact the team by email at: [AdmissionAppeals.CONSULTATION@education.gov.uk](mailto:AdmissionAppeals.CONSULTATION@education.gov.uk)

If your enquiry is related to the DfE e-consultation website or the consultation process in general, you can contact the DfE Ministerial and Public Communications Division by email: [coordinator.consultations@education.gov.uk](mailto:coordinator.consultations@education.gov.uk) or by telephone: 0370 000 2288 or via the [DfE Contact us page](#).

## Additional copies

Additional copies are available electronically and can be downloaded from [GOV.UK DfE consultations](#).

## The response

We will aim to publish the results of the consultation and the department's response on [GOV.UK](#) in due course.

## About this consultation

The Department for Education is considering revising the School Admission Appeals Code 2012 (the Appeals Code). Accompanying amendments would also be made to associated regulations.

The aim of the changes we are proposing to make to the Appeals Code is to enable some of the flexibilities, currently permitted through the temporary regulations, to continue (with suitable adaptations) from the point at which the temporary regulations expire on 30 September 2022.

This consultation document makes two proposals:

- To allow appeal hearings to be held remotely or in person; and
- To allow a panel of two to decide appeals in some circumstances where the third member has to withdraw.

The proposal is that these changes will apply to both sorts of admission appeal hearings dealt with under the Appeals Code (appeals against an admission authority's refusal to admit a child and appeals by governing bodies against a local authority's decision to admit to their school a child who has been permanently excluded from two or more schools). We also propose to make a number of minor technical drafting changes to certain provisions of the current Appeals Code, including to update references to legislation and the School Admissions Code – these changes are identified in [Annex A](#).

This consultation only seeks views on these proposed changes which are being made in response to feedback about the benefits of the flexibilities introduced through temporary appeals regulations.

**We are not at this stage seeking views on wider changes to other elements of the Appeals Code.**

A draft version of the revised Appeals Code, which includes the proposed changes described in this document, is available alongside this consultation.

A number of these changes will also require associated amendments to underlying regulations, which are identified in [Annex B](#).

## Respond online

To help us analyse the responses please use the online system wherever possible. Visit [www.education.gov.uk/consultations](http://www.education.gov.uk/consultations) to submit your response.

## Other ways to respond

If, for exceptional reasons, you are unable to use the online system, for example because you use specialist accessibility software that is not compatible with the system, you may download a PDF document version of the consultation document and respond either via email or post.

**If you are not responding via the online system, please can you ensure you complete the form at [Annex C](#).**

### By email

- [AdmissionAppeals.CONSULTATION@education.gov.uk](mailto:AdmissionAppeals.CONSULTATION@education.gov.uk)

### By post

School Admission Appeals Code Consultation  
Department for Education  
Admissions, School Organisation and Transport Division  
Ground Floor, Bishopsgate House  
Darlington  
DL1 5QE

## Deadline

The consultation closes on 3 April 2022.



# Section 1: Constitution of appeal panels - membership

## Background

The Appeals Code requires that an independent appeal panel consists of a chair and at least two other panel members. The panel must consist of at least one lay person and one person with experience of education. If a panel member has to temporarily withdraw (for example because of illness), the panel must postpone the remaining hearings until the panel member returns. If they are unable to return, the admission authority must appoint a replacement and the new panel must rehear any appeals which have been part heard before the withdrawal of the panel member.

The temporary regulations relaxed these Appeals Code requirements and made it permissible for the panel to continue with and conclude the appeal as a panel of two in circumstances where it was not reasonably practicable for an admission authority to comply with these requirements of the Appeals Code for a reason related to COVID-19.

Where a panel member has to withdraw before or part way through an appeal hearing, finding a replacement appeal panel member or rescheduling an appeal can delay the outcome of appeals. It can also create additional cost for the admission authority, school and panels. We propose making changes to the Appeals Code to retain some flexibility for a panel to continue to consider and decide the appeal(s) where a panel member has to withdraw before or part way through an appeal hearing where it would otherwise cause an unreasonable delay to the determination of the appeal.

## Proposal

The specific changes we propose to the Appeals Code are:

- To make it permissible for the panel to continue with and conclude appeals as a panel of two where a third panel member needs to withdraw and where postponing or reorganising the appeal or appeals would cause unreasonable delay to the determination of the appeal. This may result in the remaining panel of two being comprised of either two lay people or two people from an educational background, rather than at least one from each category.
- To allow the admission authority (or the clerk to the appeal panel acting on behalf of the admission authority) to appoint one of the remaining members as the chair, in circumstances where the chair is the panel member who has withdrawn. In circumstances where the two panel members disagree, the chair has the casting vote.

