

Information for parents on infant class size appeals

How to Appeal

You can appeal to an independent appeal panel against the decision not to offer your child a place at any primary school.

Appeals for Community, Voluntary Controlled, Academy and Foundation Primary schools

If you want to appeal you must read the advice on the following pages before completing the online appeal form. Please attach any documents in support of your appeal or send them to the School Organisation Team at the following address:

School Organisation Team
People Directorate
Wigan Council
PO Box 100
Wigan
WN1 3DS

If you send in your appeal by post you will receive written acknowledgement. If you do not receive this please contact the School Organisation Team on 01942 489013.

Appeals for Voluntary Aided (Church) Primary Schools

Catholic Primary Schools in the Liverpool Archdiocese

If you want to appeal or have any questions about appeals you should contact:

The Schools Department

LACE

Croxteth Drive

Sefton Park

Liverpool

L17 1AA

Website <http://www.liverpoolcatholic.org.uk/schools/Appeals>

Email aes@rcaol.co.uk

Telephone 0151 522 1071

Church of England Schools and Catholic Schools in the Salford Diocese

If you want to appeal you must read the advice on the following pages before completing the online appeal form. We will forward your appeal to the school. You should receive a written acknowledgement of your appeal from the school. If you do not receive this please contact the school.

Timescales for hearing appeals

Main intake appeals Appeals lodged by the deadline will be heard within 40 school days.

In year appeals Appeals will be heard within 30 school days of being lodged. Please note this does not include school holidays.

What will happen at the appeal?

If you decide to appeal against the decision not to offer your child a place at your preferred school the appeal will be heard by an Independent Appeal Panel.

Appeals where a limit of 30 Children per Teacher applies

Infant classes are those in Reception, Year 1 and Year 2 in a Primary School. The law limits the size of an infant class to 30 pupils with a single class teacher. This is known as the “class size limit”. Some schools may have more than 30 pupils in each of these year groups, but the classes must be arranged in such a way to avoid breaching the limit of 30 pupils in each class.

If the admission of an additional child would mean that a school would have to take additional steps to comply with the class size limit, resulting in detrimental consequences for the efficient provision of education or the efficient use of resources, this is known as “class size prejudice”.

If the decision not to offer a place to your child was made on the ground of class size prejudice, there are only three circumstances in which the Appeal Panel can determine that a place is to be offered to him/her:

1. Where the admission arrangements did not comply with the mandatory provisions of the School Admissions Code or the relevant legislation AND your child would have been offered a place if they were compliant, or
2. Where the admission arrangements were not properly implemented AND your child would have been offered a place if they had been properly implemented, or
3. Where the appeal panel is satisfied that the decision to refuse admission was not one which a reasonable admission authority would make in the circumstances of the case. In order to determine that the decision to refuse admission was unreasonable, the Panel must be satisfied that it was “perverse in the light of the admission arrangements”. The courts have stated that, for a decision to refuse admission to be considered unreasonable, the panel must be satisfied that the refusal was “beyond the range of responses open to a reasonable decision maker”.

The circumstances of the case include the published admission arrangements, the circumstances of your child and family, the preference expressed by you and the practical consequences for the school if any or all of the appellants were successful.

Independent Appeal Panel Decision

The Panel will make their decision once all the appeals for the particular school being held before that Panel have been heard. You will be notified in writing as soon as possible – usually within 5 working days – after the decision. You should not telephone the Council or school for the decision.