

# BARNESLEY METROPOLITAN BOROUGH COUNCIL

Joint Report of the Executive Director, People and  
Director of Legal and Governance

## **Review of Arrangements for Recruitment of Independent School Appeal Panel Members**

### **1. Purpose of Report**

- 1.1 To consider arrangements for the recruitment of Independent School Appeal Panel Members and the fees paid to them.

### **2. Recommendations**

- 2.1 **That the proposed revision to the remuneration package for Independent Schools Appeal Panel members to increase the attendance allowance from £84 to £100 per full day and £42 to £50 per half day, but remove the £350 retainer, be approved; and**
- 2.2 **That the recruitment of a panel of at least 15 members, on the profile at Appendix B, on a 3 year contract to run from January 2018 be approved, the names of the panel members to be the subject of a further report.**

### **3. Background**

- 3.1 Section 94 of the School Standards and Framework Act 1998 requires local authorities to make arrangements for enabling parents to appeal against any decision by the local authority to refuse admission to school. The arrangements are more familiarly known as Independent Appeals for Admission to School or School Appeal Panels.
- 3.2 To ensure there is sufficient availability of panel members, the Local Authority maintains a pool of members who are available to constitute panels for numerous hearings of individual appeals through the year. Appeal panels normally consist of three members and are constituted to consider appeals for individual schools, sometimes grouped together for convenience. The appointments of the current panel of 11 members expire in December 2017.
- 3.3. Panel members receive an allowance of £84 per day/£42 per half day for each session attended, together with an annual retainer of £350. This arrangement has been in place since 2003, and is intended to encourage panel members to apply for the role and make themselves available over the peak appeal period of May to July in any year. In these circumstances, it was decided to review these arrangements when the panel members were last reappointed.

### **4. Current Position**

- 4.1 Whilst the basic requirements of the role have changed little since 2003, there have been some changes in the context within which the panels operate.

- 4.2 Demographic pressures mean that many schools, particularly those that are popular or higher performing, are at the admission number, resulting in more appeals. As inevitably some of these parents live relatively locally, it presents more of a challenge for the panel in balancing the school cases against that of the parent. As a consequence, there has been a relative increase in “difficult” cases, with some parents becoming challenging and emotional in hearings, as well as an overall increase in the number of appeals.
- 4.3 Table 1 sets out the number of school appeals heard each year from 2005, the first year reliable information is available to date:-

*Table 1*

Year	Number	Year	Number
2005	136	2012	307
2006	161	2013	295
2007	188	2014	379
2008	201	2015	409
2010	263	2016	321
2011	299		

- 4.4 There have always been school appeals throughout the year, except in August, but in 2003 the bulk of these would fall in the period May to June. However, more recently, although most appeals do still fall in this “peak”, the peak is higher and there are also more appeals falling outside this peak time. Tables 2 and 3 illustrate the changes over time (figures not available before 2005).

