



Elin Jones AM
Presiding Officer
National Assembly for Wales
Cardiff Bay
CF99 1NA

1 May 2020

Dear Elin,

The Education (Admission Appeals Arrangements) (Wales) (Coronavirus) (Amendment) Regulations 2020

In accordance with section 11A(4) of the Statutory Instruments Act 1946, as inserted by Sch.10 para 3 of the Government of Wales Act 2006, I am notifying you that this Statutory Instrument (SI) will come into force less than 21 days from the date of laying. The Explanatory Memorandum that accompanies the Regulations is attached for your information.

The Regulations temporarily amend certain procedural and constitutional requirements that are set out in the Education (Admission Appeals Arrangements) (Wales) Regulations 2005 relating to school admission appeals panels until 31 January 2021.

This change is being made to allow these appeals to continue to be conducted despite significant practical difficulties caused by measures needed to limit the spread of coronavirus (COVID-19). Those measures include the social distancing guidance introduced by the Welsh Government and Public Health Wales, which restricts the ability for parties to meet in person, and the guidance on self-isolation, which causes difficulties in securing sufficient panel members for appeal hearings.

The 2020 Regulations make a one-off amendment to the 2005 Regulations giving admission authorities as much flexibility as possible to manage appeals in a way that best suits local circumstances, while also ensuring parents appealing an admission decision this year are supported and are not disadvantaged by the measures in place to protect public health.

The 2020 Regulations were made and laid as soon as practicable on public health grounds, in order to minimise the risk to appeals panels of spreading or contracting COVID-19 during the course of hearing appeals, while allowing parents their right to appeal decisions about where their children should attend school. As a result, they have come into force less than 21 days after they were made.

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Rydym yn croesawu derbyn gohebiaeth yn Gymraeg. Byddwn yn ateb gohebiaeth a dderbynnir yn Gymraeg yn Gymraeg ac ni fydd gohebu yn Gymraeg yn arwain at oedi.

We welcome receiving correspondence in Welsh. Any correspondence received in Welsh will be answered in Welsh and corresponding in Welsh will not lead to a delay in responding.

Not adhering to the 21 day convention allows the Regulations to come into force on 4 May 2020 and in view of the circumstances surrounding this disease, the reduced period is therefore thought necessary and justifiable in this case.

Further, as the majority of school admission appeals take place in April-July, compliance with the 21 day convention would make it impossible for these flexibilities to be introduced in time for admission authorities to undertake the bulk of their appeals work.

Due to the immediacy of the Regulations, it has not been subject to consultation, however, the Welsh Government has been in regular contact with the UK Government and with the sector including stakeholders responsible for undertaking school admission appeals.

An Explanatory Memorandum has been prepared and this has been laid, together with the Regulations, in Table Office.

A copy of this letter goes to Mick Antoniw AM, Chair of the Legislation, Justice and Constitution Committee, Sian Wilkins, Head of Chamber and Committee Services and Julian Luke, Head of Policy and Legislation Committee Service.

Yours sincerely,

A handwritten signature in black ink that reads "Rebecca Evans". The signature is written in a cursive, flowing style.

Rebecca Evans AS/MS
Y Gweinidog Cyllid a'r Trefnydd
Minister for Finance and Trefnydd