



**Baroness Barran**

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Lord Hunt of Kings Heath  
House of Lords  
London  
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18 July 2022

Dear Philip,

Thank you for meeting with me on 12 July to discuss the Schools Bill. We spoke through your amendments relating to the Local Government and Social Care Ombudsman, and my officials and I outlined the role of the Schools Adjudicator. I wanted to write with further details on the role of the Schools Adjudicator and what types of objections they consider, as well as additional information on the Regulatory and Commissioning Review.

Firstly, it might be helpful for me to set out some detail on how school admissions work. Admission arrangements for individual schools are set and applied locally. It is the role of the school's admission authority to decide what admissions criteria to set, as long as they comply with the statutory [School Admissions Code](#), which requires that arrangements are clear, fair and objective.

A school's admission arrangements must be determined annually. Once this has been done, anyone who believes the admissions arrangements are unfair or unlawful may submit an objection to the Schools Adjudicator. The Adjudicator is independent from the department and has specialist expertise in the application of the statutory admissions framework. Their role is to consider whether a school's admission arrangements comply with the School Admissions Code and admissions law. The Adjudicator's decision is binding and enforceable on both maintained and academy schools. Where a school's admission arrangements have been found to be unlawful, the admission authority must enact the Adjudicator's decision within the timescale set by the determination and revise their admission arrangements.

Alongside objections to admission arrangements, the Adjudicator also considers the following matters: variations to admission arrangements for maintained schools; appeals from admission authorities against the intention of a local authority to direct

the admission of a particular child to a voluntary controlled or foundation school; and decisions on certain land and school organisation matters. During Report Stage, I set out our commitment to consult on a new “backstop” power for local authorities to direct a trust to admit an individual child for the rare circumstances that proposed collaborative approaches have not secured a school place (Hansard, column 1427, 12 July 2022). Trusts would have a right to appeal this direction to the Adjudicator. This is similar to the current arrangement for voluntary controlled and foundation schools.

The Schools Adjudicator provides a strong and effective route for complaints about local school admission arrangements. In 2021, the Schools Adjudicator received 146 objections to school admission arrangements, relating to 86 individual admission authorities. Of the 141 cases that were finalised in that period, 22 cases were fully upheld, 43 cases were partially upheld, 68 were not upheld, and the remaining 8 cases were either withdrawn or out of jurisdiction.

There are also various other routes by which a parent may bring a complaint, including where they are refused a place at a school for which they have applied. For example, where a parent wants to complain about a decision not to offer their child a place at a specific school (including at an academy school), parents have the right to lodge an admissions appeal to an independent appeal panel. In 2020/21 academic year 41,110 appeals (2.7% of all new admissions at the start of the academic year), were heard by an independent appeals panel, of which 19% were upheld in parents’ favour.

Furthermore, where a parent may have concerns that their independent appeal was not properly conducted, they are able to make a complaint of maladministration on the part of the appeal panel. Parents applying to both maintained schools and academies can raise maladministration complaints but these are considered by different bodies. The Local Government and Social Care Ombudsman (LGSCO) considers the complaints in the case of maintained schools and the DfE considers them in the case of academies. This difference reflects the different accountability chains for maintained schools and academy trusts. Both the DfE and the LGSCO would ask the appeal panel to re-run the appeal, if they find maladministration leading to injustice. Between 1 April and 31 December 2021, the DfE received 301 complaints about maladministration by independent appeal panels for academies, of which 106 complaints were in scope and considered further. We do not have comparable data for the number of maladministration cases handled by the LGSCO.

The Regulatory and Commissioning Review will consider the future system of regulation that will underpin schools in England. As part of this, we will consider how parents can best engage in decisions that affect them, including appeals and complaints, and how transparent the processes that determine these decisions could be. The Review will consider how a number of decision making processes might work best for parents, including complaints about the maladministration of appeals, when all schools are part of strong academy trusts.

My Department is also committed to detailed engagement with the LGSCO following their proposals and continually reviews complaints procedures to ensure they work best for parents.

I hope this answer has been useful. I intend to place a copy of this letter in the House library.

Yours sincerely,

A handwritten signature in black ink that reads "Diana Barran". The signature is written in a cursive, flowing style.

**BARONESS BARRAN**

**PARLIAMENTARY UNDER-SECRETARY OF STATE**