

**Aberdeenshire**  
COUNCIL



**SCHOOL PLACINGS AND EXCLUSIONS APPEALS COMMITTEE**

**WEDNESDAY, 17 APRIL 2024 at 3.00 pm**

Your attendance is requested at a meeting of the **SCHOOL PLACINGS AND EXCLUSIONS APPEALS COMMITTEE** to be held by **VIRTUAL MEETING - TEAMS**, on **WEDNESDAY, 17 APRIL 2024, at 3.00 pm**

Tuesday, 9 April 2024

Director of Business Services

To: Councillors G Blackett and S Brown; Ms M Stewart

Contact Person:- Kasia Balina  
**Tel:** 01467 539 511  
**Email:** [kasia.balina@aberdeenshire.gov.uk](mailto:kasia.balina@aberdeenshire.gov.uk)

## B U S I N E S S

- 1 Appointment of a Chair.
- 2 Sederunt and Declaration of Members' Interests
- 3(A) Public Sector Equality Duty 3  
Consider, and if so desired, adopt the following resolution:-
- (1) to have due regard to the need to:-
- (a) eliminate discrimination, harassment and victimisation;
  - (b) advance equality of opportunity between those who share a protected characteristic and persons who do not share it; and
  - (c) foster good relations between those who share a protected characteristic and persons who do not share it.
- (2) where an Integrated Impact Assessment is provided, to consider its contents and take those into account when reaching a decision.
- 3(B) Exempt Information  
Consider, and if so decided, adopt the following resolution:- “That under Section 50A (4) and (5) of the Local Government (Scotland) Act 1973, as amended, the public and media representatives be excluded from the meeting for Item 6 of business below, on the grounds that it involves the likely disclosure of exempt information of the class described in the relevant paragraphs of Part 1 of Schedule 7A of the Act.”
- 4 Admission of Observers
- 5 Meeting Procedure 4
- 6 E 942 - Exclusion Appeal, Fraserburgh Academy (3.00 p.m.) 5 - 14  
[*Exempt under paragraph 5*]
- Information relating to adoption, care, fostering, education or supervision of a particular child.

## **PUBLIC SECTOR EQUALITY DUTY – GUIDANCE FOR MEMBERS**

### **What is the duty?**

In making decisions on the attached reports, Members are reminded of their legal duty under section 149 of the Equality Act 2010 to have due regard to the need to:-

- (i) eliminate discrimination, harassment and victimisation;
- (ii) advance equality of opportunity between those who share a protected characteristic and persons who do not share it; and
- (iii) foster good relations between those who share a protected characteristic and persons who do not share it.

The “protected characteristics” under the legislation are: age; disability; gender reassignment; pregnancy and maternity; race; religion or belief; sex; sexual orientation; and (in relation to point (i) above only) marriage and civil partnership.

### **How can Members discharge the duty?**

To ‘have due regard’ means that in making decisions, Members must consciously consider the need to do the three things set out above. This requires a conscious approach and state of mind. The duty must influence the final decision.

However, it is not a duty to achieve a particular result (e.g. to eliminate unlawful racial discrimination or to promote good relations between persons of different racial groups). It is a duty to have due regard to the need to achieve these goals.

How much regard is ‘due’ will depend upon the circumstances and in particular on the relevance of the needs to the decision in question. The greater the relevance and potential impact that a decision may have on people with protected characteristics, the higher the regard required by the duty.

### **What does this mean for Committee/Full Council decisions?**

Members are directed to the section in reports headed ‘Council Priorities, Implications and Risk’. This will indicate whether or not an Integrated Impact Assessment (IIA) has been carried out as part of the development of the proposals and, if so, what the outcome of that assessment is.

An IIA will be appended to a report where it is likely, amongst other things, that the action recommended in the report could have a differential impact (either positive or negative) upon people from different protected groups. The report author will have assessed whether or not an IIA is required. If one is not required, the report author will explain why that is.

Where an IIA is provided, Members should consider its contents and take those into account when reaching their decision. Members should also be satisfied that the assessment is sufficiently robust and that they have enough of an understanding of the issues to be able to discharge their legal duty satisfactorily.

For more detailed guidance please refer to the following link:-

[https://view.officeapps.live.com/op/view.aspx?src=https%3A%2F%2Fwww.equalityhumanrights.com%2Fsites%2Fdefault%2Ffiles%2Ftechnical\\_guidance\\_psed\\_scotland.docx&wdOrigin=BROWSELINK](https://view.officeapps.live.com/op/view.aspx?src=https%3A%2F%2Fwww.equalityhumanrights.com%2Fsites%2Fdefault%2Ffiles%2Ftechnical_guidance_psed_scotland.docx&wdOrigin=BROWSELINK)

## Procedure for remote School Placings and Exclusions Appeal Committee Meetings

- (a) The Chair will introduce himself/herself and the Members of the Committee in attendance. As the meeting will be convened using Skype for Business, there may be a mixture of those attending using video/audio and those attending using audio only.
- (b) The Chair will seek confirmation as to whether the Legal Representative, representing the authority and their witnesses are present. They will introduce themselves (name and job title).
- (c) The Chair will seek confirmation as to whether the appellant and his/her representatives/witnesses are present (maximum of three people). They will introduce themselves and confirm who will address the Committee).
- (d) If any requests for observers have been submitted, the decision on their attendance will be at the discretion of the Chair, and they will accordingly be introduced, preferably with an explanation for their attendance.
- (d) The Chair will ask all parties to confirm that they have access to the agenda pack for the hearing.
- (e) The Chair will go through the procedures for the meeting.
  - (i) Presentation of the case for the Education Authority (including any witnesses).
  - (ii) Questioning of the witnesses by the appellant(s).
  - (iii) Questioning of witnesses by the Committee.
  - (iv) Presentation of the case for the Appellant (including any witnesses).
  - (v) Questioning of the appellant/witnesses by the Education Authority.
  - (vi) Questioning of the appellant/witnesses by the Committee.
  - (vii) Summing up by the Education Authority (no new evidence should be introduced at this point).
  - (viii) Summing up by the Appellant (no new evidence should be introduced at this point).
- (f) At the conclusion of the hearing, all parties will be advised that the Committee will then deliberate in private and the Committee's decision will be notified, in writing, within 14 days (however, in practice, that would normally be within 3-4 days after the hearing).

Document is Restricted

Document is Restricted