

Infant Class Size Appeals Guidance

The following information is only relevant for those considering appealing for a place in an Infant or Primary School for Year Groups Reception, 1 or 2 (sometimes referred to as Key Stage 1).

There is a legal duty to limit infant class sizes to 30 pupils with a single qualified teacher. The grounds to uphold (allow) an appeal is so very limited that the percentage success rate of appeals in infant classes is minimal and less than 10%. Please consider this guidance carefully before submitting an appeal as your personal reasons for wanting the school cannot be taken into account.

The Panel is restricted by law and only has the power to consider the following prescribed grounds of appeal as defined by the School Admissions (Infant Class Sizes) (England) Regulations 2012:

a) Whether the admission of additional children would breach the infant class size limit

The Appeal Panel can only uphold an appeal under this ground if it finds that the admission of additional children would not breach the Infant Class Size limit. The Panel will also consider whether the admission of an additional child would cause future infant class size prejudice. For example if a school has a published admission number of 60 pupils arranged in reception classes of 20 pupils each, which become 2 classes of 30 pupils each in years 1 and 2, admitting an extra child to the reception year group would mean classes exceeding 30 pupils in years 1 and 2, therefore, there would be future infant class size prejudice.

b) Whether the admission arrangements comply with the mandatory requirements of the School Admissions Code and Part 3 of the School Standards and Framework Act 1998 OR whether the admission arrangements were correctly and impartially applied in the case in question

The Appeal Panel can only uphold an appeal under this ground if it finds that the admission arrangements did not comply with admissions law or were not correctly and impartially applied. The Panel will consider the Local Authority's published arrangements for the admission of pupils and decide whether they agree that the admission arrangements comply with the mandatory provisions and whether the admission arrangements were correctly applied to your child's individual case.

It is not enough to prove that there has been a mistake in implementing the school's admission arrangements. The Panel must also be satisfied that, had the admission arrangements been carried out properly, your particular child would have been offered a place at the school.

c) Whether the decision to refuse admission was one which a reasonable admission authority would have made in the circumstance of the case

The Appeal Panel can only uphold an appeal under this ground if it finds that the decision to refuse to admit a child was perverse in the light of the admission arrangements. "Perverse" in this context means that the decision was "beyond the range of responses open to a reasonable decision maker" or a "decision which is so outrageous in its defiance of logic or of accepted moral standards that no sensible person who had applied his mind to the question could have arrived at it".