

CHESHIRE EAST COUNCIL

Constitution Committee

Date of Meeting: 22 March 2018
Report of: Director of Legal Services
Subject/Title: Appointment of Lay Members to Independent Admissions and Exclusions Appeals Panel

1.0 Report Summary

- 1.1 The report invites the Committee to consider the appointment of individuals as members of the Independent School Admission Appeals Panel and as members of the Independent Review Panel for Exclusion Reviews.

2.0 Recommendation

- 2.1 That the Committee approve the appointment of two individuals to become Independent School Admission Appeal Panel members and Independent Exclusion Review Panel members.

3.0 Reasons for Recommendations

- 3.1 Under s94 of the School Standards and Framework Act 1998, responsibility for making arrangements for appeals against the refusal of a school place rests with the admission authority of the school. The Council is the admission authority of a number of schools in Cheshire East. Where it is the admission authority, it must ensure that there are sufficient people appointed to sit on the appeals panel as and when required. By appointing additional admission appeal panel members the Council will meet its statutory duty.
- 3.2 Under s.51A Education Act 2002 and the School Discipline (Pupil Exclusions and Reviews) Regulations 2012 the Council, where it is the arranging authority, is responsible for ensuring that an exclusion review hearing is conducted by a review panel constituted in accordance with the regulations. By appointing additional exclusion review panel members the Council will meet its statutory duty.

4.0 Wards Affected

- 4.1 Not applicable

5.0 Local Ward Members

- 5.1 Not applicable

6.0 Policy Implications including

6.1 None arising from this report

7.0 Financial Implications

7.1 None arising from this report

8.0 Legal Implications

8.1 The Council has a legal responsibility to ensure that there is a sufficient pool of trained panel members, both lay members and educational members, to sit on both school admission appeals panels and independent exclusion review panels to ensure that panels operate lawfully and follow due process.

9.0 Risk Management

9.1 Any decisions made by the Independent Appeal Panel are potentially subject to an investigation by the Local Government Ombudsmen or judicial review.

10.0 Background and Options

10.1 The Council currently has a pool of people registered as members who are eligible to sit on the School Admission Appeals Panel and a pool of people who are eligible to sit on the Independent Review Panel for Exclusions.

10.2 The Council is constantly reviewing the number of people eligible to sit on these Panels and periodically seeks to appoint new members where numbers have declined due to retirement or resignation.

10.3 Following a recent advertisement for new members, the Council received a number of applications. All of these were interviewed and evaluated by the Acting Director of Legal Services and following this process and the withdrawal of some prospective candidates, two candidates remain to be recommended for appointment. The details of the two candidates are not included in this report. If members require the personal details of the applicants to be disclosed and discussed at the meeting, the Committee will have to resolve to move into Part II as the information is exempt by virtue of paragraph 1 of Part 1 of Schedule 12A to the Local Government Act 1972 (information relating to any individual).

10.4 All independent admission appeal and exclusion review panel members will receive training before sitting on Appeals Panels or Exclusion Reviews.

11.0 Access to Information

11.1 Those background papers relating to this report which are not exempt can be inspected by contacting the report writer:

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