

WIRRAL COUNCIL

CABINET – 4 FEBRUARY 2010

REPORT OF DIRECTOR OF LAW, HR & ASSET MANAGEMENT

**APPOINTMENT OF MEMBERS TO SERVE ON THE SCHOOL APPEAL PANELS
AND OF APPEAL PANEL CHAIRS**

Executive Summary

The Cabinet is advised of the statutory requirement to appoint members to sit on both School Admission and Exclusion Appeals.

This report invites the Cabinet to consider four applications from members of the public to sit on both School Admission and Exclusion Panels as members.

The Cabinet is also requested to consider the approval of a number of existing Lay Members who, subject to appropriate training, are willing to act as Chairs.

1. Background

1.1. When an admission authority refuses a child a place at a particular school, the parent has the right to appeal the decision to an Independent Appeal Panel under the School Standards and Framework Act 1998.

1.2. Where a pupil has been permanently excluded by a Head Teacher following a disciplinary offence, parents have a right of appeal to an Independent Appeal Panel.

1.3. Members are aware that the School Standards and Framework Act 1998 has made significant alterations to the constitution of Appeals Panels.

1.4. In respect of Admission Appeals, Schedule 24 of the Act provides that where an Appeal Panel is established by an LEA under Section 94 or by an LEA jointly with one or more school governing bodies, it must consist of three or five members appointed by the LEA from the following categories:-

(a) People who are eligible to be Lay Members. This means people without personal experience in the management of any school or the provision of education in any school (disregarding experience as a school governor or in another voluntary capacity). There must be at least one Lay Member on each Panel;

(b) People who have experience in education; who are familiar with educational conditions in the LEA's area; or who are parents of registered pupils at a school. At least one Panel Member must fall within this category.

1.5 In respect of Exclusion Appeals, Paragraph 2(1) of the schedule to the Maintained Schools Regulations 2002 provides that:-

An appeal pursuant to arrangements made by a Local Education Authority under regulation 6(1) shall be to an appeal panel constituted in accordance with this paragraph. An appeal panel shall consist of three or five members appointed by the authority from:-

- (a) Persons who are eligible to be Lay Members.
- (b) Persons who are, or have been within the previous five years, Head Teachers of maintained schools, and
- (c) Persons who are or have been governors of maintained schools, provided they have served as a governor for at least twelve consecutive months within the last six years, and who are not teachers or Head Teachers.

1.6 Additional members are also sought on behalf of the Governing Bodies of Catholic and Church of England Voluntary Aided Schools hearing Exclusion Appeals and applications received will be forwarded to the schools and Diocesan offices for appropriate consideration.

1.7 Sections 94 & 95 of the School Standards & Framework Act 1998 set out the requirements for the constitution of appeal panels. Every appeal hearing must have a panel with an appointed Chair who must be independent and present for the duration of the hearing. It has become increasingly difficult to arrange appeal panels, given the diminishing number of members willing to act as Chairs due to retirement etc. The following existing appeal panel members have indicated their willingness to act as Chairs, as necessary:

David Spencer	Lay Member (Appointed March 2006)
Hilary Welsh	Panel Member (Appointed Feb 2003)
Robin Jones	Panel Member (Appointed Feb 2003)
Sally Reynolds	Lay Member and Panel Member (Appointed 1989)
Jane Hunter	Lay Member and Panel Member (Appointed March 2006)

2. Role of Panel Members

2.1. Panel Members are expected to play an active part in the questioning of both the presenting officer and the appellants, showing favour to neither party, avoiding expressing personal opinions during the course of a hearing, or making the case for either party, and being conscious at all times of acting, and being seen to act, independently of the Admission Authority. Having heard all the evidence, the Panel must withdraw to reach a decision as to whether to uphold or reject the appeal.

