

**Notice of meeting of  
Education Appeals Panel**

**To:** Councillors Carr, Waudby and Fitzpatrick  
**Date:** Tuesday, 9 November 2021  
**Time:** 3.00 pm  
**Venue:** The Craven Room - Ground Floor, West Offices (G048)

**AGENDA**

- 1. Election of Chair**  
To elect a Member to Chair the meeting.
- 2. Exclusion of Press and Public**  
To consider excluding the public and press from the meeting during consideration of agenda item 5 (Home to School Transport Appeal), on the grounds that it contains information relating to an individual and which is likely to reveal the identity of an individual. This information is classed as exempt under Paragraphs 1 & 2 of Schedule 12A to Section 100A of the Local Government Act 1972, as amended by the Local Government (Access to information) (Variation) Order 2006.
- 3. Declarations of Interest**  
Members are asked to declare:
  - Any personal interests not included on the Register of Interests
  - Any prejudicial interests or
  - Any disclosable pecuniary interestswhich they may have in respect of business on this agenda.
- 4. Minutes** (Pages 7 - 8)  
To approve and sign the minutes of the meeting held on 03 February 2021.
- 5. Home to School/College Transport Appeal** (Pages 9 - 22)  
To consider an appeal for assistance with home to school transport to Tadcaster Grammar School.

Democracy Officer:

Name: Jane Meller

Contact Details:

Telephone – (01904) 555209

Email – [jane.meller@york.gov.uk](mailto:jane.meller@york.gov.uk)

For more information about any of the following please contact the Democracy Officer responsible for servicing this meeting.

- Business of the meeting
- Any special arrangements
- Copies of reports

## Coronavirus protocols for attending Committee Meetings at West Offices

If you are attending a meeting in West Offices, you must observe the following protocols.

**Good ventilation is a key control point, therefore, all windows must remain open within the meeting room.**

If you're displaying possible coronavirus symptoms (or anyone in your household is displaying symptoms), you should follow government guidance. You are advised not to attend your meeting at West Offices.

### Testing

The Council encourages regular testing of all Officers and Members and also any members of the public in attendance at a Committee Meeting. Any members of the public attending a meeting are advised to take a test within 24 hours of attending a meeting, the result of the test should be negative, in order to attend. Test kits can be obtained by clicking on either link: [Find where to get rapid lateral flow tests - NHS \(test-and-trace.nhs.uk\)](https://www.nhs.uk/conditions/coronavirus/coronavirus-test-kits), or, [Order coronavirus \(COVID-19\) rapid lateral flow tests - GOV.UK \(www.gov.uk\)](https://www.gov.uk/order-coronavirus-rapid-lateral-flow-tests). Alternatively, if you call 119 between the hours of 7am and 11pm, you can order a testing kit over the telephone.

### Guidelines for attending Meetings at West Offices

- Please do not arrive more than 10 minutes before the meeting is due to start.
- You may wish to wear a face covering to help protect those also attending.
- You should wear a face covering when entering West Offices.
- Visitors to enter West Offices by the customer entrance and Officers/Councillors to enter using the staff entrance only.
- Ensure your ID / visitors pass is clearly visible at all time.
- Regular handwashing is recommended.
- Use the touchless hand sanitiser units on entry and exit to the building and hand sanitiser within the Meeting room.
- Bring your own drink if required.
- Only use the designated toilets next to the Meeting room.

### Developing symptoms whilst in West Offices

If you develop coronavirus symptoms during a Meeting, you should:

- Make your way home immediately
- Avoid the use of public transport where possible
- Follow government guidance in relation to self-isolation.

You should also:

- Advise the Meeting organiser so they can arrange to assess and carry out additional cleaning
- Do not remain in the building any longer than necessary
- Do not visit any other areas of the building before you leave

If you receive a positive test result, or if you develop any symptoms before the meeting is due to take place, **you should not attend the meeting.**

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**City of York Council****Appeals Panel (Education)****Guidance Note**

This note is produced as guidance on the purposes and procedures of the Appeals Panel (Education) during consideration of **education appeals** in particular. It is written for the benefit of panel members, appellants and officers.

