

SCHEDULE

Regulation 5

Constitution of Appeal Panels

Arrangements made by a local authority or governing body

1.—(1) Where arrangements are made by a local authority or a governing body of a foundation or voluntary aided school for an appeal under section 94 of SSFA 1998, an appeal panel must consist of a minimum of three members appointed by the relevant local authority or governing body from—

- (a) persons who are eligible to be lay members, and
- (b) persons who have experience in education, are acquainted with educational conditions in the area of the authority or 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 with sub-paragraph (1)(b).

(3) For the purposes of this paragraph a person is eligible to be a lay member if that person has no 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).

(4) No person may be a member of an appeal panel if that person is disqualified by paragraph 4.

(5) In this paragraph, “registered pupil” has the meaning in section 434(5) of the Education Act 1996(1).

Joint arrangements

2.—(1) Arrangements for an appeal under section 94 of SSFA 1998 may be made jointly between—

- (a) a governing body of a foundation or voluntary aided school and one or more governing bodies of other foundation or voluntary aided schools maintained by the same local authority;
- (b) a local authority and one or more governing bodies of foundation or voluntary aided schools maintained by that authority.

(2) Where joint arrangements are made under sub-paragraph (1)—

- (a) paragraph 1 applies as if any reference to the governing body were a reference to the governing bodies of both or all the schools; and
- (b) paragraph 4 applies as if 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.

Appeals by a governing body under section 95 of SSFA 1998

3.—(1) Subject to sub-paragraph (2), the provisions of paragraph 1 apply to the arrangements made by a local authority for an appeal by a governing body under section 95 of SSFA 1998 as they do to arrangements for an appeal under section 94.

(2) A person may not be a member of an appeal panel for the consideration of an appeal under section 95(2) if that person has to any extent been involved in any previous consideration of whether the child in question should or should not be reinstated at any school from which that child has at any time been permanently excluded, or in any previous appeal under section 95(2) relating to the child.

(1) 1996 c.56.

Disqualification from membership of an appeal panel

- 4.—(1) The following persons are disqualified from membership of an appeal panel—
- (a) any member of the local authority which is making the arrangements or which maintains the school in question;
 - (b) any member or former member of the governing body of the school in question;
 - (c) any person employed by the authority or the governing body of the school in question, other than a person employed as a teacher or as a teaching assistant;
 - (d) any person who has, or at any time has had, any connection with the authority or the school in question, or with any person within sub-paragraph (c), of a kind which might reasonably be taken to raise doubts about that person's ability to act impartially in relation to the authority or the school;
 - (e) any person who has not attended training required by the local authority or governing body arranging the appeal panel.

(2) A person employed as a teacher or as a teaching assistant by the local authority or by the governing body of another school maintained by the authority may not be taken, by reason only of that employment, to have such a connection with the authority as is mentioned in sub-paragraph (1) (d).

(3) A person who is a teacher or a teaching assistant at a school may not 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.

(4) A person may not be a member of an appeal panel for the consideration of an appeal against a decision if the person was among those who made the decision or provided information which contributed to the decision.

(5) A teaching assistant is a person who carries out work under paragraph 10 of Schedule 2 to the Education (Specified Work and Registration) (England) Regulations 2003⁽²⁾.

(2) [S.I. 2003/1663](#).