

WEST LoTHIAN

Placing in Schools



Appeal

COMMITTEE

PLACING APPEALS 2024/25



PLACING IN SCHOOLS APPEALS

The Committee

The West Lothian (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 will usually chair 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.

There will be other officers present at the meeting including the Clerk and representatives from Education Services and Committee Services.

Your Appeal

Parents who wish to appeal against the decision to refuse their child a place at the school of their choice must do so in writing within 28 days of receipt of the letter from education services.

As well as parents being allowed to lodge appeals, recognised carers may also do so, and in some circumstances the child or young person concerned must appeal in his or her own right.

The committee can agree to allow a late appeal to be considered but only when they agree that there is good cause to explain why the appeal is late and why it should be considered. In such circumstances, parents will be invited to attend a meeting when the committee is making this decision. If they agree to allow the late appeal, a separate hearing to consider the appeal will take place a few weeks later.

Parents can only appeal against the refusal of a placing request once in any 12 month period. Parents can also only appeal against the refusal of their 1st choice school. There is no right of appeal for 2nd or subsequent choice schools.

Appeal hearings will be arranged by a committee officer from the council's Legal Services team.

You will receive an automated acknowledgment email when you submit your online appeal form. The committee aims to hear appeals within 28 days commencing on the date of receipt of your appeal (or as soon as reasonably practicable after that). However, please note that during May and June each year it will take between 6-8 weeks for your appeal to be heard due to the volume of appeals to be considered.

Preparing for the hearing

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

The agenda and papers will then be sent to you by recorded delivery around 10 days before your hearing date and will include a report by the Head of Education on the reasons why your request was refused. 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 only at the discretion of the chair of the committee.

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Hearings will be conducted virtually using MS Teams or on the basis of written information that is supplied by both 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 virtual hearing and speak to the committee. You can also have up to 3 other people present at the hearing for support. If you do not wish to speak to the committee yourself, you can ask one of these people to speak on your behalf.

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 to them and reach a decision on your case.

At the hearing

You will be issued with an appointment time in advance of your hearing. If you are taking part in a virtual meeting, you will be sent a MS Teams meeting link around 5 minutes before your appointment time and invited to join the meeting. This will be as close to the allocated time as possible. If earlier appeals are running over, there may be a slight delay to the start time. Once admitted, 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. Other people, such as the Head Teacher or an expert in school transport or planning may be asked to speak in support of what the council has decided. 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 refuse your request. Education services and the committee will then be given the opportunity to ask you questions.

Each side will sum up and 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.

The committee has to decide whether the appeal should be granted on the basis of the facts which exist and the arguments it heard on the day. The committee does not look back in time to when the council made its decision. If the committee disagrees with the council's decision to refuse your placing request, Education Services must let your child have a place in the school. You will be asked to contact the Head Teacher or Pupil Placement about taking up the place.

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Appeal to the Sheriff

The committee may decide, after hearing all of the evidence, that the council was right to refuse your placing request. 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 you win your appeal, the council has no right of appeal and must accept the sheriff's decision.

Further Information

If you need any further information please email schoolappeals@westlothian.gov.uk

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

Please note Committee Services is not able to provide information about pupil placement, such as the availability of places in alternative schools, child's place on waiting lists, etc. You must contact Pupil Placement direct for such advice - email pupilplacement@westlothian.gov.uk or call 01506 280000.

Information is available in Braille, tape, **large print** and community languages.
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](#)