



MAKING AN APPEAL AGAINST REFUSAL TO PLACE YOUR CHILD IN THE SCHOOL OF YOUR CHOICE

Under Section 28C(1) of the Education (Scotland) Act 1980 parents whose placing request has been refused are entitled to appeal against this decision to an appeal committee set up by the City Council. Appeal committee members are drawn from representatives of the City Council and from local attendance councils. (The local attendance council consists of representatives from school boards). This broadsheet outlines in general terms how to lodge an appeal and gives background information on how an appeal should be handled.

1. The education authority must provide you with their decision on your original request by 30 April if the placing request was for entry to a school at the start of the new school session, provided your request was received before 15 March. In other cases, the authority has a period of 2 months from receipt of your request to reach their decision. In all cases where a request is refused, reasons will be given.

If the authority for some reason has not sent you their decision in writing within these time limits, the request will be deemed to be refused. Every effort will be made to ensure this situation does not occur.

2. If you wish to appeal, you are required, in all normal situations, to lodge your appeal either within 28 days of receipt of the written notice of refusal or within 28 days of the date on which your request was deemed to have been refused.

It should be noted that there is no right of appeal for a refusal to place a child in nursery school.

3. An appeal cannot be made on behalf of a child who has already had an appeal made on his/her behalf within the preceding 12 months other than where the authority has reconsidered the request after a review and has refused the request a second time.
4. A parent who wishes to lodge an appeal should send his/her letter of appeal in writing to:-

Glasgow City Council
Committee Services
City Chambers
George Square
Glasgow G2 1DU

Tel:- 0141 287 3974/4272/4372/4682

(please note the above numbers are only for enquiries in regard to the committee administration process associated with the Education Appeals Committee)

You should note that the role of Committee Services is to deal with the committee administration process associated with the Education Appeals Committee, which includes acknowledging letters of appeal, setting meeting dates, issuing agenda papers and letters informing appellants of the committee's decision. Therefore Committee Services can only provide advice in relation to the committee process.

Any other enquiries in regard to Education Placing Requests should be directed to Education Services on 0141 287 7477 or by sending an e.mail to cypsenquiries@education.glasgow.gov.uk

Your appeal letter should give your name and address, the name of your child for whom the appeal is being made, the name and address of the school of your choice, the date and reference of the letter of refusal and a statement indicating why you wish to appeal against this decision.

5. You will be given the opportunity to go to the hearing and speak to the appeal committee. You may ask up to three people to accompany you and if you wish you can ask one of them to speak on your behalf. If you do not wish to present, you can nominate someone else to attend and speak for you. You may submit your case in writing and if you choose to do so please read paragraph 6 carefully. Finally you may simply submit your letter of appeal and this will be considered by the committee.

6. If you decide to submit written representations this must be in the hands of the Committee Services as detailed above at least **12 days** before the date of the hearing. Likewise, any written representation which the responsible member of the education directorate wishes to make to the appeal committee will be copied to you at least 10 days before the appeal is heard.

It is to your advantage to ensure that all relevant facts are given in advance. If new evidence is introduced at the hearing an adjournment may be necessary to provide time for the new evidence to be considered.

7. If you lodge an appeal you will receive an acknowledgement within 5 working days of receipt. The hearing will be arranged within 28 days of receipt of your appeal unless there is a joint agreement to hold it at a later date, or unless the committee consider that the appeal should be heard together with another or other appeals, in which case the date fixed will be arranged within 28 days of receipt of the last appeal received. You will be given about 14 days notice of the date, time and location of the hearing.

Should the date arranged be inconvenient you can ask for another date to be arranged. There is no obligation on the committee to rearrange their programme and they would only do so if a very good reason was given. If the hearing proceeds as planned you may wish to invite someone else to represent you.

8. In certain circumstances, for example where a number of requests for places in a school are refused for the same reason, an appeal committee may wish to consider all appeal simultaneously. You can request that other parents withdraw when you submit your case.

9. An appeal committee will not exceed 7 in number, and will normally comprise members of the council and representatives nominated by school boards. The committee will be clerked by a city council officer and with the consent of the chairman of the appeal committee there may be one or two other present as observers. The public are not admitted, the hearing are held in private.

10. The chairman will explain how the hearing will be conducted.
Normally:

- i. an officer will explain why your request was refused and evidence may be heard in support of this;
- ii. you, or the person you have indicated will speak on your behalf, may ask questions on the evidence;
- iii. you, or the person speaking on your behalf, may explain why you think the placing request made should be granted. You may produce evidence in support of your statement. (You may wish for your written statement lodged in advance to be used);
- iv. the officer representing the department of education may then question you and your witnesses;
- v. the officer will then sum up on behalf of the council;
- vi. you or your representative may sum up on your behalf

If any paper is submitted please try to ensure that there are sufficient copies for all present. If any new evidence is brought forward, either party may seek an adjournment.

11. The decision of the appeal committee will be given in writing to you within 14 days of the end of the hearing. The reasons for their decision will also be supplied. In the event of your appeal being refused you have the right to appeal against the decision of the committee to the Sheriff.

12. If a hearing is not held within 2 months of receiving your letter of appeal, or a decision is not intimated to you within 14 days of the end of the hearing, or if a hearing is not continued within 14 days of adjournment, you are entitled to deem the application refused and in this case appeal to the Sheriff is also open to you.

It must be appreciated that this broadsheet provides general guidance about appeals procedures. Specific information on appeal committees and their operations will be found in:

Education (Scotland) Act 1981 (HMSO)

Education (School and Placing Information) (Scotland) Regulations 1982 (as amended 1990/1993) (S125 1982 No950)

Education (Appeal Committee Procedures) (Scotland) Regulations 1981 (S1 1981 No1560)

Education (Placing in Schools etc – Deemed Decisions) (Scotland) Regulations 1982 (S1 185 No1733)

Scottish Education Department Circular 1074/1080 (SED, St Andrew's House, Edinburgh)

Choosing a School – A Guide for Parents (SED, St Andrew's House, Edinburgh)