

*Status: Point in time view as at 20/01/2003.*

**Changes to legislation:** School Standards and Framework Act 1998, SCHEDULE 25 is up to date with all changes known to be in force on or before 31 May 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)

## SCHEDULES

### [<sup>F1</sup>SCHEDULE 25]

Section 95.

#### CHILDREN TO WHOM SECTION 87 APPLIES: APPEALS BY GOVERNING BODIES 12.10.01

##### Textual Amendments

- F1** Sch. 25 repealed (20.1.2003 for E. otherwise prosp.) by Education Act 2002 (c. 32), ss. 215(2), 216, Sch. 22 Pt. 3 (with ss. 210(8), 214(4)); S.I. 2002/2952, art. 2 (with Sch.)

##### Modifications etc. (not altering text)

- C1** Sch. 25 applied (with modifications) (18.10.1999) by S.I. 1999/2666, reg. 8, Sch. paras. 1(d), 2-8.  
Sch. 25 restricted (29.3.1999) by S.I. 1999/1016, art. 6, Sch. 4 paras. 1, 8  
Sch. 25 applied (with modifications) (1.9.1999) by S.I. 1999/2800, reg. 7, Sch. paras. 1, 2-8.

#### *Duty to notify governing body of decision to admit child*

1

[<sup>F2</sup>Where any such decision as is mentioned in section 95(2) is made by or on behalf of a local education authority, the authority shall give the governing body of the school notice in writing—

- (a) of that decision; and
- (b) of the governing body's right to appeal against the decision in accordance with paragraph 2.]

##### Textual Amendments

- F2** Sch. 25 repealed (20.1.2003 for E. otherwise prosp.) by Education Act 2002 (c. 32), ss. 215(2), 216, Sch. 22 Pt. 3 (with ss. 210(8), 214(4)); S.I. 2002/2952, art. 2 (with Sch.)

#### *Time limit on appealing*

2

[<sup>F3</sup>An appeal by the governing body against any such decision must be made not later than the 15th school day after the day on which they are given the notice under paragraph 1.]

##### Textual Amendments

- F3** Sch. 25 repealed (20.1.2003 for E. otherwise prosp.) by Education Act 2002 (c. 32), ss. 215(2), 216, Sch. 22 Pt. 3 (with ss. 210(8), 214(4)); S.I. 2002/2952, art. 2 (with Sch.)

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### *Appeal panels*

- 3
- [<sup>F4</sup>(1) Subject to sub-paragraphs (2) and (3) below, paragraphs 1, 5, 6 and 7 of Schedule 24 (school admission appeals) shall have effect in relation to appeals under section 95(2) as they have effect in relation to appeals under section 94(1).
- (2) A person shall not be a member of an appeal panel for the consideration of an appeal under section 95(2) if he 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 has at any time been permanently excluded, or in any previous appeal relating to the child under section 95(2).
- (3) In this paragraph “appeal panel” means an appeal panel constituted in accordance with Part I of Schedule 24, as it applies in accordance with this paragraph.]

#### **Textual Amendments**

- F4** Sch. 25 repealed (20.1.2003 for E. otherwise prosp.) by [Education Act 2002 \(c. 32\)](#), ss. 215(2), 216, [Sch. 22 Pt. 3](#) (with ss. 210(8), 214(4)); S.I. 2002/2952, [art. 2](#) (with Sch.)

### *Procedure on an appeal*

- 4
- [<sup>F5</sup>In the following provisions of this Schedule—
- “appeal” means an appeal under section 95(2); and
- “appeal panel” means such an appeal panel as is mentioned in paragraph 3(3) above.]

#### **Textual Amendments**

- F5** Sch. 25 repealed (20.1.2003 for E. otherwise prosp.) by [Education Act 2002 \(c. 32\)](#), ss. 215(2), 216, [Sch. 22 Pt. 3](#) (with ss. 210(8), 214(4)); S.I. 2002/2952, [art. 2](#) (with Sch.)

- 5
- [<sup>F6</sup>An appeal shall be by notice in writing setting out the grounds on which it is made.]

#### **Textual Amendments**

- F6** Sch. 25 repealed (20.1.2003 for E. otherwise prosp.) by [Education Act 2002 \(c. 32\)](#), ss. 215(2), 216, [Sch. 22 Pt. 3](#) (with ss. 210(8), 214(4)); S.I. 2002/2952, [art. 2](#) (with Sch.)

- 6
- [<sup>F7</sup>(1) The appeal panel shall meet to consider an appeal on such date as the local education authority may determine.
- (2) The date so determined must not be later than the 15th school day after the day on which the appeal is lodged.]

