

## Notice of Meeting

# Cabinet Member for Schools, Skills and Educational Achievement Decisions

**Date & time**

Tuesday, 19 July  
2016 at 1.30 pm

**Place**

G44, County Hall,  
Kingston upon  
Thames, KT1 2DN

**Contact**

Andrew Baird or Joss  
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**Chief Executive**

David McNulty



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This meeting will be held in public. If you would like to attend and you have any special requirements, please contact Andrew Baird or Joss Butler on 020 8541 7609 or 020 8541 9702

**Elected Members**  
Mrs Linda Kemeny

## AGENDA

### 1 DECLARATIONS OF INTEREST

To receive any declarations of disclosable pecuniary interests from Members in respect of any item to be considered at the meeting.

### 2 PROCEDURAL ITEMS

#### a Members' Questions

The deadline for Members' questions is 12pm four working days before the meeting (13/07/2016).

#### b Public Questions

The deadline for public questions is seven days before the meeting (12/07/2016)

#### c Petitions

The deadline for petitions was 14 days before the meeting and no petitions have been received.

### 3 INVESTMENT IN THE OLD FIRE STATION ELM GROVE, WALTON AND MOLESEY YOUTH CENTRE

(Pages 1  
- 6)

This paper seeks approval from the Cabinet Member for Schools, Skills and Educational Achievement for the plans for capital investment in accommodation at the Old Fire Station Elm Grove, Walton and Molesey Youth Centre so that two, three and four year old children can access their free early education entitlement. This proposal relates to underutilised or vacant Council owned property offering opportunities for cost avoidance and income generation.

### 4 OPENING OF ADDITIONAL TEMPORARY SCHOOL PLACES FOR PUPILS WITH AN EDUCATION HEALTH AND CARE PLAN

(Pages 7  
- 12)

Following a significant increase in the number of reception age pupils receiving an Education Health and Care Plan (EHCP) the Council is offering places to in excess of 37 reception age children above the standard admission number at a range of Special Schools, Units and supported school placements. It is intended that these pupils, subject to the normal review of their EHCP, will remain on roll at the schools for length of time relevant to the phase of the school, whether primary or cross phase.

There are capital costs at specific sites that are associated with this increase in pupil placements. These need to be set against the ongoing revenue costs that would be borne by the placement of these pupils in the non maintained independent sector which would result from a failure of the authority to offer appropriate places within the maintained sector. Specifically the temporary increase in admission number at three Special Schools and one Mainstream unit to enable the placement of 22 pupils with EHCP from September 2016 will require capital works.

## 5 PRIMARY AND SECONDARY FAIR ACCESS PROTOCOLS 2016/17

(Pages  
13 - 64)

Each local authority must have a Fair Access Protocol in place and all schools in a local authority area must participate in it. A Fair Access Protocol ensures that unplaced children, especially the most vulnerable, are offered a place at a suitable school in their home local authority as quickly as possible. This includes admitting children above the published admission number to schools that are already full.

The proposed Protocols set out the criteria that the local authority will use to determine which children will be placed under Surrey's Fair Access Protocol in 2016/17 and how cases will be considered. The changes proposed to the Protocols for 2016/17 take into account comments received from schools and Surrey County Council (SCC) officers.

**David McNulty**  
**Chief Executive**

Published: Monday, 11 July 2016

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**SURREY COUNTY COUNCIL****CABINET MEMBER FOR SCHOOLS, SKILLS AND EDUCATIONAL ACHIEVEMENT****DATE: 19 JULY 2016****LEAD OFFICER: JULIE FISHER, STRATEGIC DIRECTOR FOR CHILDREN, SCHOOLS AND FAMILIES****SUBJECT: INVESTMENT IN THE OLD FIRE STATION ELM GROVE, WALTON AND MOLESEY YOUTH CENTRE SO THAT TWO, THREE AND FOUR YEAR OLD CHILDREN CAN ACCESS THE FREE EARLY EDUCATION ENTITLEMENT****SUMMARY OF ISSUE:**

This paper seeks approval from the Cabinet Member for Schools, Skills and Educational Achievement for the plans for capital investment in accommodation at the Old Fire Station Elm Grove, Walton and Molesey Youth Centre so that two, three and four year old children can access their free early education entitlement. This proposal relates to underutilised or vacant Council owned property offering opportunities for cost avoidance and income generation.

**RECOMMENDATIONS:**

It is recommended that the Cabinet Member for Schools, Skills and Educational Achievement approves capital funding for the Old Fire Station Elm Grove of £153,800 and for Molesey Youth Centre of £157,700 to facilitate capital investment on these sites so that children can access the free early education entitlement.

**REASON FOR RECOMMENDATIONS:**

The Department of Education requires all local authorities in England to secure free early education places for two year old children who meet the eligibility criteria based on household income whilst places for three and four year olds are offered as part of the free early education entitlement. This report will ensure that plans are in place to make provision for such places in the Walton and Molesey areas of Surrey where there is a current shortfall in provision. The business case was supported at Investment Panel in June 2016.

**DETAILS:****Business Case**

1. The Department of Education (DfE) has set out a policy that requires local authorities to ensure that there are sufficient early education places for two, three and four year old children to access 15 hours of free early education a week for 38 weeks. The policy for two year olds has been put in place as a result of research that demonstrates that children from families with low incomes have lower educational attainment and are less ready for starting school than children from families with higher incomes. The aim of the policy

is to offer free early education for two year olds from families with low household incomes so that the children will benefit from access to high quality early education for a year before such eligibility is available, for all children, following the term they turn three.

2. From September 2013, the County Council had an additional statutory duty to ensure that 20% of the most disadvantaged 2 year old children in Surrey can also access free early education for up to 15 hours/week, following an income-based assessment. On 1 September 2014, the duty increased to 40% of all 2 year olds - for Surrey around 2800 children.
3. Most parents are offered a place, for their eligible child in existing provision, in Surrey but there are areas across the county where access to places is limited and providers have been encouraged to extend the number of children that they can take or open additional sessions in the afternoon. However, in those areas where there is not the capacity to extend places in this way there is a need for capital investment to provide access to the early education provision. In Surrey, Walton and Molesey have had limited scope for expansion among current providers and new premises are needed to meet the demand for places for Surrey to meet the Department for Work and Pensions figures. There will be 86 children in the above wards entitled to free early education for two year olds (FEET) in addition to three and four year old places. Currently, other preschools within the area and childminders that offer FEET places are either unable or do not want to take two year olds and there is a need to create additional places through capital investment. The places created at Old Fire Station and the Youth Centre will meet some of the demand for places in Walton and Molesey.
4. The Walton North, Walton Central, Walton Ambleside, Walton South, Hersham North ward cluster is identified as having insufficient early education provision despite provision being developed in the area recently. There is a projected deficit of 257 places in 2016, falling to 224 in 2020. There are deficits in every ward of the cluster except Hersham North (-70, -36, -51, -72 respectively, and +5 for Hersham North -2020 projections).
5. There are deficits in Molesey South (-24) and Molesey North (-17), and surpluses in Molesey East (24). Although there is not a large deficit of places projected, one setting offering 34 places had closed at the time of the last update and wasn't taken into account in the forecasting. There were day nurseries due to open but, depending on their offer, this may not satisfy parental demand for free early education places. There will be added pressure for places in the area with the introduction of the government manifesto promise of an additional 15 hour childcare for working families.
6. Funding of £153,800 and £157,700 is proposed to create 92 places that will help to meet the need for places in the Walton and Molesey areas. It will also help to generate rental income and improve utilisation of Surrey County Council's (SCC) property portfolio, particularly as the Old Fire Station is currently vacant and unused.
7. Molesey youth centre (part of the Henrietta Parker site which accommodates an adult day centre) already accommodates the Elmbridge Youth Support Service team as well as evening provision in the form of Youth and Community Work. Recent utilisation reports, however, demonstrate that the large hall and stage area are consistently underutilised. The costs of running

the building still sits with SCC and these costs are likely to increase by 40% due to more intensive use. This will be off-set however by the new rental income from an Early Years provider. Therefore, it is projected that with a suitable early years tenant identified, the net revenue benefit of this approach will be £13,305 per annum.

8. Unlike Molesey, the old fire station in Elm Grove Walton is vacant and Property Services would encourage a provider to take on a long lease with applicable breaks; hence, to avoid the Council bearing ongoing revenue costs associated with running and maintaining, business rates as well as security. The total combined revenue benefit from both buildings, assuming both premises are subsequently let to an early years provider, is anticipated to total £36,509.

#### **CONSULTATION:**

9. There is no requirement for any formal consultation on this decision.

#### **RISK MANAGEMENT AND IMPLICATIONS:**

10. For Walton and Molesey there is the risk of not meeting demand in the area without opening new provision for two, three and four year olds, as other settings are at capacity and only have the potential to offer small numbers of places. These areas have had and still have one of the highest numbers for places. Therefore, Property Services as well as the Early Years and Childcare Service (EYCS) have identified opportunities within the existing operational portfolio which reflect best value for accommodating a private, voluntary or independent provider. This approach meets with the shared spaces agenda.
11. As the buildings are owned by SCC, the Council has greater leverage to ensure the capital investment, via a tender, will only be used for the creation of places for two, three and four year old places olds.
12. There is a requirement on SCC to ensure that two, three and four year old places are made available to eligible children and there is a risk to the County Council's reputation if it is not able to fulfil this requirement.
13. At Elm Grove, there is increased risk of deterioration, vandalism and/or squatting whilst the building remains vacant. By doing nothing, the property revenue costs associated with maintaining a vacant property at the Old Fire Station are also likely to increase over time. Business rates and planned maintenance obligations also create pressure on resources.
14. At Elm Grove the introduction of increased usage may exacerbate parking and traffic flow within the private cul-de-sac where it is situated. The introduction of a travel plan to mitigate the impact and stagger the drop off times is aimed at alleviating traffic flow concern. Making best operational use of the adjacent youth centre car park will further ease this.
15. The improvement works at Molesey Youth Centre will mitigate the safeguarding issues that would otherwise exist amongst vulnerable user-groups already located on site. Regular support for Early Years' provision by an attached Early Years Improvement Advisor will help the provider to

ensure the safety and well-being of children to meet the Early Years Foundation Stage Safeguarding and Welfare Requirements.

16. The service has experience of undertaking tenders to identify suitable providers of early education and childcare provision and will set a timeframe to run alongside the planning application and build programme to ensure a provider is identified so that there is no capital investment without confirmation of delivery on the setting up of the provision.
17. Over the past seven tenders there have been 85 expressions of interest with around eight applicants for each tender. One of the most recent tenders was for the Merstham hub, which commenced with an open day, there were 23 expressions of interest before the open day with an additional eight people taking tender packs on the day totalling 31 expressions of interest. It was expected to receive at least 15 applications. At the tender there were providers who were also looking for premises in other parts of the county and wanting larger premises and longer hours. There was also interest from larger providers such as The Pre-school Learning Alliance and YMCA.
18. All applicants are assessed on their ability to take on the financial commitment of running a nursery. Short-listing and interviews take place by officers from Early Years, property and procurement. The process is robust and ensures that the winning tender is able to meet the legal requirements of Early Years Foundation Stage to provide sufficient quality childcare places alongside having a business model that will be sustainable for future needs.
19. Financial and Value for Money Implications
  - a. Funding of £312,000 is proposed to create 92 places for two, three and four year olds that will help to meet the need for places in the Walton and Molesey areas.
  - b. As part of financial governance, the business for all capital schemes is reviewed by the Council's Investment Panel in order to provide assurance that proposals are robust. This scheme was considered by the panel in April and June 2016 and support was given.

#### **Section 151 Officer Commentary**

20. Within the Medium Term Financial Plan (MTFP) a capital budget of £3.5m has been approved to support the development of early education and childcare places in the areas of greatest need where a private provider will not create such provision or is unable to secure the full investment themselves. This capital budget is in part funded by £2.2m of capital grant made available by the DfE.
21. Of the £3.5m capital budget £2.6m has already been allocated to schemes leaving £0.9m available for further schemes. This report recommends allocating capital resources of £0.3m to schemes at Molesey Youth Centre and the vacant Elm Grove Fire Station. If approved, the level of unallocated capital resources would be £0.6m. In revenue terms, the proposed use of these properties offers the opportunity to avoid costs and generate income of £49,800 per annum.



### **Legal Implications – Monitoring Officer**

22. All three to four year olds in England are entitled to 570 hours of free early education or childcare per year. Some two year olds are also entitled to this benefit if their families meet the financial eligibility criteria. Approval of the recommendations in this report will enable the Council to fulfil its obligations in parts of the county where there are currently insufficient places.

### **Equalities and Diversity**

23. A full equalities impact assessment has not been undertaken on this proposal as it is unlikely that the proposal would have a negative impact on any groups with protected characteristics. The proposals within this report are targeted at sections of the community that are already at risk of not accessing services.

### **Other Implications:**

24. The potential implications for the following Council priorities and policy areas have been considered. Where the impact is potentially significant, a summary of the issues is set out in detail below.

Area assessed:	Direct Implications:
Corporate Parenting/Looked After Children	Looked after children are eligible for an early education place, including when they are two.
Safeguarding responsibilities for vulnerable children and adults	No significant implications arising from this report.
Public Health	No significant implications arising from this report.
Climate change	No significant implications arising from this report.
Carbon emissions	No significant implications arising from this report.

### **Corporate Parenting/Looked After Children Implications**

25. The DfE has stipulated that Looked after Children are eligible for a FEET place as well as being able to access an early education place when they are three and four. The Children's Service has been informed of this and places have been taken up by Looked After Children.

### **Safeguarding responsibilities for vulnerable children and adults implications**

26. There are no significant implications arising from this report. However, access to a FEET place is part of the County Council's early intervention programme and, with the support offered through the children's centre, any concerns will be addressed earlier.

### **Public Health implications**

27. There are no significant implications arising from this report.

### **Climate change/carbon emissions implications**

28. The County Council attaches great importance to being environmentally aware and wishes to show leadership in cutting carbon emissions and tackling climate change. The new buildings will comply with, or exceed, Building Regulations. The contractor will be required to provide a Site Waste Management Plan.

### **WHAT HAPPENS NEXT:**

29. The next steps that will follow any decisions taken by the Cabinet Member will be:

- For the Early Education and Childcare Service and Property Services to move forward with the tender of the proposed accommodation at the Old Fire Station Elm Grove and at Walton and Molesey Youth Centre .

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#### **Contact Officer:**

Phil Osborne, Head of Early Years and Childcare Service, Tel: 01372 833861

#### **Consulted:**

Finance service within Surrey County Council  
Elmbridge Borough Council

#### **Annexes:**

There are no annexes attached to this report.

