



**Gloucestershire**

COUNTY COUNCIL

**APPEALS COMMITTEE**

**ACCESS TO EDUCATION**

**2.00 pm**

**Or on Rise of Council, whichever is the later.**

**WEDNESDAY 18TH JANUARY,  
2012**

**Cabinet Suite - Shire Hall,  
Gloucester**

**MEETING PAPERS**





## APPEALS COMMITTEE (ACCESS TO EDUCATION)

**TIME:** 2.00 pm or on rise of Council  
**DATE:** Wednesday 18th January, 2012  
**VENUE:** Cabinet Suite - Shire Hall, Gloucester

### A G E N D A

ITEM	TOPIC	CONTACT
1.	<b>Election of Chairperson</b> To elect a Chairperson for the meeting.	Alison Wantenaar Tel: 01452425094
2.	<b>Apologies for Absence</b>	
3.	<b>Minutes</b> (Pages 1 - 2) To approve the minutes of the meeting held on 3 <sup>rd</sup> July 2009.	Alison Wantenaar Tel: 01452425094
4.	<b>Public Questions</b> To answer any written public questions about matters which are within the power and duly of the Board. The closing date/time for the receipt of questions is 5pm on Wednesday 11 <sup>th</sup> January 2012.  To answer additional oral question(s) put by members of the public asking written questions. Depending on the nature of the questions asked it may not be possible to provide a comprehensive answer at the meeting, in which case a written answer will be supplied as soon as reasonably possible after the meeting.	Alison Wantenaar Tel: 01452425094
5.	<b>Members' Questions</b> To answer any written members' questions. The closing date/time for the receipt of questions is 5pm on Wednesday 11 <sup>th</sup> January 2012.	Alison Wantenaar Tel: 01452425094
6.	<b>Terms of Reference</b> (Pages 3 - 4) To consider the proposed amendments to the terms of reference of the Appeals Committee as set out in the attached report.	Nigel Roberts Tel: 01452

**NOTES**

- (a) **MEMBERSHIP –**  
 Councillors Cllr Ron Allen, Cllr Tony Blackburn, Cllr Peter Braidwood,  
 Cllr David Cooksley, Cllr Gerald Dee, Cllr Terry Hale, Cllr Ceri Jones,  
 Cllr Philip McLellan, Cllr Brian Oosthuysen, Cllr Martin Quaile,  
 Cllr Brian Robinson, Cllr Mike Sztymiak, Cllr Robert Vines, Cllr Bill Whelan,  
 Cllr Kathy Williams, Cllr Lesley Williams and Cllr Suzanne Williams
- (b) **DECLARATIONS OF INTEREST –** Members requiring advice or clarification about whether to make a declaration of interest are invited to contact the Monitoring Officer: Nigel Roberts ☎01452 425201 /fax: 426790/e-mail: nigel.roberts@gloucestershire.gov.uk prior to the commencement of the meeting.
- (c) **INSPECTION OF PAPERS AND GENERAL QUERIES -** If you wish to inspect reports relating to any item on this Agenda or have any other general queries about the meeting, please contact

Alison Wantenaar Democratic Services Officer  
 ☎: 01452 425094/fax: 425850/e-mail:  
 alison.wantenaar@gloucestershire.gov.uk

**GENERAL ARRANGEMENTS**

- (1) *Will Members please sign the attendance list.*

***EVACUATION PROCEDURE - in the event of the fire alarms sounding during the meeting please leave as directed in a calm and orderly manner and go to the assembly point which is outside the main entrance to Shire Hall in Westgate Street. Please remain there and await further instructions.***

## GLOUCESTERSHIRE COUNTY COUNCIL

### APPEALS COMMITTEE

3 July 2009

MINUTES of the meeting of the Appeals Committee held on 3 July 2009, at 10.00am in the Meeting Room 5, Shire Hall, Gloucester.

PRESENT: Councillors Windsor-Clive, Vines, Dee, Hale, S Williams, McLellan, & Whelan

1. **CHAIRPERSON** – It was proposed that Cllr Whelan be elected as Chairman. This was duly seconded.

#### **RESOLVED**

**That Councillor Whelan be appointed as Chairperson for the ensuing year.**

2. **APOLOGIES** – These were received from Councillors Sztymiak, V Smith & Quaile.

3. **MINUTES**

#### **RESOLVED**

**THAT the minutes of the meeting held on 8 June 2005 be approved as a correct record.**

4. **PUBLIC QUESTIONS** – No public questions were received.

5. **MEMBERS QUESTIONS** – No Members questions were received.

6. **APPEALS COMMITTEE FUNCTIONS** - Members considered a report by the Director of Law and Administration, which outlined the types of appeals the committee had responsibility for. Members were asked to consider what arrangements they would like to put in place to hear appeals. A training session had been arranged following the meeting in respect of home to school transport appeals and on 24 July 2009 for Personnel Appeals. Training would be arranged as and when necessary for other appeals.

Following a discussion it was agreed that the appeals would be heard by a panel of 3 members, a rota would be drawn up for the remainder of the year.

The Committee discussed arrangements for future appeal hearings and it was

#### **RESOLVED**

**THAT**

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**All Appeal Panels will consist of 3 Members to hear individual Appeals.**

Chairperson

Meeting closed at 10.14am.

## Appeals Committee

18 January 2012

**Report:** Proposed amendments to the terms of reference of the Appeals Committee regarding the appeals against refusal to provide assistance with home to school transport.

### Background

The duties of the Appeals Committee are set out on page 27 of the Constitution. Table 3.3 at point 7 states

*Appeals against refusal to supply free home to school transport*

### Process

Following a recent audit of home to school transport appeals, it is proposed that the description of the duties of the Appeals Committee in relation to such appeals be expanded as set out below. Any amendment to the Constitution requires a meeting of the Appeals Committee to accept the recommendations, a meeting of the Constitution Committee and finally the recommendations are considered by full Council. There should also be a fuller set of terms of reference of the Committee as set out in Appendix A hereto. These terms of reference would not be included in the Constitution but would be available to members prior to all appeal hearings.

### Recommendations

It is proposed that the duties or purpose of the Appeals Committee when hearing home to school transport appeals should be as follows:

“7. Act as an independent appeal panel and assess appeals lodged by parents, guardians, carers and other professionals against the decision of the County Council to decline requests for transport”

***The following to be added as a note underneath Table 3.3:***

“For the purpose of hearing appeals relating to home to school transport there shall be a panel of three members taken from the 18 trained members on the committee.”

Nigel Roberts,  
Director of Law & Administration  
December 2011

## Appendix A

### **Terms of reference**

#### **Purpose**

The panel will

- Be impartial and operate in an open and transparent manner when determining whether to uphold or dismiss any appeals presented to the panel
- Focus on the needs of the individual and properly consider the implications of any decision by the panel on the individual
- Ensure that any decision is made on the particular circumstances of the case

#### **Aim**

- To provide clear and concise decisions on transport provision.

#### **Scope**

- The presumption is that any appeal will need to clearly demonstrate that the policy does not adequately deal with the circumstances of the individual, or that the circumstances are such that it warrants a decision being made by the Appeal Panel.
- The panel will not have the power to change the Home to School Transport Policy as published.

#### **Governance**

- Decision will be by simple majority with the Chair holding the casting vote.

December 2011