

How to: run an effective admissions appeals panel

Infant Class Size Appeals

Due to the legal limit of 30 pupils per teacher in infant classes, only very limited circumstances allow for admission over the limit. An infant class size appeal can only apply if admission refusal is on the grounds that an extra child would breach the 30-pupil limit and there are no measures that can be taken without prejudice to the efficient education or use of resources.

Appeal panels must follow the varied two stage decision making process when reviewing infant class size appeals which has been summarised in a guide in Resources

Infant class size appeals – Stage 1 – Examining the decision to refuse admissions

The panel must consider if:

- admitting an extra child would exceed the infant class size limit
- the school admission arrangements comply with the law as underpinned by the mandatory rules within the Schools Admissions Code
- the school admission arrangements were correctly and impartially applied
- if the decision to refuse admission was reasonable in the circumstances of the case

UPHOLD

The panel may only uphold at stage 1 where they are satisfied that:

- there is no breach of the infant class size limit; OR,
- admission arrangements are evidenced to be unlawful or incorrectly applied and the child would have been offered a place; OR,
- the original decision was deemed to be legally unreasonable

DISMISS

The panel must dismiss at stage 1 where:

- admission arrangements are evidenced to be lawful and correctly applied and the child would have been offered a place; OR,
- admission arrangements are evidenced to be unlawful or incorrectly applied and the child would not have been offered a place; OR,
- the original decision was not legally unreasonable.

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Infant class size appeals – Stage 2 – Comparing cases

The panel must move to stage 2 where:

- they are considering multiple appeal cases
- a number of children would be offered a place at stage 1; and,
- admitting all would cause significant prejudice

The panel is required to compare cases and make the decision, if any, to uphold. If the school could accommodate some children without exceeding the infant class size limit or without needing to take measures to avoid exceeding the infant class size limit that would prejudice the provision of efficient education or efficient use of resources, the panel must uphold the appeals of at least that number of children.