

School Admission Appeals

Purpose of the Report

1. To inform Schools Forum of the final arrangements in place for the subsidised charging for admissions appeals for all schools.

Background

2. Schools Forum will recall that the DfE have updated guidance around admissions appeals and that this poses a number of challenges including confirmation that funding for admissions appeals lies with schools; the subsequent introduction of charges and some schools suggesting they may accept pupils above PAN to avoid appeal costs. An earlier paper brought to Schools Forum on this matter is available [here](#).
3. In response to DfE Guidance 'Scheme for financing local authority-maintained schools', the Working Group and Schools Forum have previously discussed increasing the Central Schools Services Block or taking an allocation from the budget of maintained schools (dedicated schools block), to provide funding for admissions appeals. Schools Forum and the Working Group did not favour these options as they would affect all schools, including those that do not have appeals and those who are happy with alternative arrangements they already have in place. Schools Forum indicated introducing charges to schools that have admission appeals, at a subsidised rate, would be preferable.

Main Considerations

4. The Council therefore intends to introduce charges to all schools using the appeals service from 1st April 2021. The schedule of charges proposed, attached at Appendix 1, is to be considered by the Cabinet Member for Children Education and Skills following the meeting of Schools Forum. Recognising the need for charges to be acceptable to schools, the charges do not include all the direct costs incurred by the council in administering appeals (e.g. IT equipment, office space etc). Additionally, the council is proposing to subsidise the costs for schools who have more than three appeals per year. The calculations for the rate of charge have also been reviewed to ensure they reflect the current administrative arrangements needed to support appeals, as well as efficiencies due to appeals being held virtually.
5. In the Schools Forum Working Group on 30th November there was a discussion about schools preferring to admit pupils over PAN to avoid paying for appeals. This would lead to popular schools being over capacity whilst other local schools continued to have surplus places. Some schools also operate waiting lists. If a school wished to create additional places above PAN, those places

should be offered to the highest priority applicant on the waiting list, not necessarily the family who have appealed.

6. It was resolved that a Position Statement could be adopted by Schools Forum and shared with schools. This Position Statement would set out the expectations of the LA and Schools Forum, in order to avoid the scenario, set out in para 4. above. Schools could be reminded that once at PAN, applications should be refused unless there is no reasonable alternative. This would help to ensure that admissions policies are adhered to and that schools with available places have higher prospects of those places being filled.
7. This position statement has now been drafted by a sub group of Schools Forum members and is attached at Appendix 2.

Proposals

8. To note the update that the local authority will be introducing the new charges from 1st April 2021.
9. To invite feedback from Schools Forum on the Position Statement and if it is supported to agree that it should be circulated to all schools through Right Choice.

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Service	Charges 20/21	Proposed Charges 21/22	Year on Year Price Change*
Full service	£535	£508	-£27
Full service (3 appeals 30% discount)	N/A	£355 <i>(£152 subsidy)</i>	N/A
Full service (5 appeals 50% discount)	N/A	£254 <i>(£254 subsidy)</i>	N/A
Preparation and presentation only	£314	£314	N/A
Panel and clerking single appeal	£221	£193	-£28
Per additional appeal on same day (full service)	£232	£188	-£44
Per additional appeal on same day (Preparation and Presentation only)	£116	£116	N/A
Per additional appeal on same day (Panel and Clerk only)	£116	£73	-£43
Late withdrawal or settled (full service)*	£232	£252	+£20
Late withdrawal or settled (Preparation and Presentation only)*	£116	£116	N/A
Late withdrawal or settled (Panel and Clerk only)*	£116	£136	+£20
Early withdrawal or settled appeal*	£154	£137	-£16

Early withdrawal or settled appeal (Preparation and Presentation only)*	£77	£77	N/A
Early withdrawal or settled appeal (Panel and Clerk only)*	£77	£60	-£17

*Withdrawal charges will only apply where preparatory work has already been undertaken, and late withdrawal will constitute within 10 days of the appeal.

