WELSH STATUTORY INSTRUMENTS

2009 No. 823 (W.73)

EDUCATION, WALES

The Education (Admission Appeals Arrangements) (Wales) (Amendment) Regulations 2009

Made - - - -	*31 March 2009*
Laid before the National Assembly for Wales - -	*1 April 2009*
Coming into force - -	*22 April 2009*

The Welsh Ministers in exercise of the powers conferred on the Secretary of State by sections 94(5A), 95(3A) and 138(7) and (8) of the School Standards and Framework Act 1998(**1**) and now vested in them(**2**), and after consultation with the Administrative Justice and Tribunals Council in accordance with Schedule 7 to the Tribunals, Courts and Enforcement Act 2007(**3**), hereby make the following Regulations.

Title, commencement and application

1.—(1) The title of these Regulations is the Education (Admission Appeals Arrangements) (Wales) (Amendment) Regulations 2009, and they come into force on 22 April 2009.

(2) These Regulations apply in relation to Wales.

Amendment of Regulations

2.—(1) The Education (Admission Appeals Arrangements) (Wales) Regulations 2005(**4**) are amended as follows.

(2) In regulation 6(2)(a) for "would make" substitute "would have made".

(3) For Schedule 2, substitute the following—

(**1**) 1998 c. 31. Sub-section 94(5A) was inserted by section 50 and sub-section 95(3A) was inserted by section 51, Schedule 4, paragraph 9 of the Education Act 2002 (c. 32).

(**2**) The functions of the Secretary of State under these sections were transferred to the National Assembly for Wales by the National Assembly for Wales (Transfer of Functions) Order 1999 (S.I.1999/672) and then to the Welsh Ministers by paragraph 30 of Schedule 11 to the Government of Wales Act 2006 (c. 32).

(**3**) 2007 c. 15. Paragraph 24(1) of Schedule 7 to the Tribunals, Courts and Enforcement Act 2007 directs that the power of the Welsh Ministers to make, approve, confirm or concur in procedural rules for any listed tribunal is exercisable only after consultation with the Council.

(**4**) S.I. 2005/1398 (W.112).

"SCHEDULE 2 Regulation 5

Procedure on Appeal

Appeals made pursuant to section 94

1.—(1) In this paragraph—

"appeal" means an appeal made under the arrangements specified in regulation 3(a) to (d); and

"a decision about sixth form education" means 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 a child; or

(b) refusing permission for a child to enter the sixth form of the school to which the child has been admitted.

(2) Particulars of the arrangements for making an appeal, including information containing the contact details for whichever body or bodies are responsible for those arrangements, must be set out in any document containing a notification to parents of—

(a) a decision referred to in section 94(1)(za), (b) and (2) refusing their child admission to a school for which the parents have expressed a preference in accordance with the arrangements made under section 86(1); or

(b) a decision referred to in section 94(1)(a) as to the school at which education is to be provided for their child.

(3) In the case of a decision about sixth form education, notices must be sent to the child and the child's parents containing the following—

(a) notification of —

(i) a decision referred to in section 94(1)(za), (b) and (2) refusing the child admission to a school for which the child or any parent of the child has expressed a preference in accordance with the arrangements made under section 86A(1);

(ii) a decision referred to in section 94(1)(a) as to the school at which education is to be provided for the child; or

(iii) a decision referred to in section 94(1A) or (2A) refusing permission for a child who has already been admitted to a school to enter the school's sixth form;

(b) particulars of the arrangements for making an appeal, including information containing the contact details for the appropriate authority; and

(c) a statement explaining that where a child and any parent of the child make separate appeals in respect of the same school, the appeals must be heard together.

(4) Where a child and any parent of the child make separate appeals in respect of the same school, the appeals must be heard together.

(5) An appeal must be by notice in writing setting out the grounds on which it is made.

(6) An appeal must give the appellant an opportunity of appearing and making oral representations, and allow him or her to be accompanied by a friend or to be represented.

(7) An appeal must be heard in private except where the body or bodies by whom the arrangements under section 94 are made direct otherwise; but—

(a) if the panel so directs, one member of the local authority may attend, as an observer, any hearing of an appeal by an appeal panel constituted in accordance with paragraph 1 of Schedule 1;