

◆ EDINBURGH ◆

THE CITY OF EDINBURGH COUNCIL

PLACING IN SCHOOLS APPEAL COMMITTEE INFORMATION SHEET

IMPORTANT INFORMATION – CORONAVIRUS COVID-19

Appeal Committee meetings will continue to be held remotely by video conference.

School placing appeals - what next?

The letter which you have received from the Council sets out the reasons for the decision to turn down a place at the school you wanted your child to go to. As you have submitted an appeal against this decision, an independent appeal committee will look at your case. This information sheet will tell you what you need to do and what to expect at the appeal.

Please remember that you can only appeal once a year.

Arranging the appeal committee meeting

If your case is one of a number of appeals for a particular school, they will all be heard by the appeal committee on the same day.

The Clerk to the appeal committee will tell you the date, time and place for the hearing.

Preparing for the appeal committee meeting

Before the meeting takes place, you should decide how you want to tell the appeal committee members about your reasons for appealing. Think about what you want to say including all relevant information and any questions you would like to ask.

The sort of things you will need to decide are noted below but it is not essential that you do any of these things. Even if you do not give written arguments, or attend the hearing, the committee will consider the information given to them by the Council and then reach a decision on your case.

It is **very important** that you tell the appeal committee members everything that is relevant to your case. The meeting is confidential so please make the most of this opportunity to say everything you need to.

- you can go to the hearing and speak to the appeal committee yourself.
- you can take up to three people with you, and if you do not wish to speak yourself, you can ask one of these people to speak for you.
- if you can't go to the hearing yourself, you can ask somebody else to go in your place and speak for you.
- you can send in your arguments in writing beforehand, even if you also want to go and speak, or ask someone else to speak for you.

If you have already sent written information to the Council with your original placing request, this will be included in the meeting papers. If you have any additional information you would like the committee to consider, please email this to the Clerk to the appeal committee **at least 10 days before the meeting.**

Some examples of written information that could support your appeal are:

- if your case is based on medical or social grounds, you should, where possible, provide written evidence from a doctor, health visitor, social worker or other professional to support this
- you can also submit any other letters, written reports or documents that you think will support your case.

Please send all additional information to the Clerk at the contact details below:

Email: schoolappeals@edinburgh.gov.uk

You will be emailed a full set of meeting papers before the appeal. These will contain:

- a report detailing the Council's case, explaining the reasons for turning down your child's placing request and information about the class organisation and capacity in the school.
- your letter of appeal and any additional written information that you have supplied.

There are a number of legal reasons why the Council may turn down a placing request. The most common of these are listed below:

Granting your child's placement may:

- *"make it necessary for the authority to take an additional teacher into employment"*
- *"assuming that pupil numbers remain constant, make it necessary, at the commencement of a future stage of the child's primary education, for the authority to elect either to create an additional class (or an additional composite class) in the specified school or to take an additional teacher into employment at that school"*
- *"give rise to significant expenditure on extending or otherwise altering the accommodation at or facilities provided in connection with the school"*
- *"have the consequence that the capacity of the school would be exceeded in terms of pupil numbers"*
- *"prevent the education authority from retaining reserved places for incoming catchment pupils"*
- *"be likely to be seriously detrimental to the educational well-being of pupils attending the school"*

The appeal committee

In Edinburgh, there are three people on the independent appeal committee. They are:

- 1 member, who will be the Chair, drawn from a panel of suitably qualified people with experience in education or who know about the education conditions in Edinburgh
- 1 member drawn from a panel of parents of pupils of school age nominated by the Consultative Committee with Parents
- 1 Councillor

None of these people will have had any involvement in the decision to turn down a school place for your child. Also, none of the members of the appeal committee will be a parent or a teacher at the school concerned.

Apart from the people speaking for you, for the Council and the appeal committee members themselves, only a limited number of other people may be at a hearing. For example, the committee clerk will be there and possibly the Head Teacher from the relevant school. Members of the public cannot attend.

What happens at the appeal committee meeting?

When the appeal committee meeting starts, the Chair will say how the committee intends to conduct the proceedings. Normally the order will be:

The Council's case

The person speaking for the Council will say why your request has been turned down. Then you, or the person you have asked to speak for you, can ask questions, as can members of the appeal committee.

You and the person speaking for the Council will then be asked to leave to allow the committee to decide if the Council's reasons for turning down your child's placing request were valid.

If the committee **disagrees** with the Council's reasons for turning down your placing request, your child will be granted a place in your chosen school.

If the committee **agrees** with the Council's reasons to turn down your child's place, you will have the opportunity to present your case.

Note: It is important to note that, even if the Committee has agreed with the Council's reasons to turn down your child's place, they can still grant your appeal due to the individual circumstances you present.

Your case

You, or the person speaking for you, can tell the appeal committee why you think your child should get a place in the school you want.

If you have written down your reasons and sent them to the appeal committee beforehand, you can say, if you want, that you have nothing to add to your written evidence.

Then the person speaking for the Council and the appeal committee members can ask questions.

Making a decision

Both you and the person speaking for the Council will then be asked to leave the meeting and the appeal committee members will discuss all the information about your case and reach a decision.

You will be notified of the appeal committee's decision by email the next working day.

It is important to note the appeal committee only has the power to grant or refuse your appeal. It **cannot**:

- attach conditions to your appeal
- hear complaints or objections on wider aspects of school admission policy for example, it cannot change the catchment area of a school
- change your position on the waiting list

The decision of the appeal committee is final unless it is overturned by a court.

Further Right of Appeal to the Sheriff Clerk

After the appeal committee has heard all the evidence, it can still decide that the Council was right to turn down a place for your child in the school you wanted. If you still feel strongly that the Council should have given your child a place, you can submit a further appeal to the Sheriff Clerk. If you decide to appeal, you must do this within 28 days of receiving the appeal committee's decision in writing to:

The Sheriff Clerk
Sheriff Court House
27 Chambers Street
Edinburgh
EH1 1LB

<https://www.scotcourts.gov.uk/the-courts/court-locations/edinburgh-sheriff-court-and-justice-of-the-peace-court>