

FAIR ACCESS IN NORTH SOMERSET

Wendy Packer
Prevention & Re-engagement
Service Leader and Virtual Headteacher

Terri Knowlton
School Admissions & Transport Manager

Consulted and finalised March 2017

FAIR ACCESS PROTOCOL

1. Introduction

Each Local Authority **must** have a Fair Access Protocol, agreed with the majority of schools 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 **must** include how the Local Authority will use provision to ensure that the needs of pupils who are not ready for mainstream schooling are met.

2. Principles of the Fair Access Protocol

2.1 The Fair Access Protocol will apply to all admission requests outside the normal admission round with the exception of:

1. a child with a statement of Special Educational Need (SEN) or Education Health Care Plan (EHCP) which names the school in question;
2. a looked after child or a previously looked after child.

Paragraph 3.12 of the School Admissions Code 2014 directs that such children must be admitted to the school in question and that the principles of Fair Access do not apply to such cases.

2.2 Admission 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.

2.3 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 admission procedures.

2.4 All admission authorities **must** participate in the Fair Access Protocol in order to ensure that unplaced children are allocated a school place quickly. There is no duty for Local Authorities or admission authorities to comply with parental preference when allocating places through the Fair Access Protocol although parents' wishes will be taken into account.

2.5 The Protocol encourages the Local Authority and schools to work together in partnership to ensure children are placed in the most appropriate placement as soon as possible. This protocol has been updated to take account of new regulations and incorporates guiding principles against which to place children who may have difficulty securing a school place outside the normal admissions round.

2.6 Paragraph 2.8 of the School Admissions Code 2014 states that Admission authorities must not refuse to admit child solely because:

- a) they have applied later than other applicants;
- b) they are not of the faith of the school in the case of a school designated with a religious character
- c) they followed a different curriculum at their previous school;
- d) information has not been received from their previous school; or
- e) they have missed entrance tests for selective places.

3. The North Somerset Context

- 3.1 This protocol covers all admission requests outside the normal admissions round and applies to all North Somerset maintained schools including Academy, Community, Foundation, University Technical College, Free Schools, Voluntary Controlled and Voluntary Aided schools.
- 3.2 In line with the requirements set out in paragraph 3.15 of the School Admissions Code 2014 the following criteria will be used as indicators that a North Somerset resident child of statutory school age should be considered for allocation under this protocol:
- Children from the criminal justice system or Pupil Referral Units who need to be reintegrated into mainstream education;
 - Children who have been out of education for two months or more;
 - Children of Gypsies, Roma, Travellers, refugees and asylum seekers;
 - Children who are homeless;
 - Children with unsupportive family backgrounds for whom a place has not been sought;
 - Children who are carers;
 - Children with special educational needs, disabilities or medical conditions (but without a Statement or EHCP).

Additionally, North Somerset will use this protocol for:

- a) children whose parents have been unable to find them a place after moving to the area, because of a shortage of places;
- b) applicants for admissions to years 10 and 11.

- 3.3 Whilst it is recognised that children that fall into the categories identified above **may** be vulnerable, not all children meeting a particular criterion will be vulnerable and require assistance to access a school place. The majority of children will be dealt with through standard admission procedures. Other children not listed above may also experience difficulties in attaining a school place, the majority of whom will also be admitted through routine admissions procedures operated by admission authorities or their agents. This Protocol will work as a failsafe for a minority of children who, for whatever reason, may find it particularly difficult to access a school place.
- 3.4 These children may have challenging behaviour. This will be defined as:
- serious criminal behaviour resulting in a conviction or a police caution within the previous two years preceding the request for a school place;
 - behaviour resulting in a permanent exclusion within the last two years preceding the request for a school place;
 - behaviour resulting in a significant number of fixed term exclusions (or other evidenced and accepted in-house alternative intervention) from which it is clear that the child is at serious risk of permanent exclusion within a period of at least one year preceding the request for a school
- 3.5 Children of Year 11 age will be allocated a place at school as for other year groups until the end of term 2 in December. Every Year 11 applicant has a right to a personalised response that will involve an agreed recommendation from those working with the student being agreed by the Out of School Panel. This should be the best

provision for the child's programme of education that is in the interest of the child in negotiation with the Headteacher.

