



Department
for Education

Funding admission appeals

Government consultation response

December 2015

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Introduction

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 2013/14 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.

Between the 5 November and 4 December 2015 we conducted an online consultation. Alternatively respondents were able to email or send a response form.

We proposed a small change to the [Schemes for Financing Schools Statutory Guidance](#).

It was proposed to insert the following into the Schemes for Financing Schools Guidance:

6.2.20 Costs incurred by the authority in administering admission 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.

The effect of the change is to make it clear that local authorities may charge the budgets of maintained schools for administering admission appeals, where the authority has included the funding for admission appeals in schools budget allocations.

Summary of responses received and the government's response

This section sets out the views that we have received in response to the consultation on arrangements for funding admission appeals. It also sets out the decisions that have been taken as a result.

In total there were 49 responses to the consultation, with 44 responses to the only closed question of the consultation 'do you agree with this proposal?' 5 respondents chose not to answer this question, but provided comments on the proposal.

The majority of responses received came from local authorities (27%) and 'other' organisations (27%). Within this group five were from Diocesan organisations. The breakdown of the remaining responses were; academies/free schools (8), maintained schools (7), faith schools (7) and non-selective school (1).

Which of these best describes the organisation you represent?		
Options	Responses	Percentage
Local authority	13	27%
Other	13	27%
Academy/Free School	8	16%
Faith School (VA)	7	14%
Maintained School	7	14%
Non-Selective	1	2%

Which of these best describes you as a respondent?		
Options	Responses	Percentage
Other	15	31%
Headteacher/teacher	12	24%
School Governor	8	16%
School Business Manager/Bursar	6	12%
Finance officer	5	10%
Parent	1	2%
No response	2	4%

A full list of the organisations that have responded can be found at Annex A.

The breakdown of responses to the question asking whether respondents agreed with the proposals:

- 41% agreed with the change;
- 41% did not agree; and
- 5% were unsure.

Those that agreed commented that this change was sensible, and ensure equal treatments of schools. Some of those who did not agree misunderstood the proposed changes, whilst others were concerned about any additional pressure this would put on school and academy budgets.

This change will be available to local authorities to use, should they wish to do so, from 2016 to 2017. However, it is **not** compulsory for local authorities to use this method to fund admission appeals. If local authorities are currently compliant with the admission appeals code they do not have to change their approach to funding admission appeals. This change is intended to provide an alternative option and more flexibility for local authorities. Therefore, we intended to proceed with the proposed amendment to the Scheme for Financing Schools Statutory Guidance.

Question analysis

Respondents were asked one question, with an option to comment further.

Question 1

Do you agree with the proposal?

There were 44 responses to this question.	Total	Percent
Yes	20	41%
No	20	41%
Not sure	4	8%
No response	5	10%

5 respondents (10%) chose not to answer this question, but provided comments on the proposals.

There were equal numbers of respondents who agreed or disagreed with the proposal (20). Of those that agreed with the proposal, 6 were from a local authority (LA), 6 were classified as 'Other' and 4 were academies or free schools. A further 3 were from faith schools and 1 from a maintained school.

Of those that did not agree with the proposal, the highest volume were from maintained schools (6), followed by 3 respondents in each of the following categories; faith schools, academies/free schools and 'other' and 1 from a non-selective school.

Respondents were invited to comment on their response. Comments from those that agreed with the proposal welcomed the change as it ensured fair and equitable treatment between all types of schools.

When looking at the comments of those who disagreed, some of the comments were not related to the consultation on admission appeals funding, but changes to the curriculum. Furthermore, some were concerned with the removal of additional funding for academy appeals, whilst others were concerned that this would put pressure on schools budgets. It was also raised that delegating funding on an equitable basis would penalise schools with high numbers of appeals, who would face a higher 'bill' for this service. Some believed that additional responsibility is being transferred to the Dedicated Schools Grant, and so a corresponding amount of funding should be added to the Dedicated Schools Grant.

However, a number of comments also showed a misunderstanding of the proposed change, with some respondents commenting that they agreed with the current approach, whereby a local authority, in agreement with its schools forum can retain funding centrally to cover admission appeals for all types of schools, and were concerned that the use of the Financial Management Scheme would be imposed upon them.

Of the 5 comments that did not respond to the question, looking at their comments, one respondent would not oppose the change if the existing approach continued to be an option available to local authorities.

