



# Appointment of Education Appeal Panel Members

## Information for applicants



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## **1 Introduction**

Thank you for your interest in becoming a member of the Bracknell Forest Education Appeals Panel.

This pack provides information on the operation of the Panel and the appeal process. Hopefully it will give you all the information you need to help you decide whether to apply to become a Panel Member, however if you need anything further please contact Jemma Durkan on 01344 352209. Alternatively you can email us at [committee@bracknell-forest.gov.uk](mailto:committee@bracknell-forest.gov.uk).

## **2 Background**

The School Standards and Framework Act 1998 makes provisions for the establishment of independent appeals panels.

The School Admission Appeals Code (the Code) has been issued under this Act. The Code sets out the requirements and guidelines for Independent Appeal Panels in respect of admissions. All Panel Members receive a copy of this Code.

The Education (Pupil Exclusions and Appeals) (Maintained Schools) (England) Regulations 2002 set out the constitution and procedure of Independent Appeal Panels in respect of exclusions, and the Improving behaviour and attendance: guidance on exclusion from schools and Pupil Referral Units sets out the requirements and guidelines for exclusions and the appeal process. All Panel Members receive a copy of this guidance.

The vast majority of appeals heard each year relate to admissions. On average there are only one or two exclusion appeals a year so it is likely that you will be asked very rarely if ever to sit on an exclusions appeal panel.

## **3 Role of an Appeal Panel**

The Appeal Panel is independent of the local authority and its decisions are binding on the local authority, unless overturned by the courts.

Appeal Panels perform a judicial function and need to be transparent, independent and impartial.

Although Panels act independently of the local authority they must consider very carefully any legal or procedural advice given by the Clerk.

## **4 Appeal Panel membership**

Each Bracknell Forest Education Appeals Panel consists of three people and there are strict legal rules about who can be a Panel Member. The criteria for admissions and exclusions are similar. Panels must include:

- ❖ Lay members – these are people who have not worked in a school in any paid capacity, although they may be (or have been) a school governor or work (or have worked) in a school as a volunteer.

- ❖ People who have experience in education or are acquainted with educational conditions in the area, such as teachers or teaching assistants or parents of school pupils.

Each admission Appeal Panel must consist of at least one member from each of these categories, with the third member being drawn from either.

Exclusions Appeal Panels must have a lay member as the chair, and the other two members must be a governor or member of the management committee of a Pupil Referral Unit, and a head teacher or teacher in charge of a Pupil Referral Unit.

One of the Clerk's responsibilities is to ensure that every Panel is properly constituted.

There may be appeals for certain schools that you will not be able to hear, for example because you have, or have had a connection with an interested party which might raise doubts about your ability to act impartially, for example you may be a governor at the school in question or know one of the appellants. The Clerk will have some of this information from your application but you will need to consider whether your independence and objectivity could be challenged each time you are asked to sit on a panel.

Unfortunately you cannot be appointed to the Bracknell Forest Education Appeals Panel if:

- ❖ you are a Member of Bracknell Forest Council or
- ❖ you are employed by Bracknell Forest Council in a capacity connected with education, other than as a person employed as a teacher or teaching assistant

## **5 Panel Members**

There are no specific qualifications or experience that you need to become a Panel Member and almost anyone can take on the role. We welcome people with all types of knowledge, background and experience, as groups made up of diverse individuals tend to make better informed decisions.

Panel Members are expected to read all of the papers that are sent to them and to play an active part in questioning all parties at the hearing, showing favour to neither party, avoiding expressing personal opinions during the course of a hearing or making the case for either party and being conscious at all times of acting, and being seen to act, independently of the local authority.

Panel Members need the ability to carefully consider the cases of all parties and then make a balanced and reasoned decision based on what they have read and heard.

Everyone involved in an appeal hearing needs to be familiar with the Schools Admission Code, the Schools Admission Appeals Code, the guidance on exclusions and any background legislation.

Panel Members are also expected to attend training and briefing sessions.

The role is voluntary although expenses are paid for attending panel hearings and briefing/training sessions.

A brief case study of a current Panel Member is attached as annex A.

## **6 Availability of Panel Members**

The amount of time that Panel Members spend at appeal hearings will vary depending on the amount of time that they have available. Those who act as chairmen can be expected to be asked to sit more often.

Due to work or other commitments you might find it difficult to sit on appeals on a frequent basis or for consecutive days. Please let us know this when you complete your application so that we can take this into account when convening a Panel.

We keep a database of Panel Members and will contact you when organising an appeal to see if you are available.

## **7 Skills profile**

Most people will already have a range of skills to help them become a Panel Member and we offer access to good quality training, support and technical expertise, so don't worry if you think you don't yet have some of the skills or confidence to take on the role.

