



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 [^{F1}the appropriate person] to appeal against—

[^{F2}(za) in a case where the local authority are the admissions authority, any decision made by or on behalf of the authority refusing a child admission to a school,]

(a) [^{F3}any other decision] made by or on behalf of the authority as to the school at which education is to be provided for [^{F4}a child] in the exercise of the authority's functions, other than a decision leading to or embodied in a direction under section 96 [^{F5}or 97A] (directions for admission), and

(b) [^{F6}in a case where the governing body of a community or voluntary controlled school maintained by the authority are the admission authority], any decision made by or on behalf of the governing body refusing [^{F7}a child] admission to the school.

[^{F8}(1A) A local education authority shall make arrangements for enabling [^{F9}the appropriate person in relation to] a child who has been admitted to a community or voluntary controlled school maintained by the authority to appeal against any decision made

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by or on behalf of the governing body refusing permission for the child to enter the school's sixth form.]

(2) The governing body of a foundation or voluntary aided school shall make arrangements for enabling [^{F10}the appropriate person] to appeal against any decision made by or on behalf of the governing body refusing [^{F11}a child] admission to the school.

[^{F12}(2A) The governing body of a foundation or voluntary aided school shall make arrangements for enabling [^{F13}the appropriate person in relation to] 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.]

[^{F14}(2B) In this section, “the appropriate person”, in relation to a child, means—

- (a) in the case of a decision about sixth form education for the child any of the following—
 - (i) the child;
 - (ii) a parent of his;
 - (iii) the child and a parent of his, acting jointly;
 (but subject to regulations made under subsection (5A));
- (b) in any other case, a parent of the child.]

(3) Joint arrangements may be made under subsection (2) [^{F15}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) [^{F16}or (1A)] as the authority may determine; and
- (b) arrangements made by the governing body or bodies in pursuance of subsection (2) [^{F16}or (2A)].

[^{F17}(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,
- [^{F18}(aa) in cases where separate appeals are made by a parent and a child against a decision about sixth form education for the child, for the appeals to be joined, or otherwise for securing that no more than one appeal against the decision is proceeded with;]
- (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.

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(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 [^{F19}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.

[^{F20}(6A) In this section, any reference to a decision about sixth form education for a child is a reference to a decision—

- (a) made in relation to a preference expressed in accordance with arrangements made under section 86A(1) as to where education should be provided for the child, or
- (b) refusing permission for the child to enter the sixth form of the school to which he has been admitted.]

^{F21}(7)

Textual Amendments

- F1** Words in s. 94(1) substituted (26.1.2009 for E., 31.3.2009 for W.) by Education and Skills Act 2008 (c. 25), ss. 152(2)(a), 173(3)(4); S.I. 2008/3077, art. 5(a) (with art. 6); S.I. 2009/784, art. 3(a) (with art. 4)
- F2** S. 94(1)(za) inserted (26.1.2009 for E., 31.3.2009 for W.) by Education and Skills Act 2008 (c. 25), ss. 152(2)(b), 173(3)(4); S.I. 2008/3077, art. 5(a) (with art. 6); S.I. 2009/784, art. 3(a) (with art. 4)
- F3** Words in s. 94(1)(a) substituted (26.1.2009 for E., 31.3.2009 for W.) by Education and Skills Act 2008 (c. 25), ss. 152(2)(c)(i), 173(3)(4); S.I. 2008/3077, art. 5(a) (with art. 6); S.I. 2009/784, art. 3(a) (with art. 4)
- F4** Words in s. 94(1)(a) substituted (26.1.2009 for E., 31.3.2009 for W.) by Education and Skills Act 2008 (c. 25), ss. 152(2)(c)(ii), 173(3)(4); S.I. 2008/3077, art. 5(a) (with art. 6); S.I. 2009/784, art. 3(a) (with art. 4)
- F5** Words in s. 94(1)(a) inserted (8.1.2007) by Education and Inspections Act 2006 (c. 40), ss. 51(1), 188(3); S.I. 2006/3400, art. 3(d)
- F6** Words in s. 94(1)(b) substituted (8.1.2007 for E., 30.6.2008 for W.) by Education and Inspections Act 2006 (c. 40), ss. 43(4), 188(3); S.I. 2006/3400, art. 2(a); S.I. 2008/1429, art. 3(1), Sch. Pt. 1
- F7** Words in s. 94(1)(b) substituted (26.1.2009 for E., 31.3.2009 for W.) by Education and Skills Act 2008 (c. 25), ss. 152(2)(d), 173(3)(4); S.I. 2008/3077, art. 5(a) (with art. 6); S.I. 2009/784, art. 3(a) (with art. 4)
- F8** 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))
- F9** Words in s. 94(1A) substituted (26.1.2009 for E., 31.3.2009 for W.) by Education and Skills Act 2008 (c. 25), ss. 152(3), 173(3)(4); S.I. 2008/3077, art. 5(a) (with art. 6); S.I. 2009/784, art. 3(a) (with art. 4)
- F10** Words in s. 94(2) substituted (26.1.2009 for E., 31.3.2009 for W.) by Education and Skills Act 2008 (c. 25), ss. 152(4)(a), 173(3)(4); S.I. 2008/3077, art. 5(a) (with art. 6); S.I. 2009/784, art. 3(a) (with art. 4)

