

GUIDANCE: ADMISSIONS OF SEND PUPILS WITHOUT AN EDUCATION HEALTH AND CARE PLAN TO MAINSTREAM SCHOOLS.



Rationale

Plymouth Local Authority (LA) is committed to working with all schools to ensure all children and young people with Special Educational Needs and/or Disabilities (SEND) are supported to achieve the very best outcomes, through receiving the right support at the right time.

The purpose of this guidance is to ensure that Head Teachers and Governing Bodies understand the legislative framework in relation to SEND admissions and how this is applied in Plymouth.

This policy should be read in conjunction with:

1. Special Educational Needs and Disability Code of Practice: 0-25 years
<https://www.gov.uk/government/publications/send-code-of-practice-0-to-25>
2. 'School Admissions, Children and Young People with Disabilities or Special Educational Needs' (The Council for Disabled Children)
https://councilfordisabledchildren.org.uk/sites/default/files/field/attachemnt/School%20Admissions%20Briefing_0.pdf
3. 'Equality Act 2010: advice for schools'
<https://www.gov.uk/government/publications/equality-act-2010-advice-for-schools>
4. 'Supporting Pupils with Medical Conditions at School'
<https://www.gov.uk/government/publications/supporting-pupils-at-school-with-medical-conditions--3>

Key Legislation and guidance:

The Education Act (1996) sets out that all children should be able to be educated in a mainstream school with adjustments and individualised approaches. In relation to this, the Equality Act (2010) describes the duty on schools to make reasonable adjustments for particular individual disabled pupils as well as consider potential adjustments, which may be needed for disabled pupils generally: it is likely that any school will have a disabled pupil at some point.

Hand-in-hand with these two Acts, section 34 of the Children and Families Act (2014) confirms the general principle that children and young people with SEN, but who do not have an EHC plan, must be educated in a mainstream setting.

Separate advice is provided to schools with regard to supporting pupils at school with medical conditions. The guidance makes it clear that, by law, no child can be denied admission to a school because of a medical condition. It also sets out that where a pupil has a medical need and a special educational need but not an EHC plan; that the special educational needs should be mentioned in the Individual Health Care Plan.

The Plymouth Context

The LA is committed to working with all schools to support the inclusion of a child or young person with SEND in mainstream provision. Where any school has concerns, LA Officers will work with the school to explore these. LA Officers will also support the process of considering the potential barriers to offering a school place as well as explore what reasonable adjustments can be made.

Plymouth's 'Expectations of Schools' SEND Education and Training Provision' is held on the Local Offer and can be found at

<http://www.plymouth.gov.uk/sites/default/files/LocalOfferEducationTrainingProvisionSchools.pdf>

This document sets out the arrangements that should be made for children and young people with special educational needs from the school's own resources.

Furthermore, all schools are required to publish an SEN Information Report, and this must be on their website. As part of this duty, all schools must publish information about arrangements for:

- admissions arrangements for disabled pupils
- how the school prevents disabled pupils from being treated less favourably than others
- the facilities that help disabled pupils to access the school
- the school's *Accessibility Plan*. The Accessibility Plan must show how the school is improving:
 1. The accessibility of the physical environment
 2. Access to the curriculum
 3. Access to information for disabled pupils.

The documents outlined in this section are important tools that schools can use to consider which reasonable adjustments can be made and how they can be implemented.

The Application Process

Information about how admissions processes for pupils (including those with a special educational need and/or disabilities) works at entry to school and at key stage transfers into mainstream schools can be found here:

<https://www.plymouth.gov.uk/childrenandfamilies/schoolseducationskillsandemployability/schooladmissions/howweallocateschoolplaces>

Information about how admissions processes for pupils (including those with a special educational need or disability) works in-year can be found here:

https://www.plymouth.gov.uk/sites/default/files/In-Year_coordinated_scheme_of_admission_2017.18.pdf

Looked after children

When any child who is in the care of a local authority is being considered for a school admission, the Virtual Headteacher for the placing authority must be consulted by the child's social worker prior to an application being made. Statutory guidance requires that no application will be made to a school that is currently graded 'inadequate' by Ofsted, and there must be clear justification provided if a 'Requires Improvement' school is going to be requested. The Plymouth Virtual School Team are happy to provide support and local information to colleagues in other local authorities to support their applications.

Frequently made comments

'We cannot meet the child's needs'

- As per the legislation and the Code of Practice, this is not a reason a mainstream school can give for not admitting a child. Schools need to consider the individual needs of each child and what can be done to remove barriers to inclusion. The **'SEND Admissions Inclusion Matrix'** forms part of this pack and can be used when considering admission requests. The **'SEND Admissions Inclusion Matrix'** helps schools consider the barriers to inclusion and what can be done to overcome them.

'Our school does not deal with the type of need a particular child has'

-The nature of a child's disability or special educational need is not a lawful basis for refusing admission. Rejecting a child on the basis of the nature of their needs may amount to discrimination.

'We have a higher percentage or number of applications than other local schools'

-We understand that this is an issue that can fluctuate year on year. The school must consider each individual child's needs and what reasonable adjustments can be made.