#### **Sources/background papers:**

There are no background papers in relation to this report.

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**SURREY COUNTY COUNCIL****CABINET MEMBER FOR SCHOOLS, SKILLS AND EDUCATIONAL ACHIEVEMENT****DATE: 19 JULY 2016****LEAD OFFICER: JULIE STOCKDALE, INTERIM ASSISTANT DIRECTOR FOR SCHOOLS AND LEARNING****SUBJECT: OPENING OF ADDITIONAL TEMPORARY SCHOOL PLACES FOR PUPILS WITH AN EDUCATION HEALTH AND CARE PLAN****SUMMARY OF ISSUE:**

Following a significant increase in the number of reception age pupils receiving an Education Health and Care Plan (EHCP) the Council is offering places to in excess of 37 reception age children above the standard admission number at a range of Special Schools, Units and supported school placements. It is intended that these pupils, subject to the normal review of their EHCP, will remain on roll at the schools for length of time relevant to the phase of the school, whether primary or cross phase.

There are capital costs at specific sites that are associated with this increase in pupil placements. These need to be set against the ongoing revenue costs that would be borne by the placement of these pupils in the non maintained independent sector which would result from a failure of the authority to offer appropriate places within the maintained sector. Specifically the temporary increase in admission number at three Special Schools and one Mainstream unit to enable the placement of 22 pupils with EHCP from September 2016 will require capital works.

**RECOMMENDATIONS:**

It is recommended that the Cabinet Member for Schools, Skills and Educational Achievement approves the temporary provision of additional reception age capacity and the associated capital expenditure at the four identified locations is approved to enable the placement of 22 pupils with an Education Health and Care Plan. This recommendation is subject to the business case being supported by Investment Panel.

**REASON FOR RECOMMENDATIONS:**

The Council has a statutory duty to make appropriate education provision available for all of its residents, this work will make sure that duty is met. In addition, this action will ensure that the most appropriate education offers are made to some of our most vulnerable pupils. Furthermore, the capital cost associated with this work is significantly mitigated by ongoing revenue savings against alternative provision.

**DETAILS:**

1. Surrey County Council's (SCC) Special Educational Needs (SEN) teams have been dealing with a significant number of unplaced pupils at various SEN admission forums from the infant stage. In excess of 37 additional pupils have required placement, this figure is fluid relating to individual parent and

caseworker decisions. A range of placement solutions have been considered for these pupils, making use of supported mainstream places (two places), specialist centres (two places) and by providing additional places at our existing Special Schools (33 places).

2. The increase in demand for places was significantly above trend. The Council is undertaking a significant review of its forecasting in relation to better reflecting future needs from pupils with an EHCP, however this particular provision is being regarded as genuine bulge needs. The review of needs and forecasting will feed in to a wider strategy for provision that will include the Council's response to any successful Free Special School bids that may be submitted within the County.
3. To support the requirement to place the additional pupils in 2016, all relevant Special schools held a supported workshop at County Hall to identify who could offer appropriate special or unit supported school places. This review was conducted in reference to the following key achievable principles
  - a. Existing school accommodation can be used with no or limited capital cost
  - b. Offer in place and accessible from September
  - c. Where possible Parental preference would be matched
  - d. Offer for 2016/17 Reception aged pupils but for those pupils to be retained by the school as per a usual cohort
  - e. Aim to ensure that the placement is close to home
4. As a result of this and work with area leads all pupils are in a position to be offered places. This has included offering above PAN at Special Schools (4 places), specialist centres and supported places, additionally 4 special schools have agreed to provide discreet bulge class provision as follows;
  - a. Linden Bridge - 8 pupils
  - b. Gosden House - 4 pupils
  - c. Brooklands - 8 pupils
  - d. Freemantles - 9 pupils
5. The majority of these places can be offered without any capital implications, there are however three Special Schools and one Primary School unit where it has been identified that there will need to be capital work. The Council's property team have visited all sites and considered the work required in consultation with the relevant schools
6. The table below indicates the schools and current indicative costs:

<b>Special schools</b>	<b>Cost</b>
Linden Bridge (8 places)	£38,000
Gosden House (4 places)	£72,000
Brooklands (8 places)	£176,000
William Cobbett (2 places)	£40,000
<b>Total:</b>	<b>£326,000</b>

7. Linden Bridge School, Worcester Park is a 4-18 special school offering places to children who have needs associated with a diagnosis of Autism. The school is currently rated by Ofsted as Outstanding. Brooklands School, Reigate is a 2-11 school offering places to children who have severe and complex needs. The school is currently rated by Ofsted as Good. Gosden House School is a 4-11 special school offering places to pupils with Learning Difficulties. The School is currently rated by Ofsted as Outstanding. William Cobbett Primary School is maintained primary school with a specialist 4-11 unit for children who have needs associated with a diagnosis of Autism. The School is currently rated by Ofsted as Good.
8. These schools meet the needs of the pupils and enable to the Council to make appropriate offers of education. In addition, the schools reflect a range of specialisms and geographic locations to reflect as best as possible parental preference and reduce unnecessary travel. Furthermore, all schools are rated as either Good or Outstanding ensuring that all offers being made are to high performing schools.

#### **CONSULTATION:**

7. There is no formal requirement to consult resulting from schools temporarily admitting beyond their published admission number. However, all special schools were met and support the approach to providing additional spaces.
8. Internally all SEN area teams have been fully consulted and support this approach to providing additional school places

#### **RISK MANAGEMENT AND IMPLICATIONS:**

9. There is significant pressure on expenditure for Special Educational Needs and Disability provision and a duty for the Authority to ensure that this funding is used to maximum effect. Furthermore, there is a statutory duty to offer appropriate education for all students within the County.
10. Failure to offer places within Surrey Special School provision would necessitate the placement of these children within the Non-Maintained Independent (NMI) Sector at significant and continued ongoing revenue cost

to the Council. Making use of the flexible offer of provision in Surrey maintained special schools proposal is part of the longer term Learning Difficulties strategy to adapt and create local maintained specialist provision which meets the profile of pupils identified with SEND in Surrey and reduce the Councils reliance on the NMI sector.

11. There are risks associated with building projects, a risk register has been compiled and is regularly updated. A contingency allowance appropriate to the scheme has been included within the project budget to mitigate for potential identified risks.

<b>Financial and Value for Money Implications</b>
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12. The capital funding in the SEN strategy programme in the 2016-21 Medium Term Financial Plan will be redirected and prioritised to fund these capital works.
13. This capital work will provide 22 places that would otherwise probably need to be met in the non-maintained sector. The table below indicates the estimated revenue cost avoidance. It should be noted that this would be a year on year cost.

Primary Need	Number of Primary Aged Pupils in NMIS	Total Costs of NMI/PRU Placement	Total Costs of revised Surrey Placements	Average Cost of NMI/PRU Placement	Average Cost of Surrey Placement
Communication and Interaction Needs (COIN)	6	£126,000	£78,000	21000	£13,000
Autistic Spectrum Disorder (ASD)	16	£592,000	£320,000	37000	£20,000
Total	22	£718,000	£398,000		

It would therefore be anticipated that the potential revenue cost avoided on estimated average placement costs would be around £320,000 per annum. The cost avoidance detailed above relates only to those placements where there is a consequential capital spend, the total potential cost avoidance for all 37 placements made within maintained provision is therefore significantly greater than this projection.

14. The full financial implications will be evaluated in the business case and presented to Investment Panel.

<b>S151 Commentary</b>
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15. The 37 additional reception age placements are planned to be accommodated in in-house provision rather than in a non maintained independent sector placement, which are usually more expensive.

16. 22 of the placements require capital expenditure at the premises which they are planned to be accommodated. The estimated cost of this capital work is £326,000. The avoided revenue costs for these 22 placements is estimated at £320,000 per annum.
17. The recommendation to invest the capital sum is subject to support for the business case from Investment panel.

#### **Legal Implications – Monitoring Officer**

15. The public sector equality duty in Section 149 of the Equality Act 2010 applies to the decision to be made by Cabinet in this report. There is a requirement when deciding upon the recommendations to have due regard to the need to advance equality of opportunity for people with protected characteristics, foster good relations between such groups, and eliminate any unlawful discrimination
16. Section 13 of the Education Act 1996 places a general duty on the Council to secure that efficient primary and secondary education is available to meet the needs of the population in its area. In doing so, the Council is required to contribute to the spiritual, moral, mental and physical development of the community. Section 14 of the Education Act 1996 places a duty on the Council to secure that sufficient schools for providing primary and secondary education are available in its area.
17. The best value duty is contained in s3 of the Local Government Act 1999 as a result of which the Council is under a duty to make arrangements to secure continuous improvement in the way in which functions are exercised, having regard to a combination of economy, efficiency and effectiveness. The relevant guidance states that Councils should consider overall value, including economic, environmental and social value when reviewing service provision.

#### **Equalities and Diversity**

18. This action will increase educational provision and be open to all relevant children with an EHCP. No group with any protected characteristics under equalities legislation will be affected by this proposal as increased provision for all children with protected characteristics will be made. The schools will continue to offer provision as they have done previously with no changes for children and young people or staff. As a result no EIA has been produced. However, with the increase in provision being open to all applicants, with the highest priority given to Looked After Children, this proposal will support our most vulnerable children.

#### **Corporate Parenting/Looked After Children implications**

19. This action will increase the number of places available within in Surrey Maintained schools for LAC pupils, it supports our corporate objectives to meet the needs of this vulnerable group.

#### **Safeguarding responsibilities for vulnerable children and adults implications**

20. Safeguarding vulnerable children is a high priority in all Surrey schools. Schools have considerable expertise in safeguarding vulnerable children and

adhere to robust procedures. The schools concerned will continue to apply good practice in the area of safeguarding, following the same good and outstanding practises that the four individual schools are currently. In addition, safeguarding is a key area for monitoring when Ofsted carries out inspections.

<b>WHAT HAPPENS NEXT:</b>
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21. Subject to Cabinet Member and Investment Panel approval, schools will continue to work with property colleagues to enable works to commence to enable pupils to be admitted in September. Elements of the work detailed above can be completed during the Summer break, further elements will be scheduled in as appropriate with schools making no cost contingencies in the short term.
22. All pupils will be admitted in September to allow the Council to meet its Statutory Duty.

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**Contact Officer:**

Nicholas Smith, School Commissioning Officer: Tel 0208 541 8902  
Julie Beckett, School Commissioning Officer: Tel 01483 518 109

**Consulted:**

Linda Kemeny Cabinet Member Schools, Skills and Educational Achievement  
Liz Mills: SEND Strategy Lead  
Keith Brown: Schools and Capital Programme Manager  
Surrey Special Schools

**Annexes:**

None

**Sources/background papers:**

None

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**SURREY COUNTY COUNCIL****CABINET MEMBER FOR SCHOOLS, SKILLS AND EDUCATIONAL ACHIEVEMENT****DATE: 19 JULY 2016****LEAD OFFICER: JULIE FISHER, DEPUTY CHIEF EXECUTIVE****SUBJECT: PRIMARY AND SECONDARY FAIR ACCESS PROTOCOLS 2016/17****SUMMARY OF ISSUE:**

Each local authority must have a Fair Access Protocol in place and all schools in a local authority area must participate in it. A Fair Access Protocol ensures that unplaced children, especially the most vulnerable, are offered a place at a suitable school in their home local authority as quickly as possible. This includes admitting children above the published admission number to schools that are already full.

The proposed Protocols set out the criteria that the local authority will use to determine which children will be placed under Surrey's Fair Access Protocol in 2016/17 and how cases will be considered. The changes proposed to the Protocols for 2016/17 take into account comments received from schools and Surrey County Council (SCC) officers.

**RECOMMENDATIONS:**

It is recommended that the Cabinet Member for Schools, Skills and Educational Achievement agrees the proposed Primary and Secondary Fair Access Protocols for 2016/17.

**REASON FOR RECOMMENDATIONS:**

- The local authority is required to have a Protocol in place that all schools must participate in.
- The proposed Protocols meet the requirements of the 2014 Department for Education School Admissions Code.
- Schools have been involved in the review.
- The Protocol will ensure that children who are out of school can be placed in school quickly.
- The Protocol will ensure that no school is expected to admit more than their fair share of children with challenging behaviour or children previously excluded from other schools.

**DETAILS:****Changes to the Primary and Secondary Fair Access Protocols**

1. Copies of the proposed Primary and Secondary Fair Access Protocols along with the Framework and Common Principles of Fair Access Panels for 2016/17 are attached as **Annexes 1 to 4**.

2. Generally the Protocols have been working well and there has been little demand for change.
3. The majority of changes generally relate to changes of wording to add clarity and some amendment to text following suggestions from the Fair Access Review Group.

#### **CONSULTATION:**

4. Comments were initially sought from the Fair Access Protocol Review Group which met on 19 January and 21 March 2016. Further comments were sought from this group on 20 June 2016 when the consultation had almost finished and anonymised responses to date could be discussed. Representation on that group was from schools, Secondary Phase council, local authority area teams and Surrey's Admissions Team.
5. Feedback from the Fair Access Protocol Review Group was that, as last year, the Protocols were working well and the few areas of concern rested more with the operation of the placement panels and the data that schools had to consider cases.
6. The Fair Access Protocol Review Group agreed that the introduction in 2015/16 of an overarching Framework document to set out the principles of Surrey's Fair Access Protocol had worked well. The Framework included a section on the roles and responsibilities of the key stakeholders and gave schools and local authority teams more clarity about the rationale behind the Protocol.
7. The Fair Access Protocol Review Group further agreed that the introduction in 2015/16 of a set of Common Principles of Surrey Fair Access Panels had also been successful. As all secondary schools were already part of an existing panel, this had acted as a reminder of good practice for them. For those areas which were piloting a Primary panel or those which were considering setting one up, the Common Principles had acted as a guide. The Primary and Secondary Fair Access Protocols should be read alongside the Framework and the Common Principles documents.
8. Changes were agreed with the Fair Access Review Group and are highlighted in bold in the proposed Protocol documents. Changes include:
  - a. Clarification that children to be placed via the Fair Access Protocol must have a legal right to access state funded education (paragraph 2.2 of the Primary and Secondary Protocols).
  - b. Clarification of the definition of being out of education for longer than two months (paragraph 2.2g of the Primary and Secondary Protocols).
  - c. A new section to explain the circumstances in which a school might not admit a fair access child (section 7 in the Primary Protocol, replacing paragraph 6.12 in the 2015/16 Protocol, and section 6 in the Secondary Protocol).
  - d. A change in wording from "reasons" to "compelling reasons" why a school may not be an appropriate placement for the child (section 7 in the Primary Protocol, replacing paragraph 6.12 in the 2015/16 Protocol).

