

THE MORAY COUNCIL

MINUTE OF MEETING OF THE EDUCATIONAL SERVICES GENERAL PURPOSES SUB-COMMITTEE

FRIDAY 16 NOVEMBER 2007

COUNCIL OFFICE, ELGIN

PRESENT

Councillors J Hamilton (Chairman), J Russell, A McKay, I Young, M Shand, G McDonald and Mrs A MacLennan

APOLOGIES

Apologies for absence were intimated on behalf of Councillor B Jarvis and Miss F Wardhaugh.

IN ATTENDANCE

Mrs W Milne, the Inclusion and Support Manager, Mrs K Wiles, Principal Solicitor (Litigation & Licensing), Mrs M Forrest, Senior Solicitor (Litigation and Licensing) and Mrs S Kennedy, Committee Services Officer, Clerk to the Meeting.

1. DECLARATION OF GROUP DECISIONS

In terms of the relevant Standing Order 20 and the Councillor's Code of Conduct the meeting noted that there were no declarations from Group Leaders or spokespersons in regard to any prior decisions taken on how members will vote on any item on the agenda.

2. EXEMPT INFORMATION

The Meeting agreed, in terms of Section 50A (4) and (5) of the Local Government (Scotland) Act 1973, as amended, that the public and media representatives be excluded from the Meeting during consideration of item 5 of business so as to avoid disclosure of exempt information of the class described in Paragraph 4 of Part I of Schedule 7A of the Act.

3. CASE NUMBER 4 - NON-ATTENDANCE OF A PUPIL FROM FORRES ACADEMY (Para 5)

There was submitted a report by the Director of Educational Services inviting the Committee to consider a case of school non-attendance of a pupil at Forres Academy in terms of Sections 36-43 of the Education (Scotland) Act 1980.

The Chairman outlined a suggested procedure for adoption by the Committee. Thereafter the Committee approved the suggested procedure and proceeded to consider the case.

The Committee noted that the parents were not in attendance.

Mrs Forrest, Senior Solicitor, (Litigation & Licensing) advised the Committee that legislative notices had been hand delivered to the parents on the 9th of November 2007 and a subsequent telephone call had been received from the father advising of his inability to attend the meeting as one of his children was sick and was going into hospital and also advising of his inability to submit papers as he had requested information from Education that had not been provided. This had been followed up by a separate e-mail from him seeking an adjournment of the meeting from which Mrs Forrest read relevant excerpts regarding reasons for this request. Mrs Forrest asked the Committee if they would accede to an adjournment.

On the invitation of the Chairman, Mrs K Wiles advised that in regard to the father's request for further information from the education authority, her contention was that all information requested had been provided, she could not think of what else could be required and that the father in his e-mail was not specific. Mrs Forrest elaborated from the e-mail and Mrs Wiles advised that in regard to statements from Children's Services she was aware of attempts at mediation but she was not aware of any statements from the children. She advised that there had been a long history of laying down unachievable ultimatums and non-attendance at meetings and there was nothing else that Educational Services could offer in terms of information. In regard to the condition of the sick child she understood that another child was not attending

school, the school had been advised that it was a medical issue but no confirmation of this had been received, beyond that she had no information and expressed a desire to proceed with the meeting.

Following discussion the meeting unanimously agreed to proceed to hear cases 4 & 5 on the Agenda.

Thereafter, Mrs K Wiles Principal Solicitor (Litigation and Licensing) acting for the Education Authority advised the meeting that in respect of Agenda Item 4, 'Non-attendance of a pupil from Forres Academy' that the Education Authority wished to withdraw this case as there had been an error in the sending of the legal notices and that a further notice would require to be sent and as the pupil is now 16 she felt, in her opinion, that there was no merit in doing this and if it was not that the other case had been submitted to Committee this one would not have been brought forward.

The meeting noted the withdrawal of this matter.

4. CASE NUMBER 5 - NON-PROVISION OF EFFICIENT EDUCATION BY PARENT

There was submitted a report by the Director of Educational Services inviting the Sub-Committee to consider a case of non-provision of efficient education by the parent of a child.

On the invitation of the Chairman the meeting heard from Mrs K Wiles, the Principal Solicitor (Litigation and Licensing) and Mrs W Milne, Inclusion and Support Manager who, on behalf of the Education Authority, presented the background to this case coming to Committee and thereafter responded to Members questions.

In the absence of the parents, and on the advice of Mrs Forrest, Senior Solicitor, (Litigation & Licensing) the Committee agreed to accept the e-mails received from the parents, one by Mrs S Kennedy and one by Mrs M Forrest forwarded by Mrs K Wiles. The two e-mails were circulated to the Committee and Mrs K Wiles and appropriate time was given to read them.

On the invitation of the Chairman, Mrs K Wiles commented on the issues raised in the e-mails.

On the invitation of the Chairman, Mrs K Wiles summed up the position for the Education Authority and thereafter Mrs Wiles and Mrs Milne left the meeting.

Following full consideration, the Committee unanimously were satisfied, based on the information provided, that the pupil was still of school age, had attended a school under the Education Authority's management and been excluded therefrom. The Committee unanimously was not satisfied that the parents were providing an efficient education for the pupil, suitable to the pupil's age, ability and aptitude nor were they satisfied that the parents had a reasonable excuse for this failure. The Committee was minded to make an Attendance Order, and considered views put forward by the parents in one of the e-mails as to the school that the pupil should attend. The Committee unanimously agreed to make an Attendance Order for the pupil to attend Elgin Academy.

Mrs W Milne rejoined the Meeting and the Chairman conveyed the decision to her. Mrs M Forrest, Senior Solicitor, (Litigation & Licensing) agreed to intimate the decision in writing to the parents and Mrs W Milne, Social Inclusion Manager, agreed to liaise with the parents thereafter in regard to travel arrangements.

The meeting noted that the parents have a right of appeal to the Sheriff at Elgin Sheriff Court, in terms of Section 38 of the Education (Scotland) Act 1980, where they can within 14 days, following receipt of the decision letter, should they be aggrieved by the Committee's decision to make an Attendance Order.

The meeting also unanimously agreed that the due process had been followed and a lot of effort had been made by Educational Services and other Partners.

The meeting unanimously granted authority to the Director of Educational Services and the Chief Legal Officer to initiate a prosecution for any breach of the Attendance Order, should it fail to be complied with.