

## SCHOOLS MANAGEMENT FORUM

### PAPER DESCRIBING ARRANGEMENTS FOR ADMISSIONS APPEALS

September 2019

#### 1.0 Purpose of this paper

- 1.1 This paper sets out the arrangements for funding and administering admissions appeals by academies in the Tees Valley area.

#### 2.0 DfE Guidance on Admissions Appeals

- 2.1 The ‘School Admission Appeals Code: Statutory guidance for school leaders, governing bodies and local authorities’ sets out where responsibility lies for arranging admissions appeals:

*Academies, by which we mean Academy Schools (including those that are Free Schools), University Technical Colleges and Studio Schools, are state-funded, non fee-paying independent schools set up under a funding agreement between the Secretary of State and the proprietor of an Academy (most commonly, and hereafter, referred to as an Academy Trust). Academies are required by their funding agreements to comply with the Code and the law relating to admissions, though the Secretary of State has the power to vary this requirement where there is demonstrable need.*

Type of school	Who is the admission authority?	Who is responsible for arranging an admission appeal?
Academies	Academy Trust	Academy Trust
Community schools	Local Authority	Local Authority
Foundation schools	Governing body	Governing body
Voluntary aided schools	Governing body	Governing body
Voluntary controlled schools	Local Authority	Local Authority

#### 3.0 Funding

- 3.1 LA funding for maintained schools:

*Local authorities must allocate reasonable funds to governing bodies of maintained schools which are admission authorities to meet admission appeals costs, including training for panel members, unless the school and local authority agree that the local authority will carry out the administration on the governing body’s behalf.*

*Academies receive funding in accordance with their funding agreements.*

- 3.2 Dedicated Schools Grant DSG

The ‘Schools revenue funding’ document (Schools Revenue Funding Operational Guide) sets out the following:

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*In relation to centrally retained Dedicated Schools Grant (DSG) funding, local authorities must treat all maintained schools and schools that are their own admission authority in their area equitably.*

*Schools such as voluntary aided schools, foundation schools and academies, cannot therefore be charged for services that are provided free of charge to community and voluntary controlled schools, and paid for out of the centrally held DSG. For example, although admissions appeals are not a duty that the local authority holds in relation to all schools, we would still expect all schools to be treated fairly and equitably by the local authority.*

*This means, if local authorities retain funding from the budgets of all schools to provide an admission appeals service without charge to community and voluntary controlled schools, they must also provide this service without charge to academies, voluntary aided schools and foundation schools, although these schools may instead choose to make their own, self-funded arrangements.*

*Academies, voluntary aided schools and foundation schools may also wish to buy into the appeals services provided by the local authority or can make alternative arrangements.*

### 3.3 The Situation in Middlesbrough

Middlesbrough LA does not use funding from DSG to help meet the cost of admissions appeals in its maintained schools, therefore the Authority is not required to support such costs when incurred by academies.

## 4.0 Admissions appeals arrangements in neighbouring authorities

- 4.1 **Redcar:** Academies pay R&C LA via an SLA for an appeals service. Costs are around £200 for midyear appeals. Appeals for Y7 cost £200 for the first one and £100 for subsequent appeals. R&C legal team also charge for legal services for each appeal at around £200 to £250 per appeal.
- 4.2 **Hartlepool:** The schools that were their own admission authority prior to academisation such as VA schools are charged for appeals. Other types of academy are not charged for the service. Charges are around £250 per appeal, but discounts are available for multiple appeals. Further legal costs may also be charged for.
- 4.3 **Darlington:** Academies pay Darlington LA via an SLA for an appeals service. Costs are around £160 plus legal costs per appeal.

## 5.0 Alternative arrangements

- 5.1 Middlesbrough LA withdrew from offering an admissions appeals service a number of years ago and currently does not offer any appeals hearing services to any school.
- 5.2 If there is a clear demand from Middlesbrough schools for such a service, the LA will carry out a scoping exercise to determine whether it could be offered in a cost effective way.

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**6.0 Actions**

- 6.1 SMF is asked to inform the Education Directorate (AW / TD) whether or not it wishes the Authority to investigate further the costs of offering an appeals hearing service.

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September 2019**