

# Surrey County Council (Schools and Learning)

## Fair Access Protocol 2011/12

### 1. Introduction

- 1.1 This document sets out Surrey's Fair Access Protocol, which will ensure that access to education is secured quickly for Surrey children who have no school place and that all schools in Surrey admit children with challenging behavior, whether or not the school is oversubscribed.
- 1.2 Since September 2007 the Government has required all local authorities to have a Protocol in place that all schools in the area participate in, including Academies.
- 1.3 If the Local Authority is unable to agree a Protocol, the Secretary of State may enable legislation requiring them to agree a Protocol and, as a last resort, may impose one if an agreement cannot be reached.
- 1.4 The Protocol applies to all maintained schools and Academies in each local authority.
- 1.5 This Protocol includes all the categories that must be incorporated in it as set out in the School Admissions Code which came into force on 10 February 2010.
- 1.6 The Admission Forum must monitor the effectiveness of the Protocol and must consider how well existing and proposed admission arrangements serve the interests of children and parents within the local authority area.
- 1.7 The Local Authority is also required to report to the Schools Adjudicator on how well the Protocol has worked and how many children have been admitted to each school under the Protocol.
- 1.8 The aim of the Protocol is designed:
  - to provide a fair, equitable and open allocation of school places for those pupils who do not have a school place;
  - to ensure that vulnerable pupils who require a school place quickly are admitted without unnecessary delay;
  - to be fair and transparent and to have the confidence of all schools.
- 1.9 From January 2007 secondary head teacher panels were trialled in the North East area of Surrey followed by the South East area in April 2007. Having held these trial panels it was anticipated that the system would

be rolled out across the County. In October 2007, the success of these panels was reported to the Admission Forum who also agreed that this practice should be extended across the County.

- 1.10 The secondary panels work in partnership with the Local Authority in order to ensure that children who meet the criteria of this Protocol are placed quickly. The secondary panels meet on a twice-termly basis.
- 1.11 Whilst all schools must be included within the Protocol, exceptionally, certain schools will not be asked to take pupils **that fall within the categories listed in paragraphs 2.1 (a) to (f)**. This will normally only be appropriate where a school has a particularly high concentration of children with challenging behaviour or previously excluded children and one or more of the following exceptional circumstances exists, namely that the school:
  - requires special measures or has recently come out of them (within the last two years);
  - has been identified by Ofsted as having serious weaknesses or requiring significant improvement and therefore given 'notice to improve';
  - is subject to a formal warning notice;
  - is a Fresh Start school open for less than two years; or
  - is a secondary school where less than 35% of children are achieving 5 or more GCSEs at grades A\*-C including English and mathematics, or a primary school where fewer than 60% of pupils achieve level 4 or above at Key Stage 2 in both English and mathematics.
- 1.12 Schools cannot cite oversubscription as a reason for not admitting a student under this Protocol unless an extra child would breach the Infant Class Size Regulations and the child to be admitted could not be treated as an excepted pupil.
- 1.13 Students placed under this Protocol should be given priority for admission over others on a waiting list or awaiting an appeal.
- 1.14 Schools should not insist on an appeal being heard before admitting a child under this Protocol.
- 1.15 A child will not be counted as having been placed under the Protocol for a particular school if the placement breaks down within 12 weeks of the child's start date.
- 1.16 All schools will work collaboratively regardless of the type of school.
- 1.17 At the latest, a child being placed through this Protocol should be placed on roll on the first day on which the school receives a copy of the offer letter to the parent. Placing on roll should not be subject to a meeting

with the parent, although a meeting might be arranged to discuss a start date and to discuss the child's integration to the school.

- 1.18 Once on roll any attendance issues should be dealt with as appropriate through Education Welfare.
- 1.19 A new draft of the School Admissions Code is currently being consulted on and a new Code is expected to come into force in February 2012. Further changes to this Protocol might need to be made at that time.

