

Notice of Meeting

Cabinet Member for Education Decisions

**Date & time**

Tuesday, 4 July
2017 at 3.30 pm

Place

Committee Room C,
County Hall, Kingston
upon Thames, Surrey
KT1 2DN

Contact

Andrew Baird & Joss Butler
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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 & Joss Butler on 0208 541 7609 or 0208 541 9702.

Elected Members

Mrs Mary Lewis

AGENDA

1 DECLARATIONS OF INTEREST

All Members present are required to declare, at this point in the meeting or as soon as possible thereafter

- i. Any disclosable pecuniary interests and / or
- ii. Other interests arising under the Code of Conduct in respect of any item(s) of business being considered at this meeting

NOTES:

- Members are reminded that they must not participate in any item where they have a disclosable pecuniary interest
- As well as an interest of the Member, this includes any interest, of which the Member is aware, that relates to the Member's spouse or civil partner (or any person with whom the Member is living as a spouse or civil partner)
- Members with a significant personal interest may participate in the discussion and vote on that matter unless that interest could be reasonably regarded as prejudicial.

2 PROCEDURAL MATTERS

MEMBERS' QUESTIONS

The deadline for Members' questions is 12pm four working days before the meeting (28/06/2017).

PUBLIC QUESTIONS

The deadline for public questions is seven days before the meeting (27/06/2017).

PETITIONS

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

3 PRIMARY AND SECONDARY FAIR ACCESS PROTOCOLS 2017/18

(Pages 1
- 52)

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 2017/18 and how cases will be considered. The changes proposed to the Protocols for 2017/18 take into account comments received from schools and Surrey County Council (SCC) officers.

4 APPROVAL OF SCHOOL DEFICITS

(Pages
53 - 60)

This report provides summary details of total Surrey maintained schools' balances and seeks Cabinet Member approval for licensed deficits where schools are projecting deficits in excess of 5% of their budget share. Two schools require this approval in 2017/18.

5 DEPARTMENT FOR EDUCATION (DFE) 30 HOURS CAPITAL FUNDING

(Pages
61 - 70)

The Childcare Act 2006 places a statutory duty on local authorities to assess the local childcare market and to secure sufficient childcare for working parents. The level of childcare provision is only deemed to be sufficient if it meets the needs of the community in general and, in particular, those families on lower incomes and those with disabled children.

In September 2017, eligible working families of three and four year olds will be able to increase their universal offer of 570 hours to 1,140 hours of free early education (30 hours FEE). It is anticipated that around 8,450 of Surrey children will be eligible for the additional hours.

This proposal is to seek agreement for the payment of Department for Education (DfE) 30 hours Capital Grant to support the development of additional 30 hour places to meet the demand for eligible working parents in four identified areas of Surrey.

David McNulty
Chief Executive

Published: 26 June 2017

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SURREY COUNTY COUNCIL**CABINET MEMBER FOR EDUCATION****DATE: 04 JULY 2017****LEAD OFFICER: JULIE FISHER, DEPUTY CHIEF EXECUTIVE****SUBJECT: PRIMARY AND SECONDARY FAIR ACCESS PROTOCOLS
2017/18****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 2017/18 and how cases will be considered. The changes proposed to the Protocols for 2017/18 take into account comments received from schools and Surrey County Council (SCC) officers.

RECOMMENDATIONS:

It is recommended that the Cabinet Member agrees the proposed Primary and Secondary Fair Access Protocols for 2017/18.

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.

<u>DETAILS:</u>

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 2017/18 are attached as **Annexes 1 to 4**.
2. The Primary and Secondary Fair Access Protocols should be read alongside the Framework and the Common Principles documents.
3. The Framework includes a section on the roles and responsibilities of the key stakeholders, and gives schools and local authority teams more clarity about the rationale behind the Protocol.
4. The Common Principles of Surrey Fair Access Panels acts as a reminder of good practice for all Secondary schools, as they are each part of an existing panel, and for those areas which have set up a Primary panel. It also provides a guide for areas which have recently set up a Primary panel or are considering setting one up.
5. Generally the Protocols have been working well and there has been little demand for change.
6. 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.

<u>CONSULTATION:</u>

7. Comments were initially sought from the Fair Access Protocol Review Group which met on 16 January and 20 March 2017. Further comments were sought from this group on 06 June 2017 when the consultation had almost finished and anonymised responses to date could be discussed. Representation on that group is from schools, Secondary Phase Council, local authority Area Leads for Pupil Support (ALPS) and Surrey's Admissions Team.
8. 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.
9. Changes were agreed with the Fair Access Review Group and are highlighted in bold in the proposed Protocol documents. Changes include:
 - Reinforcement that the Fair Access Protocols apply only to children living in Surrey (paragraph 1.2 of the Framework).
 - A change in wording from "assessment" to "review" in terms of what the ALPS will request from the area Education Psychology team in the case of a child who may not be suitable for mainstream schooling (paragraph 4.1 of the Framework and paragraph 3.6 of the Primary and Secondary Protocols).

