

13 December 2023		ITEM: 14 Decision: 110684
Cabinet		
School Appeals Hearings Service		
Wards and communities affected: All	Key Decision: Key	
Report of: Councillor Deborah Arnold, Portfolio Holder for Transformational Change, Communications and Governance		
Accountable Assistant Director: Not applicable		
Accountable Director: Asmat Hussain, Interim Director of Law and Governance & Monitoring Officer		
This report is: Public		

Executive Summary

This report outlines the proposal to cease providing a school appeals hearing service to schools who purchase the service from Thurrock as a commercial service.

1. Recommendation(s)

1.1 To cease Service Level Agreements (SLAs) with local schools on Thurrock Council's school appeal hearings service.

2. Introduction and Background

2.1 Thurrock currently holds service level agreements for 26 primary schools (all of which are academies) and 1 secondary school (which is voluntary aided). These schools are able to choose the provider for their appeals hearings in an open market.

2.2 Councils are required to provide statutory services to Local Authority and Community Schools.

3. Issues, Options and Analysis of Options

3.1 Democratic Services are refocussing their service to align to priorities raised by the Enhanced Improvement and Recovery Plan (EIRP) with both staff and resources being directed to other governance services.

- 3.2 Thurrock charges schools £250 per appeal. The £250 Thurrock charge covers officer time but also the fee charged to the council by the independent clerks. The income is variable and relies on the number of parents lodging appeals each year. In the years 21/22 and 22/23, the team generated £23,248 after costs.

Summary	FY21/22	FY22/23	Totals
0120-Payments To Casuals	7,584.25	7,442.48	15,026.73
5502-Income from Schools (Traded Services)	-20,025.00	18,250.00	38,275.00

- 3.3 If the decision was made to cease the SLAs with schools then Democratic Services would write to the schools informing them the Council would terminate their service agreement on 31 December 2023. All schools would have the opportunity to receive further notice in line with any contractual terms if they wished.

- 3.4 Those Thurrock schools affected will have a range of options for alternative providers. For example, Essex County Council offers the same service as Thurrock currently offers for £170 per appeal.

4. Reasons for Recommendation

- 4.1 The increasing need for the Democratic Services team to focus on the core governance business and improvement activities, as outlined and required by Commissioners and central government, provides compelling evidence to cease the service.

5. Consultation (including Overview and Scrutiny, if applicable)

- 5.1 The Admissions Team within Children's Services is aware of the potential to cease the service. Affected schools and voluntary panel members have been made aware of the intention for cabinet to consider this report at its meeting on 13 December 2023.

6. Impact on corporate policies, priorities, performance and community impact

- 6.1 The ceasing of this work from the team allows officer time and resource to be redirected to core essential business including the clerking of council committees, supporting decision making through the executive and O & S Committees, as well as providing more capacity for improvement activities including constitution review, review of O & S and refreshing report writing and templates.

7. Implications

7.1 Financial

Implications verified by: **Rosie Hurst**
Interim Senior Management Accountant

The financial impacts are set out in the report. The Council would lose a potential income generating service (dependent on the number of appeal applications submitted each year, which cannot be known) but this needs to be weighed against the cost of Democratic Services staff administrating the service.

7.2 Legal

Implications verified by: **Nicola Monerville,**
Principal Solicitor

1. All local authorities are under a statutory duty to make arrangements enabling the parents of children within their area to express a preference for the school that they wish their child to attend s.86 SSFA.
2. The relevant law on school admissions is contained in School Standards and Framework Act 1998 (SSFA) as amended by the Education Act 2011 which contain the main provisions on school admissions. In addition to the legislation, school admissions are covered by a statutory code of practice., s.84 of SSFA.
3. Thurrock can end the SLAs and cease to provide an appeals service. Academies are their own admissions authority. The local authority is the admission authority for community schools and voluntary controlled schools unless the local authority has delegated this responsibility to the governing body, or contracted this function out (under [section 88](#) of the SSFA 1998).
4. There are contractual implications of ending the SLAs mid contract but schools will have the opportunity to maintain any notice periods if they wish
5. Academy trusts are their own admissions authority unlike community schools for whom the local authority is the admissions authority. It is correct in section 2.1 that academies and VA schools can choose a provider on the open market.

7.3 Diversity and Equality

Implications verified by: **Roxanne Scanlon**
**Community Engagement and Project
Monitoring Officer**

There are no diversity implications. The access and support offered to parents by a new provider will cover all necessary arrangements to include parents and other participants in the service.

7.4 **Other implications** (where significant) – i.e. Staff, Health Inequalities, Sustainability, Crime and Disorder, or Impact on Looked After Children

None

8. **Background papers used in preparing the report** (including their location on the Council's website or identification whether any are exempt or protected by copyright):

- None

9. **Appendices to the report**

- None

Report Author:

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Head of Democratic, Scrutiny and Member Services

Legal Services