

SCHEDULE 1

Regulation 3

CONSTITUTION OF APPEAL PANELS

Arrangements made by a local education authority

1.—(1) Where the arrangements are those specified in regulation 3(a), an appeal panel is to 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 or who are acquainted with educational conditions in the area of the authority; or
- (c) persons who 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) or (1)(c).

(3) The local education authority must appoint one member of the panel to act as chair.

(4) For the purposes of this paragraph a person is eligible to be a lay member if he or she 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).

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

(6) No person is to be a member of an appeal panel if he or she is disqualified by virtue of sub-paragraph (7).

(7) 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 —
 - (i) the authority or the school, or
 - (ii) any person within paragraph (b)

of a kind which might reasonably be taken to raise doubts about his or her ability to act impartially in relation to the authority or the school.

(8) A person employed as a teacher by the authority is not to be taken, by reason only of that employment, to have such a connection with the authority as is mentioned in sub-paragraph (7)(c).

(9) A person is not to be a member of an appeal panel for the consideration of an appeal against a decision if he or she was among those who made the decision or took part in discussions as to whether the decision should be made.

(10) A person who is a teacher at a school is not to 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.

(11) Where, at any time after an appeal panel has begun to consider an appeal, any of the members —

- (a) dies; or
- (b) becomes unable through illness to continue as a member; or

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(c) becomes unable to continue as a member because doubts may reasonably be raised about his or her ability to act impartially,
the panel may continue with their consideration and determination of the appeal so long as the number of remaining members is not less than three and the requirements of sub-paragraph (2) above are satisfied.

Arrangements made by a governing body

2.—(1) Where the arrangements are those specified in regulation 3(b), a panel is to 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 or who are acquainted with educational conditions in the area of the authority; or
- (c) persons who 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) or (1)(c).

(3) The governing body must appoint one member of the panel to act as chair.

(4) For the purposes of this paragraph a person is eligible to be a lay member if he or she 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).

(5) 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.

(6) No person is to be a member of an appeal panel if he or she is disqualified by virtue of sub-paragraph (7).

(7) 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 —
 - (i) the authority or the school, or
 - (ii) any person within paragraph (b),

of a kind which might reasonably be taken to raise doubts about his or her ability to act impartially in relation to the authority or the school.

(8) A person employed as a teacher by the authority is not to be taken, by reason only of that employment, to have such a connection with the authority as is mentioned in sub-paragraph (7)(c).

(9) A person who is a teacher at a school is not to 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 has begun to consider an appeal, any of the members —

- (a) dies; or
- (b) becomes unable through illness to continue as a member; or

(c) becomes unable to continue as a member because doubts may reasonably be raised about his or her ability to act impartially,
the panel may continue with their consideration and determination of the appeal so long as the number of remaining members is not less than three and the requirements of sub-paragraph (2) above are satisfied.

Joint arrangements by two or more governing bodies

3.—(1) Where arrangements are those specified in regulation 3(c), paragraph 2 of this Schedule is to apply as if—

- (a) (except in sub-paragraph (7)) any reference to the governing body were a reference to the governing bodies of both or all the schools; and
- (b) in sub-paragraph (7), 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.

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

4. Where the arrangements are those specified in regulation 3(d), paragraph 1 of this Schedule is to 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 (7) 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.

Appeals by a governing body under section 95

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

(2) A person is not to be a member of an appeal panel for the consideration of an appeal under section 95(2) if he or she 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 or she has at any time been permanently excluded, or in any previous appeal relating to the child under section 95(2).