

North Lincolnshire Special Schools Admission Guidance (2025–2028)

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Date of Completion:	January 2026
Review Date:	January 2027

This guidance sets out the local process for considering admissions to maintained special schools and special academies in North Lincolnshire.

While these settings are not covered by the *School Admissions Code (2014)*, this document provides clarity on how the Local Authority, schools, and families work together to ensure fair, lawful, and transparent decision-making when a special school placement is considered for a child or young person with an Education, Health and Care Plan (EHCP).

It should be read alongside:

- *Children and Families Act 2014*
- *SEND Code of Practice (2015)*
- *North Lincolnshire Council Determined Admission Arrangements for Community and Voluntary Controlled Schools (2025–26)*
- *North Lincolnshire SEND and Inclusion Strategy (2025–2028)*
- *North Lincolnshire Council Element Three Funding Allocation 25/26*

1. Legal Framework

Admissions to special schools are governed by the *Children and Families Act 2014*, the *SEND Regulations 2014*, and the *SEND Code of Practice (2015)*. A child or young person can only be admitted to a special school if that school is named in Section I of their Education, Health and Care Plan (EHCP).

The Local Authority (LA) must consult with the governing board, proprietor, or trust of a special school before naming it in an EHCP. All decisions must comply with Section 33 of the *Children and Families Act 2014*, which requires that a child or young person is educated in a mainstream setting unless this would be incompatible with the wishes of the parent or the efficient education of others, and there are no reasonable steps the LA could take to remove that incompatibility.

2. Relationship with the SEND Admissions Process

Most children and young people with special educational needs and/or disabilities (SEND) will have their needs met within a mainstream school or college.

A place at a special school can only be considered where a child or young person has an Education, Health and Care Plan (EHCP) and where evidence confirms that a specialist setting is required to meet their needs.

If a child has an EHCP

- Families cannot apply directly to a special school through the general admissions route.
- The LA's SEND Team manages all admissions to special schools using the consultation process as referenced in chapter 9 of the SEND Code of Practice.

- The SEND Caseworker will contact the family when it is time to discuss preferences, usually during statutory phase transfers (nursery to primary, primary to secondary, or secondary to post-16) or for new EHC plans, at week 16 of the assessment process.
- Families have a legal right to request a particular school or college (mainstream, special, or integrated resource).
- The LA must consult the preferred setting(s) and must name the school in the EHCP unless:
 - It is unsuitable for the child's age, ability, aptitude, or SEN; or
 - Attendance would be incompatible with the efficient education of others or the efficient use of resources.

Once a school is named in an EHCP, that school must admit the child or young person (except independent schools, which must consent).

If a child does not have an EHCP

- Families should apply for a place through the normal school admissions process.
- If a child's needs suggest they may require specialist provision, the family or current setting should consider a request for an EHC needs assessment.
- If an assessment is underway, families must still apply for a school place through the mainstream admissions route.
- By week 16 of the process, the LA will decide whether to issue an EHCP; by week 20, a final EHCP will be issued naming the appropriate school.

Assessment Places

Assessment placements are not defined in legislation but can be used lawfully where it is reasonably clear that the outcome of an EHC needs assessment will name a special school. They should only be used in limited circumstances, such as:

- When a child moves into North Lincolnshire mid-assessment from another local authority;
- When a child moves into England with evident complex needs requiring specialist support; or
- When a child's medical or developmental profile changes suddenly, making current provision unsafe or unsuitable.

In all cases, the LA must document the rationale and set clear timescales for confirming the EHCP. If it becomes apparent that the child's needs could be met elsewhere, the LA must review the arrangement immediately.

3. Principles

Children first

Every decision about a special school placement begins with the needs of the child or young person. Placements must be determined by the outcomes identified within the Education,

Health and Care Plan (EHCP) and the specific provision required to achieve them. Decisions should never be driven solely by school capacity, funding, or convenience, but by what environment and support will best enable the child to make progress and thrive.

Evidence-led

All placement decisions are made using clear professional advice, assessment evidence, and statutory processes. The Local Authority will ensure that information from education, health, and care professionals is robust and up to date, and that the rationale for each decision is transparent and recorded. The use of evidence ensures that placements are both appropriate to the individual's needs and defensible under SEND law.

Co-produced

The process for identifying and agreeing placements must be collaborative. Families, schools, and professionals all have unique perspectives that contribute to a full understanding of the child's needs. Effective co-production means that parents and carers are engaged in open discussion, their views are valued, and they are supported to make informed choices. Schools and professionals are valued in shaping the final decision, ensuring that the placement is realistic, well-planned, and supported from the outset.

Equitable and inclusive

Access to specialist provision must be consistent and fair across North Lincolnshire. Decisions will be based on the same criteria and principles for every child, regardless of diagnosis, school, or geographical area. The Local Authority is committed to ensuring that children and young people with special educational needs and disabilities have equal opportunities to access the right support at the right time. This includes maintaining a balanced and inclusive education system where mainstream schools, specialist resource provisions (SRPs), and special schools work together as part of a single continuum of provision.

