

**Notice of meeting of
Education Appeals Panel**

To: Councillors Gates, Jackson and Wells

Date: Wednesday, 2 September 2015

Time: 3.00 pm

Venue: The Thornton Room - Ground Floor, West Offices (G039)

A G E N D A

- 1. Election of Chair**
To appoint 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**
At this point 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 meetings held on 14 May 2014 and 8 September 2014.

5. Home to School Transport Appeal (Pages 9 - 34)

To consider an appeal for assistance with home to school transport to All Saints' RC School.

Democracy Officer:

Name: Jayne Carr

Contact Details:

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Email – jayne.carr@york.gov.uk

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

- 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

Minutes

Meeting	Education Appeals Panel
Date	14 May 2014
Present	Councillors Funnell, Firth and Horton (Substitute for Councillor Fitzpatrick)
Apologies	Councillor Fitzpatrick

25. Election of Chair

Resolved: That Councillor Firth be appointed to Chair the meeting.

26. Exclusion of Press and Public

Resolved: That the press and public be excluded from the meeting during consideration of agenda item 5 (minute 29 refers) 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 and 2 of Schedule 100A of the Local Government Act 1972, as amended by the Local Government (Access to Information) (Variation) Order 2006.

27. 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.

28. Minutes

Resolved: That the minutes of the meeting held on 6 November 2013 be approved and signed as a correct record.

29. To Consider Appeals for Home to School Transport to Huntington School

Members considered an appeal against the decision not to provide free home to school transport to Huntington School for a

pupil currently attending the school and her sibling who was due to transfer to the school in September 2014.

An education officer was in attendance. The appellant had been invited to attend the meeting but had forwarded their apologies.

Resolved: That bus passes be provided for the 2014/15 academic year only.

Reason: The Panel was of the opinion that there were exceptional circumstances to warrant a departure from normal policy.

Chair

The meeting started at 3.00 pm and finished at 3.15 pm.

Meeting	Education Appeals Panel
Date	8 September 2014
Present	Councillors Funnell, Scott and Aspden (substitute for Councillor Firth)
Apologies	Councillor Firth

1. Election of Chair

Resolved: That Councillor Scott be appointed to Chair the meeting.

2. Exclusion of Press and Public

Resolved: That the public and press be excluded from the meeting during consideration of agenda item 4 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 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. Councillor Aspden declared a personal interest as a former governor of St Oswald's CE Primary School.

4. Home to School Transport Appeal

Members gave consideration to an appeal for home to school transport to St Oswald's CE Primary School.

An education officer was in attendance along with the appellant.

The Panel considered the information detailed in the agenda papers and presented verbally by the education officer and the appellant at the meeting.

Resolved: That a taxi be provided to take the child to and from school until the end of the Spring Term 2015 at the latest.

Reason: The Panel was of the opinion that there were exceptional circumstances to warrant a departure from normal policy. The provision of transport until the end of the Spring Term 2015 at the latest would enable time for other arrangements to be explored.

Chair

The meeting started at 5.30 pm and finished at 6.05 pm.

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

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