Birkett House School

Admissions Policy

STATUS: DUE FOR REVIEW / AWAITING APPROVAL / IMPLEMENTED (HIGHLIGHT AS APPROPRIATE)	
Reviewed date:	8th September 2026
Reviewer:	Tom Harrup
Implementation date:	14th September 2026
Next review:	September 2027
Headteacher:	Tom Harrup
Date of review by Governors:	9th September 2026
Chair of Governors or Committee:	Tim Pearce

Admissions Policy

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 EHCP the academy is under a legal duty to admit the child.

Since April 2013 there is 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, set in Leicestershire; 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
Secondary Classes:	12
Thistly Meadow link	12
Little Hill Link	12
Thomas Estley Satellite	24
Countesthorpe Base	52
Total for school	***= 248***

Class sizes below the maximum numbers may be considered if it is in the best interest of the pupils on roll at Birkett House School and it is supportive of progress towards educational outcomes as written in the EHCP.
The safe education of all pupils at Birkett House School is the most important factor when considering admissions.

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

For Parents
Applying for a Place at Birkett House School

Birkett House School is a specialist academy for children and young people with significant learning difficulties. Admissions are made through the Education, Health and Care Plan (EHCP) process.

If you wish your child to attend Birkett House School, you should discuss this with your child's SEND Case Officer and express a preference for Birkett House School during the EHCP assessment, annual review, or amendment process.

The Local Authority is responsible for deciding whether to name Birkett House School in a child's EHCP. Before making this decision, the Local Authority will consult with the school. Where Birkett House School is named in a child's EHCP, the school has a legal duty to admit the child unless an exception applies under relevant SEND legislation.

Parents wishing to enquire about a place at the school are welcome to contact the school office for further information or to arrange a visit.

Admissions During the School Year (In-Year Admissions)

Applications for admission may be made at any time during the school year through the EHCP process. Parents should contact their home Local Authority's SEND Team in the first instance.

When consulted by a Local Authority regarding a potential placement, Birkett House School will consider whether it can meet the child's needs and whether admission would be compatible with the efficient education of pupils already on roll and the efficient use of resources.

The school will respond to consultations within the timescales required by legislation.

Requests for Admission Outside the Normal Age Group

In exceptional circumstances, parents may request that their child is educated outside their chronological age group although this situation does not often arise within a SEND specialist setting.

Such requests should be made through the Local Authority and should include any relevant professional advice or supporting evidence. Each request will be considered individually, taking into account:

the views of parents/carers;
the child's educational, social and emotional needs;
information provided by relevant professionals;
the child's previous educational history;
the impact on the child and other pupils.

The school's views will be provided to the Local Authority, which will make the final decision in accordance with SEND and admissions legislation.

Fair Access Protocol

Birkett House School participates in the Leicestershire Fair Access Protocol and will comply with arrangements agreed with the Local Authority. The Protocol aims to ensure that vulnerable and hard-to-place children are admitted to school as quickly as possible.

Waiting Lists

As admissions to Birkett House School are determined through the EHCP process and consultation with Local Authorities, the school does not operate a waiting list in the same way as mainstream schools.

Where the school is unable to accommodate a child at the time of consultation because admission would be incompatible with the efficient education of other pupils, the Local Authority will work with parents and the school to identify appropriate arrangements and review availability as circumstances change.

Appeals and Disagreements

Parents have the right to make representations regarding the school named in their child's EHCP.

Where parents disagree with decisions relating to the contents of an EHCP, including the educational placement named within it, they may use the dispute resolution, mediation and appeal processes available through the SEND system.

Further information about SEND mediation and appeals to the First-tier Tribunal (Special Educational Needs and Disability) can be obtained from:

Your home Local Authority SEND Team
SENDIASS (Special Educational Needs and Disabilities Information, Advice and Support Service)
GOV.UK guidance on SEND appeals and mediation

Details of the school's complaints procedure can be found on the school website.

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.

Appeals

Birkett House School admissions are made through the Education, Health and Care Plan (EHCP) process.

Parents and carers who disagree with decisions relating to the content of an EHCP, including the naming of Birkett House School, have the right to appeal to the First-tier Tribunal (Special Educational Needs and Disability).

Information about the SEND Tribunal process can be found at:

https://www.gov.uk/courts-tribunals/first-tier-tribunal-special-educational-needs-and-disability

The school follows decisions made by the First-tier Tribunal (Special Educational Needs and Disability) where these relate to the naming of the school in a pupil's EHCP.

Information about SEND mediation and Tribunal timescales can be found at: https://www.gov.uk/appeal-ehcp-decision

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

Monitoring Arrangements
This policy will be reviewed by the Governing Body every three years, or sooner if changes in legislation, statutory guidance or local procedures make this necessary. The Headteacher is responsible for ensuring that the policy is implemented consistently and reviewed periodically.
The Governing Body is responsible for approval of this policy.