

Education Appeal Committee  
21 May 2015

**IRVINE, 21 May 2015** - At a Meeting of the Education Appeal Committee at 10.30 a.m.

**Present**

Ian Clarkson (North Ayrshire Council); and A. Smyth and G. Killin (lay members).

**In Attendance**

H. Meney, Acting Head Teacher (Mayfield Primary School), L. Taylor, Senior Manager (Resources and Infrastructure) and A. Mair, Team Manager (Resources) (Education and Youth Employment); and N. Shearer, Clerk to the Education Appeal Committee (Chief Executive's Service).

**Also In Attendance**

Appellants in respect of the three cases being heard.

**Chair**

Councillor Ian Clarkson.

**1. Declarations of Interest**

There were no declarations of interest by Members in terms of Standing Order 16 and Section 5 of the Code of Conduct for Councillors.

**2. Appointment of Chairperson**

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

**3. Conduct of the Meeting**

Submitted guidance note on the conduct of the meeting.

Noted.

**4. 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.

## **5. Appeals Against the Education Authority's Decision to Refuse a Placement within Mayfield Primary School, Saltcoats**

### **5.1 Appellant 1 in respect of Child 1**

Submitted report by the Chief Executive on an appeal against the Education Authority's decision to refuse a placement within Mayfield Primary School.

The appellant, having been invited to attend, was present and was represented by CT. The Head Teacher (Mayfield Primary School), Senior Manager (Resources and Infrastructure) and Team Manager (Resources) (Education and Youth Employment) were also in attendance.

The Clerk to the Education Appeal Committee introduced those present and explained their role in the proceedings.

Thereafter, the Chair 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 representative.

The appellant's representative was then invited to present her case. The Education and Youth Employment representatives and the Committee Members had the opportunity to question the appellant's representative.

The Education and Youth Employment representatives and the appellant's representative summed up their cases, before withdrawing to allow the Committee to deliberate.

### **Decision**

The Committee unanimously agreed to (a) refuse the appeal on the grounds that it would (i) make it necessary to employ another teacher; (ii) give rise to significant expenditure on extending or otherwise altering the accommodation or facilities provided in connection with the preferred school; and (iii) be seriously detrimental to the continuity of the child's education or would be likely to be seriously detrimental to order and discipline in the school; and (b) to note that Education and Youth Employment should make provision in future for it to be made clear when nursery places are awarded that this does not give an automatic entitlement to a place in Primary 1 at the school.

## **5.2. Appellant 2 in respect of Child 2**

Submitted report by the Chief Executive on an appeal against the Education Authority's decision to refuse a placement within Mayfield Primary School.

The appellant, having been invited to attend, was present and accompanied by her husband. The Head Teacher (Mayfield Primary School), Senior Manager (Resources and Infrastructure) and Team Manager (Resources) (Education and Youth Employment) were also in attendance.

The Clerk to the Education Appeal Committee introduced those present and explained their role in the proceedings.

Thereafter, the Chair 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 appellants and Committee Members were afforded the opportunity to question the Education and Youth Employment representative.

The appellants were then invited to present their case. The Education and Youth Employment representatives and the Committee Members had the opportunity to question the appellants.

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

### **Decision**

The Committee unanimously agreed to (a) refuse the appeal on the grounds that it would give rise to significant expenditure on extending or otherwise altering the accommodation or facilities provided in connection with the preferred school; and (b) to note that Education and Youth Employment should make provision in future for it to be made clear when nursery places are awarded that this does not give an automatic entitlement to a place in Primary 1 at the school.

## **5.3 Appellant 3 in respect of Child 3**

Submitted report by the Chief Executive on an appeal against the Education Authority's decision to refuse a placement within Mayfield Primary School.

The appellant, having been invited to attend, was not present. The Head Teacher (Mayfield Primary School), Senior Manager (Resources and Infrastructure) and Team Manager (Resources) (Education and Youth Employment) were in attendance.

The Chair invited the Education and Youth Employment representatives to make their case. The Committee Members were afforded the opportunity to question the Education and Youth Employment representatives.

The appellant's case was then considered in terms of her written submission.

The Education and Youth Employment representatives summed up their case, before withdrawing to allow the Committee to deliberate.

### **Decision**

The Committee unanimously agreed to (a) refuse the appeal on the grounds that it would give rise to significant expenditure on extending or otherwise altering the accommodation or facilities provided in connection with the preferred school; and (b) to note that Education and Youth Employment should make provision in future for it to be made clear when nursery places are awarded that this does not give an automatic entitlement to a place in Primary 1 at the school.

The meeting ended at 1.20 p.m.