

If the Committee disagrees with the Council and says that it should not have excluded your child from the school, the Council must let your child return to school (if necessary) and not disclose to anyone the entry on your child's records relating to the exclusion. The fact that the exclusion has happened cannot be removed from your child's records but the appeal decision will be recorded as well. If the Committee disagrees with the Council's conditions for your child's return to school, it can change them, and the Council must comply with the modified conditions.

10. APPEAL TO THE SHERIFF

Having heard all the evidence, the Committee may still decide that the Council was right to exclude your child and so your appeal may not be successful.

If you still feel very strongly that the Council was wrong about your child, you can appeal to the Sheriff Court in Livingston against the Appeals Committee's decision. Information on how to appeal to the Sheriff would be made available and will be included in the decision letter. **You must appeal within 28 days of receiving the decision letter from the Clerk.**

The Council has no right of appeal if you win your appeal, it must follow the Committee's decision.

11. ADDITIONAL DETAILS

If further information is needed, please contact Committee Services, West Lothian Council, West Lothian Civic Centre, Howden South Road, LIVINGSTON, EH54 6FF, or by telephoning (01506) 281621, (01506) 281609, (01506) 281604 or (01506) 281601. Committee Services cannot give you legal advice but can help you with the procedures which apply to your appeal.

1. REFUSAL OF YOUR CHOICE OF SCHOOL

The letter you received from the Council's Education Service will have told you the reasons for its decision to exclude your child from school. This leaflet is to tell the things you will have to do and the people you should expect to come across in an appeal against that decision.

2. YOUR APPEAL

The hearing arrangements will be made by Committee Services, and one of the council's solicitors will be at your hearing as Clerk and Legal Adviser.

Committee Services will acknowledge your appeal letter within 5 working days of receiving it. A copy of this leaflet will be included with the acknowledgement letter.

There is no set form for you to use, but your letter of appeal should include:-

- your name, address and daytime telephone number, and e-mail address,
- the name of your child,
- the name of the school concerned, and
- the date of the council's letter of refusal.

If you have not included any of these, the acknowledgement letter will ask for details.

You do not have to say in your correspondence why the Council excluded your child because this information will be provided to the Appeals Committee. You will be given the opportunity to submit further written information and say more about your side of the case at the Appeals Committee hearing.

3. ARRANGING THE HEARING

The likely date for your case to be heard will be approximately one month after receipt of your original appeal letter.

The Clerk will tell you the date, time and place of the hearing of your appeal as soon as possible after the meeting is arranged.

4. PREPARING FOR THE HEARING

Before the hearing takes place, you have to decide how you want to tell the Committee about your reasons for appealing.

You can go to the hearing and speak to the Appeals Committee yourself, and bring witnesses if you wish. You can take up to three people with you, and if you do not wish to speak yourself, can ask one or more of these people to speak for you.

If you cannot go yourself, you can ask somebody else to go in your place and speak for you. You should notify Committee Services in advance of the name and contact details for your representative.

You can put your arguments in writing beforehand. You can do this even if you also want to go and speak, or ask someone also to speak for you.

There is a deadline for lodging documents and you will be notified of that when you are told about the hearing date. Any documents sent after that deadline can only be used if the Chair allows them to be added at the hearing itself.

Even if you do not send written arguments, or you do not attend the hearing or send a representative, the Committee will still consider the information given to them by the Council and then reach a decision on your case.

5. WHO IS ON THE APPEALS COMMITTEE?

The Council runs the Appeals Committee but it is independent. It is not governed by the council's internal committee rules and education policies.

There will be three members who will hear the appeal and make the decision. They are normally one member drawn from a panel of parents of pupils of school age; one member, who will usually be the Chairperson, drawn from a panel of suitably qualified people with experience in education or acquainted with educational conditions of the area in West Lothian; and one member drawn from the elected members of the Council.

None of these people will have had any involvement in the decision to exclude your child. Also, no person can be a member of the Appeals Committee if they are a parent or teacher at any your child's school.

6. WHAT HAPPENS AT THE HEARING?

The Clerk will see you immediately before the hearing to answer any last-minute questions you may have about procedures.

When the hearing starts, the Chairperson will introduce everyone and say how the Committee intends to conduct the proceedings. The Chair will then consider things like allowing documents to be added which were not sent in on time.

The person speaking for Council, normally the Head Teacher, will say why your child has been excluded from school. Other people may be asked to speak in support of what the Council has decided.

Then you, or the person you have asked to speak for you, can ask questions as can the three members of the Appeals Committee.

Next, it is your turn to present your case. Either you, or the person speaking for you, can tell the Appeals Committee why you think your child should not have excluded your child from the school. You can also ask people to speak in support of what you say.

If you have written down your reasons and sent them to the Appeals Committee and the Council beforehand, you can say, if you want, that you have nothing to add to your letter. After that, the person speaking for the Council may ask questions, as can the three members of the Appeals Committee.

