Rt Hon Nicky Morgan MP  
Secretary of State  
Sanctuary Buildings  
Great Smith Street  
Westminster London SW1P 3BT  
tel: 0370 000 2288  www.education.gov.uk/help/contactus

Clive Betts MP  
Chair, Communities and Local Government Committee  
House of Commons  
7 Millbank  
LONDON  
SW1P 3JA

2  February 2015

Thank you for your letter of 20 January, addressed to the Secretary of State for Communities and Local Government, setting out the concerns of the Ombudsmen in relation to complaints about admission appeals for academies and free schools. I am replying as the Secretary of State for Education.

You may find it helpful to note that I have already asked officials to evaluate the way in which the admission appeals system currently operates. I have now asked them to include this issue within that review. The intention is to prepare the evidence base for possible future work in the next Parliament.

I do not, however, believe that parents who wish to complain about an admission appeal for an academy, rather than a maintained school, are at a disadvantage because they do not have direct recourse to an ombudsman. As you say, if a parent wishes to complain about an appeal for a maintained school, they must do so to the Local Government Ombudsman (LGO) and, where they wish to complain about an appeal for an academy or free school, they must do so to the Education Funding Agency (EFA). In both cases, the complaint must relate to maladministration, rather than the parent not being happy with the appeal panel’s decision.

The statutory School Admission Appeals Code does not apply directly to academies in the way that it does to maintained schools. Each academy is required to comply with it as part of its funding agreement with the Secretary of State. Any breach of the Appeals Code would constitute a breach of the funding agreement. It is, therefore, appropriate that the EFA investigates, on behalf of the Secretary of State, complaints about maladministration of an academy appeal.

Like the Local Government Ombudsman, the EFA is committed to ensuring that admission appeals are compliant with admissions law and that any complaints made about them are handled quickly and effectively so that all parents can have confidence in the appeals process. Where they find
maladministration, the LGO and EFA are able to offer similar remedies, such as requesting that the appeal is reheard by a fresh panel. EFA officials meet officials from the Ombudsman's office on a regular basis to ensure that the processes of the two organisations are aligned and that all parents receive a similar high-quality service, regardless of the type of school they appealed for.

Thank you for writing to me on this important matter.

Nicky

RT HON NICKY MORGAN MP

CC: Graham Stuart MP, Chair of the Education Committee