

ABERDEEN CITY INFORMATION LEAFLET FOR PARENTS

EDUCATION (SCOTLAND) ACT 1980 (AS AMENDED) - APPEAL COMMITTEES PARENTAL CHOICE OF SCHOOL

In light of the Government advice regarding COVID-19, all School Placing and Exclusion Appeal Committee meetings will be held remotely.

As a result of the Education (Miscellaneous Amendments) (Coronavirus) (Scotland) Regulations 2020, the various time limits for the placing appeals process have been amended.

The Education (Scotland) Act 1980, , gives parents certain rights to choose their child's school. Also, as an entirely separate issue, parents have the right to appeal if their child is excluded from a school. In either of these situations, if parents are not satisfied with an education authority's (i.e. the Council's) decision, they may refer their case to the School Placings and Exclusions Appeal Committee.

This Committee acts as an independent tribunal. Accordingly, the refusal of a place at a particular school, or an exclusion, is tested by the Appeal Committee hearing the two sides of the story. The Committee may feel that in all the circumstances the Council was correct to have refused a place, or to have excluded a child, but, on the other hand, the members are free to reverse that decision if their examination of the individual circumstances lead them to that conclusion.

This leaflet gives information regarding Appeal Committees, in question and answer form for ease of reference. If you would like further information, please contact Committee Services, Aberdeen City Council, Town House, Aberdeen, AB10 1AQ. Email educationappeals@aberdeencity.gov.uk

PLACING APPEALS (ie appeals against the decision of the education authority not to offer a place at the parents' choice of school)

WHAT POWERS DOES AN APPEAL COMMITTEE HAVE?

An Appeal Committee will first of all have to be satisfied that one or more statutory grounds exist for refusing to offer a place at the school in question. The onus is on the education authority to provide enough evidence to satisfy the Committee of this. If the Committee is not satisfied that a statutory ground exists then your appeal will be upheld.

If the Committee is satisfied, , that a statutory ground of refusal exists the Committee must go on to decide whether it is appropriate *in all the circumstances* to uphold the authority's original decision. In other words, the Committee will not reach a conclusion to confirm the original decision until it has heard about the individual circumstances of the case in hand.

If the Appeal Committee is satisfied that the original decision was based on the statutory grounds for refusal, and also that it is appropriate in all the circumstances to stay with that decision, the members will refuse your request.

However, on the other hand, if the Committee is not satisfied on either count, it will tell the Council to let your child into the school of your choice. The Council will then be obliged to admit your child to that school.

For information on the grounds of refusal of the education authority please see Appendix A below.

The Appeal Committee cannot:-

- Attach any conditions if it allows your appeal;
- Hear complaints or objections on wider aspects of local admission policies and practice e.g. it cannot change the catchment area of a school; or
- Order the education authority to change your position on the waiting list for the school.

The Committee's decision is binding on the education authority unless it is overturned by a Court.

WHO HAS THE RIGHT TO MAKE AN APPEAL?

A parent who has made a placing request application which has been refused by the Education Authority has a right of appeal.

Parent(s) have the right of appeal in all cases where their child is still under school leaving age (16 years old). They may also have the right of appeal in cases where their child is over that age (i.e. a young person), but the young person does not have the necessary understanding to appeal on their own. A person is of school age if he/she has attained the age of five years and has not attained the age of sixteen years with reference to their school leaving date. (see Section 31 of the Education Scotland Act 1980).

Generally, once pupils are over school leaving age, they will have the right to make a placing request and to appeal, their parent(s) will not.

There is no appeal against refusal of a place in a nursery school (unless a child has additional support needs) ; and there can be no further appeal if a previous appeal against refusal of a request for placement in a school of your choice (concerning the child in question) has been lodged in the preceding 12 months. Parents cannot appeal separately in this timescale.

HOW SHOULD MY APPEAL BE SUBMITTED?

