REPORT NO 79/00

ANGUS COUNCIL

EDUCATION COMMITTEE - 25 JANUARY 2000

EDUCATION APPEAL COMMITTEE - APPOINTMENT OF CHAIRPERSON

REPORT BY THE DIRECTOR OF LAW AND ADMINISTRATION

ABSTRACT

This Report recommends that the Committee approve the appointment of a fourth person to chair hearings of the Education Appeal Committee constituted in terms of the Education (Scotland) Act 1981, Schedule 1.

1.   RECOMMENDATION

The Committee is recommended to approve the appointment of Mr Peter Clunie, being a person, who in the opinion of the authority, has experience of education and is acquainted with educational conditions in the area of the authority to chair hearings of the Education Appeal Committee established in terms of the Education (Scotland) Act 1980 Section 28D(1) [inserted by the Education (Scotland) Act 1981, Schedule 1].

2.   BACKGROUND

The Committee is reminded that at its meeting on 13 March 1996 (Article 3 of the minute refers), it agreed the procedure to establish an Education Appeal Committee as required by Section 28D of the Education (Scotland) Act 1980 to consider appeals by parents against the Council's refusal of requests for places for their children in schools of their choice, or against the decision to exclude their children from school. It was agreed that the Education Appeal Committee should consist of three members comprising:-

- one member of the Education Committee,
- one person drawn on a rota basis from a list of School Board nominees provided by School Boards from their membership; and
- one person with experience in education or acquainted with educational conditions in Angus.

The Director of Law and Administration and the Director of Education were given authority to ensure that the list of School Board nominees was regularly updated and that persons with experience in education were identified.

The Committee is also reminded that, at its meeting on 9 June 1998 (Article 9(a) of the minute refers), Mr David Affleck, Mrs Mary Faulkner and Mr Harry Faulkner, being persons who, in the opinion of the authority, had experience in education and were acquainted with educational conditions in the area of the authority were appointed to chair hearings of the Education Appeal Committee established in terms of Section 28D(1) of the Education (Scotland) Act 1980.

3.   APPOINTMENT OF FOURTH CHAIRPERSON

In terms of the statutory provisions, all three members of an Appeal Committee must be present to enable a hearing to proceed. The legislation stipulates that a person who is a member of the Education Committee cannot be chairman of the Appeal Committee and the Committee has already agreed that, in all cases, hearings should be chaired by the person with experience in education. While most of the appeals relate to the annual P1 intake to schools in August each year, cases can arise at any time and relate to any stage of education. It is therefore desirable to have available a further person with experience in education who can chair hearings of appeals relating to the 2000/2001 intake for primary and secondary schools in Angus.

Accordingly, the Director of Education has approached Mr Peter Clunie, who has recently retired as Head Teacher of Seaview Primary School, Monifieth, and Mr Clunie has indicated that he is willing to become a member of the panel of persons with experience of education. It is therefore proposed that the Committee formally invite him to be appointed to the aforementioned panel.

4.   FINANCIAL IMPLICATIONS

There are no financial implications arising from this Report, although it should be noted that members of the Appeal Committee are entitled to travelling and subsistence expenses.

5.   CONSULTATION

The Chief Executive, Director of Education and Director of Finance have been consulted on the content of the Report.

CATHERINE A COULL
Director of Law and Administration

NOTE: No background papers, as defined by Section 50D of the Local Government (Scotland) Act 1973, (other than any containing confidential or exempt information) were relied on to any material extent in preparing the above Report.