



School Standards and Framework Act 1998

1998 CHAPTER 31

PART III

SCHOOL ADMISSIONS

CHAPTER I

ADMISSION ARRANGEMENTS

Admission appeals

94 Appeal arrangements: general.

- (1) A local education authority shall make arrangements for enabling the parent of a child to appeal against—
 - (a) any decision made by or on behalf of the authority as to the school at which education is to be provided for the child in the exercise of the authority's functions, other than a decision leading to or embodied in a direction under section 96 (directions for admission), and
 - (b) in the case of a community or voluntary controlled school maintained by the authority, any decision made by or on behalf of the governing body refusing the child admission to the school.

[^{F1}(1A) A local education authority shall make arrangements for enabling the parent of a child who has been admitted to a community or voluntary controlled school maintained by the authority to appeal against any decision made by or on behalf of the governing body refusing permission for the child to enter the school's sixth form.]

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- (2) The governing body of a foundation or voluntary aided school shall make arrangements for enabling the parent of a child to appeal against any decision made by or on behalf of the governing body refusing the child admission to the school.
- [^{F2}(2A) The governing body of a foundation or voluntary aided school shall make arrangements for enabling the parent of a child who has been admitted to the school to appeal against any decision made by or on behalf of the governing body refusing permission for the child to enter the school's sixth form.]
- (3) Joint arrangements may be made under subsection (2) [^{F3}or (2A)] by the governing bodies of two or more foundation or voluntary aided schools maintained by the same local education authority.
- (4) A local education authority and the governing body or bodies of one or more foundation or voluntary aided schools maintained by the authority may make joint arrangements consisting of—
- (a) such of the arrangements made by the authority in pursuance of subsection (1) [^{F4}or (1A)] as the authority may determine; and
 - (b) arrangements made by the governing body or bodies in pursuance of subsection (2) [^{F4}or (2A)].
- [^{F5}(5) An appeal pursuant to any arrangements made under this section shall be to an appeal panel constituted in accordance with regulations.
- (5A) Regulations may make provision about the making of appeals pursuant to such arrangements, including provision—
- (a) as to the procedure on such appeals,
 - (b) for the payment by the local education authority of allowances to members of an appeal panel, and
 - (c) as to the grounds on which an appeal panel may, in the case of an appeal to which subsection (5B) applies, determine that a place is to be offered to the child concerned.
- (5B) This subsection applies to any appeal against a decision made on the ground that prejudice of the kind referred to in section 86(3)(a) would arise as mentioned in subsection (4) of that section.
- (5C) Regulations made by virtue of subsection (5A)(b) may provide for any of the provisions of sections 173 to 174 of the Local Government Act 1972 (allowances to members of local authorities and other bodies) to apply with prescribed modifications in relation to members of an appeal panel.]
- (6) The decision of an appeal panel on an appeal [^{F6}pursuant to arrangements under this section] shall be binding on—
- (a) the local education authority or the governing body by whom or on whose behalf the decision under appeal was made, and
 - (b) in the case of a decision made by or on behalf of a local education authority, the governing body of a community or voluntary controlled school at which the appeal panel determines that a place should be offered to the child in question.
- [^{F7}(7) References in this section, in relation to a child who has been admitted to a school, to his entering the school's sixth form are to his being transferred to a class at the school in which secondary education suitable to the requirements of pupils who are

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over compulsory school age is provided from a class in which such education is not provided.]

Textual Amendments

- F1** S. 94(1A) inserted (20.1.2003 for E., 31.5.2005 for W.) by [Education Act 2002 \(c. 32\)](#), s. 216(4), [Sch. 4 para. 8\(2\)](#) (with ss. 210(8), 214(4)); [S.I. 2002/2952](#), art. 2 (with art. 3, Sch. para. 3); [S.I. 2005/1395](#), art. 4, Sch. (with art. 5(3))
- F2** S. 94(2A) inserted (20.1.2003 for E., 31.5.2005 for W.) by [Education Act 2002 \(c. 32\)](#), s. 216(4), [Sch. 4 para. 8\(3\)](#) (with ss. 210(8), 214(4)); [S.I. 2002/2952](#), art. 2 (with art. 3, Sch. para. 3); [S.I. 2005/1395](#), art. 4, Sch. (with art. 5(3))
- F3** Words in s. 94(3) inserted (20.1.2003 for E., 31.5.2005 for W.) by [Education Act 2002 \(c. 32\)](#), s. 216(4), [Sch. 4 para. 8\(4\)](#) (with ss. 210(8), 214(4)); [S.I. 2002/2952](#), art. 2 (with art. 3, Sch. para. 3); [S.I. 2005/1395](#), art. 4, Sch. (with art. 5(3))
- F4** Words in s. 94(4)(a)(b) inserted (20.1.2003 for E., 31.5.2005 for W.) by [Education Act 2002 \(c. 32\)](#), s. 216(4), [Sch. 4 para. 8\(5\)](#) (with ss. 210(8), 214(4)); [S.I. 2002/2952](#), art. 2 (with art. 3, Sch. para. 3); [S.I. 2005/1395](#), art. 4, Sch. (with art. 5(3))
- F5** S. 94(5)-(5C) substituted for s. 94(5) (20.1.2003 for E., 31.5.2005 for W.) by [Education Act 2002 \(c. 32\)](#), [ss. 50](#), 216(4) (with ss. 210(8), 214(4)); [S.I. 2002/2952](#), art. 2 (with art. 3, Sch. para. 4); [S.I. 2005/1395](#), art. 4, Sch. (with art. 5(3))
- F6** Words in s. 94(6) substituted (20.1.2003 for E., 31.5.2005 for W.) by [Education Act 2002 \(c. 32\)](#), s. 216(4), [Sch. 4 para. 8\(6\)](#) (with ss. 210(8), 214(4)); [S.I. 2002/2952](#), art. 2 (with art. 3, Sch. para. 3); [S.I. 2005/1395](#), art. 4, Sch. (with art. 5(3))
- F7** S. 94(7) inserted (20.1.2003 for E., 31.5.2005 for W.) by [Education Act 2002 \(c. 32\)](#), s. 216(4), [Sch. 4 para. 8\(7\)](#) (with ss. 210(8), 214(4)); [S.I. 2002/2952](#), art. 2 (with art. 3, Sch. para. 3); [S.I. 2005/1395](#), art. 4, Sch. (with art. 5(3))