- e. Clarification that while community and voluntary controlled schools may refer cases back to the local authority for consideration under fair access, the local authority, as admission authority for the school, will decide whether a place should be offered at that school (paragraph 7.1 of the Primary Protocol and paragraph 6.1 of the Secondary Protocol).
  - f. The addition of a table in section 12 of the Primary Protocol setting out the process to place children, to replicate the table in the Secondary Protocol.
  - g. A change in wording in the Protocol and Framework from “7 calendar days” to “5 school days”.
9. The draft Protocols were distributed on 18 May 2016 to all schools and to the Primary and Secondary Phase councils for consideration. The Area Education Officers and ALPS were also consulted and were asked to share the consultation with Education Welfare Officers and Pupil Referral Units.
  10. Consultees were given until 22 June 2016 to submit their response.
  11. The draft Protocols were also distributed to the Admissions Forum for its meeting on 17 June 2016.
  12. The Fair Access Protocol Review Group had received a request to include year 6 pupils as a category within the Primary Protocol, to mirror the Secondary category of year 11 pupils. However, on consideration of this matter the Review Group decided not to progress this as a proposal for consultation. It was noted that the purpose of the Fair Access Protocol was to ensure vulnerable and challenging children were placed in school quickly and that schools with vacancies were protected from admitting an unfair number of challenging pupils. The Review Group felt that the majority of year 6 pupils would not be considered to be vulnerable or challenging and that placing them through the Protocol could cause unfair delay to their admission which could disadvantage them in their transition to secondary school. In this way, the issues for year 6 pupils are different from year 11 pupils. In addition, the Review Group felt that the current volume of non-fair access year 6 applicants would be unmanageable if they were all placed via fair access.
  13. However, alongside the consultation for 2016/17, consultees were asked about the specific issues that year 6 pupils may present when admitted into that year group. This was to enable the local authority to understand whether there were other categories of fair access not currently included in Surrey's Fair Access Protocol that might incorporate year 6 pupils. The following question was included with the consultation and consultees were invited to include an additional response with their consultation response: “What issues may year 6 admissions present for schools when the child does not ordinarily meet fair access?”
  14. A total of 11 written responses were received to the consultation, of which 9 submitted comments or suggestions for change.
  15. The following comments relating to the Protocols were received:
    - In the Common Principles point 5, it is not reasonable to put “all children must be placed”. This is not necessarily possible. **Response: this is worded in this way to communicate a strong expectation that all**

**children will be placed. We recognise that there may be specific cases where a child cannot initially be placed at a panel, but we do not propose to include this in the Common Principles.**

- The Common Principles point 11 implies that the child is being used to punish schools, which is ethically unsound. The school may have tried everything humanly possible to make a placement work, or a parent may have chosen to move a child for no good reason. **Response: we recognise that there are different reasons that cause a child to leave a school, and that school will always have an opportunity to account for this at the panel.**
- I believe the new section 7 of the Primary Protocol should be absolutely clear with no margin for interpretation. If we have a clear list of reasons why a school does not have to take a child, I think this will make panel working more clear cut and therefore fairer to schools. **Response: where a child is being placed via a panel, it will be the decision of that panel to decide whether to accept the argument of a school as to why they cannot admit. Every fair access case is different and we do not propose to include a list of what 'compelling reasons' there might be not to admit a child, as this could never be definitive and may be different in different cases.**
- In section 7 of the Primary Protocol, the quota needs quantifying, otherwise this clause will be interpreted differently across the county. **Response: this will be cross-referenced to section 4 of the Protocol for clarification.**
- In section 11 of the Secondary Protocol, category L, does this indicate that the pupils who need an allocated school in order for Education Welfare to issue a School Attendance Order do not need to be placed via a panel? **Response: Admissions is aware that there is varying practice here across Surrey, and will work with the four Area Leads for Pupil Support to agree a process of naming a school for this purpose.**
- It should be made clear in the Protocols that any decision should be in the best interests of the child and other children at the school. **Response: while the Protocols clearly state that placement decisions should be made in the best interests of the child (point 10 of the Common Principles), there may be cases where this has to override the best interests of other children at the school, in order to effect a school placement for a fair access child. An example of this would be a fair access child referred under category e) of the Protocol.**
- Paragraph 5.9 of the Primary Protocol states that the Headteacher of own admission authority schools should not need to seek prior or subsequent governing body authorisation to admit a fair access child; however, I believe schools have seven calendar days to respond to fair access requests. **Response: where a child is allocated a school via a panel, that school is then expected to admit the child without delay.**
- Where paragraphs 5.10 and 5.12 of the Primary Protocol are taken into account, care should be taken that decisions made are still in the best interests of the child. If panels do use these paragraphs as a way of

coming to a decision, there should be proper documentation about the rationale for the decision. **Response: this is a matter for individual panels as to how they operate.**

- Under paragraph 2.2 d) of the Protocol, should this be changed from 85% attendance to 90%? **Response: while we recognise that the threshold for persistent absenteeism has been raised to 90%, there has not been a strong demand from schools to alter this category of fair access accordingly. Changing this to 90% would result in more children being designated fair access and hence would have an impact on local authority services such as Admissions and Access To Education. Therefore we do not propose to revise this category at this time.**
- Could the Protocols include a process whereby if there is a family of fair access siblings who cannot be accommodated at a local school together without one or more of the year groups admitting over their published admission number, the parent is contacted by Admissions and advised of the closest school that could accommodate all of them within number? **Response: since there is no automatic duty under fair access to meet parental preference, even if a parent did alter their preference schools as a result of discussion with Admissions, this would not necessarily mean that a closer local school might not still be expected to admit all the siblings. Therefore we do not propose to add this process to the Protocols.**

Comments related to the separate question about year 6 pupils:

- Where it states that 'vulnerable children will be placed in a suitable school', should we consider the aspiration to try to place vulnerable children in the closest outstanding school? This way the most vulnerable children will be placed in an establishment that will be providing them with the best care our schools have to offer. **Response: in some parts of Surrey where there are fewer schools, the closest outstanding school could be located some distance away, resulting in the child having to travel further and the local authority incurring additional transport costs. This could also result in fewer schools admitting fair access pupils if there was a focus on predominantly outstanding schools. Furthermore, a school's Ofsted rating of outstanding could be several years old and may not reflect the current reality.**
- I totally agree that year 6 pupils should not form a fair access category of their own. Year 11 makes more sense, as this is when they take exams which have implications for their life chances. In Year 6 they would take SATs which have no impact whatsoever, but since they affect schools so seriously, it would be most unfair to place them via Fair Access. **Response: we agree that year 6 pupils should not be a standalone category of fair access.**

16. The Fair Access Protocols were circulated to Primary Phase Council. Members were supportive of the Protocols and their principles and did not have any comments to make as a group.

17. The Fair Access Protocols were also circulated to Secondary Phase Council. Members did not have any comments to make as a group.
18. Where appropriate, comments from the consultation have been taken in to account in the final Protocols recommended for approval for 2016/17.

#### **RISK MANAGEMENT AND IMPLICATIONS:**

19. The Protocols reduce the risk of children being left without a school place by ensuring there is a process to place them in school and a sense of shared responsibility between the local authority and the schools. Once placed in a school, the Protocols ensure that children will be placed on roll quickly to ensure that no child remains out of school for longer than necessary.
20. The Protocols reduce the risk of undersubscribed schools being asked to admit more than their fair share of children with challenging behaviour or children who have been excluded from other schools.

#### **Financial and Value for Money Implications**

21. Additional financial support to maintained schools for Fair Access Protocol placements comes from a designated budget allocation and acts as an incentive for schools to participate and to admit children.
22. Where financial support is available, it is targeted in respect of those children who are considered to be most challenging (categories a to g for Primary and categories a to h for Secondary). Despite qualifying under the Protocol, the other categories of children will not necessarily require additional resource within schools. However, in order to encourage successful reintegration of children, funding for any term will continue to 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.
23. Other funding is also available to schools for excluded pupils, dependent on the date of the exclusion and the school that the child had previously been excluded from.
24. In addition, maintained schools and academies will receive AWPU funding for Year 11 pupils placed on roll after 2 October 2016 and before the end of the spring term 2017 under categories a – h of the Secondary Protocol (but not previously permanently excluded), on a pro rata basis. Late Year 11 placements are particularly problematic because schools will not ordinarily receive funding because this cohort will have left the school by the next census date. It is hoped that this will offer some incentive to schools to admit year 11 children.

#### **Section 151 Officer Commentary**

25. There has been increasing pressure on Fair Access Protocol funding in recent years. However, it is not anticipated that the changes to the Protocol will increase costs.

## **Legal Implications – Monitoring Officer**

26. The 2014 DfE School Admissions Code requires local authorities to have a Fair Access Protocol in place to ensure that education can be secured quickly for children who have no school place and that all schools in an area admit their fair share of children with challenging behaviour, including children excluded from other schools.
27. The proposed Fair Access Protocols are compliant with the 2014 DfE School Admissions Code.

28. Public sector equality duty:

The public sector equality duty (Section 149 of the Equality Act 2010) applies to the decision to be made by the Cabinet Member in this report. There is a requirement when deciding upon the recommendations to have due regard to the need to advance equality of opportunity for people with protected characteristics, foster good relations between such groups and eliminate any unlawful discrimination. These matters are dealt with in the equalities paragraphs of the report and in the attached Equalities Impact Assessment (EIA).

29. Pre-consultation:

There is a clear expectation in public law that the Council should carry out a consultation process whenever it is considering making significant changes to service provision, particularly including the closure of any of its resources. Such consultation will need to involve those directly affected by such changes together with relevant representative groups. It will be important that the material presented to consultees provides sufficient information to allow for intelligent consideration and response in relation to the proposals. This information will need to be presented in a way that consultees will understand. The responses to the consultation will need to be conscientiously taken into account when the Cabinet Member makes any future decision.

30. Post-consultation:

In considering this report, the Cabinet Member must give due regard to the results of the consultation as set out in the report attached and the response of the Service to the consultation comments and conscientiously take these matters into account when making its final decision.

31. General Decision-Making:

In coming to a decision on this issue, the Cabinet Member needs to take account of all relevant matters. The weight to be given to each of the relevant matters is for the Cabinet Member to decide. Relevant matters in this context will include the statutory requirements, the policy considerations, the impacts of the options on service provision, the Medium Term Financial Plan (MTFP), the Council's fiduciary duty, any relevant risks, the results of the consultation and the public sector equality duty.

32. Best value duty:

The best value duty is contained in section 3 of the Local Government Act 1999 as a result of which the Council is under a duty to make arrangements to secure continuous improvement in the way in which functions are exercised, having regard to a combination of economy, efficiency and effectiveness. The relevant guidance states that Councils should consider overall value, including economic, environmental and social value when reviewing service provision.

#### **Equalities and Diversity**

33. An Equality Impact Assessment has been completed and is included in Annex 5.
34. There are no negative impacts on any equality group. Placements under the Fair Access Protocols are currently less than 150 a year and as such these Protocols will not affect many people nor have a severe effect on some people.
35. The Fair Access Protocols are designed to ensure that children who are out of school are placed in school quickly. This will ensure that the equality groups identified in the EIA will face a positive impact as a result of these Protocols as they will be placed in school quickly, even if a school is full.

#### **Corporate Parenting/Looked After Children implications**

36. Looked After Children are placed in accordance with Surrey's Protocol for the Processing of In Year Admissions for Children in Care and thus they are not considered under Surrey's Fair Access Protocols.

#### **Safeguarding responsibilities for vulnerable children and adults implications**

37. The Fair Access Protocols provide for vulnerable or challenging children who are out of school to be placed in school quickly and this contributes to Surrey's safeguarding responsibilities for vulnerable children.

#### **WHAT HAPPENS NEXT:**

38. The Protocols will be shared with all schools and relevant officers and implemented for 2016/17.
39. The Admissions Forum will monitor the effectiveness of the Protocols throughout the year.

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#### **Contact Officer:**

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#### **Consulted:**

- Julie Stockdale, Acting Assistant Director for Children, Schools and Families
- Sarah Baker and Rachel Hickman, Legal and Democratic Services
- Infant, Junior, Primary and Secondary schools and PRUs in Surrey
- Area Education teams
- Children, Schools and Families Finance



- Members of the Admission Forum
- Diocesan Board representatives

**Annexes:**

Annex 1 – Framework for Fair Access Protocol

Annex 2 – Common Principles of Fair Access Panels

Annex 3 – Primary Fair Access Protocol

Annex 4 – Secondary Fair Access Protocol

Annex 5 – Equality Impact Assessment

**Sources/background papers:**

- Department for Education School Admissions Code - December 2014
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# Framework for Surrey's Fair Access Protocol

<b>1.</b>	<b>Introduction</b>	
	1.1	This document sets out the framework within which Surrey's Primary and Secondary Fair Access Protocols will operate during <b>the academic year 2016/17</b> .
	1.2	The Fair Access Protocols are operated by Surrey in partnership with all state funded mainstream schools.
	1.3	The following documents form part of this framework: <ul style="list-style-type: none"> <li>• Common Principles of Surrey Fair Access Panels</li> <li>• Primary Fair Access Protocol 2016/17</li> <li>• Secondary Fair Access Protocol 2016/17</li> </ul>
	1.4	This framework should be read alongside each of these documents.
<b>2.</b>	<b>Background</b>	
	2.1	Paragraph 3.9 of the School Admissions Code confirms that each local authority must agree a Fair Access Protocol with the majority of schools in the 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'.
	2.2	Paragraph 3.8 of the School Admissions Code confirms that admission authorities must not refuse to admit children in the normal admission round on the basis of their poor behaviour elsewhere. However paragraph 3.9 of the School Admissions Code confirms that in agreeing a Protocol for admissions outside the normal admissions round, '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 another school or who have challenging behaviour'.
	2.3	Once agreed, all schools in the area, including all own admission authority schools, must participate in the Fair Access Protocol. Failure by a school to engage in the fair access process will not prevent a child being placed at that school.
	2.4	The protocols ensure that access to education is secured quickly for the most vulnerable and challenging children; and that all schools in Surrey admit their fair share of children with challenging behaviour, whether or not the school is undersubscribed.
	2.5	Whilst the protocols provide for the most vulnerable children to be admitted to school quickly, unnecessary transfers between schools are strongly discouraged. Schools are expected to work with children and their families/carers to prevent unnecessary transfers between schools.

