

Schools Forum

Title: **School Admission Appeals Funding : Implications of proposed change to the statutory guidance 'Schemes for financing schools' regarding funding for admission appeals**

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Local members affected: All members

Summary

The Department of Education is proposing to make a change to section 6.2 of the Scheme for financing schools guidance, to include admission appeals as one of the services in which a local authority can charge school budgets for agreed services.

Recommendation

That if the proposed change comes into force, during 2016/17 Buckinghamshire Local Authority will consult all schools and seek the approval of the members of the Schools Forum representing maintained schools as to their preferred way of managing appeals charges from 2017/18.

Background

Currently the school admission appeals service in Buckinghamshire is funded from two sources:

1. Academies, Free Schools, Voluntary Aided schools and Foundation Schools ('own admission authority schools') are all charged for each appeal heard on their behalf. Contracts are maintained with all such schools that wish the council to manage an appeals service on their behalf.
2. The Appeals service receives assistance from DSG funds for the appeals relating to community and voluntary controlled schools.

In 2014/15 1154 appeals were lodged and 730 appeals were heard.

	Lodged	Heard
VA/F/Academy and Free	753	483
VC and Maintained	401	247
TOTAL	1154	730

Options:

1. We can continue to retain the funds centrally, or
2. The centrally retained monies are shared with all schools and then all schools are charged for their admission appeals.

The impact on schools

Option 1: If this option were followed then voluntary aided, foundation and academy schools could no longer be charged for appeals.

Option 2: all schools would be charged for appeals (having had finances distributed)

The full impacts of each option will be considered before a final decision is made. The impact will therefore not be until 2017-18.

Appendix 1: The Consultation

https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/473904/Funding_for_school_admission_appeals_consultation.pdf

Paragraph 1.14 of the School Admission Appeals Code states that: *“Local authorities must allocate reasonable funds to governing bodies of maintained schools which are admission authorities to meet admission appeals costs.”*

Therefore, local authorities currently have a duty to support maintained schools (Voluntary Aided, Foundation and Trust schools) which are admission authorities. This is in addition to authorities' responsibilities where they act as the admissions authority for maintained Community and Voluntary Controlled schools.

However, the 2013 to 2014 funding reforms removed the ability of local authorities to specifically allocate funding for own admissions authority schools and ended the separate grant paid to academies for admissions. The reforms also restricted local authorities' ability to increase the amount of budget retained centrally for admissions, to ensure that as much money as possible was allocated to schools.

Proposed changes

For schools for which the local authority is the admission authority, and for which the authority therefore must provide an appeals service, the additional flexibility the Scheme for financing schools will allow local authorities to use their powers under the Financial Management Scheme to charge those schools. All other schools and academies would be responsible for their own admission appeals, with funding for this function included in their delegated budgets. No separate funding will be available to help cover the costs of providing this service. The local authority could offer a traded service, which schools and academies which are their own admissions authorities would be free to decide whether to use individually.

If a local authority wished to make use of this additional flexibility, a change to the local scheme would be needed. Local authorities must consult all schools in their area and receive the approval of the members of their schools forum representing maintained schools. Should they wish to do so, local authorities will be able to use this approach to admission appeal arrangements for 2016-17. Schools would be protected, as an authority cannot act unreasonably in the exercise of any power given by the scheme, or it may be the subject of a direction under s.496 of the Education Act 1996.

Furthermore, for each of the circumstances in which an authority can charge a school, the authority has to be able to demonstrate that the authority had necessarily incurred the expenditure now charged to the budget share.

The existing option whereby a local authority, in agreement with its schools forum, can retain funding centrally to cover admission appeals for all types of schools and academies remains, should a local authority and its school forum desire and agree to use this approach.

If agreed, the operational guide for schools will also be updated to reflect this change.

We would like to hear your views on our proposals.