

# FAIR ACCESS PROTOCOL FOR ADMISSION TO SCHOOLS

## Legislation

The February 2007 Admissions Code placed a duty on each local authority to develop a Fair Access protocol. The latest revision of the Code, in force from December 2014, restates the principles and scope of the protocol. All admission authorities must participate in the Fair Access Protocol.

The appendices attached are for the process of managed moves and permanent exclusions.

## Key Principles

The School Admissions Code (December 2014) requires that:

- 1. Each local authority must have a Fair Access Protocol, agreed with the majority of schools ( this includes all school types as listed in the admissions code) in its area to ensure that – outside the normal admissions round – unplaced children, especially the most vulnerable, are offered a place at a suitable school as quickly as possible. In agreeing a protocol, the local authority must ensure that no school – including those with available places – is asked to take a disproportionate number of children who have been excluded from other schools, or who have challenging behaviour. The protocol includes how the local authority will use provision to ensure that the needs of pupils who are not ready for mainstream schooling are met.*
- 2. All admission authorities must participate in the Fair Access Protocol.*
- 3. The operation of Fair Access Protocols is outside the arrangements of co-ordination and is triggered when a parent of an eligible child has not secured a school place under in-year procedures.*
- 4. There is no duty for local authorities or admission authorities to comply with parental preference when allocating places through the Fair Access Protocol.*
- 5. Where a Governing Body does not wish to admit a child with challenging behaviour outside the normal admissions round, even though places are available, it must refer the case to the local authority for action under the Fair Access Protocol. This will normally only be appropriate where a school has a particularly high proportion of children with challenging behaviour or previously excluded children. This provision will not apply to a looked after child, a previously looked after child or a child with an Education Health & Care Plan naming the school in question. Admissions authorities must not refuse to admit a child thought to be potentially disruptive, or likely to exhibit challenging behaviour, on the grounds that the child is first to be assessed for special educational needs.*

## Procedures

1. The majority of children requiring a school place will continue to be admitted to their local school in accordance with the usual admission procedures, rather than this Protocol.
2. Where the placement of a child cannot be decided, the local authority will determine the placement, taking into account the circumstances of the individual pupil, as well as which school has a particularly high proportion of children with challenging behaviour or previously excluded children. This provision will not apply to a Looked After Child, a previously Looked After Child or a child with an Education Health & Care Plan naming the school in question. Admissions authorities must not refuse to admit a child thought to be potentially disruptive, or likely to exhibit challenging behaviour, on the grounds that the child is first to be assessed for special educational needs.
3. Where the Local Authority assess by application a child is not ready for mainstream school, the child may be placed initially on the roll of the Island learning Centre where their needs can be assessed, before seeking appropriate support from the relevant agencies. At the same time as placing on roll at the Island Learning Centre, a mainstream school will be identified so that there is a seamless transition as soon as the pupil is ready for this and so the receiving school is part of all review and planning meetings. This does not apply to children already attending the Island Learning Centre whose placements will be agreed through the local placement meetings.
4. The fact that the PAN has been reached or exceeded cannot be given as a reason for not admitting a pupil under this protocol.
5. An admission under the Fair Access Protocol has priority over other children on a waiting list. Schools must not refuse a child on the basis that an appeal was previously unsuccessful.
6. The aim is to place a child in school within 20 school days of application. It is expected that all parties will act with a sense of urgency.
7. Statutory powers of direction and the rights of schools to object to Schools Adjudicator are set out below. Where a school has not responded to an in-year application within 15 calendar days the Local Authority will, where appropriate use its powers of direction.
8. Where the Governing Body of any school wishes (under paragraph 3.12 of the Code, Key Principle 5 above) to refuse an application of a child with challenging behaviour when there are places in a year group, the school must put in writing to the Local Authority only (not the parent) its intention to refuse to admit and the detailed reasons for this decision. This must be received by the Admissions Team within 14 calendar days of receipt of the application in order to assist the Local Authority's determination of the child's application under the Fair Access Protocol. Where the determination is that the school in question should admit the child, then the Local Authority will request that the offer letter should be issued. Where the school does not do so, the Local Authority will where appropriate use its powers of direction. For community and voluntary controlled schools, the Local Authority as the admission authority will issue an offer letter.
9. All schools, including academies, are expected to respond to a request by the Local Authority to admit a child under the Fair Access Protocol within 7 calendar days. The governing body of a maintained school can appeal by referring the case to the Schools Adjudicator within 15 calendar days (providing contact details to cover any approaching bank holiday or holiday periods).
10. The Local Authority will report on admissions under the Fair Access Protocol in its annual report to the Schools Adjudicator.