	2.6	Surrey works together with schools to reduce and prevent permanent exclusion. Managed moves which may be arranged between schools before a child reaches the point of permanent exclusion will not qualify as a placement under Surrey's Fair Access Protocol.
<b>3</b>	<b>Principles of Surrey's Fair Access Protocol</b>	
	3.1	The Fair Access Protocol applies to all state funded <b>mainstream</b> schools in Surrey. All schools will work collaboratively regardless of the type of school.
	3.2	The majority of children applying outside a normal admission round will be admitted to a school through each school's in year admission procedures. However Surrey's Fair Access Protocol will be triggered when a child who is applying for in year admission is identified as falling within one of the criteria set out within the protocol.
	3.3	Children applying for a place as part of the normal admissions round to Reception, Year 3 and Year 7 must be considered alongside all other applicants and cannot be placed through the Fair Access Protocol.
	3.4	Where possible, parental preference will be considered but this will not override the Fair Access Protocol if the preferred school is unable to admit the child. However, all applicants will be advised of their right of appeal if a place at a preferred school is not offered.
	3.5	While all schools will be part of the Fair Access Protocol, exceptionally there may be circumstances where a school will not be expected to take a child under the Protocol. The circumstances where a school might not be asked or might refuse to admit such a child are set out in each Protocol.
	3.6	Admission authorities will 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 (paragraph 3.13 of the School Admissions Code).
	3.7	Admission authorities will not cite oversubscription as a reason for not admitting a child 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 child (see Appendix 1 to the Primary Protocol for cases that might be considered as an exception to Infant Class Size legislation).
	3.8	There are clear benefits of the panel process in placing fair access children. This works well in the secondary sector and <b>is increasingly being implemented in the primary sector</b> . This approach is encouraged as it provides for a fair and transparent distribution of children and enables headteachers to make collaborative decisions.
	3.9	Children placed under the Fair Access Protocol will be given priority for admission over others on a waiting list (Paragraph 2.14 of the School Admissions Code).

	3.10	A child will not be counted as having been placed under the Fair Access Protocol for a particular school if the placement breaks down within 12 school weeks of the child's start date and the child is taken off roll of that school.
	3.11	At the latest, a child being placed through the Fair Access Protocol will be placed on roll within <b>5 school</b> days of the school receiving a copy of the offer letter to the parent/carer, and the child should start at the school within <b>5 school</b> days of going on roll. Placing on roll should not be subject to a meeting with the parent/carer, although a meeting might be arranged to discuss a start date and to discuss the child's integration to the school.
	3.12	A copy of the offer letter will be sent by Admissions to the Area Education Welfare Manager. Once on roll any attendance issues should be dealt with as appropriate through the school's attached Education Welfare Officer.
	3.13	Under no circumstances will a school ask a parent/carer to withdraw a child from the school's roll. If a school continues to face difficulty with a child who is on their roll, such as through poor attendance or challenging behaviour, they will seek support from the Area Education Welfare Manager or Area Lead for Specialist Teachers in the first instance.
	3.14	If information comes to light which indicates that a school has taken a child off roll inappropriately or has not sought appropriate support for a child whilst they were on roll, the admissions team will refer that information to the Area Education Welfare Manager who will liaise with the school as appropriate.
	3.15	In the unlikely event of a child not being placed through the Fair Access Protocol, Surrey's Admissions team will identify a school in liaison with the Area Lead for Pupil Support. In such circumstances, the school identified by Surrey's Admissions team will be expected to admit the child without delay. However in the event of the identified school refusing to admit the child, Surrey's Admissions team will follow due process in order to <b>instruct a community or voluntary controlled school or to direct an own admission authority school to admit the child.</b>
	3.16	Fair access children who cannot be offered a place at a preferred school have the same right of appeal as any other child. The admission authority for that school must inform the parent of their right of appeal promptly.
4.	<b>Roles and responsibilities</b>	
	4.1	<p>Admissions:</p> <ul style="list-style-type: none"> <li>• identify fair access children, either through direct in year applications or via a referral from an own admission authority school;</li> <li>• where an area panel exists and the child is in a fair access category to be placed at a panel, refer pupils to the Access to Education (A2E) team through the Area Lead for Pupil Support;</li> <li>• attend the area panels as appropriate, and send the offer letters following notification of placements;</li> <li>• where there is no area panel or the child is not in a fair access category to be placed at a panel or the child is unplaced at panel, allocate a school to the child, via a direction if necessary;</li> </ul>

- monitor the placements to ensure the child is placed on roll and completes 12 weeks on roll;
- authorise the release of Fair Access funding to the relevant school;
- maintain statistics on number of fair access placements agreed for each school.

#### Area Leads for Pupil Support:

- refer recently excluded children to a Pupil Referral Unit;
- consider whether a managed placement can be arranged with a school for a child in a Pupil Referral Unit or in alternative provision ready for mainstream reintegration, or whether the child needs to be placed via the Fair Access Protocol;
- refer any children who may not be suitable for mainstream schooling to Education Psychology for assessment prior to deciding an appropriate placement;
- refer other fair access children to the A2E team when notified by Admissions;
- arrange for an A2E assessment and collate information to be submitted to the area panel;
- facilitate the placing of fair access children at the area panel;
- notify Admissions of panel placements;
- where a placement breaks down, work with the school to identify an alternative solution.

#### Access to Education (A2E)

- receive referrals through the Area Leads for Pupil Support, from Admissions;
- complete an assessment of the child and arrange interim tutoring;
- provide written information on the child's progress to the Area Lead for Pupil Support;
- attend the area panels as appropriate;
- provide reintegration support as required to the incoming school.

#### Pupil Referral Units (PRUs)

- inform the Area Lead for Pupil Support of pupils in the PRU who are ready for reintegration into a mainstream school;
- receive referrals from the Area Lead for Pupil Support for recently excluded pupils;
- provide written information on the child's progress at the PRU to the Area Lead for Pupil Support;
- attend the area panels as appropriate;
- provide reintegration support as required to the incoming school.

#### Schools

- own admission authority schools:
  - identify fair access cases from in year applications that are received direct
  - consider whether able to admit without the need to refer to the Fair Access Protocol for placement
  - complete a fair access referral form and send promptly to Admissions indicating whether able to admit

		<ul style="list-style-type: none"> <li>• all schools: <ul style="list-style-type: none"> <li>- where a child is not in a fair access category to be placed at panel or where there is no panel in operation, respond within 5 school days to a request from Admissions to admit a child, giving a full written explanation if unable to admit</li> <li>- where an area panel exists, ensure the Headteacher or delegated colleague attends and has read all paperwork in advance</li> <li>- contribute to decision making at panels which maintains an equitable distribution of fair access pupils among schools</li> <li>- once a fair access placement is agreed, make contact with the family and arrange for the child to go on roll within <b>5 school</b> days of the offer and to start within a further <b>5 school</b> days.</li> </ul> </li> </ul>
<b>5.</b>	<b>Monitoring and reporting</b>	
	5.1	Although no longer a statutory body, Surrey's Admission Forum will continue to monitor the effectiveness of the Fair Access Protocol.
	5.2	As part of its annual report to the Office of the Schools Adjudicator, Surrey is required to report on the effectiveness of the Fair Access Protocol, including how many children have been admitted to each <b>type of</b> school under the Protocol. Surrey's annual report must be produced by 30 June each year and must be published locally.
<b>6</b>	<b>Funding</b>	
	6.1	Funding for children identified as fair access will be allocated to the school that admits the child in accordance with <b>section 10 of the Primary Fair Access Protocol 2016/17 and section 9 of the Secondary Fair Access Protocol 2016/17.</b>
<b>7.</b>	<b>Children with a Statement of Special Educational Needs And Disability or an Education, Health &amp; Care Plan</b>	
	7.1	Children with a Statement of Special Educational Needs <b>And Disability (SEND)</b> or an Education, Health & Care Plan (EHCP) are outside the remit of Surrey's Fair Access Protocol as these children are placed in accordance with the <b>SEND</b> Code of Practice.
	7.2	However children who are awaiting a Statement of <b>SEND</b> or an EHCP will continue to be considered under normal admissions processes, including the Fair Access Protocol as appropriate, until their Statement or EHCP is agreed.
	7.3	The Fair Access Protocol does not replace the process for assessing the specialist needs of a child and putting in place appropriate provision.
<b>8.</b>	<b>Looked After Children</b>	
	8.1	Looked After Children are children who are in the care of the local authority as defined by Section 22 of the Children Act 1989.
	8.2	Looked After Children are placed in accordance with Surrey's Protocol for the Processing of in year admissions for Children in Care, and so they are outside the remit of Surrey's Fair Access Protocol.

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# Common Principles of Surrey Fair Access Panels

## Introduction

This document forms part of the Framework for Surrey's Fair Access Protocol and should be read in conjunction with that document.

## Common Principles

1. All schools are expected to participate in the panel process.
2. The representative from the school has delegated responsibility.
3. If a school has no representation at a panel, that school could still be allocated a fair access child.
4. For own admission authority schools, the delegated representative should not need to seek prior or subsequent authorisation from their governing body to admit a fair access child. This is because when a child is placed in accordance with the Fair Access Protocol, the admission authority for that school must admit the child.
5. All children must be placed at the panel.
6. Paperwork should be circulated at least **5 school** days before a panel.
7. Paperwork should be as comprehensive as possible and should include information made known to Admissions or the Area Lead for Pupil Support / Pupil Referral Unit as appropriate.
8. Attendees are expected to have read the paperwork in advance of the panel.
9. Panel paperwork should include a named person and contact details for the previous school if available.
10. Placement decisions should be made in the best interests of the child.
11. Generally a child is expected to be placed within the area where they were previously at school, even if their preference is for schools in another panel area. This is to increase a school's accountability for a child leaving that school.
12. Where a placement in another panel area is thought to be in the child's best interests, the Area Lead for Pupil Support or the Chair of the panel for the area where the child was previously at school, or the Chair of the panel for the area where the child lives if they have moved into the area, will facilitate cross-quadrant or cross-borough discussion to agree which panel will place the child.
13. Children who do not live in Surrey do not have to be placed at Surrey panels.

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## Surrey County Council PRIMARY Fair Access Protocol 2016/17

<b>1.</b>	<b>Introduction</b>	
	1.1	This document sets out the Fair Access Protocol which will be operated by Surrey in partnership with primary schools during <b>the academic year 2016/17</b> .
	1.2	This Protocol should be read alongside the Framework for Surrey’s Fair Access Protocol and the Common Principles of Surrey Fair Access Panels, which set the context for Surrey’s Fair Access Protocol.
<b>2.</b>	<b>Categories of children</b>	
	2.1	This Protocol includes all the categories that are mandatory under the School Admissions Code (denoted by *).
	2.2	Children to be placed under this Protocol will be those: <ul style="list-style-type: none"> <li>• who live in Surrey; and</li> <li>• <b>who have a legal right to access state funded education; and</b></li> <li>• who are not already on the roll of a school (although see exception in category a); and</li> <li>• who are seeking a place in Reception to Year 6 <b>outside the normal admissions round</b>; and</li> <li>• who fall under one of the categories a) to p) below</li> </ul>
	a)*	<i>Children who were permanently excluded from their last state funded school placement and those attending Pupil Referral Units (PRUs) or Alternative Provision, who are ready to be reintegrated back into mainstream education but into a different school from the one originally attended or children who are still on roll at a school but are attending a PRU or Alternative Provision as an alternative to permanent exclusion;</i>
	b)*	<i>Children returning from the criminal justice system who are registered with the Youth Offending Team;</i>
	c)	<i>Children known to the police or other similar agencies, where there has been active involvement or support received from Surrey’s Community Incident Action Group (CIAG) within the past six months;</i>
	d)	<i>Children with a history of serious unauthorised attendance problems (below 85%) within the past academic year, as assessed by the attached Education Welfare Officer;</i>
	e)	<i>Children withdrawn from school by their parent following fixed term exclusion for persistent breaching of internal behaviour policies in school;</i>
	f)	<i>Children who have applied to return to mainstream schooling after a period of elective home education and whose application for a school place through the normal in year admission process is refused;</i>

	g)*	<p>Children who have been out of education, including elective home education, for longer than two months where <b>throughout that period</b>:</p> <ul style="list-style-type: none"> <li>• they have been living within the UK; and</li> <li>• <b>they have had a right to access state funded education.</b></li> </ul> <p><b>This two month period will be counted as continuous from the date the child came off roll but will exclude the summer break. Where a child is removed from roll on the last day of a term or half-term, the first day of absence will be deemed to be the first day of the next term or half-term.</b></p>
	h)*	Children of Gypsies, Roma and Travellers;
	i)*	Children of asylum seekers and refugees who have been in the UK for 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 as a result of their experiences;
	j)*	Children who are homeless including those who have been placed in temporary housing by Surrey County Council;
	k)*	Children with unsupportive family backgrounds where a place has not been sought and where a referral is made through an outside agency or service who is seeking to support the child;
	l)*	Children who are carers;
	m)*	Children with special educational needs, disabilities or medical conditions (but without a statement of <b>SEND</b> or an Education, Health & Care Plan), where the need, disability or medical condition has already impacted on the child's attendance or participation at school;
	n)	Children subject to a child protection plan;
	o)	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;
	p)	Children who are accommodated in an emergency refuge for victims of domestic violence.
	2.3	Within the definition of this Protocol, categories deemed to be 'challenging' are categories a) to g) and these may attract funding to the school depending on the date of admission. The processes for the admission of children are set out in Sections 5 and 6.
<b>3.</b>	<b>Identification of children who meet the criteria for the Protocol</b>	
	3.1	Most children will come to the attention of the admissions team or the school as part of the in year admission application process.

