

**Notice of meeting of
Education Appeals Panel**

To: Councillors Carr, Wells and Cannon (Substitute)
Date: Wednesday, 27 February 2019
Time: 3.30 pm
Venue: The King Richard III Room (GO49) - West Offices

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 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 5 - 8)
To approve and sign the minutes of the meeting held on 26 September 2018.

5. Home to School Transport Appeal (Pages 9 - 18)

To consider an appeal for assistance with home to school transport to York College.

Democracy Officer:

Name: Fiona Young

Contact Details:

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Email – fiona.young@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

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

Committee Minutes

Meeting

Education Appeals Panel

Date

26 September 2018

Present

Councillors Carr, Jackson and Wells

21. Election of Chair

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

22. Exclusion of Press and Public

Resolved: That the press and public be excluded from the meeting during consideration of agenda items 5, 6 and 7 (Home to School Transport Appeals), on the grounds that they contain 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.

23. 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.

24. Minutes

Resolved: That the minutes of the meeting held on 21 December 2016 be approved as a correct record and signed by the Chair.

25. Home to School 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 Leeds University Technical College (UTC).

The parent had been invited to attend but had sent apologies. The child and the parent's carer were in attendance to present their case. The Education Officer attended to present the local authority's case.

Resolved: (i) That the appeal be upheld and that the local authority provide transport assistance by funding half the cost of an annual bus pass, subject to the child continuing to maintain a satisfactory attendance at the UTC.

Reason: The Panel considers that there are exceptional circumstances to warrant a departure from normal policy in this case.

(ii) That officers review the local authority's policy in relation to students attending UTCs and ensure that in future the letters sent to Year 9 pupils make it clear that those who choose to attend a UTC will normally be expected to fund their own transport.

Reason: To avoid any misunderstandings in future with regard to the funding of home to school transport for children attending UTCs.

26. Home to School 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.

The parent had been invited to attend but had indicated that they did not wish to do so. The Education Officer attended to present the local authority's case.

Resolved: That the appeal not be upheld.

Reason: There are no exceptional circumstances to warrant a departure from normal policy in this case.

27. Home to School 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.

The parent had been invited to attend but had indicated that they did not wish to do so. The Education Officer attended to present the local authority's case.

Resolved: That the appeal not be upheld.

Reason: There are no exceptional circumstances to warrant a departure from normal policy in this case, given the assistance already provided in diverting the route of the school bus.

Cllr M Wells, Chair

[The meeting started at 3.30 pm and finished at 5.10 pm].

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of the Local Government Act 1972.

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