Your appeal should be submitted online using the online appeals system, or by letter/email to the following address:-

Committee Services
Aberdeen City Council
Town House
Aberdeen
AB10 1AQ

Email:- educationappeals@aberdeencity.gov.uk

A placing request appeal must be lodged within twenty eight days of receipt of the education authority's decision. The Appeal Committee have power, on good cause being shown, to hear appeals which have not been made timeously.

WHAT HAPPENS AFTER I HAVE SUBMITTED AN APPEAL?

You will get an acknowledgement of your appeal within twenty eight days of receipt of

your appeal. At this time the clerk to the Committee will also give notification of the appeal to the education authority. The hearing will be held by the Committee as soon as reasonably practicable within a period of three months of receipt of your appeal. Notification of the date of the hearing will be given to you and the education authority as soon as reasonably practicable.

Please note that in the event of the committee being unable to convene in that period due to circumstances outwith their control, they will meet as soon as reasonably practicable after the three month period has expired.

As stated above all hearings will be done remotely and the clerk will call you to join the meeting by phone. Please note that this is via an 020 number. If you do not answer on the third attempt, the hearing will proceed in your absence on the basis of the written submission provided.

The new regulations also allow appeals to be decided on the basis of written submissions by both parents and the Council rather than by way of a hearing if all parties agree so please advise the clerk if you wish to make a request for your appeal to be decided on the basis of written submissions only.

CAN I WITHDRAW MY APPEAL?

Yes. You can withdraw your appeal before (and during) the appeal hearing by advising the Clerk to the Committee.

WHO ARE THE MEMBERS OF AN APPEAL COMMITTEE?

An Appeal Committee will have 3 or 5 or 7 members drawn from a pool of candidates held by the Council. These members will be a mixture of external lay persons, probably with some civic experience relating to education (e.g. former member of a Parent Council), parents of children currently of school age (traditionally drawn from Parent Councils), along with some Councillors (elected members of the local authority). Obviously, no one who is involved in the original consideration of your placing request can be a member. Also, neither a teacher or parent of a pupil at the school of your choice, nor a teacher or parent of a pupil at the school the Council is suggesting your child should attend, can be involved.

Whilst there is no requirement to have an elected member on every Committee, there is a requirement that where elected members are on the panel, they must not form a majority. In addition, an elected member cannot Chair the Committee.

Finally, members of the Committee will not have connections with the schools concerned, and this rule is also applied to any officials involved in the hearing.

WHERE AND WHEN WILL APPEAL COMMITTEE MEETINGS BE HELD?

Meetings - are normally held during office hours at the Town House, Broad Street. However, as stated above, all meetings are being held remotely at present due to COVID-19. If you wish to participate in the hearing, you should update the online system. This will then give you information about remote meetings. The clerk will call you before your allocated slot and if you do not answer by the third attempt the hearing will proceed and will be based on your written submission. The call will be at no cost to you.

SHOULD I ATTEND THE APPEAL HEARING?

Yes, if at all possible. You are the best person to tell the Committee why you want your child to go to the school, as you know your situation and will be able to provide information to help the Committee make an informed decision.

If you cannot make the remote hearing, you can of course let your case rest on your original written representations alone. Either way, there is an important point about submitting any extra written representations. These must be submitted at least ten days before the date fixed for the hearing, unless you have been advised otherwise. In particular, were you to submit significant material late in the day, less than ten days before the hearing, the education authority could quite conceivably object on the basis that it did not have time to react to your representations, and this could result in the hearing being deferred, which is probably the last thing which either side would really wish. Accordingly, anything submitted less than ten days before the hearing should be judged from the point of view of whether the other side can react to its content in good time, and the practice is altogether to be discouraged.

WILL I HAVE ANY INFORMATION ABOUT THE EDUCATION AUTHORITY'S CASE BEFORE THE APPEAL HEARING?

You will be sent a copy of the education authority's submission at least ten days before the appeal hearing directly by the education authority. You will also receive a copy of the agenda, which will include your submission as well as the submission by the education authority, to be considered by the committee.

WHAT FORM WILL AN APPEAL COMMITTEE MEETING TAKE?

