
EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations, which come into force on 17th January 2008, amend the Education (Admissions Appeals Arrangements) (England) Regulations 2002 (“the principal Regulations”). The principal Regulations contain requirements for the constitution and procedures of appeal panels constituted under sections 94 and 95 of the School Standards and Framework Act 1998. The appeal panels hear appeals against decisions about school admissions.

Regulation 3 amends regulation 6 of the principal Regulations. Regulation 6(2) contains two considerations for panels hearing appeals which concern infant class size. Regulation 3 reverses the order of the considerations to match the order in which they should be considered. An appeal panel may overturn a decision not to admit a child if that decision was not one which a reasonable admission authority would have made. The panel must determine whether it was unreasonable only on the basis of the information available to the admission authority at the time, or information which would have been available to it had it acted reasonably.

There is a amendment to regulation 7 of the principal Regulations to enable appeal panel members to be paid allowances for time spent on training associated with panel membership.

Regulation 5 inserts a new regulation 8A into the principal Regulations. This introduces training requirements for panel members.

A new Schedule 1 to the principal Regulations is substituted by regulation 6. The list of persons who are disqualified from membership of an appeal panel has been updated and consolidated into one separate paragraph.

The Regulations also amend Schedule 2 to the principal Regulations, so that references to the Council on Tribunals are removed. The Administrative Justice and Tribunals Council, which replaces the Council on Tribunals with effect from 1st November 2007, has an automatic right to attend hearings over which it has jurisdiction, so the omitted provisions are no longer required. In addition, observers will be permitted to attend appeal panel hearings for the purposes of appraisal and training.