

Fair Access Protocol

The School Admissions Code requires all Local Authorities to have a Fair Access Protocol (FAP). All schools and academies **must** participate in the Local Authority's FAP. *(For the purpose of this document, all references to "schools" includes schools and academies unless stated otherwise)*

Fair Access Protocols exist to ensure that access to education is secured quickly for children who have no school place but for whom a place at a mainstream school or alternative provision is appropriate, and to ensure that all schools in an area admit their fair share of children with challenging behaviour, including children excluded from other schools. Along with devolved funding and responsibility for alternative provision, an agreed protocol encourages local authorities and schools to work together in partnership to improve behaviour, tackle persistent absence and help support improving behaviour partnerships.

The Vulnerable Learners Panel (previously known as Statutory and Complex Issues Panel) monitors and advises on complex pupil placements, and the placements of vulnerable children and young people. (It is part of the Children and Young People's Services Directorate)

North Somerset LA operates its own or national policies and has protocols in place in relation to:

- Negotiated Transfers
- Permanent Exclusions
- Special Educational Needs Code of Practice.
- Educational Provision for Pupils with Anxiety, Health and Medical Needs

These policies can be found on the Vulnerable Learners Service part of the North Somerset website.

The Fair Access Protocol is to be used where a place has not been or cannot be allocated using the Council's normal agreed co-ordinated admission arrangements, or where a pupil has been admitted to a school and, after receipt of the file from the previous school, the current school consider the child meets the requirements of this protocol.

The following general principles apply:

- The best interests of the child are of paramount importance and must be considered in all decision making
- At all stages officers work in partnership with schools and academies in implementing this protocol
- The protocol applies to all North Somerset schools, Academies, Short Stay Schools (SSS) and the Children and Young People's Services Directorate
- Where a school can evidence that the needs of the child cannot be met or the numbers of pupils in the year group to which the child may be admitted are already disproportionately high the school must submit their reasons to not admit the pupil on a Fair Access Protocol Form (**see Page 7 and checklist Page 9**) to the School Admissions and Transport Team who will submit the case to the Vulnerable Learners Panel. The school must inform the child's parents that they are implementing the Fair Access Protocol.

- Where an admission has recently taken place, if the school then identifies the child as having difficulties that would place them within this protocol, the school can complete a Fair Access Protocol Form. The pupil must remain on roll. The Panel will consider any necessary support (advice, training or resource) to ensure placement is successful.
- Speed of action is key to the success of this protocol. It is expected that all decisions will be made within **10** school days of receipt of the Fair Access Protocol form, and schools must complete them within 5 days of the initial approached.
- Under the Admissions Code, schools and academies cannot cite over-subscription as a reason for not admitting a pupil under a Fair Access Protocol.
- Children who are the subject of a direction by a Local Authority to admit, or who are allocated a school place in accordance with a Fair Access Protocol for school places, will take precedence over those on a 'waiting list' or on a list of names of pupils whose have requested to be considered for a vacancy at a school.
- In usual admissions circumstances, approaches to a school to admit a child will be made by the Local Authority to the school requested by the parent(s) or to the nearest one to the pupil's home address or to the one deemed to be most appropriate by the LA.
- If the parent's preferred school is refused they have the right to lodge an appeal to an independent appeal panel. This is regardless of the Vulnerable Learner Panel agreeing to a school's request.
- The Vulnerable Learners Panel and the North Somerset Admissions Forum will monitor all Fair Access Protocol cases.

Vulnerable groups to be included in the Fair Access Protocol have been identified in the previous Admissions Codes. Pupils that are covered by this protocol may fit in to one or a combination of the groups below:

