

September 2009

# In-Year Fair Access Protocol

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

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.

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.

## B. Aims of the Herefordshire In Year Fair Access Protocol

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.

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.

### **C. 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.
- 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.

### **D. Categories of children covered by the Fair Access Protocol**

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 (additional detail on the placement of such pupils is set out later in this document)
- 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

### **E. In Year Fair Access School Application Form**

This is attached and is to be completed when it has been identified that a child, who because of circumstances, may have difficulty in finding a place at suitable school quickly.

### **F Placement Panel**

It is proposed to convene a placement panel to carry out the following:

Purpose: to identify which school is appropriate for the child taking into account parental preference. Frequency: The Panel to meet on a monthly basis.

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

Outcomes: Any decisions made by the panel to lead to a start date within 5 school days.

Membership to comprise:

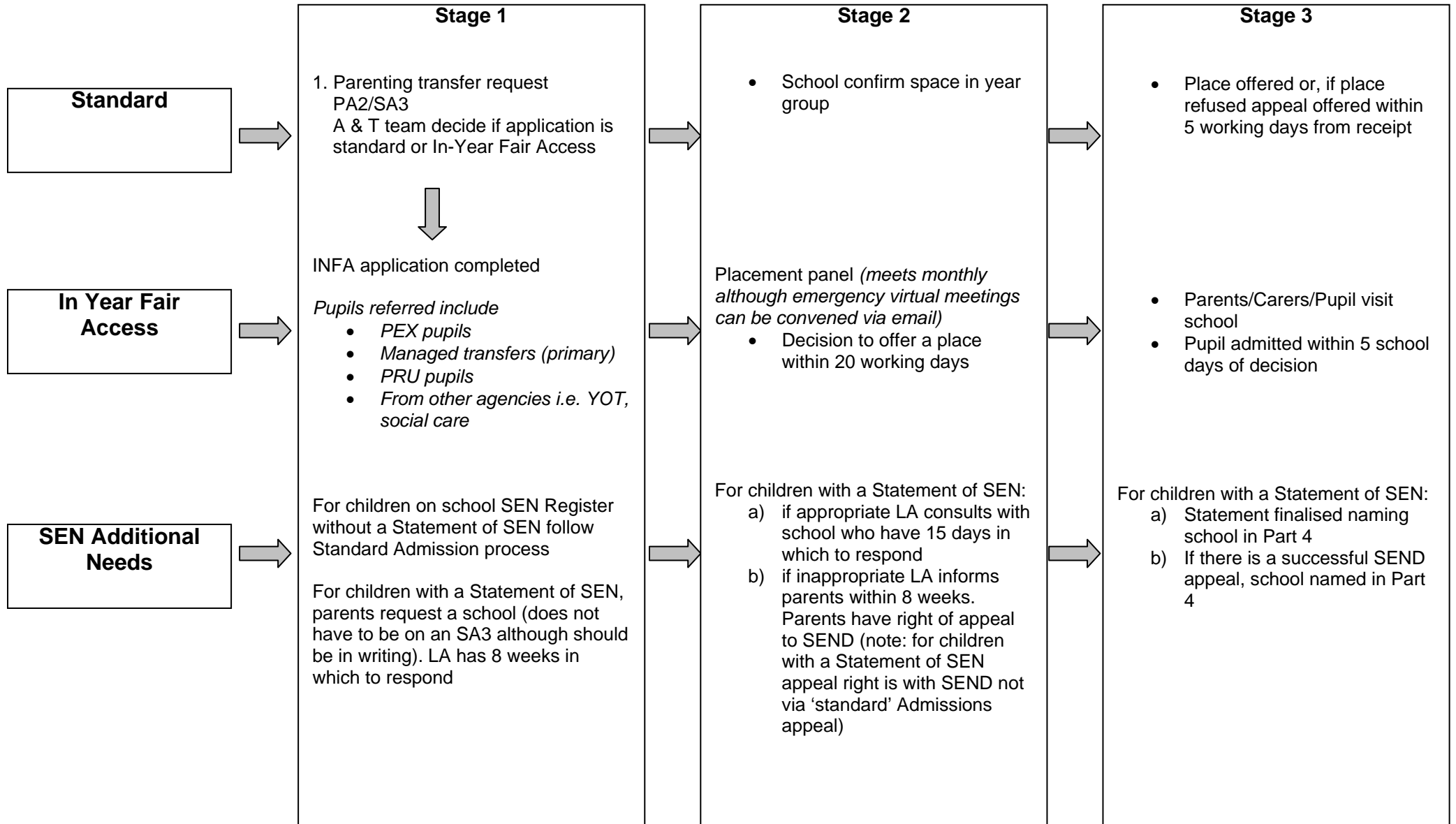
1. Admissions & Transport Manager or nominated substitute
2. Principal EWO or nominated substitute
3. Manager of Social Inclusion or nominated substitute
4. Representative from HASH
5. Representative from Primary School Headteachers Group