Finally, the person speaking for the Council will sum up their reasons; and you, or the person speaking for you, will sum up your reasons.

7. ADJOURNMENT OF THE HEARING

It is possible that the hearing of your appeal may be adjourned in some circumstances - for example, if some of the Appeals Committee members do not turn up, or if an Appeals Committee member has to leave before the end of the hearing; if the Chair allows late documents or information; if the Appeals Committee needs further information or advice; or if either you or the Council's representative are prevented by exceptional circumstance from attending the hearing.

In most cases, only the Committee itself can decide to adjourn a case, but Committee Services will help and will arrange that where possible.

8. WHO ELSE WILL BE AT THE HEARING?

The Clerk and Legal Adviser will be present. Normally up to four officers will represent the Council (including usually the Head Teacher or another senior teacher of the school in question). An official from the Scottish Council on Tribunals may be there.

Members of the public cannot be there, as the hearing will be held in private.

9. HOW LONG WILL A DECISION TAKE?

There may be a delay if the Appeals Committee decides that it will have to adjourn the hearing and carry on with it later.

Sometimes, the decision can be given verbally almost straight away. However, if there are other appeals taking place then the Committee might deal with them all and make decisions at the end of the day. If you cannot wait till the decision is taken then you can ask to be told by a telephone call or email.

The Committee must always give its decision in writing, with reasons, within 14 days of the end of the hearing. The Chairperson will tell you at the end of the summing up of your case what the Committee proposes to do about informing you of the decision.

The decision is made by the three Committee members, and only they can vote on what the decision should be. The Clerk and Legal Adviser will be present while they come to their decision but no one else will be there. You and the Council's officers will be asked to leave while the decision is taken.

PLACING IN SCHOOLS APPEALS COMMITTEE LAYOUT OF ROOM FOR APPEALS



This shows what the room might look like at your appeal.

The Committee is independent from West Lothian Council. The Committee consists of a parent representative, a councillor, and a person with experience of the educational conditions in the area.

The Legal Adviser and the Committee Services Officer do not take place in the decision-making. They are there to ensure that the proceedings run smoothly.

Customers with special requirements

Information is available in Braille, tape, large print and community languages. Please contact the interpretation and translation service on **01506 775000**

هذه المعلومات متوفرة بلغة بريل وعلى شريط وبخط كبير وبلغات الجالية.
الرجاء الإتصال بخدمة الترجمة على الهاتف **01506 775000**

এই তথ্য আপনি ব্রেইল, টেপ, বড় অক্ষরে এবং কমিউনিটির বিভিন্ন ভাষাগুলিতেও পাবেন। অনুগ্রহ করে ইন্টারপ্রেটেশান অ্যান্ড ট্রান্সলেশন সার্ভিসের সঙ্গে যোগাযোগ করুন। টেলিঃ **01506 775000**

這份資料是可以凸字、錄音帶、大字印刷及社區語言的式本提供。請聯絡傳譯及翻譯服務部，電話：**01506 775000**

ਇਹ ਜਾਣਕਾਰੀ (ਬ੍ਰੇਲ) ਨੈਚੂਰੀਨ ਦੇ ਪੜ੍ਹਣ ਵਾਲੀ ਲਿਖੀ, ਟੇਪ, ਵੱਡੇ ਫਿੰਟ ਅਤੇ ਸਮਾਜ ਦੀਆਂ ਹੋਰ ਭਾਸ਼ਾਵਾਂ ਵਿਚ ਉਪਲਬਧ ਹੈ। ਕ੍ਰਿਪਾ ਕਰਕੇ ਇੰਟਰਪ੍ਰੀਟੇਸ਼ਨ ਅਤੇ ਟਰਾਂਸਲੇਸ਼ਨ ਸਰਵਿਸ ਟੂ ਇਸ ਨੰਬਰ 'ਤੇ ਸੰਪਰਕ ਕਰੋ : **01506 775000**

یہ معلومات بریل (اندھوں کے رسم الخط)، ٹیپ، بڑے حروف کی طاعت اور کمیونٹی میں بولی جانے والی زبانوں میں دستیاب ہے۔
برومرمانی انٹرنیٹنگ آئیڈنٹرائٹنگ سروس سے ٹیلیفون نمبر **01506 775000** پر رابطہ قائم کریں۔

Informacje te mogą być przelozone na jezyk Braille'a, dostepne na tasmie magnetofonowej lub wydane duzym drukiem oraz przetlumaczone na jezyki mniejszosci narodowych.
Prosimy o kontakt z Uslugami Tlumaczeniowymi pod numerem **01506 775000**

Text phones offer the opportunity for people with a hearing impairment to access the council. The text phone number is **18001 01506 464427**. A loop system is also available in all offices.