- An additional responsibility for schools reflecting what they should already do, setting out that schools should, where appropriate, make a referral to the area SEND team as soon as a placement is agreed (paragraph 4.1 of the Framework).
 - A new paragraph that sets out the process to place a Key Stage 1 fair access child where a panel exists but where most schools are full and Infant Class Size legislation applies (paragraph 5.4 of the Primary Protocol).
 - A new paragraph that sets out the process where the Access To Education team cannot immediately accommodate a child (paragraph 5.6 of the Primary Protocol and replicated in the flow chart in Appendix 2 to the Primary Protocol; and paragraph 4.4 of the Secondary Protocol and replicated in the flow chart in Appendix 1 to the Secondary Protocol).
 - A change in wording in the Protocols from “approached to admit” to “expected to admit”, to clarify that a school could still be contacted and asked to admit a fair access child, but would not be expected to admit if they met one or more of the bulleted points set out (paragraph 6.3 of the Primary Protocol).
 - A new paragraph to explain that if a child falling under categories h) to p) of the Primary Protocol cannot be placed within 3 weeks in an area that has a panel, the Admissions team reserves the right to refer the case to the panel for consideration (paragraph 6.7 of the Primary Protocol).
 - Clarification that where a child lives outside Surrey but otherwise meets the fair access criteria, their application should generally be considered as per normal in-year processes (paragraph 9.2 of the Primary Protocol and paragraph 8.2 of the Secondary Protocol).
 - Clarification that where a fair access child is entitled to transport and a public transport route exists, if a taxi is deemed necessary to support the child’s integration then this will normally only be funded for one term (paragraph 10.3 of the Primary Protocol and paragraph 9.4 of the Secondary Protocol).
 - In addition, all references to statements of SEND have been removed as all existing statements will have been converted to EHCPs before the end of the 2017/18 academic year; and all references to Area Education Officers have been altered to refer to the local authority instead as these posts no longer exist.
10. The draft Protocols were distributed on 18 May 2017 to all schools and to the Primary and Secondary Phase councils for consideration. The ALPS were also consulted and were asked to share the consultation with Education Welfare Officers and Pupil Referral Units.
 11. Consultees were given until 14 June 2017 to submit their response.
 12. The draft Protocols were also distributed to the Admissions Forum for its meeting on 16 June 2017.
 13. A total of four written responses were received to the consultation from schools.
 14. One of the respondents submitted the following comment:

- The Protocol is sensible and clear, however management of it at local level is inappropriate use of Headteacher time due to limited number of referrals. Management of it at local level does not ensure that a decision made is in the best interests of the child. **Response: Where panels exist, placement decisions are delegated to schools and the area teams. This comment has been passed to the relevant Area Lead for Pupil Support.**
15. Primary Phase Council also submitted a response to the consultation. It supported the proposed new paragraph setting out the process to place a Key Stage 1 fair access child where a panel exists but where most schools are full and Infant Class Size legislation applies (paragraph 5.4 of the Primary Protocol).
 16. The proposed change to paragraph 5.6 of the Primary Protocol was challenged by Primary Phase Council as there were concerns why Access To Education not having capacity would be the driver for supporting a quicker move. Primary Phase Council felt that account still needed to be given to the school context and why they may not be able to accommodate a transfer. **Response: the rationale for the Fair Access Protocols is to ensure that the most vulnerable children secure a school place as quickly as possible. If there were a delay in placement because of a capacity issue within Access To Education, Admissions would wish to take a pragmatic approach and seek to place the child directly in a school, to avoid to the child being out of school any longer than necessary. Identification of a suitable school by Admissions would of course take into account the context of each possible school.**
 17. Primary Phase Council also felt that a wider discussion was needed regarding the underlying principles and whether the proposed changes for 2017/18 supported the principles of the approach as a whole. **Response: the Fair Access Review Group will continue to scrutinise the Protocols and their effectiveness during the next academic year.**
 18. A response from Secondary Phase Council confirmed that headteachers were familiar with the Protocol and supported in principle the proposed changes for 2017/2018. However Secondary Phase Council also commented that headteachers would welcome more comprehensive information supporting all admissions applications, not just those coming to Fair Access, to assist all parties to process applications and find places for students that best meet needs. **Response: admissions legislation restricts the information that parents can be asked for on the application form; however the Admissions team will continue to take steps to ensure that all relevant information is passed to schools, while making it clear to schools where there is information that must not be used as part of the decision-making process as to whether to offer a child a place.**
 19. Secondary Phase Council also raised the need to review the way in which the Fair Access Protocol links to and impacts on/is impacted by processes across the wider system of related functions, i.e. in year admissions, fair access admissions, the annual admissions cycle, and SEND placements and alternative provision. It set out that reviewing the Protocol as a technical document in isolation from the practices and processes that underpin it does not enable the wider debate around change, which could improve the system as a whole. A dedicated review would be really helpful, to identify tensions and unlock blockages. **Response: these comments will be passed to the**

new Vulnerable Learners Strategic Lead to consider how they might be involved in a wider review next year.

RISK MANAGEMENT AND IMPLICATIONS:

20. 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 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.
21. 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

22. 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.
23. 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.
24. 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.
25. In addition, maintained schools and academies will receive AWPU funding for Year 11 pupils placed on roll after 5 October 2017 and before the end of the spring term 2018 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

26. The County Council is facing a very serious financial situation, whereby there are still substantial savings to be identified and delivered to achieve a balanced budget in the current year and a sustainable budget plan for future years.
27. The Section 151 Officer can confirm that the funding for fair access has been allocated within the high needs block of the dedicated schools grant. It is recognised in the SEND 2020 strategy that inclusion of pupils in mainstream

education can lead to better outcomes for the child and this policy is seen as key to that.

28. In spite of these factors, it is important to recognise that agreeing to this recommendation will reduce the Council's options to balance the budget, although in this instance if funding was not made available for fair access and inclusion, the probable alternative costs would be significantly higher.

Legal Implications – Monitoring Officer
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29. 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.
30. The proposed Fair Access Protocols are compliant with the 2014 DfE School Admissions Code.
31. Public sector equality duty:
32. 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).
33. Pre-consultation:
34. 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.
35. Post-consultation:
36. 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.
37. General Decision-Making:
38. 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.

39. Best value duty:
40. 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

41. An Equality Impact Assessment has been completed and is included in Annex 5.
42. There are no negative impacts on any equality group. Placements under the Fair Access Protocols are currently less than 200 a year and as such these Protocols will not affect many people nor have a severe effect on some people.
43. 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.

Other Implications:

44. 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	Set out below
Safeguarding responsibilities for vulnerable children and adults	Set out below

Corporate Parenting/Looked After Children implications

45. 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

46. 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:

- 47. The Protocols will be shared with all schools and relevant officers and implemented for 2017/18.
- 48. The Admissions Forum will monitor the effectiveness of the Protocols throughout the year.

