3 October 2014

Dear Clive Betts

Complaints about admissions appeals for academies and free schools

Thank you for your letter of 10 September 2014. Your correspondence is timely in that it raises an important issue about gaps in citizen redress and our call for a more comprehensive Ombudsman service.

You ask whether we are the body responsible for investigating complaints from parents who have serious concerns about admissions appeals relating to academies and free schools. The answer is that neither academies nor free schools are listed in Schedule 2 of the Parliamentary Commissioner Act 1967 as bodies that we can investigate. As we understand it, the only source of redress for those parents is to the Education Funding Agency (EFA). As an executive agency of the Department for Education, EFA does fall within our jurisdiction and we can, and do, investigate complaints from parents that they have suffered an injustice as a result of the acts or omissions of that Agency. At present, we have two on-going investigations into EFA.

The gap arises because although we can investigate and make findings and recommendations about EFA, our legislation does not permit us to make finding or recommendations about academies or free schools. That is, we can look at the way in which the complaints about admissions appeals have been handled by the ‘second-tier’ but we cannot look at the substance of the appeal against the original body. As you can imagine, this is a wholly unsatisfactory for parents who are seeking final adjudication on the matter that gave rise to their complaint in the first instance. You may wish make reference to the report the Children’s Commissioner published earlier this year on her
office’s investigation into the schools admission process, *It might be best if you looked elsewhere*, which comments further on the efficacy of the complaints system for schools.

You may be aware that both we and the Local Government Ombudsman are calling for a unified public ombudsman service. We believe that such a service would be better for citizens, better for Parliament and better value for money. We want to see an Ombudsman service that is comprehensive and extends to those public services, such as education, regardless of the method in which the public service is delivered. For parents this would mean that there would be one place to which they could take their complaint about admissions rather than, as now, having to navigate a complex maze.

In terms of the Ombudsman’s role in helping Parliament hold the executive to account, a unified public ombudsman service could provide committees, such as yours, with a much wider and richer source of information about what is going wrong and how it is impacting on the citizen. The ability for a unified service to inform Parliament about such complaints across broad sectors, such as education, would allow Parliament to assess the citizen’s experience as a whole and get to the heart of the question: where is the state failing the citizen and why? We are pleased that the Public Administration Select Committee’s report *Time for a People’s Ombudsman* recommends reform of ombudsman services and are working with the Cabinet Office on the current review of the public service Ombudsman landscape being led by Robert Gordon.

Jane Martin and I would very much welcome the opportunity to speak to you on this matter and to answer any further questions you may have. Rebecca Milner, Head of Parliamentary Policy and Insight, would be happy to liaise with the Clerks on arranging this ([Rebecca.milner@ombudsman.org.uk](mailto:Rebecca.milner@ombudsman.org.uk), 0300 061 1507).

Yours sincerely,

[Signature]

Dame Julie Mellor DBE
Parliamentary and Health Service Ombudsman