The following qualities and skills will help you to undertake the work of the Panel:

- ❖ The ability to communicate effectively with a wide range of people
- ❖ The ability to read and assess information and identify key points/issues
- ❖ The ability to listen to information and identify key points and issues
- ❖ The ability to ask questions to obtain information and clarify points being made
- ❖ The ability to analyse information and use it to form opinions and conclusions
- ❖ The ability to obtain and weigh up evidence to reach reasoned decisions based on that evidence
- ❖ Willingness to work as part of a team
- ❖ Willingness to take advice
- ❖ Willingness to develop your own skills and knowledge

You will also be expected to develop an understanding of:

- ❖ the admissions and exclusions appeal processes and the guidance and legislation supporting them
- ❖ the rules of natural justice
- ❖ the role of the Clerk

## **8 Training for Panel Members**

All newly appointed Panel Members will receive full training and you will not be able to take part in hearings until you have been properly trained which will include the provision of the statutory guidance for both exclusion and admission appeals.

The Clerk provides an independent source of advice on procedure for all parties. They keep up to date with developments in case law and changes in legislation and guidance and provide additional training or briefings to Panels if required.

Regular training sessions and briefings are offered on an ongoing basis, including to experienced and long-serving Panel Members, to ensure that everyone is kept up to date with changes to admissions law and the Codes.

## **9 School admissions**

This section provides some basic information on admissions. All Panel Members are provided with copies of the Council's Guides to Secondary and Primary Education in Bracknell Forest which provide detailed information to parents on the admissions process and outline the Council's procedures. They also set out the role of other admission authorities in the process of allocating school places.

### *Admissions authority*

Bracknell Forest Council is the admissions authority responsible for administering the admissions for most of the infant, junior, primary and secondary schools in the Borough. There are a small number of schools in the Borough which are voluntary aided. In their case their school governing body is their admissions authority.

### *Allocation of school places*

School places are allocated according to availability and it is not always possible for the admissions authority to offer a child a place at their preferred school as each school has a maximum number of pupils that can be admitted each year and demand might exceed the number of places available. The limits that are set on numbers are designed to ensure that children in the school receive an 'efficient and effective' education.

### *Efficient and effective education*

Too many children being admitted to a particular school could lead to overcrowding or pressure on the facilities and other resources in the school thereby having an adverse impact on the school's ability to ensure that the children receive an efficient and effective education. This is also referred to as 'prejudicing, or causing prejudice to, the efficient provision of education or efficient use of resources'.

## **10 Admission appeals**

All parents have the right to make an appeal to an Independent Appeal Panel if their child is not offered a place at their preferred school. The Panel will decide whether a child who has been refused a place at a particular school by the admission authority, should be given a place.

There are essentially two types of appeal against the admission authority's refusal of a place and a different decision-making process applies to each one:

- ❖ Where the admissions authority has determined that to admit another child would prejudice the provision of efficient education or the efficient use of resources, in other words the school is full.
- ❖ Where the admissions authority has determined that to admit another child to a Reception, Year 1 or Year 2 class would breach the statutory limit of 30 pupils in a class with a single teacher. This is known as an 'infant class size prejudice' appeal.

Full training will be given on the decision making process for both types of appeal.

## **11 Admission appeal hearings**

Hearings take place during the day. It usually takes about 30 or 40 minutes to hear each appeal and it is normal for several appeals to be heard by the same Panel on the same day. Refreshments are provided, including lunch if there are several appeals scheduled for one day.

The majority of appeals are heard during May, June and July for the September admissions, but appeals are scheduled each month.

Where there are two or more appeals for a particular year group at the same school, the same Panel should hear all the appeals. This is most likely to occur during the main admissions round and it is possible that a Panel will need to sit for more than one day depending on the number of appeals.

There are generally two parties present at appeal hearings:

- ❖ the presenting officer from the admissions authority
- ❖ the parents, who may be represented or accompanied by a friend or adviser

Each party has the opportunity to present a case to the Panel. The Panel Members listen to the presentations and question the parties to ensure that they have enough information to reach a decision. Once the parties have stated their case and all questions have been asked, the parties leave the room and the Panel makes a decision in private. This is recorded by the Clerk, who subsequently notifies everyone of the panel's decision in writing.

Once the Panel has made its decision it is binding on all parties, that is the parent(s), the school governing body, the head teacher and the local authority. The Panel cannot revisit its decision once made.

## **12 School Exclusions**

This section provides some basic information on exclusions. All Panel Members are provided with a copy of the guidance issued by the Secretary of State for Children, Schools and Families which provides detailed information on the exclusions process.

In most cases permanent exclusion is the last resort after a range of measures have been tried to improve a pupil's behaviour. Only the Headteacher or teacher in charge of a Pupil Referral Unit can exclude a pupil. There is no right of appeal against fixed-term exclusions, only against permanent exclusions.

