

Annex 1

Requirements for the admission of pupils to the Cornwall Community Hospital and Education Service Alternative Provision Academy

GENERAL

1. This Annex may be amended in writing at any time by agreement between the Secretary of State and the Company.
2. The Company will act in accordance with equalities law.
3. Except where paragraphs 4, 5 or 6 apply, the Company may not admit a child of compulsory school age unless it is by way of a referral from a Commissioner through one of the referral routes set out in paragraph 7 below.
4. Notwithstanding any provision in this Annex, the Secretary of State may:
 - (a) direct the Company to admit a named pupil to the Cornwall Community Hospital and Education Service Alternative Provision Academy on application from a local authority. This will include complying with a School Attendance Order¹. Before doing so the Secretary of State will consult the Company.
 - (b) direct the Company to admit a named pupil to the Cornwall Community Hospital and Education Service Alternative Provision Academy if the Company has failed to act in accordance with this Annex or has otherwise failed to comply with applicable equalities legislation.
 - (c) direct the Company to amend its admission arrangements where the Company fails to comply with relevant legislation or where the Secretary of State is concerned that because of its admissions arrangements the Company is no longer meeting the requirements at 1C of the Academies Act.
5. Pupils on roll in any predecessor provider will transfer automatically to the Alternative Provision Academy on opening. All children already offered a place at any predecessor Maintained Pupil Referral Unit will be admitted.
6. The Company will:
 - a) Subject to its right of appeal to the Secretary of State in relation to a named pupil, admit all pupils with a statement of special educational needs naming

¹ Local authorities are able to issue school attendance orders if a child is not attending school. These are legally binding upon parents. Such an order might, for instance, be appropriate where a child has a place at an Alternative Provision Academy but his/her parents are refusing to send him/her to school. The order will require a parent to ensure his/her child attends a specified school.

Alternative Provision Academy – Multi Model

the Alternative Provision Academy; and

b) Adopt admission oversubscription criteria² that give highest priority to looked after children.

ADMISSION ARRANGEMENTS

7. The Company may only admit a child of compulsory school age:

a) referred by a local authority where the local authority has a duty to that child under section 19 of the Education Act 1996.³

b) referred by a maintained school or Academy where the maintained school or Academy has a duty under Section 100 of the Education and Inspections Act 2006.⁴

c) referred by a maintained school under powers set out in section 29(A) of the Education Act 2002⁵.

d) referred by an Academy which, under general powers in the Articles of the Company may send pupils off-site to an Alternative Provision Academy as part of early intervention measures to address behaviour. Academies have the power to do this within their general powers under the Articles of an Company to advance education. However, as with a maintained school there is an expectation in law that a pupil will be educated at the school where he is registered, so placements would generally be relatively short and subject to review⁶.

8. The Company shall have admission arrangements agreed with the Department which will include oversubscription criteria, a fair, transparent and objective process for considering whether the education provided will be appropriate for prospective pupils and an admission number for each relevant key stage. The Company will consult on its admission arrangements with

² Over subscription criteria means how the Company will distinguish/prioritise between pupils where it has more referrals than places currently available.

³ Section 19 of the Education Act 1996, and regulations made under that section, requires a local authority to make arrangements (from the sixth day of exclusion where a pupil has been permanently excluded) for the provision of suitable, full time (unless there are medical reasons as to why this would not be appropriate) education at school or otherwise who, for a range of reasons, would otherwise be without such education. Referrals under section 19 would include for hospital education provision for example where the AT obtains a report from an educational psychologist, or from a medical expert or specialist, recommending that the child be admitted to the alternative provision Academy.

⁴ Section 100 of the Education and Inspections Act 2006 requires maintained schools and Academies to arrange full-time education for pupils on a fixed period exclusion of more than five days from the sixth day of the exclusion

⁵ Section 29A of the Education Act 2002 provides that governing bodies of maintained schools may direct a pupil off-site “for the purpose of receiving educational provision which is intended to improve the behaviour of the pupil,

⁶ It is possible that some off-site directions may become longer term placements in cases where the referring school and local authority agree that the provision in an Alternative Provision Academy is meeting the pupil’s needs, and that a mainstream school place cannot meet that pupil’s needs. These pupils could fall within the terms of section 19 of the Education Act.

relevant parties.

9. Any changes to admission arrangements proposed by the Company should be discussed with Commissioners and must be agreed with the Secretary of State.

Pupil registration and information sharing

10. The pupil numbers of an Alternative Provision Academy will fluctuate throughout the academic year.

11. The Company must ensure that pupils are appropriately registered⁷. In the case of a fixed period exclusion or an off site direction, the excluded pupil should remain on the register of the excluding school as they are expected to return when the exclusion period is completed and should also be registered with the Alternative Provision Academy (dual registered). In the case of a permanent exclusion, the excluded pupil should be removed from the excluding school's register and be registered with the Alternative Provision Academy.

12. In the case of a permanent exclusion, for schools situated in local authorities that are taking part in the exclusion trial area, the expectation is that pupils will be dual registered until such time as the trial has concluded.

13. As far as reasonably practicable, in agreeing contractual arrangements with Commissioners the Company shall request appropriate information on the needs and prior attainment of pupils who will attend the Alternative Provision Academy.

14. The Company will provide regular feedback to Commissioners (and in any event when requested by the Commissioner to do so) on progress made by the pupil, the pupil's needs and attainment.

Objections and determinations

15. The Company must make clear when determining the Alternative Provision Academy's admission arrangements, that objections should be submitted to the EFA or any successor to it.

16. A determination of an objection, by the EFA or any successor to it on behalf of the Secretary of State, or by the Secretary of State, will be binding upon the Alternative Provision Academy.

⁷ The requirements of section 434 of the Education Act 1996 (registration of pupils) and regulations made under that section apply to schools (which includes Academy schools and alternative provision Academies)