

**Infant Class Size Admission Appeal Form**

**Section 1**

Title: Mr/Mrs/Ms/Miss/Other (please specify) …….………………

First name: …………………….……………………………………………………………………………….

Surname: ………………………………………………………………………………………………….…...

Address: ……………………………………...………………………………………………………………...

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Town: ……………………………………………………………………. Post Code: ………………………

Daytime telephone number: ………………………………………………………………………………….

Email address: …………………………………………………………………………………………………

**Section 2**

Your child’s name: …………………………………………………………………………………………….

Your child’s age: ……………………………………………… and date of birth: ……………………….

School you are appealing for: ……………………...………………………………………

School you have been offered: ……………………………………………………

Nursery or Pre/School your child attends: ……………………………………………..…...

Please indicate the year group and date you want your child to start school:

Year Group: ……………………………...…………Start date: ……………………….…………………

Will you be present at the hearing?..................................................................................................

The Hearing will take place using Zoom, as explained in the TIPS 2 Booklet. Please indicate below if you are unable to participate via video and outline your concerns, so that we can consider any reasonable adjustments.

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If your child is already at school and you want to change to a different primary school, please indicate the reasons for your request for a change of school:

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If your appeal is for entry into reception in September, your appeal will be held within 40 schools days from the deadline to submit an appeal form.

If your appeal is for entry into year 1 or above, your appeal will be held within 30 school days from its receipt.

If there are any dates that would be inconvenient for you or would prove difficult please list them below. (Every effort will be made to avoid such dates but cannot be guaranteed.):

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You may be accompanied by a friend or representative to assist you at the appeal hearing. Please provide details (including their contact details such as their email address) of any persons who may accompany you:

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**Section 3 - Infant class size appeals (Reception, Year 1 and Year 2)**

The School Standards and Framework Act 1998 limit the number of children in a single reception, year 1 and year 2 class to a maximum of 30 pupils per school teacher (Classroom Assistants, dedicated support workers etc are not classed as school teachers) – this is known as infant class size limit.

Some schools admit more than 30 children into their reception year e.g. 45 which when divided would create classes of less than 30. Therefore the infant class size limit is not reached in the academic year you’re applying for. However, infant class size limit still applies if the admission authority can demonstrate that by admitting an additional pupil into the reception year you are applying for, the infant class size limit would be reached in future years. This may be due to the school combining different year groups to form a class of 30 in future years e.g. when your child moves into year 1. Please contact the admission authority to find out if your appeal falls under the infant class size regulations. If your appeal is **not** classed as infant class size please complete Section 4, ignoring Section 3.

At the appeal hearing the panel has to make the following four decisions:

a) whether the admission of an additional child/additional children would breach the infant class size limit;

b) whether the admission arrangements (including the area’s co-ordinated admission arrangements) complied with the mandatory requirements of the School Admissions Code and Part 3 of the School Standards and Framework Act 1998;

c) whether the admission arrangements were correctly and impartially applied in the case(s) in question; and

d) whether the decision to refuse admission was one which a reasonable admission authority would have made in the circumstances of the case.

To assist in Panel in making their decision please answer the following questions.

Q1. Would the admission of your child to the year group you are appealing for result in a breach of infant class size limit in the academic year you are applying for or future years (i.e. would admission of your child make a class size larger than 30?). *Please put a cross (x) in the relevant box below.*

Yes, by admitting my child there would be a class of more than 30 pupils.

No, I have evidence to suggest that there are still places available at the school I am appealing for (please provide further information below and your evidence with this appeal form).

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When considering applications and offering school places, the admission arrangements must comply with:

* the School Admissions Code; and
* the Schools Standards Framework Act 1998.

Q2. Do you have any evidence to suggest that the admission authority when considering your application for a school place did not comply with the above bullet points? *Please put a cross (x) in the relevant box below.*

No, I do not have evidence that indicates the admission arrangements did not comply with the School Admissions Code and the Schools Standards Framework Act 1998, as I do not dispute this.

Yes, I have evidence to suggest that the admission arrangements did not comply with the School Admissions Code and the Schools Standards Framework Act 1998 (please provide further information below and your evidence with this appeal form).

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Admission authorities must correctly and impartially apply the published admission arrangements to your application for a school place. The admission arrangements set out the way in which applications should be processed and also includes the process of applying the oversubscription criteria. Therefore:

Q3. Do you have any evidence to suggest that the admission authority when considering your application for a school place did not correctly and impartially apply the published admission arrangements (PAN)? (Please provide your evidence with this appeal form.) *Please put a cross (x) in the relevant box below.*

No, as I agree that the admission authority did correctly and impartially apply the published admission arrangements to my application.

