

Confident, Capable Council Scrutiny Panel

15 March 2017

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| Report title | School Admission Appeals – Update on Service Level Agreements | |
| Cabinet member with lead responsibility | Councillor Andrew Johnson Cabinet Member for Resources | |
| | Councillor Milkinderpal Jaspal Cabinet Member for Governance | |
| Wards affected | All | |
| Accountable director | Kevin O’Keefe, Director of Governance | |
| Originating service | Scrutiny and Systems | |
| Accountable employee(s) | Julia Cleary Tel Email | Scrutiny and Systems Manager 01902 555046 Julia.cleary@wolverhampton.gov.uk |
| Report to be/has been considered by | | |

Recommendations for noting:

The Panel is asked to note:

1. The uptake so far in relation to the School Admissions Appeals Clerking Service.
2. The statutory timescales within which appeals must be heard.
3. The new fee structure to be adopted for 2017/18.

1.0 Purpose

- 1.1 To update the panel on the uptake of services by schools in relation to the School Admissions Appeals Clerking Service.
- 1.2 To advise the panel in relation to the statutory timescales that apply to the administration of school admission appeal hearings.
- 1.3 To provide the panel with the background and reasons for the increase in fees.

2.0 Background

- 2.1 At a meeting of the panel held on 16 November 2016 the draft budget proposals were considered and concern expressed by the panel in relation to the increase in fees for clerking services and whether this increase could discourage schools from buying into the service. Concern was also expressed at the meeting regarding the fact that appeals needed to be heard within a suitable timeframe.
- 2.2 The Head of Governance explained at the meeting that the Council incurred considerable costs in dealing with admission appeals on behalf of schools, particularly when hearings did not go ahead as planned.
- 2.3 The number of appeals being dealt with by the service is also increasing with additional staff being recruited to help manage the workload.
- 2.4 For the September admissions in 2015/16 there were 212 Primary School appeals and 211 Secondary School appeals. For the September admissions in 2016/2017 there were 234 primary school appeals and 275 secondary school appeals. The number of schools converting to academies and the introduction of the Royal School Wolverhampton to the schedule has also added to the complexity and density of work with the appeals for the school expected to take approximately three weeks.

3.0 Fees and Charges 2017/18

The Council will make an initial, flat-rate retainer charge of £600, payable with effect from the commencement date; this fee is non-refundable. This differs from previous years when a fee of £520 was initially charged and then offset against the individual appeals.

The Council will also make a charge to the school for each individual pupil admission appeal as follows:

- £150 per appeal where up to 4 appeals are considered at a hearing (increase from £114 where only one or 2 appeals were considered).
- £85 per appeal where more than 4 appeals are considered at a hearing (increase from £82 where more than 2 appeals were considered)

- £60 where a submitted appeal is subsequently withdrawn by the appellant prior to an appeal hearing taking place (increase from £20).

These charges apply to all individual admission appeals formally submitted to the council.

The charge includes:

- Provision of a clerk
- All postage, printing and stationery costs.
- Provision of refreshments at meetings.
- Provision of legal advice by the Council's solicitors to the appeal panel, where required.
- Travel costs incurred by panel members and the clerk in attending any appeal hearing within Wolverhampton.
- Training of panel members.
- Preparation of supporting paperwork in relation to any subsequent complaint to the Local Government Ombudsman.

This cost excludes:

- Hire of external venues, where required.
- Legal representation required by the school at individual appeal hearings or in connection with any matters subsequently investigated by the Local Government Ombudsman, any applications for Judicial Review or reviews undertaken by the Secretary of State
- Interpretation services (this was previously included in the set fee).

4.0 Timescales

4.1 The timescales within which appeals are heard are covered by Statutory Guidance - The School Admissions Code ("the Code") which is issued under Section 84 of the School Standards and Framework Act 1998.

Admission authorities must set a timetable for organising and hearing appeals that:

- A. includes a deadline for lodging appeals which allows appellants at least 20 school days from the date of notification that their application was unsuccessful to prepare and lodge their written appeal;
- B. ensures that appellants receive at least 10 school days' notice of their appeal hearing;
- C. includes reasonable deadlines for appellants to submit additional evidence, for admission authorities to submit their evidence, and for the clerk to send appeal papers to the panel and parties;
- D. ensures that decision letters are sent within five school days of the hearing wherever possible.

