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**EDUCATION APPEALS PANEL – APPOINTMENT OF MEMBERS**

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**Responsible Cabinet Member – Councillor McEwan, Cabinet Member with Portfolio for Children and Young People**

**Responsible Director – Paul Wildsmith, Director of Corporate Services**

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**Purpose of Report**

1. To consider giving delegated powers to the Borough Solicitor to formally appoint Panel Members to serve on Education Appeals Panels.

**Information**

2. This Council, as an admissions authority, is required, under The Education (Admission Appeals Arrangements) (England) Regulations 2002, as amended, to make arrangements to formally establish constitute panels to which parents can appeal against decisions to refuse admissions to preferred schools. Every appeal hearing must have a panel with an appointed Chair.
3. In previous years, Officers have advertised for Panel Members every three years and, subject to applicants being eligible to serve as Appeal Panel Members in accordance with the provisions of the 2002 Act and, following receipt of training, they have been included on the list of ‘appointed’ Panel Members.
4. However, the Schools Admissions Appeals Code, which came into force on the 17th January, 2008, suggests that Panel Members should be formally appointed by the Admissions Authority, and that the membership must be reviewed every three years. Advice taken by the Council from an expert in Admissions Appeals suggests that the appointment of Panel members could be delegated to an Officer of the Council who is independent of the Children’s Services Department.
5. It is therefore suggested that the Borough Solicitor be given delegated power to formally appoint Panel Members in accordance with the provisions of the 2002 Act, such appointments to last for a period of three years and then membership be re-assessed and re-appointments made as appropriate. The current practice of advertising for Panel Members every three years with every opportunity being taken to try and ensure a diverse mix of Panel members (race, gender, faith etc.) be continued.

## **Legal Implications**

6. This report has been considered by the Borough Solicitor for legal implications in accordance with the Council's approved procedures. There are no issues which the Borough Solicitor considers need to be brought to the specific attention of Members, other than those highlighted in the report.

## **Section 17 of the Crime and Disorder Act 1998**

7. The contents of this report have been considered in the context of the requirements placed on the Council by Section 17 of the Crime and Disorder Act 1998, namely, the duty on the Council to exercise its functions with due regard to the likely effect of the exercise of those functions on, and the need to do all that it reasonably can to prevent, crime and disorder in its area. It is not considered that the contents of this report have any such effect.

## **Council Policy Framework**

8. The issues contained within this report are required to be considered by Council.

## **Recommendation**

9. Council are requested to give delegated power to the Borough Solicitor to formally appoint Education Appeal Panel members, in accordance with the provisions of The Education (Admission Appeals Arrangements) (England) Regulations 2002, as amended, such appointments to last for a period of three years and then membership be re-assessed and re-appointments made as appropriate.

## **Reason**

10. The recommendation is to comply with legislation and the School Admission Appeals Code.

**Paul Wildsmith**  
**Director of Corporate Services**

## **Background Paper**

No Background papers were used in the preparation of this report other than those referred to.

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