

Infant class sizes

Limitations of independent admission appeal panels

Where a child has been refused admission to a school on infant class size prejudice ground, an appeal panel can only offer a place to a child where it is satisfied that either the:

- admission of additional children would not breach the infant class size limit
- admissions arrangements 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
- decision to refuse admission was not one which a reasonable admission authority would have made in the circumstances of the case

In relation to point number two it is not enough to say that there has been a mistake in implementing the school's admission arrangements. The appeal 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 properly implemented or were not contrary to mandatory provisions in the School Admissions Code and the SSFA 1998.

In relation to point three the appeal panel must consider whether the admission authority's decision was one which a reasonable authority would have made in the circumstances of the case. In order for an appeal panel to determine that the decision to refuse was unreasonable, it will need to be satisfied that the decision to refuse 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 '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'.

In view of these limitations, parents have a very limited chance of success in relation to infant class size appeals.