

WEST LoTHIAN COUNCIL

Placing in Schools

Appeals



COMMITTEE

EXCLUSION APPEAL



INVESTORS
IN PEOPLE

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West Lothian
Council

EXCLUSION 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 normally chair's 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.

Your Appeal

Parents who wish to appeal against the decision to exclude their child from school must do so in writing to the Chief Solicitor, Legal Services, West Lothian Civic Centre, Livingston, EH54 6FF or by e-mailing committeeservices@westlothian.gov.uk There is no time limit for appealing against the decision to exclude a pupil from school although it should be done as soon as possible.

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

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.

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 a 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 child was excluded from school.

Once the agenda has been issued, no late or additional information can be sent 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.

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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.

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, normally the Head Teacher, will give the background to your case and will say what it thinks your appeal should be refused. 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 exclude your child. 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.

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.

The committee will look back in time to decide whether the decision to exclude your child was justified based on what was known at that time. If the committee disagrees with the decision to exclude your child, the exclusion cannot be removed from your child's record. However, the record must be updated to show that an appeal was heard and was successful meaning that the exclusion will have no future effect and must not be referred to.

Appeal to the Sheriff

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The committee may decide, after hearing all of the evidence, that the council was right to exclude your child. 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.

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

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

Information is available in Braille, tape, community languages and **large print**

Please contact the Interpretation and Translation Service on 01506 280000.