Some comments requested that the amendment to the Scheme for Financing Schools Guidance goes further to make clear both options available to local authorities to fund admission appeals.

Government response

If local authorities are compliant with the admission appeals code they do not have to change their approach to funding admission appeals. Should local authorities, in agreement with their Schools Forum, wish to continue to retain funding centrally to cover admission appeals for all types of schools, they will be able to do so. If local authorities need to increase their centrally retained admissions funding to do this, they need the consent of the School Forum and Secretary of State to do so. To apply for this, local authorities should use the 'Schools finance disapplication request form', which is available online at: <https://www.gov.uk/government/publications/schools-funding-arrangements-2016-to-2017>.

The change to the Scheme for Financing Schools Guidance is **in addition** to this option. There is no obligation on Local authorities to use this approach. Local authorities and schools forums must discuss and agree which approach best suits their local circumstances, to ensure that greater transparency over the funding of admission appeals.

However, if local authorities are not compliant with the admission appeals code, they will have to change their approach regardless of whether we implemented the change to the Scheme for Financing Schools Guidance. The amendment to the guidance simply makes clear that local authorities may charge the budgets of schools for which they are the admissions authority for administering admission appeals, allowing greater flexibility for local authorities.

Some respondents argued that the change to the Financial Management Scheme would penalise oversubscribed schools and believed that additional responsibility is being transferred to the Dedicated Schools Grant. However, this is not the case. Currently, funding for admission appeals can be retained centrally and it is therefore deducted before schools receives their individual budgets, but it is still deducted from the Dedicated Schools Grant allocated to the local authority. Therefore, this is not a new responsibility and additional funding will not be added to the Dedicated Schools Grant. Similarly, under the current arrangements, funding is retained centrally on an equal basis, regardless of the volume of appeals a school has.

As outlined in the consultation document, local authorities would only be able to charge those schools for which they are the admission authority and therefore must provide an appeals service. Local authorities would therefore not be able to charge the budget shares of voluntarily aided or foundation schools, without prior agreement. We have amended the Scheme for Financing Schools Guidance to make clear the circumstances in which local authorities may charge for admission appeals. This response sets out both options available to the local authority for funding admission appeals, as the Scheme for Financing Schools Guidance is not the document in which to do this.

Some of the respondents who disagreed with the change, raised concerns about the removal of additional funding for academies with a high volume of admission appeals.

We acknowledge the concerns regarding the removal of additional funding for academies with a high volume of admission appeals, and **we are** considering the approach to take on this issue.

We are issuing this response **now because** we want to give local authorities who wish to use their Financial Management Scheme in 2016-17 the opportunity to do so, and will respond to the removal of additional funding for academies **for admission appeals** in due course.

Some respondents made additional proposals which we will consider for 2018-19.

Next steps

We will proceed with the revised change to the scheme for financing schools guidance. It is intended that, from 2016-17, local authorities will be able to charge all schools, including those for which they are the admissions authority, for admission appeals. We recognise that funding is currently held centrally for this purpose and that local authorities may wish to increase delegation to schools for 2016-17 in order to transfer both the funding and responsibility for admission appeals. We will therefore consider favourably, any MFG exclusion requests received, where funding for admissions is to be delegated in 2016-17.

The option to use the Financial Management Scheme will be available to all local authorities, in agreement with their Schools Forum, to pursue from 2017-18.

We will respond to the removal of additional funding for academies for admission appeals in due course.

Annex A: List of organisations that responded to the consultation

- ASCL
- Birch C of E (VA) Primary School
- Catholic Education Service
- Central Bedfordshire Council
- Churchill Community College
- Clifton Diocese
- Diocesan Board of Education
- Diocesan Board of Education, The
- Diocese of Westminster
- East Morton CE Primary School
- Eldwick Primary School
- Eldwick Primary School
- FASNA
- Guildford Diocesan Board of Education
- Hardenhuish School
- Hartlepool Borough Council
- Hertfordshire County Council
- ICCeD
- Kent County Council
- NAHT
- Norfolk County Council
- North East Lincolnshire Council
- Northern Saints Church of England Primary School
- Nottingham City Council
- Oxfordshire County Council
- Redborne Upper School
- Robinswood Academy Trust, The
- Solihull MBC

- Southampton City Council
- St Clare's Catholic Primary School
- St Mark's CE Primary School
- Suffolk County Council
- Surrey County Council
- Tendring Technology College
- Trafalgar School at Downton, The
- West Berkshire Council



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