

# **Use of remote technology in school admission and exclusion appeal hearings: Consultation**

January 2024

## **Responding to this Consultation**

We are inviting responses to this consultation by 12 March 2024.

Please respond to this consultation using the Scottish Government's consultation hub, Citizen Space ([Scottish Government consultations - Citizen Space](#)). Access and respond to this consultation online at: [Scottish Government Consultations – Remote Means School Admissions and Exclusion Appeal Hearings](#). You can save and return to your responses while the consultation is still open. Please ensure that consultation responses are submitted before the closing date of 12 March 2024.

If you are unable to respond using our consultation hub, please complete the Respondent Information Form to:

School Organisation Team  
Scottish Government  
Area 2B North  
Victoria Quay  
Edinburgh, EH6 6QQ

## **Handling your response**

If you respond using the consultation hub, you will be directed to the About You page before submitting your response. Please indicate how you wish your response to be handled and, in particular, whether you are content for your response to be published. If you ask for your response not to be published, we will regard it as confidential, and we will treat it accordingly.

All respondents should be aware that the Scottish Government is subject to the provisions of the Freedom of Information (Scotland) Act 2002 and would therefore have to consider any request made to it under the Act for information relating to responses made to this consultation exercise.

If you are unable to respond via Citizen Space, please complete and return the Respondent Information Form included in this document.

To find out how we handle your personal data, please see our privacy policy: [Privacy - gov.scot \(www.gov.scot\)](#)

## **Next steps in the process**

Where respondents have given permission for their response to be made public, and after we have checked that they contain no potentially defamatory material, responses will be made available to the public at [Scottish Government consultations - Citizen Space](#). If you use the consultation hub to respond, you will receive a copy of your response via email.

Following the closing date, all responses will be analysed and considered along with any other available evidence to help us. Responses will be published where we have been given permission to do so. An analysis report will also be made available.

## **Comments and complaints**

If you have any comments about how this consultation exercise has been conducted, please send them to the contact address above or at [emma.davidson@gov.scot](mailto:emma.davidson@gov.scot).

## **Scottish Government consultation process**

Consultation is an essential part of the policymaking process. It gives us the opportunity to consider your opinion and expertise on a proposed area of work.

You can find all our consultations online: [Scottish Government consultations - Citizen Space](#). Each consultation details the issues under consideration, as well as a way for you to give us your views, either online, by email or by post.

Responses will be analysed and used as part of the decision making process, along with a range of other available information and evidence. We will publish a report of this analysis for every consultation. Depending on the nature of the consultation exercise the responses received may:

- indicate the need for policy development or review
- inform the development of a particular policy
- help decisions to be made between alternative policy proposals
- be used to finalise legislation before it is implemented

While details of particular circumstances described in a response to a consultation exercise may usefully inform the policy process, consultation exercises cannot address individual concerns and comments, which should be directed to the relevant public body.

## Background

Due to the COVID-19 pandemic, education authorities and education appeal committees (hereafter “appeal committees”) faced significant challenges in meeting the statutory requirements of the legislation that apply to school admission and exclusion appeal hearings. In response to their concerns that the school admission placing request and appeals process may face significant disruption we introduced The Education (Miscellaneous Amendments) (Coronavirus) (Scotland) Regulations 2020<sup>1</sup>, in April 2020. The regulations provided education authorities and appeal committees with greater flexibility, to enable appeal hearings to continue to be heard in a timely way.

These arrangements were:

- giving flexibility for appeal hearings to take place either in person or by telephone or video conference, or where all parties agree wholly in writing; and
- amending the timescales and deadlines relating to appeals

The regulations were amended further in February 2021 and in December 2021 through The Education (Miscellaneous Amendments) (Coronavirus) (Scotland) Regulations 2021<sup>2</sup> and The Education (Miscellaneous Amendments) (Coronavirus) (Scotland) (No. 2) Regulations 2021<sup>3</sup> respectively. Subsequently, as the pandemic eased, the regulations were amended to remove the extensions to the deadlines and timescales returning them to as they were prior to the pandemic. The ability to conduct appeal hearings remotely however has remained in place throughout this period. The current regulations will remain in place until such time changes are made following the outcome of this consultation process.