Contact Officer:

Claire Potier, Principal Manager Admissions and Transport (Strategy),
Tel: 01483 517689

Consulted:

- Julie Fisher, Deputy Chief Executive
- Julie Stockdale, SEND & School Organisation Strategic Lead
- Sarah Baker and Rachel Hickman, Legal and Democratic Services
- Infant, Junior, Primary and Secondary schools and Pupil Referral Units 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

1.	Introduction	
	1.1	This document sets out the framework within which Surrey's Primary and Secondary Fair Access Protocols will operate during the academic year 2017/18 .
	1.2	The Fair Access Protocols are operated by Surrey in partnership with all state funded mainstream schools and apply to children living in Surrey .
	1.3	The following documents form part of this framework: <ul style="list-style-type: none"> • Common Principles of Surrey Fair Access Panels • Primary Fair Access Protocol 2017/18 • Secondary Fair Access Protocol 2017/18
	1.4	This framework should be read alongside each of these documents.
2.	Background	
	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.
3	Principles of Surrey's Fair Access Protocol	
	3.1	The Fair Access Protocol applies to all state funded mainstream 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 is increasingly being implemented in the primary sector. 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 5 school days of the school receiving a copy of the offer letter to the parent/carer, and the child should start at the school within 5 school 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 the Admissions team 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 instruct a community or voluntary controlled school or to direct an own admission authority school to admit the child.
	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.	Roles and responsibilities	
	4.1	<p>Admissions team:</p> <ul style="list-style-type: none"> • identify fair access children, either through direct in year applications or via a referral from an own admission authority school; • 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; • attend the area panels as appropriate, and send the offer letters following notification of placements; • 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

		<p>the child, via a direction if necessary;</p> <ul style="list-style-type: none"> • 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. <p>Area Leads for Pupil Support:</p> <ul style="list-style-type: none"> • 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 the Area Education Psychology team for review prior to deciding an appropriate placement; • refer other fair access children to the A2E team when notified by the Admissions team; • 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 the Admissions team of panel placements; • where a placement breaks down, work with the school to identify an alternative solution. <p>Access to Education (A2E)</p> <ul style="list-style-type: none"> • receive referrals through the Area Leads for Pupil Support, from the Admissions team; • 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. <p>Pupil Referral Units (PRUs)</p> <ul style="list-style-type: none"> • 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. <p>Schools</p> <ul style="list-style-type: none"> • own admission authority schools: <ul style="list-style-type: none"> - 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 the Admissions team indicating whether able to admit
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		<ul style="list-style-type: none"> all schools: <ul style="list-style-type: none"> 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 the Admissions team to admit a child, giving a full written explanation if unable to admit where an area panel exists, ensure the Headteacher or delegated colleague attends and has read all paperwork in advance contribute to decision making at panels which maintains an equitable distribution of fair access pupils among schools once a fair access placement is agreed, make contact with the family and arrange for the child to go on roll within 5 school days of the offer and to start within a further 5 school days where appropriate, make a referral to the area SEND team as soon as a placement is agreed.
5.	Monitoring and reporting	
	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 type of school under the Protocol. Surrey's annual report must be produced by 30 June each year and must be published locally.
6	Funding	
	6.1	Funding for children identified as fair access will be allocated to the school that admits the child in accordance with section 10 of the Primary Fair Access Protocol 2017/18 and section 9 of the Secondary Fair Access Protocol 2017/18.
7.	Children with an Education, Health & Care Plan	
	7.1	Children with 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 SEND Code of Practice.
	7.2	However children who are awaiting an EHCP will continue to be considered under normal admissions processes, including the Fair Access Protocol as appropriate, until their 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.
8.	Looked After Children	
	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 the Admissions team 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.

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Surrey County Council

PRIMARY Fair Access Protocol 2017/18

1.	Introduction	
	1.1	This document sets out the Fair Access Protocol which will be operated by Surrey in partnership with primary schools during the academic year 2017/18.
	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.
2.	Categories of children	
	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"> • who live in Surrey; and • who have a legal right to access state funded education; and • who are not already on the roll of a school (although see exception in category a); and • who are seeking a place in Reception to Year 6 outside the normal admissions round; and • who fall under one of the categories a) to p) below
	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><i>Children who have been out of education, including elective home education, for longer than two months where throughout that period:</i></p> <ul style="list-style-type: none"> <i>• they have been living within the UK; and</i> <i>• they have had a right to access state funded education.</i> <p><i>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.</i></p>
	h)*	<i>Children of Gypsies, Roma and Travellers;</i>
	i)*	<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;</i>
	j)*	<i>Children who are homeless including those who have been placed in temporary housing by Surrey County Council;</i>
	k)*	<i>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;</i>
	l)*	<i>Children who are carers;</i>
	m)*	<i>Children with special educational needs, disabilities or medical conditions (but without an Education, Health & Care Plan), where the need, disability or medical condition has already impacted on the child's attendance or participation at school;</i>
	n)	<i>Children subject to a child protection plan;</i>
	o)	<i>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;</i>
	p)	<i>Children who are accommodated in an emergency refuge for victims of domestic violence.</i>
	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.
3.	Identification of children who meet the criteria for the Protocol	
	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"> • 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. • If the school is unable to offer a place, the school will refer it to the Admissions team to be considered under the Protocol. <p>All such referrals will be made within 5 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 Pupil Referral Unit (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 an EHCP, 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 the Area Education Psychology team by the Area Lead for Pupil Support for review before determining the most appropriate placement for the child.
4.	The number of Fair Access placements that each school will be expected to admit	
	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 their Published Admission Number (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).
5.	Process for admission – categories a) to g)	
	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. Section 10 of this Protocol sets out the funding available for categories a) to g).
	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"> • 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 • 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 • All other children will be referred to the A2E team through the Area Lead for Pupil Support, by the Admissions team.
	5.4	In the event that there is a Key Stage 1 fair access pupil to be placed in an area where a panel exists but where most schools are full and Infant Class Size legislation will apply, the Area Lead for Pupil Support may decide to consult the Headteachers of those schools who have a vacancy and then facilitate one of those schools to admit, instead of convening a full panel.
	5.5	On receipt of referrals in A2E, the Area Lead for Pupil Support will arrange for: <ul style="list-style-type: none"> • the child's assessment to be completed • a risk assessment to be carried out on the suitability of the home or alternative venues for home tuition • short term interim teaching/mentoring to be set up in the light of assessment/other available information.
	5.6	In the event that the A2E team cannot immediately accommodate a child, the Admissions team will follow the process in Section 6 in allocating a school.
	5.7	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.
	5.8	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.

