



Gloucestershire

COUNTY COUNCIL

APPEALS COMMITTEE

ACCESS TO EDUCATION

1.00 pm

MONDAY 3RD JUNE, 2013

**Meeting Room 1&2 - Shire Hall,
Gloucester**

MEETING PAPERS



APPEALS COMMITTEE (ACCESS TO EDUCATION)

TIME: 1.00 pm
DATE: Monday 3rd June, 2013
VENUE: Meeting Room 1&2 - Shire Hall, Gloucester

A G E N D A

ITEM	TOPIC	CONTACT
1.	Election of Chairperson To elect a chairperson for the meeting.	
2.	Apologies for Absence	Alison Wantenaar Tel: 01452425094
3.	Minutes (Pages 1 - 2) To approve the minutes of the meeting held on 18 January 2012.	Alison Wantenaar Tel: 01452425094
4.	Public Questions To answer any written questions about matters which are within the power and duty of the Committee. The closing date and time for the receipt of questions is 5pm on Friday 24 th May 2013. To answer additional oral questions(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.	Members' Questions To answer any written members' questions. The closing time and date for the receipt of questions is 5pm on Friday 24 th May 2013.	Alison Wantenaar Tel: 01452425094
6.	Functions and Duties of the Committee (Pages 3 - 4) To note the Authority's statutory duties and determine the make-up of panels, in particular those in respect of home to school transport.	Christine Wray Tel: 01452 426911

NOTES

(a) **MEMBERSHIP –**

Councillors Phil Awford, Tony Blackburn, David Brown, Bernard Fisher, Tim Harman, Barry Kirby, Sarah Lunnon, Brian Oosthuysen, Norman Stephens, Pam Tracey, Robert Vines, Stan Waddington, Bill Whelan, Lesley Williams and 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: Jane Burns ☎01452 328472 /fax: 425149 jane.burns@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.

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GLOUCESTERSHIRE COUNTY COUNCIL

APPEALS COMMITTEE

18 January 2012

MINUTES of the meeting of the Appeals Panel – Access to Education held at Cabinet Suite - Shire Hall, Gloucester on Wednesday 18th January, 2012 commencing at 2.00 pm.

Present:

Cllrs: Cllr David Cooksley, Cllr Gerald Dee, Cllr Terry Hale, Cllr Ceri Jones, 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

Apologies: Cllr Ronald Edward Allen, Cllr Anthony James Blackburn, Cllr Peter A Braidwood, Cllr Philip McLellan and Cllr Duncan John Smith

1. ELECTION OF CHAIRPERSON

Cllr Whelan was elected chairperson for the meeting.

2. MINUTES

RESOLVED

That the minutes of the meeting held on 3 July 2009 be approved as a correct record and signed by the Chairperson.

3. PUBLIC QUESTIONS

No public questions were received.

4. MEMBERS' QUESTIONS

No members' questions were received.

5. TERMS OF REFERENCE

Following a recent audit of home to school transport appeals, it had been proposed that the description of the duties of the Appeals Committee in relation to such appeals be expanded. Presently at page 27 of the Constitution, paragraph 7 of Table 3.3 read: 'Appeals against refusal to supply free home to school transport'. It was noted that the amendment, if recommended, would then be passed to the Constitution Committee and ultimately to Council for ratification. Following discussion the recommendation was approved. It was therefore

Appeals Committee

Minutes subject to their acceptance as a correct record at the next meeting

RESOLVED

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

- *with 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.'

CHAIRPERSON

Meeting concluded at 14:30h

Appeals Committee

3 June 2013

Role & Functions of the Appeals Committee

Background

The role of the Appeals Committee is to act as a forum for hearing and determining complaints by employees, pupils and other individuals and to make arrangements for the determination of certain appeals in accordance with the law and under the Council's own grievance and other procedures.

Types of hearings

The Constitution, at page 27, lists eight separate functions:

	Extract from Constitution (page 27)	Explanation
1.	Individual appeals by Directors reporting directly to the Chief Executive under the Council's managing performance Improvement Procedure and any other employment related procedure that expressly provides for a right of appeal to elected members.	Members will be approached and further training given if required.
2.	The making of arrangements for the determination of admission appeals in accordance with Section 94(1) and (4) of and Schedule 24 to the School Standards and Framework Act 1998.	The Local Authority is required to make arrangements for school admission appeals. The law requires panels to be made up of individuals who are independent from the local authority, both lay and parent. These are recruited and trained by Democratic Services.
3.	The making of arrangements for the determination of appeals by Governing Bodies concerning children to whom Section 87 of the School Standards and Framework Act 1998 applies in accordance with Section 95(2) of and Schedule 25 to that Act.	A Governing Body may appeal against the local authority's decision that a school admit a pupil previously permanently excluded from two or more schools. Such appeals are heard by an independent panel, as at 2 above.
4.	The making of arrangements for the review of decisions to exclude pupils in accordance with Section 52 of the Education Act 2002 and regulations made thereunder.	A parent of an excluded pupil or if 18 or over, an excluded pupil, may request a review of a Governing Body's decision to uphold a headteacher's decision to permanently exclude. Once again, these reviews are heard by an independent panel, recruited and trained by Democratic Services.

Appeals Committee

3 June 2013

Role & Functions of the Appeals Committee

5.	Appeals under Regulation 11 of the Access to Personal Files (Social Services) Regulations 1989.	Generally appeals in relation to data protection now go to the Information Commissioner. No such appeals have been heard in recent years.
6.	Appeals against the exercise of the Council's functions as a Social Services Authority	These are statutory appeals which, at Stage 3, are heard by a panel of independent individuals who are recruited and trained by the Complaints Manager.
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 home to school transport.	These appeals are heard by members of the Appeals Committee. The Constitution states that members shall have completed training before hearing appeals and that a panel shall be made up of three members. Dates for these panels for 2014 were approved at Council on 15 May 2013. Training follows this meeting.
8.	Subject to any other requirements of the Constitution, any other appeals (where a right of appeal exists either by law or where the Council has expressly determined there shall be a right of appeal) against executive or non-executive decisions made by or on behalf of the Council.	For a number of other infrequent scenarios, training will be provided as required.

Recommendation

To note the remit of the Appeals Committee, as above, and to agree that, where relevant, individual appeals should be heard by a panel of three elected members taken from members of the Committee.

Christine Wray,
Head of Legal Services
20 May 2013