

7 March 2022

Agenda Item: 17

## **REPORT OF THE SERVICE DIRECTOR, CUSTOMER, GOVERNANCE AND EMPLOYEES**

### **RESPONSE TO THE GOVERNMENT'S CONSULTATION ON PROPOSED CHANGES TO THE SCHOOL ADMISSION APPEALS CODE**

#### **Purpose of the Report**

1. To agree the Council's response to the Government consultation on proposed changes to the School Admission Appeals Code which opened on 7 February 2022, with a closing date of 3 April 2022.

#### **Information**

2. The Council has a statutory requirement to provide an opportunity for parents to appeal any refusal of an application for a school place at its own community and voluntary controlled schools.
3. The Democratic Services Governance Team manages this process independently on behalf of the Council as Admissions Authority for community and voluntary controlled schools, following the requirements of the School Admission Appeals Code. The team also provides this service for some academies who have agreed a contract with the Council.
4. In response to the COVID-19 pandemic, the Government brought in temporary regulations to enable a relaxation of certain aspects of the current rules within the School Admission Appeals Code. These regulations aimed to ensure that appeals could continue to be held, albeit virtually.
5. The regulations were subsequently extended up to September 2022 and the Government has recently published proposals to enable the flexibilities offered by the temporary regulations on a permanent basis.
6. The virtual hearing approach brings a number of advantages, most of which are recognised within the Government's consultation document, including:
  - a. greater levels of engagement from appellants (possibly through the reduced time commitment required due to not having to travel to venues);
  - b. reduced time commitments for clerks, admission authority presenting officers and Panel Members
  - c. reductions in some of the costs (for example, venue hire and travel time).

7. It is recognised that there are some additional staffing impacts as a result of holding appeals virtually, as the regulations currently require appellants to be phoned in advance to explain how their appeal hearing will operate virtually. If such calls were no longer required going forward, the intention would be to still follow this approach as it is felt to be good practice and may have contributed towards the increased engagement and reduced level of complaints.
8. The Appeals Team is also having to deploy staff to help facilitate calls to ensure that all attendees remain connected (which can be particularly problematic in the case of multiple hearings).
9. It should be noted that not all Panel Members have favoured a virtual approach but the vast majority have remained active and as committed as previously, embracing the new ways of working in a positive and effective manner.
10. The proposal about Panels being able to continue with two Members instead of three, is unlikely to have a big impact within the Council's service and there are inherent risks, as well as benefits, in adopting such an approach. However, any flexibility that assists appeals to be concluded in a fair and timely manner is welcomed as long as this does not impact negatively on fairness and transparency.
11. Officers have drafted an initial response to the Government's proposals (see **Appendix A**) and seek the Committee's views on the draft answers.

### **Other Options Considered**

12. Democratic Services are active participants in the National Association of School Admissions Clerks. In previous years it has been possible to input into the development of composite responses to such consultations on a regional basis. However, on this occasion the timing of the consultation period in relation to the Committee's meeting cycle prevents such an approach. Officers will continue to feed into the Association and share best practice wherever possible.

### **Reason/s for Recommendation/s**

13. To enable the Council to agree a formal response to this Government consultation.

### **Statutory and Policy Implications**

14. This report has been compiled after consideration of implications in respect of crime and disorder, data protection and information governance, finance, human resources, human rights, the NHS Constitution (public health services), the public sector equality duty, safeguarding of children and adults at risk, service users, smarter working, sustainability and the environment and where such implications are material they are described below. Appropriate consultation has been undertaken and advice sought on these issues as required.

### **Data Protection and Information Governance**

15. Appeals held in a virtual setting have continued to follow Data Protection and Information Governance rules.

### **Financial Implications**

16. Financial savings can continue to be made from holding hearings on a virtual basis, although it should be noted that some of the cost savings are offset by some increased operational burdens on the Appeals Team as outlined above.

### **Public Sector Equality Duty implications**

17. The Governance Team feels that the telephone conference approach adopted so far offers the fairest and most inclusive means of holding an appeal currently. This is borne out by the lack of complaints about this approach. The option of moving to video as well as audio has been considered and will be kept under review if it is felt that we have reached a moment in time where every appellant would have easy access, the ability and the means to join a hearing via Microsoft Teams.

### **Smarter Working Implications**

18. Virtual hearings enable officers and external clerks to organise the process in line with the Council's wider smarter working ambitions.

### **Implications for Service Users**

19. Appellants are contacted in advance of hearings to explain the process and how the technology will work. These calls are a new development since virtual hearings began and although these bring a resource implication for the Governance Team, it is felt that these calls have had a positive impact overall.

### **Implications for Sustainability and the Environment**

20. Virtual hearings have seen a significant reduction in travel associated with the appeals process from Panel Members, clerks, presenting officers and appellants.

## **RECOMMENDATION**

That Members agree the draft response to the Government consultation on proposed changes to the School Admission Appeals Code, as detailed in Appendix A, for submission by the closing date of 3 April 2022.

**Marjorie Toward**

**Service Director, Customers, Governance and Employees**

**For any enquiries about this report please contact:** Keith Ford, Team Manager, Democratic Services Tel: (0115) 9772590 E-mail: [keith.ford@nottsc.gov.uk](mailto:keith.ford@nottsc.gov.uk)

**Constitutional Comments (CEH – 21/02/22)**

21. The recommendation falls within the remit of the Children and Young People's Committee under its terms of reference.

### **Financial Comments (RWK 24/02/2022)**

The report presents proposed changes to the Schools Admission Appeals Code. The financial implications are set out in paragraph 16 of the report. It is estimated that the proposed changes may result in small financial savings.

### **Background Papers**

Except for previously published documents, which will be available elsewhere, the documents listed here will be available for inspection in accordance with Section 100D of the Local Government Act 1972.

- None

### **Electoral Division(s) and Member(s) Affected**

All