



Infant Class Size Appeals – Notes for Parents

Any appeal for a Reception class place will be heard as an 'Infant Class Size Appeal'.

Statutory limits on class sizes mean that, apart from some very limited exceptions, infant classes of 5, 6 and 7 year olds may not contain more than 30 pupils with a single teacher. Buckingham Park CE Primary School is over-subscribed and 60 children have been allocated places, which will be taught in two classes each with one class teacher.

Since the published admission number of the school allows for classes of 30 pupils, the Admission Authority (the Governing Body) has refused admission on the grounds that to admit one more child would breach the infant class size limit.

Although you have a legal right to appeal under this criterion, there are very limited circumstances in which an Independent Appeal Panel (IAP) can direct a child to be admitted to a school.

The IAP can uphold an appeal on "class size prejudice" grounds **only** if they are satisfied that one of the following very limited ground applies:

1. the admission of additional children would not breach the infant class size limit or;
2. your child would have been offered a place if the admission arrangements had complied with the mandatory requirements in the School Admissions code and the School Standards & Framework Act 1998 ("SSFA") and/or
3. the decision to refuse admission was not one which a reasonable admission authority would have made in the circumstances of the case*

(*The courts have defined an unreasonable decision in this context as being one which is "perverse in the light of the admission arrangements". The word 'perverse' has a stronger meaning in its legal sense. It means "beyond the range of responses open to a reasonable decision maker".)

As the grounds for upholding an appeal of this type are very limited, the percentage success rate is minimal. In considering whether you wish to appeal in such circumstances, you must be aware that your personal reasons for wanting the school, however strongly you feel, cannot be taken into account, unless any of the above circumstances apply.

Please note that a decision by the Admission Authority to refuse admission to your child, which subsequently makes it impossible for you to transport all your family to school on time or even impossible for you to continue working, is very unlikely to be confirmed as an unreasonable decision. The courts have confirmed this position.

To illustrate the minimal success rate of these Infant Class Size appeals, generally only 2% are successful – these being the cases that meet the very strict criteria outlined above.

No Infant Class Size appeals have ever been successful for Buckingham Park CE Primary School.

Parents are often distressed that their personal reasons were not considered due to the very limited criteria. Therefore, please think carefully before submitting an appeal of this type.

If you need any further information about the process, please contact the school.

Things to consider:

Even if the Headteacher of the school you are appealing for is sympathetic to your case, the law states that the school cannot admit over their Admission Number.	Your chances of being successful at appeal are very small. Only 2% of Infant Class Size appeals were successful last year. And no cases have ever been successful at Buckingham Park.
Think twice before refusing your allocated school – you may find that you have no school for your child to attend if your appeal is unsuccessful. We recommend accepting the place at the school you have been offered. This does not affect your appeal in any way.	Although you have a legal right to appeal under Infant Class Size criteria, there are very limited circumstances in which an Independent Appeal Panel can direct a child to be admitted to a school.