

Infant class size appeals

The law states infant classes of 5, 6 and 7 year olds may not normally contain more than 30 pupils with a single teacher. As such, there are limited grounds in which an appeal for an infant class will be successful. There are only three grounds on which infant class size appeals can be upheld.

1. If the panel finds that the admission of additional children would not breach the infant class size limit.
2. The panel finds that the admission arrangements for the school did not comply with admissions law or were not correctly and impartially applied and the child would have been offered a place if the arrangements had complied or had been correctly and impartially applied. *Here, the panel must be satisfied not only did the arrangements not comply with admissions law or were not correctly and impartially applied but also the child would have been offered a place if the arrangements had complied or had been correctly and impartially applied.*
3. The panel decides that the decision to refuse admission was not one which a reasonable admission authority would make in the circumstances of the case. *Please note that the law defines 'unreasonable' very narrowly in these cases and it means a decision which 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 could have arrived at it.". The panel must use the legal definition of 'unreasonable', and not their own personal definitions.*

If the panel decides that the answer to any of the above categories is yes then your appeal may be allowed. Otherwise your appeal will be refused. Please note that the panel may also take into account the practical consequences for the school and the children in relevant infant classes if any or all the appeals were to be successful.