3.2	Where an application form is received directly by the admissions team, they will assess the information on the in year application form and will categorise children as meeting the Protocol if from that information they appear to meet the criteria.
3.3	<p>Where an application form is received directly by an own admission authority school, they will assess the information on the in year form. If they believe that the child meets the criteria of the Protocol, they will consider whether they are still able to admit the child:</p> <ul style="list-style-type: none"> <li>• If they are able to admit the child, the school will notify the admissions team of the application and the offer and the reasons why they believe the child meets the Protocol. The admissions team will then consider whether the admission should be logged as a Fair Access placement.</li> <li>• If the school is unable to offer a place, the school will refer it to the admissions team to be considered under the Protocol.</li> </ul> <p>All such referrals will be made within <b>5</b> school days of the application being received.</p>
3.4	Most children who are permanently excluded from a Surrey school and those who are ready for reintegration to a mainstream school from a Surrey PRU or other Alternative Provision will be identified by the Area Lead for Pupil Support/Head of PRU. The Area Lead for Pupil Support/Head of PRU will consider whether a managed placement might be arranged directly with a school or whether the processes set out in sections 5 and 6 should be followed.
3.5	However, it is inevitable that some cases will be unidentifiable from the in year application form. There may also be some cases of recently excluded children who have moved from another local authority, where the child's previous school history is not known to Surrey. If a school identifies that a child should be categorised as meeting the criteria for the Protocol after admission, they will notify the admissions team so that the placement might be recorded.
3.6	Some cases may also come to light where there is evidence that might suggest that, although not subject to a statement of <b>SEND/EHCP</b> , the child is not suitable for mainstream schooling. It is anticipated that these cases will be few, but any such cases will be referred to Education Psychology by the Area Lead for Pupil Support for assessment before determining the most appropriate placement for the child.
<b>4.</b>	<b>The number of Fair Access placements that each school will be expected to admit</b>
4.1	By their nature, the number of primary aged children falling within one of the Fair Access categories will be low each year. As such, where there is a need for a school to admit over PAN, schools will generally only be asked to admit a maximum of one child for each class of 30 within their published intake, up to a maximum of three placements during any one year.

	4.2	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 will only be admitted if they can be considered to be an excepted child (see Appendix 1).
<b>5. Process for admission – categories a) to g)</b>		
	5.1	Children who fall within categories a) to g) in paragraph 2.2 are considered to be the most challenging with regard to admissions. <b>Section 10 of this Protocol sets out the funding available for categories a) to g).</b>
	5.2	Where a placement panel does not exist, children falling within categories a) to g) will be placed in accordance with the processes set out in Section 6.
	5.3	Where a placement panel does exist, children falling within categories a) to g) will be referred as follows: <ul style="list-style-type: none"> <li>• Children already in a Surrey PRU or alternative provision will be referred directly to the area panel by the Area Lead for Pupil Support/Head of PRU once the child is ready for reintegration to another mainstream school</li> <li>• Children who are already known to Surrey and who are recently excluded will be referred to a PRU by the Area Lead for Pupil Support</li> <li>• All other children will be referred to the A2E team through the Area Lead for Pupil Support, by the admissions team.</li> </ul>
	5.4	On receipt of referrals in A2E, the Area Lead for Pupil Support will arrange for: <ul style="list-style-type: none"> <li>• the child’s assessment to be completed</li> <li>• a risk assessment to be carried out on the suitability of the home or alternative venues for home tuition</li> <li>• short term interim teaching/mentoring to be set up in the light of assessment/other available information.</li> </ul>
	5.5	After a maximum target time of 6 weeks with the A2E team, the Area Lead for Pupil Support will collate reports from tutors/mentors which will be submitted to the next area panel. The Area Lead for Pupil Support will also send copies of the referral paperwork to the admissions team.
	5.6	Where appropriate, the Area Lead for Pupil Support will try to mediate a school placement ahead of the panel meeting, based on the circumstances of the case and the conditions set out in this Protocol.
	5.7	The Area Lead for Pupil Support and/or a representative from the admissions team and/or a representative from A2E, as appropriate, will attend the panel at which placement decisions are to be taken.
	5.8	Panels are expected to consider the case of each child and to agree a placement at the most suitable school within the area of the panel.

5.9	For own admission authority schools, the Headteacher or delegated representative at the panel should not need to seek prior or subsequent authorisation from their governing body to admit a fair access child. This is because when a child is placed in accordance with the Fair Access Protocol, the admission authority for that school should admit the child.
5.10	In considering cases, Panels will have regard to: <ul style="list-style-type: none"> <li>• parental preference (the parent/carer can still submit an appeal and so it is helpful to demonstrate that this has been considered)</li> <li>• the schools in the area that they might wish to protect from admitting a challenging child (such as a school which has a particularly high proportion of children with challenging behaviour or previously excluded children; a school in special measures or recently come out of them; or a school which is otherwise in need of support)</li> <li>• any genuine concerns about the admission by either the parent/carer or the school</li> <li>• a view of the parent/carer about the religious ethos of a school</li> <li>• distance, availability of transport and travelling times</li> </ul>
5.11	Where a child has been removed from school for elective home education and then wants to return to school to the same phase of education, that child will normally be expected to be admitted to their original school unless there are compelling reasons why that would not be possible or appropriate.
5.12	In considering cases, Panels may also wish to have regard to the number of LAC and <b>SEND</b> /EHCP children within each school and the number and frequency of previous Fair Access placements within the academic year and within each year group.
5.13	Decisions on placement will be notified to the admissions team for formal notification to the parent/carer, with a copy also being sent to the school and Area Lead for Education Welfare, who will in turn share it with the attached Education Welfare Officer.
5.14	Immediately after the Panel has made its placement decision the receiving school will contact the parent/carer and make arrangements for the child to go on roll within <b>5 school</b> days of the placement being agreed and for a start date within <b>5 school</b> days of going on roll. Support for the admission process may be available from the Education Welfare Officer and if required, reintegration support may also be available from the A2E team for the child's first 2 weeks in school.
5.15	The admissions team will continue to monitor the placement to ensure that the child is placed on roll and the satisfactory completion of 12 weeks. The reintegration of children returning to mainstream school from a PRU may be managed over a period longer than 12 weeks, at the decision of the Area Lead for Pupil Support.
5.16	A placement will be considered to have broken down within 12 weeks if the child's behaviour would ordinarily warrant permanent exclusion. In such

		cases the Area Lead for Pupil Support will determine whether or not the placement should be considered to have broken down. Where a placement is considered to have broken down, the Area Lead for Pupil Support will work with the school to identify a solution which might include the school referring the child for alternative provision or placement at an alternative school.
	5.17	Subsequent Panel meetings will review any placements made to ensure that the children in the partnership area are in receipt of full time education.
	5.18	If for any reason a Panel is unable to resolve a placement, a placement will then be allocated to the child by the admissions team.
<b>6.</b>	<b>Process for admission – categories h) to p); and categories a) to g) where no panel process exists</b>	
	6.1	Children who fall within one of the categories h) to p) will be referred directly to one of the parent/carer's preferred schools by the admissions team, in liaison with the Area Lead for Pupil Support.
	6.2	Children who fall within one of the categories a) to g) in an area where no panel process exists will be referred directly to one of the parent/carer's preferred schools by the admissions team, in liaison with the Area Lead for Pupil Support.
	6.3	A school might not be approached to admit a child if: <ul style="list-style-type: none"> <li>• the school is in special measures, has recently come out of them or is otherwise assessed by the local authority as needing support (such an assessment will be carried out by the admissions team in liaison with the Area Education Officer); or</li> <li>• the school has no vacancies and the school has already its quota of children under the Protocol within the academic year; or</li> <li>• to admit an extra child would breach infant class size legislation</li> <li>• there are reasons why a school would not be an appropriate placement for the child</li> </ul>
	6.4	If for these reasons it is not possible to place the child within one of the parent/carer's preferred schools, the admissions team, in liaison with the Area Lead for Pupil Support, will seek to place the child in the nearest and most suitable school taking into account the circumstances described in paragraph 6.2 and, in addition, the following points: <ul style="list-style-type: none"> <li>• schools with vacancies</li> <li>• any genuine concerns about the admission by either the parent/carer or the school</li> <li>• a view of the parent/carer about the religious ethos of a school</li> <li>• the percentage of LAC and <b>SEND</b>/EHCP children within each school and the number and frequency of previous Fair Access placements within the academic year and within each year group</li> <li>• distance, availability of transport and travelling times</li> </ul>



6.5	In such circumstances a school may be asked to admit a child above PAN in excess of the limit stipulated in paragraph 4.1.
6.6	Where a child has been removed from school for elective home education and then wants to return to school to the same phase of education, that child will normally be expected to be admitted to their original school unless there are compelling reasons why that would not be possible or appropriate.
6.7	The admissions team will liaise with the school before notifying a parent/carer of the placement.
6.8	Once agreement has been reached the admissions team will send notification to the parent/carer, with a copy also being sent to the school and the Area Lead for Education Welfare who will in turn share it with the attached Education Welfare Officer.
6.9	The receiving school will contact the parent/carer and make arrangements for the child to go on roll within <b>5 school</b> days of the placement being agreed with the admissions team and for a start date within <b>5 school</b> days of going on roll.
6.10	The admissions team will continue to monitor the placement to ensure that the child is placed on roll and the satisfactory completion of 12 weeks. The reintegration of children returning to mainstream school from a PRU may be managed over a period longer than 12 weeks, at the decision of the Area Lead for Pupil Support.
6.11	A placement will be considered to have broken down within 12 weeks if the child's behaviour would ordinarily warrant permanent exclusion. In such cases the Area Lead for Pupil Support will determine whether or not the placement should be considered to have broken down. Where a placement is considered to have broken down the admissions team will liaise with the Area Lead for Pupil Support in order to identify an alternative placement as quickly as possible.
<b>7.</b>	<b>Consideration of why a school may not admit a fair access child</b>
<b>7.1</b>	<p><b>If a school does not wish to admit a child who falls within one of the Fair Access categories outside the normal admission round, it will refer the case to the admissions team setting out the reasons why they do not feel they can place the child within 5 school days. However an exception is only likely to be made if:</b></p> <ul style="list-style-type: none"> <li>• <b>the school is in special measures, has recently come out of them or is otherwise assessed by the local authority as needing support (such an assessment will be carried out by the admissions team in liaison with the Area Education Officer); or</b></li> <li>• <b>the school has no vacancies and also the school has already admitted its quota of children under the Protocol within the academic year, as set out in Section 4; or</b></li> <li>• <b>to admit an extra child would breach infant class size legislation; or</b></li> </ul>

		<ul style="list-style-type: none"> <li>• there are compelling reasons why a school would not be an appropriate placement for the child.</li> </ul> <p>While community and voluntary controlled schools may refer cases back to the local authority for consideration under the Protocol, it will be the local authority as admission authority for the school which will decide whether a place should be offered at that school.</p>
8.	<b>Establishing which Panel is responsible for considering placements under categories a) to g) where a panel process exists</b>	
	8.1	The purpose of the Protocol is to ensure that unplaced children, especially the most vulnerable, are offered a place at a suitable school as quickly as possible.
	8.2	<p>The most suitable school for some children could be a school that is close to the child's home. Advantages of a placement close to the child's home address are as follows:</p> <ul style="list-style-type: none"> <li>• There are likely to be fewer transport issues or costs</li> <li>• If the school is nearer there are likely to be fewer barriers which prevent the child from attending</li> <li>• There may be better parental support and participation</li> <li>• The child will be better placed to participate in extracurricular activities</li> <li>• The child is more likely to develop friendship groups from his/her local community</li> <li>• It is less likely that appeals for other schools will be upheld</li> <li>• Establishes a clear and transparent way for referrals to be made</li> </ul>
	8.3	<p>However there are also advantages of placing a child within the area where they were previously at school, and such placements can lead to a more informed and considered process which in turn can lead to a successful and supported placement:</p> <ul style="list-style-type: none"> <li>• The previous school can comment on the child's behavioural and educational history at the panel</li> <li>• Support services may already be familiar and be supporting the child</li> <li>• Ensures collegiate working between schools in the same area which in turn improves shared approaches to managing behaviour and attendance</li> <li>• Establishes a culture of shared problem solving of individual cases within the same area</li> <li>• Schools can challenge the poor practice of other schools within the same area and this may in turn reduce the number of hard to place cases</li> </ul>
	8.4	For the purpose of this Protocol, children who have previously attended a school within <b>Surrey</b> will be referred to the panel in which the child was previously at school. This will encourage collaborative working between schools.
	8.5	However, any child who has not previously attended a school within Surrey will be referred to the panel for the geographical area in which the child lives.

	8.6	Where a panel is satisfied that a placement in a neighbouring area would be in the best interests of the child or other children, then in those cases the panel Chair will liaise with the neighbouring panel Chair where that neighbouring area also operates a panel process, to negotiate a placement in the neighbouring area.
<b>9. Out of area applications</b>		
	9.1	Occasionally applications will be received from children who live outside Surrey but who otherwise meet the criteria for placement under this Protocol.
	9.2	In those cases, if the child falls within categories a) to g) of paragraph 2.2 of this Protocol and the preferred school is unable to offer a place - either because it has no vacancies or because it is in special measures, has recently come out of them or has been otherwise assessed by the local authority as needing support - the application will be referred back to the child's home local authority to identify an alternative placement.
<b>10. Funding</b>		
	10.1	<p>Other than excluded children (see paragraph 8.2), in year applicants living in Surrey at the time of placement and admitted to state funded <b>mainstream</b> schools under categories a) to g) of paragraph 2.2 of this Protocol may receive financial support as follows:</p> <ul style="list-style-type: none"> <li>• Up to £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)</li> <li>• Up to £1,000 in the Spring Term for placements made in the Spring Term (which represents £500 for each of the spring and summer terms)</li> <li>• Up to £500 in the Summer Term for placements made in the Summer Term</li> </ul> <p>Funding for a specific term will be forfeited if a child withdraws prior to the start of a term; or if a child withdraws within a term, if the withdrawal is within 12 school weeks of the placement being made. Where funding has already been paid, the local authority will seek to recover monies from future payments.</p>
	10.2	<p>Excluded children admitted to mainstream schools under the Protocol will be funded as follows:</p> <p>a) When a child is on a school's roll in October that child generates a year's funding for the school. When a child is permanently excluded from a school at any time in the local authority's financial year, the school's budget is reduced by the annual value of age weighted funding multiplied by <math>1/52 \times</math> the number of weeks from the date of permanent exclusion to the end of the local authority's financial year.</p> <p>b) Where a previously permanently excluded child is admitted to another school, the receiving school's budget is increased by the annual value of age</p>

