

RACE EQUALITY IMPACT ASSESSMENT

Policy: Education Appeal Committees

Division/Branch: Schools Division, Branch 2

GENERAL DUTIES

This policy has been assessed as being relevant to general duty 2, the promotion of equality of opportunity.

BACKGROUND TO POLICY

Education Appeal Committees (EACs) hear appeals from parents and older children against a decision to refuse a placing request, or to exclude a child from school. A report by the Scottish Committee of the Council on Tribunals in 2000, followed by research with parents commissioned by the Scottish Executive in 2004, indicates that the system may need to be improved to ensure that those appealing to EACs perceive the system as being fair and transparent. The Scottish Executive has therefore been reviewing the constitution and workings of Education Appeal Committees since the report of the Council on Tribunals. This review is now reaching a close, and we are currently considering what changes we believe would improve the system.

All those who appeal to EACs would be affected by any proposed changes. In 2004/05 around 650 appeals were lodged with Education Appeal Committees, although only around 400 cases were actually heard.

Local authorities are responsible for running Education Appeal Committees in their areas. The relevant legislation relating to EACs is:

- The Education (Scotland) Act 1980
- Education (Appeal Committee Procedures) (Scotland) Regulations 1982
- Education (Placing in Schools Etc - Deemed Decisions) (Scotland) Regulations 1982

Any changes made to Education Appeal Committees would fit with the theme of encouraging parental involvement, part of the Ambitious, Excellent Schools agenda.

EVIDENCE

Whilst we have evidence of the general needs of parents in relation to Education Appeal Committees, we do not yet have specific information on any particular needs of minority ethnic communities in relation to EACs. We will be considering any particular needs of members of minority ethnic communities as part of developing, and consulting on, possible proposals to improve EACs. As part of considering possible future changes to EACs we will actively look at possible barriers to access for those from minority ethnic groups, such as the need for translation and interpretation services. We will ensure that members of minority ethnic groups have the opportunity to contribute their views on what changes, if any, need to be made to EACs.

IMPACT

We do not believe that any changes to EACs will have an adverse impact on race equality. Any changes should improve the system for appellants from all ethnic groups. We are satisfied that this policy will not have an adverse effect on any particular group, or on race equality more widely, and should not adversely impact in different ways on members of different ethnic groups.

This policy has a medium impact on race equality. In relation to placing requests, a child will still get a place at a school in the local authority area, even if an EAC rejects their appeal. In relation to exclusions, local authorities have a general duty to ensure that a child living in their area receives an education, which continues to apply even if a child is excluded from a particular school.

CONSULTATION

We will consult relevant equality groups, along with other interested groups and the general public, on any proposals to change Education Appeal Committees and how they operate. If we decide changes are necessary to how EACs operate, we will consider ways of engaging directly with parents potentially affected by the changes, including parents from minority ethnic backgrounds.

ACTIONS

We are satisfied that no adverse or potential adverse impact on members of minority ethnic communities is foreseen. If we propose any changes to EACs, we will consider the needs of relevant minority groups, including any particular needs of members of minority ethnic communities, and ensure we consult with them.

OUTCOMES

The intended outcome of this policy is that appeals relating to placing requests or exclusions are dealt with in a fair, just, and transparent way, and that this is seen to be the case.

MONITORING

Statistics are collected annually on placing requests and exclusions, and these include information on the number of appeals made to Education Appeal Committees and their outcome. They do not specify the ethnicity of appellants. We will consider ways in which these statistics could be improved, and other methods for evaluating the effectiveness of any changes made to EACs, as part of deciding how to monitor the future impact of any changes.

Schools Division
Scottish Executive Education Department
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