

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.