See paragraphs 1.9 – 1.13 in the draft Appeals Code for changes to panel composition.

## 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?**

Yes ✓

No

Don't know

Whilst recognising that such an approach could be open to abuse and could essentially result in the Panel Chair having the final say, we are confident that clerks and Panel Members used by Nottinghamshire County Council would only ever use such powers available in a proportionate, fair and transparent manner.

*If you disagree or don't know please explain why.*

**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?**

Yes ✓

No

Don't know

The benefit of this additional flexibility is welcomed although in reality the need to reconvene due to one of the Panel Members having to drop out of a hearing once it has commenced has proven to be a very rare occurrence in Nottinghamshire, partly due to the commitment of our Panel Members.

*Please explain your response.*

**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?**

Yes ✓

No

Don't know

As per the response above, we are confident that Panels arranged by Nottinghamshire County Council would only use this option in circumstances where it was in the best interest of the parties to continue with 2 Members.

*Please explain your response. For example, if you disagree can you explain why?*

**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?**

Yes ✓

In order to lessen the potential for abuse of this greater flexibility being afforded.

No

Don't know

*If you disagree or don't know, can you explain why?*

**Please provide any further comments on these changes.**

The additional flexibility available through the offer of virtual and hybrid hearings will also hopefully lessen the need to utilise this potential approach.

Observation re para 2.14 in the Code - it states parents must not allow representatives ..... should this not be panels?

PS

## Section 2: Attendance and representation

### Background

The Appeals Code currently requires that appellants<sup>5</sup> are given the opportunity to appear in person and make oral representations. The admission authority must also provide a presenting officer to present the decision not to admit the child and to answer detailed questions about the case being heard and about the school. This means that all appeal hearings must be held in person (face to face) or, in limited circumstances, decided on the basis of the written information submitted.

Due to the social distancing restrictions imposed during the COVID-19 pandemic in person appeal hearings could not go ahead in the normal way so we introduced temporary arrangements to allow appeals to be conducted remotely, by telephone or video conference, if it was not reasonably practicable for them to happen in person for a reason relating to COVID-19. A number of admission authorities, local authorities and appeal panels told us about the benefits these temporary arrangements have had. These include cost and time savings as parents, presenting officers, panel members and clerks have not had to travel to venues but have instead been able to participate from home or their place of work. Local authorities and schools have also made savings on the cost of hiring venues for multiple hearings.

We have also received feedback from local authorities that remote hearings have allowed parents to more easily access the appeals system without having to take significant time off work and/or incur additional costs, for example childcare costs. Local authorities also told us there have been fewer instances of parents not attending appeals on the day, helping to ensure that parents are able to fully present their case to the panel.

Appeal hearings are not public meetings, and there is no need for them to take place in a public forum as a consequence.

We propose to make changes to the Appeals Code to introduce a permanent change to also allow appeals to be conducted remotely.

---

<sup>5</sup> An appellant could be either a parent or a young person who is refused admission by a sixth form attached to a school. It could also be the governing body of a community or voluntary controlled school appealing a decision by the local authority to admit a child who has been excluded from two or more schools.

## Proposal

The specific changes we propose to make to the Appeals Code are:

- To introduce the ability for appeal hearings to be held remotely as well as in person;
- To give admission authorities flexibility to make the decision whether to offer appeal hearings in person or remotely or a choice of either;
- To continue to allow appeals to be determined on the written information submitted only where the presenting officer and/or appellant is unable to attend and not in other circumstances.

These changes will provide further flexibility around how appeal hearings are held. Many admission authorities have already made use of the temporary regulations and have put in place the necessary technology for remote appeals. We expect that the resulting benefits to appeal panels, schools and parents will continue to offset the costs of any necessary technology or time spent on providing any additional support.

See paragraphs 2.11 to 2.20 in the draft Appeals Code for changes to appeal hearings.

## Questions

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

Yes ✓

No

Don't know

*If you disagree or don't know, can you suggest alternative proposals or provide further feedback?*

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

Face to face – Yes✓ / No / don't know

Remote (telephone) – Yes✓ / No / don't know

Remote (video conference) – Yes✓ / No / don't know

Written submission – Yes✓ / No / don't know

Type text here

We have chosen telephone conference calls as the most accessible and cost effective and least intimidating option for appellants. We recognise that a wholesale written submissions approach could favour those appellants and admission authorities who are more skilled in such communication methods and gives less opportunity for Panels to properly explore any issues and concerns being raised. Appeals will continue to be heard fairly and transparently in an appellant's absence based solely on written submissions if that is the appellant's preference but Panels would always prefer to have the opportunity to speak to an appellant where possible.

