



## Special free school admissions guidance

### Introduction

1. This guide sets out your responsibilities in relation to children with a statement of special education needs and an education health and care plan naming the school and should be read in conjunction with the SEND Code of Practice.

### Adopting a clear published statement of provision

2. The admissions process to a special academy or free school is simple. Consequently, the information published on your website should also be simple and easy to understand.
3. Free schools are expected to use the template on this site in drafting their policy and to upload it to their website.

### The Trust's admission responsibilities

4. The Trust, as proprietor of the school must comply with its SEN duties, these are set out in legislation and in the SEND Code of Practice.
5. Where a local authority has carried out a statutory assessment and decided to issue an Education Health and Care Plan (EHCP), it will issue a draft plan to parents. Parents can request the local authority to name their preferred choice of school in their child's EHCP. However, the final decision on the school to be named rests with the local authority responsible for maintaining the plan
6. Special free schools and academies must comply when named in a child's Education Health and Care Plan (EHCP) or statement, even if the child's special needs is not a type of SEN for which the school is designated. This is a requirement of section 43 of the Children and Families Act 2014.
7. A local education authority must, before specifying the name of a school in an EHCP, consult the academy trust . The LA will serve a copy of the proposed plan to the school which they are consulting. This is the opportunity for the school to have its say in the process.
8. If it does not think it appropriate for the child to be named to the school it can seek to argue against being named in the EHCP for the following reasons:
  - the school is not suitable for the child's age, ability and aptitude and the special educational needs set out in the statement or EHCP
  - the child's attendance is not compatible with the efficient education of other children in the school, and

- the placement is not an efficient use of the school's resources.
9. Irrespective of the school's arguments while being consulted, the final decision of whether to name the school is the LA's. The school cannot apply admission or any other criteria to tie break between children named to the school and admit one child but refuse another. It cannot refuse to comply with a statement or EHCP once named.
  10. Local authorities may also place children without an EHCP or statement in a special school for a limited period of time in order to assess their needs. Such placements should not last for more than 20 weeks.
  11. If the school is named in an EHCP the LA must fund the placement.

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