

SCHEDULES

SCHEDULE 24

ADMISSION APPEALS

PART I

CONSTITUTION OF APPEAL PANELS

Appeal arrangements made by local education authorities

- 1 (1) An appeal pursuant to arrangements made by a local education authority under section 94(1) shall be to an appeal panel constituted in accordance with this paragraph.
- (2) An appeal panel shall consist of three or five members appointed by the authority from—
- (a) persons who are eligible to be lay members; and
 - (b) persons who have experience in education, are acquainted with educational conditions in the area of the authority or are parents of registered pupils at a school.
- (3) Of the members of an appeal panel—
- (a) at least one must be a person who is eligible to be a lay member and is appointed as such; and
 - (b) at least one must be a person falling within sub-paragraph (2)(b).
- (4) For the purposes of this paragraph a person is eligible to be a lay member if he is a person without personal experience in the management of any school or the provision of education in any school (disregarding any such experience as a governor or in any other voluntary capacity).
- (5) Sufficient persons may be appointed by the authority under this paragraph to enable two or more appeal panels to sit at the same time.
- (6) No person shall be a member of an appeal panel if he is disqualified by virtue of sub-paragraph (7).
- (7) The following persons are disqualified for membership of an appeal panel—
- (a) any member of the authority or of the governing body of the school in question;
 - (b) any person employed by the authority or the governing body, other than a person employed as a teacher;
 - (c) any person who has, or at any time has had, any connection with the authority or the school, or with any person within paragraph (b), of a kind which might reasonably be taken to raise doubts about his ability to act impartially in relation to the authority or the school.

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- (8) A person employed as a teacher by the authority shall not be taken, by reason only of that employment, to have such a connection with the authority as is mentioned in sub-paragraph (7)(c).
- (9) A person shall not be a member of an appeal panel for the consideration of an appeal against a decision if he was among those who made the decision or took part in discussions as to whether the decision should be made.
- (10) A person who is a teacher at a school shall not be a member of an appeal panel for the consideration of an appeal involving a question whether a child is to be admitted to that school.
- (11) Where, at any time after an appeal panel consisting of five members have begun to consider an appeal, any of the members—
 - (a) dies, or
 - (b) becomes unable through illness to continue as a member,
 the panel may continue with their consideration and determination of the appeal so long as the number of the remaining members is not less than three and the requirements of sub-paragraph (3) are satisfied.

Appeal arrangements made by governing bodies

- 2 (1) An appeal pursuant to arrangements made by the governing body of a foundation or voluntary aided school under section 94(2) shall be to an appeal panel constituted in accordance with this paragraph.
- (2) An appeal panel shall consist of three or five members appointed by the governing body from—
 - (a) persons who are eligible to be lay members; and
 - (b) persons who have experience in education, are acquainted with educational conditions in the area of the school or are parents of registered pupils at a school.
- (3) Of the members of an appeal panel—
 - (a) at least one must be a person who is eligible to be a lay member and is appointed as such; and
 - (b) at least one must be a person falling within sub-paragraph (2)(b).
- (4) For the purposes of this paragraph a person is eligible to be a lay member if he is a person without personal experience in the management of any school or the provision of education in any school (disregarding any such experience as a governor or in any other voluntary capacity).
- (5) Sufficient persons may be appointed by the governing body under this paragraph to enable two or more appeal panels to sit at the same time.
- (6) No person shall be a member of an appeal panel if he is disqualified by virtue of sub-paragraph (7).
- (7) The following persons are disqualified for membership of an appeal panel—
 - (a) any member of the local education authority by whom the school is maintained or of the governing body;
 - (b) any person employed by the authority or the governing body, other than a person employed as a teacher;

