

Infant Class Size Appeals – Guidance Notes for Parents

APPEALS IN 2023 WILL BE HELD VIA ZOOM

Please read these notes before completing the Notice of Appeal Form

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?

Infant classes are the Reception/Foundation Year and Years 1 and 2. An Admission Authority would 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.

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

The School Admissions Code 2021 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 Education Health and Care Plans specifying the 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.

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

For this school, yes, because the Admission Number is 60 and the school organises Year R, Year 1 and Year 2 as 2 classes of 30 pupils.

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

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 - Were the published admission arrangements correctly and impartially applied? AND If not, has that directly prevented your child from being offered a place?

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 – Did the arrangements comply with the admissions law? AND If not, has that directly prevented the child from being offered a place?

The panel looks at whether the admission arrangements at the school are compliant with the School Admissions Code. If not, the panel will establish whether, if the arrangements had complied with the law, the child would have been offered a place at the school.

Factor 3 – Was the decision to refuse admission 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 “*reasonableness*” carefully in these cases and “*the threshold for finding that an admissions authority’s decision to refuse admission was not one that a reasonable authority would have made is high*”. For the decision to be unreasonable it must be “*perverse in the light of the admission arrangements*”, i.e. “*it 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*”. [Direct quote from School Admission Appeals Code 2022 – 4.10]

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 when he/she should have been offered a place; 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.