

## **NORTH LINCOLNSHIRE COUNCIL**

### **CHILDREN AND FAMILIES CABINET MEMBER**

#### **APPOINTMENT OF EDUCATION APPEALS PANEL MEMBERS**

##### **1. OBJECT AND KEY POINTS IN THIS REPORT**

- 1.1 To appoint independent members who may be called to sit on either the Education Admission Appeals Panel or Independent Review Panel to hear appeals in respect of school admissions and exclusions.
- 1.2 The key points in this report are as follows –
  - Admission authorities responsible for making arrangements for appeals must advertise for members under regulations made by the Secretary of State Education (Lay Members of Appeals Committees) Regulations 1994 and School Discipline (Pupil Exclusions and Reviews) (England) Regulations 2012.
  - Admission Authorities must consider appointing to appeals panels persons who have responded to such advertisements.

##### **2. BACKGROUND INFORMATION**

- 2.1 North Lincolnshire Council is the admissions authority for community and voluntary controlled schools within the borough area and is responsible for ensuring compliance with the Department for Education (DfE) Schools Admissions Code and School Admission Appeals Code (the Code). The Code covers the arrangements for appeals made against refusal of a place at a school. Appeals are heard by an independent Appeals Panel, which consist of three or five members, including at least one "education expert" and at least one "lay member"
- 2.2 The council is also required, in line with the DfE statutory guidance 'Suspension and Permanent Exclusion from maintained schools, academies and pupil referral units in England including pupil movement', to arrange an Independent Review Panel hearing in response to a parent request following a permanent exclusion of their child from school.

- 2.3 The council make arrangements for Education Admission Appeals Panel and Independent Review Panel hearings on behalf of maintained schools and provide this service to Academy schools under a Service Level Agreement.
- 2.4 The existing pool of volunteer panel members, which comprises 13 individuals, is very experienced but relatively small in the context of recent demand for panel hearings. The size of the pool of members can cause problems in dealing with appeals within the required timescales. It is also mandatory to have at least one “education expert” and one “lay member” in the make up of the panels, which can be difficult given the small pool of panel members and their availability.

Therefore, it was considered desirable to extend the number of available panel members. Accordingly, the council’s Communications Team commenced a recruitment campaign advertising for new members to express an interest in joining the panel.

- 2.5 Following closure of the recruitment campaign a number of applications were received, of these eight are considered suitable to join the panel. The 13 existing panel members have also formally submitted an application to be re-appointed.
- 2.6 The eight preferred candidates have met, via Microsoft Teams, with the Clerks to the Education Admission Appeals Panel (Democratic Services Officers) and Independent Review Panel. Subject to the Cabinet Member endorsing their appointment, the eight new panel members and 13 existing members must attend mandatory training scheduled for March 2023. Upon completion of the training, the eight new panel members will be invited to observe appeal hearings. The new panel members will then be invited to sit at appeal hearings, one at a time.

### **3. OPTIONS FOR CONSIDERATION**

- 3.1 To appoint the new members to the panels, and to re-appoint the existing panel members, as outlined in Appendix 1.
- 3.2 To not appoint and re-appoint the new members and existing members to the panels.

### **4. ANALYSIS OF OPTIONS**

- 4.1 The appointments are in line with the requirements of the Education (Lay Members of Appeals Committees) Regulations 1994 and School Discipline (Pupil Exclusions and Reviews) (England) Regulations 2012.

- 4.2 The legislation states that all panel members must be trained on the respective codes every two years. The council has instructed an Education Barrister to deliver the required training over two separate dates in March 2023. Following their appointment, members will be invited to attend the training sessions. As part of the induction for new members, arrangements will be made for them to sit as observers on a panel. The Panel Members must attend and complete the training, otherwise they will be ineligible to sit on an Education Admission Appeals Panel and Independent Review Panel.

If Option 1 is implemented this would allow a wider selection of panel members, place less responsibility on current panel members, increase operational flexibility and enhance the overall experience of parents and any students in attendance.

- 4.3 Not appointing the new members to the panels would lead to a smaller pool of panel members and therefore cause difficulty with availability and potentially delay hearings within required timescales. Not re-appointing the existing panel members would also contravene the requirements of the Education (Lay Members of Appeals Committees) Regulations 1994 and School Discipline (Pupil Exclusions and Reviews) (England) Regulations 2012.

## **5. FINANCIAL AND OTHER RESOURCE IMPLICATIONS (e.g. LEGAL, HR, PROPERTY, IT, COMMUNICATIONS etc.)**

### **5.1 Financial**

5.1.1 It is a mandatory requirement for all Education Admission Appeals Panel and Independent Review Panel members to be trained in the respective codes. An Education Barrister will provide appropriate training for all panel members in March 2023. This cost is planned and will be met from within existing budgets.

5.1.2 Panel members are not remunerated for the role. Where applicable, expenses for travel, childcare or loss of earnings are met from existing allowances budgets.

5.1.3 The service is provided to local academies in accordance with the council's Services to Schools service level agreements.

## **6. OTHER RELEVANT IMPLICATIONS (e.g. CRIME AND DISORDER, EQUALITIES, COUNCIL PLAN, ENVIRONMENTAL, RISK etc.)**

- 6.1 These appointments compliment the intentions of the Council Plan to ensure that the Council is well governed and discharges its responsibilities in accordance with the law and prevailing guidance.

## **7. OUTCOMES OF INTEGRATED IMPACT ASSESSMENT (IF APPLICABLE)**

7.1 An integrated impact assessment is not required for this report.

## **8. OUTCOMES OF CONSULTATION AND CONFLICTS OF INTERESTS DECLARED**

8.1 The council had a recruitment campaign to advertise for new panel members.

8.2 A number of applications were received, the applications were cross-referenced with the published role profile to determine the applicants' experience and suitability. In addition, all eight applicants have met all eight applicants via Microsoft Teams to discuss the role further.

## **9. RECOMMENDATIONS**

9.1 To appoint the eight new applicants, as set out in Appendix 1, with a view to new members receiving training and being gradually introduced onto panels during 2023.

9.2 To re-appoint the existing 13 panel members.

DIRECTOR: GOVERNANCE AND COMMUNITIES

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### **Background Papers used in the preparation of this report –**

Application forms (Exempt)  
School Admissions Code  
School Admission Appeals Code of Practice  
Suspension and Permanent Exclusion from maintain schools, academies and pupil referral units in England including pupil movement September 2022  
School Discipline (Pupil Exclusions and Reviews) (England) Regulations 2012  
The Education (Lay Members of Appeals Committees) Regulations 1994

## **Appendix 1**

New applicants to be appointed to the Education Appeals Panel:

- Alan Hall
- Carl Ponulak
- Gail Greenwood
- Gayle Parker
- Helen Sibanda
- Ibiyemi Olorunsola
- Jeffrey Matthews
- Steven Leone

Existing panel members to be reappointed to the Education Appeals Panel:

- Barrie Pollard
- Charmian Roberts
- Claire Welford
- Deborah Donald
- Elaine Genney
- Gordon Davison
- Jan Lyus
- Kerry Nilsson
- Madeleine Keyworth
- Nicky Lyons
- Pauline Smith
- Robert Lyden
- Michael Lewis