

EAST RENFREWSHIRE COUNCIL25 MAY 2022Report by Director of Business Operations and PartnershipsAPPOINTMENTS 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 for the committees.

RECOMMENDATION

2. That the Council give consideration to the appointment of 4 Chairs for 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 Appeals 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 the past in relation to convening appeals committees as a result of Members' other commitments, it was decided that membership of the committees be drawn from a pool of the remaining Elected Members. This "pooling" approach made convening meeting less challenging. 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.

9. It is proposed to continue with the existing arrangements whereby 4 non-Education Committee members would be appointed as Chairs, whilst the remaining 14 members of the Council would form the pool from which the second Elected Member on a committee would be drawn.

10. Members should be aware that a number of placing request appeals have already been received for the new school year starting in August. In a non-election year meetings of the Appeals Committees would already have been arranged and held. However this year due to the Chairs/Members of the committees not yet being known, there has been a delay in arranging meetings. As a result, in order to ensure appeals are dealt with prior to the start of the new school year, it will be necessary for meetings to take place during June and also possible that some meetings may be needed during July, the traditional recess period for the Council.

RECOMMENDATION

11. 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

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