5.9	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.
5.10	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.
5.11	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.
5.12	<p>In considering cases, Panels will have regard to:</p> <ul style="list-style-type: none"> • parental preference (the parent/carer can still submit an appeal and so it is helpful to demonstrate that this has been considered) • 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) • any genuine concerns about the admission by either the parent/carer or the school • a view of the parent/carer about the religious ethos of a school • distance, availability of transport and travelling times
5.13	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.
5.14	In considering cases, Panels may also wish to have regard to the number of LAC and EHCP children within each school and the number and frequency of previous Fair Access placements within the academic year and within each year group.
5.15	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.
5.16	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 5 school days of the placement being agreed and for a start date within 5 school 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.
5.17	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.
	5.18	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.
	5.19	Subsequent Panel meetings will review any placements made to ensure that the children in the partnership area are in receipt of full time education.
	5.20	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.
6.	Process for admission – categories h) to p); and categories a) to g) where no panel process exists	
	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	<p>A school might not be expected to admit a child if:</p> <ul style="list-style-type: none"> 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 local authority); or the school has no vacancies and the school has already its quota of children under the Protocol within the academic year; or to admit an extra child would breach infant class size legislation there are reasons why a school would not be an appropriate placement for the child
	6.4	<p>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:</p> <ul style="list-style-type: none"> schools with vacancies any genuine concerns about the admission by either the parent/carer or the school

		<ul style="list-style-type: none"> • a view of the parent/carer about the religious ethos of a school • the percentage of LAC and EHCP children within each school and the number and frequency of previous Fair Access placements within the academic year and within each year group • distance, availability of transport and travelling times
	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 but taking into account paragraph 4.2.
	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	Where a panel exists in an area and a child falling under categories h) to p) cannot be placed within 3 weeks, the Admissions team reserves the right to refer the case to the panel for consideration.
	6.8	The Admissions team will liaise with the school before notifying a parent/carer of the placement.
	6.9	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.
	6.10	The receiving school will contact the parent/carer and make arrangements for the child to go on roll within 5 school days of the placement being agreed with the Admissions team and for a start date within 5 school days of going on roll.
	6.11	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.
	6.12	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.
7.	Consideration of why a school may not admit a fair access child	
	7.1	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

		<p>be made if:</p> <ul style="list-style-type: none"> 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 local authority); or 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 to admit an extra child would breach infant class size legislation; or there are compelling reasons why a school would not be an appropriate placement for the child. <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.	Establishing which Panel is responsible for considering placements under categories a) to g) where a panel process exists	
	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"> There are likely to be fewer transport issues or costs If the school is nearer there are likely to be fewer barriers which prevent the child from attending There may be better parental support and participation The child will be better placed to participate in extracurricular activities The child is more likely to develop friendship groups from his/her local community It is less likely that appeals for other schools will be upheld Establishes a clear and transparent way for referrals to be made
	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"> The previous school can comment on the child's behavioural and educational history at the panel Support services may already be familiar and be supporting the child Ensures collegiate working between schools in the same area which in turn improves shared approaches to managing behaviour and attendance Establishes a culture of shared problem solving of individual cases within the same area 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
	8.4	For the purpose of this Protocol, children who have previously attended a school within Surrey 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.
9.	Out of area applications	
	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	As these children do not meet Surrey's Fair Access Protocol, schools should consider these applications in accordance with normal in-year processes.
	9.3	However , 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 effect an alternative placement.
10.	Funding	
	10.1	<p>Other than excluded children (see paragraph 10.2), in year applicants living in Surrey at the time of placement and admitted to state funded mainstream 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"> • 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) • 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) • Up to £500 in the Summer Term for placements made in the Summer Term <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</p>

		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.		
	10.2	Excluded children admitted to mainstream schools under the Protocol will be funded as follows: 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 1/52 x the number of weeks from the date of permanent exclusion to the end of the local authority's financial year. 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 1/52 x the number of weeks from the date of re-admission to the end of the local authority's financial year. c) 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 there are other suitable modes of transport but 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.		
11.	Data			
	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 the Admissions Forum by school and category.		
12.	Process for Primary children			
Category of Child		Support team	Panel	Additional arrangements
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		<ul style="list-style-type: none">• Area Lead for Pupil Support• Alternative Provision provider	Yes	Points Weighting if applicable Dual Registration

is attending a PRU or Alternative Provision as an alternative to permanent exclusion			
b) Children returning from the criminal justice system who are registered with the Youth Offending Team	<ul style="list-style-type: none"> • Admissions • Surrey Family Services 	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"> • Admissions • Surrey Family Services 	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"> • Admissions • Education Welfare Officer 	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"> • Admissions • Behaviour support • Area Lead for Pupil Support 	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"> • Admissions • Education Welfare Officer • Elective Home Education team Manager 	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"> • they have been living within the UK; and • they have had a right to access state funded education. 	<ul style="list-style-type: none"> • Admissions • Elective Home Education team Manager 	Yes	Fair Access funding
h) Children of Gypsies, Roma and Travellers	<ul style="list-style-type: none"> • Admissions • Race, Equality & Minority Achievement team 	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"> • Admissions • Children's Services 	No	
j) Children who are homeless including those who have been placed in temporary housing by SCC	<ul style="list-style-type: none"> • Admissions • Children's Services 	No	
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	<ul style="list-style-type: none"> • Admissions • Education Welfare Officer 	No	
l) Children who are carers	<ul style="list-style-type: none"> • Admissions • Young Carers • Children's Services 	No	
m) Children with special educational needs, disabilities or medical conditions (but without 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"> • Admissions • Area Lead for Pupil Support 	No	
n) Children subject to a child protection plan	<ul style="list-style-type: none"> • Admissions • Children's Services 	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"> • Admissions 	No	
p) Children who are accommodated in an emergency refuge for victims of domestic violence	<ul style="list-style-type: none"> • Admissions • Children's Services 	No	

