Infant class sizes and excepted pupils

Admissions have introduced new guidelines to schools regarding the refusal of place in KS1 to a child who would be considered as an "excepted pupil". This has arisen because, in the event that the parent appeals, it is important that Appeal Panels are clear about whether the appeal is being heard as breach or on prejudice grounds. Admission Authorities therefore need to be clear in their refusal letters whether they consider the child to be an excepted pupil and are therefore refusing on prejudice grounds.

The criteria for an excepted pupil is outlined in the Schools Admissions Code para 2.15 and set out in the attached template letter. When refusing admission to a child in Yr R, 1 or 2 because a school is up to PAN in the relevant year groups, the Admission Authority will need to decide whether the child meets the criteria for an excepted pupil; this will include establishing if there is another school within a reasonable distance The Casual Admissions Team can offer further advice and information on request.

An Admission Authority is duty bound to explain the reason why it has refused a child's admission to a school (para 2.24 Admissions Code and para 2.5 Appeals Code). An Admission Authority is entitled to refuse admission to an excepted pupil. However, in its letter of rejection it cannot specify the reason as being a breach of the infant class size limit. This is because the child is legally exempt from counting towards the infant class size limit. If an Admission Authority refuses admission to an excepted pupil, it should do so on the basis that the school has reached (or exceeded) its published admission number, and that the admission of an additional pupil would prejudice the provision of efficient education or the efficient use of resources.

Admissions have compiled a template letter, which schools may use when refusing a place to an "excepted pupil" – please see attached.

If you require any further assistance regarding this issue, please contact the Casual Admissions Team.