The meeting will be of a formal nature and will follow the procedure as follows:

- Welcome and introductions
- Explanation of procedure and how decisions will be made
- Case for the education authority;
- Questioning by the appellant;
- Questioning by the appeal committee;
- Case for the appellant;
- Questioning by the education authority;
- Questioning by the appeal committee;
- Summing up by the education authority;
- Summing up by the appellant.

Note: no new material can be introduced by either party when summing up.

To explain the above, initially the education authority explains its original decision, which means that the Appeal Committee will hear the system according to which your original placing request was refused. Most importantly, the Education Authority will also explain the rationale for the statutory grounds of refusal relied upon by the Education Authority in refusing the request.. The onus is on the Education Authority to provide enough evidence to satisfy the Committee 1. that a statutory ground exists and 2. that it is appropriate (in all the circumstances) to refuse your appeal. The Appeal Committee is considering whether there is a ground for refusal on the day of the hearing, not whether there was a ground at the time the original decision was made. There are several possible grounds for refusal and the grounds on which your child has been refused will be detailed in the letter of refusal. You should consider the grounds thoroughly prior to

your appeal being heard.

The evidence of the education authority is usually led by a Quality Improvement Officer. Once the education authority's position has been outlined, the Chairperson will ask you if you would like to ask any questions about what you have heard so far. This is not your opportunity to state your case in full but simply to clarify anything you wish to ask about vis-à-vis the system as it has been explained.

Then, however, you will have your opportunity to say why you think your placing request should indeed be granted. You may wish to write down what you want to say so you don't leave out anything important to you. This may include the reasons why you have chosen this particular school and any particular concerns or anxieties you may have if your child is unable to attend that school.

Proceedings would then move onto any questions from the education authority about what you have said. Then the authority sums up, after which you would be able to sum up. At this stage, it is common for parents to feel they have already said all that they need to say, but it is perhaps desirable to focus one more time on what you take to be the central thrust of your argument. Members of the Committee may also ask questions at any time, both of you or of the education authority.

WHO WILL BE AT THE APPEAL HEARING?

- You, if you choose to attend remotely.
- If attending with you, your spouse/partner, friend, supporter, representative or legal adviser. You may be accompanied by up to three persons.
- The Appeal Committee (most likely three members).
- The Clerk to the Appeal Committee.
- An officer representing the Education Authority.

At some meetings of the Committee there is also an observer. This could be a member of the Administrative Justice Tribunals Council (AJTC) who has a legal right to be present, as the ATJC is the body that supervises the Committee. A new Committee member or employee of the Council may also be observing for training purposes.

WILL THE APPEAL BE HEARD IN PRIVATE?

As well as the people already mentioned, if there is more than one person appealing against a refusal for the same stage of education and the same school, and which have been refused for substantially the same reasons as your own, a combined hearing may be scheduled.

In these circumstances, the Committee will ask all appellants (up to 4 in any session), and the Education Authority representatives to enter the room together at the beginning of the meeting. At this stage the Chair will advise all appellants and the Education Authority of the procedure to be adopted at the hearing. Thereafter each appeal will be heard individually in accordance with the procedure detailed above and you will address the Appeal Committee in confidence.

HOW CAN I PREPARE FOR THE APPEAL HEARING?

You are responsible for presenting your case, for deciding what you would like to say at the appeal hearing and what written information you want the Appeal Committee to have.

Before the appeal hearing it is suggested that you:

- Familiarise yourself with procedures
- Make a note of any questions you may have about the appeal
- Consider the statutory grounds of refusal relied upon by the Education Authority and seek any information required to present your case from the Education Authority e.g. the number of reserved places held in the last three years by the school etc to enable you to respond to the grounds cited
- Make sure you have read the Education Authority's submission
- Make a note of any questions you would like to ask the Education Authority about the case;
- Spend some time deciding what you would like to say when the Committee invites you to explain your reasons for wanting your child to attend your preferred school – it might be helpful to make a note of the main points; and
- Make sure you have all the paperwork to support your appeal such as a doctor's letter, confirmation of completion of your house purchase, or any other documentation if you have not already sent it in.

