

Birch Wood School Admissions Policy

Date Ratified: 2004

Last Review: September 2022

Next Review: September 2024

Policy Overview

Admission to Birch Wood Area Special School is applicable for pupils with an Education Health and Care Plan (EHCP). Parents may make representations for a placement at a special school. The local authority responsible for creating the EHCP retains responsibility for deciding whether to name the special school or type of provision 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 school before allocating a place in a special school or naming it in a child's EHCP. Once the special school place is allocated or a school is named in the EHCP, the school is under a statutory duty to admit the child.

Since 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 school and the commissioning LA.

Birch Wood is one of the six Leicestershire County Area Special Schools. All admissions must satisfy the criteria as follows:

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

Where there are other associated conditions, difficulties or differences then admission is reasonable; where those other conditions, difficulties or differences 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 their children

This will apply in individual circumstances, following an assessment by the school of potential impact of admission; individual classes are small, with a maximum of twelve (some classes have a maximum of 5, such as ASD specific classes) depending on the combination of Special Educational Needs & Disabilities.

Only in exceptional circumstances will we admit pupils over this number, as follows:

- a) 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.)
- b) where the school is directed by a Tribunal or by the Secretary of State

EHCP on Admissions

Birch Wood will abide by the regulations as set out in Annex B below

REQUIREMENTS FOR THE ADMISSION OF PUPILS TO THE SCHOOL GENERAL

1. This annex may be amended in writing at any time by agreement between the Local Authority and The Governors of Birch Wood.
2. Except where paragraph 3 applies, the school may not admit a child unless a EHCP is maintained for that child and the school is named in the child's EHCP
3. The school may admit a child without a EHCP if:
 - (i) s/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 school is with the agreement of the local authority, the school, 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) s/he remains admitted following an assessment under section 323 of the Education Act 1996; or
 - (iii) s/he is admitted following a change in his circumstances, with the agreement of the local authority, the school and the child's parents.
4. If a child without an EHCP has been admitted to the school for the purpose of an assessment, in accordance with paragraph 3(i), the school may allow the child to stay.
 - (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 EHCP, or
 - (ii) until a EHCP is made.
5. Where the local authority intend to name the school in an EHCP, and have served a copy of the proposed EHCP (or amended EHCP) on the school, the school must respond to the local authority's proposal within 15 days.
6. The school 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 school must have regard to the relevant guidance issued by the Secretary of State to maintained schools.
7. If the school 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 school should be named in the pupil's EHCP. Such notice must set out all the facts and matters the school relies upon in support of

its contention that: (a) admitting the child would be incompatible with efficiently educating other children; and (b) the school cannot take reasonable steps to secure this compatibility.

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8. Where a local authority maintains an EHCP for a child under section 324 of the Education Act 1996 and the name of the school is specified in that EHCP, the school must admit that child to the school even if they consider that the school should not have been named in the child's EHCP.
9. Where the school considers that it should not have been named in a child's EHCP, they may ask the Secretary of State to determine that the local authority has acted unreasonably in naming the school and to make an order directing the authority to amend the child's EHCP by removing the name of the school. Where the Secretary of State makes an order to this effect, the school 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 school by the child's continued admission.
10. Where the Secretary of State determines that a local authority has acted reasonably in naming Birch Wood in a child's EHCP, the school must continue to admit the child until the school ceases to be named in the EHCP.

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

11. If a parent or guardian of a child in respect of whom a EHCP is maintained by a local authority appeals to the First-tier Tribunal (Special Educational Needs and Disability) either against the naming of the school in the child's EHCP or asking the Tribunal to name the school, the Governing Body 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 school, 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 EHCP, the governing body must admit the child to the school notwithstanding any provision of Annex B to this agreement.