Appendix 2 – Position Statement

Position statement on the Planned Admission Number (PAN) and admission appeals

Background

1. The DfE Guidance ‘Scheme for Financing Local Authority-maintained schools’, now requires that if a local authority provides an admission appeals service without charge to maintained schools (as in Wiltshire), it is not able to charge other schools for the same service. Alternatively, the Local Authority must charge all schools equally for this service. In Wiltshire the funding for appeals is delegated to all schools as part of their formula allocation.
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 – Operational Guide states;
 - a) *“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.*
 - b) *“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. Wiltshire Council currently provides an admission appeals service free of charge to maintained schools. In light of the revised DfE guidance above, the Local Authority can either now offer this service for free to all own-admission authority schools or introduce fair charges to all schools. It is not financially viable for the Local Authority to introduce free school appeals for all schools. There is no statutory duty for the local authority to provide this and the schools have been delegated funding in their individual allocations.
4. In response to this, over the period July-September 2020, the Local Authority contacted schools to indicate it was likely to introduce charges for admission appeals for all maintained schools, in addition to academy, voluntary aided and foundation schools. Schools are also able to purchase the appeals service from other providers, but they will need to reassure themselves that the statutory requirements are being met by providers as per the DfE appeals code <https://www.gov.uk/government/publications/school-admissions-appeals-code>.
5. Since the contact with schools, the local authority has received representation about potential situations where schools may wish to admit pupils over the Planned Admission Number (PAN) in order to avoid paying for an appeal. For Voluntary Controlled and Community schools the LA is the admissions authority and will refuse applications once the school is at PAN in that year

group, unless a child has moved into the catchment area and there is no reasonable alternative school. In these situations, the school would stand the costs of the appeal.

6. For Academies, Foundation and Voluntary Aided schools, the Governing Body/Academy Trust is the admissions authority and could therefore in principle admit above PAN. However, Schools Forum does not support this for the reasons outlined below.
7. The only exception to this is for main round admissions, as schools are given an annual opportunity to request an increase in their PAN for the main intake year only. The Code of Practice states that this must be agreed in sufficient time to allow the LA to administer its coordination responsibilities effectively. In Wiltshire this is January for secondary schools and February for primary and junior schools.
8. This briefing note sets out the position agreed by Schools Forum on expectations on both maintained schools and own-admission authority schools to fund appeals and maintain their PAN to be fair and consistent to all schools.

Importance of schools not admitting over PAN

9. There is a clear expectation from Schools Forum that schools should not admit pupils over their PAN or Infant Class Size number to avoid paying for admission appeals. Such action would mean popular schools could be pushed over capacity, whilst other local schools continue to have surplus places. As schools are funded on numbers of children on roll, falling numbers in some schools will lead to reduced incomes. For some Wiltshire's schools this will lead to significant financial pressure.
10. All schools should apply their admissions policies. Applicants must be prioritised according to the oversubscription criteria. In accordance with the Code of Practice, if an additional place is available it must be allocated to the highest priority pupil, not necessarily the appellant. Schools must not discriminate, if they are under PAN a place must be offered, if at PAN the application should be refused. The only exception to this is for Grammar Schools where applicants have not met the entry requirements. Applications can be referred by all schools to the Fair Access Panel under limited circumstances as outlined in the Fair Access Protocol.
11. Schools Forum recognises the financial impact on maintained schools who also now need to pay for admission appeals. However, it notes that the funding for admission appeals has been delegated to all schools as part of their formula allocation.
12. Schools Forum support's the LA's proposal to subsidise appeal costs provided by the LA for all schools, to reduce the financial implications on those schools that regularly have appeals.

13. Schools Forum will refer admissions authorities to the Office of the Schools Adjudicator where there is clear evidence that schools are not acting in accordance with the Code of Practice.

Type of School	Admission authority	Responsibility for ensuring appeal arrangements are in place	Responsibility for financing the appeals
Academies (CA)	Academy Trust ('own authority school')	Academy Trust	Academy Trust as it receives funding for admission appeals in accordance with funding agreements.
Foundation Schools (FO)	Governing body ('own authority school')	Governing Body	The governing body receives funding for admission appeals in accordance with funding agreements.
Voluntary Aided Schools (VA)	Governing body ('own authority school')	Governing Body	The governing body receives funding for admission appeals in accordance with funding agreements.
Community Schools (CO)	Local Authority (LA 'maintained schools')	Local Authority	The schools themselves as the funding for admission appeals has been delegated to all schools as part of their formula allocation
Voluntary Controlled Schools (VC)	Local Authority (LA 'maintained schools') NB: This may be the governing body if the LA has delegated responsibility to it for determining admission arrangements.	Local Authority	The schools themselves as the funding for admission appeals has been delegated to all schools as part of their formula allocation