	c)	weighted funding multiplied by 1/52 x the number of weeks from the date of re-admission to the end of the local authority's financial year.  In each case, adjustments will also take account of free school meals deprivation funding and the pupil premium if the pupil generated them.		
	10.3	Panels are expected to take into account the distance and journey times when considering the most suitable placement. Subject to the maximum walking distance appropriate to the child's age being breached, transport 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 child would be expected to travel on an alternative mode of transport to school. Where there are exceptional circumstances the parent/carer could request that the taxi provision is extended, and this would be considered as a transport case review by senior officers in the admissions team.		
	10.4	Funding arrangements within this Protocol will be reviewed subject to the outcomes of any changes to the funding of schools by the DfE or decisions made by Schools Forum to vary funding to schools.		
<b>11.</b>	<b>Data</b>			
	11.1	A log of all placements made through the Fair Access Protocol will be maintained by the admissions team and this data will be made available to Area Education Officers and the Admissions Forum by school and category.		
<b>12.</b>	<b>Process for Primary children</b>			
<b>Category of Child</b>		<b>Support team</b>	<b>Panel</b>	<b>Additional arrangements</b>
a) Permanently excluded children or children attending a PRU/Alternative Provision who are ready for re-integration to another mainstream school or where a child is still on roll at a school but is attending a PRU or Alternative Provision as an alternative to permanent exclusion		<ul style="list-style-type: none"> <li>Area Lead for Pupil Support</li> <li>Alternative Provision provider</li> </ul>	Yes	Points Weighting if applicable Dual Registration
b) Children returning from the criminal justice system who are registered with the Youth Offending Team		<ul style="list-style-type: none"> <li>Admissions</li> <li>Youth Support Service</li> </ul>	Yes	Fair Access funding
c) Children known to the police or other similar agencies, where there has been active involvement or support received from Surrey's Community Incident Action Group (CIAG) within the past six months		<ul style="list-style-type: none"> <li>Admissions</li> <li>Youth Support Service</li> </ul>	Yes	Fair Access funding

d) Children with a history of serious unauthorised attendance problems (below 85%) within the past academic year, as assessed by the attached Education Welfare Officer	<ul style="list-style-type: none"> <li>• Admissions</li> <li>• Education Welfare Officer</li> </ul>	Yes	Fair Access funding
e) Children withdrawn from school by their parent following fixed term exclusion for persistent breaching of internal behaviour policies in school	<ul style="list-style-type: none"> <li>• Admissions</li> <li>• Behaviour support</li> <li>• Area Lead for Pupil Support</li> </ul>	Yes	Fair Access funding
f) Children who have applied to return to mainstream schooling after a period of elective home education and whose application for a school place through the normal in year admission process is refused	<ul style="list-style-type: none"> <li>• Admissions</li> <li>• Education Welfare Officer</li> <li>• Elective Home Education team Manager</li> </ul>	Yes	Fair Access funding
g) Children who have been out of education, including elective home education, for longer than two months excluding the summer break (see para. 2.2g for further definition of this) where throughout that period: <ul style="list-style-type: none"> <li>• they have been living within the UK; and</li> <li>• they have had a right to access state funded education.</li> </ul>	<ul style="list-style-type: none"> <li>• Admissions</li> <li>• Elective Home Education team Manager</li> </ul>	Yes	Fair Access funding
h) Children of Gypsies, Roma and Travellers	<ul style="list-style-type: none"> <li>• Admissions</li> <li>• Race, Equality &amp; Minority Achievement team</li> <li>•</li> </ul>	No	
i) Children of asylum seekers and refugees who have been in the UK less than two years and need a supported entry to school.	<ul style="list-style-type: none"> <li>• Admissions</li> <li>• Children's Services</li> </ul>	No	
j) Children who are homeless including those who have been placed in temporary housing by SCC	<ul style="list-style-type: none"> <li>• Admissions</li> <li>• Children's Services</li> </ul>	No	
k) Children with unsupportive family backgrounds where a place	<ul style="list-style-type: none"> <li>• Admissions</li> <li>• Education</li> </ul>	No	

has not been sought and where a referral is made through an outside agency or service who is seeking to support the child	Welfare Officer		
l) Children who are carers	<ul style="list-style-type: none"> <li>• Admissions</li> <li>• Young Carers</li> <li>• Children's Services</li> </ul>	No	
m) Children with special educational needs, disabilities or medical conditions (but without a Statement of SEND or an Education, Health & Care Plan), where the need, disability or medical condition has already impacted on the child's attendance or participation at school	<ul style="list-style-type: none"> <li>• Admissions</li> <li>• Area Lead for Pupil Support</li> </ul>	No	
n) Children subject to a child protection plan	<ul style="list-style-type: none"> <li>• Admissions</li> <li>• Children's Services</li> </ul>	No	
o) Children of UK service personnel and 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</li> </ul>	No	
p) Children who are accommodated in an emergency refuge for victims of domestic violence	<ul style="list-style-type: none"> <li>• Admissions</li> <li>• Children's Services</li> </ul>	No	

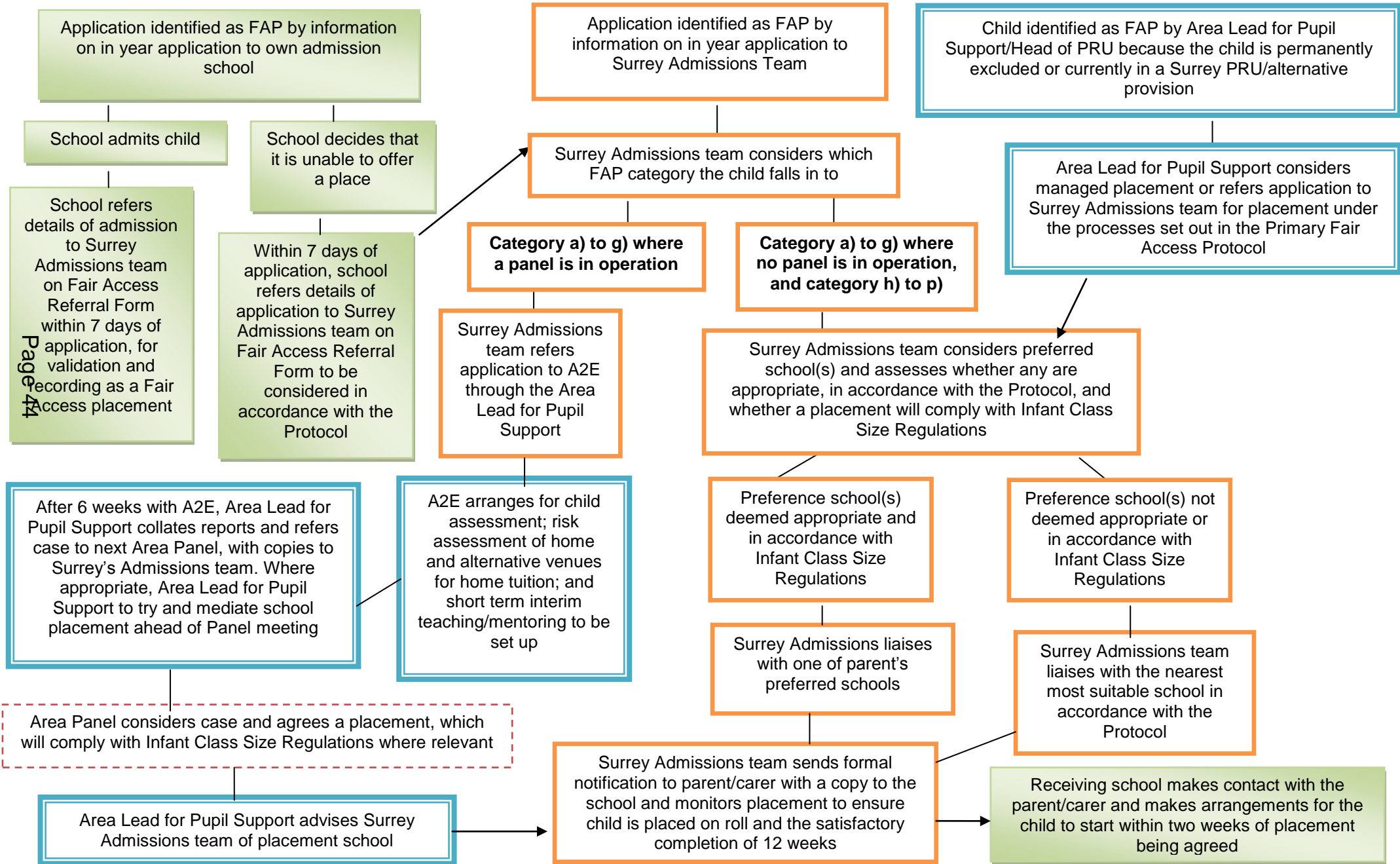
## Exceptions to the Infant Class Size Limit – 2016/17

Section 1 of the SSFA 1998 limits the size of an infant class (i.e. a class in which the majority of children will reach the age of five, six or seven during the school year) to 30 pupils per school teacher.

However, the School Admissions (Infant Class Sizes) (England) Regulations 2012 permit children to be admitted as exceptions to the infant class size limit. These children will remain an 'excepted pupil' for the time they are in an infant class or until the class numbers fall back to the current infant class size limit. The excepted children are:

- a) children admitted outside the normal admissions round with statements of special educational needs specifying a school;
- b) looked after children and previously looked after children admitted outside the normal admissions round;
- c) children admitted, after initial allocation of places, because of a procedural error made by the admission authority or local authority in the original application process;
- d) children admitted after an independent appeals panel upholds an appeal;
- e) children who move into the area outside the normal admissions round for whom there is no other available school within reasonable distance;
- f) children of UK service personnel admitted outside the normal admissions round;
- g) children whose twin or sibling from a multiple birth is admitted otherwise than as an excepted pupil;
- h) children with special educational needs who are normally taught in a special educational needs unit attached to the school, or registered at a special school, who attend some infant classes within the mainstream school.

### Flow chart for processing cases under Primary Fair Access Protocol – 2016/17



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## Surrey County Council SECONDARY Fair Access Protocol 2016/17

<b>1.</b>	<b>Introduction</b>	
	1.1	This document sets out the Fair Access Protocol which will be operated by Surrey in partnership with schools during <b>the academic year 2016/17</b> .
	1.2	This Protocol should be read alongside the Framework for Surrey's Fair Access Protocol and the Common Principles of Surrey Fair Access Panels, which set the context for Surrey's Fair Access Protocol.
<b>2.</b>	<b>Categories of children</b>	
	2.1	This Protocol includes all the categories that are mandatory under the School Admissions Code (denoted by *).
	2.2	Children to be placed under this Protocol will be those: <ul style="list-style-type: none"> <li>• who live in Surrey; and</li> <li>• <b>who have a legal right to access state funded education; and</b></li> <li>• who are not already on the roll of a school (although see exception in category a); and</li> <li>• who are seeking a place in Year 7 to Year 11 <b>outside the normal admissions round</b>; and</li> <li>• who fall under one of the categories a) to q) below.</li> </ul>
	a)*	<i>Children who were permanently excluded from their last state funded school placement, and those attending Pupil Referral Units (PRUs) or Alternative Provision, who are ready to be reintegrated back into mainstream education but into a different school from the one originally attended; or where a child is still on roll at a school but is attending a PRU or Alternative Provision as an alternative to permanent exclusion;</i>
	b)*	<i>Children returning from the criminal justice system who are registered with the Youth Offending Team;</i>
	c)	<i>Children known to the police or other similar agencies, where there has been active involvement or support received from Surrey's Community Incident Action Group (CIAG) within the past six months;</i>
	d)	<i>Children with a history of serious unauthorised attendance problems (below 85%) within the past academic year, as assessed by the attached Education Welfare Officer;</i>
	e)	<i>Children withdrawn from school by their parent following fixed term exclusion for persistent breaching of internal behaviour policies in school;</i>
	f)	<i>Children who have applied to return to mainstream schooling after a period of elective home education and whose application for a school place through the normal in year admission process is refused;</i>

g)*	<p>Children who have been out of education, including elective home education, for longer than two months where <b>throughout that period</b>:</p> <ul style="list-style-type: none"> <li>• they have been living within the UK; <b>and</b></li> <li>• <b>they have had a right to access state funded education.</b></li> </ul> <p><b>This two month period will be counted as continuous from the date the child came off roll but will exclude the summer break. Where a child is removed from roll on the last day of a term or half-term, the first day of absence will be deemed to be the first day of the next term or half-term.</b></p>
h)	Children applying to enter Year 11 whose application for a school place through the normal in year admission process is refused;
i)*	Children of Gypsies, Roma and Travellers;
j)*	Children of asylum seekers and refugees who have been in the UK for 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 as a result of their experiences;
k)*	Children who are homeless including those who have been placed in temporary housing by Surrey County Council;
l)*	Children with unsupportive family backgrounds where a place has not been sought and where a referral is made through an outside agency or service who is seeking to support the child;
m)*	Children who are carers;
n)*	Children with special educational needs, disabilities or medical conditions (but without a statement of <b>SEND</b> or an Education, Health & Care Plan), where the need, disability or medical condition has already impacted on the child's attendance or participation at school;
o)	Children subject to a child protection plan;
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;
q)	Children who are accommodated in an emergency refuge for victims of domestic violence.
2.3	Within the definition of this Protocol, categories deemed to be 'challenging' are categories a) to h), and these may attract funding to the school depending on the date of admission. The process for the admission of children within these categories may be different from the remaining categories. The processes for the admission of children are set out in Sections 4 and 5.