Yes, I have evidence to suggest that the admission authority did not correctly and impartially apply the published admission arrangements (please provide further information below and your evidence with this appeal form).

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Finally the Panel have to determine if the decision to refuse admission to your preferred school is one which a reasonable admission authority would have made in the circumstances of the case. The use of ‘reasonable’ is not the usual meaning in this situation. It is the legal meaning and has a much higher threshold i.e. a decision which is so outrageous in its defiance of logic or of accepted moral standards.

It is unlikely the Panel will consider the following as being unreasonable:

* having to transport siblings to different schools at the same time;
* having to walk your child to school along busy roads, despite being offered a place at an alternative school within the statutory walking distance from your home address;
* attending a different school to the friends your child made at nursery; and
* due to your work commitments your preferred school is closer to other family members’ homes (e.g. grandparents) and you are relying upon them to transport your child to and from school.

However, the Panel may consider the following circumstances as being reasonable and uphold the appeal:

* you submitted your application form and baptism certificate by the deadline to the correct admission authority. You have not been offered a place at your preferred school as you believe the admission authority did not have regard to the baptism certificate as it was in another language.
* Soon after the closing date for applications you notified the admission authority that you had not submitted your application on time because of the bereavement of a close family member, to which you submitted the appropriate evidence (e.g. death certificate). You have not been offered a place at your preferred school and you are of the opinion the admission authority did not have regard to your exceptional circumstances.

Q4. Do you consider your infant class size review should be upheld on the grounds of ‘unreasonable’? *Please put a cross (x) in the relevant box below.*

No, I do not believe the grounds were unreasonable.

Yes, I have given further details below and attached my evidence to this appeal form.

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**Section 4 - Non Infant Class Size Appeals**

If you are appealing for a place in a year group which does not fall under the infant class size rules you should complete this part of the appeal form.

In determining an appeal, the panel has to make the following decisions:

a) whether the admission arrangements (including the area’s co-ordinated admission arrangements) complied with the mandatory requirements of the School Admissions Code and Part 3 of the School Standards and Framework Act 1998; and

b) whether the admission arrangements were correctly and impartially applied in the case in question.

The Panel **must** then decide whether the admission of additional children would prejudice the provision of efficient education or the efficient use of resources. In order to assist the Panel in making their decision, please answer the following questions.

When considering applications and offering school places, the admission arrangements must comply with:

* the School Admissions Code; and
* the Schools Standards Framework Act 1998.

Q1. Do you have any evidence to suggest that the admission authority when considering your application for a school place did not comply with the above bullet points? *Please put a cross (x) in the relevant box below.*

No, I do not have evidence that indicates the admission arrangements did not comply with the School Admissions Code and the Schools Standards Framework Act 1998, as I do not dispute this.

Yes, I have evidence to suggest that the admission arrangements did not comply with the School Admissions Code and the Schools Standards Framework Act 1998 (please provide further information below and your evidence with this appeal form).

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Admission authorities must correctly and impartially apply the published admission arrangements to your application for a school place. The admission arrangements set out the way in which applications should be processed and also includes the process of applying the oversubscription criteria. Therefore:

Q2. Do you have any evidence to suggest that the admission authority when considering your application for a school place did not correctly and impartially apply the published admission arrangements? (Please provide your evidence with this appeal form). *Please put a cross (x) in the relevant box below.*

No, as I agree that the admission authority did correctly and impartially apply the published admission arrangements to my application.

Yes, I have evidence to suggest that the admission authority did not correctly and impartially apply the published admission arrangements (please provide further information below and your evidence with this appeal form).

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The Panel mustthen decide whether the admission of additional children would prejudice the provision of efficient education or the efficient use of resources. The Panel must not reassess the capacity of the school but must consider the impact on the school of admitting more children. In reaching a decision as to whether or not there would be prejudice the Panel may consider the following factors:

a) what effect an additional admission would have on the school in the current and following academic years as the year group moves through the school;

b) whether any changes have been made to the school’s physical accommodation or organisation since an admission number was originally set for the relevant year group;

c) the impact of the locally agreed Fair Access Protocol; and

d) the impact on the organisation and size of classes, the availability of teaching staff, and the effect on children already at the school.

Taking into account a) to d) above, please set out below the reasons why you consider admitting your child to your preferred school will not have a negative impact on the school known prejudice the provision of efficient education on the efficient use of resources.

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I confirm that I have been refused a place at the school for which I am appealing.

Signed: ………………………………………………………….. Date: …………………………………….

Please print your name: …………………………………………………..

Please submit this form via email to [governance.support@torbay.gov.uk](mailto:governance.support@torbay.gov.uk) or in hard copy to:

Torbay Independent Appeals Panel

c/o Governance Support

Torbay Council

Town Hall

Torquay

TQ1 3DR