

The adjudicator will aim to reach a decision within six weeks of receiving all essential information.

Announcing the Decision

The proposer and the organisation which referred the case to the adjudicator will receive a copy of the decision at the same time.

Objectors to the original published notice will also be notified.

Decisions are then posted on the adjudicators' website:
www.schoolsadjudicator.gov.uk

Challenging the Decision

The adjudicator's decision is final and must be implemented in accordance with the proposed timetable.

The decision can be challenged only by application to the high court for judicial review. Any such application must be made within three months of the date of the decision. If you are considering this action, you are advised to consult a solicitor.

If you are concerned about the procedures used, you can make a complaint through your MP to the Parliamentary Commissioner (Ombudsman).

Further information

If you have an enquiry about making an appeal, you can:

- write to:
The Secretary to the Schools Adjudicator
Mowden Hall
Staindrop Road
Darlington
DL3 9BG

- telephone: 0870 001 2468
- e-mail: osa.team@dcsf.gsi.gov.uk

You cannot contact the adjudicator directly.

You can obtain copies of the Secretary of State's guidance for Decision Makers from the School Organisation Unit at the Department for Children, Schools and Families (<http://www.dcsf.gov.uk/schoolorg>) or from:

The School Organisation Unit
Department for Children, Schools and Families

T 01325 391077
Or visit The Forum on
www.dcsf.gov.uk/schoolorg

You can obtain further copies of this leaflet from:

Office of the Schools Adjudicator
Mowden Hall
Staindrop Road
Darlington
DL3 9BG

T 0870 001 2468
F 01325 391313

Leaflets are also available on other aspects of the Adjudicators' work.

Copies of all leaflets are available in Braille and other languages upon request.

Comments

If you would like to comment on the service you received, or can suggest any improvements, please write to the Secretary to the Office of the Schools Adjudicator.



Office of the Schools Adjudicator

The Role of the Schools Adjudicator in Statutory Proposals for Changes in School Provision

Summary Guidance for:

- Local Authorities
- Learning and Skills Council
- Diocesan authorities
- School governing bodies
- Proposers of new foundation schools
- Parents

Schools Adjudicators

Schools Adjudicators are appointed by the Secretary of State for Children, Schools and Families.

One of their roles is to resolve disputes about the organisation of schools in cases where:

- key local partners appeal against proposals made by a Local Authority;
- the Local Authority has an interest in the proposal and is, therefore, disqualified from being the decision maker;
- the Local Authority has failed to make a relevant decision within the prescribed timescale;
- a Local Authority objects to a school becoming a trust school;

Other roles include:

- to determine objections to school admission arrangements and appeals from schools against a direction from the local authority to admit a particular pupil; and
- to decide on requests to vary determined admissions arrangements.

This leaflet provides a brief summary of this aspect of adjudicators' work. If you have a direct interest in a case which may be referred to an adjudicator, you should consult the relevant section of the 'Guidance for Decision Makers' published by DCSF.

Relevant Proposals

The types of change in school provision in which school adjudicators can be involved are proposals to:

- open a new school
- close an existing school
- make a significant change to an existing school (eg change the age range or change from single sex to mixed provision).

Judging Competitions for New Schools

Where a Local Authority decides that it is necessary to set up a new school, it is required to invite interested people and organisations to take part in a competition to decide who should run it. The Local Authority makes the initial decisions as to the size, age range and location of the school, but in responding to the competition proposers can put forward suggestions as to its design, ethos and any specialist focus, and variations to the Authority's specifications.

Normally the Local Authority judges the competition, but if that Authority is itself one of the bodies submitting proposals, or if it has a formal role in the governance of any other proposer, it is disqualified from judging the competition. In these cases the schools adjudicator will make the decision.

The referral

The referral should be submitted by the LA within 2 weeks of the expiry of the representation period. The referral should include all the commissioning and bidder information.

There is no right of appeal against a decision made by a Local Authority, or the adjudicator in connection with a competition for a new school.

Considering Appeals Against Proposals to Close or Alter Schools

Most proposals to close or alter schools are made by the relevant Local Authority.

The following bodies have the power to refer a school organisation decision made by a Local Authority to the schools adjudicator:

- The local Church of England or Roman Catholic diocese;
- Governing bodies of foundation and voluntary schools;
- Learning and Skills Council (if the school concerned serves pupils aged 14 and above);
- Proposers of new foundation schools.

In cases where the proposals are made by the governing body for its school to become a trust school, the Local Authority may appeal to the schools adjudicator if they believe that consultation has been inadequate or standards are at risk.

The Appeal

An appeal against a decision made by a Local Authority should be submitted to that Authority within four weeks of the notification of the decision.

Within one week the Local Authority must forward to the Office of the Schools Adjudicator:

- the original proposal and any supporting documents;
- the appeal and associated representations;
- its comments on the representations.

Appointment of Adjudicator

Once a case has been referred to the Office of the Schools Adjudicator, the Chief Adjudicator will nominate an adjudicator to deal with it. In the case of competitions a minimum of two adjudicators will be appointed.

The Local Authority, the commission, bidders and the objectors will be advised of the name and background of the adjudicator, and will be given an opportunity to object if they see any reason why he or she should not consider the case. If the Chief Adjudicator accepts any reasons given in such cases, he will nominate an alternative adjudicator.

Considering the Case

The adjudicator(s) will consider the papers which have been provided. He or she will consider whether the procedures have been properly followed and whether additional information is required.

In most other cases the adjudicator will arrange a public meeting at which the proposer and the objector can present their cases, and other interested parties can express their views.

For competitions the adjudicators will hold a meeting for bidders to present their bids to the adjudicators and then a public meeting so that interested parties can express their views.

The adjudicator will then consider all the information and views submitted and will reach a decision, bearing in mind relevant legislation and the guidance for decision makers provided by the Secretary of State.