

Education Appeal Committee  
6 September 2019

**IRVINE, 6 September 2019** - At a Meeting of the Education Appeal Committee at 2.20 p.m.

**Present**

Ian Clarkson (North Ayrshire Council); and Karen Wallace and Val Gibson (Lay Members).

**In Attendance**

P. Gosnay and F. Hopkins, Senior Managers and D. Faulds, Head Teacher (Education); and N. Shearer, Clerk to the Education Appeal Committee.

**Also in Attendance**

Appellant and her representatives.

**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 30 November 2018 were confirmed and the Minutes 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 appellant, having been invited to attend, was present and accompanied by a friend and an advocate for her child. Two Senior Managers and a Head Teacher (Education) were 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 appellant and the Education Authority, before inviting the Education representatives to make their case. The appellant and her representatives and Committee Members were afforded the opportunity to question the Education representative.

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

The Education representatives and the appellant and her representatives 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 on the occasions referred to within the appellant's submission.

The reason and the material considerations for the decision were that the Appeal Committee considered that discussion and review, in a constructive and supportive manner, would have been preferable to exclusion in the particular circumstances of the case, so that the school and the pupil and parent could work together to maintain positive behaviour and safety in school. These exclusions would therefore be removed from the pupil's records.

The Appeal Committee also had regard to North Ayrshire Council's Standard Circular A8 Exclusion from School (August 2017) in its consideration of the written and verbal facts and circumstances surrounding the case.

The meeting ended at 5.25 p.m.