- 3.6 Schools cannot cite oversubscription as a reason for not admitting a pupil under a Fair Access Protocol. Equally, no school, including those with places available, is asked to take a disproportionate number of children in each year group who have been excluded from other schools or who have challenging behaviour or who are known to have a history of behavioural problems. The allocation of pupils should be equitable across the schools in North Somerset and reported to PHANS and SHINS three times a year.
- 3.7 Schools and the Local Authority must respond within the agreed timeframe ([Appendix 1](#)) to requests for admission so that the admission of the pupil is not delayed and should not insist on an appeal being heard before admitting a child under this Protocol.
- 3.8 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 School Admissions Team for action under the Fair Access Protocol. This will normally only be appropriate where a school can provide evidence that it has a particularly high proportion of children with challenging behaviour and that evidence is supported by the School Admissions Team. In such cases, the School Admissions Team will refer the case for consideration to the Out of School Panel, with an open invitation to all schools to attend
- 3.9 Schools should not refuse to admit a pupil who has been denied a place at that school at appeal, if within the parameters of the Protocol it has been identified that the school is the one to admit the child.
- 3.10 Wherever possible, pupils with a religious affiliation should be matched to a suitable school (which could result in the school being asked to admit over PAN).
- 3.11 Where North Somerset Local Authority directs an admission authority to admit a looked after child or previously looked after child, the Governing Body must admit the child to the school at any specified time during the year, even if the school is full, unless the School Adjudicator, or for academies the Secretary of State, upholds an appeal from the admission authority.

4. Standard In-Year Admission Procedure

- 4.1 Most applications will be considered under the usual admissions procedures. Applications will be considered up to PAN or other agreed limit. Looked after children and previous looked after children will be admitted to the preferred school even if the school is above PAN or other agreed limit as long as the admission does not prejudice provision of efficient education or the efficient use of resources.
- 4.2 A school should confirm a decision to the admission request within ten working days to parents/carers and School Admissions. If a decision isn't forthcoming despite chasing by School Admissions, or does not comply with the provisions of the School Admissions Code of Practice, it could move to the Fair Access stage.

5. In-Year Admission Procedure for Identified Fair Access

- 5.1 Categories of applicants specified in 3.2 will be considered for the requested school(s) up to PAN (or other agreed limit) for the relevant year plus 3% (rounded to the nearest whole figure where the minimum is 1)
- 5.2 A school will not be asked to admit above PAN or other agreed number to meet the preference of a parent for a child where they already have a school place within a reasonable distance of home;
- 5.3 The Local Authority will ensure that no school is asked to admit a disproportionate number of unplaced children with challenging behaviour and will not expect a school to automatically take another child with challenging behaviour in the place of a child excluded from the school (paragraph 3.14 School Admissions Code 2014).
- 5.4 Pupils will be allocated to both under and over-subscribed schools on a fair, equitable and consistent basis.

6. Reintegration into Mainstream Schools

- 6.1 Pupils should not be reintegrated to mainstream schools unless they are ready and schools should not be required or pressured into taking a pupil until their behavioural problems have been assessed, suitably addressed and they are ready to take the step back into a mainstream setting. In addition, some pupils may benefit from an early start in a further education college or other setting.
- 6.2 As an over-arching principle in placing pupils, North Somerset Council will balance the requirement to consider the circumstances of the individual pupil with finding a place quickly. Depending on the circumstances, admissions requests for children dealt with by this protocol will normally be resolved within 15 calendar days of the date of the recommendation.

Note: The desire to meet this timescale should not override a comprehensive consideration of the needs of individual pupils and a subsequent decision about which school or setting will be best able to meet their needs.

7. Transport

- 7.1 Transport will be considered on an individual basis but in order to ensure maintenance of local community links and parental engagement we would seek to place as locally to the child's home as possible. However we accept that there may be some occasions where this is neither possible nor in the child's best interests.

8. Parental Preference

- 8.1 There is no duty to comply with parental preference when allocating places through the Fair Access Protocol, but the wishes of parents are taken into account. A parent can apply for a place as an in-year admission at any point and is entitled to an appeal when a place is not offered.