<b>3.</b>	<b>Identification of children who meet the criteria for the Protocol</b>	
	3.1	Most children will come to the attention of the admissions team or the school as part of the in year admission application process.
	3.2	Where an application form is received directly by the admissions team, they will assess the information on the in year application form and will categorise children as meeting the Protocol if from that information they appear to meet the criteria.
	3.3	<p>Where an application form is received directly by an own admission authority school, they will assess the information on the in year form. If they believe that the child meets the criteria of the Protocol, they will consider whether they are still able to admit the child:</p> <ul style="list-style-type: none"> <li>• If they are able to admit the child, the school will notify the admissions team of the application and the offer and the reasons why they believe the child meets the Protocol on the Fair Access referral form for schools. The admissions team will then consider whether the admission should be logged as a Fair Access placement.</li> <li>• If the school is unable to offer a place, the school will refer it to the admissions team to be considered under the Protocol.</li> </ul> <p>All such referrals will be made within <b>5</b> school days of the application being received.</p>
	3.4	Most children who are permanently excluded from a Surrey school and those who are ready for reintegration to a mainstream school from a Surrey PRU or other Alternative Provision will be identified by the Area Lead for Pupil Support/Head of PRU. The Area Lead for Pupil Support/Head of PRU will consider whether a managed placement might be arranged directly with a school or whether the processes set out in sections 5 and 6 should be followed.
	3.5	However, it is inevitable that some cases will be unidentifiable from the in year application form. There may also be some cases of recently excluded children who have moved from another local authority, where the child's previous school history is not known to Surrey. If at any time a school identifies that a child should be categorised as meeting the criteria for the Protocol after admission, they will notify the admissions team so that the placement might be recorded.
	3.6	Some cases may also come to light where there is evidence that might suggest that, although not subject to a statement of <b>SEND/EHCP</b> , the child is not suitable for mainstream schooling. It is anticipated that these cases will be few, but any such cases will be referred to Education Psychology by the Area Lead for Pupil Support for assessment before determining the most appropriate placement for the child.
<b>4.</b>	<b>Process for admission - categories a) to h)</b>	
	4.1	<ul style="list-style-type: none"> <li>• Children who fall within categories a) to h) in paragraph 2.2 are considered to be the most challenging with regard to admissions. <b>Section 9 of this Protocol sets out the funding available for categories a) to h).</b></li> </ul>

4.2	<p>The process to place children who fall within categories a) to h) is as follows:</p> <ul style="list-style-type: none"> <li>• Children already in a Surrey PRU or alternative provision will be referred directly to the area panel by the Area Lead for Pupil Support/Head of PRU once the child is ready for reintegration to another mainstream school</li> <li>• Children who are already known to Surrey and who are recently excluded will be referred to a PRU by the Area Lead for Pupil Support</li> <li>• All other children will be referred to the A2E team through the Area Lead for Pupil Support, by the admissions team</li> </ul>
4.3	<p>On receipt of referrals in A2E, the Area Lead for Pupil Support will arrange for:</p> <ul style="list-style-type: none"> <li>• the child's assessment to be completed</li> <li>• a risk assessment to be carried out on the suitability of the home or alternative venues for home tuition</li> <li>• short term interim teaching/mentoring to be set up in the light of assessment/other available information.</li> </ul>
4.4	<p>After a maximum target time of 6 weeks with the A2E team, the Area Lead for Pupil Support will collate reports from tutors/mentors which will be submitted to the next area panel. The Area Lead for Pupil Support will also send copies of the referral paperwork to the admissions team.</p>
4.5	<p>Where appropriate, the Area Lead for Pupil Support will try to mediate a school placement ahead of the panel meeting, based on the circumstances of the case and the conditions set out in this Protocol.</p>
4.6	<p>The Area Lead for Pupil Support and/or a representative from the admissions team and/or a representative from A2E, as appropriate, will attend the panel at which placement decisions are to be taken.</p>
4.7	<p>Panels are expected to consider the case of each child and to agree a placement at the most suitable school within the area of the panel.</p>
4.8	<p>For own admission authority schools, the delegated representative at the panel should not need to seek prior or subsequent authorisation from their governing body to admit a fair access child. This is because when a child is placed in accordance with the Fair Access Protocol, the admission authority for that school should admit the child.</p>
4.9	<p>In considering cases, panels will have regard to:</p> <ul style="list-style-type: none"> <li>• parental preference (the parent/carer can still submit an appeal and so it is helpful to demonstrate that this has been considered)</li> <li>• the schools in the area that they might wish to protect from admitting a challenging child (such as a school which has a particularly high proportion of children with challenging behaviour or previously excluded children; a school in special measures or recently come out of them; or a school which is otherwise in need of support)</li> <li>• any genuine concerns about the admission by either the parent/carer or the school</li> </ul>

		<ul style="list-style-type: none"> <li>• a view of the parent/carer about the religious ethos of a school</li> <li>• distance, availability of transport and travelling times</li> </ul>
	4.10	Where a child has been removed from school for elective home education and then wants to return to school to the same phase of education, that child will normally be expected to be admitted to their original school unless there are compelling reasons why that would not be possible or appropriate.
	4.11	In considering cases, panels may also wish to have regard to the number of Looked After Children (LAC) and <b>SEND</b> /EHCP children within each school; and the number and frequency of previous Fair Access placements within the academic year and within each year group.
	4.12	Decisions on placement will be notified to the admissions team for formal notification to the parent/carer, with a copy also being sent to the school and Area Lead for Education Welfare, who will in turn share it with the attached Education Welfare Officer.
	4.13	Immediately after the panel has made its placement decision, the receiving school will contact the parent/carer and make arrangements for the child to go on roll within <b>5 school</b> days of the placement being agreed and for a start date within <b>5 school</b> days of going on roll. Support for the admission process may be available from the Education Welfare Officer. If required, reintegration support may also be available from the A2E team for the child's first 2 weeks in school.
	4.14	The admissions team will continue to monitor the placement to ensure that the child is placed on roll and the satisfactory completion of 12 weeks. The reintegration of children returning to mainstream school from a PRU may be managed over a period longer than 12 weeks, at the decision of the Area Lead for Pupil Support.
	4.15	A placement will be considered to have broken down within 12 weeks if the child's behaviour would ordinarily warrant permanent exclusion. In such cases the Area Lead for Pupil Support will determine whether or not the placement should be considered to have broken down. Where a placement is considered to have broken down, the Area Lead for Pupil Support will work with the school to identify a solution which might include the school referring the child for alternative provision or placement at an alternative school.
	4.16	Subsequent panel meetings will review any placements made to ensure that the children in the panel area are in receipt of full time education.
	4.17	If for any reason a panel is unable to resolve a placement, a placement will then be allocated to the child by the admissions team.
<b>5.</b>	<b>Process for admission – categories i) to q)</b>	
	5.1	Children who fall within categories i) to q) in paragraph 2.2 will be placed directly by the admissions team without being referred to a panel. These are children who are not challenging by definition but who might find the

		admission process difficult and who might be more vulnerable if unable to find a school place quickly.
5.2		Where the admissions team identify that a child meets the criteria for the Fair Access Protocol, the application will be referred to the parent/carer's preferred school for placement unless there are reasons why that school would not be an appropriate placement for the child.
5.3		<p>If it is not possible to place the child within one of the parent/carer's preferred schools, the admissions team will seek to place the child in the nearest and most suitable school, taking into account:</p> <ul style="list-style-type: none"> <li>• schools with vacancies</li> <li>• whether a school is in special measures, has recently come out of them or is otherwise assessed by the local authority as needing support (such an assessment will be carried out by the admissions team in liaison with the Area Education Officer)</li> <li>• any genuine concerns about the admission by either the parent/carer or the school</li> <li>• a strong view of the parent/carer about the religious ethos of a school</li> <li>• the number and percentage of Looked After Children (LAC) and <b>SEND</b>/EHCP children within each school and the number and frequency of previous Fair Access placements within the academic year and within each year group</li> <li>• distance and travelling times</li> </ul>
5.4		The admissions team will liaise with the school before notifying a parent/carer of the placement.
5.5		Once agreement has been reached the admissions team will send notification to the parent/carer, with a copy also being sent to the school and the Area Lead for Pupil Support, who will in turn share it with the attached Education Welfare Officer.
5.6		The receiving school will contact the parent/carer and make arrangements for the child to go on roll within <b>5 school</b> days of the placement being agreed and for a start date within <b>5 school</b> days of going on roll.
5.7		The admissions team will continue to monitor the placement to ensure that the child is placed on roll and the satisfactory completion of 12 weeks.
5.8		A placement will be considered to have broken down within 12 weeks if the child's behaviour would ordinarily warrant permanent exclusion. In such cases the Area Lead for Pupil Support will determine whether or not the placement should be considered to have broken down. Where a placement is considered to have broken down, the Area Lead for Pupil Support will work with the school to identify a solution which might include the school referring the child for alternative provision or placement at an alternative school.
5.9		Any child who cannot be offered an appropriate school place by the admissions team either within or outside <b>Surrey</b> within 3 weeks of the application and who meets the criteria to be placed under the Fair Access

		Protocol will subsequently be referred directly to the local panel for placement without the need to be assessed by the A2E team. The process set out in paragraphs 4.5 to 4.17 will then be followed.
<b>6.</b>	<b>Consideration of why a school may not admit a fair access child</b>	
<b>6.1</b>	<p><b>If a school does not wish to admit a child who falls within one of the Fair Access categories outside the normal admission round, it will refer the case to the admissions team setting out the reasons why they do not feel they can place the child within 5 school days. However an exception is only likely to be made if:</b></p> <ul style="list-style-type: none"> <li>• <b>the school is in special measures, has recently come out of them or is otherwise assessed by the local authority as needing support (such an assessment will be carried out by the admissions team in liaison with the Area Education Officer); or</b></li> <li>• <b>the school has no vacancies; or</b></li> <li>• <b>there are compelling reasons why a school would not be an appropriate placement for the child.</b></li> </ul> <p><b>While community and voluntary controlled schools may refer cases back to the local authority for consideration under the Protocol, it will be the local authority as admission authority for the school which will decide whether a place should be offered at that school.</b></p>	
<b>7.</b>	<b>Establishing which Panel is responsible for considering placements under categories a) to h)</b>	
7.1	The purpose of the Protocol is to ensure that unplaced children, especially the most vulnerable, are offered a place at a suitable school as quickly as possible.	
7.2	<p>The most suitable school for some children could be a school that is close to the child's home. Advantages of a placement close to the child's home address are as follows:</p> <ul style="list-style-type: none"> <li>• There are likely to be less transport issues or costs</li> <li>• If the school is nearer there are likely to be fewer barriers which prevent the child from attending</li> <li>• There may be better parental support and participation</li> <li>• The child will be better placed to participate in extra curricular activities</li> <li>• The child is more likely to develop friendship groups from his/her local community</li> <li>• It is less likely that appeals for other schools will be upheld</li> <li>• Establishes a clear and transparent way for referrals to be made</li> </ul>	
7.3	<p>However there are also advantages of placing a child within the area where they were previously at school, and such placements can lead to a more informed and considered process which in turn can lead to a successful and supported placement:</p> <ul style="list-style-type: none"> <li>• The previous school can comment on the child's behavioural and educational history at the panel</li> </ul>	

		<ul style="list-style-type: none"> <li>• Support services may already be familiar and be supporting the child</li> <li>• Ensures collegiate working between schools in the same area which in turn improves shared approaches to managing behaviour and attendance</li> <li>• Establishes a culture of shared problem solving of individual cases within the same area</li> <li>• Schools can challenge the poor practice of other schools within the same area and this may in turn reduce the number of hard to place cases</li> </ul>
	7.4	For the purpose of this Protocol, children who have previously attended a school within <b>Surrey</b> will be referred to the panel in which the child was previously at school. This will encourage collaborative working between schools.
	7.5	However, any child who has not previously attended a school within Surrey will be referred to the panel for the geographical area in which the child lives.
	7.6	Where a panel is satisfied that a placement in a neighbouring area would be in the best interests of the child or other children, then in those cases the panel Chair will liaise with the neighbouring panel Chair to negotiate a placement in the neighbouring area.
<b>8.</b>	<b>Out of area applications</b>	
	8.1	Occasionally applications will be received from children who live outside Surrey but who otherwise meet the criteria for placement under this Protocol.
	8.2	In those cases, if the child falls within categories a) to h) of paragraph 2.2 of this Protocol and the preferred school is unable to offer a place - either because it has no vacancies or because it is in special measures, has recently come out of them or has been otherwise assessed by the local authority as needing support - the application will be referred back to the child's home local authority to identify an alternative placement.
<b>9.</b>	<b>Funding</b>	
	9.1	<p>Other than for excluded children (see paragraph 8.3), in year applicants living in Surrey at the time of placement and admitted to state funded <b>mainstream</b> schools under categories a) to h) of paragraph 2.2 of this Protocol may receive financial support as follows:</p> <ul style="list-style-type: none"> <li>• Up to £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)</li> <li>• Up to £1,000 in the Spring Term for placements made in the Spring Term (which represents £500 for each of the spring and summer terms)</li> <li>• Up to £500 in the Summer Term for placements made in the Summer Term</li> </ul> <p>Funding will be approved by each Panel according to need. Funding for a specific term will be forfeited if a child withdraws prior to the start of a term;</p>

