

Education Appeal Committee
20 June 2023

IRVINE, 20 June 2023 - At a Meeting of the Education Appeal Committee of North Ayrshire Council at 10.00 a.m.

Present

Chloé Robertson (North Ayrshire Council); and Jim Smith and Val Gibson (Lay Members).

In Attendance

P. Gosnay, Senior Manager (Education), S. Colligan, Headteacher (St Matthews Academy); and K. McDowall, Clerk to the Education Appeal Committee.

Also in Attendance

Appellants

Chair

Councillor McDonald in the Chair.

1. Declarations of Interest

Councillor Robertson advised the Committee that she was a pupil at St Matthews Academy under the current Head Teacher, having left 5 years ago but having applied the objective test, considered she could remain impartial. The Clerk advised this information should be put to the Appellants who should then have the opportunity to have a reconstituted Committee if they were concerned in respect of a potential conflict of interest. The Appellants were subsequently advised of same and agreed they were happy to proceed.

2. Minutes

The Minutes of the Meeting held on 30 March 2023 were confirmed and signed in accordance with Paragraph 7 (1) of Schedule 7 of the Local Government (Scotland) Act 1973.

3. 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.

4. Appeal Against the Education Authority's Decision to Exclude a Pupil from School

Submitted report by the Chief Executive on an appeal against the Education Authority's decision to exclude a pupil from school.

The appellants, having been invited to attend, were present. The Senior Manager (Education) and Headteacher (St Matthews Academy) were also in attendance.

Those present were introduced and their role in the proceedings explained. The Clerk then outlined the procedure 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 the Chair invited the Education representatives to make their case. The appellants and Committee Members were afforded the opportunity to question the Education representatives.

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

The Education representatives and the appellants summed up their cases. Thereafter, both parties withdrew to allow the Committee to deliberate.

Decision

The Committee agreed to (a) uphold the appeal; and (b) annul the Education Authority's decision to exclude the pupil from school.

The reason and the material consideration for the decision was that the Education Appeal Committee were of the view that the decision to exclude was not proportionate in that there did not appear to be any malice or ill intent on the part of the child. The Committee agreed that the language used was inappropriate and potentially harmful, but the majority view was that the exclusion was a disproportionate response, particularly given that it was the first time the child had used such language and appeared to show remorse.

The meeting ended at 12.25 p.m.