

**INFANT CLASS SIZE ADMISSION APPEALS and
INFANT CLASS SIZE LEGISLATION**
(The Education (Infant Class Sizes) (England) Regulations 1998)

In 2015, following unsuccessful applications for admission to Cheshire East reception classes where the appeal was arranged by Cheshire East legal services, a total of 60 ‘Infant Class Size’ appeals were heard by Independent Appeals Panels.

None of the appeals were successful. Why?

Please read this information carefully before deciding whether or not to lodge an appeal for admission to your preferred primary school.

Statutory limits on class sizes mean that, subject to certain limited exceptions, infant classes of 5, 6 and 7 year olds may not contain more than 30 pupils with a single qualified teacher.

Therefore, if you have been refused a place at your preferred school because the school is full and the statutory class size limit applies to that school, there are very limited circumstances in which an independent appeal panel can allow further admissions and these are as follows:

- a)** the child would have been offered a place if the admission arrangements had been properly implemented;
- b)** the child would have been offered a place if the arrangements had not been contrary to mandatory provisions in the School Admissions Code and the SSFA 1998 and/or;
- c)** the decision to refuse admission was not one which a reasonable admission authority would make in the circumstances of the case.

In relation to **a)** under these grounds, the panel have not only to decide that the admission arrangements were implemented properly, but also that your child (and not any other) would have been offered a place if they had been.

In relation to **b)** the panel can only uphold the appeal in cases where it is clear that the child would have been offered a place if the admission arrangements had been in compliance with the mandatory provisions in the School Admissions Code and the SSFA 1998.

In relation to **c)** in order for the panel to determine that an admission authority’s decision to refuse admission was unreasonable, it will need to be satisfied that the decision to refuse to admit the particular child 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 to the question could have arrived at it’.

(To be read in conjunction with “*Admission Appeals - a brief guide for parents/carers*”).

If you wish to appeal on one of the above grounds, you must complete an appeal form. Forms for Voluntary Controlled and Community schools are available at: www.cheshireeast.gov.uk/admissions. For Academies, Voluntary Aided, Foundation and Free schools, please contact the school to obtain a form.