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# Phase Transfer of Schools

## **A guide for parents/carers of children with a statement of special educational needs**

**When a child with a statement is due to transfer schools the Local Authority (LA) has a duty to seek parents/carer’s advice about which school they wish their child to attend. This is because it is the LA and not the governing body of the school which acts as the admissions authority for pupils with statements of special educational need.**

**We encourage all parents to think positively about the benefits of choosing their local catchment school for their child. Parents have the right to express a preference for a particular school, under paragraph 3 of schedule 27 of the Education Act, and the LA has a duty to comply with the parents' preference unless the chosen school is:**

**1. Unsuitable for the child's age, ability and aptitude; or**

**2. The attendance of the child would be incompatible with the efficient education for the other children in that school; or**

**3. That it would be incompatible with the efficient use of the LA's resources.**

**By law the LA has to formally consult the preferred school (and the appropriate Local Authority if it is a school outside Luton) before a decision can be made about whether your child can be admitted. Schools are allowed 15 working days in which to reply to the Local Authority’s consultation.**

**In addition, where parents' preferred school is further than the local school, the SEN Code of Practice advises that in such cases the LA can agree to this placement, (subject to the conditions mentioned above) but, as a general rule, parents will be responsible for the arrangements for and cost of any transport. The Local Authority’s transport guidance explains which children may qualify for assistance with travel to school.**

**In order to allow the Special Educational Needs Assessment Team sufficient time to consult parents’ preferred school, we ask parents to complete the attached form no later than 31 October of the year before a child is due to transfer. We will carefully consider parents’ preferred school against all of the criteria identified above. We may not be able to agree to the preferred school, if one or more of the criteria are not met. In such cases, we will write to parents and explain the reasons for its decision.** **We will also inform you of your right to appeal to the Special Educational Needs and Disability Tribunal against the LA’s decision.**

**The Code of Practice requires statements for transfer between phases of education to be amended by 15 February of the year of transfer.**

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**PHASE TRANSFER REQUEST FORM**

**Child's Name …………………………………………………… Date of Birth: ………………………**

**Current School: ………………………………………………………………………………………………….**

**Parent/Guardian Name: ………………………………………………………………………………………..**

**Address: …………………………………………………………………………………………………………..**

**Choice of School:………………………………………………………………………………………………….**

**Parent/Guardian Signature: ……………………………………………………………………………………**

**Date: ………………………………………………………………………………………………………………..**

**Please return this form to:**

**Rosie Newbury**

**Luton Borough Council**

**SENAT**

**Children & Learning Department**

**Unity House**

**111 Stuart Street**

**Luton**

**LU1 5NP**