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SCHEDULES

SCHEDULE 33

ADMISSION APPEALS

Modifications etc. (not altering text)

C1 Sch. 33 modified (*temp.*) (1.9.1998) by S.I. 1998/1948, reg. 3(1)(2), Sch. para. 11(1)(3)

PART I

CONSTITUTION OF APPEAL COMMITTEES

Appeal arrangements made by local education authorities

- 1 (1) An appeal pursuant to arrangements made by a local education authority under section 423(1) shall be to an appeal committee constituted in accordance with this paragraph.
- (2) An appeal committee shall consist of—
 - (a) one person nominated by the authority from among persons who are eligible to be lay members; and
 - (b) two, four or six other members nominated by the authority from among persons appointed by the authority under sub-paragraph (3).
- (3) The persons appointed by the authority under this sub-paragraph shall comprise—
 - (a) members of the authority, and
 - (b) persons who are not members of the authority but who have experience in education, are acquainted with the educational conditions in the area of the authority or are parents of registered pupils at a school,but shall not include any person employed by the authority otherwise than as a teacher.
- (4) Sufficient persons may be appointed by the authority under sub-paragraph (3) to enable two or more appeal committees to sit at the same time.
- (5) The authority shall not nominate a person under sub-paragraph (2)(a) if he is a member of the authority or is employed by them.
- (6) The members of an appeal committee who are members of the authority shall not outnumber the others.
- (7) A person who is a member of the authority or employed by the authority shall not be chairman of an appeal committee.

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- (8) A person shall not be a member of an appeal committee 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.
- (9) A person who is a teacher at a school shall not be a member of an appeal committee for the consideration of an appeal involving a question whether a child is to be admitted to that school.

Appeal arrangements made by governing bodies

- 2 (1) An appeal pursuant to arrangements made by the governing body of an aided or a special agreement school under section 423(2) shall be to an appeal committee constituted in accordance with this paragraph.
- (2) An appeal committee shall consist of—
 - (a) one person nominated by the governing body from among persons who are eligible to be lay members; and
 - (b) two, four or six other members nominated by the governing body from among persons appointed by them under sub-paragraph (3).
- (3) The persons appointed by the governing body under this sub-paragraph—
 - (a) may include one or more of the governors,
 - (b) shall include persons appointed from a list drawn up by the local education authority by whom the school is maintained, and
 - (c) shall not include any person employed by the authority otherwise than as a teacher.
- (4) Sufficient persons may be appointed by the governing body under sub-paragraph (3) to enable two or more appeal committees to sit at the same time.
- (5) Of the members of an appeal committee—
 - (a) three shall be nominated from among those mentioned in sub-paragraph (3)
 - (b) in the case of a committee consisting of seven members;
 - (b) two shall be so nominated in the case of a committee consisting of five members; and
 - (c) one shall be so nominated in the case of a committee consisting of three members.
- (6) The governing body shall not nominate under sub-paragraph (2)(a) a person who falls within sub-paragraph (3)(a) or (b) or is employed by the local education authority by whom the school is maintained.
- (7) None of the governors shall be chairman of an appeal committee.
- (8) A person shall not be a member of an appeal committee 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.
- (9) A person who is a teacher at a school shall not be a member of an appeal committee for the consideration of an appeal involving a question whether a child is to be admitted to that school.

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- 3 Where (by virtue of section 423(3)) joint arrangements are made under section 423(2) by the governing bodies of two or more schools, paragraph 2 shall apply as if any reference to the governing body or to the governors were a reference to the governing bodies or (as the case may be) the governors of both or all the schools; and an appeal pursuant to such joint arrangements shall be to an appeal committee constituted in accordance with paragraph 2 as it so applies.
- 4 An appeal committee constituted in accordance with paragraph 2 (or in accordance with that paragraph as it applies by virtue of paragraph 3)—
- (a) shall be included in the bodies to which section 174 of the ^{M1}Local Government Act 1972 (travelling and subsistence allowances) applies; and
 - (b) for the purpose of the payment of financial loss allowance under section 173(4) of that Act to members of the committee, shall be included among the bodies to which section 173 applies.

Marginal Citations

M1 1972 c. 70.

Lay members

- 5 (1) A person is eligible to be a lay member for the purposes of paragraphs 1(2)(a) and 2(2)(a) if—
- (a) 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), and
 - (b) he satisfies the conditions specified in sub-paragraph (2).
- (2) Those conditions are—
- (a) in the case of a person to be nominated as a lay member for the purposes of paragraph 1(2)(a), that he does not have, and has not at any time had, any connection with—
 - (i) the local education authority in question, or
 - (ii) any person who is a member of, or employed by, that authority, of a kind which might reasonably be taken to raise doubts about his ability to act impartially in relation to the authority, and
 - (b) in the case of a person to be nominated as a lay member for the purposes of paragraph 2(2)(a), that he does not have, and has not at any time had, any connection with—
 - (i) the school in question, or
 - (ii) any person who is a member of, or employed by, the governing body of that school, of a kind which might reasonably be taken to raise doubts about his ability to act impartially in relation to the school.

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- 6 The Secretary of State may by regulations require any local education authority or governing body who are required by section 423(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 committee 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 Any local education authority or governing body required to make arrangements under section 423(1) or (2) shall indemnify the members of any appeal committee 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 committee.

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