

## 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.

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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,  
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20 May 2013