

## SCHEDULE 1

Regulation 3

### CONSTITUTION OF APPEAL PANELS

#### **Arrangements made by a local education authority**

1.—(1) Where the arrangements are those referred to in regulation 3(a), a panel shall consist of three or five members appointed by a local education 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.

(2) 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 (1)(b).

(3) 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).

(4) Sufficient persons may be appointed by the authority under this paragraph to enable two or more appeal panels to sit at the same time.

(5) No person shall be a member of an appeal panel if he is disqualified by virtue of sub-paragraph (6).

(6) The following persons are disqualified from membership of an appeal panel—

- (a) any member of the authority or governing body of the school in question;
- (b) any person employed by the authority or the governing body or governing bodies, 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.

(7) 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 (6)(c).

(8) 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.

(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 which consists 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 (2) are satisfied.

*Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.*

### **Arrangements made by a governing body**

2.—(1) Where the arrangements are those referred to in regulation 3(b), a 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 authority or are parents of registered pupils at a school.

(2) 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 (1)(b).

(3) 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).

(4) 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.

(5) No person shall be a member of an appeal panel if he is disqualified by virtue of sub-paragraph (6).

(6) The following persons are disqualified from 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;
- (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.

(7) 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 (6)(c).

(8) 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.

(9) Where, at any time after an appeal consisting of five members have begun to consider an appeal, any of the members—

- (a) dies, or
- (b) become unable through illness to continue as a member,

the panel may continue with their consideration and determination of the appeal so long at the number of the remaining members is not less than three and the requirements of sub-paragraph (2) are satisfied.

### **Joint arrangements made by a governing body**

3. Where the arrangements are those referred to in regulation 3(c), paragraph 2 of this Schedule shall apply as if—

- (a) (except in sub-paragraph (6)) any reference to the governing body were a reference to the governing bodies of both or all the schools; and
- (b) in sub-paragraph (6), 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).

#### **Joint arrangements by a local education authority and one or more governing body**

4. Where the arrangements are those referred to in regulation 3(d), paragraph 1 of this Schedule shall apply in relation to those arrangements as it applies in relation to arrangements made by a local education authority such as are referred to in regulation 3(a) but as if in sub-paragraph (6) 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).

#### **Appeals by a governing body under section 95**

5.—(1) Subject to sub-paragraph (2), where the arrangements are those referred to in regulation 3(e), paragraph 1 of this Schedule shall have effect as it has effect where the arrangements are those referred to regulation 3(a).

(2) A person shall not be a member of an appeal panel for the consideration of an appeal under section 95(2) if he has to any extent been involved in any previous consideration of the question whether the child in question should or should not be reinstated at any school from which he has at any time been permanently excluded, or in any previous appeal relating to the child under section 95(2).