

EAST RENFREWSHIRE COUNCIL

24 JUNE 2015

Report by Deputy Chief Executive

EDUCATION APPEALS COMMITTEES – APPOINTMENT OF CHAIR

PURPOSE OF REPORT

1. To seek homologation of the appointment of Councillor Miller as a Chair of the Education Appeals Committee that took place on 15 June 2015 and to consider the appointment of a permanent additional Chair in addition to Councillors Cunningham, Grant and Reilly.

RECOMMENDATION

2. That the Council:-
- (a) homologate the appointment of Councillor Miller as Chair of the Education Appeals Committee held on 15 June 2015;
 - (b) consider the appointment of a permanent additional Chair of the Education Appeals Committees in addition to Councillors Cunningham, Grant and Reilly.

BACKGROUND

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 appeal 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.

6. At the Council meeting on 23 May 2012 the Council agreed to a continuation of the previous arrangement whereby there would be 3 Education Appeals Committees, the committees would comprise of 3 people; all elected members would form a pool from which membership of the committees could be populated; and the chairs of the committees would be Councillors Cunningham, Grant and Reilly.

REPORT

7. Up until now having three identified Chairs has provided adequate flexibility to allow the Senior Registrar to convene meetings as required meet the demands associated with the number of placing requests that are received by the Council.

8. However arrangements had been made for a meeting to take place on 15 June, with Councillor Cunningham being identified to act as Chair on that day. Unfortunately Councillor Cunningham became available at short notice, and neither Councillors Grant nor Reilly as the appointed Chairs were able to replace Councillor Cunningham on this occasion.

9. With the absence of an identified Chair this would have meant that the meeting would have been cancelled at very short notice and the reconvened meeting would not be able to take place until after the end of the school term. This would have caused considerable distress for parents, carers and children who were all party to the appeal process, and as such was not considered an appropriate option.

10. The alternative to allow the scheduled meeting to go ahead was the appointment of an additional Education Appeals Committee Chair. Anyone who is a member of the Education Committee is prohibited from being appointed as Chair of an Education Appeals Committee. From amongst those members who could potentially act as Chair, Councillor Miller was identified. He has previously acted as Chair and is a regular ordinary member of the committees. Councillor Miller was approached and confirmed he would be prepared to act as Chair.

11. In view of the timing it was not possible for the Council to consider Councillor Miller's appointment prior to the meetings of the Education Appeals Committees on 15 June and so homologation of his appointment is now being sought.

12. Moving forward, to help mitigate against a reoccurrence of the recent situation, the Council may wish to consider the appointment of an additional Chair of the Education Appeals Committees. As mentioned in Paragraph 10, members of the Education Committee are prohibited from taking on the role of Chair.

13. If the Council is minded to appoint an additional Chair the Elected Members that could be appointed are Provost Carmichael and Councillors Hay, Miller, Robertson and Wallace.

RECOMMENDATION

14. That the Council:-

- (a) homologate the appointment of Councillor Miller as Chair of the Education Appeals Committee held on 15 June 2015;
- (b) consider the appointment of a permanent additional Chair of the Education Appeals Committees in addition to Councillors Cunningham, Grant and Reilly.

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Background papers - None