



Falkirk Council *Children's Services*

Falkirk Council Children's Services

Information for Parents – Placing Request Appeal

Information about making an Appeal against a Refusal to place your child in the school of your choice.

You can appeal if your placing request has been refused by Children's Services. You have the right to do this under Section 28c(1) of the Education (Scotland) Act 1980. Here's what you can do -

- Ask for an informal meeting with a Children's Services Officer at any time to get an explanation why your placing request was refused.
- Make your case to an Appeal Committee set up by Falkirk Council.
- Appeal to the Sheriff Court, if you are still not satisfied with the decision of the Appeal Committee.

An appeal to Falkirk Council must be made within 28 days of receipt of the refusal if the request was made before the 30 of April or within two months at any other time of year.

There is no right of appeal for a refusal to place a child in a nursery school.

More than one placing request for any one child can be made within any twelve month period although parents can only appeal once during this time.

You should send your letter of appeal to the Head of Legal Services (Governance), Municipal Buildings, Falkirk, FK1 5RS saying that a placing request has been refused and that you want to appeal.

Your letter should state -

- 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 and reference of the letter of refusal
- a statement saying why you wish to appeal against the decision.

Falkirk Council Legal Services will then set up an Appeal Committee to hear your appeal.

Here's what we will do -

- Acknowledge your appeal within 5 working days.
- Hold the Appeal Committee meeting within 28 days of receipt of your appeal (unless there is mutual agreement to hold it at a later date).
- Copy any written statements or evidence from Children's Services to you at least 10 days before the Appeal Committee.
- Give you approximately 14 days' notice of the date, time and location of the Appeals Committee meeting.

You can -

- Send your letter of appeal and this will be considered by the Committee.
- Submit written statements or evidence to Legal Services at least 10 days before the date of the Appeal Committee.
- Go to the Appeal Committee meeting in person but you don't have to go if you don't want to.
- Ask up to three people to go with you. You can ask one of them to speak on your behalf.
- Nominate someone else to go and represent you if you don't want to go to the Appeal Committee meeting.

What will happen at the Appeal?

The Appeal Committee will consist of an odd number of members - a minimum of 3 and a maximum of 7. The Committee will normally be made up of -

- Councillors
- local people such as teachers and parents
- a clerk who is a Council Officer.

No-one who has considered your case previously can be a member of the Appeal Committee. The public is not allowed in and the Appeal Committee meetings are held in private.

When a number of placing requests for a school are refused for the same reason, the Appeal Committee may wish to consider all appeals together. You can ask that other parents leave the room when you submit your case.

The Chair will describe how the Appeal Committee will proceed. Normally, the order of the meeting will be as follows: -

1. A Children's Services Officer will explain why your request was refused and give appropriate evidence
2. The solicitor for Children's Services will present the case for the Service
3. You, or your representative, can question Children's Services Officers
4. You, or your representative, can present your case. (You can ask for witnesses to attend; however, you can't insist that they attend if they don't wish to do so)
5. The solicitor for Children's Services can question you and your witnesses
6. The solicitor will sum up the case for Children's Services
7. You, or your representative, can sum up your case.

Members of the Appeal Committee can ask questions at appropriate points as decided by the Chair.

If any new evidence is produced at the Appeals Committee either you or Children's Services may ask for an adjournment.

The decision of the Appeal Committee will be sent to you in writing within 14 days of the meeting. You will be told the reasons for the Committee's decision. If your appeal is refused, you can appeal against the Committee's decision to the Sheriff Court.

Further information:

- Education (Scotland) Act 1981 (HMSO)
- Education (School and Placing Information) (Scotland) Regulations 1982 (as amended 1990/1993) (S125 1982 No.950)
- Education (Appeal Committee Procedures) (Scotland) Regulations 1981 (S1 1981 No. 1560)
- Education (Placing in Schools – Deemed Decisions) (Scotland) Regulations 1982 (S1 185 No. 1733)
- Scottish Education Department Circular 1074/1080 (SED, New St Andrew's House, Edinburgh)
- Choosing a School – A Guide for Parents (SED, New St Andrew's House, Edinburgh)