

Education Appeal Committee
28 April 2016

IRVINE, 28 April 2016 - At a Meeting of the Education Appeal Committee at 2.45 p.m.

Present

Ian Clarkson (North Ayrshire Council); and V. Gibson and J. Smith (lay members).

In Attendance

P. Gosnay, Senior Manager, T. Stewart, Head Teacher (Irvine Royal Academy) and J. Little, Depute Head Leader (Irvine Royal Academy) (Education and Youth Employment); N. Shearer, Team Manager (Contracts and Licensing) and K. Sharkey, Clerk to the Education Appeal Committee) (Chief Executive's Service).

Also In Attendance

Appellant and his wife.

Chair

Councillor Clarkson in the Chair.

1. Declarations of Interest

There were no declarations of interest by Members in terms of Standing Order 10 and Section 5 of the Code of Conduct for Councillors.

2. Minutes

The accuracy of the Minutes of the previous meeting held on 20 October 2015 was confirmed and the Minutes signed in accordance with Paragraph 7 (1) of Schedule 7 of the Local Government (Scotland) Act 1973.

3. Appointment of Chairperson

Councillor Clarkson was appointed to chair this meeting of the Education Appeal Committee.

4. Conduct of the Meeting

The Clerk briefed the Committee on the conduct of the meeting.

Noted.

5. Exclusion of the Public and Press

The Committee resolved, in terms of Section 50(A)4 of the Local Government (Scotland) Act 1973, to exclude from the Meeting, the press and the public for the following item of business on the grounds that it involved the likely disclosure of exempt information as defined in Paragraph 3 of Part 1 of Schedule 7A of the Act.

6. Appeals Against the Education Authority's Decision to Exclude a Pupil from Irvine Royal Academy

6.1 Appellant 1 in respect of Child 1

Submitted report by the Chief Executive on an appeal against the Education Authority's decision to exclude a pupil from Irvine Royal Academy on 22 February 2016 for a period of one day.

The appellant, having been invited to attend, was present and accompanied by his wife. The Senior Manager (Education and Youth Employment), Head Teacher and Depute Head Teacher of Irvine Royal Academy were also in attendance.

Those present were introduced and their role in the proceedings explained. The Chair then outlined the procedures to be followed by the Committee and advised on how the decision of the Committee would be intimated to the appellant and the Education Authority, before inviting the Education and Youth Employment representatives to make their case. The appellant and Committee Members were afforded the opportunity to question the Education and Youth Employment representatives.

The appellant was then invited to present his case and, in so doing, referred to written notes. The Education and Youth Employment representatives requested a copy of the Appellant's written notes and an opportunity to consider them. The Chair agreed to this request.

The Committee adjourned at 3.10 p.m. to allow a copy of the Appellant's written note of his verbal submission to be made and considered by the Education and Youth Employment representatives, reconvening at 3.35 p.m. with the same Members, officers and parties present and in attendance.

The Education and Youth Employment representatives then had the opportunity to question the appellant.

Thereafter, the Education and Youth Employment representatives and the appellant summed up their cases, before withdrawing to allow the Committee to deliberate.

Decision

The Committee agreed (a) to annul the decision to exclude the pupil from Irvine Royal Academy on 22 February 2016 for a period of one day, on the grounds that the decision to exclude was not proportionate in light of the pupil's conduct; and (b) that

the Clerk notify both parties of the reasons for the Committee's decision within fourteen days.

The Meeting ended at 4.10 p.m.