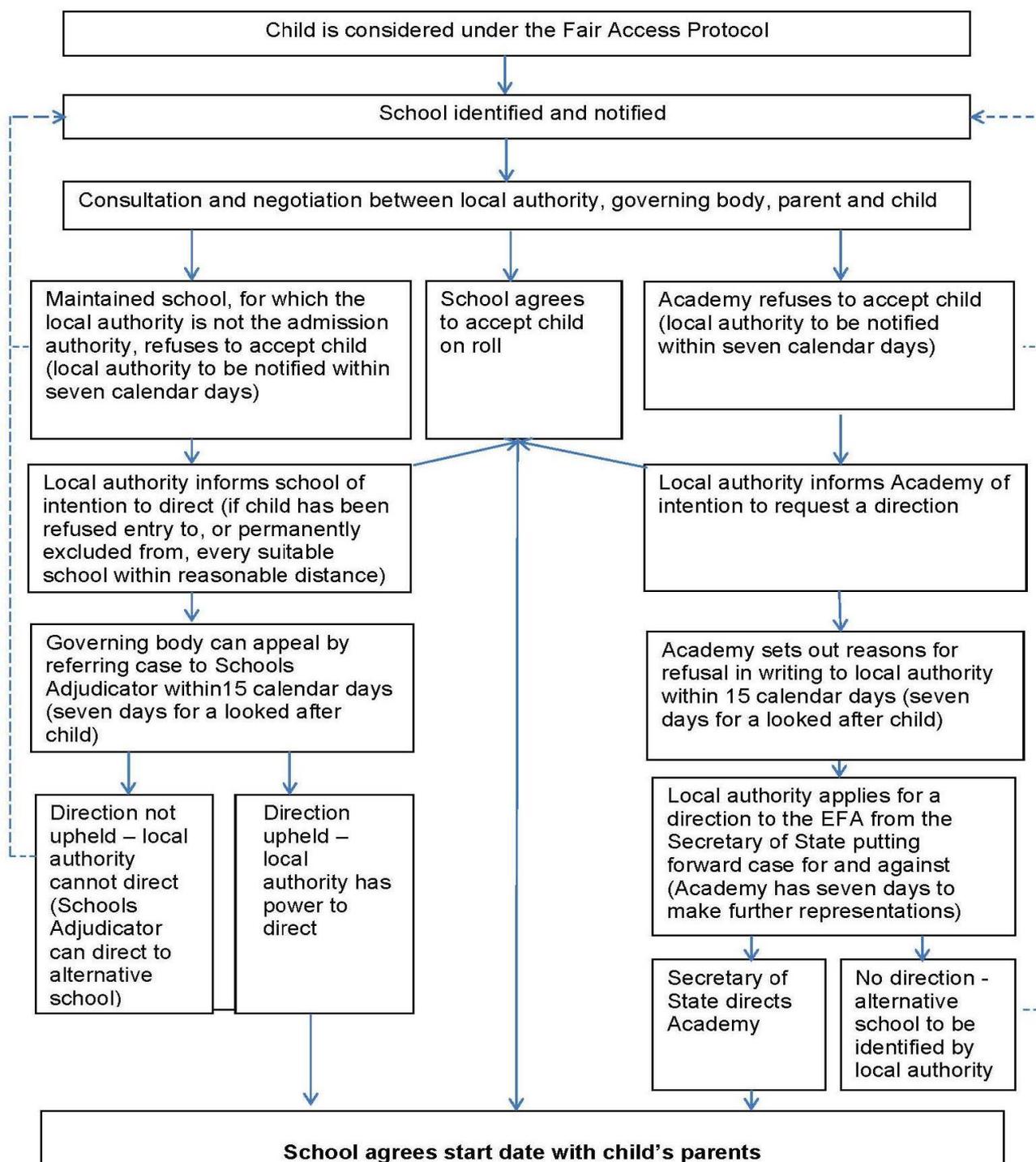
9. Review

- 9.1 North Somerset Admission arrangements will be subject to regular consultation and review. PHANS and SHINS will monitor the effectiveness of the Protocol and consider how well existing and proposed admission arrangements serve the interests of children and parents in North Somerset.

