

EAST RENFREWSHIRE COUNCIL24 MAY 2017Report by Deputy Chief ExecutiveAPPOINTMENTS TO EDUCATION APPEALS COMMITTEES**PURPOSE OF REPORT**

1. To seek approval for the continuation of the current arrangements for Education Appeals Committees and to appoint Chairs to the three committees.

RECOMMENDATION

2. That the Council:-
- (a) agree to continue with the existing Education Appeals Committee arrangements;
 - (b) give consideration to the appointment of 4 Chairs of the Education Appeals Committees, it being noted that these positions cannot be held by members of the Education Committee.

REPORT

3. In terms of Schedule 1 of the Education (Scotland) Act 1980 it is necessary for the Council to establish a mechanism for dealing with appeals in respect of, amongst other things, all the authority's decisions on placing requests, decisions to exclude a child from school, or decisions affecting a child's special educational needs.

4. Although an appeals committee is established by the education authority, it is not a committee of the authority. It is an independent body under the supervision of the Scottish Committee of the Council on Tribunals.

5. In terms of the legislation, the Council must appoint sufficient numbers to allow two or more Appeals Committees to sit at the same time. The committees must consist of 3, 5 or 7 Members, the membership to comprise:-

- (a) Members of the authority
- (b) Persons who are not Members of the authority but who are:-
 - (i) parents with children of school age;
 - (ii) persons who in the opinion of the authority have with experience of education; or
 - (iii) persons who in the opinion of the authority are acquainted with educational conditions in the authority's area.

6. Membership of the Committee must be devised so that Members of the authority do not outnumber the other members by more than one.

7. A person who is a Member of the Education Committee shall not be entitled to act as chair of an Appeal Committee

CURRENT POSITION

8. The Council currently has three Appeals Committees. Membership of each of the Committees comprises an Elected Member as Chair (the positions of Chair are fixed), one other elected Member, and a third member, appointed from the Local Attendance Council. Due to difficulties that were experienced in convening appeals committees as a result of Members' other commitments, in 2005 the Council decided to extend membership of the Appeals Committees to all Elected Members. This "pooling" approach made it easier for meetings to be convened. In addition, due to difficulties in convening meetings due to the unavailability of the appointed Chairs, an additional Chair was appointed. The terms of reference of the Appeals Committees are listed below.

Terms of Reference

- (i) the determination of appeals against decisions in relation to placing and early entry requests
- (ii) the determination of appeals in respect of procedures for children and young persons with special educational needs
- (iii) to determine appeals in respect of any matter arising from the operation of the Council's procedure on bursaries
- (iv) to determine appeals in respect of exclusions and school attendance.

RECOMMENDATION

9. That the Council:-

- (a) agree to continue with the existing Education Appeals Committee arrangements;
- (b) give consideration to the appointment of 4 Chairs of the Education Appeals Committees, it being noted that these positions cannot be held by members of the Education Committee.

Local Government (Access to Information) Act 1985

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Background Papers

None