- 4.2 Admission authorities must publish their appeals timetable on their website by 28 February each year.
- 4.3 Admission authorities must ensure that appeals lodged by the appropriate deadlines are heard within the following timescales:
- A. for applications made in the normal admissions round, appeals must be heard within 40 school days of the deadline for lodging appeals;
 - B. for late applications, appeals should be heard within 40 school days from the deadline for lodging appeals where possible, or within 30 school days of the appeal being lodged;
 - C. for applications for in-year admissions, appeals must be heard within 30 school days of the appeal being lodged.
- 4.4 Any appeals submitted after the appropriate deadline must still be heard, in accordance with whatever timescale is set out in the timetable published by the admission
- 4.5 The Council has published the following on its website:

For Secondary Schools:

Offer: **1 March 2017**
Appeals lodged by: **29 March 2017**
Appeals heard by: **15 June 2017**

- 4.6 Appeals lodged after these dates will be heard within 40 school days of the appeal deadline or 30 school days of the appeal being lodged, whichever is the later date.

For Primary Schools:

Offer: **18 April 2017**
Appeals lodged by: **22 May 2017**
Appeals heard by: **24 July 2017**

- 4.7 Appeals lodged after these dates will be heard within 40 school days of the appeal deadline or 30 school days of the appeal being lodged, whichever is the later date.
- 4.8 An indicative timetable has already been produced based on expected appeal numbers and schools have been contacted regarding dates for their appeals to be heard.

5.0 Progress

- 5.1 The deadline for schools to sign up for the Council's clerking service was 17 February 2017. Responses are still to be received from **four schools that have previously used the service**, two schools that have previously used the service have opted out and four new schools have opted in. Employees in the service area are currently contacting the schools that have opted out to confirm the situation.

6.0 Financial implications

- 6.1 A comprehensive review of the appeals process has revealed that the fee income generated in 2016/17 has not been sufficient to cover the associated staffing and administrative costs. The new fees detailed in paragraph 4 of the report have been set to fully cover the costs of service provision and are anticipated to generate a further £20,000 income based on anticipated fee volumes.
[GE/03032017/U]

7.0 Legal implications

- 7.1 School Admission Appeals are governed by the School Standards and Framework Act 1998 and by Statutory Guidance made pursuant to that Act, namely the School Admissions Code 2012 compiled and published by the Department for Education.
[AS/02032017/K]

8.0 Equalities implications

- 8.1 The School Admissions Code states that when an admission authority informs a parent of a decision to refuse their child a place at a school for which they have applied, it must include the reason why admission was refused; information about the right to appeal; the deadline for lodging an appeal and the contact details for making an appeal. Parents must be informed that, if they wish to appeal, they must set out their grounds for appeal in writing. Admission authorities must not limit the grounds on which appeals can be made.
- 8.2 The School Admissions Code states that an admission authority must not discriminate on the grounds of disability, gender reassignment; pregnancy and maternity; race; religion or belief; sex; or sexual orientation, against a person in the arrangements and decisions it makes as to who is offered admission as a pupil.
- 8.3 The Equality Act 2010 contains limited exceptions to the prohibition of discrimination on grounds of religion or belief and sex. Schools designated by the Secretary of State as having a religious character are exempt from some aspects of the prohibition of discrimination on the grounds of religion or belief and this means they can make a decision about whether or not to admit a child as a pupil on the basis of religion or belief. Single-sex schools are lawfully permitted to discriminate on the grounds of sex in their admission arrangements.
- 8.4 Admission authorities are also subject to the Public Sector Equality Duty (created and defined by sections 149 to 157 Equality Act 2010) and therefore must have due regard to the need to eliminate discrimination, harassment and victimisation, advance equality of opportunity, and foster good relations in relation to persons who share a relevant protected characteristic and persons who do not share it.

9.0 Environmental implications

9.1 There are no environmental implications

10.0 Human resources implications

10.1 There are no human resources implications

11.0 Corporate landlord implications

11.1 There are no corporate landlord implications

12.0 Schedule of background papers

12.1 None