

WIRRAL COUNCIL

CABINET – 4 NOVEMBER 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 School Admission Panels as members.

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.

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.

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) Janet Nash – the applicant is retired with occasional work as a Facilitator in Liverpool University and she is a governor of the Hospitals' School. There appears to be no bar to the applicant

sitting as a Lay Member and a Panel Member on both Community and Voluntary Controlled Panels and CE and RC voluntary Aided Panels.

- 2) Brenda Thompson – 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 with the exception of schools where she has taught or had connection with.
- 3) Melanie Worthington – the applicant is self-employed and currently sits on the Schools Appeals for Calday Grange Grammar School. She has attended training on School appeals held at the Town Hall, Wallasey in February 2010. There would appear 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, with the exception of schools at which her children are pupils.
- 4) Deborah Skupski – the applicant is a housewife. There would appear 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 schools at which her children are pupils.

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:-

Janet Nash
Melanie Worthington
Deborah Skupski

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

Janet Nash
Brenda Thompson

Bill Norman
Director of Law, HR & Asset Management