

## SCHEDULES

### SCHEDULE 25

Section 95.

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

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

- 1 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.

##### *Time limit on appealing*

- 2 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.

##### *Appeal panels*

- 3 (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.

##### *Procedure on an appeal*

- 4 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.
- 5 An appeal shall be by notice in writing setting out the grounds on which it is made.
- 6 (1) The appeal panel shall meet to consider an appeal on such date as the local education authority may determine.

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*Status: This is the original version (as it was originally enacted).*

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- (2) The date so determined must not be later than the 15th school day after the day on which the appeal is lodged.
- 7        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.
- 8        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.
- 9        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.
- 10       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.
- 11       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.
- 12       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.
- 13       Subject to paragraphs 5 to 12, all matters relating to the procedure on appeals shall be determined by the local education authority.
- Power of Secretary of State to make amendments*
- 14       The Secretary of State may by order make such amendments of this Schedule as he considers expedient.