

Infant Class Size Legislation Guidance

**for
Schools and Governing Bodies**

May 2025

Background

In 1998, the government introduced a policy to reduce class sizes for children aged 5, 6 or 7 years old in infant classes.

The School Standards and Framework Act 1998 (sections 1) and associated regulations require that all infant classes with a single teacher should contain no more than 30 pupils. The regulations relate to pupils in Reception, Year 1 and Year 2 classes.

In the majority of cases Staffordshire schools have maintained infant classes within the legal limit. However, the PLASC returns made each year identify a small number of schools with infant classes of more than 30 pupils.

This document is an update of our previous guidance to clarify and explain the legislation for all head teachers, governors and officers.

Teachers

Any infant class that has a majority of Reception, Year 1 or Year 2 pupils must be limited to a maximum of 30 pupils to one teacher in all ordinary teaching sessions.

An ordinary teaching session is **every lesson during the school day**, except for school assemblies or other school activities usually conducted in large groups of pupils such as music, drama or sports lessons.

Any infant class with more than 30 pupils must therefore have at least two FTE teachers.

A teacher is defined by section 122 of the Education Act 2002. School Teachers include:

- Headteachers
- Qualified teachers
- Overseas trained teachers
- Instructors with special qualifications or experience
- Staff on an employment- based teacher training scheme
- Graduate teachers
- Registered teachers
- Student teachers
- Teacher trainees yet to pass the skills test

School teachers do not include Teaching Assistants, Higher-level Teaching Assistants or other support staff.

A school must employ sufficient teachers to enable it to teach infants in classes of no more than 30 per school teacher.

Class organisation

To comply with the legislation some schools may need to create an additional class, or organise into mixed age groups, or have two FTE teachers to team-teach the class.

The introduction of the foundation curriculum has encouraged schools to teach Reception pupils in single year groups. In some instances, however, it may be necessary to teach Reception pupils with pupils in other year groups.

The advice given to schools in organising their class groups will depend upon their particular circumstance.

Admission of Pupils/Refusal of Admission

Local Authorities and governing bodies that are the admissions authority for their school may not refuse to admit children into Reception where the number of pupils is below the school's Published Admission Number (PAN). The PAN is determined annually by the relevant admission authority.

However, applications for places in Years 1 and 2 may be refused where the number of pupils is below the PAN but the admission will cause infant class size prejudice.

Infant class size prejudice arises when the admission would require the school to take qualifying measures i.e., create an additional class with an additional teacher or introduce mixed age teaching for the current or future years.

Parents are entitled to appeal against any decision not to admit a child to an independent appeal panel.

Revised PANs

Many school admission numbers have been revised into multiples of 15 so that pupils can be organised more easily into classes of 30 or less. If you would like to discuss changes to future PANs to help you comply with the class size legislation please contact Samantha Nicol or Lisa Bowers at school.admissionsteam@staffordshire.gov.uk

Excepted pupils

In extremely limited circumstances, an infant class may have more than 30 pupils. Pupils may be admitted in excess of 30, as an 'excepted pupil' in the following circumstances;

- a. children admitted outside the normal admissions round with an Education, Health and Care Plan specifying a school;
- b. looked after children and previously looked after children admitted outside the normal admissions round;
- c. children admitted, after initial allocation of places, because of a procedural error made by the admission authority or local authority in the original application process;
- d. children admitted after an independent appeals panel upholds an appeal;
- e. children who move into the area outside the normal admissions round for whom there is no other available school within a reasonable distance;
- f. children with special educational needs who are normally taught in a special educational needs unit attached to the school, or registered at a special school, who attend some infant classes within the mainstream school
- g. children of UK service personnel admitted outside the normal admissions round; (from September 2013)
- h. children whose twin or sibling from a multiple birth is admitted otherwise than as an expected pupil; (from September 2013)

From September 2013, any children admitted for any of the above reasons will remain as an 'excepted pupil' for the time they are in an infant class or until the class numbers fall back to the current infant class size limit.

Infant Class Size Legislation Leaflet for Schools and Governing Bodies

- In the event that an infant aged child is unable to secure admission to a school within a reasonable distance of their home address and no school has agreed to make a permitted exception, the School Admissions Team will invoke the Fair Access Protocol to ensure that a place is made available.

Schools must seek advice from the school admissions team, named overleaf, before agreeing to admit any excepted pupils.

Where funding may be available

To help schools comply with the legislative requirements the County Council has reserved a minimal amount of contingency funding which can be used to support a small number of schools in **exceptional circumstances**.

The Infant Class Size Funding should not be considered as a permanent source of income.

At its simplest, schools may receive funding where their Infant Class sizes are 25 pupils or fewer based on the minimum number of infant teachers required for compliance. This is not necessarily the number of teachers preferred by the school although the Local Authority may take into account extenuating circumstances.

Funding would not normally be given for schools with 125 or more infant pupils or to a school that admits to PAN (or over PAN by choice).

Funding will be allocated in the summer term.

In the rare cases where funding is allocated, it will be a contribution only towards the cost of employing the required number of qualified teachers.

Funding not used for this specific purpose may be reclaimed by the LA and may also be reclaimed if you do not meet the Class Size limit following receipt of this money for this purpose.

Infant class size returns

The LA and schools share a responsibility to ensure that all infant classes are 30 or fewer pupils.

Schools that have concerns can use the form to apply for additional funding to help meet the Infant Class Size limit.

Reserve Powers

Schools are reminded that the Infant Class Size limit is statutory, and the LA and the governing body have a shared duty to ensure that a school complies with the limit. In a situation where a school is not complying, the LA is required to contact the school and ensure remedial action is taken.

If the school continues not to comply, the LA could ask the Secretary of State to issue a direction to the school. The DfE have advised that if a school continues to breach the limit, the issue may need to be decided by the Courts. The LA will also consider the withdrawal of delegation of budget.

Infant Class Size Legislation Leaflet for Schools and Governing Bodies

Who to contact

General admissions, PANs, Admission of pupils as exceptions/ situations leading to a possible breach of class size limits and appeals/ changes to future PANs	Lisa Bowers and Samantha Nicol, Admissions and Transport Team	01785 278801 01785 278676	lisa.bowers@staffordshire.gov.uk samantha.nicol@staffordshire.gov.uk
Accommodation and organisational issues	School Organisation Team		school.organisation@staffordshire.gov.uk
DfE information School Admissions Code of Practice			
The Law The School Standards and Framework Act 1998 (section 1 and 4) http://www.legislation.gov.uk/ukpga/1998/31/contents The School Admissions (Infant Class Sizes) (England) Regulations 2012 http://www.legislation.gov.uk/uksi/2012/10/contents/made			

Produced by
Staffordshire County Council
School Organisation, Admissions & Transport Team

Contact for further copies
School Organisation Team
Email: school.organisation@staffordshire.gov.uk

www.staffordshire.gov.uk/schoolorganisation