

STIRLING COUNCIL

MINUTES of the **PARENTAL APPEALS PANEL** held in the **BRUCE ROOM, OLD VIEWFORTH, STIRLING** on **MONDAY 29 AUGUST 2011** at **10.00 AM**.

Present:

Mrs Alison MACLEOD (in the Chair)

Mrs Anita SMILEY

Councillor David GOSS

In Attendance:

Mrs Annabell Fowles, Administrative Justice & Tribunals Council Scottish Committee
(Observer)

Peter Farquhar, Principal Solicitor, Governance (Legal Adviser)

Jean Houston, Committee Officer, Governance (Clerk)

The Panel resolved, that under Section 50A(4) of the Local Government (Scotland) Act 1973, the public be excluded from the meeting for the following item of business on the grounds that it involved the likely disclosure of exempt information, as defined in paragraph 3 of Part 1 of Schedule 7A of the Local Government (Scotland) Act 1973.

PA31 APPEAL AGAINST REFUSAL OF PLACING REQUEST

The Panel had been asked to consider an appeal against refusal of a placing request for Stirling High School.

Members of the Panel had before them

- (a) Statement of Rights/Procedures;
- (b) Parental Submission;
- (c) Education Submission.

The Chair introduced the Members of the Panel and the parties to each other. The procedures to be followed were also outlined.

Colin McMenemy, Planning and Resources Officer, represented the Education Authority and was accompanied by Ron Cowie, Quality Development Officer, Education and Dr Jane Lerner, Solicitor, Governance. The Appellant was present and accompanied by his wife and Councillor Margaret Brisley.

Colin McMenemy, presenting the case for the Education Authority explained that the placing request had been refused on 2 grounds:

- (a) Under the Education (Scotland) Act 1996 the Council had exercised its right to reserve places for catchment pupils within the requested school;
- (b) Taking this into account, the child's year in the school was full and to accept the child would make it necessary to provide an additional teacher

Ron Cowie provided background information in support of the case for the Education Authority.

The Panel, the Appellants and Councillor Brisley were given the opportunity to ask questions of the Authority.

The Appellant and his wife presented their case, outlining the reasons why they thought their child should attend Stirling High School, following which the Panel and the Education Authority were given the opportunity to ask questions.

Both parties were then given the opportunity to summarise their cases. The Appellants were advised that they would be notified of the Panel's decision in writing within 14 days. At this point, both parties were asked to withdraw from the hearing.

The Panel considered in detail the evidence put before them.

Decision

Having carefully considered the evidence submitted by the Authority, the Panel accepted that the grounds for refusal were satisfied. However, in light of the case put forward by the Appellants, the Panel agreed in all the circumstances that there were compelling reasons not to confirm the decision of the Education Authority, thereby requiring the Education Authority to place the Appellants' child at Stirling High School in accordance with the placing request.

The Chair declared the meeting closed at 12.30 pm.