

NORTH LINCOLNSHIRE COUNCIL

**CHILDREN'S SERVICES
CABINET MEMBER**

APPOINTMENT OF EDUCATION APPEALS PANEL MEMBERS

1. OBJECT AND KEY POINTS IN THIS REPORT

1.1 To appoint an independent member to the Education Appeal Panel to hear appeals in respect of school admissions, exclusions and reinstatements.

1.2 The key point in this report is as follows –

Admission authorities responsible for making arrangements for appeals must advertise for lay members under regulations made by the Secretary of State (The Education (Lay Members of Appeals Committees) Regulations 1994) and must consider appointing to appeal panels persons who have responded to such advertisements.

2. BACKGROUND INFORMATION

2.1 Parents are entitled to express a preference for the school they would like their child to attend.

2.2 Parents can appeal to an independent Panel if they are refused a place they want or are dissatisfied with the place offered by the Local Education Authority.

2.3 Parents can also appeal against any decision of the governing body under regulation 5 of The Education (Pupil Exclusions and Appeals) (Maintained Schools) (England) Regulations 2002 not to reinstate a pupil who has been permanently excluded from a school maintained by the council.

3. ISSUES FOR CONSIDERATION

3.1 Admission Appeals Panels consist of three or five members, including at least one "education expert" and at least one "lay member". This is in accordance with the School Standards and Framework Act 1998.

3.2 Councils have a duty to advertise for such members.

3.3 Prior to 20 January 2003, Exclusion Appeals Panels were constituted in accordance with paragraph 3.1. The Education (Pupil Exclusions and Exclusions Appeals) (Maintained Schools) (England) Regulations

2002 came into effect on that date. These require that the panel shall consist of members from each of the following categories:

- persons who are eligible to be lay members.
- persons who are, or have been within the previous five years, head teachers of maintained schools.
- 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.

On a three member panel, one person must be appointed from each category. On a five member panel, there must be two governors and two head teachers.

- 3.4 Councils have a duty to advertise for lay members. Following an advertisement in the council's *Direct Magazine* the cabinet member formally appointed three new members in January 2009 (minute 95 refers). Since then there has been an enquiry from another individual who has been a member of an appeals panel in the past.
- 3.5 Accordingly, the Cabinet Member may wish to consider formally appointing the applicant. He could then be invited to a training session. The new applicant could then be invited to sit, initially as an observer, on a panel.

4. RESOURCE AND OTHER IMPLICATIONS

4.1 Financial

4.1.1 There are no financial implications arising from this report.

4.2 Staffing

4.2.1 There are no staffing implications arising from this report.

4.3 Statutory

4.3.1 Admission authorities responsible for making arrangements for appeals must advertise for lay members under regulations made by the Secretary of State (The Education (Lay Members of Appeals Committees) Regulations 1994) and must consider appointing to appeal panels persons who have responded to such advertisements.

4.4 Environmental and Other

4.4.1 There are no environmental or other implications arising from this report.

5. **OUTCOMES OF CONSULTATION**

5.1 Not applicable in this case.

6. **RECOMMENDATIONS**

6.1 To appoint the following applicant with a view to the new member receiving training and being gradually introduced onto panels as outlined in 3.6 above.

Malcolm Dobbs

SERVICE DIRECTOR LEGAL AND DEMOCRATIC

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Background Papers used in the preparation of this report

School Admission Appeals Code of Practice
The Education (Pupil Exclusions and Exclusions Appeals) (Maintained Schools)
(England) Regulations 2002
The Education (Lay Members of Appeals Committees) Regulations 1994