



Education and Skills Act 2008

2008 CHAPTER 25

PART 5

MISCELLANEOUS AND GENERAL

CHAPTER 2

MISCELLANEOUS

School admissions

152 Sixth form admissions etc: appeals

- (1) Section 94 of the School Standards and Framework Act 1998 (c. 31) (appeal arrangements: general) is amended as follows.
- (2) In subsection (1)—
 - (a) for “the parent of a child” substitute “ the appropriate person ”;
 - (b) before paragraph (a) insert—
 - “(za) in a case where the [^{F1}local authority] are the admissions authority, any decision made by or on behalf of the authority refusing a child admission to a school,”;
 - (c) in paragraph (a)—
 - (i) for “any decision” substitute “ any other decision ”, and
 - (ii) for “the child” substitute “ a child ”;
 - (d) in paragraph (b), for “the child” substitute “ a child ”.
- (3) In subsection (1A), for “the parent of” substitute “ the appropriate person in relation to ”.
- (4) In subsection (2)—
 - (a) for “the parent of a child” substitute “ the appropriate person ”;

Changes to legislation: Education and Skills Act 2008, Section 152 is up to date with all changes known to be in force on or before 13 April 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) View outstanding changes

- (b) for “the child” substitute “ a child ”.
- (5) In subsection (2A), for “the parent of” substitute “ the appropriate person in relation to ”.
- (6) After that subsection insert—
- “(2B) In this section, “the appropriate person”, in relation to a child, means—
- (a) in the case of a decision about sixth form education for the child any of the following—
 - (i) the child;
 - (ii) a parent of his;
 - (iii) the child and a parent of his, acting jointly;
 (but subject to regulations made under subsection (5A));
 - (b) in any other case, a parent of the child.”
- (7) In subsection (5A), after paragraph (a) insert—
- “(aa) in cases where separate appeals are made by a parent and a child against a decision about sixth form education for the child, for the appeals to be joined, or otherwise for securing that no more than one appeal against the decision is proceeded with;”.
- (8) After subsection (6) insert—
- “(6A) In this section, any reference to a decision about sixth form education for a child is a reference to a decision—
- (a) made in relation to a preference expressed in accordance with arrangements made under section 86A(1) as to where education should be provided for the child, or
 - (b) refusing permission for the child to enter the sixth form of the school to which he has been admitted.”

Textual Amendments

- F1** Words in Act substituted (5.5.2010) by [The Local Education Authorities and Children’s Services Authorities \(Integration of Functions\) Order 2010 \(S.I. 2010/1158\)](#), **Sch. 2 para. 15(2)**

Commencement Information

- I1** S. 152 in force at 26.1.2009 for E. by [S.I. 2008/3077](#), **art. 5(a)** (with [art. 6](#))
- I2** S. 152 in force at 31.3.2009 for W. by [S.I. 2009/784](#), **art. 3(a)** (with [art. 4](#))

Changes to legislation:

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Changes and effects yet to be applied to the whole Act associated Parts and Chapters:

Whole provisions yet to be inserted into this Act (including any effects on those provisions):

- s. 91(3)(c) inserted by [2022 asc 1 Sch. 4 para. 22\(3\)](#)