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- F11** Words in s. 94(2) substituted (26.1.2009 for E., 31.3.2009 for W.) by Education and Skills Act 2008 (c. 25), **ss. 152(4)(b), 173(3)(4)**; S.I. 2008/3077, **art. 5(a)** (with art. 6); S.I. 2009/784, **art. 3(a)** (with art. 4)
- F12** 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))
- F13** Words in s. 94(2A) substituted (26.1.2009 for E., 31.3.2009 for W.) by Education and Skills Act 2008 (c. 25), **ss. 152(5), 173(3)(4)**; S.I. 2008/3077, **art. 5(a)** (with art. 6); S.I. 2009/784, **art. 3(a)** (with art. 4)
- F14** S. 94(2B) inserted (26.1.2009 for E., 31.3.2009 for W.) by Education and Skills Act 2008 (c. 25), **ss. 152(6), 173(3)(4)**; S.I. 2008/3077, **art. 5(a)** (with art. 6); S.I. 2009/784, **art. 3(a)** (with art. 4)
- F15** 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))
- F16** 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))
- F17** 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))
- F18** S. 94(5A)(aa) inserted (26.1.2009 for E., 31.3.2009 for W.) by Education and Skills Act 2008 (c. 25), **ss. 152(7), 173(3)(4)**; S.I. 2008/3077, **art. 5(a)** (with art. 6); S.I. 2009/784, **art. 3(a)** (with art. 4)
- F19** 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))
- F20** S. 94(6A) inserted (26.1.2009 for E., 31.3.2009 for W.) by Education and Skills Act 2008 (c. 25), **ss. 152(8), 173(3)(4)**; S.I. 2008/3077, **art. 5(a)** (with art. 6); S.I. 2009/784, **art. 3(a)** (with art. 4)
- F21** S. 94(7) repealed (26.1.2009) by Education and Skills Act 2008 (c. 25), s. 173(3)(4), Sch. 1 para. 66, **Sch. 2**; S.I. 2008/3077, art. 4(h)(i) (with art. 6)

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**
- C7** S. 94 applied (with modifications) (1.2.2006) by The New School (Admissions) (Wales) Regulations 2006 (S.I. 2006/175), regs. 1(1), 9, **Sch.** (with reg. 2(2))
- C8** S. 94 excluded (23.4.2007) by The Education (Pupil Referral Units) (Application of Enactments) (Wales) Regulations 2007 (S.I. 2007/1069), reg. 1(1), **Sch. 2 para. 1**
- C9** S. 94 excluded (E.) (1.2.2008) by The Education (Pupil Referral Units) (Application of Enactments) (England) Regulations 2007 (S.I. 2007/2979), reg. 1(1), **Sch. 2 para. 1**

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