## **13 Exclusion Appeals**

When a pupil is permanently excluded from school the parent, or pupil if 18 or over, has the right to appeal to an Independent Appeal Panel. Such appeals are the final stage in the exclusion appeal process. Prior to this, the parents' case will have been considered by the School Governing Body Discipline Committee.

## **14 Exclusion appeal hearings**

Hearings take place during the day and usually take two to three hours. They can, however continue all day. Refreshments, including lunch, are provided.

There are effectively three parties at exclusion hearings:

- ❖ The parent(s) of the excluded pupil
- ❖ The Headteacher and a representative of the school's Governing Body Discipline Committee
- ❖ The local authority representative

In addition, an alleged victim has a right to attend the hearing. Where this occurs, they will usually attend for part of the hearing only.

The excluded pupil will usually attend for all or part of the hearing.

Each of the above may attend and state their case to the Panel. It is the role of the Panel to listen to the presentations and also to question the parties so

that they have enough information to reach a decision. Once the parties have stated their case and all questions have been asked, the parties leave the room and the Panel makes a decision in private. The Panel will decide, on the balance of probabilities, whether the pupil did what they are alleged to have done. They will consider the basis of the decision to exclude and the procedures that followed, taking account of a number of factors; and then decide whether or not to uphold the decision to exclude. This is recorded by the Clerk, who subsequently notifies the parties of the Panel's decision.

Full training will be given on the decision-making process.

## **15 Venue for appeal hearings**

Hearings are usually held at the Council Offices in Easthampstead House, which is located in Bracknell Town Centre but may on occasion be held at another venue. Parking will be provided whenever possible.

## **16 Application process**

If you feel you have the personal skills and qualities required to become a Panel Member please complete the application form that accompanies this information pack and send it to the Clerk to the Appeal Panel, Democratic & Registration Services, Easthampstead House, Town Square, Bracknell, Berkshire, RG12 1AQ. Alternatively download the application form from our website and email it to [committee@bracknell-forest.gov.uk](mailto:committee@bracknell-forest.gov.uk).

We welcome applications anytime throughout the year, however if you would like to attend the next training session in advance of the main round of admission appeals ,we will need to receive your application form by the end of November 2010.

## PANEL MEMBER CASE STUDY

### **Bob Hook**

#### **How long have you been involved with the school appeals at Bracknell Forest?**

I first became aware of the Independent appeals panel when I applied for my youngest son to attend a popular secondary school. Although I lost my appeal I was very interested in the process.

I eventually became chair of Governors at my son's new school and was approached by the local authority to join the appeals panel.



#### **What do you enjoy about being involved in the appeals process?**

Being a panel member is deeply rewarding as, for a brief moment in time, you have the ability to make a major contribution to many families' needs and desires.

#### **What skills do you need to be a panel member?**

To be a panel member requires the ability to balance the needs of the families and the needs of the schools. It requires the ability to carefully consider all the facts, read all the data, listen attentively to both the parents and the school and then make a balanced decision as to which party has the stronger need.

This requires the ability to act in complete confidence with sometimes highly personal data from families. At the appeal it also requires the panel member to show patience, understanding and respect to all parties.

Fortunately excellent ongoing training is provided.

#### **Why should people get involved?**

The ability to read and consider information and facts and then, after the appeal, make that balanced and measured decision is a privilege and a role I most willingly recommend.

# Application for appointment to the Bracknell Forest Education Appeals Panel



First Name	Surname	Title
Address		
Home number	Mobile number	Work number
Email address		

Have you had any experience of education appeals or received any training? <i>If yes please provide details</i>	YES/NO
Do you have experience of chairing meetings? <i>If yes please provide details</i>	YES/NO
Have you ever worked in a school in any capacity? <i>If yes please state in what capacity</i>	YES/NO
Have you served on the Governing Body of a school within the last 6 years? <i>If yes please specify which school(s) and dates</i>	YES/NO
Are you the parent/carer of any school pupils <i>If yes please specify which school(s) and year groups</i>	YES/NO

<p>Have you ever been employed by Bracknell Forest Council or had any connections with Bracknell Forest Council employees? <i>If yes please provide details</i></p>	<p>YES/NO</p>
<p>Do you have any connection with the schools in Bracknell Forest other than as a parent or employee which might affect you sitting on a Panel when they are involved? <i>If yes please provide details</i></p>	<p>YES/NO</p>
<p>Are there any factors that would limit your availability to attend hearings? Eg particular days or times during the week that might not be convenient <i>If yes please provide details</i></p>	<p>YES/NO</p>
<p>Please give details of any other relevant activities or experience <i>Please continue on a separate sheet if necessary</i></p>	

<p><b>Signed:</b></p>	<p><b>Date:</b></p>
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**Please return this form to:**

**Clerk to the Appeal Panel  
Bracknell Forest Council  
Easthampstead House, Town Square  
Bracknell  
RG12 1AQ**