
WELSH STATUTORY INSTRUMENTS

2023 No. 420

**The Education (Admission Appeals Arrangements)
(Wales) (Amendment) Regulations 2023**

Amendment of the Education (Admission Appeals Arrangements) (Wales) Regulations 2005

3.—(1) The Education (Admission Appeals Arrangements) (Wales) Regulations 2005(1) are amended as follows.

(2) Regulation 2 is amended as follows—

(a) in paragraph (1), in the appropriate places insert—

““the admission authority” has the same meaning as in section 88(1)(a) and (b) of the 1998 Act;”,

““appeal hearing” (*“gwrandawriad apêl”*) means a hearing of an appeal for the purposes of Chapter 1 of Part 3 of the 1998 Act;”,

““presenting officer” (*“swyddog cyflwyno”*) means a person nominated by the appropriate authority, to make oral representations to the appeal panel in relation to the appeal;”,

““remote access” (*“mynediad o bell”*) means access to an appeal hearing to enable those who are not all present together at the same place to attend or participate simultaneously in the hearing by electronic means, including by live audio link and live video link;”, and

(b) after paragraph (2) insert—

“(3) A “live audio link”, in relation to a person (P) taking part in the appeal hearing, is a live telephone link or other arrangement which—

(a) enables P to hear all other persons taking part in the appeal hearing who are not in the same location as P, and

(b) enables all other persons taking part in the appeal hearing who are not in the same location as P to hear P.

(4) A “live video link”, in relation to a person (P) taking part in the appeal hearing, is a live television link or other arrangement which—

(a) enables P to see and hear all other persons taking part in the appeal hearing who are not in the same location as P, and

(b) enables all other persons taking part in the appeal hearing who are not in the same location as P to see and hear P.”

(3) In regulation 3 after the words “relevant paragraph of”, insert “Schedule 1”.

(4) In regulation 5 after the word “in accordance with”, insert “Schedule 2”.

(5) Schedule 2 is amended as follows—

(a) before paragraph 1 insert—

“A1. Appeal hearings

- (1) An admission authority may decide an appeal hearing must be held—
 - (a) in person,
 - (b) wholly through the use of remote access (“a remote appeal”), provided the conditions in sub-paragraph (4) are met, or
 - (c) partly in person and partly through the use of remote access (“a hybrid appeal”), provided the conditions in sub-paragraph (4) are met.
 - (2) A remote appeal may only be held entirely by live audio link if—
 - (a) a live video link is not available for reasons relating to internet connectivity, and
 - (b) both the appellant and presenting officer agree.
 - (3) If an admission authority decides either that a remote appeal or a hybrid appeal must be held it must make all necessary arrangements for the appeal panel to have access to the necessary remote access equipment.
 - (4) The conditions referred to in sub-paragraphs (1)(b) and (c) are—
 - (a) the parties are able to present their case fully,
 - (b) each participant has access to the electronic means to allow them to hear and be heard and (where using a live video link) see and be seen, throughout the appeal hearing, and
 - (c) the admission authority considers that the appeal is capable of being heard fairly and transparently.
 - (5) The admission authority may decide that an appeal will be decided on the written information submitted if either the presenting officer or the appellant are unable to attend on the date of the hearing.”,
- (b) in paragraph 1(6) omit the words “appearing and”, and
 - (c) in paragraph 2(6)(b) omit the words “appear and”.