### **G. What schools are covered by the protocol?**

All maintained schools and academies in Herefordshire are covered by the protocol, including foundation schools, voluntary aided schools, faith schools and Academies.

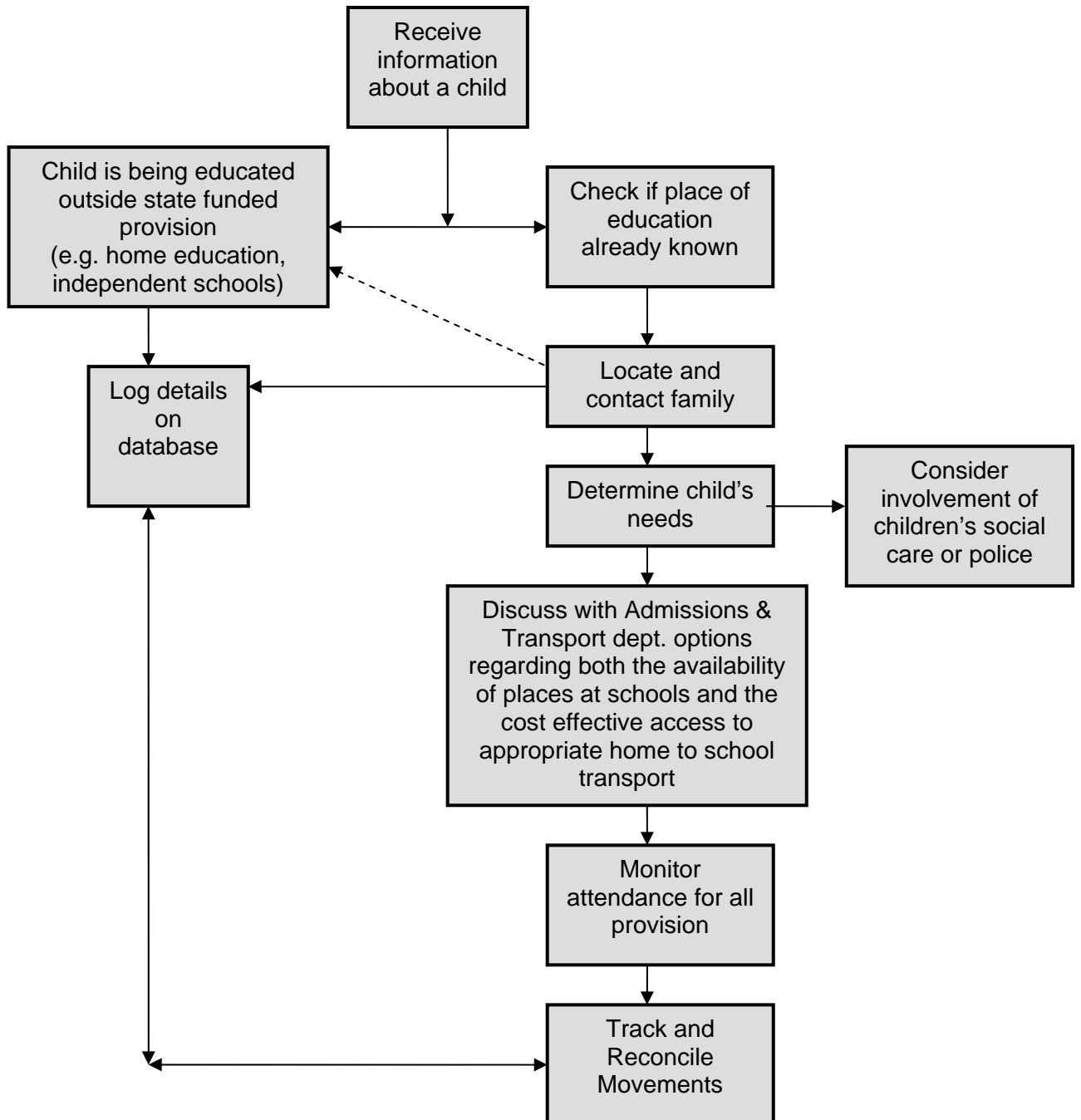
The following pages set out the processes involved, further details for permanently excluded pupils, and the proposed In Year Fair Access application form.

