

## ABERDEEN CITY COUNCIL

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COMMITTEE	Council
DATE	17 May 2017
REPORT NUMBER	CG/17/048
DIRECTOR/HOS	Fraser Bell, Head of Legal & Democratic Services
TITLE OF REPORT	School Placings and Exclusions Appeal Committee - Pool of Members
REPORT AUTHOR	Allison Swanson

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### **1. PURPOSE OF REPORT:-**

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. RECOMMENDATION(S)**

It is recommended that the Council:

- (1) appoint all Elected Members on the Education and Children's Services Committee, plus two Members per political group and up to two Independent Members to the School Placings and Exclusions Appeal Committee<sup>1</sup>;
- (2) delegate authority to the Senior Democratic Services Manager 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, subject to a training session being attended and a clear PVG check being returned:
  - 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;
- (3) agree that former members of former School Boards/Parent Councils; former 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 may be appointed by the Senior Democratic Services Manager accordingly; and

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<sup>1</sup> Please note that Members appointed who have not previously undertaken the training are required to attend a training session on 18 May 2017 at 2pm. Therefore Elected Member appointments are required to be confirmed in advance of this date - appeal hearings will commence from week commencing 22 May 2017.

- (4) to appoint the Senior Democratic Services Manager, or his/her nominee, as the Clerk to the School Placings and Exclusions Appeal Committee.

### **3. BACKGROUND/MAIN ISSUES**

- 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 member of a Council's Education Committee may chair a meeting.
- 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 and Children's Services Committee, as well as two Members from each political group (where applicable) to be members of the Committee. 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 18 May 2017 at 2pm. Elected Member appointments are therefore required to be confirmed in advance of this date. Appeal hearings will commence from week beginning 22 May 2017 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 Senior Democratic Services Manager 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 is 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 throughout 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; last year, 92 appeals were received and 19 meetings held.
- 3.8 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.

#### **4. FINANCIAL IMPLICATIONS**

- 4.1 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.
- 4.2 Each member requires to undertake a PVG Scheme check. Each application to the PVG Scheme costs £59 for new members and £18 if they are existing members staying within the same group. Checks for all members will be processed by HR 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. MANAGEMENT OF RISK**

- 6.1 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.

#### **7. IMPACT SECTION**

- 7.1 The establishment of a pool of members to constitute the School Placings and Exclusions Appeal Committee contributes to the Smarter Governance strand of Aberdeen – the Smarter City, particularly around the Council ensuring that applicants have a right of appeal and this is considered by an independent Committee as required by statute.
- 7.2 As well as being a statutory requirement, the School Placings and Exclusions Appeal Committee increases the number of citizens volunteering.

## **Economy**

- 7.3 There will be no impact on economy arising from the recommendations.

## **People**

- 7.4 The report may be of interest to the public as it establishes an independent Committee to consider placing and exclusion appeals in accordance with statute.
- 7.5 An Equality and Human Rights Impact Assessment is not required as the proposal does not disproportionately impact on persons with protected characteristics compared to persons without such characteristics.

## **Place**

- 7.6 Acceptance of the recommendations will ensure that the Council meets its statutory obligations.

## **Technology**

- 7.7 There will be no impact on technology arising from the recommendations.

## **8. BACKGROUND PAPERS**

- 8.1 Section 28 of the Education (Scotland) Act 1980.

## **9. APPENDICES (if applicable)**

- 9.1 Appendix A - List of existing external members

## **10. REPORT AUTHOR DETAILS**

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