

Information for Parents about Infant Class Size Appeals

The school admissions code states that all admission authorities must provide parents with information on the limited circumstances in which an infant class size appeal can be upheld in order that they can make an informed decision about whether to submit an appeal.

An infant class is one where the majority of pupils will reach the age of 5, 6 or 7 during the school year i.e. reception, year 1 and year 2.

Regulations made under Section 1 of the School Standards and Framework Act 1998 limit the size of an infant class to 30 pupils per school teacher. **Only in very limited circumstances can admission over the limit be permitted.**

This includes schools with admission limits of 45 and 75 because, in future years, class organisation may result in a class size exceeding 30 children, for example:

- A school with a 45 admission limit will have two reception classes. One class will have 22 children and one will have 23 children. The following academic year, this year group will become year one and will be mixed with year two to give three classes of 30 children.
- A school with a 75 admission limit will have three reception classes of 25 children. The following academic year, this year group will become year one and will be mixed with year two to give five classes of 30 children.

How does an appeal panel decide whether to allow or refuse an infant class size appeal?

Due to the very limited circumstances in which the panel can allow an infant class size appeal, the panel **must** consider all the following matters:

- a. whether the admission of an additional child/children would breach the infant class size limit (including future school years when the children are still infants);
- b. whether the admission arrangements complied with the mandatory requirements of the school admissions code and Part 3 of the School Standards and Framework Act 1998;
- c. whether the admission arrangements were correctly and impartially applied in the case(s) in question and
- d. whether the decision to refuse admission was one which a reasonable admission authority would have made in the circumstances of the case.*

*Admission authorities must not take account of any issues in relation to child care/nursery attendance or the parents work commitments unless this is included in their oversubscription criteria and associated arrangements.

What happens after the appeal?

If the appeal is upheld, the admission authority must offer the child a place at the school.

If the appeal is refused, the child will not be granted a place at the school unless a place becomes available at the school and the child in question is next on the waiting list. The waiting lists are held strictly in oversubscription criteria order.

The decision of the panel is binding on the school, the admission authority and the parent. There is no further right of appeal available for the same school in the same academic year unless the admission authority has accepted a second application from the appellant because of a significant and material change in the circumstances of the parent, child or school but still refused admission.