



Quick Reference Guide to Infant Class Size Limits

Please read alongside full version of guidance notes ‘School Appeals – Infant Class Size Legislation’

The number of children in Reception, Year 1 and Year 2 classes is limited to 30 where there is one teacher in the class. This is because of laws passed which Local Authorities, schools and academies must follow. If this limit is broken the Local Authority, school, or academy are acting unlawfully.

The Local Authority, school, or academy do not have to offer a child a place if it will result in steps having to be taken to restore the 30 children to one teacher ratio.

For example

- A second teacher would need to be employed to restore the 30 children to one teacher ratio.
- The school would have to build another classroom to create an additional teaching group.
- The school would have to change how it teaches children to possibly teach children from different year groups in one class.

In very limited circumstances an independent appeals panel can allow an appeal and offer a child a place above the 30 children limit.

For example

- There are not 30 children in the class.
- The method used to decide which child will be offered a place is unlawful AND your child would have been offered a place if the law was followed and fairly applied.
- The decision to not offer your child a place is one which no other Local Authority, school, or academy would make.
- As the Independent Appeals Panel can only take the above reasons into account when hearing your appeal,

Class Size Appeals are rarely successful. Parents/Carers often find it frustrating when they realise how very limited the powers of the appeal panel are. This is being drawn to your attention now, so that you can make a more informed decision about going ahead with the appeal. The purpose of this guidance is to clarify the law and explain the role of the Panel. It is not meant in any way to discourage you from appealing or attending the hearing which is your legal right.

What is an 'infant class size' appeal?

The law states that there must not be more than 30 children in an infant class (Reception, Year 1 and Year 2) with one teacher. This applies even if other adults are always present, such as a learning assistant, or children are absent due to reasons such as sickness. This limit can only be broken in very limited circumstances. If this happens, further places cannot be offered until the number of children in the class reduces to 29. Because a school went above the 30 children limit once does not mean it will have to do so again.

During the appeal hearing the independent appeal panel looks at the decision taken to not offer your child a place at the school. Your own reasons for wanting your child to attend the school such as the school is close to your home, or your child's friends will be attending the school are not reasons the independent appeal panel can take into

So will it be an infant class size appeal if the school admits under 30 children each year?

It might, depending on how many children are in each class during the whole of Reception, Year 1 and Year 2. For example, where a school admits 20 children each year, but teaches Reception, Year 1 and Year 2 in two classes of 30, an appeal for a place would be an infant class size appeal. The numbers can sometimes seem quite complicated but this will be explained to you at the appeal, and properly considered by the panel.

Can an appeal panel ever uphold an infant class size appeal?

Yes. If the Local Authority, school, or academy has made a mistake and your child would have been offered a place if the mistake had not been made.

Such mistakes might be

- Not taking account of a sibling on roll at the school, who will still be on roll in September 2018.
- Not measuring the home to school distance correctly.
- The panel can also uphold an appeal if it finds that the method used to decide how places are offered is unlawful and this resulted in your child not being offered a place. You will need to provide evidence of this.
- The panel can uphold an appeal if it considers that the decision not to offer a place was 'perverse in light of the published admission arrangements'. The threshold for 'perverse' is extremely high in infant class size appeals.

What might be 'perverse'?

If your child has not been offered a place, you may feel this is perverse or unreasonable. The word 'perverse' in this case has a legal meaning. This means that no other Local Authority, school, or academy would have refused your child a place under the same circumstances. You must provide written evidence for the independent appeal panel to take into account. We suggest you do this several days before the hearing is due to take place and by the any date return date given.

Reasons such as having children at different schools, transport problems including not being able to continue work, or difficulties getting your child to school on-time are not grounds of appeal the independent appeal panel can take into account. If the Local Authority, school, or academy had refused a place to a child whose family had had to move house under a witness protection scheme, a panel might decide that the decision was perverse. But it is the panel's decision.