**1. Purpose of Meeting**

To consider appeals in relation to the following matters to agree exceptions to Education policy in exceptional circumstances relating to:

- i) Home to School Transport
- ii) Discretionary Awards
- (iii) Early admission to schools
- (iv) Nursery Admissions
- (v) Early Transfers
- (vi) Remission of fees for music tuition and charges for instrument hire

**2. Nature of Meeting**

- a) Appeals are heard under Council procedure as a measure of good administration, they are not statutory.
- b) The Appeals Panel observes the “rules of natural justice” and to that end:-

- no member of the Panel should have a vested interest in the outcome of the proceedings or any involvement in an earlier stage of the proceedings;
- each side should be given an equal opportunity to present its case without unreasonable interruption; and the decision of the review panel is based on the written evidence submitted and the evidence submitted at the meeting;
- written material must have been seen by all parties. If a new issue arises during the proceedings, parties should be offered an opportunity to consider and comment on it.
- Council policies are not applied in a blanket fashion. They are considered in relation to the circumstances of each appeal.

### **3. The Panel**

The Panel will usually be made up of three Elected Members (Councillors). They are appointed by Full Council. Substitutes are permitted if a member of the committee is not able to attend.

### **4. Procedure**

**The following formal procedure will normally be observed:**

- the appellant and/or his/her representative and the officer(s) appearing for the Council are invited into the meeting
- the Chair of the Appeals Panel will confirm the nature of the appeal and that the appellant and/or his/her representative are aware of the procedure to be followed
- the Council's representative(s) will be invited to present the Council's case

- the Panel will be invited to put questions to the Council's representative
- the appellant or his/her representative will be invited to put questions to the Council's representative(s)
- the appellant or his/her representative will be invited to present his/her case
- the Panel will be invited to put questions to the appellant or his/her representative
- the Council's representative(s) will be invited to put questions to the appellant or his/her representative
- the Council's representative(s) will be invited to make a closing statement
- the appellant or his/her representative will be invited to make a closing statement
- the appellant, his/her representative and the Council's representative(s) will be asked to leave the meeting while the Panel considers the evidence.

Please note Panel members may ask questions at any time.

## **5. Decision**

As soon as practicable, but not more than five working days after the Appeals Panel has made its decision, the Democracy Officer will notify in writing the appellant, his/her representative and the Council's representative. The notification should give the Panel's decision and reasons for that decision. This should be clear and easily understood.

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City of York Council

Minutes

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Meeting	Education Appeals Panel
Date	3 February 2021
Present	Councillors Carr, Waudby and Fitzpatrick (Substitute for Cllr Wells)
Apologies	Councillor Wells

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**11. Election of Chair**

Resolved: That Councillor Carr be elected as Chair of the meeting.

**12. Exclusion of Press and Public**

Resolved: That the press and public be excluded from the meeting during consideration of Agenda Item 5 (Home to School Transport Appeal), on the grounds that it contains information relating to individuals and which is likely to reveal the identity of individuals. This information is classed as exempt under Paragraphs 1 and 2 of Schedule 12A to Section 100A of the Local Government Act 1972, as amended by the Local Government (Access to Information) (Variation) Order 2006.

**13. Declarations of Interest**

Members were asked to declare any personal interests not included on the Register of Interests, any prejudicial interests or any disclosable pecuniary interests which they might have in respect of business on the agenda. No interests were declared.

**14. Minutes**

Resolved: That the minutes of the meeting held on 26 June 2019 be approved as a correct record, to be signed by the Chair at a later date.

**15. Home to School / College Transport Appeal**

Members considered an appeal from a parent against the local authority's decision not to provide home to school transport for their child to Askham Bryan College.

The parent was in attendance to present their case. The Education Officer attended to present the local authority's case.

Resolved: That the appeal not be allowed.

Reason: The Panel does not consider that there are exceptional circumstances to warrant a departure from normal policy in this case.

Cllr D Carr, Chair

[The meeting started at 3.30 pm and finished at 4.40 pm.]

# **Agenda item 5**

## **Statement of Case for Local Authority**

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By virtue of paragraph(s) 1, 2 of Part 1 of Schedule 12A  
of the Local Government Act 1972.

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