**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?**

Yes

No ☒

Don't know

The Admission Authority, as the overall organiser of the appeals process, should be free to decide (and review) the most appropriate overall approach, taking into account the rules of natural justice, costs and impact on appellants. It would be helpful for Clerks, who are tasked with arranging the appeals in the Code, to retain some flexibility to adopt other approaches in certain circumstances where a demonstrable benefit for all parties can be evidenced.

*If you disagree, who should make the decision?*

*What factors should be taken into account in reaching this decision?*

**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?

Presenting officer – Yes ☒ / No / Don't know

Appellant – Yes ☒ / No / Don't know

*If you disagree or don't know, can you provide further feedback?*

**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.**

Yes ☒

No

Don't know

Yes but only in those circumstances where it does not disadvantage either party, or gives advantage to some appellants over others.

*Please explain your response.*

**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? In the case of hybrid appeal hearings, the Appeals Code would still require that one party must not be left alone with the appeal panel (either in person or remotely) in the absence of the other.**

Yes ☒

Councils have become used to working fairly and transparently in virtual settings, including hybrid arrangements and the rules of natural justice can still be followed with such an approach.

No

Don't know

*Please explain your reason*

**Please provide any further comments on these changes.**

Having been one of the Councils that has experienced an increase in attendance and a reduction in costs (and, possibly coincidentally, a decline in complaints) whilst holding virtual hearings we welcome the proposed additional flexibility of retaining such arrangements for the reasons set out in the proposals. We recognise that virtual hearings can bring both benefits and disadvantages for Panel Members themselves and we commend our own Panel Members for their positive approach to making these work in an inclusive, fair and efficient manner.

## Section 3: Minor technical drafting changes

Minor technical drafting changes will also be made to ensure that the new Appeals Code is up to date. Further details about these changes are included within Annex A but include, amongst other things, updates to refer to the relevant sections of the School Admissions Code which came into force in September 2021.

### Questions

**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.*



## Section 4: Impact assessments

### Public Sector Equality Duty

The Public Sector Equality Duty requires public authorities to have due regard to the need to:

- eliminate discrimination, harassment and victimisation;
- advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it;
- foster good relations between persons who share a relevant protected characteristic and persons who do not share it.

Public authorities include the Department for Education, admission authorities, local authorities, governing bodies and academy trusts.

The protected characteristics are:

- age;
- disability;
- gender reassignment;
- marriage and civil partnership;
- pregnancy and maternity;
- race;
- religion or belief;
- sex; and
- sexual orientation.

### Questions

**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.*

### New Burdens Assessment

The department is required to consider whether any policy or initiative would increase the cost of providing local authority services, and this includes revised guidance. As part of this process, a New Burdens Assessment is required.

This assessment should include considerations of 'one off' implementation costs as well as recurring cost elements, alongside any estimated savings that local authorities could make – *questions 4.2 - 4.5 are solely for local authorities to answer.*

Although the New Burdens Assessment is only required in relation to the impact on local authorities, we would also be interested to hear views from schools who incur appeals costs – *questions 4.6 – 4.9 are solely for schools to answer.*

## Questions

**Question 4.2 (for local authorities) Do you believe the proposed Appeals Code will result in any new operational burdens for local authorities?**

Yes ✓

No

There are some unquantified additional staffing impacts from operating hearing virtually (e.g the use of 'facilitators' on calls to ensure Panel members, Clerk and the parties remain connected and the requirement to make pre-hearing calls to appellants). However, it is felt that these costs are largely balanced out by the benefits of other savings and the greater levels of engagement from appellants.

*If yes, please explain why and what these burdens may be.*

**Question 4.3 (for local authorities) Do you believe the proposed Code will result in any new costs for local authorities?**

Yes ✓

No

See the point above regarding additional operational burdens on the Appeals Team. Balanced against those additional demands is a 30% reduction in other related 'external' costs of appeals between 2019-20 and 2020-21, including clerks, travel expenses, venue hire, refreshments. There are also time savings for local authorities' presenting officers due to lack of travel that helps offset those additional burdens.

*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.*

**Question 4.4. (for local authorities) Do you believe the proposed Code will result in any reduced operational burdens for local authorities?**

Yes ✓

No

See above - currently the Appeals Team is not having to source and book external and internal venues, refreshments and deal with travel claims etc. Virtual appeals also means that clerks, officers, Panel Members and presenting officers can make better use of any time freed up when an appellant withdraws their appeal at short notice.