- **Children in Care**
This group of children are a priority group for the Vulnerable Learners Panel. Admissions authorities give the highest priority to children in care in over-subscription criteria;
- **Children attending Short Stay Schools who need to be re-included into mainstream education**
All such cases would be raised at the Vulnerable Learners Panel.
- **Children who have been out of education for longer than two school terms**
All such pupils are known to the relevant local agencies and can be raised at the Panel as appropriate.
- **Children withdrawn from schools by their family, following a fixed period or permanent exclusion, who have been unable to secure a new school place**
The Behaviour Improvement Programme will normally oversee the re-inclusion of these pupils. (Children can be referred to BIP and possibly in alternative provision for 3-5 days)
- **Children of refugees and asylum seekers not in accommodation centres**
The relevant Locality team or cluster will liaise with the Advisory Teacher for Ethnic Minority Achievement and refer all pupils to the Vulnerable Learners Panel

- **Children known to the Youth Offending Team (YOT), and/or returning from the criminal justice system and/or known to the police or other related agencies**
- **Children without a school place and/or with a history of attendance problems** The relevant Locality team or cluster will work closely with the family and pupil to ensure access to educational provision. Where necessary legal action will be taken;
- **Traveller Children**
Children identified by the local Traveller Education Service;
- **Children changing school in years 10 and 11**
Young people with very complex issues will be considered within the arrangements set out by the Vulnerable Learners Panel;
- **Children returning to a school following a period of Elective Home Education**
Where there is a difficulty in accessing a school place the EOTAS (Education other than at School) Teacher with responsibility for this area of work will liaise with schools, parents, the pupil and other professionals as necessary;
- **Children who are carers;**
- **Children whose parents have been unable to find them a place after moving to the area, because of a shortage of places**
These are likely to be known by the local authority, and may have been directed by them
- **Homeless children;**
- **Children, where a place has not been sought; this may be due to ill health or other family difficulties**
The relevant Locality team or cluster will work closely with the family and pupil to ensure access to educational provision.
- **Children with special educational needs (but without a statement)**
They are likely to be known by other agencies according to their actual needs
- **Children with disabilities or medical conditions**
They are likely to be known by other agencies according to their actual needs
- **Children of UK service personnel and other Crown Servants.**

Within North Somerset a number of processes to support the placement of some of these pupils are already in place as identified above.

Children who come under any of the above categories may be admitted under the usual admission arrangements and so do not necessarily have to be considered under this protocol. The protocol should be used when these usual arrangements have resulted in a delay or no placement being arranged.

Children without a school place may be given priority for a place at a school ahead of children who are on the 'waiting list' for admission to the school.

If the School Admission and Transport Team identify that an application should be considered under this protocol, it will be referred to Panel to ensure it is logged but also to identify any action that needs to be taken to assist the pupil's admission.

The Education Act 1996 requires all schools to admit a child or young person with a Statement of Special Educational Needs when the school or academy is named in Part 4. The Vulnerable Learners Service has responsibility for their placements and

will liaise direct with the School Admissions & Transport Team about school places if necessary.

Wherever possible, pupils with a religious affiliation should be matched to a suitable school, but this should not override this protocol if the school is unable to take the pupil, or if the pupil identified for the school does not have that affiliation.

All placements of identified vulnerable groups will be recorded on the Authority's "ONE" computer system and be made available at the Vulnerable Learners Panel to ensure that hard to place pupils are shared across schools. This information is shared with the Admissions Forum at their regular meetings, and secondary Head teachers three times a year and at the request of primary Heads.

North Somerset's Admissions Forum will monitor admissions made using this protocol. This may include the number, range of young people and timescales by which placements are secured.

The Admissions Forum and Head teachers will receive reports on:

1. Pupils placed under the Fair Access Protocol
2. Permanently Excluded pupils
3. Negotiated Transfers
4. Movers In (Years 10 and 11)

but can request reports on other vulnerable groups where appropriate.

