



# appeal hearings a guide for parents/guardians



## contents

	Page
Introduction	4
Combined Hearing	4
Before the Hearing	5
Appellants Rights	6
Order of Hearing	6
At the Hearing	7
After the Hearing	7
Guidelines on Conduct of Hearing	8
Our Service Standards for Appeal Hearings	10
Contact Details	10

## Introduction

This booklet has been prepared to assist parents/guardians prepare for Appeal Hearings (Early Entry Placing Requests, Placing Requests and Exclusions).

We aim to outline the stages in the process - before during and after the Hearing and to ensure you know your rights.

An Appeal Committee must afford the Appellant an opportunity of appearing and making oral representation and, in all cases, a time and place of the Hearing must be arranged.

The notification to be given to an Appellant must include a statement as to his or her rights.

## Combined Hearing

Where an appeal committee consider, in the case of an appeal made to them, that it would be appropriate for the hearing to be combined with a hearing of one or more other appeals, they must tell all appellants and the education authority concerned that the hearings will be combined. (In practice, this would be done by the clerk.) An appeal committee should not, however, combine two or more hearings unless:

(i) they relate to placing requests which relate to the same stage of education and the same school and, in the opinion of the appeal committee, have been refused for substantially the same reasons:

*or*

(ii) they relate to exclusion of pupils from the same school made at the same time and, in the opinion of the appeal committee, for substantially the same reasons.

At a combined hearing, the case for the authority will be given in the presence of all appellants, the chairman of the appeal committee will then ask each appellant whether he/she wishes to address the committee in the absence of the other appellants and, if he/she so requests, the committee shall require the other appellants and those accompanying or representing them to withdraw from the hearing till requested to return by the committee.

Any combined hearing should normally be held within the period of twenty-eight days immediately after the receipt by the committee of the appeal last received or, in the event that the committee are unable to convene for reasons outwith their control, as soon as practicable after the expiry of twenty-eight days.

## **Before The Hearing**

### **Not less than ten days prior to the date of the Hearing;**

- Learning and Leisure Services must send to the Appeal Committee and to the Appellant a copy of the decision to which the reference relates, together with such information as they consider relevant to that decision.
- Appellant must send to the Appeal Committee and Learning and Leisure Services any written representations the Appellant wishes to make in support of the reference.

In each case, the period of ten days includes the date on which the information was sent.

If the Appeal Committee are asked by a party to adjourn a Hearing on the grounds that he/she has not been sent significant information by the ten days time limit, the Appeal Committee will do so.

A document may be submitted as supporting evidence at a Hearing at the discretion of the Chairperson of the Committee who may instruct that the document can be inspected by any party to the Hearing and that facilities be given to take copies of such a document.

## Appellants Rights

### The Appellant has the right to

- be sent by Learning and Leisure Services a copy of the decision and all other relevant documents ten days prior to the Hearing.
- appear or be represented at the Hearing.
- be accompanied at the Hearing by up to three friends, including the person (if any) representing the Appellant.
- call witnesses on behalf of the Appellant and question witnesses called by Learning and Leisure Services.
- lodge written representations. These must be lodged, and a copy sent to Learning and Leisure Services, not less than ten days before the Hearing.
- allow presentation of the Appellant's case to rest on written representations lodged by or on behalf of the Appellant.

## Order Of Hearing

The following order of Hearing should be adhered to unless, on cause shown, the Committee determine otherwise.

- Case for the Authority
- Questioning by the Appellant
- Questioning by appeal committee
- Case for the Appellant
- Questioning by the Authority
- Questioning by appeal committee
- Summing up by the Authority
- Summing up by the Appellant

## At The Hearing

- The Committee which will consider your appeal will not exceed 7 in number - the minimum number of 3 is more common.
- The Committee is made up of North Lanarkshire Councillors and parent representatives nominated by School Boards. No member of the Committee will have been involved in considering your original request.
- With the consent of the Chairperson, there may be one or two other people present as observers or for training purposes. The Hearings are held in private and members of the public are not admitted.
- The Chairperson will introduce all those present and explain the part that each plays. He/she will adopt an informal approach to lessen any apprehension you may have and to try to put you at ease.