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### Textual Amendments

**F7** Sch. 25 repealed (20.1.2003 for E. otherwise prosp.) by [Education Act 2002 \(c. 32\)](#), ss. 215(2), 216, [Sch. 22 Pt. 3](#) (with ss. 210(8), 214(4)); S.I. 2002/2952, [art. 2](#) (with Sch.)

7

[<sup>F8</sup>On an appeal the panel shall allow—

- (a) the local education authority and the governing body to make written representations;
- (b) an officer of the authority nominated by the authority, and a governor nominated by the governing body, to appear and make oral representations; and
- (c) the governing body to be represented.]

### Textual Amendments

**F8** Sch. 25 repealed (20.1.2003 for E. otherwise prosp.) by [Education Act 2002 \(c. 32\)](#), ss. 215(2), 216, [Sch. 22 Pt. 3](#) (with ss. 210(8), 214(4)); S.I. 2002/2952, [art. 2](#) (with Sch.)

8

[<sup>F9</sup>In considering an appeal the appeal panel shall have regard to—

- (a) the reasons for the local education 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.]

### Textual Amendments

**F9** Sch. 25 repealed (20.1.2003 for E. otherwise prosp.) by [Education Act 2002 \(c. 32\)](#), ss. 215(2), 216, [Sch. 22 Pt. 3](#) (with ss. 210(8), 214(4)); S.I. 2002/2952, [art. 2](#) (with Sch.)

9

[<sup>F10</sup>Appeals shall be heard in private except when the local education authority 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; and
- (b) one member of the Council on Tribunals may attend, as an observer, any meeting of an appeal panel at which an appeal is considered.]

### Textual Amendments

**F10** Sch. 25 repealed (20.1.2003 for E. otherwise prosp.) by [Education Act 2002 \(c. 32\)](#), ss. 215(2), 216, [Sch. 22 Pt. 3](#) (with ss. 210(8), 214(4)); S.I. 2002/2952, [art. 2](#) (with Sch.)

10

[<sup>F11</sup>Two or more appeals may be combined and dealt with in the same proceedings if the appeal panel consider that it is expedient to do so because the issues raised by the appeals are the same or connected.]

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**Textual Amendments**

**F11** Sch. 25 repealed (20.1.2003 for E. otherwise prosp.) by [Education Act 2002 \(c. 32\)](#), ss. 215(2), 216, [Sch. 22 Pt. 3](#) (with ss. 210(8), 214(4)); S.I. 2002/2952, [art. 2](#) (with Sch.)

11

[<sup>F12</sup>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.]

**Textual Amendments**

**F12** Sch. 25 repealed (20.1.2003 for E. otherwise prosp.) by [Education Act 2002 \(c. 32\)](#), ss. 215(2), 216, [Sch. 22 Pt. 3](#) (with ss. 210(8), 214(4)); S.I. 2002/2952, [art. 2](#) (with Sch.)

12

[<sup>F13</sup>The decision of an appeal panel and the grounds on which it is made shall—  
 (a) be communicated by the panel in writing to the local education authority and the governing body, and  
 (b) be so communicated by the end of the second school day after the conclusion of the hearing of the appeal.]

**Textual Amendments**

**F13** Sch. 25 repealed (20.1.2003 for E. otherwise prosp.) by [Education Act 2002 \(c. 32\)](#), ss. 215(2), 216, [Sch. 22 Pt. 3](#) (with ss. 210(8), 214(4)); S.I. 2002/2952, [art. 2](#) (with Sch.)

13

[<sup>F14</sup>Subject to paragraphs 5 to 12, all matters relating to the procedure on appeals shall be determined by the local education authority.]

**Textual Amendments**

**F14** Sch. 25 repealed (20.1.2003 for E. otherwise prosp.) by [Education Act 2002 \(c. 32\)](#), ss. 215(2), 216, [Sch. 22 Pt. 3](#) (with ss. 210(8), 214(4)); S.I. 2002/2952, [art. 2](#) (with Sch.)

*Power of Secretary of State to make amendments*

14

[<sup>F15</sup>The Secretary of State may by order make such amendments of this Schedule as he considers expedient.]

**Textual Amendments**

**F15** Sch. 25 repealed (20.1.2003 for E. otherwise prosp.) by [Education Act 2002 \(c. 32\)](#), ss. 215(2), 216, [Sch. 22 Pt. 3](#) (with ss. 210(8), 214(4)); S.I. 2002/2952, [art. 2](#) (with Sch.)

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