

Education Appeal Committee  
30 November 2018

**IRVINE, 30 November 2018** - At a Meeting of the Education Appeal Committee at 10.30 a.m.

**Present**

Ian Clarkson (North Ayrshire Council); and Jim Smith and Ann Smyth (Lay Members).

**In Attendance**

P. Gosnay, Senior Manager (Education and Youth Employment); and N. Shearer, Clerk to the Education Appeal Committee.

**Also in Attendance**

Appellants and their representative.

**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 Minutes of the meeting of the Committee held on 21 March 2018 were confirmed and the Minutes signed in accordance with Paragraph 7 (1) of Schedule 7 of the Local Government (Scotland) Act 1973, subject to the following addition to the decision:-

The Committee agreed to uphold the decision of the Education Authority to exclude the child from school on the grounds that (a) it would be seriously detrimental to the order and discipline in the school; **and (b) the likelihood of harm to others was significant due to the very serious nature of the incident.**

**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.

**5. Appeal Against the Education Authority's Decision to Exclude a Pupil from Irvine Royal Academy (Secondary)**

Submitted report by the Chief Executive on an appeal against the Education Authority's decision to exclude a pupil from Irvine Royal Academy (Secondary).

The appellants, having been invited to attend, were present and accompanied by a representative from Social Services. A Senior Manager (Education and Youth Employment) was also in attendance.

Those present were introduced and their role in the proceedings explained. The Chair then outlined the procedure 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 representative 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 representative and Committee Members then had an opportunity to question the appellants.

The Education and Youth Employment representative and the appellants summed up their cases. Thereafter, both parties withdrew to allow the Committee to deliberate, returning to hear the Committee's decision.

## **Decision**

The Committee agreed to annul the Education Authority's decision to exclude the pupil from school for the period in question. The reason for the decision is because the Appeals Committee deemed the Education Authority not to have given the child an opportunity to express views, inconsistent with section 2(2) of the Standards in Scotland's Schools etc. Act 2000.

The meeting ended at 12 noon.