
WELSH STATUTORY INSTRUMENTS

2013 No. 2535

**The Education (Admission Appeals Arrangements)
(Wales) (Amendment) Regulations 2013**

Amendment of the Education (Admission Appeals Arrangements) (Wales) Regulations 2005

2.—(1) The Education (Admission Appeals Arrangements) (Wales) Regulations 2005(1) are amended as follows.

(2) In regulation 2(1)—

(a) delete the definition of “the 1972 Act”;

(b) in the appropriate place in alphabetical order insert—

““the 2011 Measure” (“*Mesur 2011*”) means the Local Government (Wales) Measure 2011(2);”;

““School Admissions Code” (“*Cod Derbyniadau Ysgol*”) means any code for school admissions issued under section 84(3);”.

(3) For regulation 6 substitute—

“Relevant considerations in appeals brought under sections 94 and 95 of the 1998 Act

6.—(1) In relation to an appeal made under the arrangements referred to in regulation 3(a) to (d), the matters to be taken into account by an appeal panel, in considering an appeal, must include—

(a) any preference expressed by the appellant; and

(b) the arrangements for admission of pupils published by the local authority or the governing body in accordance with regulations made under section 92.

(2) The arrangements for admission referred to in paragraph (1)(b) are the arrangements published when any preference was expressed by the appellant.

(3) Consideration of the matter mentioned in paragraph (1)(b) may include consideration of whether those arrangements comply with any mandatory requirements of—

(i) a School Admissions Code, or

(ii) Part 3 of the 1998 Act.

(4) Where the decision was 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, an appeal panel may determine that a place is to be offered to the child only if they are satisfied that one of the conditions mentioned in paragraph (5) applies.

(5) The conditions mentioned in this paragraph are—

(a) the child would have been offered a place if the schools admission arrangements had complied with the requirements of—

(1) S.I. 2005/1398 (W.112).

(2) 2011 nawm 4.

(3) Section 84 was amended by section 40 of, and Part 6 of Schedule 18 to, the Education and Inspections Act 2006 (c.40).

- (i) a School Admissions Code, or
- (ii) Part 3 of the 1998 Act;
- (b) the child would have been offered a place if the school's admission arrangements had been properly implemented; or
- (c) the decision was not one which a reasonable admission authority would have made in the circumstances of the case.
- (6) In relation to an appeal made under arrangements referred to in regulation 3(e) an appeal panel in considering an appeal must have regard to—
 - (a) the reasons for the local authority's decision that the child in question should be admitted; and
 - (b) any reasons put forward by the governing body as to why the child's admission would be inappropriate.
- (7) In this regulation, "preference" (*"hoff ddewis"*) means a preference expressed in accordance with arrangements made under section 86(1) or section 86A(1)(4), in relation to the school year 2013-2014, and subsequent schools years."
- (4) For regulation 7 substitute the following—

"Payment of allowances

- 7.—(1) This regulation applies to any member of an appeal panel constituted in accordance with any of the paragraphs of Schedule 1.
- (2) The relevant local authority may pay to a member referred to in paragraph (1) allowances for—
 - (a) financial loss;
 - (b) travel; and
 - (c) subsistence.
- (3) The allowances referred to in paragraph (2) are to be at the most recent rates set out for payments to members of a community and town council in a report ("the report") by the Independent Remuneration Panel for Wales(5) issued under Part 8 of the 2011 Measure (members: payments and pensions).
- (4) Any reference in the report to an approved duty is to be read as including a reference to attendance at a meeting of an appeal panel."

(4) Section 86A was inserted into the School Standards and Framework Act 1998 by section 150 of the Education and Skills Act 2008.

(5) Provision for the Independent Remuneration Panel for Wales is made in section 141 of the Local Government (Wales) Measure 2011.