

Admissions Policy Appendix

Key Document Details

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Requirements for the Admission of Pupils to St. Luke's 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, the Academy Trust may not admit a child to the school unless an EHCP of SEN is maintained for that child and St. Luke's Academy is named in the child's EHCP
3. The Academy Trust may admit a child without an EHCP to St. Luke's Academy if:
 - (i) he/she 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/she remains admitted following an assessment under section 323 of the Education Act 1996;
or
 - (iii) he/she 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 St. Luke's 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 an EHCP,
or
 - (ii) (ii) Until an EHCP is made.
5. Where the local authority intends to name St. Luke's Academy in an EHCP, and have served a copy of the proposed EHCP (or amended EHCP) 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.

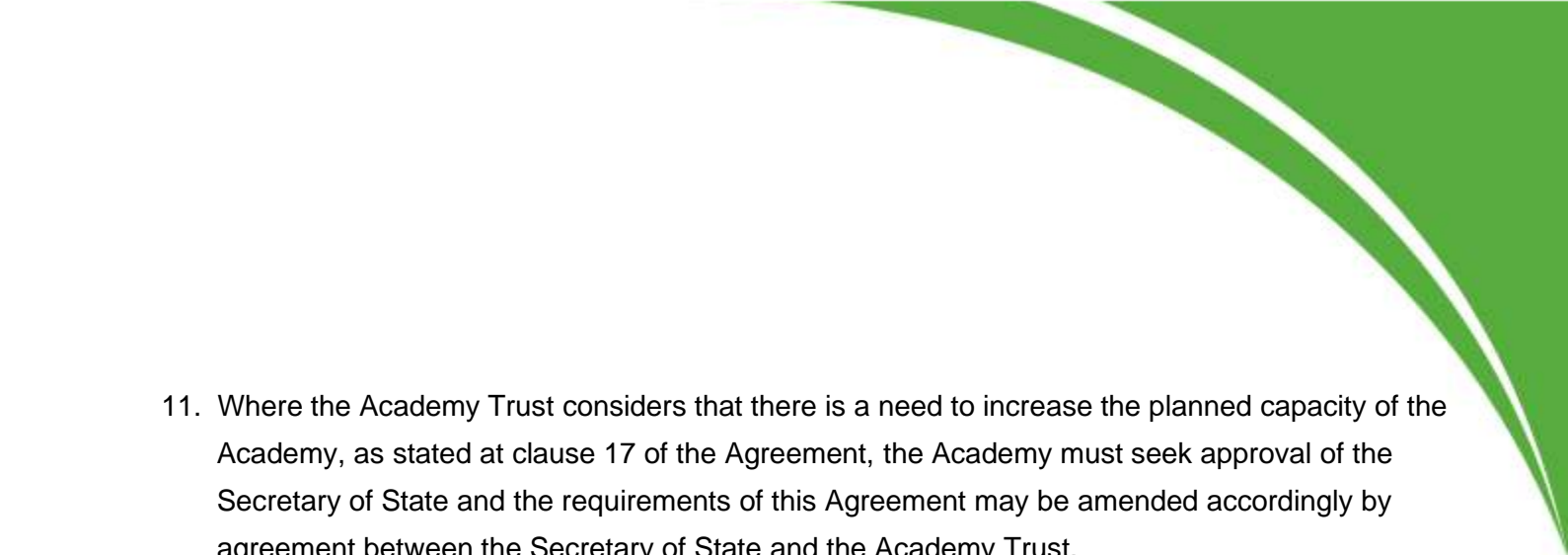
7. If the Academy Trust determines that admitting the child would be incompatible with the provision of efficient education, it must, within 15 days of receipt of the local authority's notice, notify the local authority in writing that it does not agree that the Academy should be named in the pupil's 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; (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 St. Luke's Academy is specified in that 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 EHCP.

9. Where the Academy Trust considers that the Academy 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 Academy and to make an order directing the authority to amend the child's 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 St. Luke's Academy in a child's EHCP, the Academy Trust must continue to admit the child until the Academy ceases to be named in the EHCP.

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11. Where the Academy Trust considers that there is a need to increase the planned capacity of the Academy, as stated at clause 17 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 Disabilities)

12. 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 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 7 or 8 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 EHCP, the Academy Trust must admit the child to the Academy notwithstanding any provision of Annex B to this agreement.