

# Annex 1

## REQUIREMENTS FOR THE ADMISSION OF PUPILS TO TORFIELD SCHOOL

### GENERAL

1. This annex may be amended in writing at any time by agreement between the Secretary of State and the Company.
2. Except where paragraph 3 applies, the Company may not admit a child to the school unless a statement of SEN is maintained for that child and Torfield School (or Torfield School) is named in the child's statement
3. The Company may admit a child without a statement to Torfield School if:
  - (i) he 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 Company, 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 remains admitted following an assessment under section 323 of the Education Act 1996; or
  - (iii) he is admitted following a change in his circumstances, with the agreement of the local authority, the Company and the child's parents.
4. If a child without a statement has been admitted to Torfield School for the purpose of an assessment, in accordance with paragraph 3(i), the Company 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
  - (ii) until a statement is made.
5. Where the local authority intend to name Torfield School in a statement, and have served a copy of the proposed statement (or amended statement) on the Company, the Company must respond to the local authority's proposal within 15 days.
6. The Company 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 Company must have regard to the relevant guidance issued by the Secretary of State to maintained schools.

7. If the Company 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. 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 Company cannot take reasonable steps to secure this compatibility.
8. Where a local authority maintains a statement for a child under section 324 of the Education Act 1996 and the name of Torfield School (or [insert name of predecessor school]) is specified in that statement, the Company must admit that child to the Academy even if they consider that the Academy should not have been named in the child's statement.
9. Where the Company considers that the Academy should not have been named in a child's statement, 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 by removing the name of the Academy. Where the Secretary of State makes an order to this effect, the Company 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 Torfield School in a child's statement, the Company must continue to admit the child until the Academy ceases to be named in the statement.

#### **THE FIRST-TIER TRIBUNAL (SPECIAL EDUCATIONAL NEEDS AND DISABILITY)**

11. If a parent or guardian of a child in respect of whom a statement 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 asking the Tribunal to name the Academy, the Company 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.
12. 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, the Company must admit the child to the Academy notwithstanding any provision of this Annex.