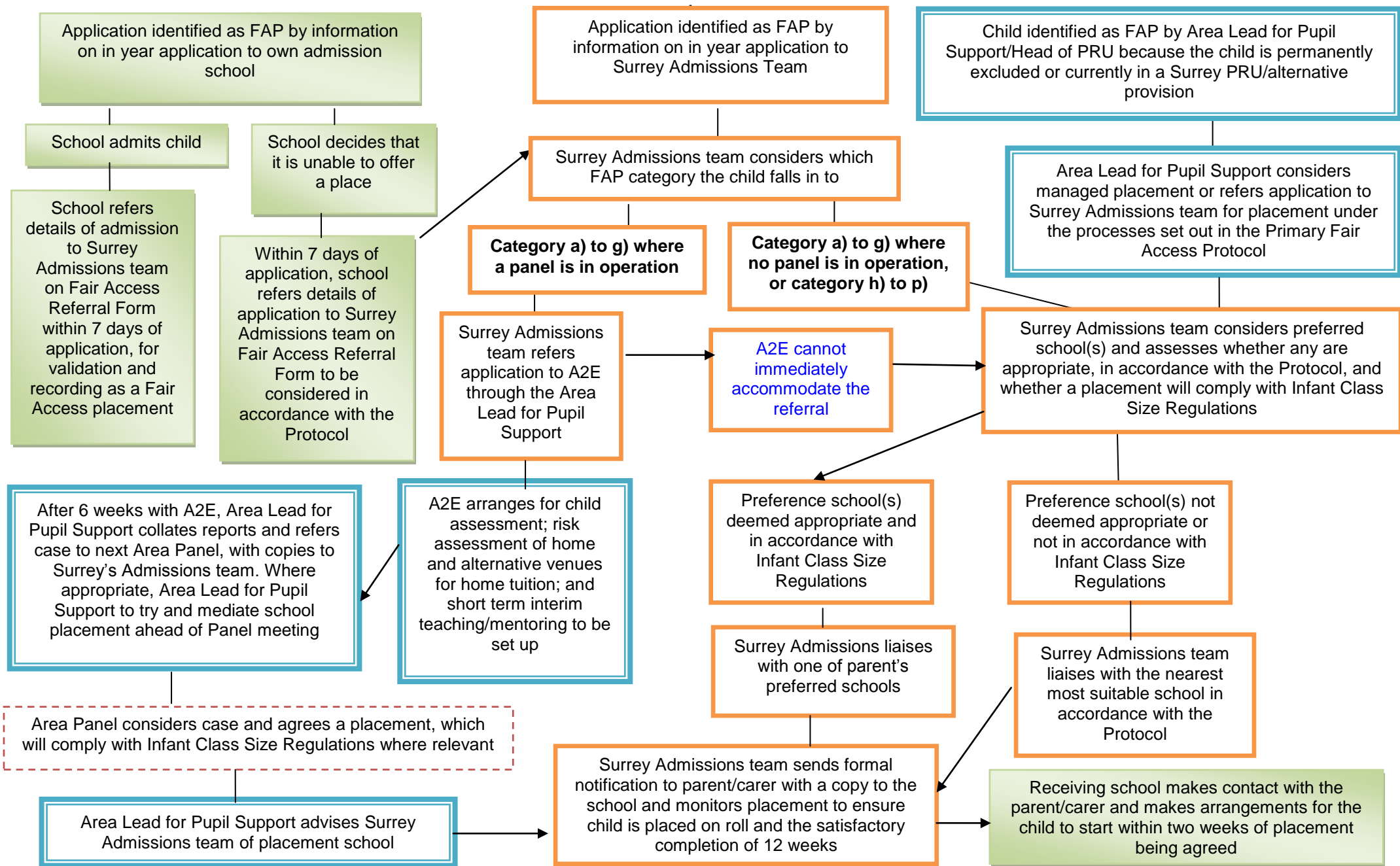
Exceptions to the Infant Class Size Limit – 2017/18

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



Surrey County Council

SECONDARY Fair Access Protocol **2017/18**

1.	Introduction	
	1.1	This document sets out the Fair Access Protocol which will be operated by Surrey in partnership with schools during the academic year 2017/18 .
	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.
2.	Categories of children	
	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"> • who live in Surrey; and • who have a legal right to access state funded education; and • who are not already on the roll of a school (although see exception in category a); and • who are seeking a place in Year 7 to Year 11 outside the normal admissions round; and • who fall under one of the categories a) to q) below.
	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><i>Children who have been out of education, including elective home education, for longer than two months where throughout that period:</i></p> <ul style="list-style-type: none"> <i>• they have been living within the UK; and</i> <i>• they have had a right to access state funded education.</i> <p><i>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.</i></p>
h)	<i>Children applying to enter Year 11 whose application for a school place through the normal in year admission process is refused;</i>
i)*	<i>Children of Gypsies, Roma and Travellers;</i>
j)*	<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;</i>
k)*	<i>Children who are homeless including those who have been placed in temporary housing by Surrey County Council;</i>
l)*	<i>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;</i>
m)*	<i>Children who are carers;</i>
n)*	<i>Children with special educational needs, disabilities or medical conditions (but without an Education, Health & Care Plan), where the need, disability or medical condition has already impacted on the child's attendance or participation at school;</i>
o)	<i>Children subject to a child protection plan;</i>
p)	<i>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;</i>
q)	<i>Children who are accommodated in an emergency refuge for victims of domestic violence.</i>
2.3	<p>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.</p>

3.	Identification of children who meet the criteria for the Protocol	
	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"> • 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. • If the school is unable to offer a place, the school will refer it to the Admissions team to be considered under the Protocol. <p>All such referrals will be made within 5 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 Pupil Referral Unit (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 an EHCP, 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 the Area Education Psychology team by the Area Lead for Pupil Support for review before determining the most appropriate placement for the child.
4.	Process for admission - categories a) to h)	
	4.1	<ul style="list-style-type: none"> • Children who fall within categories a) to h) in paragraph 2.2 are considered to be the most challenging with regard to admissions. Section 9 of this Protocol sets out the funding available for categories a) to h).

