

Admissions Appeals – Charging of Services

Purpose of report

1. To outline the local authority response to the National Funding Formula (NFF) for admissions appeals and the specific guidance around equivalent treatment of all schools. The report is for information only.

Background and Legislative Extract

2. Where the local authority holds duties in relation to all schools, all schools must be treated on an equivalent basis. Paragraph 156.1 & 156.2 of the Schools Revenue Funding 2019-20 – Operational Guide states;

“Local authorities should not be treating voluntary aided schools, foundation schools or academies, differently from maintained schools in the services they provide to them; this is set out in the DSG conditions of grant. “

“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.”

3. This does not include services where funding has been retained centrally from maintained school budgets, such as de-delegated services.
4. Within the Wiltshire funding formula (National Funding Formula) all school funding has been delegated to schools as part of the formula allocation, therefore no funding has been retained centrally for servicing admission appeals.
5. The Department for Education's Guidance 'Scheme for financing local authority-maintained schools' provides that a local authority can charge maintained schools budget share directly for *“costs incurred by the authority in administering admissions appeals, where the local authority is the admissions authority and the funding for admission appeals has been delegated to all schools as part of their formula allocation.”*

6. Wiltshire Council's Schools Admission Team has traditionally supported the appeals process, wherever possible, even if they have not managed the whole process. Some schools, particularly academy schools, have put into place their own arrangements for the process of managing admission appeals.
7. Supporting the appeals process involves time from both the Schools Admissions Team and a member of the Democratic Services Team to minute the meeting and ensure that due process is followed.
8. The local authority is no longer in a position to support the appeals process without recovering the costs associated with running admissions appeals. Charging all schools, regardless of their status, Voluntary Aided, Foundation, Voluntary Controlled, Community or Academy will then be consistently applied.

The Charges

9. Currently academies are charged, and it is proposed that inflation is applied to these from the 2020-21 academic year and charges are rolled out to all schools. Prices are akin to those of other local authorities and do not recover the total cost to the local authority (i.e.: including overheads such as ICT) as they are not deemed to be a traded service but a chargeable service. The prices kindly provided by the diocese are listed for your information.

	Local Authority 2020-21 Prices (per appeal)		Diocesan Non- Member Prices	Diocesan Partnership Agreement Member Prices
Appeal Full Service (Panel, Presentation and Clerking)	£535		£540 1 st appeal £450 2 nd appeal £360 3 rd & subsequent appeals	£360 1st appeal £300 2nd appeal £240 3rd & subsequent appeals
Preparation and Presentation Service (Admissions team only)	£314			
Panel and Clerking (Appeal arrangements only)	£221			
Additional appeal heard on the same day	£232			
Late withdrawal of appeal or settled appeal (3 days or less)	£232			
Withdrawal or settled (over 4 days)	£154			

10. During the spring / summer term, the services will write to schools to gauge interest in local authority buy back and at that stage collect average appeal numbers from interested schools in order to see whether a discount scheme would be beneficial. Wiltshire Council does not hold a monopoly as the provider of Admission Appeals and therefore schools can consider using other providers but must be assured that due process will be followed.

Impact for Wiltshire Schools and Budgeting for Costs

11. The effect of these provisions is that local authorities will not be permitted to fund any appeals and will need to charge all schools the same rate in order to adhere to the DfE's operational guidance.
12. Implementation is from September 2020. This means that the majority of the appeals which take or have taken place in April/May 2020 will not be charged for in this 2020-21 financial year. Schools will be able to plan for the costs associated with any Admission Appeals when setting their 2021-22 budget.

Communicating the Change

13. A letter to heads and governors explaining the change will be shared with schools in later this term, in co-ordination with PHF and WASSH. The service will provide Schools with information and guidance around the statutory requirements should they choose not to remain with the local authority service(s). Schools will be asked to indicate whether or not they wish to purchase the council offer from September 2020. The additional cost pressure will be felt in the 2021-22 financial year, aligned to the appeals timetable. The proposed letter is attached as Appendix 1.

Proposal

14. It is proposed that from the start of the new academic year 2020-21, that the local authority will charge all schools for which they are the admissions authority for admission appeals.
15. Schools Forum to note the content of the report.

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