



DERBY CITY COUNCIL

MINORITY ETHNIC COMMUNITIES EQUALITY FORUM 16 NOVEMBER 2006

Report of the Corporate Director - Corporate and Adult Social Services

Independent Members for School Admissions and Exclusions Appeals

RECOMMENDATION

1. To note the report and consider ways of encouraging more people to become Independent Members for School Admission and Exclusion Appeals.

SUPPORTING INFORMATION

- 2.1 The Council only has a relatively small pool of people who can be Independent Appeals Panel Members. Availability of the members can sometimes be difficult with the large number of appeals that take place.
- 2.2 The Council is keen to ensure that each Appeals Panel is truly independent and seen to be independent in the perception of the citizens of Derby. It would particularly welcome nominations from minority ethnic people, disabled people and women as these groups are currently under-represented.

Admission Appeals

- 3.1 The Council is responsible for all admissions to community and voluntary controlled schools in the city. The Council is also responsible for arranging an independent panel to consider appeals from parents against a decision not to admit a child to these schools.
- 3.2 There are legal requirements for constituting admission appeal panels. Each panel is made up of three people.
 - At least one lay member
 - At least one experienced member
- 3.3 A lay member is described in the School Admission Appeals Code of Practice as a person 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).
- 3.4 An experienced member is described as a person who has experience in education, who is acquainted with educational conditions in the LEA's area, or who is a parent of a registered pupil at a school.

3.5 The following people are disqualified from membership of an appeal panel:

- an elected member of the Council
- any member of the governing body of the school in question
- anyone, other than a teacher, employed by the LEA or the governing body of the school in question
- any person who has, or has ever had, any connection with the LEA or the school in question, or with any employee of the LEA or governing body (other than a teacher), such that doubts might be reasonably raised over his or her ability to act impartially regarding the LEA or the school.
- no one may be a member of an appeal panel if he or she was party to the decision not to admit the child about whom the appeal is concerned or took part in any discussions about how that decision was reached.

3.6 Admission appeals take place throughout the year. Currently we have two full days a month of appeals. One Panel of three members is required for each day. Prior to the Autumn term the Panel will be faced with multiple admissions appeals for single schools. Certain secondary schools within the City can have up to 120 individual appeals for admission. In these circumstances a panel is required to hear all appeals prior to making any decisions. Such appeals are held on consecutive days and the same panel membership is required throughout the process. In these situations all parents appealing for the same school are invited to an evening presentation at which the reasons for the refusal for a place for their child are explained to them.

3.7 If we are able to increase the number of panel members, individuals would not be called upon to sit on a Panel as frequently.

Exclusion Appeals

4.1 The Council is also responsible for arranging an independent panel to consider appeals from parents against a Governing body's decision to exclude pupils from maintained schools and pupil referral units in the City.

4.2 There are legal requirements for the constitution of an exclusion appeals panel. Again, each independent panel is made up of three people, and

- the chair must be a lay member, defined as someone who has not worked in a school in any paid capacity, although they may be (or have been) a school governor or work (or have worked) in a school as a volunteer.
- one must be, or have been, a governor of a maintained school, provided they have served in this capacity for at least 12 consecutive months in the last 6 years (but they must not be, or have been in the last five years, a teacher or head teacher).
- one must be, or have been within the last five years, a head teacher of a maintained school.

4.3 A person may not serve as a member of an exclusion appeal panel if they:

- are a member of the LEA or the governing body of the excluding school
- are an employee of the LEA or the governing body, unless they are employed as a head teacher in another school in the same LEA or, if the exclusion is from a pupil referral unit, as a teacher in charge of a pupil referral unit in the same LEA
- have, or at any time have had, any connection with an interested party, or the incident leading to the exclusion, which might reasonably be taken to raise doubts about their ability to act impartially; or
- are the head teacher of the school or have been the head teacher of the school in the last five years

4.4 Exclusion appeals take place throughout the year. Once an appeal has been lodged by the parent, Constitutional Services have 15 school days to arrange and hold an exclusion appeal. Exclusion appeals normally take a half day and there are approximately 12 exclusion appeals each year.

5.1 Members of an Independent Appeals panel do not get paid for their work but are able to claim for travel and subsistence, with refreshments provided during the appeals.