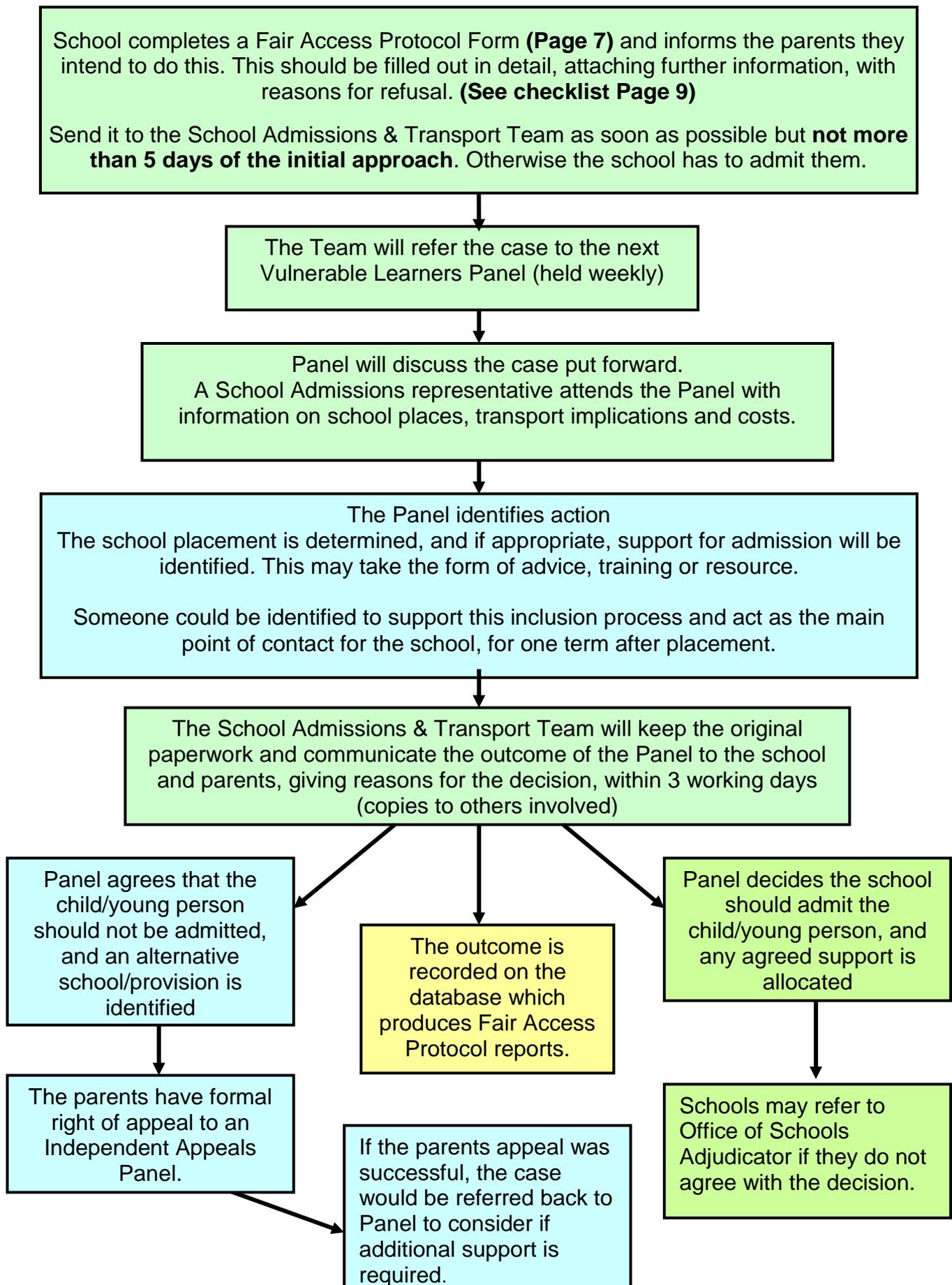
The Vulnerable Learners Panel will take in to account the number of pupils on roll, children already admitted to the school under this protocol and any other relevant circumstances e.g. negotiated transfers the school has taken when considering cases. Pupils admitted under this protocol will be considered against any future admissions for 12 months from the date that they are put on roll.

No school with an Admission Number of 30 or more should normally take more than 1% or one child of previously excluded pupils in any one year group

No school where the Admission Number is less than 30 should normally take more than 1% of previously excluded pupils in any one class.

Although different arrangements may apply, knowledge of these placements is key to the central brokerage and fair allocation of places required by the Fair Access Protocol.