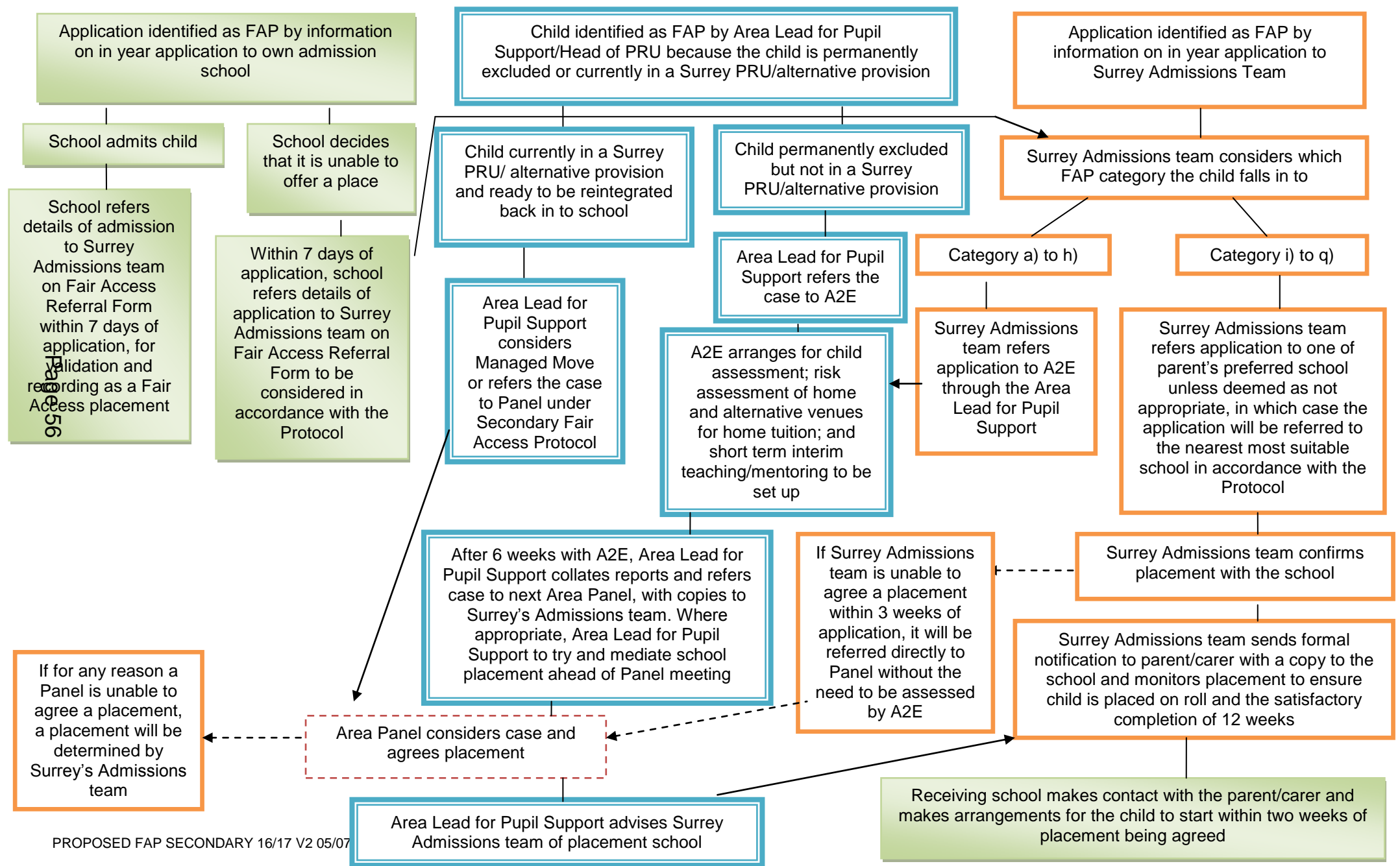


		or if a child withdraws within a term, if the withdrawal is within 12 school weeks of the placement being made. Where funding has already been paid, the local authority will seek to recover monies from future payments.
9.2		<p>Additionally Surrey fair access children admitted into year 11 at a state funded <b>mainstream</b> school under categories a) to h) of the Protocol (but not previously permanently excluded) after 2 October 2016 but before the end of the spring term 2017, 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 2017, provided that the placement has lasted for four weeks or more.</p> <p>Payment will only be made once the placement has lasted four weeks or more, in line with the following timescales:</p> <ul style="list-style-type: none"> <li>• placements made in the autumn term which have lasted four weeks or more by the end of that term - payment will be issued in January 2017</li> <li>• placements made up to the end of March 2017 which have lasted four weeks or more by that date - payment will be issued at the end of March 2017</li> <li>• remaining payments will be made in the summer term.</li> </ul> <p>In all cases a proportion of the funding will be reclaimed if the child subsequently leaves the school.</p>
9.3		<p>Excluded children admitted to mainstream schools under the Protocol will be funded as follows:</p> <p>a) When a child is on a school's roll in October that child generates a year's funding for the school. When a child is permanently excluded from a school at any time in the local authority's financial year, the school's budget is reduced by the annual value of age weighted funding multiplied by <math>1/52 \times</math> the number of weeks from the date of permanent exclusion to the end of the local authority's financial year (except for Year 11s excluded during the summer term for which a separate calculation applies).</p> <p>b) Where a previously permanently excluded child is admitted to another school, the receiving school's budget is increased by the annual value of age weighted funding multiplied by <math>1/52 \times</math> the number of weeks from the date of re-admission to the end of the local authority's financial year.</p> <p>c) In each case, adjustments will also take account of free school meals deprivation funding and the pupil premium if the pupil generated them.</p>
9.4		<p>Panels are expected to take into account the distance and journey times when considering the most suitable placement. Subject to the maximum walking distance appropriate to the child's age being breached, transport 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 child would be expected to travel on an alternative mode of transport to school. Where there are exceptional circumstances the parent/carer could request that the taxi provision is extended, and this would be considered as a transport case review by senior officers in the admissions team.</p>

	9.5	Funding arrangements within this Protocol will be reviewed subject to the outcomes of any changes to the funding of schools by the DfE or decisions made by Schools Forum to vary funding to schools.		
<b>10.</b>	<b>Data</b>			
	10.1	A log of all placements made through the Fair Access Protocol will be maintained by the admissions team and this data will be made available to Area Education Officers and the Admissions Forum by school and category.		
<b>11.</b>	<b>Process for secondary children</b>			
<b>Category of Child</b>		<b>Support team</b>	<b>Panel</b>	<b>Additional arrangements</b>
a) Permanently excluded children or children attending a PRU/Alternative Provision who are ready for re-integration to another mainstream school or where a child is still on roll at a school but is attending a PRU or Alternative Provision as an alternative to permanent exclusion		<ul style="list-style-type: none"> <li>Area Lead for Pupil Support</li> <li>Alternative Provision provider</li> </ul>	<b>Yes</b>	Points Weighting if applicable Dual Registration
b) Children returning from the criminal justice system who are registered with the Youth Offending Team		<ul style="list-style-type: none"> <li>Admissions</li> <li>Youth Support Service</li> </ul>	<b>Yes</b>	<b>Fair Access</b> funding
c) Children known to the police or other similar agencies, where there has been active involvement or support received from Surrey's Community Incident Action Group (CIAG) within the past six months		<ul style="list-style-type: none"> <li>Admissions</li> <li>Youth Support Service</li> </ul>	<b>Yes</b>	<b>Fair Access</b> funding
d) Children with a history of serious unauthorised attendance problems (below 85%) within the past academic year, as assessed by the attached Education Welfare Officer		<ul style="list-style-type: none"> <li>Admissions</li> <li>Education Welfare Officer</li> </ul>	<b>Yes</b>	<b>Fair Access</b> funding
e) Children withdrawn from school by their parent following fixed term exclusion for persistent breaching of internal behaviour policies in school		<ul style="list-style-type: none"> <li>Admissions</li> <li>Behaviour Support</li> <li>Area Lead for Pupil Support</li> </ul>	<b>Yes</b>	<b>Fair Access</b> funding
f) Children who have applied to return to mainstream schooling after a period of elective home education and whose application for a school place through the normal in year admission process is refused		<ul style="list-style-type: none"> <li>Admissions</li> <li>Education Welfare Officer</li> <li>Elective Home Education team Manager</li> </ul>	<b>Yes</b>	<b>Fair Access</b> funding
g) Children who have been out of education, including elective home education, for longer than two months <b>excluding the summer break (see para. 2.2g for further definition of</b>		<ul style="list-style-type: none"> <li>Admissions</li> <li>Elective Home Education team Manager</li> </ul>	<b>Yes</b>	<b>Fair Access</b> funding

<p><b>this) where throughout that period:</b></p> <ul style="list-style-type: none"> <li>they have been living within the UK; and</li> <li>they have had a right to access state funded education.</li> </ul>			
h) Children applying to enter Year 11 whose application for a school place through the normal in year admission process is refused	<ul style="list-style-type: none"> <li>Admissions</li> </ul>	<b>Yes</b>	<b>Fair Access</b> funding
i) Children of Gypsies, Roma and Travellers	<ul style="list-style-type: none"> <li>Admissions</li> <li>Race, Equality &amp; Minority Achievement team</li> </ul>	No	
j) Children of asylum seekers and refugees who have been in the UK less than two years and need a supported entry to school.	<ul style="list-style-type: none"> <li>Admissions</li> <li><b>Children's Services</b></li> </ul>	No	
k) Children who are homeless including those who have been placed in temporary housing by SCC	<ul style="list-style-type: none"> <li>Admissions</li> <li><b>Children's Services</b></li> </ul>	No	
l) Children with unsupportive family backgrounds where a place has not been sought 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</li> <li>Education Welfare Officer</li> </ul>	No	
m) Children who are carers	<ul style="list-style-type: none"> <li>Admissions</li> <li><b>Young Carers</b></li> <li><b>Children's Services</b></li> </ul>	No	
n) Children with special educational needs, disabilities or medical conditions (but without a Statement of SEND or an Education, Health & Care Plan), where the need, disability or medical condition has already impacted on the child's attendance or participation at school	<ul style="list-style-type: none"> <li>Admissions</li> <li>Area Lead for Pupil Support</li> </ul>	No	
o) Children subject to a child protection plan	<ul style="list-style-type: none"> <li>Admissions</li> <li><b>Children's Services</b></li> </ul>	No	
p) Children of UK service personnel and 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</li> </ul>	No	
q) Children who are accommodated in an emergency refuge for victims of domestic violence	<ul style="list-style-type: none"> <li>Admissions</li> <li><b>Children's Services</b></li> </ul>	No	

## Flow chart for processing cases under Secondary Fair Access Protocol – 2016/17



# Addressing Inequalities

## Equalities Impact Assessment

## Surrey County Council Equality Impact Assessment Template

### Stage one – initial screening

<b>What is being assessed?</b>	<b>Primary and Secondary Fair Access Protocols 2016/17</b>
<b>Service</b>	<b>Admissions and Transport</b>
<b>Name of assessor/s</b>	<b>Claire Potier</b>
<b>Head of service</b>	<b>Julie Stockdale</b>
<b>Date</b>	<b>01.07.16</b>
<b>Is this a new or existing function or policy?</b>	<b>Existing policy under review</b>

**Write a brief description of your service, policy or function. It is important to focus on the service or policy the project aims to review or improve.**

This EIA relates to the processes and criteria for Surrey's Primary and Secondary Fair Access Protocols. Each local authority is required to have a Fair Access Protocol which ensures that access to education is secured quickly for Surrey children who have no school place and that all schools in Surrey admit children their fair share of children with challenging behaviour.

**Indicate for each equality group whether there may be a positive impact, negative impact, or no impact.**

<b>Equality Group</b>	<b>Positive</b>	<b>Negative</b>	<b>No impact</b>	<b>Reason</b>
<b>Age</b>	X			Schools will receive pro rata AWPU funding for Year 11 pupils admitted after 2 October 2016 until the end of the Spring term 2017
<b>Gender Reassignment</b>			X	

<b>Disability</b>	X			Children with special educational needs & disability who are not statemented nor have an EHCP; and children with disabilities or medical conditions which have already impacted on their attendance or participation at school; will be placed more effectively in school through the Fair Access Protocol
<b>Sex</b>			X	
<b>Religion and belief</b>	X			In considering a placement the Admissions team or placement Panel will have regard to a view of the parent regarding the religious ethos of a school
<b>Pregnancy and maternity</b>			X	
<b>Race</b>	X			Asylum seeker and refugee children who have been in the UK less than two years and who need a supported entry to school will be placed more effectively in school through the Fair Access Protocol
<b>Sexual orientation</b>			X	
<b>Carers</b>	X			Children who are carers will be placed in school more effectively through the Fair Access Protocol
<b>Other equality issues – please state</b>				
<b>Looked After Children and care leavers</b>			X	
<b>Low income families</b>			X	
<b>HR and</b>			X	

<b>workforce issues</b>				
<b>Human Rights implications if relevant</b>			<b>X</b>	

**If you find a negative impact on any equality group you will need to complete stage one and move on to stage two and carry out a full EIA.**

**A full EIA will also need to be carried out if this is a high profile or major policy that will either effect many people or have a severe effect on some people.**

<b>Is a full EIA required?</b>	<b>Yes (go to stage two)</b>	<b>No</b>
		<b>X</b>

**If no briefly summarise reasons why you have reached this conclusion, the evidence for this and the nature of any stakeholder verification of your conclusion.**

There are no negative impacts on any equality group. Placements under the Fair Access Protocol are less than 150 a year and as such this Protocol will not affect many people nor have a severe effect on some people.

**Briefly describe any positive impacts identified that have resulted in improved access or services**

The Fair Access Protocol is designed to ensure that children who are out of school are placed in school quickly. The equality groups identified above will face a positive impact as a result of this Protocol as they will be placed in school quickly, even if the school is full.

### **For screenings only:**

<b>Review date</b>	
<b>Person responsible for review</b>	<b>Claire Potier</b>
<b>Head of Service signed off</b>	<b>Julie Stockdale</b>
<b>Date completed</b>	<b>01 July 2016</b>

- Signed off electronic version to be kept in your team for review
- Electronic copy to be forwarded to Equality and Diversity Manager for publishing

**Stage 2 – Full Equality Impact Assessment - please refer to [equality impact assessment](#) guidance available on Snet**

### **Introduction and background**



**Using the information from your screening please describe your service or function. This should include:**

- **The aims and scope of the EIA**
- **The main beneficiaries or users**
- **The main equality, accessibility, social exclusion issues and barriers, and the equality groups they relate to (not all assessments will encounter issues relating to every strand)**

**Now describe how this fits into ‘the bigger picture’ including other council or local plans and priorities.**

## **Evidence gathering and fact-finding**

**What evidence is available to support your views above? Please include a summary of the available evidence including identifying where there are gaps to be included in the action plan.**

**Remember to consider accessibility alongside the equality groups**

Sources of evidence may include:

- Service monitoring reports including equality monitoring data
- User feedback
- Population data – census, Mosaic
- Complaints data
- Published research, local or national.
- Feedback from consultations and focus groups
- Feedback from individuals or organisations representing the interests of key target groups
- Evidence from partner organisations, other council departments, district or borough councils and other local authorities

**How have stakeholders been involved in this assessment? Who are they, and what is their view?**

## **Analysis and assessment**

**Given the available information, what is the actual or likely impact on minority, disadvantaged, vulnerable and socially excluded groups? Is this impact positive or negative or a mixture of both?  
(Refer to the EIA guidance for full list of issues to consider when making**

your analysis)

**What can be done to reduce the effects of any negative impacts? Where negative impact cannot be completely diminished, can this be justified, and is it lawful?**

**Where there are positive impacts, what changes have been or will be made, who are the beneficiaries and how have they benefited?**

### **Recommendations**

**Please summarise the main recommendations arising from the assessment. If it is impossible to diminish negative impacts to an acceptable or even lawful level the recommendation should be that the proposal or the relevant part of it should not proceed.**

### **Action Plan – actions needed to implement the EIA recommendations**

<b>Issue</b>	<b>Action</b>	<b>Expected outcome</b>	<b>Who</b>	<b>Deadline for action</b>

- Actions should have SMART Targets
- Actions should be reported to the Directorate Equality Group (DEG) and incorporated into the Equality and Diversity Action Plan, Service Plans and/or personal objectives of key staff.

Date taken to Directorate Equality Group for challenge and feedback	
Review date	
Person responsible for review	
Head of Service signed off	
Date completed	
Date forwarded to EIA coordinator for publishing	

- **Signed off electronic version to be kept in your team for review**
- **Electronic copy to be forwarded to your service EIA coordinator to forward for publishing on the external website**

### **EIA publishing checklist**

- Plain English – will your EIA make sense to the public?
- Acronyms – check that you have explained any specialist names or terminology
- Evidence – will your evidence stand up to scrutiny; can you justify your conclusions?
- Stakeholders and verification – have you included a range of views and perspectives to back up your analysis?
- Gaps and information – have you identified any gaps in services or information that need to be addressed in the action plan?
- Legal framework – have you identified any potential discrimination and included actions to address it?
- Success stories – have you included any positive impacts that have resulted in change for the better?
- Action plan – is your action plan SMART? Have you informed the relevant people to ensure the action plan is carried out?
- Review – have you included a review date and a named person to carry it out?
- Challenge – has your EIA been taken to your DEG for challenge
- Signing off – has your Head of Service signed off your EIA?
- Basics – have you signed and dated your EIA and named it for publishing?

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