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## EXPLANATORY NOTE

*(This note is not part of the Regulations)*

These Regulations impose, for the purposes of section 1 of the School Standards and Framework Act 1998, a limit on class sizes for infant classes at maintained schools in England. They revoke and replace the Education (Infant Class Sizes) (England) Regulations 1998 and the Education (Infant Class Sizes) (England) (Amendment) Regulations 2006 (**regulation 3**), adding new categories of excepted pupils and changing the circumstances in which pupils cease to be excepted.

The limit imposed is a maximum of 30 pupils in an infant class at any time while an ordinary teaching session is conducted by a single school teacher (or, where the session is conducted by more than one school teacher, a maximum of 30 pupils for every teacher) (**regulation 4**).

However, where certain types of children (“excepted pupils”) cannot be provided with education at the school in an infant class in which the limit is not exceeded without measures being taken which would prejudice efficient education or the efficient use of resources, those children are not to be counted for the purposes of ascertaining whether or not the limit of 30 is exceeded (**regulation 5 and the Schedule**). Excepted pupils are—

- (a) children whose statements of special educational needs specify that they should be educated at the school concerned, and who are admitted to the school outside a normal admission round;
- (b) children who are looked after by local authorities, or who have ceased to be looked after as a result of being adopted or being placed with a family or given a special guardian, and are admitted to the school outside a normal admission round;
- (c) children initially refused admission to a school, but subsequently offered a place outside a normal admission round by direction of an admission appeal panel, or because the person responsible for making the original decision recognises that an error was made in implementing the school’s admission arrangements;
- (d) children who the local authority who maintain the school confirm cannot gain a place at any other suitable school within a reasonable distance of their home because they have moved into the area outside a normal admission round;
- (e) children of armed forces personnel who are admitted outside a normal admission round;
- (f) children whose twins or other siblings from multiple births are admitted as non-excepted pupils;
- (g) children who are registered pupils at special schools, but who receive part of their education at a mainstream school; and
- (h) children with special educational needs who are normally educated in a special unit in a mainstream school, but who receive part of their lessons in the class.

If at any time it becomes possible for an excepted pupil to be provided with education at the school in an infant class in which the limit is not exceeded (for example because a non-excepted child leaves the class, an additional infant class is created, or an additional teacher is appointed), that child ceases to be an excepted pupil (**regulation 5(2)**).