## **Safeguarding**

In all cases the Local Authority's duty to safeguard the child is paramount. Children out of school may be at risk – Schools, the Admissions Team, Education Inclusion Service and any other relevant representatives of the Local Authority must do their utmost to ensure that children are not out of school for extended periods of time.

Categories of children to be included in the Protocol

- a) Children from the criminal justice system or Pupil Referral Units who need to be reintegrated into mainstream education.
- b) Children who have been out of education for two months or more
- c) Children of Gypsies, Roma and Travellers
- d) Children of refugees and asylum seekers
- e) Children who are homeless
- f) Children with unsupportive family backgrounds for who a place has not been sought
- g) Children known to the police or other agencies
- h) Children who are carers
- i) Children who have to move school because of domestic violence (whether staying in a refuge or with friends/other relatives)
- j) Year 6 or Year 10 and Year 11 pupils
- k) Children with special educational needs (but without a EHCP), disabilities or medical conditions
- l) Children of UK Service personnel
- m) Any other children who arrive outside the normal admissions round who may have difficulty securing a place.

Categories (i) to (j) are seen as exceptional admissions and will always be handled under the protocol, where appropriate. For categories (k) to (m), admission under the protocol can take account of other complicating issues for the child or family or the fact that more than one category applies. In making a placement of a child in these three categories, factors to be taken into account will include the number of children on waiting lists at the schools being considered and the likelihood of an admission under the protocol denying a place to another child in one of these categories.

## **Record Keeping**

The School Admissions service will keep records of all pupils placed under this Protocol, together with all notified in-year admissions. Schools are required to notify the LA of all admissions and to ensure that the Local Authority has up to date records of numbers on roll in all year groups.

## **Appendix 1**

### **Managed Moves Process**

A managed move is a move initiated by a pupil's current school. It is an agreed arrangement between the pupil, parent/guardian, school and Local Authority.

The main reason for a managed move is that the current school believes that the pupil will benefit from a fresh start at a new school.

On the Isle of Wight managed moves are intended to be permanent and usually occur to avoid a pupil being excluded (either repeated FTE or permanent). Managed moves will be considered where it is clear that the current school has exhausted all the support mechanisms to improve behaviour; relationship with parents and/or pupil has broken down but on assessment concludes that a change in school would be potentially successful. It is regarded as a last opportunity for the young person to remain in mainstream education.

If a school is wishing to explore the possibility of a managed move they must make contact with the Local Authority Inclusion Officer. To support a request for a managed move, the current school is expected to provide evidence of the following:

- Records of the range of strategies employed and external support sought to improve a pupils behaviour
- An Early Help assessment and/or a comprehensive multi-agency assessment and
- Multi-agency meetings
- Multiple exclusions of increasing length (internal and external)

If agreed a managed move will be arranged through the Local Authority Inclusion Lead supported by the Secondary Behaviour Partnership using the rota system that ensures the equitable allocation of pupils between schools. In identifying an appropriate alternative school in the secondary phase, account will be taken of any supported trials that have been arranged through the Secondary Behaviour Partnership.

### **Principle of Proportionality**

The DfE is clear that there should be a proper balance in pupil movements, with no school being requested to admit a disproportionate number of managed move pupils.

However schools that have "managed moved" pupils out of their school will be expected to admit at least a similar number of managed move pupils from other schools on the island. This will prevent schools that never/rarely move pupils from having to admit large numbers of pupils who have been excluded or have very challenging behaviour.

Managed moves will be either directly to another mainstream school or involve an initial assessment at the Pupil Referral Unit followed by a move to a mainstream school. Managed moves will be monitored and evaluated to inform future Local Authority policy procedures. They are a key part of the Local Authority strategy to reduce permanent exclusions. The statistics regarding Managed Moves will be published annually for all schools in the autumn term.

### **Procedure for Managed Moves**

When a Headteacher wishes to initiate a managed move to avoid permanent exclusion they must first discuss this with the Local Authority Lead Inclusion Officer and the pupils parent/guardians. The

Inclusion Manager will review the strategies and actions employed by the school to improve the pupil's behaviour.

No child with a Statement of SEN or EHCP will be considered without the school convening an emergency/interim review of the Statement/EHCP.

In the case of a pupil with a known disability, no managed move should take place unless the behaviour(s) involved can be clearly demonstrated to be unrelated to the disability or the school can clearly demonstrate that they have made all reasonable adjustments to include the pupil and prevent exclusion.

Where there is agreement that a managed move is the way forward, and no immediate receiving school is identified, the pupil, where appropriate, will be dual registered at the Pupil Referral Unit ((PRU) the Island Learning Centre) within 5 days of the agreement. The pupil will attend the Island Learning Centre (ILC) full time as part of the initial assessment and re-integration process. The managed move to another school aims to be completed within twelve weeks from the agreement to the move. In exceptional circumstances an agreement may be reached to single register at the Island Learning Centre.