# ADMISSIONS PROCESS MAP



## Appendix 1

### PROCESS MAP FOR CHILDREN NOT RECEIVING SUITABLE EDUCATION



# Protocol for placing pupils following permanent exclusion

## **Introduction**

This protocol outlines the procedures followed when pupils are permanently excluded from schools in Herefordshire. Because many schools will see the challenge accommodating such pupils, this protocol aims to clearly set out the process so that it is transparent for all to see. This document sits within the In-Year Fair Access protocol.

Both primary and secondary pupils will receive, from the 6<sup>th</sup> day following their permanent exclusion, full time tuition.

## **Primary**

Following their first permanent exclusion all effort will be made to place the child in another school as soon as possible. In those cases where a mainstream placement is appropriate the school is identified taking the following criteria into account:

- Parental preference;
- Geographical location;
- Places available;
- School and/or class size;
- Local issues, for example number and nature of pupils with SEN.

When a school is identified, there is negotiation with the head teacher and if necessary, the Governors before the place is confirmed. This will include a reintegration plan including any additional support arrangements.

For primary pupils who have been permanently excluded twice a mainstream placement is not usually appropriate.

## **Secondary**

Following their first permanent exclusion, students from year 7 up to the beginning of the second term in year 10 will normally be placed at the Aconbury Centre where education will be provided while a longer-term placement is arranged. In addition, the Aconbury Centre

can carry out assessments of the students to help inform planning for the next stage of their education. Following a stay at the Aconbury Centre students are then placed either in high schools following the agreed cluster system, or transferred to a PRU or special school. Students placed in a school using the cluster system normally follow an agreed reintegration programme (often outlined in a Pastoral Support Programme) involving a gradual build-up of time in school and a programme of support.

The cluster system is a process which aims to distribute permanently excluded secondary students around the county in a fair and manageable way. The system was reviewed in 2003 by a group of secondary head teachers. Factors taken into account when identifying a school include:

- Geographic location;
- Size of school and/or year group;
- Numbers of students excluded from school;
- Date when last excluded student placed;
- Local factors, for example, serious family feuds and so on.

The cluster system does not over-ride the parent's right to state a preferred school. Accordingly, it does become one of the above factors to consider.

The cluster system is a voluntary arrangement agreed with the secondary head teachers. However, the Children & Young People's Directorate reserves the right to direct a school to offer a place to a particular student if it is felt necessary.

For those students permanently excluded beyond their first term in year 10, or having been excluded twice, a mainstream school is not usually appropriate. These students are likely to be placed at a PRU.

