

SCHEDULES

SCHEDULE 24

ADMISSION APPEALS

PART II

PROCEDURE

- 8 In this Part of this Schedule “appeal” means an appeal pursuant to any arrangements made under section 94.
- 9 An appeal shall be by notice in writing setting out the grounds on which it is made.
- 10 An appeal panel shall give the appellant an opportunity of appearing and making oral representations, and may allow him to be accompanied by a friend or to be represented.
- 11 The matters to be taken into account by an appeal panel in considering an appeal shall include—
- (a) any preference expressed by the appellant in respect of the child as mentioned in section 86, and
 - (b) the arrangements for the admission of pupils published by the local education authority or the governing body under section 92.
- 12 Where the decision under appeal 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 shall determine that a place is to be offered to the child only if they are satisfied—
- (a) that the decision was not one which a reasonable admission authority would make in the circumstances of the case; or
 - (b) that the child would have been offered a place if the admission arrangements (as published under section 92) had been properly implemented.
- 13 (1) Appeals shall be heard in private except when the body or bodies by whom the arrangements under section 94 are made direct otherwise; but—
- (a) if the panel so direct, one member of the local education authority may attend, as an observer, any hearing of an appeal by an appeal panel constituted in accordance with paragraph 1;
 - (b) if the panel so direct, one member of the governing body of the school in question may attend, as an observer, any hearing of an appeal by an appeal panel constituted in accordance with paragraph 1 or 2 (or in accordance with paragraph 2 as it applies by virtue of paragraph 3); and
 - (c) one member of the Council on Tribunals may attend, as an observer, any meeting of any appeal panel at which an appeal is considered.

Status: This is the original version (as it was originally enacted).

- (2) For the purposes of sub-paragraph (1), an appeal to an appeal panel constituted in accordance with paragraph 1 as it applies by virtue of paragraph 4 shall be treated—
- (a) as an appeal to an appeal panel constituted in accordance with paragraph 1 if it relates to a community or voluntary controlled school; and
 - (b) as an appeal to an appeal panel constituted in accordance with paragraph 2 if it relates to a foundation or voluntary aided school.
- 14 In the event of a disagreement between the members of an appeal panel, 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 panel shall have a second or casting vote.
- 15 (1) The decision of an appeal panel and the grounds on which it is made shall be communicated by the panel in writing to—
- (a) the appellant and the local education authority, and
 - (b) in the case of an appeal to an appeal panel constituted in accordance with paragraph 2 (or in accordance with that paragraph as it applies by virtue of paragraph 3), to the governing body by whom or on whose behalf the decision appealed against was made.
- (2) For the purposes of sub-paragraph (1), an appeal to an appeal panel constituted in accordance with paragraph 1 as it applies by virtue of paragraph 4 shall be treated as an appeal to an appeal panel constituted in accordance with paragraph 2, if it relates to a foundation or voluntary aided school.
- 16 Subject to paragraphs 9 to 15, all matters relating to the procedure on appeals, including the time within which they are to be brought, shall be determined by the body or bodies by whom the arrangements under section 94 are made.
- Power of Secretary of State to make amendments*
- 17 The Secretary of State may by order make such amendments of this Schedule as he considers expedient.