

Constitution Committee

Date of Meeting: 6 April 2021

Report Title: Appointment of New Member to the Independent School Admission Appeals Panel and Independent Review Panel for Exclusion Reviews

Senior Officer: David Brown, Director of Governance and Compliance

1. Report Summary

1.1. The report invites the Committee to consider the appointment of one individual to become a member of the Independent School Admission Appeals Panel and the Independent Review Panel for Exclusion Reviews.

2. Recommendation

2.1. That the Committee approve the appointment of one individual to become a member of the Independent School Admission Appeals Panel and Independent Review Panel for Exclusion Reviews.

3. Reasons for Recommendation

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 Local Authority is the admission authority of a number of schools in Cheshire East. The Local Authority also arranges appeals for other admission authorities under Cheshire East School Services (ChESS). Where the Local Authority 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 panel members the Local Authority will meet its statutory duty.

3.2. Under s51A Education Act 2002 and the School Discipline (Pupil Exclusions and Reviews) Regulations 2012 the Local Authority, 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 panel members the Local Authority will meet its statutory duty.

4. Other Options Considered

4.1. Not applicable.

5. Background

5.1. The Local Authority currently has a pool of people registered as panel members who are eligible to sit on the School Admission Appeals Panel and/or the Independent Review Panel for Exclusion Reviews.

5.2. The Local Authority 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.

5.3. The Local Authority has received an application from a prospective panel member. The applicant was interviewed and evaluated by a lawyer in the Legal Services Adults and Education Team and their appointment would be recommended. The applicant's details are not included in this report. If members require the personal details of the applicant 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).

5.4. All members of the School Admission Appeals Panel and Independent Review Panel for Exclusion Reviews receive training before sitting on these panels.

6. Implications of the Recommendation

6.1. Legal Implications

6.1.1. The Local Authority 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 Independent School Admission Appeals Panels and Independent Review Panels for Exclusion Reviews to ensure that these Panels operate lawfully and follow due process.

6.2. Finance Implications

6.2.1. There are no direct implications for finance.

6.3. Policy Implications

6.3.1. There are no direct implications for policy.

6.4. Equality Implications

6.4.1. There are no direct implications for equality.

6.5. Human Resources Implications

6.5.1. There are no direct implications for human resources.

6.6. Risk Management Implications

6.6.1. Panel decisions are potentially subject to an investigation by the Local Government and Social Care Ombudsman, Education Funding Agency and/or Judicial Review.

6.7. Rural Communities Implications

6.7.1. There are no direct implications for rural communities.

6.8. Implications for Children & Young People/Cared for Children

6.8.1. There are no direct implications for children and young people.

6.9. Public Health Implications

6.9.1. There are no direct implications for public health.

6.10. Climate Change Implications

6.10.1. There are no direct implications for climate change.

7. Ward Members Affected

7.1. Not applicable.

8. Access to Information

8.1. No further documents included.

8.2. Background papers relating to this report which are not exempt can be inspected by contacting the officer below.

9. Contact Information

9.1. Any questions relating to this report should be directed to the following officer:

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