

## PLACING REQUESTS

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

#### INFORMATION FOR PARENTS

Where it has not been possible for the education authority to grant a placing request, notice of their refusal will have been sent to you in writing.

This notification will also have provided you with the reason(s) why the authority refused your request.

Under Section 28C(1) of the Education (Scotland) Act 1980 and Schedule 2 paragraph 5 of the Education (Additional Support for Learning) (Scotland) Act 2004 parents whose placing request has been refused are entitled to appeal against this decision to an appeal committee set up by the council. Appeal committee members are drawn from representatives of the Council and from Local School Attendance Councils. This information sheet outlines in general terms how to lodge an appeal and gives you background information on how your appeal would 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 to you their decision in writing within these time limits, the request will be deemed to have been 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 a nursery school, or for an early entry request.

3. Once such an appeal has been made in respect of a child to an appeal committee, no further reference can be made to the appeal committee in respect of that child, within 12 months of the date the first appeal was lodged.
4. A parent who wishes to lodge an appeal should e-mail such a reference to the Clerk to the Educational Services (Appeals) Committee at [Committee.Services@south-ayrshire.gov.uk](mailto:Committee.Services@south-ayrshire.gov.uk)

Your 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 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 be 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 Clerk to the Appeals Committee at least **10 days** before the date of the hearing. Likewise, any written representation which the responsible member of Educational Services 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 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 appeals simultaneously. You can request that other parents withdraw when you submit your case.
9. An Appeal Committee will not exceed 3 in number, and will normally comprise 1 member of the South Ayrshire Council and 2 representatives from Local School Attendance Councils. The Committee will be clerked by a Council Officer and with the consent of the Chairman of the Appeal Committee there may be one or two others present as observers. The public are not admitted; the hearings are held in private.
10. The Chairman will explain how the hearing will be conducted.

Normally,

- (1) An officer will explain why your request was refused and evidence may be heard in support of this.
- (2) You, or the person you have indicated will speak on your behalf, may ask questions on the evidence.
- (3) 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.)
- (4) The officer representing Educational Services may then question you and your witnesses.
- (5) The officer will then sum up on behalf of the council.
- (6) 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 information sheet provides general guidance about appeals procedures.