



Admissions Policy

Adopted by Governors: *February 2013*
Union Meeting (if applicable) *06.02.13*
Next Review due: *Spring 25*

Committee Reviewed at:Full Summer 22.....

Signed by Chair of Committee:.....

Date:.....

Signed by Head Teacher:.....

Date:.....Spring 19.....

Admissions Policy

February 2016

Policy Overview

Admission to the special academy will normally be by way of an Educational Health Care Plan (*although note that point 3 of Annex B below also applies*). Parents may make representations for a placement at a special academy. The local authority is responsible for maintaining the EHCP and retains responsibility for deciding whether to name the special academy in the EHCP, based on the individual needs of the child and any representations made by parents. A local authority is required to consult with the special academy before naming it in a child's EHCP. Once the special academy is named in a child's EHC the academy is under a legal duty to admit the child.

From April 2013 there will be a commissioning arrangement between the special school (provider) and local authorities (commissioners) intending to make placements at the special school regarding the number of places required. Funding arrangements will be made between the academy and the commissioning LA.

Birkett House School

Birkett House School is an Academy; all admissions must satisfy the criteria as follows:

- a) that the child being admitted has a significant degree of learning difficulty, and:
- b) that the learning difficulty presents the main barrier to learning

Where there are other associated conditions or difficulties then admission is reasonable; where those other conditions or difficulties represent the main barrier to learning then admission is not reasonable.

Numbers

As stated in Annex B the school will not agree to admission where:

admitting the child would be incompatible with the provision of efficient education for other children

This will apply in individual circumstances, following an assessment by the school of potential impact of admission, and it will apply where our agreed and preferred maximum number of pupils in any one class is exceeded. Those maximum numbers are as follows:

Primary Classes: 12 depending on size of room

Secondary Classes:	12 – depending on size of room and needs of pupils)
Thistly Meadow link	12
Little Hill Link	12
Thomas Estley Satellite	24
Countesthorpe Base	52
Total for school = 248	

Only in exceptional circumstances will we admit pupils over and above these numbers, as follows:

- a) a move into the area
- b) where an assessment is made that the nature of the child's condition, and the circumstances in which the family find themselves, are so overwhelming that admission must take place (e.g. Safeguarding, victims of severe trauma etc.)
- c) where the school is directed by a Tribunal by the Secretary of State

Statement on Admissions

Birkett House School will abide by the regulations as set out in Annex B below.

Annex B
REQUIREMENTS FOR THE ADMISSION OF PUPILS TO
THE BIRKETT HOUSE ACADEMY

GENERAL

1. This annex may be amended in writing at any time by agreement between the Secretary of State and the Academy Trust.
2. Except where paragraph 3 applies, Birkett House Academy Trust may not admit a child to the school unless an EHCP of SEN is maintained for that child and the Birkett House Academy (or Wigston Birkett House Community Special School) is named in the child's EHCP
3. Birkett House Academy Trust may admit a child without an EHCP to the Birkett House Academy if:
 - (i) he is admitted for the purposes of an assessment of his educational needs under section 323 of the Education Act 1996 and his admission to the Academy is with the agreement of the local authority, the Academy Trust, the child's parent and any person whose advice is to be sought in accordance with regulation 7 of the Education (Special Educational Needs) (England) (Consolidation) Regulations 2001;
 - (ii) he remains admitted following an assessment under section 323 of the Education Act 1996; or
 - (iii) he is admitted following a change in his circumstances, with the agreement of the local authority, the Academy Trust and the child's parents.
4. If a child without an EHCP has been admitted to the Birkett House Academy for the purpose of an assessment, in accordance with paragraph 3(i), the Academy Trust may allow the child to remain at that Academy:
 - (i) until the expiry of ten school days after the local authority serve a notice under section 325 of the Education Act 1996 that they do not propose to make a statement, or
 - (ii) until a statement is made.
5. Where the local authority intend to name Birkett House Academy in an EHCP, and have served a copy of the proposed plan (or amended plan) on the Academy Trust, the Academy Trust must respond to the local authority's proposal within 15 days.
6. The Academy Trust must consent to being named, except where admitting the child would be incompatible with the provision of efficient education for other children; and where no reasonable steps may be made to secure compatibility. In deciding whether a child's inclusion would be incompatible with the efficient education of other children, the Academy

Trust must have regard to the relevant guidance issued by the Secretary of State to maintained schools.

7. If the Academy Trust determines that admitting the child would be incompatible with the provision of efficient education, it must, within 15 days of receipt of the local authority's notice, notify the local authority in writing that it does not agree that the Academy should be named in the pupil's statement. Such notice must set out all the facts and matters the Academy relies upon in support of its contention that: (a) admitting the child would be incompatible with efficiently educating other children; and (b) the Academy Trust cannot take reasonable steps to secure this compatibility.
8. Where a local authority maintains an EHCP for a child under section 324 of the Education Act 1996 and the name of the [] Academy (or [insert name of predecessor school]) is specified in that plan, the Academy Trust must admit that child to the Academy even if they consider that the Academy should not have been named in the child's plan.
9. Where the Academy Trust considers that the Academy should not have been named in a child's plan, they may ask the Secretary of State to determine that the local authority has acted unreasonably in naming the Academy and to make an order directing the authority to amend the child's plan by removing the name of the Academy. Where the Secretary of State makes an order to this effect, the Academy Trust will cease to be under an obligation to admit the child from the date of the Secretary of State's Order, or from such date as the Secretary of State specifies. In specifying a date, the Secretary of State must take into account both the welfare of the child in question and the degree of difficulty caused to the Academy by the child's continued admission.
10. Where the Secretary of State determines that a local authority has acted reasonably in naming [] Academy in a child's plan, the Academy Trust must continue to admit the child until the Academy ceases to be named in the plan.

THE FIRST-TIER TRIBUNAL (SPECIAL EDUCATIONAL NEEDS AND DISABILITY)

11. If a parent or guardian of a child in respect of whom an EHCP is maintained by a local authority appeals to the First-tier Tribunal (Special Educational Needs and Disability) either against the naming of the Academy in the child's plan or asking the Tribunal to name the Academy, the Academy Trust agrees to be bound by the decision of the Tribunal on any such appeal even if the decision is different to that of the Secretary of State under paragraph 9 or 10 above.
12. Where the Academy, the Secretary of State or the First-tier Tribunal (Special Educational Needs and Disability) have determined that it should be named in a child's plan, the Academy Trust must admit the child to the Academy notwithstanding any provision of Annex B to this agreement.

GDPR

Data will be processed to in line with the requirements and protections set out in the General Data Protection Regulation.