

REPORT

To: GENERAL PURPOSES COMMITTEE		Subject: EDUCATION APPEAL COMMITTEE: THE SCOTTISH COMMITTEE OF THE COUNCIL ON TRIBUNALS
From: DIRECTOR OF ADMINISTRATION		
Date: 3 March 2005	Ref: JAF/IL	

1. Purpose of Report

- 1.1 The report advises the Committee of comments provided to North Lanarkshire Council by the Scottish Committee of the Council on Tribunals following the attendance of one of their members at an Education Appeal Committee hearing in Bellshill on 8 February 2005.

2. Background

- 2.1 The education appeal system is governed by the Education (Scotland) Act 1980 and by regulations made under that Act. Those provisions require local authorities to establish independent Education Appeal Committees to review school admission and exclusion decisions.
- 2.2 Education Appeal Committees, being independent tribunals, are not formal Committees of the Council under the Local Government (Scotland) Act 1973. Under the Tribunals and Inquiries Act 1992, those Committees are under the jurisdiction and supervision of the Scottish Committee of the Council on Tribunals. In discharge of their responsibilities, members of the Scottish Committee of the Council on Tribunals have the right to attend Education Appeal Committee hearings throughout Scotland. As a result of those visits, the Scottish Committee of the Council on Tribunals has, in the past, expressed concern about the way in which the Education Appeal Committee system in Scotland has developed and operates.
- 2.3 Within North Lanarkshire, responsibility for the operation of Education Appeal Committees rests with the Department of Administration.

3. North Lanarkshire Education Appeal Committee Hearing

- 3.1 Following attendance by a member of the Scottish Committee of the Council on Tribunals at an Education Appeal Committee hearing in Bellshill on 8 February 2005, the following comments have been provided to North Lanarkshire Council by the Scottish Committee of the Council on Tribunals:

- Requirement that tribunals be independent and provide open, fair and impartial hearings – this requirement was met in full. It was identified that the panel Chair had a light but effective touch and was in control. Panel members participated in the discussion with even-handed questioning and all necessary points which required to be covered were fully considered in a well-run hearing. Some concern was expressed over the lack of spread of age of the panel members, although there was acknowledgement of the relevance of the background of the panel members and the difficulties in younger members attending through the working day;

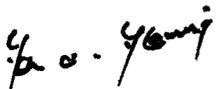
- Requirement that tribunals be accessible to users and focus on their needs – this requirement was generally met. The conclusion was that the premises are accessible with good facilities and, while no nameplates were produced, everyone was introduced. With regard to the “Guide for Parents and Guardians” produced by the Council, it was suggested that any possibility of confusion could be reduced were the order of events chronological and were further information provided on how and when to produce documents in support of evidence;
- Requirement that tribunals be properly resourced and organised – this requirement was met. It was noted that the Council provides a variety of training options for Councillors, some of which are relevant to the work of Appeal Committees. It was noted that there is, also, an induction course for education appeals but that attendance at that course is not compulsory – and that take-up can be patchy. Reference was also made to a training video which is currently in production by Glasgow City Council and the Govan Law Centre.

4. **Consideration**

- 4.1 Against general concerns expressed by the Scottish Committee of the Council on Tribunals regarding the education appeal system in Scotland, it is suggested that the comments offered in this instance are to be welcomed as positive.
- 4.2 It is proposed, also, that the Council should continue to engage closely with Glasgow City Council and the Govan Law Centre with a view to accessing any new training material and further developing training options for members of Education Appeal Committees.

5. **Recommendation**

- 5.1 It is recommended that the Committee give consideration to the foregoing proposals.



Director of Administration

Members seeking further information on the contents of this report are asked to contact John Fleming, Head of Central Services on Extension 2228.