

## **Options considered for school appeals charging**

### 3.1. Do Nothing:

#### Benefits

- There are no budgetary pressures or changes for schools.

#### Drawbacks

- School colleagues have enquired informally as to why there is a disparity between the information so this will likely be raised higher if no change occurs in the near future.
- Current practice is out of step with the operational guidance.

### 3.2. Consult with schools to consider charging all schools for appeals services.

#### Benefits

- Clear, equal and transparent as required by the operational guidance.

#### Drawbacks

- Own admissions authority schools with 20+ appeals would be liable for these costs. Academy schools can apply for assistance from ESFA.
- Schools not accustomed to paying this charge may experience budgetary pressure as a result.
- Due to the unpredictable nature of appeals this is difficult to budget for this cost appropriately, this is especially the case with midyear appeals.
- Maintained schools have no direct influence on the admissions policy, which is used county wide. LCC decisions about policy (e.g. whether to include nearest school as a criteria) may have a larger impact on the number of appeals for a school in one area than another.

### 3.3 Remove charges for all schools.

#### Benefits

- Clear, equal and transparent as required by the operational guidance.

#### Drawbacks

- Depending on the take up from academies, there is likely to become a resource issue for Legal Services with regard to availability of independent panel members, clerks and officers to undertake the administrative duties involved in organising appeals.
- LCC would face budgetary pressures as there is not sufficient funding currently to cover appeals for all schools. During the 2019 block appeal period, Legal Services received 425 secondary and 58 primary school appeals from academies which would have to be funded by the DSG. An alteration to the DSG apportionment for school admissions would likely be required.
- There are likely to be practical issues of an increased number of appeals and the timing of these during the block period. This may make it difficult for schools to be aware of pupil numbers arriving in the following September in a timely manner.
- Two staff members currently have appeals presenting and preparation of paperwork in their job description. Remaining demand is met by having a number of staff members who are paid an honorarium to complete the work. It may not be possible for the admissions team to meet demands with the staff available should demand for the service increase.
- As times, schools wish to operate refuse places to pupils even though those actions are against the schools policy or the School Admissions Code (2014). The school admissions team remind these schools of their duties but it is often only when the appeal is lodged that a school offers the place. There is little incentive for academy schools operating in this way to offer these places for mid-year admissions if they are not charged for appeals as a direction from secretary of state is often not appropriate. As the LA is the admissions authority for maintained

schools and can seek a direction much quicker, this rarely becomes an issue for maintained schools.

- As the LA has little influence over the policy of an academy school, appeals due to flaws in policy would still need to be covered by DSB if covering all appeals. This could be a high volume of appeals depending on the popularity of the school and the schools policy.
- Schools may be more willing to refuse places if not financing the appeal themselves. An increase in the number of midyear appeals would lead to longer periods out of school for potentially vulnerable students.
- Academy schools with more than 20 appeals will not be able to apply for funding through ESFA.

### 3.4 Develop a buy back service for schools to cover appeals costs (maintained and those who wish to participate).

#### Benefits

- Would be equal for schools wishing to participate as required by the operational guidance.
- Schools would not be exposed to large unexecuted costs due to a high number of appeals.
- Schools would be able to plan for these appeals costs

#### Drawbacks

- As above, reduced incentive for schools to accept pupils and many schools may force through appeal rather than accept LA advice if there is no financial charge.
- Schools who do not receive appeals are going to pay for a service they do not require. These are traditionally undersubscribed and therefore likely to receive less funding.
- Demand may exceed the amount that either Legal Services or school admissions can supply without additional resource if all schools opt in to the service.
- This is not an agreed de-delegatable charge.

### 3.5 Fund appeals for LA maintained schools appeals through an alternative source which is not DSG.

#### Benefits

- Legally complaint.
- Schools are not charged for decisions over which they have little influence.
- Incentive remains for schools to offer places up to PAN due to likelihood of successful appeals.
- There will be no change for maintained schools

#### Drawbacks

- Income source will be required and an appropriate source has not been identified.

## **Alternative suggestions made during the course of the consultation**

All of these suggestions require Schools forum to agree to include admissions appeals as a chargeable service. They are included for information purposes.

Introduce a subscription charge for all schools so that the cost is spread across more schools which may or may not use the service.

- This is not an agreed charge which can be top sliced so this cannot happen (as above).

Allow schools to book slots in advance of appeals so that they can budget for appeals effectively.

- It is not possible to anticipate how many students will appeal during the block appeals season, or when they will lodge these appeals.
- There is not sufficient capacity to leave days free if they are not needed.
- Schools would potentially pay for slots that are not needed which would be an unnecessary cost.

Allow schools to set up own panels to reduce the cost.

- This would not be possible as the LA, as the formal admissions authority has a legal duty to ensure that panels and clerks are appropriately trained and this would not be possible if schools were to organise their own panels.

Cap amounts that schools can be charged for appeals to allow schools to budget effectively.

- This could happen, providing sufficient funding was retained centrally to cover this. It would be difficult to anticipate exact demand.
- Schools which do not currently use the service but are above the cap could wish to use the service which would cause capacity issues.
- If this charge were extended to mid-year admissions, there would be little incentive for academy schools to accept pupils once these appeals are not charged.

Introduce a discount for schools where the number of appeals per pupil exceeds a certain amount.

- This could assist schools with budgetary planning
- This could still cause demand issues as schools may wish for a reduced service.

Do not charge for infant class size appeals.

- As there are more admissions officers able to conduct these appeals, there may not be as much issue with being able to meet demand for these appeals.
- This would still require forum to agree the introduction of charges.
- Budgetary pressures may still be felt by those schools that do not operate to infant class size limits and it could be argued that this is not 'fair' as outlined in the guidance.

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