HOW CAN MY CASE BE PRESENTED AT A HEARING?

You can present your case either on your own or with help from a friend or colleague whom you may believe would be good at dealing with a formal situation. You can also have formal legal representation or an advocate present your case for you.

You may wish to have people with you who will not be helping you present your case but who are simply there for moral support, or who may not intend to speak but who may have background information which you believe you may have to refer to during the proceedings, the number of such persons should not exceed three.

You can of course let your case rest on your original written representations alone, and therefore not attend the remote hearing at all, however your attendance remotely is encouraged. The education authority would still attend. Either way, there is an important point about submitting any extra written representations. These must be submitted to the Clerk at least ten days before the date fixed for the hearing, unless you have been advised otherwise. In particular, were you to submit significant material late in the day, less than ten days before the hearing, the education authority could quite conceivably object that it did not have time to react to your representations, and this could result in the hearing being deferred, which is probably the last thing which either side would really wish. Accordingly, anything submitted less than ten days before the hearing should be judged from the point of view of whether the other side can react to its content in good time, and the practice is altogether to be discouraged.

Please make sure that if you are submitting written representations to support your case, that you make those supporting you aware that their submissions will be treated confidentially, but their representations will be shared with all Committee members, in addition to the education and legal officers and the Clerk who are involved in your case.

As a result of COVID-19, you can also request that your appeal be decided wholly on the basis of written submissions from both you and the education authority as explained

above in which case the Committee would decide the case remotely without hearing in person from either party.

WHAT CAN I SAY AT THE APPEAL HEARING?

It is very important that you tell the Committee everything that is relevant to your case. The appeal is confidential so please feel free to say whatever you need to, however it should be relevant to your appeal.

Do not think “Oh, that’s not really important” – make the most of your opportunity to talk to the Committee. The Clerk and members of the Committee want to be certain that you do not leave your appeal thinking that things have been left unsaid.

The members of the Committee have to make their decision on the information they have been given; they cannot guess, presume or assume. So it is important that you tell them what is relevant and important about your case.

WHEN CAN I PROVIDE MY SUPPORTING EVIDENCE?

You may submit additional information at any stage prior to the papers for the meeting being issued; this will be ten days before the hearing. However, please note:

- If you have already forwarded your supporting evidence to the Clerk it will be included in the papers sent out before the appeal hearing.
- If you have not already sent it in, please either submit it via the online system or send it as soon as possible to the Clerk to School Placing and Exclusion Committee, Aberdeen City Council, Town House, Aberdeen, AB10 1AQ Email:- educationappeals@aberdeencity.gov.uk
- Should you bring additional papers with you on the day, it shall be for the Chair at that stage to make a decision as to whether the additional papers can be taken into consideration.

Please note: if you do not attend the remote hearing your appeal will be decided only on the information available at the appeal hearing. Therefore, it is important that you ensure that the Appeal Committee has all the letters and documents you wish it to consider.

CAN THE APPEAL COMMITTEE TAKE DECISIONS IN APPEALS INVOLVING CO-ORDINATED SUPPORT PLANS?

Placings appeals where a CSP is involved are heard by the Health and Education Chamber of the First-tier Tribunal (Additional Supports Needs) and the education officer dealing with your placing request will have given you guidance on this. If the Tribunal decides that your child does not need a CSP, it may refer the appeal to the Appeal Committee.

If the Appeal Committee has an appeal before it and it has yet to make a decision, and it is told that an appeal has been made to the Tribunal about the refusal of a CSP, the Appeal Committee must send the placing appeal to the Tribunal for it to consider.

WHO PAYS IF THE APPEAL COMMITTEE SUPPORTS MY APPEAL TO PLACE MY CHILD IN AN INDEPENDENT SCHOOL?

When the Appeal Committee agrees that a child with additional support needs should be placed in a school which isn't a Council school, the Education Authority must meet the fees and the other costs of the placement.

BURDEN OF PROOF

The burden of proof in all hearings rests with the authority. The onus is on the authority to ensure that they have applied the correct legal test for placing request refusals and exclusions.

