Admission Appeal – Guidance Notes for Parents
(Infant Class Size Appeal – Year R, 1 and 2)

APPEALS IN 2026 WILL BE HELD VIA ZOOM

Please read these notes before completing the Notice of Appeal

Some Background.

The Academy Trust or Governing Body is the admission authority for Academies, Foundation Schools and Voluntary Aided Schools. They make the decision about the admission of pupils/students (not the Local Authority or the Diocese). Applications for Year R are coordinated by the Local Authority.

Parents and legal guardians have the right to appeal against the decision not to offer a place to their child at the school.

The clerk, who works in conjunction with the Diocesan Board of Education, sets up an Independent Appeal Panel to hear your appeal.

The most uptodate school admission appeal law can be found in the School Admissions Code 2021 and the School Admission Appeals Code 2022, which are produced by the Department for Education.

Parental Preference.

An applicant can express a preference regarding the school they would like their child to attend.

Applications for Year R are coordinated by the Local Authority but each school has its own published oversubscription criteria which is applied to allocate the places when there are more applications than places available (known as the school's Published Admission Number).

If you have made an In-Year application (perhaps due to a house move) and the school has already allocated places up to its Published Admission Number or expected capacity, then the school is likely to refuse the application because of Infant Class Size regulations.

Help Preparing your Appeal.

These guidance notes should provide some useful information when preparing your appeal but you will have the opportunity to clarify or raise any issues (including the consideration of any reasonable adjustments) with the appeal clerk right up to the time of your appeal.

Your Right to Appeal.

As stated above, if your child has not been allocated the school of your preference, you have the right to appeal. The law gives you the opportunity to put your case to an Independent Appeal Panel. The appeal panel consists of members appointed by the Diocesan Board of Education and is completely independent of the school. There are three members on each panel; at least one must be a *lay member*, that is someone without personal experience in the management or provision of education and at least one must be a *non-lay member*, that is, someone with experience in education.

The panel can decide that a place should be allocated, although their power to do so is severely restricted for Infant Class Year groups due to the legislation that is explained further below.

The decision that the panel makes is binding on the school and the parents/legal guardians and is the final action available (unless there is a complaint about the appeal process).

Notice of Appeal Form.

If you would like to appeal for a place at a preferred school, you will need to complete a Notice of Appeal Form. On the form, you should explain why you believe your child should be allocated a place at the school. Please give your reasons in as much detail as you are able. You may also wish to include supporting evidence, where this is directly relevant to the points you are making. However, it is important to relate this to the limited circumstances in which appeal panels can uphold an Infant Class Size Appeal.

Please refer to the school and/or Diocese website and guidance information for the timeframe and place where to submit your Notice of Appeal.

NB. If you do not attend the appeal hearing in person, the appeal is likely to proceed in your absence. In these circumstances, it is extremely important to write down as much as possible regarding your case, as the panel will make a decision based on this written evidence.

Infant Class Size Appeals.

Subject to limited exceptional circumstances (see below), an infant class must not contain more than 30 pupils with each schoolteacher. An infant class is one in which the majority of children will reach the age of 5, 6 or 7 during the school year (Reception, Year 1 and Year 2) although, on rare occasions, an infant class may also contain Year 3 pupils when a school mixes its year groups.

The Appeals Code 2022 explicitly states that you should be given information about the limited circumstances in which an Infant Class Size appeal can be successful.

Please carefully read the supplementary information below about an Infant Class Size appeal, in particular the paragraph entitled "*Grounds upon which an Infant Class Size Appeal can be upheld."*

The purpose of this is to make sure you understand that the Panel is only allowed to apply the narrowly defined criteria when making their decision, so that you can make an informed decision about whether to submit an appeal.

The Appeal Hearing.

On receipt of your Notice of Appeal Form, you will be provided with details of the date and time of the appeal hearing. The appeal process will take place remotely and the appeal clerk will provide more detail to you about this in the acknowledgement of your notice of appeal.

You will be sent a copy of the school 'Statement of Case' and details of the procedure that will be followed at the appeal hearing. However, it may be helpful for you to know, in outline, what will happen on the day of the appeal.

The Appeals Administrator will ensure that the members of the panel receive all the relevant papers in good time before the date of the hearing.

The appeal process begins with someone from the school (known as the 'Presenting Officer') addressing the panel as to how the places in Year R were allocated or (if you are seeking for your child to move into an Infant Class during the school year) the numbers already in the classes at the school. They will say why your application was refused. They will explain that, in their view, the Infant Class Size rules apply and that no further pupils can be admitted to the school without breaching the Infant Class Size limit.

The Presenting Officer may be a governor, teacher or a staff member who deals with admissions. After the presenting officer has presented the school case, parents/legal guardians will be invited to ask any questions and the Panel will also have the opportunity to ask questions.

Other parents, who are appealing for a place at the school, may be present during this part of the appeal. This is because the school case is about establishing that the Infant Class Size rules apply and it ensures that all parents have the opportunity to hear the school case. There is no discussion about individual cases during the first part of the appeal.

