

<b>MEETING:</b>	<b>LOCAL ADMISSIONS FORUM</b>
<b>DATE:</b>	<b>5 NOVEMBER 2009</b>
<b>TITLE OF REPORT:</b>	<b>IN YEAR FAIR ACCESS PROPOSALS</b>
<b>ADMISSIONS AND TRANSPORT MANAGER</b>	<b>ANDREW BLACKMAN</b>

**CLASSIFICATION:** Open

### **Wards Affected**

County-wide

### **Purpose**

To consider a protocol that Herefordshire can adopt to meet the government requirement for all Local Authorities to have an "In Year Fair Access Protocol" in operation.

### **Key Decision**

This is not a Key Decision.

### **Recommendation**

**THAT Local Admissions Forum:**

**(a) agree and submit to the Department of Children's Schools and Families for their approval.**

### **Key Points Summary**

Main Principles of the Fair Access Protocol

- All children and young people up to their eighteenth birthday have the right to education.
- All schools take part in the Fair Access Protocol and abide by the decisions made by the Placement Panel.
- There is a general expectation that if a child moves into an area, he/she is admitted to the local catchment area school unless there are very exceptional reasons as to why this should not be the case.
- Having reached the admission number is not usually considered to be very exceptional unless other circumstances apply.
- Schools cannot cite oversubscription as a reason for not admitting pupils under the protocol.

Further information on the subject of this report is available from  
Andrew Blackman, Admissions and Transport Manager on (01432) 260927

- Children considered under this protocol have priority for admission over others on a waiting list or awaiting an appeal.
- It is essential that all children are found places quickly. All parts of the Directorate should be prepared to deal with admissions requests as a matter of urgency.
- To reinforce the statutory power available to the Authority/Director to be able to direct a placement when required.

## **Alternative Options**

- 1 No alternative option – statutory requirement.

## **Reasons for Recommendations**

- 2 Statutory requirement.

## **Introduction and Background**

### Why Is an In Year Fair Access Protocol Required?

- 3 All admission authorities (including those schools for whom the Governing Body is the admissions authority) must have Fair Access Protocols in place and all schools must participate in the protocol in order to ensure that unplaced children are offered a place at a suitable school as quickly as possible. This includes admitting children to schools that are already full.
- 4 Admission authorities and Local Admission Forums are tasked to ensure that no school, including those with places available, is asked to take an excessive or unreasonable number of children who have been excluded from other schools or have challenging behaviour. They must also ensure that all children who arrive outside the normal admissions round who may have difficulty securing a place are covered by a protocol.

### Aims of the In Year Fair Access Protocol

- 5 Children and young people out of school include some of the most vulnerable individuals in Herefordshire. It is the duty of the Local Authority and its schools to ensure that these youngsters have access to education as soon as possible.
- 6 Accordingly, the In-Year Fair Access Protocol is designed to:
  - Place a child or young person in school with as little delay as is possible (in line with Article 2 of the Human Rights Act, 1998).
  - To involve schools in a fair and transparent process in order to reduce the time that children spend out of school.
  - Acknowledge the need of young people who are not on the roll of any school to be dealt with quickly and sympathetically.
  - Recognise the success of proactive work already being undertaken cooperatively between schools to prevent exclusion, and to support children, e.g. through managed moves.
  - Ensure that schools admit children with challenging educational needs in a manner, which takes account of the proportion of children they have already admitted through the Placement Panel process.
  - Meet the need to ensure full entitlement for parents.

## Categories of children covered by the Fair Access Protocol

- 7 Any child who cannot obtain a place through the normal admissions process within 5 school days of becoming known to the LA, and those who it is considered, including discussions with Choice Advisors and/or Educational Welfare officers, it will be difficult to place. Which may include:
- Children attending PRU's who need to be reintegrated back into mainstream education
  - Children moving during Years 10 and 11
  - Permanently excluded children or those undergoing a managed transfer
  - Children who have been out of education for longer than one school term
  - Children whose parents have been unable to find them a place after moving to the area, because of a shortage of places
  - Children withdrawn from schools by their family, following fixed term exclusions and unable to find another place.
  - Children of refugees and asylum seekers
  - Homeless Children
  - Children with unsupportive family backgrounds, where a place has not been sought
  - Children known to the police or other agencies
  - Children without a school place and with a history of serious attendance problems
  - Traveller Children
  - Children who are carers
  - Children with SEN (but without statements)
  - Children with disabilities or medical conditions
  - Children who display behavioural difficulties
  - Children who have previously changed school more than once without an address change

### In year fair access school application form

- 8 To be completed when it has been identified that a child, who because of circumstances, may have difficulty in finding a place at a suitable school quickly.

