

<b>COMMITTEE:</b>	Education & Children's Services Committee
<b>MEETING DATE:</b>	9 June 2026
<b>BY:</b>	Depute Chief Executive – Resources and Economy
<b>REPORT TITLE:</b>	Education Appeals Committee Hearings – Session 2025/26
<b>REPORT STATUS:</b>	Public

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## **1 PURPOSE OF REPORT**

- 1.1 To make the Committee aware of the Education Appeals Committee hearings in session 2025/26.

## **2 RECOMMENDATIONS**

- 2.1 Members are asked to note the content of the report.

## **3 BACKGROUND**

- 3.1 The Education (Scotland) Act 1980 places a duty on local authorities to set up and maintain Education Appeals Committees to consider:
  - (i) appeals from parents who have had their placing requests for a specific school for their children refused; and
  - (ii) appeals from parents whose child has been excluded from school.
- 3.2 The Education Appeals Committee has a pool of volunteers who are independent chairs with experience of education, as well as a pool of volunteer parents who have a child or children attending East Lothian schools. The Committee is made up of an independent chair, a parent representative, and an administration Councillor who is a member of the Education & Children's Services Committee. The Committee also has a Legal Adviser, who is a Council Solicitor with no prior involvement with any of the cases.
- 3.3 The Education Appeals Committee hears non-catchment placement appeals and exclusion appeals. Non-catchment placement appeals can

be heard at any time but are generally heard at the end of May each year for the academic year beginning in August. Exclusion appeals can be heard at any time throughout the school year. One non-catchment placement appeal was heard at the beginning of session 2025/26 and was refused.

### **Exclusion appeals**

- 3.4 In session 2025/26, the Education Appeals Committee heard three exclusion appeals: two for primary school pupils, and one for a secondary pupil. In all three instances, the Committee agreed to uphold the decision of the Education Authority to exclude the pupil from school.

### **Non-catchment placement appeals**

- 3.5 Placing requests are considered in the first instance by the Principal Officer – Equity & Inclusion, and, in certain circumstances, requests may be referred to the Head of Education. ‘Information for parents and carers about enrolling their child in an East Lothian Council School’ is a guidance document available on the Council’s website. Parents are required to enrol their child in their catchment primary or secondary school, or, alternatively, make a placing request to the Head of Education if they wish their child to be placed in a non-catchment school.

- 3.6 The non-catchment placing requests for admission to P1 in the coming academic year were considered by the Head of Education in March/April. More requests were received than there were places available and, once all places were filled, the decision was:

- i. to refuse the remaining non-catchment primary 1 placing requests on the grounds that admission would make it necessary for the education authority to take an additional teacher into employment.
- ii. to form a waiting list in priority for the non-catchment pupils.
- iii. to give the parents of the children who have been refused a place the right of appeal against the decision; and
- iv. to offer the non-catchment pupils concerned places at their catchment schools or (for those families living outside East Lothian) to advise the parents to contact their own local authority.

- 3.7 The Education Appeals Committee heard eight non-catchment placement appeals over two hearings on 27 May and 1 June for P1 places at Letham Mains Primary School, Stoneyhill Primary School, and West Barns Primary School. The decision of the Education Authority to refuse the pupil a place at the non-catchment school was upheld by the Committee in all eight instances.

- 3.8 Where an appeal is refused the parents have a further right of appeal to the Sheriff Court which must be lodged within 28 days of receipt of the Committee’s decision.

#### 4 POLICY IMPLICATIONS

4.1 None

#### 5 RESOURCE AND OTHER IMPLICATIONS

5.1 Finance: None

5.2 Human Resources: None

5.3 Other (e.g. Legal/IT): None

5.4 Risk: None

#### 6 INTEGRATED IMPACT ASSESSMENT

6.1 **Select the statement that is appropriate to your report by placing an 'X' in the relevant box.**

An Integrated Impact Assessment screening process has been undertaken and the subject of this report does not affect the wellbeing of the community or have a significant impact on: equality and human rights; tackling socio-economic disadvantages and poverty; climate change, the environment and sustainability; the Council's role as a corporate parent; or the storage/collection of personal data.

**or**

The subject of this report has been through the Integrated Impact Assessment process and impacts have been identified as follows:

Subject	Impacts identified (Yes, No or N/A)
Equality and human rights	
Socio-economic disadvantage/poverty	
Climate change, the environment and sustainability	
Corporate parenting and care-experienced young people	
Storage/collection of personal data	
Other	

The Integrated Impact Assessment relating to this report has been published and can be accessed via the Council's website:

[https://www.eastlothian.gov.uk/info/210602/equality\\_and\\_diversity/12014/integrated\\_impact\\_assessments](https://www.eastlothian.gov.uk/info/210602/equality_and_diversity/12014/integrated_impact_assessments)

## 7 APPENDICES

7.1 None

## 8 BACKGROUND PAPERS

8.1 School Enrolment and Placing Requests Booklet:

[https://www.eastlothian.gov.uk/downloads/file/33696/school\\_enrolment\\_and\\_placing\\_requests\\_booklet\\_-\\_nov\\_2025](https://www.eastlothian.gov.uk/downloads/file/33696/school_enrolment_and_placing_requests_booklet_-_nov_2025)

8.2 Preventing and Managing School Exclusions:

[https://www.ka-net.org.uk/files/preventing\\_and\\_managing\\_school\\_exclusions\\_june\\_2023.pdf](https://www.ka-net.org.uk/files/preventing_and_managing_school_exclusions_june_2023.pdf)

## 9 AUTHOR AND APPROVAL DETAILS

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<b>Date</b>	1 June 2026

### Head of Service Approval

<b>Name</b>	Hayley Barnet
<b>Designation</b>	Head of Corporate Support
<b>Confirmation that IIA and other relevant checks (e.g. finance/legal) have been completed</b>	Confirmed
<b>Approval Date</b>	2 June 2026