

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

#### **Introduction**

1. As part of the Council's Modernisation of Local Government proposals, it has established an Appeals and Awards 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, Housing, Social Services and staffing 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 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 Borough Secretary 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 the Catholic Aided and Sheffield Diocese Aided Church of England 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 Social Services Department.

**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 Social Services Directorate.)

### (b) Review (Access to Personal Files) Committee (statutory panel)

To review decisions concerning access to, rectification of or erasure of information, under the Access to Personal Files (Social Services) Regulations 1989.

**Three Members**, not more than one of whom should be a member of any forum dealing with Social Services matters.

### (c) Appeals Panel

To hear representations and determine appeals by any person relating to the registration of private children's homes and of childminders and day carers.

**Five Members**, none of whom should be members of any forum dealing with Social Services matters.

## (iii) Housing

(a) Appeals Panel

To consider and determine complaints against decisions made by or actions taken by any officer in Housing Services.

**Three Members** with membership being determined by the Borough Secretary and the Assistant Director (Housing Services) in consultation with the Chairman of the Regulatory Board.

(b) Aids and Adaptations/Housing Register/Introductory Tenancy Appeal Panel

To consider and determine appeals against decisions of officers relating to:-

- the provision of equipment and adaptations
- the allocation on or exclusion from the Housing Register
- Introductory tenancies

**Three Members** with membership being determined by the Borough Secretary in consultation with the Chairman of the Regulatory Board.

(c) Introductory Tenancies and Lettings Policy Appeal Panel

To consider and determine appeals against decisions by Berneslai Homes Ltd. to terminate introductory tenancies of dwellings and against decisions relating to applications for accommodation.

**Three Members** with membership being determined by the Borough Secretary in consultation with the Chairman of the Regulatory Board.

(iv) Personnel/Staffing Matters

(a) Disciplinary Appeal Panel

To hear and determine appeals by employees relating to final written warnings, performance (capability), incapacity due to sickness/industrial injury and 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) Grievance Appeal Panel

To hear and determine grievance (terms and conditions of employment, etc.) and regrading appeals of employees (Advisers from the T.U. and management sides not involved in the case are available to assist the Panel on these appeals).

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