

**Notice of meeting of
Education Appeals Panel**

To: Councillors Gates, Jackson and Wells
Date: Wednesday, 23 November 2016
Time: 3.30 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 interestswhich they may have in respect of business on this agenda.
- 4. Minutes** (Pages 5 - 6)
To approve and sign the minutes of the meeting held on 19 October 2016.

5. Home to School Transport Appeal (Pages 7 - 22)

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:

- Business of the meeting
- Any special arrangements

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	19 October 2016
Present	Councillors Gates, Jackson and Wells

6. Election of Chair

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

7. Exclusion of Press and Public

Resolved: That the press and public be excluded 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 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.

8. Declarations of Interest

Members were asked to declare any personal interests not included on the Register of Interest, any prejudicial interests or any disclosable pecuniary interests which they may have in respect of business on the agenda. None were declared.

9. Minutes

Resolved: That the minutes of the meeting held on 20 July 2016 be approved as a correct record and then signed by the Chair.

10. Home to School Transport Appeal

Members considered an appeal from parents regarding the Local Authority's decision not to provide free home to school transport.

The parents were in attendance at the meeting.

- Resolved: (i) That the Panel strongly recommended that the family agree to an assessment taking place in order for the Local Authority to determine how best the pupil can be supported in travelling to and from school.
- (ii) That the contents of the letter which had been received after the assessment for an Education Health Care Plan had been carried out, be taken into account by the Local Authority when future assessments are carried out.

Reason: To enable the Local Authority to determine how best to support the pupil in travelling to and from school.

Chair

The meeting started at 3.30 pm and finished at 4.30 pm.

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

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