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"> • 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 • 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 • All other children will be referred to the A2E team through the Area Lead for Pupil Support, by the Admissions team.
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"> • the child's assessment to be completed • a risk assessment to be carried out on the suitability of the home or alternative venues for home tuition • short term interim teaching/mentoring to be set up in the light of assessment/other available information.
4.4	<p>In the event that the A2E team cannot immediately accommodate a child, the Admissions team will follow the process in Section 5 in allocating a school.</p>
4.5	<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>
4.6	<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>
4.7	<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>
4.8	<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>
4.9	<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>
4.10	<p>In considering cases, panels will have regard to:</p> <ul style="list-style-type: none"> • parental preference (the parent/carers can still submit an appeal and so it is helpful to demonstrate that this has been considered) • 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)

		<ul style="list-style-type: none"> any genuine concerns about the admission by either the parent/carer or the school a view of the parent/carer about the religious ethos of a school distance, availability of transport and travelling times
	4.11	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.
	4.12	In considering cases, panels may also wish to have regard to the number of Looked After Children (LAC) and EHCP children within each school; and the number and frequency of previous Fair Access placements within the academic year and within each year group.
	4.13	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.
	4.14	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 5 school days of the placement being agreed and for a start date within 5 school 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.
	4.15	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.
	4.16	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.
	4.17	Subsequent panel meetings will review any placements made to ensure that the children in the panel area are in receipt of full time education.
	4.18	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.
5.	Process for admission – categories i) to q)	
	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"> • schools with vacancies • 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 local authority) • any genuine concerns about the admission by either the parent/carer or the school • a strong view of the parent/carer about the religious ethos of a school • the number and percentage of Looked After Children (LAC) and EHCP children within each school and the number and frequency of previous Fair Access placements within the academic year and within each year group • distance and travelling times
	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 5 school days of the placement being agreed and for a start date within 5 school 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 Surrey 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 4.6 to 4.18 will then be followed.
6.	Consideration of why a school may not admit a fair access child	
	6.1	<p>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:</p> <ul style="list-style-type: none"> • 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 local authority); or • the school has no vacancies; or • there are compelling reasons why a school would not be an appropriate placement for the child. <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>
7.	Establishing which Panel is responsible for considering placements under categories a) to h)	
	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"> • There are likely to be less transport issues or costs • If the school is nearer there are likely to be fewer barriers which prevent the child from attending • There may be better parental support and participation • The child will be better placed to participate in extra curricular activities • The child is more likely to develop friendship groups from his/her local community • It is less likely that appeals for other schools will be upheld • Establishes a clear and transparent way for referrals to be made.
	7.3	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:

		<ul style="list-style-type: none"> • The previous school can comment on the child's behavioural and educational history at the panel • Support services may already be familiar and be supporting the child • Ensures collegiate working between schools in the same area which in turn improves shared approaches to managing behaviour and attendance • Establishes a culture of shared problem solving of individual cases within the same area • 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.
	7.4	For the purpose of this Protocol, children who have previously attended a school within Surrey 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.
8.	Out of area applications	
	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	As these children do not meet Surrey's Fair Access Protocol, schools should consider these applications in accordance with normal in-year processes.
	8.3	However , 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 effect an alternative placement.
9.	Funding	
	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 mainstream 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"> • 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) • 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)

		<ul style="list-style-type: none"> Up to £500 in the Summer Term for placements made in the Summer Term <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; 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>
	9.2	<p>Additionally Surrey fair access children admitted into year 11 at a state funded mainstream school under categories a) to h) of the Protocol (but not previously permanently excluded) after 5 October 2017 but before the end of the spring term 2018, 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 2018, 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: 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 2018; placements made up to the end of March 2018 which have lasted four weeks or more by that date - payment will be issued at the end of March 2018; remaining payments will be made in the summer term.</p> <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 $1/52 \times$ 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 $1/52 \times$ 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 there are other suitable modes of transport but a taxi is deemed appropriate</p>