## After The Hearing

- The decision of the Appeal Committee will be given to you in writing within 14 days.
- If your appeal has been refused, you must be advised in the letter of the reasons for this decision.
- You must also be advised of your right to make an appeal to the Sheriff.
- If you decide to make an appeal to the Sheriff you should do so in writing to the Sheriff Clerk within 28 days of receipt of the letter advising you of the Appeal Committee's decision.
- If you decide to proceed with an appeal to the Sheriff, it is the view of the Council that it would be in your best interests to seek the advice of a Solicitor.
- Appellants should be aware that in relation to Placing Requests no further appeal in respect of the child is permitted within 12 months of the date that the original appeal was lodged.

## Guidelines on Conduct of Hearing

- The Chairperson will ask the Committee Members to introduce themselves.

Entitled to be present are the -

- Executive Director of Learning and Leisure Services or any person representing him
- Appellant, accompanied by up to three friends, which number shall include the person (if any) appointed by the Appellant to represent him/her
- The Appellant and his/her representative, if applicable, will be introduced
- The representative of Learning and Leisure Services will be introduced
- The Chairperson will ask the representative of Learning and Leisure Services to present the Authority's case in the form of a statement. The Learning and Leisure Services representative may call one or more witnesses to speak to any material fact which, on the basis of the written material before the Appeal Committee, appears to be in dispute.
- The Appellant or his/her representative and any Member of the Appeal Committee may ask questions of the representative of Learning and Leisure Services and of any witness(es). Such questions should be only to obtain information or clarify facts.
- Thereafter, the Appellant or his/her representative will be invited to present the Appellant's case in the form of a statement. The Appellant or his/her representative may call one or more witnesses to speak to any material fact which, on the basis of the written submissions made, appears to be in dispute.
- The representative of Learning and Leisure Services and any Member of the Appeal Committee may ask questions of the Appellant or his/her representative and of any witness(es). Such questions should be only to obtain information or clarify facts.

- Where the Chairperson considers that information to be elicited from any witness(es) is not relevant to the proceedings or, relates solely to matters which do not constitute material facts, or any questioning or any address either does not relate to a material fact or would lead to undue repetition or elaboration, he/she may order that such a witness be not heard or disallow such questioning or address.
- After the conclusion of evidence and the questioning, the representative of Learning and Leisure Services, followed by, as the case may be, the Appellant or his/her representative will be given the opportunity to summarise the case.
- At the conclusion of the Hearing, the Appellant and his/her representative and the representative of Learning and Leisure Services will leave the meeting. The Appeal Committee will then proceed to reach its decision.
- The Clerk to the Appeal Committee will notify both parties in writing of the Appeal Committee's decision within 14 days.

## Our Service Standards for Appeals Hearings

- We will acknowledge receipt of the Appeal in writing within 5 working days.
- We will hold a Combined Appeal Hearing within 28 days of receipt of the last reference received.
- We will let you know the decision of the Appeal Hearing within 14 days.

## Contact Details

Administrative Officer, Admin Services, Civic Centre, Motherwell, ML1 1AB  
01698 302722 or 01698 302247

Information on North Lanarkshire Council services is published on our website [www.northlanarkshire.gov.uk](http://www.northlanarkshire.gov.uk)

This information can be made available in a range of languages and formats, including large print, braille, audio, electronic and accessible formats.

如果你需要用其他语言或者其他格式表示这些信息，请与我们联系以便讨论你的要求。

Jeżeli potrzebujesz tą informację w innym języku lub formacie, proszę, skontaktuj się z nami, żeby przedyskutować Twoją potrzebę.

اگر آپ کو دوسری زبان میں یہ معلومات درکار ہو تو برائے مہربانی ہم سے مندرجہ ذیل پتہ پر رابطہ کریں

North Lanarkshire Council  
Corporate Communications  
Chief Executive's Office  
Civic Centre  
Windmillhill Street  
Motherwell ML1 1AB