## Benefits of the use of remote means for appeal hearings

We have regularly reviewed the operation of the regulations with education authorities and parent representative bodies. The feedback from stakeholders was positive about the flexibilities provided through the above regulations. They reported that parents had been positive about the remote arrangements which were enabling parents to more easily access the appeals system without, for example, having to take significant time off work and/or incur additional costs, such as arranging additional childcare.

Education authority stakeholders noted the greater flexibility for appeal committees and parents alike as hearings can often run over. They also noted that use of remote means has become a normal feature of everyday life and to remove that option would be out of step with wider practice across society.

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<sup>1</sup> [The Education \(Miscellaneous Amendments\) \(Coronavirus\) \(Scotland\) Regulations 2020 \(legislation.gov.uk\)](#)

<sup>2</sup> [The Education \(Miscellaneous Amendments\) \(Coronavirus\) \(Scotland\) Regulations 2021 \(legislation.gov.uk\)](#)

<sup>3</sup> [The Education \(Miscellaneous Amendments\) \(Coronavirus\) \(Scotland\) \(No. 2\) Regulations 2021 \(legislation.gov.uk\)](#)



Where all parties agree to use remote means we propose video conferencing is the default remote means, and that telephone conferencing and wholly written appeals are only used where it is not possible to use video conferencing.

## Questions

1. Do you agree with the proposal that the use of remote means for appeal hearings should remain?
2. Do you agree that video conferencing should be the default option and telephone conferencing, or wholly written means be used only where it is not possible to use video-conferencing?
3. Do you agree that remote means should only be used where all parties agree?
4. Are there any other improvements that should be made to how remote means is used in appeal hearings, for example, to mitigate the risk of digital exclusion?

## Making Use of Remote Means to Conduct Appeal Hearings



### Respondent Information Form

**Please Note** this form **must** be completed and returned with your response.

To find out how we handle your personal data, please see our privacy policy: [Privacy - gov.scot \(www.gov.scot\)](http://www.gov.scot/privacy)

Are you responding as an individual or an organisation?

- Individual  
 Organisation

Full name or organisation's name

Phone number

Address

Postcode

Email Address

The Scottish Government would like your permission to publish your consultation response. Please indicate your publishing preference.

#### Information for organisations:

The option 'Publish response only (without name)' is available for individual respondents only. If this option is selected, the organisation name will still be published.

If you choose the option 'Do not publish response', your organisation name may still be listed as having responded to the consultation in, for example, the analysis report.

- Publish response with name  
 Publish response only (without name)  
 Do not publish response

We will share your response internally with other Scottish Government policy teams who may be addressing the issues you discuss. They may wish to contact you again in



the future, but we require your permission to do so. Are you content for Scottish Government to contact you again in relation to this consultation exercise?

Yes

No

## Questionnaire

### Question 1

Do you agree with the proposal that the use of remote means for appeal hearings should remain?

- Strongly agree
- Mostly agree
- Mostly disagree
- Strongly disagree

Please give reasons for your answer.

### Question 2

Do you agree that video conferencing should be the default option and telephone conferencing, or wholly written means be used only where it is not possible to use video-conferencing?

- Strongly agree
- Mostly agree
- Mostly disagree
- Strongly disagree

Please give reasons for your answer.

### Question 3

Do you agree that remote means should only be used where all parties agree?

- Strongly agree
- Mostly agree
- Mostly disagree

Strongly disagree

Please give reasons for your answer.

**Question 4**

Are there any other improvements that should be made to how remote means is used in appeal hearings, for example, to mitigate the risk of digital exclusion?

Yes

No

Please give reasons for your answer.



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