## **2. Categories of pupils**

- 2.1 Pupils covered under the Protocol will be children who are in Years Reception to Year 11 who are out of school and who fall under one of the following categories:
- a) *Children attending PRUs or Alternative Provision who are ready to be reintegrated back into mainstream education but into a different school from the one originally attended;*
  - b) *Children who were permanently excluded from their last maintained school placement and who are ready for re-integration to an alternative school. This might include where an appeal against exclusion has been upheld but where the Independent Exclusion Appeal Panel has deemed it inappropriate for the child to return to their previous school;*
  - c) *Children known to the police or other similar agencies, where there has been active involvement in the past six months;*
  - d) *Children returning from the criminal justice system who are registered with the Youth Offending Team;*
  - e) *Children with a history of serious attendance problems, who have been out of education for longer than one term;*
  - f) *Children withdrawn from schools following fixed term exclusion, who have been out of education for longer than one school term;*
  - g) *Children with special educational needs, but who do not have a statement (normally those on School Action), who have been out of education for longer than one school term;*
  - h) *Other children who have been out of education for longer than one school term;*
  - i) *Children with disabilities or medical conditions which have already impacted on their attendance or participation at school;*
  - j) *Children on the at-risk register, whose move either within or from outside the County requires a change of school;*

- k) *Children with unsupportive families, where a place has not been sought and where the child is not in education and where a referral is made through an outside agency or service who is seeking to support the child;*
  - l) *Traveller children;*
  - m) *Children who are carers;*
  - n) *Children of asylum seekers and refugees who have been in the UK less than two years and need a supported entry to school. The need for a supported entry does not include language support where this is the only support required and must be substantiated by professional evidence. Examples of the type of circumstances that might demonstrate a need for a supported entry are where such a child requires specific emotional or behavioural support by the school;*
  - o) *Homeless children who have been placed in temporary housing in Surrey;*
  - p) *Children of UK service personnel and other Crown Servants, where a change of location ordered by the service leads to a need for a change of school.*
- 2.2 For the purposes of this protocol, a child is out of education if s/he is not on roll at a school or receiving elective home education.
- 2.3 This protocol will not apply to children who have been out of education unless the parents can demonstrate that, during the required period, they were actively seeking a school place and that they were living in the UK.

### **3. Parents**

- 3.1 Parents seeking a school place within an academic year will be informed by the Admissions and Transport Team or the admissions authority for the school about their right to apply to a school of their preference and the process by which to do this.
- 3.2 Parents will be able to register an appeal at their preferred school whilst being offered a place at another school under this Protocol.
- 3.3 Parents of students who are being re-integrated following exclusion will be informed by the Exclusions and Reintegration Team about their rights to appeal for admission to their preferred school.
- 3.4 Where possible, parents' views should be considered but will not override the Protocol if the preferred school is unable to take the pupil.

## 4. Funding

4.1 In-year students admitted under this Protocol may receive a degree of financial support as follows:

- £1,500 in the Autumn Term for placements made in the Autumn term (which represents £500 for each of the autumn, spring and summer terms)
- £1,000 in the Spring Term for placements made in the Spring Term (which represents £500 for each of the spring and summer terms)
- £500 in the Summer Term for placements made in the Summer Term (which represents £500 for the summer term)

Funding will be agreed only for placements being made under categories b-f in paragraph 2.1 above. Funding for a specific term will be forfeited if a child withdraws prior to the start of a term or if they withdraw within a term if the withdrawal is within 12 weeks of the placement being made.

4.2 Additionally, pupils admitted into year 11 after 19 January 2012 but at least 2 months before their scheduled leaving date and who do not already qualify for part year AWPU funding, will receive pro rata AWPU funding from the date of their admission to the end of August 2012 (subject to there not being a national school level funding formula in 2012/13) provided that the placement does not break down within 4 school weeks of the placement being made. Funding will be paid once the child has completed 4 school weeks at the school but a proportion will be reclaimed if the child subsequently leaves the school.

4.3 Excluded pupils admitted to mainstream schools under the IYFAP will be funded as follows:

- a) When a pupil is on a school's roll in January that pupil generates a year's funding for the school. When a pupil is permanently excluded from a school after January count date, the school's budget is reduced by the annual value of age weighted funding plus proxy SEN funding (to take some account of the likely needs of the child), multiplied by the number of weeks from the date of permanent exclusion to the end of the academic year.
- b) Where a previously permanently excluded pupil is admitted to another school, the receiving school's budget is increased by the annual value of age weighted funding plus proxy SEN funding, multiplied by the number of weeks from the date of re-admission to the end of the academic year.
- c) Where a pupil is permanently excluded or readmitted between 1 September and January count date, then no funding adjustment is made, because the excluding school will lose funding anyway as a result of the pupil not being on roll on January count date and the admitting school would automatically receive the funding because the child will be on roll on the January count date.

