

# STIRLING COUNCIL

**MINUTES** of the **PARENTAL APPEALS PANEL** held in the **DRUMMOND ROOM, OLD VIEWFORTH, STIRLING** on **TUESDAY 29 MAY 2012** at **10.00AM**.

**Present:**

Mr Bill BRODIE (in the Chair)

Mrs Alison MacLEOD

Mrs Anita SMILEY

**In Attendance:**

Peter Farquhar, Principal Solicitor, Governance & Resources (Legal Adviser)  
Jean Houston, Committee Officer, Governance & Resources (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.**

## **PA32 APPEAL AGAINST REFUSAL OF PLACING REQUEST**

The Panel had been asked to consider an appeal against refusal of a placing request for St Mary's Primary School, Bannockburn.

Members of the Panel had before them

- (a) Statement of Rights/Procedures;
- (b) Parental Submission;
- (c) Education Service 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. The appellants were present.

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

- (a) the Authority would have to take an additional teacher into employment;
- (b) placing further children within St Mary's Bannockburn Primary School would be likely to be seriously detrimental to the educational wellbeing of pupils attending the school;

- (b) the Authority would be prevented from retaining the required reserved spaces;
- (c) assuming the pupil numbers remained constant, it would be necessary, at the commencement of a future stage of the child's primary education, for the Authority to elect to create an additional class (or additional composite class) in the school or take an additional teacher into employment at the school.

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

The Appellants were given the opportunity to present their case, outlining the reasons why they thought their child should attend St Mary's Bannockburn Primary School, following which the Panel and the Education Authority were given the opportunity to ask questions.

Both parties were then given the opportunity to sum up 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**

The Panel unanimously agreed:

- a) that the Education Authority had provided a robust analysis, which demonstrated the potential serious implications of not retaining reserved spaces;
- b) to uphold the decision of the Education Authority to refuse the placing request for St Mary's Bannockburn Primary School on the basis that the Grounds for Refusal were made out in all respects and that it was appropriate in all the circumstances to confirm the decision of the Authority.

The Chair declared the meeting closed at 11.50 am

.....