### Placement Panel

- 9 Purpose: to identify which school is appropriate for the child taking into account parental preference. Frequency: The Panel to meet on a monthly basis.
- 10 Process: Consideration of information contained within the In Year Fair Access application form. Further consultation with other officers may be required prior to a final decision being made
- 11 Outcomes: Any decisions made by the panel to lead to a start date within 5 school days.
- 12 Membership to comprise:
1. Admissions & Transport Manager or nominated substitute
  2. Principal EWO or nominated substitute
  3. Manager of Social Inclusion or nominated substitute
  4. Representative from HASH
  5. Representative from Primary School Headteachers Group

### What schools are covered by the protocol?

- 13 All maintained schools and academies in Herefordshire are covered by the protocol, including foundation schools, voluntary aided schools, faith schools and Academies.
- 14 The intent behind the new responsibility is to significantly improve the experience of parents and children transferring from one school to another, with two main aims:
- To improve fairness – stopping unlawful/covert selection by some schools
  - To improve the application/offer process for parents and children
- 15 There is a direct interface/link between any In Year Transfer scheme and the proposed “In Year Fair Access” protocol. The “In Year Fair Access” is designed to handle, in a professional way, all In Year Transfers that are not straight forward. This will include children who have been permanently excluded, children attending PRU’s integrating back into mainstream education, traveller children, children with SEN (but without statements), children who display behavioural difficulties, “serial” movers (children who been transferred at least twice before without an address change reason) etc.
- 16 The In Year Fair Access Protocol will impact upon all maintained schools within Herefordshire and subsequently upon any parent (from within and outside Herefordshire) seeking an in year transfer into these schools.

## **Key Considerations**

- 17 There is a direct interface/link between any In Year Transfer scheme and the proposed “In Year Fair Access” protocol currently being consulted on within Herefordshire. The “In Year Fair Access” is designed to handle, in a professional way, all In Year Transfers that are not straight forward. This will include children who have been permanently excluded, children attending PRU’s integrating back into mainstream education, traveller children, children with SEN (but without statements), children who display behavioural difficulties, “serial” movers (children who been transferred at least twice before without an address change reason) etc.

## **Community Impact**

- 18 Not applicable.

## **Financial Implications**

- 19 None identified.

## **Legal Implications**

- 20 Statutory requirement.

## **Risk Management**

- 21 Non compliance with statutory requirement.

## **Consultees**

- 22 Consultation - A consultation involving Herefordshire schools regarding the proposed closed on Friday 9<sup>th</sup> October 2009.

Three formal responses from schools were received.

John Masefield High school who commented:

“At JMHS we are committed to the implementation of a fair and transparent admissions process. In order to ensure the needs of every child are met it is essential that before any student starts at JMHS we have a full academic and pastoral record in order that we meet the needs of each and every student. We are committed to providing the best possible chance of success for any student who joins us as part of a new intake, or who joins us during term time. There will be rare occasions when information received obliges us to contact external agencies or to raise our concerns that a PRU placement would best meet the needs of the student. Once in receipt of the required information we will strive to ensure that the admitted student starts with us at the earliest available date.”

Weobley High School commented:

“We broadly agree with the draft protocol but it is absolutely vital that the needs of the child are at the heart of any decision. This should include whether the curriculum and support offer is appropriate. Parents may need support in making this decision.”

Whitecross High School commented:

“We broadly agree with the draft protocol but believe those awaiting the outcome of appeals should not be deprived a fair hearing by having others prioritised before them. This does not address the issue of schools being approached by 3 different parts of directorate – SEN caseworkers, inclusion manager and admissions.”

## **Appendices**

Appendix - In Year Fair Access Protocol

## **Background Papers**

None identified.