Suitability and specialist capacity

The Local Authority must ensure that any placement named in an EHCP is suitable for the age, ability, aptitude, and special educational needs of the child or young person. Each special school's commissioned resources, staffing expertise, and physical environment, defines the type and level of needs it is ordinarily equipped to meet.

Where the evidence indicates that a child's needs could not reasonably be met, even with reasonable adjustments and support from the Local Authority, the placement may be considered unsuitable. In such cases, the LA will document the evidence and demonstrate that all reasonable steps to address or mitigate incompatibility have been explored before deciding not to name the school.

Efficient and sustainable

The Local Authority has a duty to use its resources effectively to meet need within the local area. This means ensuring that placements are financially sustainable, that specialist capacity is used appropriately, and that decisions contribute to a strong and resilient local system.

When considering the efficient use of resources, the Local Authority will have regard to its Element 3 banding framework and associated funding levels. Placement decisions will consider both the child's assessed needs and the level of provision required, ensuring that specialist placements are used where this represents a proportionate and sustainable use of resources. A special school placement will normally only be named where the evidence shows that the child's needs cannot reasonably be met in a mainstream (including Schools with an SRP), even with appropriate support and reasonable adjustments.

An efficient and sustainable approach also includes forward planning for future demand, supporting the development of local provision, and reducing reliance on out-of-area placements where needs can be met closer to home. Together, these principles underpin all decisions about special school placements, ensuring that they are person-centred, transparent, and consistent with both statutory duties and North Lincolnshire's commitment to inclusive education. The Local Authority will also consider placements for children from other authorities where this represents the nearest and most appropriate provision to meet their needs.

4. Process for Considering Admission

4.1. Request and Consideration

- Requests for a special school placement are considered through an EHC needs assessment, annual review, or reassessment.
- The SEND Team will gather evidence and present the case to the SEND Provision Type.
- Information considered includes:
 - The EHCP and professional reports
 - Parental and child views
 - Current provision and progress
 - Any relevant medical or therapeutic information.

4.2. Consultation with Schools

- The LA consults with the proposed special school, sharing relevant sections of the EHCP and supporting documentation.
- The school must respond within 15 calendar days, outlining:
 - Whether it can meet the child's needs

- Whether admission would be incompatible with the efficient education of others or the efficient use of resources; and
- Any reasonable steps that could be taken to remove such incompatibility.

4.3. Decision to Name

- The LA operates on an individual case basis. The LA considers all evidence and decides whether to name the school in Section I of the EHCP.
- Decisions are informed by whether the school can meet the provision set out in the EHCP and supported by clear evidence and rationale regarding any incompatibility with the efficient education of others.
- Where the LA decides to name the school, it must admit the child. Where appropriate, start dates will be agreed between the LA, family, and school, and confirmed in the EHCP.
- Where the LA refuses to name, the family is informed of their rights to mediation and appeal.

5. Placements Above Planned Numbers

- Net capacity is not a statutory limit. It is a planning tool for headteachers and does not, by itself, justify refusal of admission. Capacity alone does not justify refusal.
- The LA can direct admission above a school's agreed capacity if incompatibility cannot be demonstrated.
- The threshold for refusal is high; the LA and schools must provide robust evidence that admission would be incompatible with the efficient education of others and that no reasonable steps can be implemented to remove this incompatibility.
- Schools should:
 - Engage with the LA early regarding pressures on space or staffing;
 - Involve governors or trustees where placements above number are being considered;
 - Ensure any refusal is supported by clear evidence of incompatibility and risk to the efficient education of others.
- Under the Health and Safety at Work etc. Act 1974, the Local Authority, as the employer for maintained schools, has a non-delegable duty to ensure that staff and pupils are not exposed to risks to their health or safety. This includes ensuring that staffing ratios, environment, and risk assessments are appropriate for the children on roll. Similarly, the Workplace (Health, Safety and Welfare) Regulations 1992 require that premises and working conditions are suitable for both employees and those in their care.

- When deciding whether to name, the LA must weigh these duties alongside the statutory tests of suitability and compatibility. The SEND Code of Practice (para. 9.84) also makes clear that the LA must ensure the placement can deliver the required provision safely and efficiently.

6. Decision-Making and Recording

- All decisions are recorded on the SEND Provision Type Tracker and reflected on the child's timeline on the Hub.
- If a placement is refused, the rationale and evidence must be clearly set out and shared with the family and the consulted school.
- If agreed, the EHCP is amended to name the school and confirm start arrangements.

7. Dispute Resolution and Tribunals

- Parents and carers have the right to appeal to the First-tier Tribunal (Special Educational Needs and Disability) if they disagree with the school named.
- The Tribunal applies SEND law, not local guidance.
- The LA must show that it explored all reasonable steps to remove incompatibility before deciding not to name a school.

8. Monitoring and Oversight

The LA will regularly review the number of children and young people within each special school setting during SEND Provision Type meetings and through contract monitoring. This ensures sufficiency planning and compliance with statutory duties.

Termly reports will be shared with:

- The SEND Sufficiency Board
- School leaders and governors