

Cunninghame House,
Irvine.

23 May 2016

Education Appeal Committee

You are requested to attend a Meeting of the above mentioned Committee of North Ayrshire Council to be held in Three Towns Committee Room, Cunninghame House, Irvine on **THURSDAY 2 JUNE 2016** at **2.00 p.m.** to consider the undernoted business.

Yours faithfully

Elma Murray

Chief Executive

1. Declarations of Interest

Members are requested to give notice of any declarations of interest in respect of items of business on the Agenda.

2. Minutes

The accuracy of the Minutes of the previous meeting held on 23 May 2016 will be confirmed and the Minutes signed in accordance with Paragraph 7 (1) of Schedule 7 of the Local Government (Scotland) Act 1973 (copy to follow).

3. Appointment of Chairperson

Appoint Chairperson for the meeting from among the lay representatives present.

4. Conduct of the Meeting

Submit Guidance Note on the conduct of the meeting (copy enclosed).

Exempt Information

5. Exclusion of the Public and Press

Resolve, 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 involves 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 Refuse a Placement

Non Disclosure of Information

In terms of Standing Order 17 (Disclosure of Information), the information contained within the following report is confidential information within the meaning of Section 50A of the 1973 Act and shall not be disclosed to any person by any Member or Officer.

6.1 Appellant 4 in respect of Child 4

Submit report by the Chief Executive on an appeal against the Education Authority's decision to refuse a placement within Mayfield Primary School (copy enclosed).

This hearing is scheduled to commence at 2.15 p.m.

Appeals Committee

Sederunt:

Ian Clarkson
Thomas Grayston
Gloria Killin

Chair:

Attending:

Apologies:

Meeting Ended:

DEMOCRATIC SERVICES

EDUCATION (SCOTLAND ACT) 1981 – APPEALS COMMITTEE

GUIDELINES ON CONDUCT OF HEARING

- (1) The meeting will be conducted in accordance with the Education (Appeal Committee Procedures) (Scotland) Regulation 1982.
- (2) Hearings are private but there could be other present as observers: a representative of the Scottish Committee of the Council on Tribunals; an appeal panel member or a member of the Clerk's staff for training purposes.
- (3) The Clerk to the Appeals Committee will introduce everyone present at the hearing and explain their role in the proceedings.
- (4) The Chairperson will outline the procedures to be followed by the committee [see notes 5-16] below and will announce how the hearing's decision is to be intimated to the appellant and the Education Authority.
- (5) The Chairperson will ask the representative of Education and Youth Employment to make his/her case. A senior officer, usually the head of service, will represent the Education Authority and he/she usually calls witnesses. Often those witnesses will refer to the documents lodged 10 days before the hearing.
- (6) The Appellant or his/her representative has the opportunity to question each Education and Youth Employment witness immediately after witnesses have given their evidence. Questions should generally relate to evidence that the witness has given or to aspects of the appellant's case which could be within the knowledge of the witness.
- (7) The Appeal Committee members then have the opportunity to question each of the Education and Youth Employment witnesses.
- (8) The Chairperson will invite the appellant or his/her representative to put their case. Again, this normally takes the form of oral evidence from the appellant and any witnesses that he/she wishes to call.
- (9) The Education and Youth Employment representative will then be given the opportunity to question each of the appellant's witnesses immediately after they have given evidence.
- (10) The Appeal Committee members then have the opportunity to question each of the appellant's witnesses.

- (11) The representative of Education and Youth Employment will then sum up their case. The aim of summing up is to summarise the key points which have arisen in evidence and to address the Committee on the law (e.g. to bring to the Committee's attention the relevant legislation and guidance and any relevant cases).
- (12) The Appellant **or** his/her representative (if applicable) will then sum up their case similarly.
- (13) The Appeal Committee can question any information at any point during the Hearing but will endeavour not to interrupt the flow of the meeting.
- (14) It is open to the Committee to adjourn the hearing at any time prior to its conclusion.
- (15) At the conclusion of the Hearing the Education and Youth Employment representative and the Appellant and any witnesses will be asked to leave the meeting to allow the Appeal Committee to reach a decision. Any observers, with the exception of the representative of the Scottish Committee of the Council on Tribunals, will also leave the meeting at this point.
- (16) The Clerk to the Appeal Committee will notify both parties of the Appeal Committee's decision in writing within fourteen days.