

SCHEDULES

SCHEDULE 2

Section 7(4).

SCHOOL ADMISSION APPEALS

PART I

CONSTITUTION OF APPEAL COMMITTEES

- 1 (1) An appeal pursuant to arrangements made by a local education authority under section 7(1) of this Act shall be to an appeal committee constituted in accordance with this paragraph.
- (2) An appeal committee shall consist of three, five or seven members nominated by the authority from among persons appointed by the authority under this paragraph; and sufficient persons may be appointed to enable two or more appeal committees to sit at the same time.
- (3) The persons appointed shall comprise—
- (a) members of the authority or of any education committee of the authority; and
 - (b) persons who are not members of the authority or of any education committee 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) The members of an appeal committee who are members of the authority or of any education committee of the authority shall not outnumber the others by more than one.
- (5) A person who is a member of an education committee of the authority shall not be chairman of an appeal committee.
- (6) A person shall not be a member of an appeal committee for the consideration of any 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.
- (7) 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.
- 2 (1) An appeal pursuant to arrangements made by the governors of an aided or special agreement school under section 7(2) of this Act shall be to an appeal committee constituted in accordance with this paragraph.
- (2) An appeal committee shall consist of three, five or seven members nominated by the governors from among persons appointed by them under this paragraph; and

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sufficient persons may be appointed to enable two or more appeal committees to sit at the same time.

- (3) The persons appointed—
- (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) Half the members of an appeal committee (excluding the chairman) shall be nominated from among such persons as are mentioned in sub-paragraph (3)(b) above.
- (5) None of the governors shall be chairman of an appeal committee.
- (6) A person shall not be a member of an appeal committee for the consideration of any 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.
- (7) 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.
- 3 An appeal pursuant to joint arrangements made by virtue of section 7(3) of this Act by the governors of two or more schools shall be to an appeal committee constituted as provided in paragraph 2 above, taking references to the governors as references to the governors of both or all the schools.
- 4 An appeal committee constituted in accordance with paragraph 2 or 3 above shall be included in the bodies to which sections 173(4) and 174 of the Local Government Act 1972 (allowances) apply.

PART II

PROCEDURE

- 5 An appeal shall be by notice in writing setting out the grounds on which it is made.
- 6 An appeal committee shall afford the appellant an opportunity of appearing and making oral representations and may allow the appellant to be accompanied by a friend or to be represented.
- 7 The matters to be taken into account by an appeal committee in considering an appeal shall include—
- (a) any preference expressed by the appellant in respect of the child as mentioned in section 6 of this Act; and
 - (b) the arrangements for the admission of pupils published by the local education authority or the governors under section 8 of this Act.
- 8 In the event of disagreement between the members of an appeal committee the appeal under consideration shall be decided by a simple majority of the votes cast and in the case of an equality of votes the chairman of the committee shall have a second or casting vote.
- 9 The decision of an appeal committee and the grounds on which it is made shall be communicated by the committee in writing to—

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- (a) the appellant and the local education authority; and
 - (b) in the case of an appeal to an appeal committee constituted in accordance with paragraph 2 or 3 above, to the governors by or on whose behalf the decision appealed against was made.
- 10 Appeals pursuant to arrangements made under section 7 of this Act shall be heard in private except when otherwise directed by the authority or governors by whom the arrangements are made but, without prejudice to paragraph 6 above, a member of the local education authority may attend as an observer any hearing of an appeal by an appeal committee constituted in accordance with paragraph 1 above and a member of the Council on Tribunals may attend as an observer any meeting of any appeal committee at which an appeal is considered.
- 11 Subject to paragraphs 5 to 10 above, all matters relating to the procedure on appeals pursuant to arrangements made under section 7 of this Act, including the time within which they are to be brought, shall be determined by the authority or governors by whom the arrangements are made; and neither section 106 of the Local Government Act 1972 nor paragraph 44 of Schedule 12 to that Act (procedure of committees of local authorities) shall apply to an appeal committee constituted in accordance with paragraph 1 above.