
STATUTORY INSTRUMENTS

1997 No. 866

The Education (Northern Ireland) Order 1997

PART III

ADMISSION OF CHILDREN TO GRANT-AIDED SCHOOLS

Appeals against certain admission decisions under Articles 13 and 14

15.—(1) Subject to paragraph (2), every board shall make arrangements for enabling the parent of a child to appeal against any decision made under Article 13 or 14 by the Board of Governors of a grant-aided school situated in the area of the board refusing the child admission to the school.

(2) Paragraph (1) does not apply to a decision made under—

- (a) Article 13(5) or 14(7)(b) (admission prejudicial to efficient use of resources);
- (b) Article 14(3) (admission detrimental to educational interests of child); or
- (c) Article 14(5) or (7)(a) (academic standards of grammar schools).

(3) An appeal under this Article shall be to an appeal tribunal constituted in accordance with regulations under paragraph (8).

(4) An appeal under this Article may be brought only on the ground that the criteria drawn up under Article 16(1) by the Board of Governors of a school—

- (a) were not applied; or
- (b) were not correctly applied,

in deciding to refuse the child admission to the school.

(5) On the hearing of an appeal under this Article—

- (a) if it appears to the appeal tribunal that the criteria were not applied, or were not correctly applied, in deciding to refuse the child admission to the school, the tribunal shall, subject to paragraph (6), allow the appeal and direct the Board of Governors of the school to admit the child to the school;
- (b) in any other case, the tribunal shall dismiss the appeal.

(6) If, in the case mentioned in paragraph (5)(a), it appears to the tribunal that had the criteria been applied, or (as the case may be) been correctly applied, the child would have been refused admission to the school, the tribunal shall dismiss the appeal.

(7) It shall be the duty of the Board of Governors of a school to comply with any direction given under paragraph (5)(a).

(8) The Department shall by regulations provide for the constitution and procedure of appeal tribunals and, without prejudice to the generality of the foregoing, such regulations—

- (a) shall provide for an appeal tribunal to consist of—
 - (i) a chairman, selected in the prescribed manner from a panel of persons appointed by the board to act as chairmen of appeal panels;

- (ii) a prescribed number of other persons selected in the prescribed manner from a panel of persons appointed by the board to act as members of appeal tribunals;
 - (b) may prescribe qualifications for appointment to a panel mentioned in sub-paragraph (a)(i);
 - (c) may provide for disqualifying prescribed persons or persons of prescribed descriptions for membership of an appeal tribunal;
 - (d) may provide for two or more tribunals to sit at the same time;
 - (e) may provide that all matters relating to the procedure on appeals which are not specifically regulated by the regulations shall be determined by the board.
- (9) An appeal tribunal shall not be regarded as a committee of the board.
- (10) A board shall make payments by way of travelling allowance or subsistence allowance, on such conditions and at such rates as the Department may determine, to any member of an appeal tribunal who necessarily incurs expenditure on travelling or, as the case may be, subsistence for the purpose of enabling him to perform any duty specified in the conditions.
- (11) A board may make payments to—
- (a) the chairman of an appeal tribunal for or in relation to his functions as chairman, of amounts or at rates not exceeding such amounts or rates and on such conditions as the Department, with the approval of the Department of Finance and Personnel, may determine;
 - (b) the members of an appeal tribunal for or in relation to their functions as members, of amounts or at rates not exceeding such amounts or rates and on such conditions as the Department may determine.