WHEN WILL I BE TOLD THE DECISION OF THE APPEAL COMMITTEE?

You will be advised by the Chair at the beginning of the hearing when you will be notified of the decision. You will be given a telephone number which you can call either that day or the following days to find out the decision. You will be given the result of your appeal when you telephone, and this will then be issued in writing as soon as possible, but within 28 days of the date of the appeal.

IS THE APPEAL COMMITTEE'S DECISION FINAL?

If the Appeal Committee has upheld the education authority's original decision, and rejected your appeal, you will be told (in the letter advising you of that decision) about your right to appeal to the Sheriff within 28 days of receipt of that letter.

WHO IS THE CLERK TO THE COMMITTEE?

Each appeal committee has the services of a clerk. The clerk will normally be an appropriate officer of the local authority and will be responsible for arranging the hearings, circulating papers and liaising with the parties to the appeal. He/she is an employee who, in the course of his/her employment by the local authority, does not deal regularly with the admission of children to school, the exclusion of children or with children who have special educational needs. The clerk is also responsible for the production of a record of the hearing. If the committee withdraws or invites the parties to do so when they wish to consider their decision, the clerk remains with the committee but only for the purpose of offering advice on procedure and the application of the relevant legislation.

The clerk may also be called on to give advice on procedure to the appeal committee during the course of the hearing.

HOW WE USE YOUR DATA

Aberdeen City Council will use the personal information you provide as part of submitting an appeal to the School Placings and Exclusions Appeal Committee for the purposes of processing your appeal, and not for any other purpose. This activity is one of the Council's statutory duties under the Education (Scotland) Act 1980 (Section 28(D)).

In processing your appeal, the Council will share the information you have provided with (1) the Education Authority; (2) the members of the Committee determining your appeal; and (3) Legal Services in order to provide advice to the Committee, and to the

Education Authority. This is part of the process the Council has to follow when carrying out School Placing and Exclusion Appeals, which is set out in the Education (Appeal Committee Procedures) (Scotland) Regulations 1982. These regulations also provide the Education Authority the opportunity to submit documentation in relation to your appeal for consideration by the Committee. If this is the case, this information will be shared with you and with the Committee Members deciding your appeal.

Your data will be stored on secure servers within the EEA by our suppliers Firmstep Ltd and on servers maintained by Aberdeen City Council in our local data centre with BrightSolid. In preparing the agenda for a hearing the information provided to us is uploaded to an electronic committee management system. Your details will be deleted in accordance with destruction procedure and timescales referred to below.

The Council doesn't share the information you've provided with any other third parties, unless we're authorised or required to do so by law.

HOW LONG WE'LL KEEP YOUR INFORMATION FOR

Following conclusion of your appeal, whether by withdrawal or determination of the appeal, all documentation, including any notes of the proceedings, the attendance, the voting, the decisions and the reasons for the decisions, in relation to any appeal will be securely destroyed after three months of the Committee's decision being notified to all parties. The Council will keep a formal anonymised record of the hearing which details the decision that was made.

YOUR RIGHTS

You've got legal rights about the way the Council handles and uses your data, which include the right to ask for a copy of it, and to ask us to stop doing something with your data. Please contact the Council's Data Protection Officer by email DataProtectionOfficer@aberdeencity.gov.uk or in writing at: Legal Services, Business Hub 6, Level 1 South, Marischal College, Aberdeen, AB10 1AB.

More information about all of the rights you have is available on our website at: <https://www.aberdeencity.gov.uk/your-data>.

You also have the right to make a complaint to the Information Commissioner's Office, (www.ico.org.uk). They are the body responsible for making sure organisations like the Council handle your data lawfully.

OUR LEGAL BASIS

Wherever the Council processes personal data, we need to make sure we have a legal basis for doing so in data protection law. The Council understands our legal bases for processing personal data in relation to School Placings and Exclusions Appeal Committee as 6(1)(c) and 6(1)(e) of the General Data Protection Regulation. This is because this activity is part of our public task, and something we have to do by law, as set out in the Education (Scotland) Act 1980 (Section 28(D)), and the Education (Appeal Committee Procedures) (Scotland) Regulations 1982.