*Table 2 – Spread of Appeals, 2005 to 2010*

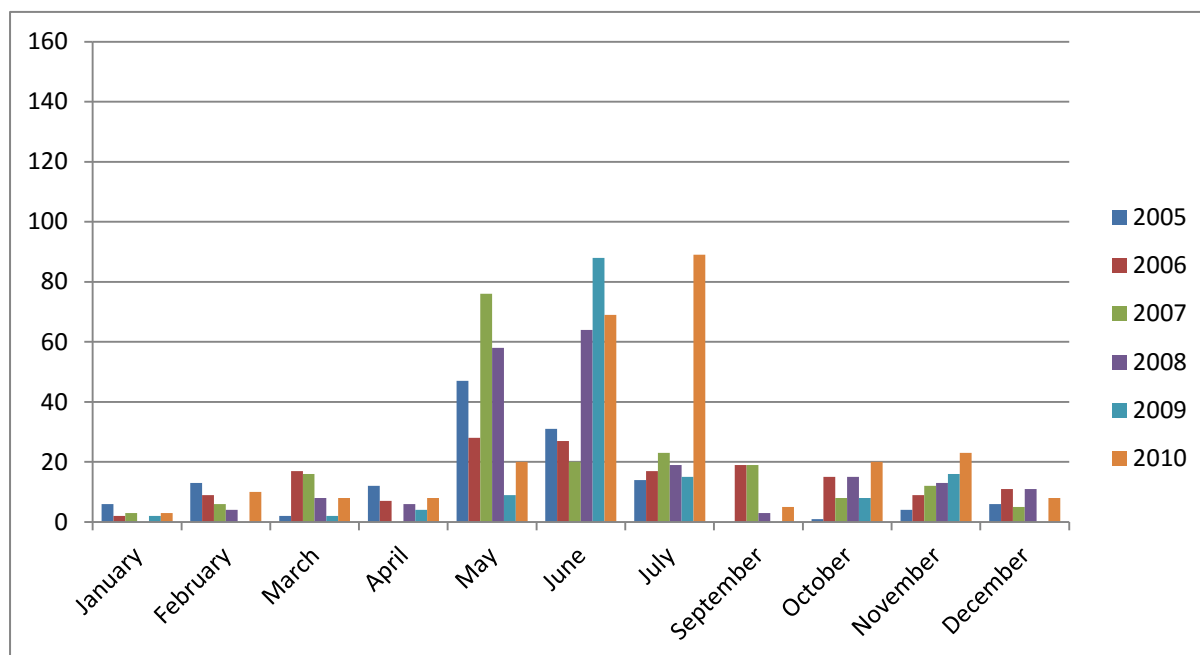
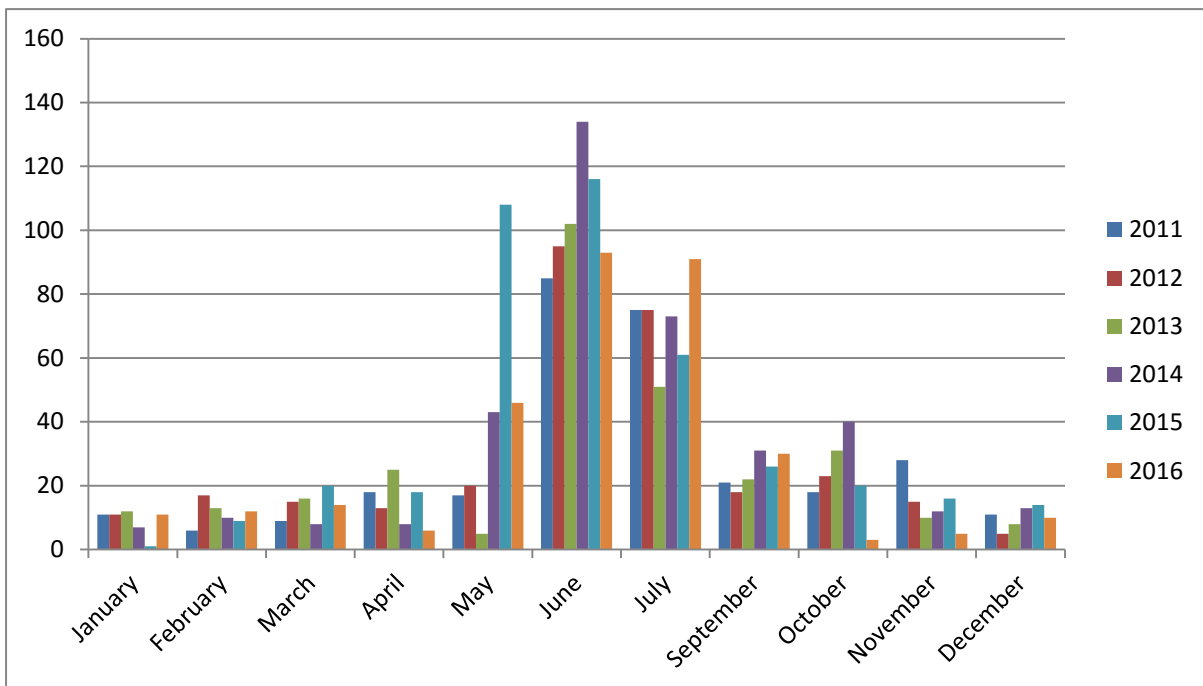


Table 3 - Spread of Appeals, 2011 to 2016



4.5 While the total number of appeals has increased, there have also been some changes in the way that the business of panels have been scheduled. This has been partly to accommodate the sheer number of appeals, particularly in the peak period, but also to maximise the business that can be dealt over that period leading up to the new school year. In relation to the general admissions round (for September in any year), parents have 20 schools days to make an appeal from when offers of places are made, and 10 schools days' notice of an appeal must be given. This can create an unavoidable peak, reducing the period in which appeals can be held.

4.6 As a result, Table 4 illustrates changes in how business has been scheduled for selected years (figures not available before 2010) for the peak period May to July. Arguably, the work involved in hearing appeals becomes more complex as a result of the number of individual cases heard and as a result of how many different schools are grouped to be heard by the same panel. The more schools grouped in a panel, the more schools cases the panel will need to digest.

