

DATA LABEL: PUBLIC



EDUCATION EXECUTIVE

WEST LOTHIAN (PLACING IN SCHOOLS) APPEAL COMMITTEE – RECRUITMENT AND APPEAL ARRANGEMENTS

REPORT BY HEAD OF CORPORATE SERVICES

A. PURPOSE OF REPORT

To provide the Education Executive with information on the outcome of a recent exercise to recruit additional members to the West Lothian (Placing in Schools) Appeal Committee and to agree the new appointments and to seek approval to delegate authority to the Chief Solicitor to make recommendations in relation to Placing in Schools Appeals hearings for the 2020/21 academic year.

B. RECOMMENDATION

1. To note the outcome of the recent exercise to recruit additional members to the West Lothian (Placing in Schools) Appeal Committee
2. To appoint the new members and note the list of existing members to the committee as shown in the Appendix to the report
3. To delegate authority to the Chief Solicitor to identify and fix such dates as may be necessary for the conduct of Appeals

C. SUMMARY OF IMPLICATIONS

I	Council Values	Focusing on our customers' needs; Being honest, open and accountable; Providing equality of opportunities; and Making best use of our resources
II	Policy and Legal (including Strategic Environmental Assessment, Equality Issues, Health or Risk Assessment)	Education (Scotland) Act 1980, as amended, and various regulations.
III	Implications for Scheme of Delegations to Officers	None.
IV	Impact on performance and performance Indicators	None. There are statutory timescales which officers must adhere to when dealing with placing in schools appeals.
V	Relevance to Single	None.

Outcome Agreement

VI	Resources - (Financial, Staffing and Property)	None.
VII	Consideration at PDSP	None.
VIII	Other consultations	Education Services

D. TERMS OF REPORT

The West Lothian (Placing in Schools) Appeal Committee is a statutory body set up under the Education (Scotland) Act 1980. It is independent and is not part of the council's policy-making and decision-making structure. Members can be appointed in one of three categories, as set out below.

Legislation allows for appeal committees to comprise 3, 5 or 7 members. In West Lothian, it has been agreed that the committee should comprise 3 members made up as follows:-

- One member from West Lothian Council or its education committee (who is not permitted to chair a hearing)
- One person with educational experience and who is acquainted with educational conditions in West Lothian (the Chair whenever possible)
- One parent of a child of school age in education at a West Lothian school

The last recruitment exercise for the appointment of members to the committee took place in 2013. From the existing Committee members, one parent representative, whose child will conclude their education in June 2020, will be unable to continue on the committee beyond June 2020. Following changes/anticipated changes to the eligible list of parent representatives, it was therefore considered prudent to conduct a further recruitment campaign to appoint additional members, and ensure a sufficient number of panel members who could be called upon to hear appeals timeously.

Notices seeking additional members were sent to all parent councils and information was published on the council's social media sites. Letters were also sent to Head Teachers/Depute Head Teachers who had retired in the last 18 months. By the closing date, only 1 application was received from an educationally qualified person and 4 were received from parents with a child attending a school in West Lothian. One of the parent applicants subsequently withdrew from the recruitment process.

In April 2020, during consultation with existing Committee members regarding potential methods for conducting appeal hearings in Summer/Autumn 2020, an education expert member resigned from the Committee.

Four new members will be invited to observe some appeals in autumn 2020 to give them a better understanding of their role on the committee.

Subject to Education Executive agreement, the appointment of the successful applicants will bring the number of educationally qualified members on the Committee up to 5 and the number of parent representatives up to 7. Their appointments will run until the next ordinary council elections, unless ended sooner by resignation, no longer meeting the membership criteria or by a decision of the council.

The names of the members, present and newly recruited, are shown in the attached Appendix.

Members will not be permitted to participate in a hearing until they have had a satisfactory disclosure check and they have completed the necessary training.

As a result of Covid-19, the Scottish Government have introduced temporary changes to the manner in which Placing In Schools Appeals Committees can undertake business. Those changes include the permitting of hearings to take place by way of written submission of the parties, by virtual hearing or a combination of both.

It is recognised that not all parents who wish to appeal will be able to participate in virtual hearings, and not all will be comfortable with written submissions. As a result, the manner in which Appeals are conducted, and when Appeals can take place will be dependant upon the circumstances of parents and Committee members to participate in Appeals.

It is therefore proposed that the manner in which Appeals be undertaken will be considered on a case by case basis in discussion with parents and Committee members, and that the Chief Solicitor shall oversee that process and direct the arrangements for the Appeal hearings. Since arrangements will be undertaken on a case by case basis, having regard to such matters as ability to conduct hearing by written submission, and availability of and access to technology to permit virtual hearings, it is proposed that the Chief Solicitor oversee the making of arrangements to identify appropriate Appeal Committee dates. Such dates will be fixed in consultation with Committee members and parents having regard to their respective availability, and any technical requirements to enable their participation in their Appeal. It should be noted that, in accordance with the decision of Council Executive on 24 March 2020, Placing In School Appeals will not take place until August 2020 at the earliest.

E. CONCLUSION

The appointment of additional members to the committee will ensure a healthy membership for the committee to deal with the anticipated business for the coming year. Delegation of authority to the Chief Solicitor will allow flexibility of arrangements for hearings, and scheduling of Appeal Committee dates to ensure that, so far as possible, they take place in a timely and appropriate manner convenient to the participants.

F. BACKGROUND REFERENCES

West Lothian Council, 10th May 2012

Council Executive, 29th May 2012

Education Executive, 12 March 2013

West Lothian Council, 25th May 2017

Council Executive, 24 March 2020

Appendices/Attachments: List of Members of the Committee

Contact Person: Lorraine McGrorty, Committee Officer, 01506 281609,
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Julie Whitelaw
Head of Corporate Services

Date of meeting: 23rd June 2020

APPENDIX 1

WEST LOTHIAN COUNCIL (PLACING IN SCHOOLS) APPEAL COMMITTEE

LIST OF MEMBERS June 2020

Educationally Experienced Members (Chairs)

Paul McLellan	Existing Member
Norma Watson	Existing Member
Anne Corr	Existing Member
David Simpson	Existing Member
Susan Cook	New Member

Parent Members

Lynsey Findlay	Existing Member
Lesley-Ann Gould	Existing Member
Victoria Dunnett	Existing Member
Michelle Rodgers	Existing Member
Sarah Henley	New Member
Revathi Krishnan	New Member
Lesley Spence	New Member

Councillors and Education Executive Appointed Members

Tom Conn
David Dodds
Angela Doran
Lawrence Fitzpatrick
Peter Heggie
Charles Kennedy
Damian Timson
3x SNP Vacancies
Eric Lumsden, Appointed Member
Lynne McEwen, Appointed Member