

# **Peterborough Diocese Board of Education**

## **Infant Class Size Appeals**

### **What is an infant class?**

An infant class is a class in which the majority of pupils will reach the age of 5, 6 or 7 years old by the end of the academic year.

### **Which Year Groups are infant classes?**

Normally infant classes are the Reception/Foundation Year and Years 1 and 2 but sometimes, when a school mixes its year groups, an infant class may contain Year 3 pupils. *For example, a class could have 18 Year 2 pupils mixed with 12 Year 3 pupils and this would be counted as an infant class because the majority of pupils in that class will reach the age of 7 in the school year.*

### **What is the limit to the number of pupils in an infant class?**

The School Admissions Code 2012 states that, subject to certain limited exceptions, an infant class must not contain more than 30 pupils with a single qualified school teacher.

The exceptions are :

- a) children admitted outside the normal admissions round with statements of special educational needs specifying a school;
- b) looked after children and previously looked after children admitted outside the normal admissions round;
- c) children admitted, after initial allocation of places, because of a procedural error made by the admission authority or local authority in the original application process;
- d) children admitted after an independent appeal panel upholds an appeal;
- e) children who move into the area outside the normal admissions round for whom there is no other available school within reasonable distance;
- f) children of UK service personnel admitted outside the normal admissions round;
- g) children whose twin or sibling from a multiple birth is admitted otherwise than as an excepted pupil; and
- h) children with special educational needs who are normally taught in a special educational needs unit attached to the school, or registered at a special school, who attend some infant classes within the mainstream school.

Therefore, an Admission Authority must normally refuse to admit a child to a school if it would breach the infant class size limit of 30 and there are no measures it could take to avoid this without "prejudicing the provision of efficient education or efficient use of resources."

## **Are all appeals for infant classes "infant class size appeals"?**

Not necessarily. It depends on a variety of factors such as: the numbers admitted to the school; whether or not the pupils are taught as single Year Groups or mixed with other Year Groups; and how many other parents are appealing.

Here are **2** examples:

*Example 1: If the Admission Number is **60** and the school organises as **2** classes of **30** Reception Year pupils then it will be a "class size" appeal.*

*Example 2: If the Admission Number is **33** and the school mixes the seven year groups into nine classes there will be **25** or **26** in each class and it will not be a "class size" appeal.*

If you have received this information sheet with your Notice of Appeal form, it is because your appeal is an Infant Class Size appeal.

### **"Future Prejudice"**

If the infant class size limit is not reached in this school year but, by the admission of another pupil now, it would be reached in a subsequent infant class year, then the class size limit must apply now – this is called future prejudice.

*For example:*

*If a school's Admission Number is **45** and the Reception/Foundation Year is organised as 2 classes of 22 and 23 pupils in each class, the infant class size limit would not be reached in the first year at the school by the admission of one further pupil to the Reception/Foundation Year.*

*Those 45 pupils would then go into Year 1. If that school then organises its Year 1 and Year 2 classes so that they are taught as 3 mixed classes, then the infant class size limit would be reached in the subsequent infant class years. (i.e. Year 1 & Year 2 = 45 + 45 = 90 divided into 3 classes of 30 pupils in each class)*

*Therefore, in this example, the infant class size limit would apply to an appeal for a place in the Reception/Foundation Year now as the class size limit of 30 would be reached when the child moved into Years 1 and 2.*

### **Grounds on which an Infant Class Size Appeal can be upheld**

Where a child has been refused admission to a school because to do so would breach the infant class size limit, an appeal panel can only offer a place if one of the three factors stated below, applies.

**Factor 1** - the child would have been offered a place if the published admission arrangements had been correctly and impartially applied.

*The Panel will consider whether the Admission Authority kept to its procedure and admission criteria as set out in its admission policy and arrangements. If the Admission Authority did not follow its own procedure, either deliberately or by mistake, then your appeal can succeed, **but only** if you can show that your child would have got a place at the school if the*

*admission arrangements had been applied properly. However if a significant number of children are involved in the error and serious difficulties at the school would be caused by admitting them all, your case may not be successful.*

**Factor 2** - the child would have been offered a place if the arrangements did not comply with admissions law.

*The panel looks at whether the admission arrangements at the school are compliant with the School Admissions Code. The panel will establish whether, if the arrangements had complied, the child would have been offered a place at the school.*

**Factor 3** – the decision to refuse admission was not one which a reasonable admission authority would have made in the circumstances of the case.

*The panel reviews whether the Admission Authority acted unreasonably. The law defines "unreasonable" carefully in these cases. For the decision to be unreasonable it must be "perverse in the light of the admission arrangements", illogical or not based on the facts of the case, i.e. "beyond the range of responses open to a reasonable decision maker".*

### **Evidence from the parent/legal guardian**

You have to decide what you want to tell the panel. You can tell the panel about your personal reasons but you are strongly advised you should focus on showing that either:

- a mistake has been made in your case which meant that your child did not get a place at the school; or
- when considering your application, the Admission Authority either ignored relevant information or took into account irrelevant information, or the decision is illogical, or irrational in the circumstances of your case.