

WEST LoTHIAN COUNCIL

Placing in Schools

➔ Appeals

COMMITTEE

EXCLUSION APPEALS



EXCLUSION APPEALS

The Committee

The West Lothian Council (Placing in Schools) Appeal Committee deals with all appeals against:-

- The refusal of a placing request for a school in West Lothian
- The exclusion of a pupil from a school in West Lothian

The committee is made up of 3 people; one is an expert in education who normally chair's the meeting; one is the parent of a child at a school in West Lothian not associated with your appeal; and one is a councillor from West Lothian Council or an appointed member from the council's Education Executive. These are the 3 people who can decide the outcome of your appeal.

Your Appeal

Parents/guardians who wish to appeal against the decision to exclude their child from school must do so in writing to the Clerk to the Placing in Schools Appeal Committee, Legal Services, West Lothian Civic Centre, Livingston, EH54 6FF or by e-mailing schoolappeals@westlothian.gov.uk. There is no time limit for appealing against the decision to exclude a pupil from school although it should be done as soon as possible.

As well as parents/guardians being allowed to lodge appeals, in some circumstances the child or young person must appeal in his or her own right.

Appeal hearings will be arranged by a committee officer from the council's Legal Services team. You will be advised of the date, time and venue for your hearing as soon as possible.

Your appeal will be acknowledged within 5 working days of receipt. The committee aims to hear appeals within 28 days from the date of receipt of your appeal.

Preparing for the hearing

The agenda for the meeting will include your original appeal submission. However, prior to the agenda being issued, you will be advised of a deadline for lodging any additional documents that you wish to be circulated with the papers.

The agenda and papers will be sent to you by Signed For post around 10 days before your hearing date. The agenda will include a report by the Head of Education on the reasons why your child was excluded from school. Once the agenda has been issued, no late or additional information should be issued to the committee. A document may be submitted, as supporting evidence, less than 10 days before a hearing but this is at the discretion of the chair of the committee.

Hearings will be conducted virtually using MS Teams or on the basis of written information that is supplied by parent(s)/guardian(s) and Education Services. Parents/guardians will be offered the choice of their preferred method in advance of their hearing. You must tell Committee Services your preferred method as soon as possible.

You will be able to participate in the hearing and speak to the committee yourself. You can also have up to 3 witnesses present at the hearing with you if you wish. If you do not wish to speak yourself, you can ask one or more of these people to speak for you.

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If you do not wish to attend a hearing or for a representative to speak on your behalf, the committee will consider all of the written information available and reach a decision on your case.

At the hearing

You will be issued with an approximate appointment time in advance of your hearing. If you are taking part in a virtual meeting, you will be sent a MS Teams link and invited to join the virtual meeting room. The Chair will introduce everyone in attendance and explain the proceedings.

The person speaking for the council's education service will give the background to your case and will say why it thinks your appeal should be refused. You and the committee will then be given the opportunity to ask questions.

After education services has answered questions, you will present your case. You can do this yourself or, if you prefer, you can ask one of your witnesses to speak on your behalf. You will tell the committee why you think your appeal should succeed and why you think the council was wrong to exclude your child. You can also ask people to speak in support of what you say.

Education services and the committee will then be given the opportunity to ask you questions. Each side will sum up to repeat only the important points of their case.

The decision

You must be notified of the outcome of your appeal within 14 days of the date of the hearing. At the conclusion of your appeal, the Chair will tell you when the committee intends making a decision on your appeal.

It is sometimes possible to give a verbal decision almost straight away. However if there are other appeals being heard on the same day, the committee will probably hear all of the appeals and then make their decisions at the end of the day. If you cannot wait until the decision is taken, you can ask to be told the outcome by telephone or e-mail.

The committee can look back in time to decide whether the decision to exclude your child was justified based on what was known at that time. If the committee disagrees with the decision to exclude your child, the exclusion cannot be removed from your child's record. However, the record must be updated to show that an appeal was heard and was successful meaning that the exclusion will have no future effect and must not be referred to.

Appeal to the Sheriff

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The committee may decide, after hearing all of the evidence, that the council was right to exclude your child. If this happens, you then have a further right of appeal to the Sheriff Court in Livingston. Information on how to appeal to the Sheriff will be provided in the decision letter.

If your appeal to the court is successful, the council has no right of appeal and must accept the Sheriff's decision.

Further Information

If you need any further information please contact Committee Services, West Lothian Council, West Lothian Civic Centre, Howden South Road, Livingston or telephone 01506 281609, 281621, 281604, or 281601 or e-mail schoolappeals@westlothian.gov.uk

Committee Services cannot give you legal advice but can help you with the procedures which apply to your appeal.

Information is available in Braille, tape, community languages and **large print**

Please contact the Interpretation and Translation Service on 01506 280000.

Privacy Notice – Placing in Schools Appeals

Information held about you

West Lothian Council will hold all the personal information you have provided about yourself and your child/children in connection with your appeal.

Who is processing my data?

All personal information is held and processed by West Lothian Council in accordance with data protection law.

How will we use information we hold about you?

The information you have provided will be used to process your appeal.

Who we will share your information with?

The information you supply relating to your appeal will be shared with the 3 members of the West Lothian Placing in Schools Appeal Committee. It will also be shared with the Clerk to the Committee and officers from Education Services who are involved with the appeal.

We will only share information with a third party if we are instructed to so do by you. For example if you decide to be represented at your hearing by a solicitor, we must be instructed in writing if you wish the agenda and papers to be issued to them.

We will not disclose any information to any organisation out with West Lothian Council except to help to prevent fraud or if required to do so by law.

How long do we keep your records?

We will keep the information you have provided for 7 years after a decision has been reached on your appeal.

Your rights

You have a number of rights under data protection law, including the right to request your information and to request that the information be amended or, in some circumstances, erased if incorrect.

To request your records, you will need to put your request in writing and provide proof of identification to West Lothian Council, West Lothian Civic Centre, Howden South Road, Livingston, West Lothian, EH54 6FF

Email – schoolappeals@westlothian.gov.uk

Providing accurate information

It is important that we hold accurate and up to date information about you in order to process your appeal. If any of your details change, please ensure that you tell us as soon as possible so that we can update your records.

Further information

If you have any questions or concerns about how your information is used, please contact Committee Services by e-mailing schoolappeals@westlothian.gov.uk or by telephoning 01506 281609. You can also contact the Data Protection Officer, West Lothian Council, West Lothian Civic Centre, Howden South Road, Livingston, West Lothian, EH54 6FF, email: DataProtectionOfficer@westlothian.gov.uk More information about data protection and how it applies to you, including how to make a complaint, is available from the [Information Commissioner's Office](#)