SCHOOL REQUEST NOT TO ADMIT THE CHILD/YOUNG PERSON



**SCHOOL HAS ALREADY ADMITTED CHILD/YOUNG PERSON BUT FEELS
THEY MEET THE FAIR ACCESS PROTOCOL**

School completes a Fair Access Protocol Form (**Page 7, refer to checklist Page 9**) and sends it to the School Admissions and Transport Team, within the term of admitting the child/young person.

The Team will refer the case to the next Vulnerable Learners Panel (weekly)

The Panel discusses and identifies action:

- Agreeing that this child/young person should be recorded under the Fair Access Protocol (or not)
- Should any additional support be identified for the school? This may take the form of advice, training or resource.
- Occasionally it may be decided that this is not the most appropriate provision, and if so, it will identify alternatives.

The School Admissions & Transport Team will keep the original paperwork and communicate the outcome of the Panel to the school and parents, giving reasons for the decision, within 3 working days (copies to others involved)

The Vulnerable Learners Service will record the outcome on the database which produces Fair Access reports.

FAIR ACCESS PROTOCOL FORM

Pupil:	DOB:
Address:	
Last school/Education provision attended	Year Group
Parents have been informed about this referral (this is a requirement)	<i>Tick to confirm</i>

Reason for Referral <i>(please tick)</i>	
Unable to admit pupil that you believe falls under the Fair Access Protocol	<input type="checkbox"/>
Have already admitted pupil that you believe falls under the Fair Access Protocol	<input type="checkbox"/>

Agencies involved <i>(such as Locality Team, social care, educational psychology, YOT, Connexions, EOTAS – please list and give key workers)</i>

Which of the following issues currently affect this pupil that mean, in your opinion, they come under the Fair Access Protocol? <i>(Please tick box).</i>	
Children in Care	<input type="checkbox"/>
Has been/currently attending a Short Stay School, needing to be re-included into mainstream education	<input type="checkbox"/>
Out of education for longer than two school terms	<input type="checkbox"/>
Withdrawn by parent following fixed term exclusion and unable to find a school place	<input type="checkbox"/>
At risk of Permanent Exclusion/Negotiated Transfer	<input type="checkbox"/>
Permanent Exclusion	<input type="checkbox"/>
Children of refugees and asylum seekers not in accommodation centres	<input type="checkbox"/>
Known to the Youth Offending Team (YOT), and/or returning from the criminal justice system and/or known to the police or other agencies	<input type="checkbox"/>
Without a school place and/or very poor attendance	<input type="checkbox"/>
Traveller children	<input type="checkbox"/>
Changing school in Years 10 or 11	<input type="checkbox"/>
Returning from Elective Home Education	<input type="checkbox"/>
Children who are carers	<input type="checkbox"/>
Shortage of spaces	<input type="checkbox"/>
Homeless	<input type="checkbox"/>
Disability or medical condition	<input type="checkbox"/>
SEN without a statement	<input type="checkbox"/>
UK Service Personnel/ Crown servant	<input type="checkbox"/>

CHECKLIST OF INFORMATION TO PROVIDE WITH FAIR ACCESS FORM

Consider the reasons that you have ticked on the Fair Access Protocol form and what your supporting evidence would be. It is useful for the Panel to have a written report or letter with supporting evidence attached.

- ➔ Overall how the reasons you have ticked will have an effect on their placement at your school and why you shouldn't admit them, or why you need additional "support" to be able to take them.
- ➔ Previous school history, school attended and reasons for attending a pupil referral unit (or short stay school) if appropriate
- ➔ Levels of attendance including the period of time it is measured over, and if any absences were authorised
- ➔ Support received at previous school or for the actual family – this could be additional support staff, or could be advice and training given to staff
- ➔ Number of exclusions, dates, and reasons for them
- ➔ For Year 10 and 11s, details on GCSE or vocational courses being followed, what ones match and if they don't what alternatives could you offer
- ➔ If there are any disabilities or medical conditions, how does this affect them accessing education and/or the school site
- ➔ If they have been out of school for two terms or more – what are the reasons for this?
- ➔ Traveller children – details of their movements and schools attended. Are any of these as guest pupils?

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