- d) The effect of this is that a school loses funding for an excluded pupil for the time for which they would otherwise have been funded when the pupils are not in the school.
- 4.4 Where appropriate, funding for travel will be available for those pupils who are placed under this Protocol, although Panels are expected to take into account journey times when considering a placement. Travel will normally be arranged for the most appropriate public transport route. Where a taxi is deemed appropriate to support integration, this will only be funded for one term and beyond that the pupil would be expected to travel on an alternative mode of transport to school. Where there are exceptional arrangements the parent might request that their case is considered at Transport Case Review by senior officers within the Admissions and Transport team.
- 4.5 The application of the funding arrangements to Academies will be subject to discussions with the YPLA.
- 4.6 Should a national school level funding formula be introduced from April 2012, funding arrangements within this Protocol will need to be reviewed for any pupils placed after the date on which that funding formula is introduced.

## **5. Process for KS1 & KS2 students**

- 5.1 Primary aged students who meet the fair access category criteria, should be placed as far as possible, as soon as possible, in their local school. No more than 3 students should be placed in any one school during any one academic year depending on the school's individual circumstance. However schools must adhere to Infant Class Size legislation if the year of entry is Reception, Year 1 or Year 2 and a school already has class sizes of 30. A child should only be admitted in such cases if they can be considered to be an excepted pupil.

## **6. Students with a Statement of Special Educational Needs**

- 6.1 Students with a Statement of Special Educational needs (SEN) are outside the remit of this Protocol as they are placed in accordance with the SEN Code of Practice.

## **7. Process for KS3 & KS4 students – categories a) to f)**

- 7.1 Please see flowchart attached for the process for categories a) to f).
- 7.2 The Admissions & Transport Team receives applications for placement and consider according to in year admission process.
- 7.3 Children who meet the criteria to be categorised as hard to place within categories a) to f) as assessed by the Admissions & Transport Team will be referred to the Children Out Of School team in the area where the child lives. Parents will have been advised of their right of appeal.

- 7.4 On receipt of the referral from the Admissions & Transport Team, the Area Lead for Children Out of School team will arrange for pupil assessment to be completed, a risk assessment to be done on the suitability of the home or alternative venues for home tuition and short term interim teaching/mentoring to be set up in light of assessment/other available information.
- 7.5 After a maximum of 6 weeks with the Children Out Of School team, the Area Lead will collate reports from tutors/mentors and submit to the Chair IYFAP/Chair Behaviour & Attendance Partnership/Area SALP Manager depending on the arrangements in the area in which the child is to be placed. The Area Lead will send copies of the referral paperwork to the Admissions team.
- 7.6 If appropriate, the Area Lead and/or a representative from the Admissions & Transport team will attend the panel at which placement decisions are to be taken.
- 7.7 Panels are expected to consider the case of each child and to agree a placement at a school within the area of the Panel.
- 7.8 In considering cases Panels will have regard to:
- parental preference
  - the schools that should be considered as exempt from taking children within categories a) to f) as set out in Paragraph 1.11
  - any genuine concerns about the admission by either the parent or the school
  - a strong view of the parent about the religious ethos of a school
- 7.9 In considering cases Panels may also wish to have regard to the number of LAC and SEN children within each school and the number and frequency of previous Fair Access placements within the academic year and within each year group.
- 7.10 Decisions on placement will be notified to the Admissions & Transport team for formal notification of the placement to the parents, cc school, EWS and ALCOOS.
- 7.11 Immediately after the panel decision on placement has been made, the receiving school will contact the parents and make arrangements for the pupil to be admitted within 2 weeks of the placement being agreed. Support for the admission process could be available for the school from the EWO and, if required, for reintegration for the pupil's first 2 weeks in school from the Children Out Of School team.
- 7.12 The case will be closed to the COOS team at the point of school allocation. The Admissions & Transport Team will continue to monitor, to ensure the satisfactory completion of 12 weeks successful reintegration

- 7.13 A placement will only be considered to have broken down if the child's behaviour would ordinarily warrant permanent exclusion. In such cases the Head of Inclusion will determine whether or not the placement should be considered to have broken down with advice of the area SALP Manager.
- 7.14 Subsequent Panel meetings will review any placements made to ensure that the pupils in their partnership area are in receipt of full time education.

