



Telford & Wrekin
COUNCIL

REMOTE ADMISSION APPEALS HEARINGS PROTOCOL

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1. Background

Due to the ongoing Covid-19 pandemic and the legal restrictions that have been implemented in respect of social distancing, the Government has made emergency legislation which temporarily amends regulations which govern the way in which schools admission authorities set up and run appeals against the allocation of school places by the admissions authority.

The temporary regulations now prevent the usual practice of face-to-face hearings where parents or guardians get to hear the case for why a school is unable to offer a child a place and then have the opportunity to directly address the independent appeals panel as to why their child should be offered a school place.

Instead the Government's temporary regulations require that hearings should be conducted by telephone or video conferencing. However where telephone or video conferencing is not possible, and the independent appeals panel is satisfied that this is the case, an appeal may be conducted entirely on the basis of written submissions. The temporary regulations set out a new written procedure to be followed in such circumstances.

For appeals in respect of Telford & Wrekin schools the Admissions Authority has decided to make use of telephone conferencing.

The reasons for this decision are as follows:

- The Admissions Authority has ready access to a telephone conferencing system currently being used by Telford & Wrekin Council which they have used to implement remote council meetings in accordance with similar Government legislation:
- Review of whether the use of video conferencing platforms would be practicable has indicated:
 - o that not all independent appeal panel members either have the access to appropriate technology or the necessary technical knowledge to use such platforms;
 - o concerns have been expressed about the security of some more publicly available platforms;

- the majority of parents/guardians will have access to and the ability to use a telephone;
- the use of telephone conferencing would be more inclusive than a paper-based only appeals process for those less able to express themselves in written form;

Although the Admissions Authority has made available telephone conferencing facilities for appeal hearings, under the temporary regulations it is a decision for the Independent Appeals Panel (the panel) in each case to decide whether:

- i) the parties are able to present fully their case;
- ii) each participant has access to the electronic means to allow them to hear and be heard throughout the appeal hearing; and
- iii) the panel considers that the appeal is capable of being heard fairly and transparently.

The Admissions Authority will ensure that it complies with its equalities duties far as practicable in order to facilitate a telephone hearing for all appeals. The Admissions Authority can provide a variety of support and assistance to help appellants take part in an appeal hearing if they need it, for example, an interpreter, and reasonable adjustments for disability.

Appellants should inform the Admissions Authority if they have any issues or need support to join the hearing. Contact details will be given in the hearing notice.

The Admissions Authority will consider all requests and do everything possible to make sure appellants are able to participate in the hearing.

A parent or guardian may think that their case cannot be dealt with properly at a telephone hearing in accordance with the above three conditions. If they want their application dealt with by way of written submissions, they must contact the Admissions Authority by the deadline date giving their reasons.

The clerk will arrange a telephone conference meeting of the panel. The panel will consider the submissions and decide whether the particular appellant will be offered an appeal on a written basis as set out in [section 6](#) below.

2. Invitation to the Telephone Hearing

Panel members, the school presenting officer and appellants will receive an email with joining instructions for the hearing.

Joining instructions are strictly confidential and should not be shared with any other parties.

All invited participants are expected to 'dial in' to the hearing from a landline preferably or stable mobile telephone connection using the telephone number and PIN provided. It is recommended that a room or location is used with minimum background noise or disturbance so as not to cause distraction.

All participants must advise the hearing facilitator (contact details will be provided) of the telephone number they will use to join the hearing at least two (2) working days in advance of the hearing taking place.

3. Before the Telephone Hearing

Immediately prior to participants being granted access to the hearing the panel will determine for each of the scheduled appeals whether they may be determined by way of a telephone hearing taking into consideration whether:

- i) the parties are able to present fully their case;
- ii) each participant has access to the electronic means to allow them to hear and be heard throughout the appeal hearing; and
- iii) the panel considers that the appeal is capable of being heard fairly and transparently.

If the panel is satisfied that the appeal(s) can be determined by way of a telephone hearing then they will proceed.

If the panel determine that any appeal(s) cannot be determined by way of a telephone hearing then it may be determined on the basis of written submissions in accordance with the procedure set out at section 6 below. If the appellant(s) agree to this their application will be adjourned and

considered at a later date once the written appeal process has been completed.

4. Commencing the Telephone Hearing

Participants are reminded that acceptable standards of conduct should be adhered to.

Participants are asked to familiarise themselves with the appeal procedure for hearing admission appeals which will be provided separately.

Telephone microphones should be on mute when not addressing the hearing.

For the appellants, unless the panel exercise their discretion, only one person may ask questions of the presenting officer and likewise only one person may make representations to the panel.

At the designated start time, the clerk/legal advisor to the panel will commence a roll call of the participants.

Appellants not present for the roll call will be recorded as absent. At the end of the roll call, the clerk/legal advisor will confirm to the chair of the panel whether or not the hearing can proceed.

For any appellant dialling in late to the hearing, or dropping out and reconnecting, they will be held in a virtual waiting room until a point when it is appropriate for the hearing facilitator to join them to the hearing so as to avoid interruption to other participants.

