

# **GUIDANCE NOTES ON COUNCIL MEMBERSHIP OF PANELS OF THE APPEALS, AWARDS AND STANDARDS REGULATORY BOARD**

## **Introduction**

1. The Council has established an Appeals, Awards, and Standards Regulatory Board with a minimum of 21 members (at least one per ward wherever possible) operating on a Panel system basis to deal with statutory and non-statutory appeals with regard to Education, Social Services, staffing and standards matters. Cabinet Members are excluded from membership but Cabinet Support Members are eligible.
2. A Chairman and Vice Chairman of the Regulatory Board will be appointed by the Council for each municipal year.
3. Panels will be constituted and carry out their business in accordance with the relevant statutory provisions governing the matter that is the subject of the appeal.
4. Meetings of Panels will be held as and when required. They will be held in public with provision for private sessions (with explanation) where necessary. However, given the personal nature of meetings, it is expected that meetings will tend to be held in private.

## **Membership of Panels**

5. Council Members on such Panels will be selected from the Board by the Assistant Chief Executive (Legal and Governance) in consultation with the Chairman of the Board or, in his/her absence, the Vice-Chairman.
6. Opposition Members should be included on Panels wherever possible and a female Member should be included when the appellant is female.
7. Members appointed to Panels should not have had any involvement in a decision which has led to the submission of the appeals in question.

## **Individual Panels**

### **8. (i) Education**

#### **Independent Appeal Panels (statutory panel)**

To consider and determine appeals by individuals who are dissatisfied with an admission decision given by the Authority or the School Governors of Academies, Catholic Aided and Church of England Aided Schools.

To consider and determine appeals by individuals in relation to permanent exclusion from school; appeals by Governing Bodies against the Authority's decision to reinstate an excluded pupil and against the Authority's decision to direct admission of an excluded pupil into a school.

In very exceptional circumstances to review the decision to refuse to provide free Home to School Transport.

To consider and determine appeals by individuals who are not satisfied that their child has received their free entitlement to Nursery Education.

Under the provisions of the School Standards & Framework Act 1998 the Secretary of State has made Regulations preventing Local Authority Members from hearing these appeals but their outcome is reported to the Board.

Membership of the Panel comprises **three Independent Non-Councillors** who should not be members of the Governing Body of the school which is the subject of the appeal. They should also not know the appellant.

## **(ii) Social Services**

### **(a) Review (Complaints) Panel (statutory panel)**

To consider and determine complaints received by the Children, Young People, and Families, and Adult Services Directorates.

**Two Members** who should not be Members of any forum dealing with Social Services matters. In addition, they should not know and ideally should not be from the same Ward as the appellant. (NB. An independent Chairman is chosen by the Children, Young People and Families, and Adult Services Directorates).

## **(iii) Personnel/Staffing Matters**

### **(a) Disciplinary Appeal Panel**

To hear and determine appeals by employees relating to dismissal.

**Three Members** who should not have had any involvement in the case concerned nor have any relationship with the appellant. **(Quorum 3 Members)**

### **(b) Market Trader Appeals**

To hear and determine appeals against suspension or termination of licenses under the provisions of the Markets Services Trade Compliance Procedure.

**Three Members** who should not have had any involvement in the case concerned nor have any relationship with the appellant. (**Quorum 3 Members**)

**(iv) Standards Complaints**

To deal with ethical standards complaints received about the Council and Parish Councils which warrant in depth investigation and where a substantive judgement is needed as to whether or not there has been a breach of the Code of Conduct.

Following initial consideration by the Monitoring Officer (in order to filter out trivial or vexatious complaints) and, in consultation with the Deputy Leader where appropriate, when it is felt that a complaint warrants further investigation, an officer will be charged by the Assistant Chief Executive (Legal & Governance) to undertake an investigation and produce a report on the findings.

This report will be considered by a Panel of **three Members** who will be drawn from the Membership of the Board in consultation with the Chair of the Board. (**Quorum 3 Members**)

Membership will comprise:

- A majority of Members who are not of any Political Group on which the elected Member who is the subject of the complaint is represented
- In the event that the complaint relates to a Parish Councillor, a Parish Council representative (in an advisory non voting capacity) drawn from a different Parish Council to which the Member subject to the complaint is represented.

The Panel shall:

- consider the report of the investigation officer and, in the event that it is considered that further action may be appropriate, shall arrange to hold a meeting at which the Member subject of the complaint is entitled to be present and heard;
- seek the views of the Independent Person (appointed in accordance with Section 28 of the Localism Act), where appropriate and, where sought, shall take these views into account before any decision is taken with regard to the allegation; and
- recommend appropriate action to be taken in accordance with general powers available to the Authority.

