



North Ayrshire Council
Comhairle Siorrachd Àir a Tuath

Cunninghame House,
Irvine.

9 October 2015

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 **TUESDAY 20 OCTOBER 2015** at **2.15 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 28 May 2015 will be confirmed and the Minutes signed in accordance with Paragraph 7 (1) of Schedule 7 of the Local Government (Scotland) Act 1973 (copy enclosed).

3. Appointment of Chairperson

Appoint Chairperson for the meeting.

4. Conduct of the Meeting

Receive advice from the Clerk 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. Appeal Against the Education Authority's Decision to Exclude a Pupil from Largs Academy

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 Hearing 1

Submit report by the Chief Executive on an appeal against the Education Authority's decision to exclude a pupil from Largs Academy (copy enclosed).

Appeals Committee

Sederunt:

Ian Clarkson
Gloria Killin
Jim Smith

Chair:

Attending:

Apologies:

Meeting Ended:

Education Appeal Committee
28 May 2015

IRVINE, 28 May 2015 - At a Meeting of the Education Appeal Committee at 1.00 p.m.

Present

Tom Marshall (North Ayrshire Council); and V. Gibson and E. Milroy (lay members).

In Attendance

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

Also In Attendance

Appellants in respect of Agenda Items 5.1 and 5.3.

Chair

Councillor Marshall 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 22 May 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 Marshall was appointed to chair this meeting of the Education Appeal Committee.

4. Conduct of the Meeting

Submitted guidance note on the conduct of the meeting.

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 Refuse a Placement within Mayfield Primary School, Saltcoats

6.1 Appellant 5 in respect of Child 5

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 mother. The Head Teacher (Mayfield Primary School), Senior Manager (Resources and Infrastructure) and Team Manager (Resources) (Education and Youth Employment) were also in attendance.

The Chair introduced those present and explained their role in the proceedings. He 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 her case. The Education and Youth Employment representatives and the Committee Members had the opportunity to question the appellant.

The Education and Youth Employment representatives and the appellant summed up their cases. They then withdrew to allow the Committee to deliberate, returning to hear the Committee's decision.

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.

6.2 Appellant 6 in respect of Child 6

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 also in attendance.

The Committee agreed, in the absence of the appellant, to proceed on the basis of the written submissions from both parties.

The Education and Youth Employment representatives withdrew to allow the Committee to deliberate.

Decision

The Committee unanimously agreed (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.

6.3 Appellants 7 in respect of Child 7

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

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

The Chair introduced those present and explained their role in the proceedings. He then outlined the procedures to be followed by the Committee and advised on how the decision of the Committee would be intimated to the appellants 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 representatives.

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. They then withdrew to allow the Committee to deliberate, returning to hear the Committee's decision.

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 3.30 p.m.

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.