

**EAST AYRSHIRE COUNCIL
EDUCATION APPEALS PANEL**

MINUTES OF MEETING HELD OVER TUESDAY 25 MARCH 2008 AT 1010 HOURS IN THE GENERAL PURPOSES ROOM, MAUCHLINE PRIMARY SCHOOL, 9 THE LOAN, MAUCHLINE, WEDNESDAY 26 MARCH 2008 AT 1540 HOURS IN THE MEETING ROOM, COUNCIL HEADQUARTERS, LONDON ROAD, KILMARNOCK AND MONDAY 12 MAY 2008 AT 1000 HOURS IN THE MEETING ROOM, COUNCIL HEADQUARTERS, LONDON ROAD, KILMARNOCK

PRESENT: Councillors Rose-Ann Cuninghame, John McGhee, John Knapp, Neil McGhee and Jim Sutherland.

ATTENDING: David Mitchell, Head of Legal, Procurement and Regulatory Services; Robert Beaton, Administrative Officer (Items 7-10) and Stuart Nelson, Administrative Officer (Items 1-7).

CHAIR: Councillor John McGhee, Chair.

ADJOURNMENT/RECONVENTION

1. Having heard from the Head of Legal, Procurement and Regulatory Services, the Panel adjourned at 1015 hours and reconvened at 1035 hours with the same Members and Officers present and in attendance.

APPOINTMENT OF CHAIR

2. It was unanimously agreed to appoint Councillor John McGhee as Chair.

EXCLUSION OF PRESS AND PUBLIC

3. The Panel resolved that under Section 50A(4) of the Local Government (Scotland) Act 1973, as amended, the Press and public be excluded from the meeting for the following item of business on the grounds that it involved the likely disclosure of exempt information as defined in Paragraph 1 of Schedule 7A of the Act.

GRIEVANCE/DISPUTES APPEAL NO G8/07

4. There was submitted a copy of the Grievance and Disputes Appeals Procedure together with submissions by the appellant's representative and the Department of Educational and Social Services (all circulated).

The Panel (a) having noted concerns expressed by the appellant's representative with regard to the appropriateness of the Panel hearing testimony from the management representative's witness, and having heard the Head of Legal, Procurement and Regulatory Services, agreed to hear the management representative's witness at the appropriate stage during the Hearing process; and (b) on the matter having been raised by the management representative, received clarification on the status of the production submitted by the appellant's representative, containing the statement by the appellant's witness. The Hearing then commenced.

ADJOURNMENTS/RECONVENTIONS

5. The Panel adjourned at 1048 hours and reconvened at 1058 hours with the same Members and Officers present and in attendance.

The Panel adjourned at 1320 hours and reconvened at 1350 hours with the same Members and Officers present and in attendance.

The Panel adjourned at 1425 hours and reconvened at 1435 hours with the same Members and Officers present and in attendance.

CONSIDERATION OF APPEAL

6. Following completion of the Hearing process, the Panel proceeded to consider the appeal.

ADJOURNMENTS/RECONVENTIONS

7. The Panel adjourned at 1755 hours and reconvened at 1827 hours with the same Members and Officers present and in attendance.

The Panel adjourned at 1955 hours and reconvened on Wednesday 26 March 2008 at 1540 hours in the Meeting Room, Council Headquarters, London Road, Kilmarnock, with the same Members and Officers present and in attendance.

Having heard the Head of Legal, Procurement and Regulatory Services, it was agreed to adjourn the meeting at 1640 hours, in order that arrangements be made for the Hearing to be reconvened for the limited purpose of affording both parties an opportunity to address the Panel on the contents of an additional documentary production, which had recently come to light, and any implications that it would have for their respective cases and arguments as previously presented on 25 March 2008.

The Panel reconvened on Monday 12 May 2008 at 1000 hours in the Meeting Room, Council Headquarters, London Road, Kilmarnock, with the same Members and Officers present and in attendance with the exception of Councillor John Knapp who had submitted his apologies and Robert Beaton, Administrative Officer replaced Stuart Nelson, Administrative Officer.

FURTHER CONSIDERATION OF APPEAL

8. There was submitted additional submissions by the appellant's representative and Department of Educational and Social Services, together with the additional documentary production referred to at Paragraph 7, above (all circulated).

ADJOURNMENTS/RECONVENTIONS

9. The Panel adjourned at 1045 hours and reconvened at 1058 hours with the same Members and Officers present and in attendance.

The Panel adjourned at 1129 hours and reconvened at 1153 hours with the same Members and Officers present and in attendance.

There was submitted a copy of an earlier version of the additional documentary production (circulated).

The Panel adjourned at 1230 hours and reconvened at 1321 hours with the same Members and Officers present and in attendance.

The Panel adjourned at 1509 hours and reconvened at 1527 hours with the same Members and Officers present and in attendance.

OUTCOME OF APPEAL

10. Having heard both parties, the Panel, by majority, agreed that the grounds of the appeal had been substantiated in part.

The meeting terminated at 1730 hours.