Modifications etc. (not altering text)

- C1** S. 94 restricted (29.3.1999) by [S.I. 1999/1016](#), art. 6, Sch. 4 paras. 1, [8](#)
- C2** S. 94 modified (temp. from 22.4.1999) by [S.I. 1999/1064](#), [reg. 5](#)
- C3** S. 94 applied (with modifications) (1.9.1999) by [S.I. 1999/2800](#), [reg. 7](#), Sch. paras. 1, [2-8](#)
S. 94 applied (with modifications) (18.10.1999) by [S.I. 1999/2666](#), [reg. 8](#), Sch. paras. 1(c), [2-8](#)
- C4** S. 94 excluded (prosp.) by [Nationality, Immigration and Asylum Act 2002 \(c. 41\)](#), [ss. 36\(5\)\(b\)\(10\)](#), [162\(2\)](#) (with s. 159)
- C5** S. 94 applied (with modifications) (8.5.2003) by [The New School \(Admissions\) \(England\) Regulations 2003 \(S.I. 2003/1041\)](#), [regs. 1\(1\)](#), 9, [Sch. para. 1\(b\)](#)
- C6** S. 94 excluded (1.9.2005) by [The Education \(Pupil Referral Units\) \(Application of Enactments\) \(England\) Regulations 2005 \(S.I. 2005/2039\)](#), [reg. 1\(1\)](#), [Sch. 2 para. 1](#)

95 Appeals relating to children to whom section 87 applies.

- (1) Nothing in section 94(1) or (2) requires any arrangements to be made for enabling the parent of a child to appeal against a decision—
- made by or on behalf of the admission authority for a maintained school, and
 - refusing the child admission to the school,
- in a case where, at the time when the decision is made, section 87(2) applies to the child.
- (2) Where a local education authority are the admission authority for a community or voluntary controlled school, the authority shall make arrangements for enabling the governing body of the school to appeal against any decision made by or on behalf of

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the authority to admit to the school a child to whom, at the time when the decision is made, section 87(2) applies.

- [^{F8}(3) An appeal by the governing body pursuant to arrangements made under subsection (2) shall be to an appeal panel constituted in accordance with regulations.
- (3A) Regulations may make provision about the making of appeals pursuant to arrangements under subsection (2), including provision—
- (a) requiring prescribed information to be given to governing bodies in prescribed circumstances,
 - (b) as to the procedure on such appeals,
 - (c) for the payment by the local education authority of allowances to members of an appeal panel, and
 - (d) as to the matters to which an appeal panel is to have regard in considering an appeal.
- (3B) Regulations made by virtue of subsection (3A)(c) may provide for any of the provisions of sections 173 to 174 of the Local Government Act 1972 (allowances to members of local authorities and other bodies) to apply with prescribed modifications in relation to members of an appeal panel.]
- (4) The decision of an appeal panel on an appeal made pursuant to arrangements under subsection (2) shall be binding on the local education authority and the governing body.

Textual Amendments

- F8** S. 95(3)-(3B) substituted for s. 95(3) (20.1.2003 for E., 31.5.2005 for W.) by [Education Act 2002](#) (c. 32), s. 216(4), [Sch. 4 para. 9](#) (with ss. 210(8), 214(4)); S.I. 2002/2952, art. 2 (with art. 3, Sch. para. 3); S.I. 2005/1395, art. 4, Sch. (with art. 5(4))

Modifications etc. (not altering text)

- C7** S. 95 modified (*temp.*) (22.4.1999) by S.I. 1999/1064, [reg.6](#).
- C8** S. 95 applied (with modifications) (18.10.1999) by S.I. 1999/2666, [reg. 8](#), [Sch. paras. 1\(c\)](#), [2-8](#).
S. 95 applied (with modifications) (1.9.1999) by S.I. 1999/2800, [reg. 7](#), [Sch. paras. 1](#), [2-8](#).
- C9** Ss. 95-99 applied (with modifications) (E.) (8.5.2003) by [The New School \(Admissions\) \(England\) Regulations 2003](#) (S.I. 2003/1041), [regs. 1\(1\)](#), [9](#), [Sch. para. 1\(b\)](#)
- C10** S. 95(2) restricted (29.3.1999) by S.I. 1999/1016, [art. 6](#), [Sch. 4 paras. 1](#), [8](#)

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