*If yes, please explain why and what burdens will be reduced.*

**Question 4.5 (for local authorities) Do you believe the proposed Appeals Code will result in any savings for local authorities?**

Yes ✓

No

See above - it is felt that there are some savings to be achieved which offset the additional burdens. Overall it is felt that this approach offers a more efficient way of conducting hearings and has the added benefit of reduced time and money for the parties and other participants, which we believe accounts for the increased levels of engagement and may have contributed to the reduction in complaints.

*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.*

**Question 4.6 (for schools) Do you believe the proposed Appeals Code will result in any new operational burdens for schools?**

Yes

No

*If yes, please explain why and what these burdens may be.*

**Question 4.7 (for schools) Do you believe the proposed Appeals Code will result in any new costs for schools?**

Yes

No

*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.*

**Question 4.8 (for schools) Do you believe the proposed Appeals Code will result in any reduced operational burdens for schools?**

Yes

No

*If yes, please explain why and what burdens will be reduced.*

**Question 4.9 (for schools) Do you believe the proposed Appeals Code will result in any savings for schools?**

Yes

No

*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.*

## Annex A: Minor technical drafting changes

### Background

We propose making additional technical drafting changes to the School Admission Appeals Code. The vast majority of changes update references to Codes, regulations and departmental names. We propose making amendments to:

Location	Minor Change	Reason for change
Para 2	Wording added:  '(not including any maintained or Academy special school, alternative provision or stand-alone 16-19 provision)'	Added clarity that the Appeals Code does not apply to any maintained or Academy special school, alternative provision or stand-alone 16 – 19 provision.
Footnote 1	New footnote explaining the changes made by the temporary regulations:  'The School Admissions (Appeals Arrangements) (England) Regulations 2012 were amended by the School Admissions (England) (Coronavirus) (Appeal Arrangements) (Amendment) Regulations 2020 which came into force in April 2020 and brought in provisions that enabled appeals to continue to be heard in view of the impact and restrictions relating to COVID-19. The regulations were due to expire on 31 January 2021 but were extended, first by the School Admissions (England) (Coronavirus) (Appeals Arrangements) (Amendment) Regulations 2021, and then by the School Admissions (England) (Coronavirus) (Appeals Arrangements) (Amendment) (No. 2) Regulations 2021. This Code comes into effect immediately after the temporary COVID-19 regulations expire.'	To account for the changes to the appeals process made by the temporary regulations
Footnote 2	Changed wording to 'Academies are defined in Section 1A of the Academies Act 2010'.	Footnote out of date.
Footnote 5	Changed wording to 'paragraph 6 of the Schedule to the Education (Specified	Out of date regulations.

	Work) (England) Regulations 2012.’	
Para 2.27	Changed wording to ‘Data Protection Act 2018’.	Out of date legislation.
Footnote 14	Changed paragraph numbers to ‘3.14 to 3.22 of the School Admissions Code’.	New School Admissions Code paragraph numbers.
Para 3.20	<p>Wording removed: ‘In considering whether a child was refused admission because of their disability, panels must have regard to the Equality and Human Rights Commission’s Code of Practise for Schools when it comes into effect (as of 1 December 2011, the draft Code of Practice is expected to be laid before Parliament in Spring 2012. For the latest information:  <a href="http://www.equalityhumanrights.com/legal-and-policy/equality-act/equality-act-timeline/">http://www.equalityhumanrights.com/legal-and-policy/equality-act/equality-act-timeline/</a>) . In the interim, non-statutory guidance is available on the Equality and Human Rights Commission’s website.’</p> <p>Also removed reference to this paragraph within paragraph 4.3.</p>	Wording out of date.
Para 3.20	Wording on ‘Children with statement of Special Educational Needs’ updated to ‘Children with Education, Health and Care plans’.	Wording out of date.
Para 3.22	Changed paragraph number to ‘Paragraph 2.15 of the School Admissions Code’.	New School Admissions Code paragraph numbers.
Para 3.23	<p>Changed paragraph numbers as follows:</p> <p>Paragraph 3.9 to ‘3.14’;</p> <p>Paragraph 3.12 to ‘3.16’.</p>	Updated paragraph numbers and amended wording to align with new School Admissions Code.
Footnote 16	Changed paragraph numbers to ‘paragraphs 1.43 and 1.44 of the School Admissions Code’.	New School Admissions Code paragraph numbers.