5.2 Full training will be given in advance of being taken on as a panel member.

5.3 To be a Panel Member you will need to be a good listener, fair-minded, reliable and able to make decisions. The decisions can be difficult, but the work can also be very rewarding. It involves meeting lots of different people, learning about the Education system, finding out about the legal requirements of the appeal process, and making important decisions that can affect children's futures.

For more information contact:	Sarah Turner 01332 255463 e-mail sarah.turner@derby.gov.uk
Background papers:	School Admission Appeals Code of Practice
List of appendices:	Improving Behaviour and Attendance: Guidance on Exclusion from Schools and Pupil Referral Units
	Appendix 1 – Implications
	Appendix 2 – Application to become a Lay Member
	Appendix 3 – Application to become an Experienced Member

IMPLICATIONS

Financial

- 1.1 Independent Appeal Panel members are entitled to claim expenses for travel and subsistence.

Legal

- 2.1 Parents' rights of appeal are contained in sections 94(1)(b) and (2) School Standards and Frameworks Act 1998 (admissions) and section 52 Education Act 2002 (exclusions) .
- 2.2 Legislation and Guidance for the constitution and conduct of Independent Appeals Panels is detailed in the School Admission Appeals Code of Practice (Admissions) and Improving Behaviour and Attendance: Guidance on Exclusion from Schools and Pupil Referral Units (Exclusions).

Personnel

- 3.1 None arising directly from the report.

Equalities impact

- 4.1 People from ethnic minority groups, disabled people, women and young people are currently under represented on the Independent School Admission and Exclusion Appeals Panels, and the council would welcome, any measures which could improve representation.

Corporate objectives and priorities for change

- 5.1 None.

DERBY CITY COUNCIL

EDUCATION APPEALS PANELS

Application for Appointment as a Lay Member

In order to qualify as a lay member you must be a person without personal experience in the management of any school, or the provision of education in any school (other than as a Governor or in any other voluntary capacity). In addition you must not have, nor at any time have had, any connection with the Education Authority (ie the Council, its schools and former colleges) or any person who is a member of, or employed by the City Council. The connection which would be a bar to appointment is of a kind which might be reasonably taken to raise doubts about your ability to act impartially in relation to the Council.

1. Forename:
2. Surname:
3. Date of Birth:
4. Full Postal Address:
5. Day-time telephone number:
6. Job Title and Name and Address of Present Employer:
7. General indication of your availability (appeal hearings will usually be heard during the day):
8. Details of any experience in serving on committees or tribunals:

9. Details of any experience in chairing committees:
10. Details of any skills, experience or qualifications which you have which you feel may be relevant to this appointment:
11. Reasons for your application:
12. Any Further Information you wish to be considered in support of your application:
13. Please set out below details of any connections you have, or have had, with:
- (a) Derby City Council (including any employment)
 - (b) Members of Derby City Council or the Education Committee of the City Council
 - (c) Employees of the City Council

14. If you have given details of any "connections" at 13 (a), (b) or (c) above, please indicate whether, in your opinion, any of these connections would affect your ability to act impartially, in relation to the City Council/Education Authority, and give reasons for your view.

15. Please give details if you have ever served as a governor of a school or in any voluntary capacity in a school.

16. Please state whether you have been employed as a teacher or otherwise involved in the management of a school:

17. If you have children attending school please state which school(s).

Signed:

Date:

Name and Address of two Referees:

1.

2.

DERBY CITY COUNCIL

EDUCATION APPEALS PANELS

Application for Appointment of Parents/Persons Experienced in Education

*In order to qualify as a parent/person experienced in education you should be either the parents of a registered pupil at a school or be experienced in education (eg as a teacher, governor or an administrative capacity in the field of primary or secondary education) and acquainted with the educational conditions in Derby. **City Council employees, except teachers, are not eligible for appointment.***

1. Forename:
2. Surname:
3. Date of Birth:
4. Full Postal Address:
5. Day-time telephone number:
6. Job Title and Name and Address of Present Employer:
7. General indication of your availability (appeal hearings will usually be held during the day):
8. Details of any experience in serving on committees or tribunals:

9. Details of any experience in chairing meetings:

10. Reasons for your application:

11. Are you acquainted with the educational conditions, or do you have experience of education, in Derby.

If so please give details:

12. Details of any skills, experience or qualifications not included at 11, which you feel would be relevant to this appointment

13. If you are a parent of children attending schools please state which school(s).

14. Any further information you wished to be considered in support of your application:

Name and Address of two Referees:

1.

2.

Signed:

Date: