



**CHILDREN, YOUNG PEOPLE AND EDUCATION COMMITTEE  
10 MARCH 2022**

<b>REPORT TITLE:</b>	<b>APPOINTMENT OF MEMBERS TO THE INDEPENDENT SCHOOL APPEAL PANEL</b>
<b>REPORT OF:</b>	<b>DIRECTOR OF LAW AND GOVERNANCE</b>

**REPORT SUMMARY**

The report outlines the statutory requirement to appoint members to sit on both the Independent Appeal Panel and Independent Review Panel. In anticipation of upcoming Admission Appeals for entry to Wirral schools in September 2022, a recruitment process has taken place to increase the pool of available Panel Members. Therefore the report seeks the Children, Young People and Education Committee's approval of the appointment of additional members to the Independent Appeal Panel and Independent Review Panel (where eligible).

The names of the proposed Panel Members to be appointed to the Independent Appeal Panel and Independent Review Panel are as follows:

Jane Gordon  
Rebecca Burke-Sharples

**RECOMMENDATION**

The Children, Young People and Education Committee is recommended to agree the appointment of the following members to the Independent Appeal Panel and Independent Review Panel:

- Jane Gordon
- Rebecca Burke-Sharples

## **SUPPORTING INFORMATION**

### **1.0 REASON/S FOR RECOMMENDATION/S**

- 1.1 As the relevant admission authority, the Council has a requirement to appoint an Independent Appeal Panel and Independent Review Panels as specified under the School Admission Appeals Code.
- 1.2 In order to consider the significant number of anticipated admission appeals within the statutory timeframe as set out in the School Admission Appeals Code 2012, a wide pool of Independent Appeals Panel Members is required.

### **2.0 OTHER OPTIONS CONSIDERED**

- 2.1 An option considered was to not recruit additional panel Members at this time, however, there is a need for the pool of Members to be expanded to meet demands of the service and to limit deficiencies.

### **3.0 BACKGROUND INFORMATION**

- 3.1 Making arrangements for appeals against the refusal of a school place rests with the admission authority of the school. For Community schools in Wirral, the Local Education Authority is the admission authority and the majority of Academy Schools are their own admission authority.
- 3.2 The admission authority and appeal panel **must** act in accordance with the School Admission Appeals Code, the School Admissions (Appeal Arrangements) (England) Regulations 2012, the School Admissions Code, other law relating to admissions, and relevant human rights and equalities legislation, for example, the Equality Act 2010. Appeal panels perform a judicial function and **must** be transparent, accessible, independent and impartial, and operate according to principles of natural justice.
- 3.3 Paragraph 1.5 of the School Admissions (Appeal Arrangements) (England) Regulations 2012, states that the admission authority, or the clerk acting on behalf of the admission authority, must appoint an Independent Appeal Panel that is comprised of a chair and at least two other panel members. A panel must consist of the following persons with at least one from each category: a) lay people (someone without personal experience in the management of any school or provision of education in any school (except as a school governor or in another voluntary capacity); b) people who have experience in education, who are acquainted with educational conditions in the local authority area, or who are parents of registered pupils at school.
- 3.4 Successful applicants have undertaken training that is essential to their role and will be continually supported by officers within Democratic Services.

## **4.0 FINANCIAL IMPLICATIONS**

- 4.1 Panel Members are not remunerated but are entitled to claim reasonable expenses. When appeal hearings were held virtually, a reasonable expense was provided to Members to cover refreshments, stationery and printing costs. When appeals are held in person, reasonable expenses can be covered for travel and refreshments are provided. Democratic Services charge Academy Schools to deliver the service and revenue income covers the expense related to this.. Revenue has increased in recent years as some Academy schools in Liverpool have opted to use Wirral's service.

## **5.0 LEGAL IMPLICATIONS**

- 5.1 It is a legal requirement for the admission authority to appoint a Panel of Independent Members to consider school appeals.
- 5.2 Decisions made by an Independent School Appeal Panel are subject to review by the Education Funding Agency (for Academies) or the Local Government Ombudsman (for Community Schools).

## **6.0 RESOURCE IMPLICATIONS: STAFFING, ICT AND ASSETS**

- 6.1 There is sufficient staffing resources at present within Democratic Services to cover the demand, however, this is often reviewed in line with any increased demand. In respect of the virtual appeals that have been held, Panel Members were required to use their own ICT equipment to participate in appeals via Microsoft Teams.

## **7.0 RELEVANT RISKS**

- 7.1 To not appoint regularly to the Independent School Appeal Panel could create deficiencies within the pool of Members and prevent the admission authority from being able to consider all appeals within the mandatory timeframe.

## **8.0 ENGAGEMENT/CONSULTATION**

- 8.1 No direct engagement/consultation has been undertaken.

## **9.0 EQUALITY IMPLICATIONS**

- 9.1 We will consider our obligations to provide reasonable adjustments to any Panel member upon request and we recognise that this is an ongoing duty under the Equality Act 2010 and Public Sector Equality Duty

## **10.0 ENVIRONMENT AND CLIMATE IMPLICATIONS**

- 10.1 Where possible members are recruited on a local basis to reduce unnecessary travel in the future when appeals resume in person.

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**Appendices**

**Appendix 1 – Summary of experience of applicants (EXEMPT)**

**BACKGROUND PAPERS –**

- Application forms (exempt)
- School Admission Appeals Code 2012
- Exclusion from maintained schools, academies and pupil referral units in England  
Statutory guidance for those with legal responsibilities in relation to exclusion,  
September 2017.

**SUBJECT HISTORY (last 3 years)**

<b>Council Meeting</b>	<b>Date</b>