

**Notice of meeting of
Education Appeals Panel**

To: Councillors Carr, Waudby and Hunter
Date: Tuesday, 30 November 2021
Time: 3.00 pm
Venue: The Auden Room - Ground Floor, West Offices (G047)

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 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 interests

which 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 09 November 2021.

5. Home to School Transport Appeal

(Pages 9 - 24)

To consider an appeal for assistance with home to school transport to Manor CE Academy.

Democracy Officer:

Name: Jane Meller

Contact Details:

Telephone – (01904) 555209

Email – jane.meller@york.gov.uk

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

- 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.test-and-trace.nhs.uk), or, [Order coronavirus \(COVID-19\) rapid lateral flow tests - GOV.UK \(www.gov.uk\)](https://www.gov.uk). 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

Meeting	Education Appeals Panel
Date	9 November 2021
Present	Councillors Waudby and Fitzpatrick (substitute for Cllr Wells)
Apologies	Councillors Carr and Wells

Prior to the start of the hearing, it was confirmed that all parties were content to proceed with a panel of 2 Members.

1. Election of Chair

Resolved: That Councillor Waudby be elected to Chair the meeting.

2. 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 includes information relating to an individual and information which was likely to reveal the identity of an individual. This information was 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.

3. 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 may have in respect of business on the agenda. None were declared.

4. Minutes

Resolved: That the minutes of the meeting held on 3 February 2021 be approved as a correct record and then signed by the Chair.

5. 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 Tadcaster Grammar School.

The parent was in attendance to present their case. The Education Officer attended to present the local authority's case and a second Education Officer was also in attendance for training purposes.

The Panel considered all the evidence presented by both parties in the agenda papers and verbally at the meeting and having considered all the available information, the Panel:

Resolved: That the appeal not be upheld.

Reason: The Panel decided that there were no exceptional circumstances sufficient to warrant a departure from normal policy.

Cllr Waudby, Chair

[The meeting started at 3.00pm and finished at 3.35pm.]

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

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