
Report To:	Education & Communities Committee	Date:	8 September 2015
Report By:	Corporate Director Environment, Regeneration & Resources	Report No:	FJ/LP/128/15
Contact Officer:	Fraser Jarvie	Contact No:	01475 712121
Subject:	Appointment of Members to the Education Appeal Committee		

1.0 PURPOSE

- 1.1 The purpose of this report is to advise the Committee of the vacancies which exist on the Education Appeal Committee and to seek approval of the appointment of two members of the public to these positions.

2.0 SUMMARY

- 2.1 In terms of section 28D of the Education (Scotland) Act 1980 Inverclyde Council as education authority is obliged to set up and maintain such Appeal Committees as are necessary to deal with appeals under the Act. Appeal Committees are required by statute to hear appeals against a refused placing request or an appeal against an exclusion from school.
- 2.2 Two categories of persons must be appointed to the Panel. The first is drawn from members of the authority. The second is composed of persons who are not members of the authority but are parents of children of school age or persons who in the opinion of the authority have experience in education, or are in the opinion of the authority acquainted with educational conditions in the area. Both categories of members must be represented on the Appeal Committee.
- 2.3 The membership requires to be increased to ensure that the education authority can meet its statutory duties. Strict statutory timescales apply to appeals. There is a particular demand for appeal hearings to be held at certain periods in the school year when placing requests have been refused.
- 2.4 Recruitment was carried out by advertising the positions on the Council's website. A shortlist was compiled and interviews took place in June 2015.

3.0 RECOMMENDATIONS

- 3.1 That the candidates identified at appendix 1 be appointed as members of the Inverclyde Education Appeal Committee.

Fraser Jarvie
Legal & Property Services

4.0 BACKGROUND

- 4.1 Every education authority is obliged to set up and maintain a sufficient number of Appeal Committees to deal with appeals and to make arrangements for them to function. Appeal Committees operate under the supervision of the Council on Tribunals, in terms of the Tribunals and Enquiries Act 1992. They fall within the remit of the Scottish Committee. No member of the panel from which Appeal Committee members are drawn may be removed without the consent of the Lord President of the Court of Session. No one can be a member of an Appeal Committee where he or she was involved in any way in reaching the decision which is to be considered by the Committee. Appeal Committees are given a limited time to deal with any reference made to them. Accordingly there is a requirement to maintain a sufficient number of members. Further recruitment is to be carried out and another report will be made to the Council in due course.

5.0 IMPLICATIONS

Finance

- 5.1 There are no financial implications arising from this report.

One Off Costs

Cost Centre	Budget Heading	Budget Years	Proposed Spend this Report	Virement From	Other Comments
N/A					

Annually Recurring Costs/(Savings)

Cost Centre	Budget Heading	With Effect From	Annual Net Impact	Virement From (if Applicable)	Other Comments
N/A					

Legal

- 5.2 The Council will meet its statutory obligations by making an appointment to fill the vacancies on the Education Appeal Committee.

Human Resources

- 5.3 There are no HR implications arising from this report.

Equalities

- 5.4 The position was publicly advertised on the Council's website to ensure as wide a range of potential applicants as possible, this will have a positive benefit in respect of the Council's equality agenda.

Repopulation

- 5.5 There are no repopulation implications arising from this report.

6.0 CONSULTATIONS

- 6.1 N/A

7.0 LIST OF BACKGROUND PAPERS

- 7.1 None.