Reviewed 2009

# In year fair access application form

1. **The in year fair access protocol deals with the admission of children who because of their circumstances may have difficulty in finding a place at a suitable school quickly.**
2. **The application form should only be used for children who fall into one of the categories below or who cannot obtain a place through the normal admissions process or those who it is considered will be difficult to place:**
  - Children who have been permanently excluded
  - Children attending PRUs who need to be reintegrated back into mainstream education
  - 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
3. **In year fair access protocol application form**

Please complete section 1 of the application form if your child falls into one of the categories listed above. The completed application form must be returned to:

Admissions and Transport Manager  
Children & Young People's Directorate  
Blackfriars  
P.O. Box 185  
Blackfriars Street  
Hereford HR4 9ZR  
Tel: 01432 260927
4. **Panel decision**

The application form will be considered by a panel made up of Headteachers and Council officers. The panel could decide to:

  - Offer admission at a school of your preference or;
  - Offer admission at an alternative school or;
  - Suggest an alternative curriculum of a practical nature
5. **Alternative curriculum**



The panel may decide that your child's educational needs can best be met by attending an alternative curriculum package of a practical nature. Where this

is the case, Council staff will arrange to meet you and your child to discuss this further.



**PART ONE** – Parents/carers to complete (with the assistance of EWO, Choice Advisor etc.)

<b>Personal details</b>		
Name of child	Forename(s)	
Surname	Any other names used	
Date of birth	Male	Female
Home address		
Post Code		
Telephone number (daytime)	Telephone number (evening)	
Mobile	Year Group	
<b>Parent/Carer/Social Worker (Delete as appropriate)</b>		
Relationship to child:		
Is the child looked after by a Local Authority?	Yes	No
If yes, please give name of the Council and details of the social worker		
Does the child act as a young carer for a family member?	Yes	No
Does your child have a statement for special educational needs or an individual resource agreement?	Yes	No
Is the child attending a Pupil Referral Unit?	Yes	No
Has the child been out of school for longer than a term?	Yes	No
If yes, please give details of last school attended, length of time not in school and reasons		

Has the child not been in school following move into the County because there are no places available?	Yes	No
Did you withdraw your child from school after they received fixed period exclusions and have you not managed to find another place?	Yes	No
Are you and / or your child a refugee or asylum seeker not living in an accommodation centre?	Yes	No
Is the child homeless?	Yes	No
Is the child known to police or other agencies?	Yes	No
If yes, please give details		
Is your child without a school place and has he/she a history of serious attendance problems?	Yes	No
Is the child a Traveller?	Yes	No
Has your child been permanently excluded from an independent school?	Yes	No
If yes, please give details of the school, date and reasons for the exclusion		
<b>Schools attended</b> Please list below the schools attended and the reason for leaving		
School attended	Reason for leaving	
1		
2		

3	
4	
<b>If your child has been excluded from the schools listed above, please place a tick in the box below</b>	
Fixed period exclusion	Permanent exclusion
Please give brief details of the exclusions	
<b>Other details</b> The information below is required if you are applying for admission to a voluntary aided faith school	
Please give details of the date and address of the church at which your child was baptised	
Please state the Roman Catholic/Church of England parish in which your child is resident	
For parental involvement in the work and worship of the church, please give the name of the church at which you worship	
<b>Any other information you want to tell us?</b>	
Name	Date
Signature	Parent/Carer/Social Worker (delete as appropriate)

**Child/Young person's views? (if appropriate)**

Name

Date

Signature

Please return the completed for to:  
Admissions and Transport Manager  
Children and Young People's Directorate  
Blackfriars  
PO Box 185  
Blackfriars Street  
Hereford  
HR4 9ZR.  
Tel: 01432 260927

**PART TWO** – This section is to be completed by the schools at which a place is required and returned to Admissions and Transport manager, Children and Young People’s Directorate, Blackfriars, PO Box 185, Blackfriars Street, Hereford HR4 9ZR

<b>Schools details</b> (at which a place is requested)
Name Address of the school  Telephone number
Please give details of staff responsible for dealing with admission

For each of the year groups please provide the following information:

Year Group							
Admission number							
Number on roll							
Number of children with a statement for SEN/individual pupil resourcing agreement							
Traveller children							
Looked after children							
Children reintegrated following a permanent exclusion/ Managed Transfer from maintained and private schools							

<b>Admission request</b>		
Does the school support the parent/carers request for admission?	Yes	No
Please give reasons if you do not support the transfer request		
Name	Date	
Signature	Designation	