

Manor Park Primary School



The Order of the Virtual Appeal Hearing (Infant Class Size)

Date of last review: September 2021

Reviewed by: *Governors*

Agreed by *Governors*: October 2021

Shared with all staff: October 2021

Frequency of review: *Annually*

Date of next review: September 2022

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For appeal hearings being held virtually either by telephone or video, once all parties are present, the Clerk will introduce themselves and explain role is to provide advice and guidance to the Panel on law and procedures, keep a note of the hearings and send decision letters. 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 7 calendar days, wherever possible. The Clerk will also answer any questions parents may have regarding the process.

The Panel Chair welcomes the parties and invites the Panel Members, Presenting Officer and Parents 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.

1. The presenting officer gives general information about the admission authority's published admission arrangements, the school parents are appealing for, and if appropriate, other neighbouring schools;
2. The parents and panel may question the presenting officer about the information given raising any issues they may have including issues with the application of the published admissions policy;
3. The parents present their case giving any relevant information that supports their case (Bearing in mind the grounds in a), b), c) and d) below)
4. The Panel and presenting officer may question the parents.
5. Summing up by the presenting officer and the parents if they so wish.
6. At the end of the hearing the Chair will check that everyone has raised all the issues they wished and thank everyone for attending.

The decision - After hearing all appeals the Panel will then make its decisions. This is done in the absence of both parties.

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:

- i) it finds that the admission arrangements did comply with the admissions law and were correctly and impartially applied; or

- ii) 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.

May 2020 LMK