

**Independent Appeal Panel:
School Admission Appeal (Infant Class Size)
Procedure to be followed during the meeting
A Guide to School Appeals for Parents/Carers**

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Appeal Hearing

Once all parties are present, the Clerk will introduce themselves and explain their role is to provide advice and guidance to the Panel on law and procedures, keep a note of the hearings and send decision letters.

The Clerk will also outline the general procedure to be followed, confirm that the Panel are independent of the School and the Admission Authority, any decision made by the Panel will be legally binding and that a written decision letter will be sent within 5 school days, wherever possible. The 3 members of the appeal panel are independent of the council and have relevant skills and knowledge to consider your appeal.

The Clerk will also answer any questions parents may have regarding the process.

The Panel Chair welcomes the parties and invites the Panel Members and Presenting Officer to introduce themselves.

The chair will check that all parties have the correct paperwork and that the parents do not know any of the panel members.

The appeal panel will be supported by a clerk, who will take notes of the key points of the meeting.

The Chair will explain the process and introduce everyone in the meeting.

Order of the hearing:

1. The Admission Authority will be invited to present the school's case.
2. The parents/carers may ask any questions relating to the case put forward by the Admission Authority.
3. The Panel may ask any questions relating to the case put forward by the Admission Authority.
4. The parents/carers will be invited to present their case.
5. The Admission Authority may ask any questions relating to the case put forward by the parents/carers.
6. The Panel may ask any questions relating to the case put forward by the parents/carers.
7. The Admission Authority will be Invited to sum up.
8. The Parents/Carers will be Invited to sum up.

All parties except for the Panel Members and the Clerk will then be asked to leave the room.

After the appeal

The Independent Panel will meet privately to consider your case and reach a decision about your appeal. The panel will look at all the circumstances related to your case in reaching its decision.

The panel need to consider:

- Whether the admission of an additional child/children would breach the infant class size limit;
- Whether the admission arrangements (including the area's co-ordinated admission arrangements) complied with the mandatory requirements of the Schools Admissions Code and Part 3 of the Schools Standards and Framework Act 1998;
- Whether the admission arrangements were correctly and impartially applied in your case; and
- Whether the decision to refuse admission was one, which a reasonable admission authority would make in the circumstances of the case.(PLEASE SEE NOTE BELOW)

NOTE: When a panel are considering reasonableness the threshold for finding an admission authority's decision to refuse admission was not one a reasonable authority would have made is extremely high. The panel will need to be satisfied that the decision to refuse admission 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 accepted moral standards that no sensible person who applied their mind to the question could have arrived at it.

The Panel look at each individual case and decide whether the grounds above have been established.

PLEASE NOTE: Where a child has been refused admission to a school on "Infant Class Size Prejudice" grounds, an Appeal Panel may only uphold where:

- a) It finds that the admission of an additional child/ children would not breach the infant class size limit; or
 - b) It finds that the admission arrangements did not comply with admissions law,
 - c) 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;
- or
- d) It decides the decision to refuse admission was not one which a reasonable admission authority would have made in the circumstances of the case.

The panel must dismiss the appeal where:

- it finds that the admission arrangements did comply with the admissions law and were correctly and impartially applied; or
- it finds that the admission arrangements did not comply with the admissions law or were not correctly and impartially applied but your child would not have been allocated the place in any event

In limited circumstances, children may be admitted as exceptions to the infant class size limit of 30. These exceptions are:

- a. Children with statements of special educational needs specifying a school who are admitted to the school outside the normal admission round;
- b. Children in the care of a local authority admitted outside the normal admissions round;
- c. Children admitted where an independent appeal panel upholds an appeal;
- d. Children admitted, after initial allocation of places on the local offer date, because the person responsible for making the original decision recognises that an error was made in implementing the school's admission arrangements and that a place ought to have been offered;
- e. Children moving into the area outside the normal admissions round for whom there is no other available school within reasonable distance (this must be checked with the local authorities);
- f. Children of UK service personnel who are admitted outside the normal admissions round;
- g. Where a child is admitted into an infant class, who is a twin or has other siblings from multiple births, the twin or other siblings from the multiple births can be admitted as excepted pupils above the infant class limit;
- h. Children with special educational needs who are normally taught in a special educational needs unit attached to the mainstream school, or registered at a special school, who attend some infant classes within the mainstream school.

After the decision making

The decision will be emailed to you 5 school days where possible after the hearing. The decision notice will explain the reasons for the decision and tell you what you can do next.