

ABERDEEN CITY COUNCIL

COMMITTEE	Statutory Council Meeting
DATE	18 May 2022
EXEMPT	No
CONFIDENTIAL	No
REPORT TITLE	School Placings and Exclusions Appeal Committee – Pool of Members
REPORT NUMBER	COM/22/071
DIRECTOR	Gale Beattie
CHIEF OFFICER	Fraser Bell
REPORT AUTHOR	Lynsey McBain
TERMS OF REFERENCE	7

1. PURPOSE OF REPORT

- 1.1 This report seeks approval of the process for the appointment of a pool of Councillors and external members from which individuals will be drawn to form the membership of the School Placings and Exclusions Appeal Committee as required by section 28D(1) of the Education (Scotland) Act 1980 as amended.

2. RECOMMENDATIONS

That Council:-

- 2.1 appoint all Elected Members on the Education Operational Delivery Committee, plus two Members per political group and one Independent Member to the School Placings and Exclusions Appeal Committee;
- 2.2 delegate authority to the Committee Lead to (i) reappoint all existing external members set out in Appendix A to this report; and (ii) appoint individuals who fall into the following categories, when necessary;:-
- (a) parents of children of school age;
 - (b) people who in the opinion of the authority have experience in education; or
 - (c) people who in the opinion of the authority are acquainted with the educational conditions in the area of the authority; subject to a training session being attended and a clear PVG check being returned (for a to c);
- 2.3 agree that ex-members of former School Boards/Parent Councils; ex-teachers and Members of the Council who have demitted office meet the criteria as set out in the Education (Scotland) Act 1980 for external members of the School Placings and Exclusions Appeal Committee and be appointed by the Committee Lead, accordingly; and

- 2.4 appoint the Committee Lead as the Clerk to the School Placings and Exclusions Appeal Committee and to authorise all Committee Officers to be Assistant Clerks in his name.

3. CURRENT SITUATION

- 3.1 The Council is required to establish a School Placings and Exclusions Appeal Committee in terms of the Education (Scotland) Act 1980, as amended, to hear appeals against the refusal of parental requests to place children in particular schools and against the decisions of the Education Authority to exclude pupils from the schools which they attend.
- 3.2 The statutory requirement contained in Schedule A1 of the Education (Scotland) Act 1980 is for an Appeals Committee to be drawn from a pool of individuals from the following categories:
- (a) members of the authority or of the education committee of the authority; and
 - (b) persons who are not members of the authority or of the education committee of the authority but are -
 - 1. parents of children of school age;
 - 2. persons who in the opinion of the authority have experience in education; or
 - 3. persons who in the opinion of the authority are acquainted with the educational conditions in the area of the authority.
- 3.3 Each Committee must comprise three, five or seven members from the above categories. Councillors cannot outnumber lay members by more than one and no Elected Member can chair a hearing.
- 3.4 To meet the requirement of the Act and to ensure a sufficient pool of members is available, it is recommended that Council appoint all Elected Members of the Education Operational Delivery Committee, as well as two Members from each political group and one Independent Member. All members appointed to the Committee who have not previously undertaken the training are required to attend the Committee's training session being held on Monday 23 May at 1.30pm, held remotely. Elected Member appointments are therefore required to be confirmed in advance of this date. Appeal hearings will commence from Tuesday 17 May 2022 and will continue throughout June.
- 3.5 With regards to the appointment of external members of the Committee, falling under category (b) above (section 3.2), it is recommended that the Committee Lead be granted delegated authority to:
- (i) reappoint all existing external members; and
 - (ii) appoint individuals who fall into one of the aforementioned three categories subject to a training session being attended and a clear PVG check being returned.
- 3.6 A list of existing external members is contained at Appendix A. These members have been vital to the process and have become experienced in their role and it is important that their services be retained. In making new external

appointments, it recommended that Council agree that ex-members of former School Boards/Parent Councils; ex-teachers; and Members of the Council who have demitted office meet the criteria as set out in the Education (Scotland) Act 1980.

- 3.7 The majority of appeals are submitted by parents who have not been successful in their requests to have their children placed in particular schools. These appeals begin to be submitted in early May and hearings can continue until the end of July. It is not unusual for the Committee to meet four or five times a week during this period, and occasionally twice a day. Given the frequency of meetings during this period, it is important to have a pool large enough to consider all appeals within 28 days of receipt of the appeal as required by statute. The number of appeals submitted varies from year to year and a lot of appeals don't proceed to require an appeal hearing. In 2019, 90 appeal hearings were required; 2020 there were 97 and 2021, 62 appeal hearings were required.

4. FINANCIAL IMPLICATIONS

- 4.1 There are no significant additional costs, although external members are entitled to claim travel allowances and these would be met from existing budget. However hearings have been operating remotely since March 2020, and will continue to do so for the foreseeable future, therefore no travel expenses have been claimed in this period.
- 4.2 Each new member requires to undertake a PVG Scheme check. Checks for all members will be processed by the HR Service Centre in line with the procedure for dealing with PVG checks for Elected Members.

5. LEGAL IMPLICATIONS

- 5.1 The Council has a statutory obligation to establish a School Placings and Exclusions Appeal Committee in terms of the Education (Scotland) Act 1980 as amended, to hear appeals against the refusal of parental requests to place children in particular schools and against the decisions of the Education Authority to exclude pupils from the schools which they attend. If the Council fails to establish a Committee, it will be in breach of a statutory duty

6. ENVIRONMENTAL IMPLICATIONS

- 6.1 There are no environmental implications associated with this report.

7. RISK

- 7.1 Acceptance of the above recommendations is not considered to pose any risk to the Council and will ensure that the Council meets its statutory obligations. If the Council fails to appoint a School Placings and Exclusions Appeal Committee, it will be in breach of a statutory duty. The assessment of risk

contained within the table below is considered to be consistent with the Council's Risk Appetite Statement

Category	Risks	Primary Controls/Control Actions to achieve Target Risk Level	*Target Risk Level (L, M or H) *taking into account controls/control actions	*Does Target Risk Level Match Appetite Set?
Strategic Risk	If we do not have members trained there is a risk that appeals are not considered and heard within the 28 day time limit from when the appeal is submitted.	Ensure that members are given the necessary training.	L	Yes
Compliance	The Council must comply with its statutory obligations	To ensure compliance with the statutory obligations, the Council must ensure that members are trained to sit on a hearing.	L	Yes
Operational	No significant risk identified			Yes
Financial	No significant risk identified			Yes
Reputational	If we do not have members trained, there may be a risk to	Ensure there are various training sessions organised to allow members to be fully trained and	L	Yes

	the reputation of the Council as appeal hearings could be delayed and decisions not made within the 28 day limit of an appeal being submitted.	comfortable to sit on an appeal hearing.		
Environment / Climate	No significant risk identified			Yes

8. OUTCOMES

<u>COUNCIL DELIVERY PLAN</u>	
	Impact of Report
	The proposals in this report have no impact on the Council Delivery Plan.

9. IMPACT ASSESSMENTS

Assessment	Outcome
Integrated Impact Assessment	Not required.
Data Protection Impact Assessment	Not required.
Other	None.

10. BACKGROUND PAPERS

10.1 Section 28 of the Education (Scotland) Act 1980.

11. APPENDICES

11.1 Appendix A – list of existing members.

12. REPORT AUTHOR CONTACT DETAILS

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