Footnote 17	New footnote: "Challenging behaviour" is defined in footnote 76 of the School Admissions Code 2021.'	Added to signpost to definition included in new School Admissions Code.
Footnote 20	Changed paragraph number to 'paragraph 2.16 of the School Admissions Code'	New School Admissions Code paragraph numbers.
Footnote 24	Changed paragraph number to 'paragraph 2.17 of the School Admissions Code'.	New School Admissions Code paragraph numbers.
Para 5.4 Appendix 2 (title) Appendix 2 (1) Appendix 2 (3)	Changed organisation name to 'Local Government and Social Care Ombudsman'.	Name change.
Appendix 1 (7)	Wording deleted on 'Equality and Human Right's Commissions Code of Practise for Schools'.	Out of date.
Appendix 2 (4) Appendix 2 (5)	Updated references to 'Young People's Learning Agency' to 'Education and Skills Funding Agency'.  Updated contact details to include reference to ESFA's online form instead of email.	Name change.

## Annex B: Regulation changes

The table below lists the amendments we may need to make to various regulations in order to make the proposed changes to the Appeals Code. The changes would be to:

- The School Admissions (Appeal Arrangements) (England) Regulations 2012
- The School Admissions (England) (Coronavirus) (Appeals Arrangements) (Amendment) Regulations 2020
- The School Admissions (England) (Coronavirus) (Appeals Arrangements) (Amendment) (No.2) Regulations 2021

Changes to Regulations	Comments
The School Admissions (Appeal Arrangements) (England) Regulations 2012	These regulations would be amended as necessary to give effect to any confirmed changes to the regulations relating to appeals.
The School Admissions (England) (Coronavirus) (Appeals Arrangements) (Amendment) Regulations 2020	Regulations will expire or be revoked.  We may need to make some changes to the precise way these regulations expire to ensure the new rules align as sensibly as possible.
The School Admissions (England) (Coronavirus) (Appeals Arrangements) (Amendment) (No. 2) Regulations 2021	Regulations will expire or be revoked.

## Annex C: Your details

If you are completing a paper version of this consultation then please provide the following information:

**1. Your name**

**2. Email address**

**3. Are you responding as an individual, or as part of an organisation (please circle)?**

*Individual / local authority / admission authority / governing body / appeal panel member (including clerk) / other organisation (if other please specify)*

**4. If you are responding on behalf of an organisation what is your role?**

**5. If you are responding as an individual, are you a:**

*Parent / Carer / Guardian / Child or young person / None of the listed (please circle)*

**6. Are you happy to be contacted about your response (please circle)?**

**Yes\* / No**

*\*If Yes, please provide your preferred contact telephone number or email (if different to the email given in Q.2)*

**7. How did you hear about the consultation?**

*Email / GOV.UK / Internet / Word of mouth / Social media / Other (please specify)*



Information provided in response to consultation, including personal data, may be subject to publication or disclosure under the Freedom of Information Act 2000, the Data Protection Act 2018, or the Environmental Information Regulations 2004. If you want all, or any part, of a response to be treated as confidential please explain why you consider it to be confidential. If a request for disclosure of the information you have provided is received, your explanation about why you consider it confidential will be taken into account, but no assurance can be given that confidentiality can be maintained. An automatic confidentiality disclaimer generated by your IT system will not, of itself, be regarded as binding on the Department. The Department for Education will process your personal data (name and address and any other identifying material) in accordance with the Data Protection Act 2018, and your personal information will only be used for the purposes of this consultation. Your information will not be shared with third parties unless the law allows it. You can read more about what the Department for Education does when we ask for and hold your personal information in our personal information charter.

**8. Do you wish for your response to remain confidential (please circle)?**

**Yes / No**

*If yes, please provide a reason*



Department  
for Education

© Crown copyright 2022

This document/publication (not including logos) is licensed under the terms of the Open Government Licence v3.0 except where otherwise stated. Where we have identified any third party copyright information you will need to obtain permission from the copyright holders concerned.

To view this licence:

visit [www.nationalarchives.gov.uk/doc/open-government-licence/version/3](http://www.nationalarchives.gov.uk/doc/open-government-licence/version/3)

email [psi@nationalarchives.gsi.gov.uk](mailto:psi@nationalarchives.gsi.gov.uk)

write to Information Policy Team, The National Archives, Kew, London, TW9 4DU

About this publication:

enquiries [www.education.gov.uk/contactus](http://www.education.gov.uk/contactus)

download [www.gov.uk/government/consultations](http://www.gov.uk/government/consultations)



Follow us on Twitter:  
[@educationgovuk](https://twitter.com/educationgovuk)



Like us on Facebook:  
[facebook.com/educationgovuk](https://facebook.com/educationgovuk)