

ABERDEEN CITY COUNCIL

COMMITTEE	Council Statutory Meeting
DATE	16 May 2012
DIRECTOR	Stewart Carruth
TITLE OF REPORT	School Placings and Exclusions Appeal Committee - Pool of Members
REPORT NUMBER:	CG/ 12/037

1. PURPOSE OF REPORT

This report seeks the Council's approval to appoint 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.

2. RECOMMENDATION(S)

The Council is recommended:-

- (1) to appoint a pool of Councillors and external Members from which individuals can be drawn to form Appeal Committees, comprising (i) all Members of the Council; (ii) Members of School Parent Councils who were previously Members of the Pool; (iii) Ex-Members of former School Boards/Parent Councils who have experience of the Committee on the basis that training sessions are attended; and (iv) Members of the Council who have demitted office and who have expressed an interest in participating in the work of the Committee;
- (2) to appoint the Senior Democratic Services Manager as the Clerk to the School Placings and Exclusions Appeal Committee and to authorise Martin Allan, Martyn Orchard and Allison Swanson as Assistant Clerks to act in his name; and
- (3) to agree that Council accommodation continue to be used for hearings for the reasons set out in paragraphs 3.1 and 3.2 of this report.

3. FINANCIAL IMPLICATIONS

No significant additional costs although external members are entitled to claim travel allowances. Training costs are met from existing budgets for training of members and staff. In the future, there may be significant costs arising from the need to hire accommodation in hotels or so called "neutral" venues and this is addressed in the report.

4. OTHER IMPLICATIONS

None.

5. BACKGROUND/MAIN ISSUES

1. **Introduction**

- 1.1 The Council is required to establish a School Placings and Exclusions Appeal Committee in terms of the Education (Scotland) Act 1980 and 1981, 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.
- 1.2 The statutory requirement is for an Appeals Committee to be drawn from a pool of individuals with each committee comprising three, five or seven members; statute also states that Councillors may not outnumber lay members by more than one and that no member of a Council's Education Committee may chair a meeting.
- 1.3 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 throughout the summer until late August. The first of the appeal hearings is normally held about a month later, with the majority being held during June and July. Accordingly, meetings can be very frequent during the holiday period when it is most difficult to secure a full committee membership. It is not unusual for the committee to meet four or five times a week during this period, and occasionally twice a day. The number of appeals submitted varies; last year, 76 appeals were received and over 30 meetings held.
- 1.4 Statute requires that appeals be dealt with within 28 days of the date of receipt and accordingly the majority of appeals will continue to be disposed of during June. Statute also requires that the Council be able to hold two meetings concurrently, if necessary, but so far this has not been required.
- 1.5 Over the years, there has been continuing difficulty in obtaining a sufficient number of members to allow hearings to run with more than three members sitting and all now run with the statutory minimum. In an effort to increase the size of the pool of members available, the Council previously agreed that all members of the Council be appointed, not just those on the Education Committee and further agreed that external members who are no longer chairs of School Boards but who had experience of the Appeal Committee be permitted to continue membership and that members of School Parent Councils who are not chairs also be invited to join the pool.

2. **Recruitment**

- 2.1 There are still difficulties in securing and retaining a significant number of external members. However, over the past two years we have been successful in securing and retaining 7 external members. These members have been vital to process and have become experienced in their role, in order to retain their services, it is recommended that external members of the pool be permitted to continue their membership as long as they participate in training courses. Some members of the Council who have demitted office have indicated that they would be willing to continue to participate in the work of the committee and, accordingly, it is further recommended that such members be invited to accept appointments as external members of the pool. Occasionally, Councillors or external members will bring to our attention the name of a particular individual who would be willing to join the pool of members and it is proposed that, in the event of this occurring, such individuals be welcomed on the basis that they meet the statutory requirements and that they receive training before sitting on any Committee.

3. **Accommodation**

- 3.1 In 2000, the Scottish Committee of the Council on Tribunals, which supervises tribunals operating in Scotland, published a report on Education Appeal Committees and one of its recommendations to COSLA was that neutral venues should be used for appeal hearings, as opposed to buildings belonging to the authority, as an appellant may perceive as this being contrary to the human right of a fair trial. COSLA's response has been to recommend that the use of Education Authority (by which is meant the Council) premises should be avoided wherever possible, although COSLA acknowledged that practical considerations may dictate the use of Council premises on occasion.
- 3.2 The Clerk's view on this issue is that Council accommodation at the Town House is modern, central, easily accessible, has a microphone system in each room, is accessible for people with ambulatory difficulties and is the location of the officers responsible for administering the appeal process. Other accommodation may not be of this standard, maybe less accessible and would undoubtedly require to be hired. If it is the perception of neutrality which is the issue - and it appears to be the case - I would suggest that this Council's practice of always appointing external chairs, as opposed to appointing a Councillor as the regulations permit, is more indicative of neutrality to an appellant than the choice of venue.
- 3.3 More recently, in November, 2006, the Scottish Executive published proposals to reform Education Appeal Committees and amongst the issues proposed was the use of suitable venues, bearing in mind the previous recommendations of the Scottish Committee of the Council on

Tribunals. More specifically, it appears that the hiring of hotels was being envisaged. The consultation analysis was published at the end of March, 2007, which showed that this concern over neutral venues had been questioned by a number of respondents. However, it is for the Government to decide whether to take this proposal forward or not, and if it does, there will undoubtedly be financial implications arising.

5. IMPACT

Corporate - As well as being a statutory requirement, the School Placings and Exclusions Appeal Committee increases the number of citizens volunteering.


Public - A diverse membership of the pool would be welcomed. In terms of access to the committee rooms, the Town House is compliant with the requirements of the Disability Discrimination Act.

7. BACKGROUND PAPERS

9. REPORT AUTHOR DETAILS

R MacBeath, Senior Democratic Services Manager

 RMacBeath@aberdeencity.gov.uk

 (52)3054