

WEST LoTHIAN COUNCIL

# Placing in Schools

# Appeals



COMMITTEE

## PLACING APPEAL



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IN PEOPLE

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West Lothian  
Council

# PLACING IN SCHOOLS APPEALS

## The Committee

The West Lothian Council (Placing in Schools) Appeal Committee deals with all appeals against:-

- The refusal of a placing request for a school in West Lothian
- The exclusion of a pupil from a school in West Lothian

The committee is made up of 3 people; one is an expert in education who will chair the meeting; one is the parent of a child at a school in West Lothian not associated with your appeal; and one is a councillor from West Lothian Council or an appointed member from the council's Education Executive. These are the 3 people who can decide the outcome of your appeal.

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## Your Appeal

Parents who wish to appeal against the decision to refuse their child a place at the school of their choice must do so in writing within 28 days of receipt of the letter from education services.

As well as parents being allowed to lodge appeals, recognised carers may also do so, and in some circumstances the child or young person concerned must appeal in his or her own right.

The committee can agree to allow a late appeal to be considered but only when they agree that there is good cause to explain why the appeal is late and why it should be considered. Parents will be invited to attend a meeting when the committee is making this decision. If they agree to allow the late appeal, a separate hearing to consider the appeal will take place a few weeks later.

Parents can only appeal against the refusal of a placing request once in any 12 month period. Parents can also only appeal against the refusal of their 1<sup>st</sup> choice school. There is no right of appeal for 2<sup>nd</sup> or subsequent choice schools.

Appeal hearings will be arranged by a committee officer from the council's Legal Services team. You will be advised of the date, time and venue for your hearing as soon as possible.

The council aims to hear appeals within 4 weeks. However, during May and June, when the block appeals are being heard for particular schools, your appeal can take up to 8 weeks to be heard.

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## Preparing for the hearing

The agenda for the meeting will include your original letter of appeal. However, prior to the agenda being issued, you will be advised of the deadline for lodging any additional documents that you wish to be circulated with the papers.

The agenda and papers will be sent to you by recorded delivery around 10 days before your hearing date. The agenda will include a report by the Depute Chief Executive on the reasons why your request was refused by education services.

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Once the agenda has been issued, no late or additional information can be issued to the committee. Any documents received after the deadline can only be used if the Chair of the committee allows them to be added at the hearing itself. This applies to education services as well as parents.

You can go to the hearing and speak to the committee yourself and bring witnesses if you wish. You can take up to 3 people to the hearing with you and if you do not wish to speak yourself, you can ask one or more of these people to speak for you. If you cannot attend the hearing, you can ask somebody else to go in your place and speak for you.

If you do not attend the hearing or send a representative, the committee will still consider the information available and reach a decision on your case.

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## At the hearing

When you arrive for your appeal, the Clerk will meet with you immediately before your hearing to answer any last minute questions you may have about procedures. You will then be taken into the meeting room and the Chair will introduce everyone and explain the proceedings.

The person speaking for the council's education service will give the background to your case and will say why it thinks your appeal should be refused. Other people, such as the Head Teacher or an expert in school transport may be asked to speak in support of what the council has decided. You and the committee will then be given the opportunity to ask questions at this stage.

After education has answered questions, you will present your case. You can do this yourself or, if you prefer, you can bring someone along to speak on your behalf. You will tell the committee why you think your appeal should succeed and why you think the council was wrong to refuse your request. You can also ask people to speak in support of what you say. Education services and the committee will then be given the opportunity to ask you questions.

Each side will sum up and repeat the important points of their case.

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## The decision

You must be notified of the outcome of your appeal within 14 days of the date of the hearing. However, at the conclusion of your appeal, the Chair will tell you when the committee intends making a decision on your appeal.

It is sometimes possible to give a verbal decision almost straight away. However if there are other appeals being heard on the same day, the committee will probably hear all of the appeals and then make their decisions at the end of the day. If you cannot wait until the decision is taken, you can ask to be told the outcome by telephone or e-mail.

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The committee has to decide whether the appeal should be granted on the basis of the facts which exist and the arguments it heard on the day. The committee does not look back in time to when the council made its decision. If the committee disagrees with the council's decision to refuse your placing request, education services must let your child have a place in the school. You will be asked to contact the Head Teacher or Pupil Placement about taking up the place.

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## Appeal to the Sheriff

The committee may decide, after hearing all of the evidence, that the council was right to refuse your appeal. If this happens, you then have a further right of appeal to the Sheriff Court in Livingston. Information on how to appeal to the Sheriff will be provided in the decision letter.

If you win your appeal, the council has no right of appeal and must follow the sheriff's decision.

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## Further Information

If you need any further information please contact Committee Services, West Lothian Council, West Lothian Civic Centre, Howden South Road, Livingston or telephone 01506 281609, 281621, 281604, 281594 or 281601 or e-mail [committeeservices@westlothian.gov.uk](mailto:committeeservices@westlothian.gov.uk)

Committee Services cannot give you legal advice but can help you with the procedures which apply to your appeal.

Committee Services is unable to provide information about pupil placement services or availability of places in schools. You must contact Pupil Placement for that on 01506 280000 (select option 4) or e-mail [pupilplacement@westlothian.gov.uk](mailto:pupilplacement@westlothian.gov.uk)

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