For any appellant that is not present for the hearing, even if apologies or a reason for the non-attendance is given, the panel may decide to go on to consider the individual appeal in their absence by considering the written information that they have been provided with for the hearing.

5. The Telephone Hearing Process

5.1 Stage One

All participants will be able to hear the submission for the case for the school made by the presenting officer.

Once completed appellants will be invited one by one by the Chair to ask any questions they have of the presenting officer. Appellants will be taken in alphabetical order of surname.

When invited to ask their questions the particular appellant should take themselves off mute and when they have finished speaking place themselves on mute again.

Participants are reminded that acceptable standards of conduct should be adhered to.

Once all appellants have put their questions about the school's case to the presenting officer the Chair will formally bring to an end stage one of the hearing and all parties will be disconnected from the telephone conference.

At the conclusion of stage one of the hearing the panel will reconvene in a new telephone conference meeting to ensure that their deliberations and decisions are made in private without risk of any previous participants being connected.

5.2 Stage Two

Stage two is the part of the appeal hearing where if necessary appellants will present their case to the panel in private.

Again appellants will be taken in alphabetical order of surname.

Appellants will have been provided with a hearing timetable. Appellants will be contacted on the contact telephone number previously provided and used to dial into stage one when it is their turn to present their individual case to the independent appeals panel.

The Panel will endeavour to keep to the timetable however there may be a slight delay in the meeting facilitator contacting an appellant if the panel

are still hearing the case of another appellant. Appellants should not try to phone into the hearing as the previously provided telephone and PIN number will no longer be operational.

Once connected to the hearing the Chair will proceed with hearing the appellants case in accordance with the procedure for hearing admission appeals.

During stage two all participants will be unmuted but should only speak when requested to by the Chair.

Participants are reminded that acceptable standards of conduct should be adhered to.

Once the appellant has finished making their case they will be disconnected from the hearing.

At the conclusion of the hearing all the appellants cases the hearing will be ended and the panel will reconvene in a new telephone conference meeting to ensure that their deliberations and decisions are made in private without risk of any previous participants being connected.

At this point the panel will also consider any appeal that they have deemed should be dealt with on the written information submitted.

6. Paper Appeals Process

Where the independent appeals panel consider that it is not practicable for an appeal or appeals to be considered by way of a telephone hearing as set out above, the panel will proceed to consider the appeal on the basis of written submissions as follows.

Appeal forms are to be submitted by parents in the time frame already published in the Telford & Wrekin School Admission Appeals Policy.

The presenting officer for the admission authority will be provided with a copy of the appeal application and will be asked to prepare a written statement as to why the preference could not be met, i.e. why the child could not be offered a place at the preferred school, and to provide any evidence in support. The appellant will be asked to submit any additional evidence in writing by a deadline date. Any documentation submitted after that date may not be considered unless in exceptional circumstances.

The clerk will convene a telephone conference meeting of the panel, in the absence of the admission authority and the appellant, to formulate questions for the parties. The purpose of those questions will be to clarify the information provided and to gather further relevant information. To that end the panel will be directed by the clerk to take into account the potential inexperience of the appellant in such proceedings and their questions should therefore also prompt any omissions and clarify any confusion. The aim of this is to ensure where possible that all relevant evidence will be before the panel when reaching their final decision.

The clerk will send the questions and all the papers to each of the parties. This will include the appeal application, the presenting officer's statement and evidence, along with both sets of questions, thereby ensuring that the process is clear and transparent for everyone involved.

All parties will respond to the clerk with answers to the questions posed to them within 7 days. The clerk will forward the answers once received to the other party again ensuring that all stages in this process are clear and transparent.

Both parties will note that answers and/or evidence not provided within the necessary timescales may not be considered by the panel and this will be at their discretion.

Once the responses are collated the panel will convene for a remote hearing by telephone in the presence of the clerk to reach a decision on each appeal in accordance with the Appeals Code and the School Admissions Appeal Policy of Telford & Wrekin. That decision will be communicated as per the Appeals code and the School Admissions Appeal Policy of Telford & Wrekin.

7. General

When making comments on reports or other written submissions, participants should indicate which one and refer to the relevant page number and / or section.

Should any aspect of the telephone conference link fail during a participant's submissions, or for any other participant who is subsequently due to speak on the item, the Chair can call a short adjournment of up to 5 minutes to determine whether the link can quickly be re-established.

If the telephone link is not re-established within this time, and the speaker was not the presenting officer setting out the schools case, the Chair can continue with submissions from the next participant. Efforts should continue to re-establish the link.

If any participant of a telephone hearing fails to properly follow the above procedure in respect of speaking or otherwise fails to adhere to acceptable standards of conduct, then the clerk/legal advisor or the Chair can ask the meeting facilitator to disconnect that participant without giving any prior warning if they consider it necessary or appropriate in the circumstances.

An audio recording of the telephone hearing will not be made but an appropriate written record will be made. Participants are requested not to make audio recordings of the hearing as sensitive personal information may be revealed by other participants during proceedings.

If any conflict arises between this protocol and existing admission appeal procedures, this protocol will take precedence.

8. Review

This Protocol will be kept under regular review and updated as necessary.