

APPEAL INFORMATION FOR PARENTS

KEY STAGE ONE CLASS SIZE PREJUDICE PARENTAL PREFERENCE APPEALS

The Department for Education (DfE) requires that admission authorities should make sure parents understand the nature and severity of the restrictions placed on Appeal Panels, when considering appeals for Key Stage One class size prejudice i.e. would mean the school would have to take qualifying measures (additional accommodation, reorganisation or staffing) to comply with the legal duty to limit infant classes to 30 pupils.

An appeal **WILL BE TURNED DOWN** unless 1 of the 3 clearly defined grounds set out below can be proven:

1. The child would have been offered a place if the admission arrangements (which are published in the "Information for Parents" book) had been properly implemented; or
2. The child would have been offered a place if the arrangements had not been contrary to mandatory provisions in the School Admissions Code and the SSFA 1998; and/or
3. The decision to refuse admission was not one which a **reasonable** admission authority would have made in the circumstances of the case.

Under Point 1 or 2, if the Admission Authority has broken its own admission rules, either deliberately or by mistake, or the admission arrangements are contrary to the School Admission Code, then your appeal might succeed **BUT ONLY** if you can prove that your child would have got a place, had the rules been applied properly or been lawful.

In considering the **reasonableness** of the Admission Authority's decision (Point 3), the Panel must determine whether it would be perverse in the light of the admission arrangements to refuse to admit your child (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 of accepted moral standards, that no sensible person who had applied his mind to the question could have arrived at it**").

To reiterate the Appeal Panel can only consider these three aspects of any Appeal relating to Key Stage One class size prejudice admission. This advice has been given by the DfE to provide you with a more realistic view of the limits imposed on the Appeal Panel, and to avoid any misconceptions you may have concerning the appeal process. In other words, your appeal will be lost unless you can prove one of the **VERY** limited grounds above.

What to do next

In light of the above information if you still wish to pursue an appeal you are advised to contact School Admission by telephoning the relevant contact number on your letter.