APPENDIX

The Council does not have to admit your child to the school of your choice:-

- If to do so they would have to employ an additional teacher or spend a lot of money, for example, where the Council would have to provide an additional classroom;
- If the capacity on pupil numbers at the school would be exceeded, even if the reason given above does not apply;
- If a child's education would suffer from another change of school;
- If the Council thinks that placing your child in the school might have a serious effect on order and discipline in the school;
- If the Council thinks that placing your child in the school might have a serious effect on the education of other children attending the school;
(NOTE - This may be the reason that is used to refuse your placing request if the Council considers that the class in which you wish your child placed is already full);
- If the education in the school you want would not be suitable to the age, ability or aptitude of your child. This might apply if a parent wants his or her child to be admitted to a stage of education for which the child is not yet ready, or to a school which cannot meet the child's needs;
- If the school the parent wants has been provided specially for children with disabilities or for children with other additional support needs, and the Council thinks the child does not need the special equipment or specially trained staff which has been provided in that school;
- If a child has been excluded and removed from the roll of a school the Council is not bound to re-admit a child.
- If the parent wants a girl to go to a boys' school, or a boy to go to a girls' school;
- If granting a place would prevent the Council from retaining reserved spaces at the school which were reserved for children moving into the school's catchment area;
- If the Council thinks that it would have to create an extra class or composite class, or employ an additional teacher, at a future stage in a primary school, assuming that pupil numbers at the school did not change.

The circumstances in which the Council can refuse placing requests for children with additional support needs include the reasons set out above and the following ones:-

- If you wish to place your child in an independent school and the Council thinks it can make the provision required itself, which may not necessarily be in one of the Council's own schools; the Council may also think that it is not reasonable to place your child in an independent school in view of the suitability of that school

and the costs involved compared to the Council school at which your child would be placed;

- If the school at which you wish to place your child is a special school and this would breach the duty on the Council to provide mainstream education. This would not apply where the mainstream school is not suited to the ability or aptitude of your child, where placing your child in a mainstream school would not be compatible with the efficient education of the other children there, or where it would be unreasonably expensive.

THIS SECTION OF THE LAW IS IMPORTANT. You may wish to know the exact words used to describe the circumstances in which the Council may refuse your request. These are set out in section 28A (3) and (3A) of the Education (Scotland) Act 1980

"(a) If placing the child in the specified school would -

- (i) make it necessary for the authority to take an additional teacher into employment;
 - (ii) give rise to significant expenditure on extending or otherwise altering the accommodation at, or facilities provided in connection with, the school;
 - (iii) be seriously detrimental to the continuity of the child's education;
 - (iv) be likely to be seriously detrimental to order and discipline in the school; or
 - (v) be likely to be seriously detrimental to the educational well-being of the pupils attending the school;
 - (vi) assuming 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;
 - (vii) though neither of the tests set out in sub-paragraphs (i) and (ii) above is satisfied, have the consequence that the capacity of the school would be exceeded in terms of pupil numbers;
- (b) if the education normally provided at the specified school is not suited to the age, ability or aptitude of the child;
- (c) if the education authority has already required the child to discontinue his attendance at the specified school;
- (d) if, where the specified school is a special school, the child does not have special educational needs requiring the education or special facilities normally provided at that school; or

- (e) if the specified school is a single sex school (within the meaning given to that expression by section 26 of the Sex Discrimination Act 1975) and the child is not of the sex admitted or taken (under that section) to be admitted to the school."

But section 28A(3) goes on to say that -

"an education authority may place a child in the specified school notwithstanding paragraphs (a) to (e) above."

Section 28A(3A) to the 1980 Act says

The duty imposed by the sub-section (1) above does not apply where the acceptance of the placing request in respect of a child who is resident outwith the catchment area of the specified school would prevent the education authority from retaining reserved spaces at the specified school or in relation to any particular stage of education at the school, but nothing in this sub-section shall prevent an education authority from placing a child in the specified school".

