

Date TBC

**To Wiltshire Headteachers,
Chair of Governors and
Finance Officers
of Academy, Maintained and
Special Schools**

County Hall
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Our ref: DSG2021

Dear Colleague

Please read this important update on DfE legislative changes around equivalent treatment of all schools with regard to Admissions Appeals which will have a financial impact for some schools from the 2021/22 financial year onwards.

Admissions Appeals Charges

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.”

This does not include services where funding has been retained centrally from maintained school budgets, such as de-delegated services.

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.

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."

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.

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.

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. 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.

The Charges

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.

Introducing the charges from September 2020 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.

	Local Authority 2020-21 Prices (per appeal)
Appeal Full Service (Panel, Presentation and Clerking)	£535
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

In order to assess the take up if the local authority service for September 2020 onwards, we would be grateful if you would complete the short snap survey

[LINK HERE](#)

[Snap survey Questions](#)

It is hoped to offer a pre-ordered and pre-paid “bundle” of admissions appeals. We would be grateful if you would be able to answer these 3 questions to help us assess the demand and calculate the potential discount.

1. Will you be purchasing services from the local authority from September 2020 for ad-hoc appeals?
2. Will you be purchasing services from the local authority from April 2021 covering the annual April / May appeals time period?
3. How many appeals would you expect to have on an annual basis for your school?

Statutory Responsibilities around Admissions Appeals

Admissions appeals must be administered in line with the School Admissions Appeals Code 2012, the code has the force of law. On the 14 April 2020 the DFE issued further guidance on admissions appeals during COVID 19. The new regulations relax some of the current requirements that are set out in the [School Admission Appeals Code 2012](#) and enable admission authorities to proceed with their admission appeals. Details of the new regulations can be found at www.gov.uk/government/publications/admission-appeals-for-school-places. These are currently being examined by the admissions team and further guidance will be issued in September 2020.

Yours sincerely

Helean Hughes
Director, Education & Skills