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- (c) any person who has, or at any time has had, any connection with the authority or the school, or with any person within paragraph (b), of a kind which might reasonably be taken to raise doubts about his ability to act impartially in relation to the authority or the school.
 - (8) A person employed as a teacher by the authority shall not be taken, by reason only of that employment, to have such a connection with the authority as is mentioned in sub-paragraph (7)(c).
 - (9) A person who is a teacher at a school shall not be a member of an appeal panel for the consideration of an appeal involving a question whether a child is to be admitted to that school.
 - (10) Where, at any time after an appeal panel consisting of five members have begun to consider an appeal, any of the members—
 - (a) dies, or
 - (b) becomes unable through illness to continue as a member,the panel may continue with their consideration and determination of the appeal so long as the number of the remaining members is not less than three and the requirements of sub-paragraph (3) are satisfied.
- 3 (1) Where (by virtue of section 94(3)) joint arrangements are made under section 94(2) by the governing bodies of two or more schools, paragraph 2 shall apply as if—
 - (a) (except in sub-paragraph (7)) any reference to the governing body were a reference to the governing bodies of both or all the schools; and
 - (b) in sub-paragraph (7), any reference to the governing body of the school in question or to that school were a reference to any of those governing bodies or to any of those schools (as the case may be).
- (2) An appeal pursuant to such joint arrangements shall be to an appeal panel constituted in accordance with paragraph 2 as it so applies.

Joint arrangements by local education authorities and governing bodies

- 4 (1) Where (by virtue of section 94(4)) joint arrangements are made by a local education authority and the governing body or bodies of one or more schools, paragraph 1 shall apply in relation to those arrangements as it applies in relation to arrangements made by a local education authority under section 94(1), but as if in sub-paragraph (7) any reference to the governing body of the school in question or to that school were a reference to the governing body of any school to which the arrangements relate or to any such school (as the case may be).
- (2) An appeal pursuant to such joint arrangements shall be to an appeal panel constituted in accordance with paragraph 1 as it so applies.

Allowances for members

- 5 (1) For the purpose of the payment of financial loss allowance under section 173(4) of the Local Government Act 1972, that provision shall apply, with any necessary modifications, to any member of an appeal panel constituted in accordance with paragraph 1 or 2 (or in accordance with either of those paragraphs as it applies by virtue of paragraph 3 or 4) as it applies to any member of a parish or community council; and such an appeal panel shall be included in the bodies to which section 174 of that Act (travelling and subsistence allowances) applies.

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- (2) In section 174(1) of that Act, in its application to a panel in accordance with sub-paragraph (1), the reference to payments at rates determined by the body in question shall be read as a reference to payments at rates determined—
- (a) by the authority, if the panel is constituted in accordance with paragraph 1 (or in accordance with that paragraph as it applies by virtue of paragraph 4); and
 - (b) otherwise by the governing body or bodies of the school or schools in question.

Duty to advertise for lay members

- 6 The Secretary of State may by regulations require any local education authority or governing body who are required by section 94(1) or (2) to make arrangements under that provision—
- (a) to advertise, in such manner and at such times as may be prescribed, for persons eligible to be lay members of any appeal panel required to be constituted for the purposes of such arrangements to apply to the authority or body for appointment as such members, and
 - (b) in appointing persons as such members, to consider any persons eligible to be so appointed who have applied to the authority or body in response to an advertisement placed in pursuance of sub-paragraph (a) above.

Indemnity

- 7 (1) Any local education authority or governing body required to make arrangements under section 94(1) or (2) shall indemnify the members of any appeal panel required to be constituted for the purposes of those arrangements against any reasonable legal costs and expenses reasonably incurred by those members in connection with any decision or action taken by them in good faith in pursuance of their functions as members of that panel.
- (2) Where any such panel is constituted in accordance with—
- (a) paragraph 1 as it applies by virtue of paragraph 4, or
 - (b) paragraph 2 as it applies by virtue of paragraph 3,
- any liability arising under sub-paragraph (1) above shall be a joint and several liability of the bodies by whom the joint arrangements are made unless otherwise previously agreed in writing between those bodies.