



Appeals for a School Place - Infant Class Size Legislation

This sheet is being sent to you because appeals for one or more of your preferred schools will be heard on the grounds of 'class size prejudice'

You must be aware that the Independent Appeals Panel is restricted to three circumstances in which they can uphold your case. These are if the panel are satisfied:

- (a) that your child would have been offered a place if the admission arrangements had been properly implemented.
- (b) the child would have been offered a place if the arrangements had not been contrary to mandatory provisions in the School Admissions Code and the School Standards and Framework Act 1998
- (c) that the decision was not one which a *reasonable admission authority would make in the circumstances of the case.

* see overleaf for definition of reasonable

What does class size prejudice mean?

Statutory limits on class sizes mean that, subject to certain very limited exceptions, infant classes with a single teacher cannot contain more than 30 pupils.

Following the introduction of class size limits, the LA does not have to meet parental preference if this would mean having to take 'qualifying measures'.

The legislation also applies where these steps would be necessary in future years. For example, a school may have two or three small reception classes and three mixed Year 1 and Year 2 classes, each containing 30 children. In a year's time qualifying measures would be required when the reception group becomes Year 1 and is mixed with children from Year 2 into groups of 30 children.

What are qualifying measures?

Qualifying measures include those such as: - employing an additional teacher; building an extra classroom or a reorganisation of classes.

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What does 'reasonable' mean in the context of Class Size Appeals?

Paragraph 3.25 of the School Admission Appeals Code, which came into force on 10 February 2009, states:-

"In order for a panel to determine that an admission authority's decision to refuse admission was unreasonable, it will need to be satisfied that the decision to refuse to admit that particular child was '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'.

Can I still attend the appeal hearing?

Yes - appeal panels must allow parents, who are appealing against their child's non admission to a school, the opportunity to appear in person and to speak at the hearing. You are free to talk about personal factors, such as the convenience of the journey between your home and the school at the appeal hearing, but in this type of appeal the panel cannot take them into account unless they are relevant to the very limited circumstances outlined on the previous page.

If an infant class has a full-time general assistant or nursery nurse, in addition to the teacher, does this mean that the class can take more than 30 children?

No - the law states that within a normal admissions round no infant class with a single teacher may contain more than 30 children unless the Local Authority or the independent admission appeal panel accept that an error was made in implementing the published admissions criteria.

January 2010