Table 4 – Number of panels and average number of appeals and school

	Total no. of panels	Average no. appeals per panel	Average no. schools per panel
2010	24	7.78	2.25
2012	19	8.11	2.73
2014	19	13.2	3.73
2016	29	7.93	2.07

4.7 This suggests that appeals were more straightforward in 2016, with relatively fewer different schools cases heard by the same panel. That said, the number of panels that need to be brought together for hearings has increased over the same period.

4.8 This possibly reflects a further change that occurred in 2015 following an Ombudsman investigation. This related to Infant Class size appeals, where a parent was seeking a place in a Key Stage 1 (infant) class that was already at the statutory limit of 30. Prior to that date, whilst parents were given to option of a private hearing, times were not specifically scheduled because of the limited grounds on which such an appeal could be successful and the experience that parents seldom took up that option. As a result of the Ombudsman's investigation, specific time slots are now given, meaning that longer has to be allowed for any hearing. The Ombudsman also indicated that it was for the panel to pick out from the parent's submission the information relevant in a class size appeal, arguably making the panel's role more complex.

## **5. Conclusions**

5.1 The key conclusions from the above are that:-

- The total number of appeals is increasing through the year, although there are variations each year due to the size of the cohort.
- Although the significant peak remains from May to July, and is higher, there are also a higher number of appeals in other months than in the past.
- There are more panel meetings required to deal with the volume of appeals, especially at peak times.
- Despite fewer appeals being heard by each panel in 2016, the role of the panel member is no less demanding, particularly as parents' expectations of what the panels can deliver has increased and their approach more challenging.

5.2 This suggests that more than the current 11 panel members need to be recruited to provide an adequate pool. This is further evidenced by the experience of administrative staff in Governance and Member Support that it is increasingly difficult to bring panels together, with panel members not being available even at peak times. This suggests that the retainer is not effective in encouraging panel members to make themselves available.

5.3 The increase in the number of panel meetings results in an increased cost due to the payment of attendance fees and refreshments (lunch continues to be provided when a panel sits for a whole day). If the size of the pool needs to increase to deal with greater demands, this further increases the cost of the arrangements due to paying more retainers in addition to a fee per hearing. Any change to the number of panel members would affect the affordability of the arrangements.

## **6. Proposal**

6.1 It is proposed to undertake a recruitment of the whole pool of panel members during June/July 2017, with interviews taking place in August. Current members the pool will be eligible to re-apply, although they would be expected to accept a contract for a 3 year term, and to serve for the whole period. The intention would be to appoint at least 15 panel members in order to have sufficient available over what is now an extended school appeals "season".

- 6.2 Panel members will be recruited on the basis of the updated role profile, attached at Appendix B. This is based on the profile used when additional panel members were recruited in 2014.
- 6.3 In order to address the issue of affordability, it is proposed that the retainer be removed from the remuneration package. However, the attendance allowance will be increased to £100 per day/£50 per half day for each session attended. Panel members will be expected to make their own arrangements for lunch.
- 6.4 Once the appointment of new panel members has been completed, arrangements will be put in hand for training sessions, including the observation of actual hearings, prior to them formally taking up the role in January 2018.

## **7. Financial implications**

- 7.1 The proposal is intended to make the arrangements more affordable in the face of the pressures described above.
- 7.2 Whilst the attendance allowance for panel members will increase from £84 to £100 per full day and £42 to £50 per half day, this will be balanced by the removal of the £350 retainer.
- 7.3 The total costs for a full year is estimated at £14,000 and therefore can be accommodated within the existing £15,000 budgetary provision for panel member fees within the Schools Admission service. The Admissions Service (including fee payment to appeal panel members) is funded through a top slice funding (£275k) from the Dedicated Schools Grant and additional income from discharging the responsibilities of academies on their behalf. The above is summarised in the attached Appendix A.

## **8. Consultations**

- 8.1 Current panel members have been consulted on the proposed changes and have raised no objections.

## **9. List of Appendices**

Appendix A: Financial Implications.  
Appendix B: Panel member role profile.

## **10. Background Papers**

- School Standards and Framework Act 1998.
- The School Admissions (Appeal Arrangements) (England) Regulations 2012.
- School Admission Appeals Code.

**Officer Contact:** Ian Turner      **Telephone No:** 773421      **Date:** January 2017