



# RICHMOND INDEPENDENT APPEALS SERVICE

## **Important Information Relating to Infant Class Size Appeals**

Regulations made under the School Standards and Framework Act 1998 limit the size of an infant class to 30 children per school teacher. Only in very limited circumstances can admission over the limit be permitted (see paragraph 2.15 of the School Admissions Code 2014).

Infant classes are Reception; Year One; and Year Two

Where a child has been refused a place on “infant class size prejudice” grounds an Appeal Panel may only allow an appeal where:

- (a) it finds that the **admission arrangements did not comply with admissions law** and the child would have been offered a place if the arrangements had complied (the School Admissions Code (sets out provisions which a local authority either must or must not do); or
- (b) it finds that the admission arrangements were not correctly and impartially applied and the child would have been offered a place if the arrangements had been correctly and impartially applied; or
- (c) it decides that the decision to refuse admission was not one which a reasonable admission authority would have made in the circumstances of the case. The decision to refuse admission must be perverse, this is much more than simply saying the decision is unfair or may cause inconvenience etc.

Under (a) the Appeal Panel must be satisfied that a place would have been offered to the child if the error had not been made. Errors could include failing to take into account a sibling at the school where this gives priority or an incorrectly measured distance.

Under (b) the School Admissions Code sets out provisions which a local authority either must or must not do e.g. there is a list of impermissible admissions criteria such as priority being given according to occupational, financial or marital status of the parents; or first preference first arrangements.

Under (c) It also cannot decide that by re-organising the school into mixed classes it could take more children or that a bulge class could be created.

Under grounds (a) and (c) the Appeal Panel is reviewing the admission authority’s decision in the light of the material available at the time when it made its decision. The appeal is not therefore a re-hearing in which new material, or a change of circumstances, arising since the allocation of places can be considered.

Further information, including links to documents referenced above, can be found at this website:

<http://www.education.gov.uk/schools/adminandfinance/schooladmissions/a00195/school-admissions-codes-and-regulations>

### **TRANSLATION ADVICE**

Please contact us if you need this leaflet in Braille, large print, audio tape, or another language. Reception, Civic Centre, 44 York Street Twickenham, TW1 3BZ. Tel: 020 8891 1411