



# **Kingfisher School**

## **Admissions Policy**

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## Policy Overview

Kingfisher School is part of Advanced Trust a multi-Kingfisher School in Worcestershire consisting of three special schools and a short stay school. Admission to the Kingfisher School will normally be by way of a Statement of Special Educational Needs/Education Health and Care Plans (although note that point 3 of Annex A below also applies). Parents/carers may make representations for a placement at Kingfisher School. The Local Authority responsible for making the Statement/EHCP retains responsibility for deciding whether to name the Kingfisher School in the Statement/EHCP, based on the individual needs of the child and any representations made by parents. A Local Authority is required to consult with Kingfisher School before naming it in a child's Statement/EHCP. Once the Kingfisher School is named in a child's Statement/EHCP, the school is under a statutory 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. Kingfisher School will notify the Local Authority in writing if they do not agree to be named in the Statement/EHCP within 15 days of the receipt of the proposed Statement/EHCP.

Since April 2013 there has been a commissioning arrangement between the Kingfisher School (provider) and local authorities (commissioners) intending to make placements at the Kingfisher School regarding the number of places required. Funding arrangements will be made between the Kingfisher School and the commissioning LA.

## Kingfisher School

Kingfisher School is an Academy and functions as a Social, Emotional and Mental Health Special School. All admissions must satisfy the criteria as follows:

- a) that the child being admitted has a significant barrier to learning due to Social, Emotional or Mental Health difficulties and:
- b) that these difficulties present 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/EHCP

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.

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

All pupils admitted to Kingfisher School will undergo a period of transition which will be determined by senior leaders and other professionals.

On admissions the child's parents will provide the following information:

- a) Contact details and emergency contacts
- b) Doctors details, medical information and any medication taken
- c) Ethnicity
- d) Legibility for Free School Meals

They will also sign the following:

- a) An agreement to the school uniform policy
- b) The school's educational trip consent form
- c) The school's internet use form
- d) The school's photographic image consent form
- e) The school's Home School agreement
- f) The school's positive physical intervention form, and
- g) The school's thrive consent form.

## 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.

This may mean that children of certain age groups cannot be admitted, even when there are vacancies in other parts of the school. Currently (September 2015) our maximum admission number is 70, this will be reviewed for the beginning of each academic year.

Only 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 (eg Safeguarding, victims of severe trauma etc).
- b) Where the school is directed by a Tribunal or by the Secretary of State.

**Statement/EHCP on Admissions**

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

## **Annex B**

### **Requirements for the Admission of Pupils to Kingfisher School**

#### **General**

1. This Annex may be amended in writing at any time by agreement between the Secretary of State and the Kingfisher School.

2. Except where paragraph 3 applies, Kingfisher School may not admit a child to the school unless a Statement/EHCP of SEN is maintained for that child and the Kingfisher School is named in the child's Statement/EHCP.

3. Kingfisher School may admit a child without a Statement/EHCP 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 Kingfisher School, the child's parents/carers and any person whose advice is to be sought in accordance with Regulation 7 of the Education (Special Educational Needs) (England) (Consolidation) Regulations 2001; or
- 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 Kingfisher School and the child's parents/carers.

4. If a child without a Statement/EHCP has been admitted to the Kingfisher School for the purpose of an assessment, in accordance with paragraph 3(i), the Kingfisher School may allow the child to remain at that school:

- 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/EHCP, or
- ii) Until a Statement/EHCP is made.

5. Where the Local Authority intends to name the Kingfisher School in a Statement/EHCP, and have served a copy of the proposed Statement/EHCP (or amended Statement/EHCP) on the Kingfisher School, the Kingfisher School must respond to the Local Authority's proposal within 15 days.

6. The Kingfisher 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 Kingfisher School must have regard to the relevant guidance issued by the Secretary of State to maintained schools.

7. If the Kingfisher 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 Statement/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 Kingfisher School cannot take reasonable steps to secure this compatibility.

8. Where a Local Authority maintains a Statement/EHCP for a child under Section 324 of the Education Act 1996 and the name of the Kingfisher School is specified in that Statement/EHCP the Kingfisher School must admit that child even if they consider that the school should not have been named in the child's Statement/EHCP.

9. Where the Kingfisher School considers that they should not have been named in a child's Statement/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 Statement/EHCP by removing the name of the school. Where the Secretary of State makes an order to this effect, the Kingfisher 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 Kingfisher School in a child's Statement/EHCP, the Kingfisher School must continue to admit the child until the school ceases to be named in the Statement/EHCP.

11. Where the Kingfisher School considers that there is a need to increase the planned capacity of the school, as stated at Clause 21 of the Agreement, the school 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 Kingfisher School.

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

12. If a parent or guardian of a child in respect of whom a Statement/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 Statement/EHCP or asking the Tribunal to name the school, the Kingfisher School 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 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 Statement/EHCP, the Kingfisher School must admit the child to the school notwithstanding any provision of Annex A to this agreement.

## Annex B

### Serious incidents of misbehaviour leading to a fixed period or permanent exclusion

1. Subject to the exceptions in paragraph 5, the Kingfisher School shall act and shall ensure that the Headteacher and the governing body act in accordance with the law on exclusions as if the Academy were a maintained school. For this purpose, reference in the law on exclusions to the Headteacher and governing body shall respectively be deemed to be the Headteacher and governing body of the Kingfisher School.
2. Without limiting the generality of paragraph 1, the Kingfisher School shall ensure that the Local authority in which the school is located and, where the pupil concerned resides in the area of a different Local Authority, the Local Authority in which the pupil is ordinarily resident is informed of an exclusion decision in the same circumstances and within the same timescale as the Headteacher of a maintained school is required to inform the Local Authority (or Local Authorities) of an exclusion.
3. Subject to the exception in Paragraph 5, the Kingfisher School shall ensure that the Headteacher and the Governing Body of the school have regard to the Secretary of state's guidance on exclusions when excluding, or reviewing the exclusion of a pupil and in relation to any appeals or review process as if the Academy were a maintained school.<sup>1</sup>
4. The Kingfisher School shall make arrangements for enabling appeals against, or review of any decision of the Governing body to permanently exclude a pupil in accordance with the functions assigned to the Local Authority in relation to a maintained school. The Kingfisher School shall ensure that appeal/review panels are impartial, and are constituted in accordance with the Secretary of State's guidance. The Kingfisher School shall comply with any decision of an appeals panel, or direction of a review panel.<sup>2</sup>
5. The exception to the duties imposed under paragraphs 1 and 3 is:
  - The Governing Body of the Kingfisher School is not expected to seek the advice of a Local Authority officer when considering an exclusion, although a Local Authority officer may attend any meeting to consider an exclusion (including an appeal hearing or review) at the request of a parent.

<sup>1</sup> References in this annex to the Secretary of State's guidance are to "Improving Behaviour and Attendance; Guidance on Exclusion from Schools and Pupil Referral Units", which is published on the DfE website at: <http://www.teachernet.gov.uk/wholeschool/behaviour/exclusion/guidance/>. The guidance may be subject to amendment, and the Academy is required to have regard to the guidance as it stands at any given time.

<sup>2</sup> A parent may seek a judicial review of a decision of an appeal/review panel relating to their child. A parent of a child excluded from an Academy may not complain to the Commissioner for Local Administration (the Local Government Ombudsman) about maladministration. This is because the Commissioner's remit is limited to considering the conduct of appeal panels constituted by Local Authorities.