**Timetable
From DfE Guidance November 2012**

| All admission requests outside the normal admissions round | Fair Access Protocol applies |
|---|---|
| Within 15 calendar days of receipt of an application | The admission authority or its agent ascertains and confirms availability of place(s): (i) where a place is available, an allocation will be made (ii) where a place is not available, even if there may be a vacancy at the school, the case will be considered under the Fair Access Protocol |
| Within 7 calendar days of request for admission by the local authority under the Fair Access Protocol | A school will respond to the request for admission |
| Where agreement for admission is reached within 15 calendar days of the request for admission | The school will make arrangements for admission of the specified child |
| Where agreement for admission is not reached the Local Authority will consider whether a direction for admission is appropriate | The Local Authority will commence discussion with the governing body or trust for the school |
| The Local Authority will seek direction for admission: (i) where a start date has not been notified or (ii) a Governing Body refuses to comply with a decision of the Out of School Panel and the case put forward by the Governing Body or Trust is rejected by the Local Authority | The Local Authority will seek a direction for admission via the Schools' Adjudicator, or the Education Funding Agency (EFA) for academies/free schools, as appropriate. |
| Where a direction for admission is applied | The Governing Body of a maintained school can appeal against the direction by referring the case to the Schools' Adjudicator within 15 calendar days |

**Direction Flow Chart
From DfE Guidance Issued November 2012**



* Note: A community or voluntary controlled school cannot refuse to admit a pupil if requested by its own admissions authority.

Fair Access Protocol Form

Please be aware that parents can ask to see any information supplied, and if it was agreed not to admit this pupil, this information could form part of the school appeal paperwork.

1. Child's details

| | | |
|--|------------|--|
| First name (s) | | |
| Middle name (s) | | |
| Last name | | |
| Date of birth | Year Group | |
| Address | | |
| | | |
| | Postcode | |
| Last school/education provision attended | | |

Please give details of any agencies involved with this child/family
(e.g. locality team, social care, educational psychology, YOT, connexions, EOTAS ect)

2. Reason for referral

| | | | | |
|---|-----|--------------------------|----|--------------------------|
| The school is unable to admit a pupil that you believe falls under the Fair Access Protocol | Yes | <input type="checkbox"/> | No | <input type="checkbox"/> |
| The school has already admitted a pupil that you believe falls under the Fair Access Protocol | Yes | <input type="checkbox"/> | No | <input type="checkbox"/> |
| Have the parents been informed about this referral | Yes | <input type="checkbox"/> | No | <input type="checkbox"/> |

3. Full report

Please attach a full report, and any supporting information, to this form stating:

- Why you feel your school should not admit this pupil, **OR**
- If you have already admitted the pupil, what outcome you would like to see?

Please note that this could be shared with parents if you haven't already discussed your report with them.

4. Fair access protocol criteria

Please tick which of the following issues currently affect this pupil that mean, in your opinion, they come under the Fair Access Protocol.

- | | |
|--|--------------------------|
| Children from the criminal justice system or Pupil Referral Units who need to be reintegrated into mainstream education. | <input type="checkbox"/> |
| Children who have been out of education for two months or more. | <input type="checkbox"/> |
| Children of Gypsies, Roma, Travellers, refugees and asylum seekers. | <input type="checkbox"/> |
| Children who are homeless. | <input type="checkbox"/> |
| Children with unsupportive family backgrounds for whom a place has not been sought. | <input type="checkbox"/> |
| Children who are carers. | <input type="checkbox"/> |
| Children with special educational needs, disabilities or medical conditions (but without a Statement or EHCP). | <input type="checkbox"/> |
| Children whose parents have been unable to find them a place after moving to the area, because of a shortage of places. | <input type="checkbox"/> |
| Applicants for admissions to years 10 and 11. | <input type="checkbox"/> |

5. Referred by

Name

Job title

School

Date

6. Completed forms

Please return your completed form to the School Admissions Team.

Email admissions@n-somerset.gov.uk

Postal address North Somerset Council, School Admissions, Walliscote Grove Road,
Town Hall, Weston-super-Mare, BS23 1UJ.

The panel decision will be shared with the referrer, parent, Vulnerable Learners Service and School Admissions Team.