

# Forest Way School

## Admissions Policy

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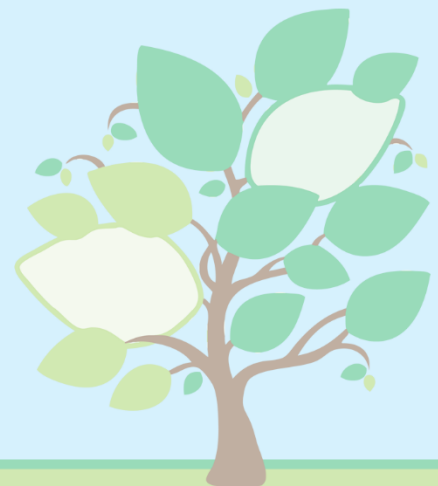
Signature:



Title: CHAIR

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Statutory

Non-Statutory

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## **Policy Overview**

An Academy Trust is its own Admissions Authority. Admission to the special academy will normally be by way of a Statement of Special Educational Needs or Educational, Health and Care Plan (EHCP) or for assessment purposes (*although note that point 3 of Annex A below also applies*). Parents/carers may make representations for a placement at a special academy. The Local Authority responsible for making the statement or EHCP retains responsibility for deciding whether to name the special academy in the statement, 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 statement. Once the special academy is named in a child's statement, the academy is under a legal duty to admit the child, unless admitting the child would be incompatible with the efficient education of other children and where no reasonable steps may be made to secure compatibility. Forest Way Academy Trust will notify the Local Authority in writing if they do not agree to be named in the statement or EHCP within 15 days of the receipt of the proposed statement.

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.

## **Forest Way School**

Forest Way School is an Academy and functions as an Area Special School. 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 and that there is significant multi-professional evidence to that effect and
- c) that the school can meet the requirements as set out in the statement

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.

Admission is always to the Academy as a whole, not to individual provision. Allocation to specific provision is decided on an individual basis by senior school staff, in consultation with parents/carers.

Teaching and learning strategies for pupils will be decided by the school, in consultation with parents/carers and other professionals.

## **Numbers**

As stated in Annex A 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.

This may mean that children of certain age groups cannot be admitted, even when there are vacancies in other parts of the school. The number on roll at January 2024 was 276 which included 12 pupils at the Communication and Interaction Unit.

An application for our overall capacity to increase to 265 in main school and 12 in the Communication and Interaction Unit was approved by the Education Funding and Skills Agency (ESFA) in March 2023.

In exceptional circumstances will we admit pupils over and above these numbers, 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.

## **Statement on Admissions**

Forest Way School will abide by the regulations as set out in Annex A below.

## **Annex A**

### **Requirements for the Admission of Pupils to Forest Way School**

#### **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, Forest Way School may not admit a child to the school unless a Statement of SEN or EHCP is maintained for that child and the Forest Way Academy (or Forest Way School) is named in the child's Statement or EHCP.
3. Forest Way School may admit a child without a Statement or EHCP to the Forest Way Academy if:
  - i) She/he is admitted for the purposes of an assessment of his educational needs under Section 323 of the Education Act 1996 and their admission to the Academy is with the agreement of the local authority, the Academy Trust, the child's parents/carers or the student when he/she is Post 16. and any person whose advice is to be sought in accordance with Regulation 7 of the Education (Special Educational Needs) (England) (Consolidation) Regulations 2001; Any assessment should be completed within the 20 week SEND code.
  - ii) The pupil remains admitted following an assessment under Section 323 of the Education Act 1996; or

- iii) The pupil is admitted following a change in their circumstances, with the agreement of the Local Authority, the Academy Trust and the child's parents/carers.
  - iv) Children being assessed for an EHCP will be dual registered and return full time to their mainstream school if the LA decide not to issue an EHCP. To refer a child in this way requires the agreement of the school's home local authority (if the school is in another local authority area) the school and the child's parents or the student when he/she is a post 16 student.
4. If a child without a Statement or EHCP has been admitted to the Forest Way 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 EHCP or
    - ii) Until an EHCP care plan is made.
  5. Where the Local Authority intend to name the Forest Way Academy in a Statement or EHCP, and have served a copy of the proposed, or amended Statement 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 or EHCP. 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 a Statement or EHCP for a child under Section 324 of the Education Act 1996 and the name of the Forest Way Academy (or Forest Way School) is specified in that Statement or EHCP 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 Statement or EHCP.
  9. Where the Academy Trust considers that the Academy should not have been named in a child's Statement or EHCP, 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 Statement or EHCP 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 Forest Way Academy in a child's Statement or EHCP, the Academy Trust must continue to admit the child until the Academy ceases to be named in the Statement or EHCP.
11. Where the Academy Trust considers that there is a need to increase the planned capacity of the Academy, as stated at Clause 21 of the Agreement, the Academy must seek approval of the Secretary of State and the requirements of this Agreement may be amended accordingly by agreement between the Secretary of State and the Academy Trust.

### **The First-Tier Tribunal (Special Educational Needs and Disability)**

12. If a parent or carer of a child in respect of whom a Statement or 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 Statement or EHCP 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.
13. 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 Statement or EHCP, the Academy Trust must admit the child to the Academy notwithstanding any provision of Annex B to this agreement.

## **Annex B - SEN Reforms from September 2014 (based on the SEN Code of Practice)**

From September 2014 children and young people without an EHCP can be placed in special schools and special post-16 institutions in the following specific circumstances:

- where they are admitted to a special school or special post-16 institution to be assessed for an EHC plan with their agreement (in the case of a young person) or the agreement of their parent (in the case of a child), the local authority, the head teacher or principal of the special school or special post-16 institution and anyone providing advice for the assessment;
- where they are admitted to a special school or special post-16 institution following a change in their circumstances with their agreement (in the case of a young person) or the agreement of their parent (in the case of a child), the local authority and the head teacher or principal of the special school or special post-16 institution;
- where they are in hospital and admitted to a special school which is established in a hospital;  
or
- where they are admitted to a Specialist academy (including a Special free school) whose academy arrangements allow it to admit children or young people with SEN who do not have an EHC plan.

The last of these provisions enables the Secretary of State to approve academy arrangements for individual Special academies or Special free schools that are innovative and increase access to specialist provision for children and young people without EHC plans.