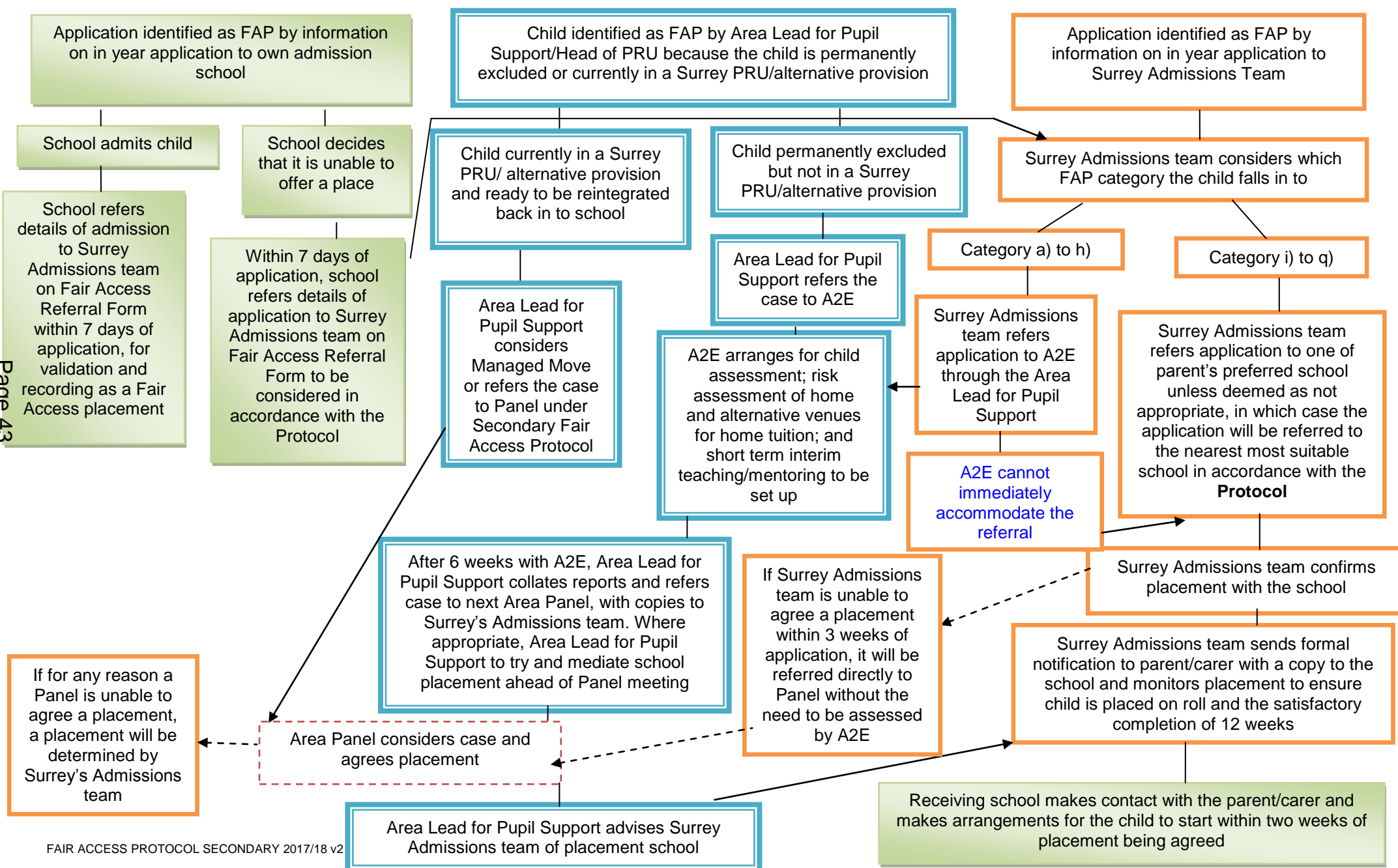
		to support integration, this will only be funded for one term, and beyond that the child would be expected to travel on an alternative mode of transport to school. Where there are exceptional circumstances the parent/carer could request that the taxi provision is extended, and this would be considered as a transport case review by senior officers in the Admissions team.		
	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.		
10.	Data			
	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 the Admissions Forum by school and category.		
11.	Process for secondary children			
Category of Child		Support team	Panel	Additional arrangements
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">Area Lead for Pupil SupportAlternative Provision provider	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">AdmissionsSurrey Family Services	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">AdmissionsSurrey Family Services	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">AdmissionsEducation Welfare Officer	Yes	Fair Access funding
e) Children withdrawn from school by their parent following fixed term exclusion for persistent breaching		<ul style="list-style-type: none">AdmissionsBehaviour SupportArea Lead for Pupil	Yes	Fair Access funding

of internal behaviour policies in school	Support		
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"> • Admissions • Education Welfare Officer • Elective Home Education team Manager 	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"> • they have been living within the UK; and • they have had a right to access state funded education. 	<ul style="list-style-type: none"> • Admissions • Elective Home Education team Manager 	Yes	Fair Access funding
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"> • Admissions 	Yes	Fair Access funding
i) Children of Gypsies, Roma and Travellers	<ul style="list-style-type: none"> • Admissions • Race, Equality & Minority Achievement team 	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"> • Admissions • Children's Services 	No	
k) Children who are homeless including those who have been placed in temporary housing by SCC	<ul style="list-style-type: none"> • Admissions • Children's Services 	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"> • Admissions • Education Welfare Officer 	No	
m) Children who are carers	<ul style="list-style-type: none"> • Admissions • Young Carers • Children's Services 	No	

n) Children with special educational needs, disabilities or medical conditions (but without 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"> • Admissions • Area Lead for Pupil Support 	No	
o) Children subject to a child protection plan	<ul style="list-style-type: none"> • Admissions • Children's Services 	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"> • Admissions 	No	
q) Children who are accommodated in an emergency refuge for victims of domestic violence	<ul style="list-style-type: none"> • Admissions • Children's Services 	No	

Flow chart for processing cases under Secondary Fair Access Protocol – 2017/18

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Addressing Inequalities

Equalities Impact Assessment

Surrey County Council Equality Impact Assessment Template

Stage one – initial screening

What is being assessed?	Primary and Secondary Fair Access Protocols 2017/18
Service	Admissions and Transport
Name of assessor/s	Claire Potier
Head of service	Julie Stockdale
Date	20.06.17
Is this a new or existing function or policy?	Existing policy under review

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.

Equality Group	Positive	Negative	No impact	Reason
Age	X			Schools will receive pro rata AWP funding for Year 11 pupils admitted after 5 October 2017 until the end of the Spring term 2018
Gender Reassignment			X	

Disability	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
Sex			X	
Religion and belief	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
Pregnancy and maternity			X	
Race	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
Sexual orientation			X	
Carers	X			Children who are carers will be placed in school more effectively through the Fair Access Protocol
Other equality issues – please state				
Looked After Children and care leavers			X	
Low income families			X	
HR and			X	

workforce issues				
Human Rights implications if relevant			X	
<p>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.</p> <p>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.</p>				

Is a full EIA required?	Yes (go to stage two)	No X
<p>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.</p>		
<p>There are no negative impacts on any equality group. Placements under the Fair Access Protocol are less than 200 a year and as such this Protocol will not affect many people nor have a severe effect on some people.</p>		
<p>Briefly describe any positive impacts identified that have resulted in improved access or services</p>		
<p>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.</p>		

For screenings only:

Review date	
Person responsible for review	Claire Potier
Head of Service signed off	Julie Stockdale
Date completed	20 June 2017

- 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

Issue	Action	Expected outcome	Who	Deadline for action

- 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	
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- **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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SURREY COUNTY COUNCIL**CABINET MEMBER FOR EDUCATION****DATE: 4 JULY 2017****LEAD OFFICER: JULIE FISHER, STRATEGIC DIRECTOR OF CHILDREN, SCHOOLS & FAMILIES****SUBJECT: APPROVAL OF SCHOOL DEFICITS****SUMMARY OF ISSUE:**

This report provides summary details of total Surrey maintained schools' balances and seeks Cabinet Member approval for licensed deficits where schools are projecting deficits in excess of 5% of their budget share. Two schools require this approval in 2017/18.