The pupil will remain on the roll and register of the school they are leaving until a start date at an alternative school has been set. The Island Learning Centre will coordinate the programme and support including supplying the pupil's school with weekly attendance data.

In order to fund the placement at the Island Learning Centre the referring school will sign up to the Island Learning Centre Service Level Agreement.

The decision about which alternative school to name will be determined through the Local Authority Lead Inclusion Officer. Managed moves will be considered alongside the rota for the placement of permanently excluded pupils. For a child in care the pupil's social worker and virtual schools Headteacher will also be consulted. A Managed move application form will be signed by all parties during the meeting to confirm agreement to the proposed move and specify a start date at the receiving school. Parent/guardians will be asked to enter into a parenting contract to support their child's integration into the receiving school. The completed form should be sent to the Inclusion Manager within 2 working days.

If the pupil's behaviour does not improve following the managed move the school should contact the Inclusion Manager to discuss alternative provision.

## **Appendix 2**

### **Permanent Exclusions**

Since 1 September 2002 the Local Authority has had a statutory responsibility to provide 25 hours of education for permanently excluded pupils. With effect from 3 September 2007 provision must be in place from the 6<sup>th</sup> school day following exclusion. The Local Authority has responsibility to monitor exclusions and secure re-admission to school as soon as possible.

#### **Procedure for Permanent Exclusions**

On the day of a permanent exclusion the school must telephone (821000 ext. 8401) and email the Local Authority via [SandLBusinessSupport@iow.gov.uk](mailto:SandLBusinessSupport@iow.gov.uk) to advise of the permanent exclusion. A completed exclusion form must be emailed to this same email address within 3 days of the exclusion (do not send to individual officers).

Additionally the head teacher must immediately take reasonable steps, by phone and then in writing to inform the parent/carer about the exclusion.

Within 6 school days (or one school day if the child is in care), subject to notification by the school, a place will be agreed at the Island Learning Centre. An assessment will be undertaken to identify the young person's needs.

An admission meeting will be held at the Island Learning Centre convened by the Headteacher of the Island Learning Centre within 6 days of the decision to permanently exclude. Parents/guardians and a member of staff from the excluding school will be invited. If the child is in public care the social worker for the child and the Virtual Headteacher for Looked After Children will also be invited.

School records will be retained by the school until such time the exclusion process is completed or it is agreed to single register to the ILC; however relevant information must be shared with the ILC at the point of admission. Parents/guardians views of alternative schools will be noted in regard to future re-integration.

The Local Authority Inclusion Manager will identify the school which will be the receiving school when informed by the Headteacher of the ILC the pupils is able to start re-integration, using a rota system. Schools that have permanently excluded pupils will be expected to take a similar number of excluded pupils. Permanent exclusion from one school within a Federation or Trust does not preclude the pupil from being admitted to another site within the Federation of Trust. If necessary the Local Authority will apply to the Secretary of State for Education for permission to ensure statutory powers of direction.

#### **Re-Integration**

A synopsis of the background of the pupil be forwarded to the receiving school, before the re-integration/review panel meeting takes place.

In the circumstances where a pupil is permanently excluded for a second time the Local Authority will consider parental views carefully and will assess the available evidence to determine whether or not a mainstream school place is likely to be appropriate.

The re-integration meeting will begin with the Headteacher of the receiving school and the Headteacher of the Island Learning Centre) meeting to consider the needs of the pupil and to set out the circumstances for admission to the receiving school.

The parent/guardian and pupil will then be invited to join the remainder of the meeting where the plans agreed by the re-integration panel will be shared.

The principle of admission to the receiving school will be established, even if it is felt that the pupil not yet ready to successfully be admitted. In these circumstances the pupil will remain at the Island Learning Centre for a further period of time (to be determined).

### **Admissions Meeting**

If the pupil is ready to be re-integrated then a date for the parent/carer and pupil to attend an admission meeting at the receiving school will be agreed. Following admission meeting at receiving school the pupil will become dual registered with the Island Learning Centre until the re-integration is complete.

**Parents/guardians are entitled to make an application for admission to any school regardless of the above protocol. In these circumstances, the normal admission procedures would apply.**

In order to ensure transparency in the use of the Fair Access Protocol and the equitable allocation of pupils within it the statistics regarding permanent exclusions and managed moves for all schools will be published annually.

### **Looked After Children (and previously Looked After Children from 2013)**

Looked after Children will be placed in accordance with the appropriate legislation to the school that best meets their needs as determined by the Virtual School Head and lead officer for inclusion.

### **Children with Statement or Education and Health Care Plan**

Children with a Statement or EHCP will be placed in accordance with the appropriate legislation by the Local Authority's Special Educational Needs Service.

**End**