## **8. Process for admission under the Protocol – categories g) to p)**

- 8.1 Children who fall within categories g) to p) will be placed directly by the Admissions and Transport Team without being referred to Panel.
- 8.2 In considering cases the Admissions and Transport team will first have regard to parental preference. If parental preference cannot be met then an alternative placement will be identified which will take account of:
- alternative schools with vacancies
  - any genuine concerns about the admission by either the parent or the school
  - a strong view of the parent about the religious ethos of a school
  - the number of LAC and SEN children within each school and the number and frequency of previous Fair Access placements within the academic year and within each year group
- 8.3 Once a decision has been made with regard to placement the Admissions and Transport team will liaise first with the school before notifying a parent of the placement.
- 8.4 Any child who cannot be offered an appropriate school place either within or outside the County within 3 weeks and who meet the criteria to be categorised as hard to place within categories g) to p) as assessed by the Admissions & Transport Team will be referred directly to the local Panel for placement without the need to be assessed by Children Out Of School Team. Processes will then follow paragraphs 7.6 to 7.14.

## **9. Referrals to out of area Panels**

- 9.1 Where appropriate a pupil will be referred to the Panel in the geographical area in which they live.

9.2 However there may be cases where there is evidence to support that a placement in a neighbouring area would be in the best interests of the child or other children. In these cases, the details will be referred to the Panel for the area in which a placement is sought. It is anticipated that such cases will be few. No Panel would be expected to accept more than two out of area cases throughout the academic year for pupils who do not live in the area of that Panel, although they make take more if they choose to.

## 10. Process for KS3 & KS4 students

Category of Pupil	Support team	Panel	Additional arrangements
Excluded pupils without a school place or attending a PRU who are requiring a re-integration to a mainstream school	<ul style="list-style-type: none"> <li>Exclusions and Re-integration team</li> </ul>	✓	Points Weighting Dual Registration
Children known to the police or other similar agencies, where there has been active involvement in the past six months	<ul style="list-style-type: none"> <li>Admissions and Transport team</li> <li>YJT</li> </ul>	✓	Additional funding
Children returning from the criminal justice system who are registered with the Youth Offending Team	<ul style="list-style-type: none"> <li>Admissions and Transport team</li> <li>YJT</li> </ul>	✓	Additional funding
Children with a history of serious attendance problems, who have been out of education for longer than one term	<ul style="list-style-type: none"> <li>Admissions and Transport team</li> <li>EWO</li> </ul>	✓	Additional funding
Children withdrawn from schools following fixed term exclusion, who have been out of education for longer than one school term	<ul style="list-style-type: none"> <li>Admissions and Transport team</li> <li>EWO</li> </ul>	✓	Additional funding
Children with special educational needs, but who do not have a statement, who have been out of education for longer than one school term	<ul style="list-style-type: none"> <li>Admissions and Transport team</li> </ul>	No	
Other children who have been out of education for longer than one school term	<ul style="list-style-type: none"> <li>Admissions and Transport team</li> </ul>	No	
Children with disabilities or medical conditions which have already impacted on their attendance or participation at school	<ul style="list-style-type: none"> <li>Admissions and Transport team</li> </ul>	No	
Children on the at-risk register, whose move either within or from outside the	<ul style="list-style-type: none"> <li>Admissions and Transport team</li> </ul>	No	

County requires a change of school			
Children with unsupportive families, where a place has not been sought and where the child is not in education and where a referral is made through an outside agency or service who is seeking to support the child	<ul style="list-style-type: none"> <li>• Admissions and Transport team</li> <li>• EWO</li> </ul>	No	
Traveller children whose families cannot be	<ul style="list-style-type: none"> <li>• Admissions and Transport team</li> <li>• Travellers team</li> </ul>	No	
Children who are carers	<ul style="list-style-type: none"> <li>• Admissions and Transport team</li> <li>• Children's team</li> </ul>	No	
Children of asylum seekers and refugees who have been in the UK less than two years and need a supported entry to school. The need for a supported entry does not include language support where this is the only support required and must be substantiated by professional evidence. Examples of the type of circumstances that might demonstrate a need for a supported entry are where such a child requires specific emotional or behavioural support by the school	<ul style="list-style-type: none"> <li>• Admissions &amp; and Transport team</li> <li>• Children's team</li> </ul>	No	
Homeless children who have been placed in temporary housing by Surrey County Council	<ul style="list-style-type: none"> <li>• Admissions &amp; and Transport team</li> <li>• Children's team</li> </ul>	No	
Children of UK service personnel and other Crown Servants, where a change of location ordered by the service leads to a need for a change of school.	<ul style="list-style-type: none"> <li>• Admissions &amp; and Transport team</li> </ul>	No	

# Flowchart for IYFAP pupils – Categories a) to f)

