

What is an 'infant class size' appeal?

- The law states that there must not be more than 30 children in an infant class (that is, classes containing reception, year 1 and year 2 children). This applies even if other adults are always present, and/or some children are absent. There are a few circumstances in which an additional child or children may be classed as an 'exception' and the class sizes goes over 30. But if children leave and the class size returns to 30, that does not mean extra children can be admitted again.
- So when a parent is appealing for a place in an infant class, the panel's task is to review the decision already made. It does not have the flexibility to say that your personal circumstances mean that you should have a place at the school, if this would take the number of children in the class over 30. This makes an infant class size appeal different to other school admissions appeals.

So will it be an infant class size appeal if the school admits under 30 children each year?

- It might, because some schools organise their teaching in mixed-year classes, and it is not for the panel to direct how the school organises its classes. Where a school admits 20 children each year, but teaches reception, year 1 and year 2 in two classes of 30, an appeal for a place would be an infant class size appeal. The numbers can sometimes seem quite complicated but we would expect this to be explained to you at the appeal, and properly considered by the panel.

Can an appeal panel ever uphold an infant class size appeal?

- Yes. If the admissions authority has made a mistake in applying the admissions criteria which means you have been wrongly denied a place, then the panel will uphold the appeal. Such mistakes might be:
 - not taking account of a sibling at the school
 - not measuring the home to school distance accurately
 - wrongly allocating a place to an out-of-catchment child.
- The panel can also uphold an appeal if it considers that the child would have been offered a place if the admissions arrangements had not been 'contrary to mandatory provisions in the School Admissions Code'. This is something which should properly have been sorted out well before an appeal, but if your child missed out on a place because of this, the panel should uphold the appeal.
- And the panel can uphold an appeal if it considers that the decision not to offer a place was 'perverse in light of the published admission arrangements'. Parents often complain to us that the panel should have upheld their appeal because the decision to refuse a place was perverse. We do not usually uphold the complaint, because the threshold for perverse is extremely high in infant class size appeals.

What might be 'perverse'?

- Most parents who have been refused a place at their preferred school consider this refusal to be perverse. But the word has a stronger meaning in its legal sense. It means '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'. **A decision that 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 perverse. The courts have established this.**
- If the admissions authority had refused a place to a child whose family had had to move house under a witness protection scheme, a panel might decide that the decision was perverse. But it is the panel's decision. We will not question that decision if the panel followed the correct procedures in reaching it.