Schedule 2 of the Education (Additional Support for Learning) (Scotland) Act 2004, contains grounds of refusal in respect of placing requests by parents of children with additional support needs in identical language to the grounds set out above but provides two additional grounds of refusal. The duty to place a child in the specified school does not apply:

- “(f) If all of the following conditions apply, namely-
 - (i) the specified school is not a public school,
 - (ii) the authority are able to make provision for the additional support needs of the child in a school (whether or not a school under their management) other than the specified school,
 - (iii) it is not reasonable, having regard both to the respective suitability and to the respective cost (including necessary incidental expenses) of the provision for the additional support needs of the child in the specified school and in the school referred to in paragraph (ii), to place the child in the specified school, and
 - (iv) the authority have offered to place the child in the school referred to in paragraph (ii), or
- (g) If, where the specified school is a special school, placing the child in the school would breach the requirement in section 15(1) of the 2000 Act".

Education Appeals - Further Advice and Information

Useful publications

The following publications and websites may be of interest:

- COSLA Revised code of practice for the constitution and procedures of education appeal committees in Scotland – published July 2001.
- A-Z of Scots Education Law *A Guide for Parents 3rd Edition* ISBN 978-011-497346-9
- Scottish Executive circular 1/2001 Placing Requests for School age Children - <http://www.scotland.gov.uk/Publications>
- Scottish Committee of the Council on Tribunals Special Report on Education Appeal Committees in Scotland – www.ajtc.gov.uk
- Scottish Government circular 8/2003 Exclusion from Schools in Scotland: guidance to Education Authorities - <http://www.scotland.gov.uk/publications>
- Scottish Government: A guide for parent on Choosing a School and the placing request system, November 2010 – <http://www.scotland.gov.uk>
- Principles for Administrative Justice- www.ajtc.gov.uk

Useful Organisations and Contacts

Additional Support Needs Tribunals for Scotland

5th Floor Highlander House, 58 Waterloo Street, Glasgow, G2 7DA

Tel 0845 120 2906 website www.asntscotland.gov.uk

Citizens Advice Scotland

Spectrum House, 2 Powderhall Road, Edinburgh, EH7 4GB

Tel 0131 550 1000 website www.cas.org.uk

European Court of Human Rights

Council of Europe, F-67075 Strasbourg Cedex, France

Tel +33 (0)3 88 41 20 10 website www.echr.coe.int

Independent Special Education Advice (Scotland)

164 High Street, Dalkeith, Midlothian, EH22 1AY

Tel 0131 454 0144 website www.isea.org.uk

Law Society of Scotland

26 Drumsheugh Gardens, Edinburgh, EH3 7YR

Tel 0131 226 7411 website www.lawscot.org.uk

Scottish Committee of the Administrative Justice and Tribunals Council

George House, 126 George Street, Edinburgh, EH2 4HH

Tel 0131 271 4300 website www.ajtc.gov.uk

Scottish Government Learning Directorate

Victoria Quay, Edinburgh, EH6 6QQ

Tel 0131 556 8400 website www.scotland.gov.uk

Enable

1 Wester Shawfair, Danderhall, Midlothian, EH22 1FD

Tel 0300 0200 101 website www.enable.org.uk

Relevant Legislation

The legislation listed can be viewed at <http://www.legislation.gov.uk>

- Education (Scotland) Act 1980
- Education (Appeal Committee Procedures) (Scotland) Regulations 1982
- Education (Placing in Schools) (Scotland) Regulations 1982
- Education (Lower Primary Class Sizes) (Scotland) Amendment Regulations 2010
- Human Rights Act 1998
- Schools General (Scotland) Regulations 1975
- Standards in Scotland's Schools Act 2000
- The Additional Support for Learning (Placing Requests and Deemed Decisions) (Scotland) Regulations 2005
- The Education (Additional Support for Learning (Scotland) Act 2005
- The Education (Additional Support for Learning) (Scotland) Act 2009
- Tribunals Courts and Enforcement Act 2007