If the Panel accept that the Infant Class Size rules apply, an individual meeting relating to each pupil will follow. This will be done in the presence of the panel and the school representative only. All parents have their own individual and confidential hearing. You will be able to explain why you believe one of the three factors by which Infant Class Size Appeals can be allowed applies in your case.

If the Panel finds that one of the above criteria applies in your case then they can allocate your child a place.

Should parents attend the hearing?

Yes, if at all possible!

The child's parent/legal guardian or carer is likely to be the best person to tell the appeal panel why it is so important for your child to attend the school of your preference and to provide the panel with information to help them to make an informed decision.

You are entitled to bring your partner, a member of your family, a friend or adviser along to the appeal with you and they may help you present your case. It should not normally be necessary for you to instruct a lawyer as this is not a court of law and the Panel will aim to keep the hearing as informal as possible.

After the Appeal.

After the appeal, the clerk will write to you to inform you of the panel's decision. This will normally be within 5 school days of the appeal.

SUPPLEMENTARY INFORMATION SPECIFIC TO AN INFANT CLASS SIZE APPEAL

What is the limit to the number of pupils in an infant class?

The School Admissions Code 2021 states that, subject to certain limited exceptions (which are set out in the Code), an infant class must not contain more than 30 pupils with a single qualified schoolteacher.

The exceptions are :

a) children admitted outside the normal admissions round with Education, Health and Care Plans specifying a school;
b) looked after children and previously looked after children admitted outside the normal admissions round;
c) children admitted, after initial allocation of places, because of a procedural error made by the admission authority or local authority in the original application process;
d) children admitted after an independent appeal panels upholds an appeal;
e) children who move into the area outside the normal admissions round for whom there is no other available school within reasonable distance;
f) children of UK service personnel admitted outside the normal admissions round;
g) children whose twin or sibling from a multiple birth is admitted otherwise than as an excepted pupil; and
h) children with special educational needs who are normally taught in a special educational needs unit attached to the school, or registered at a special school, who attend some infant classes within the mainstream school.

An Admission Authority would normally refuse to admit a child to a school if it would breach the infant class size limit of 30 and there are no measures it could take to avoid this without "prejudicing the provision of efficient education or efficient use of resources."

Are all appeals for infant classes 'infant class size appeals'?

Not necessarily.

It depends on a variety of factors such as: the numbers admitted to the school; whether or not the pupils are taught as single Year Groups or mixed with other Year Groups; and possibly how many other parents are appealing.

Here are 2 examples:

Example 1: If the Admission Number is 60 and the school organises throughout as 2 classes of 30 pupils then it will be a 'class size' appeal.

Example 2: If the Admission Number is 33 and the school mixes the seven year groups into nine classes where there are 25 or 26 in each class then it ***will not*** *be a 'class size' appeal.*

The determining factor is 30 pupils to one qualified teacher.

“Future Prejudice”.

If the infant class size limit is not reached in this school year but, by the admission of another pupil now, it would be reached in a subsequent infant class year, then the class size limit must apply now – this is called future prejudice.

For example: If a school's Admission Number is 45 and the Year R is organised as 2 classes (of 22 and 23 pupils in each class), the infant class size limit would not be reached in the first year at the school by the admission of one further pupil to this year group.

However, in 12 months’ time, those 45 pupils will go into Year 1. If that school organises its Year 1 and Year 2 classes so that they are taught as 3 mixed classes, then the infant class size limit would be reached in the subsequent infant class years. (i.e. Year 1 45 + Year 2 45 = 90 divided into 3 classes of 30 pupils in each class). Therefore, in this example, the infant class size limit would apply to an appeal for a place in Year R now as the class size limit of 30 would be reached when the child moved into Years 1 and 2.

Grounds upon which an Infant Class Size Appeal can be upheld.

Where a child has been refused admission to a school because to do so would breach the infant class size limit, an appeal panel can only offer a place if one of the following applies.

Factor 1 - Were the published admission arrangements correctly and impartially applied? If not, has that directly prevented the child from being offered a place?

The Panel will consider whether the Admission Authority kept to its procedure and admission criteria as set out in its admission policy and arrangements. If the Admission Authority did not follow its own procedure, either deliberately or by mistake, then your appeal can succeed, but only if you can show that your child would have got a place at the school if the admission arrangements had been applied properly. However, if a significant number of children are involved in the error and serious difficulties at the school would be caused by admitting them all, your case may not be successful.

Factor 2 – Did the arrangements comply with the admissions law? If not, has that directly prevented the child from being offered a place?

The panel looks at whether the admission arrangements at the school are compliant with the School Admissions Code. The panel will establish whether, if the arrangements had complied with the law, the child would have been offered a place at the school.

Factor 3 – Was the decision to refuse admission one which a reasonable admission authority would have made in the circumstances of the case?

The panel reviews whether the Admission Authority acted unreasonably. The law defines "unreasonable" carefully in these cases and “the threshold for finding that an admission authority’s decision to refuse admission was not one that a reasonable authority would have made is high”. For the decision to be unreasonable it must be “perverse in the light of the admission arrangements, i.e. 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”. [All quotes are taken directly from the School Admission Appeals Code 2022]