3. Training of Panel Members

- 3.1. Admission Authorities must arrange and fund training for appeal Panel Members, covering the specific functions of their role, as described in the School Admission Appeals Code of Practice, and in accordance with the requirement in the Appeals Regulations.
- 3.2 Panel Members must not take part in hearings until they have received appropriate training.
- 3.3 A training day for School Appeal Members is being arranged and will be held on Monday, 8 February 2010 at Wallasey Town Hall.

4. Applications Received

4.1 I attach as an appendix copies of the applications received.

4.2 Considering each application in turn, I would comment as follows:-

- 1) Keith Blackwell – the applicant is a retired teacher and Head Teacher. He would therefore be disqualified from sitting as a Lay Member but there would appear to be no bar to the applicant sitting as a Panel Member with experience of education on Community and Voluntary Controlled Panels and CE and RC Voluntary Aided Panels. The applicant would also qualify, as a retired Head Teacher, for Exclusion Appeals.
- 2) Philippa Helen Blessing – the applicant is a former teacher. She would therefore be disqualified from sitting as a Lay Member but there would appear to be no bar to the applicant sitting as a Panel Member with experience of education on Community and Voluntary Controlled Panels and CE and RC Voluntary Aided Panels.
- 3) Susan Noyce – the applicant is a teacher. She would therefore be disqualified from sitting as a Lay Member but there would appear to be no bar to the applicant sitting as a Panel Member with experience of education and Community and Voluntary Controlled Panels and CE and RC Voluntary Aided Panels, with the exception of parents concerning the schools at which her children are pupils.
- 4) Annabel Underwood – the applicant is a Parent Governor. There appears to be no bar to the applicant sitting as a Lay Member and a Panel Member with experience of education on both Community and Voluntary Controlled Panels and CE and RC Voluntary Aided Panels, with the exception of parents concerning the schools at which her children are pupils.
- 5) Jennifer Young – the applicant is retired. She is Chair to Saughall and Shotwick Park PC – Shirley Hudspeth, Democratic Services Manager

is the Clerk. There appears to be no bar to the applicant sitting as a Lay Member on both Voluntary Controlled Panels and CE and RC Voluntary Aided Panels.

- 6) Nicholas Symes – the applicant is retired. There appears to be no bar to the applicant sitting as a Lay Member on both Community and voluntary Controlled Panels and CE and RC Voluntary Aided Panels.
- 7) John Butler – the applicant is a former teacher. He would therefore be disqualified from sitting as a Lay Member but there would appear to be no bar to the applicant sitting as a Panel Member with experience of education on Community and Voluntary Controlled Panels and CE and RC Voluntary Aided Panels with the exception of schools in Wirral at which he has taught.

4.3 Appointments will be reviewed on an annual basis.

5. Financial and Staffing Implications

Members of the Appeals Panel are entitled to travelling and subsistence allowances and to financial loss allowances if their membership of the Panel leads to the loss of income. There are no staffing implications.

6. Equal Opportunities Implications/Equality Input Assessment

None.

7. Community Safety Implications

None.

8. Local Agenda 21 Implications

None.

9. Planning Implications

None.

10. Anti-poverty Implications

None.

11. Social Inclusion Implications

None.

12. Local Member Support Implications

None.

13. Background Papers

No such papers were used in the production of this report other than the correspondence with the applicant.

14. Recommendations

- 1) Cabinet is recommended to appoint to the pool of Lay Members of the Appeals Panel:-

Annabel Underwood
Jennifer Young
Nicholas Symes

- 2) Cabinet is recommended to appoint to the pool of persons with experience in education for the Appeals Panel:-

Keith Blackwell
Philippa Blessing
Susan Noyce
John Butler

- 3) Cabinet is recommended to appoint to the pool of members within the category "persons who are, or have been, within the previous five years, Head Teachers of maintained schools" of the Appeal Panel:-

Keith Blackwell

- 4) Cabinet is recommended to appoint as Chairs to the Appeal Panel:-

David Spencer
Hilary Welsh
Robin Jones
Sally Reynolds
Jane Hunter

Bill Norman
Director of Law, HR & Asset Management