RECOMMENDATIONS:

It is recommended that the Cabinet Member for Education:

1. notes the level of balances held by Surrey maintained schools; and
2. approves the one-year licensed deficits for Hale Primary and Chart Wood schools.

REASON FOR RECOMMENDATIONS:

Approval of a licensed deficit will ensure schools are operating within the County's Scheme for Financing Schools and will set the parameters within which a recovery plan can be developed.

DETAILS:**SCHOOLS' BALANCES**

- 1 Total net balances held by Surrey's 271 maintained schools as at 31 March 2017 were £41.9m. A further £2.8m is held by confederations and networks of schools. For comparative purposes, the table below excludes from current and all prior year figures, the balances held by schools which had converted to academy status by 31 March 2017. Responsibility for the finances of academies transfers to the Education & Skills Funding Agency on conversion. The council is not currently informed of academies' financial balances.

	As at 31 March 2015	As at 31 March 2016	As at 31 March 2017	No. of schools
<i>School Phase:</i>	£m	£m	£m	

Primary (including nurseries)	26.3	29.9	29.8	230
Secondary	5.4	7.2	7.6	14
Special	3.8	4.2	3.9	19
Pupil referral units	0.5	0.5	0.6	8
Total individual schools' balances	36.0	41.8	41.9	271
Balances held by schools confederations / networks	3.2	2.7	2.8	
Total Schools' Balances	39.2	44.5	44.7	

LOCAL AUTHORITIES' FINANCIAL MONITORING OF SCHOOLS DFE REQUIREMENTS

- 2 The Department for Education (DfE) requires each local authority's Chief Finance Officer (CFO) to produce an Outturn statement indicating the extent of any under or overspending of Dedicated Schools Grant (DSG) by the authority. In addition, the local authority (LA) must demonstrate deficits and large surpluses in schools are short-term and actively managed.
- 3 The DfE seeks explanations of actions to be taken by LAs if specific thresholds are breached. The thresholds are as follows:
 - An overspend on DSG should not exceed 2% and an underspend should not exceed 5%.
Surrey had a net DSG overspend of 0.15%.
 - No LA should have 5% of schools with a surplus of 15% or more for the last 5 years
In Surrey this 5% threshold would equate to 14 schools. Surrey has 12 schools in this position.
 - No LA should have 2.5% of its schools with a deficit of 2.5% or higher, for the last 4 years.
Surrey has no schools in this position.

SURPLUS BALANCES

- 4 Of Surrey's 271 maintained schools, 266 (98%) had surplus balances at 31 March 2017. Year-end surplus balances are typically expressed as a percentage of each school's total revenue budget share for the year.
- 5 School surpluses can be analysed across phases as follows:

As at March 2017:	Primary Schools (including nursery schls)		Secondary Schools		Special Schools		PRUs	
Surpluses	No. Schls	% in phase	No. Schls	% in phase	No. Schls	% in phase	No. Schls	% in phase
0 – 5%	27	12%	2	14%	3	5%	1	12.5%
5 - 8%	39	17%	3	21.5%	1	11%	2	25%

8 – 10%	25	11%	3	21.5%	3	11%	2	25%
10-15%	76	33%	3	21.5%	4	26%	1	12.5%
15% +	61	26%	3	21.5%	5	32%	2	25%
Total	228	99%	14	100%	16	85%	8	100%

- 6 Although a marginal surplus can represent prudent financial management, sizeable balances are generally discouraged as funding is allocated to schools on the basis of the specific needs of current pupils and is intended to be spent on those pupils. LAs must demonstrate that high balances are challenged.
- 7 The local authority asks schools with high balances (over 15% of budget) to provide details of the purpose for which they are held. Responses received to date indicate that approximately 33% of high balances were held for capital projects and 9% for non-capital projects. Approximately 25% of high balances were held to ensure stability in current or future budgets amid funding concerns. The lack of any provision for inflation in the funding settlement in recent years and the potential impact of the National Funding Formula have led to uncertainty in schools and governors are notably seeking to make provision for potential future risks. The remaining balances were maintained for a variety of purposes including community focused projects.

DEFICITS

- 8 The total value of schools' deficits at March 2017 is £523,278, an increase from £97,943 in March 2016. Approximately half of this increase relates to one school – Chart Wood (see para 12). The following table shows the number of schools with deficits of varying magnitude in the past three years – adjusted to exclude academy converters. A school's deficit is expressed as a percentage of its total delegated revenue budget received that year.

	As at 31 March 2015	As at 31 March 2016	As at 31 March 2017
Deficits	No. of schools	No. of schools	No. of schools
0 – 5%	2	4	2
5 – 10%	1	0	2
10% +	1	0	1
Total	4	4	5

- 9 Of Surrey's 271 maintained schools, five had deficit balances as at 31 March 2017. Smaller deficits are frequently temporary, but larger deficits require a robust recovery plan that repays the deficit whilst minimising the impact on the education of pupils at the school. Deficits exceeding 5% at 31 March 2017 were held by three schools: Chart Wood (11.1%), Hale Primary (8.1%) and Gosden House (5.1%).

National comparisons

- 10 The latest national comparisons are currently only available for the year ending 31 March 2016. At 31 March 2016, four Surrey maintained schools had deficits (1.4% of schools) compared to 5.7% nationally.

- 11 The DfE discourages surplus balances in excess of 15% of funding. At 31 March 2016, a total of 19.2% of (then) Surrey maintained schools were in that position compared to 13.2% of schools nationally, which placed Surrey 43rd nationally among 152 LAs.

SCHOOLS SEEKING APPROVAL FOR DEFICITS IN EXCESS OF 5%

- 12 Cabinet Member approval is required for a licensed deficit in excess of 5% of a school's budget.

No schools projected a deficit in excess of 5% at 31 March 2017. However three schools ended the year with deficits over 5%: Hale Primary, Chart Wood and Gosden House. Two of these will require Cabinet Member deficit approvals in 2017/18. Details are set out below.

Hale Primary School

	% of annual budget	£
Deficit as at 31 March 2017	7.9%	115,213
Proposed deficit as at 31 March 2018	9.3%	135,000

Hale School has suffered from low pupil numbers and poor attainment levels in recent years. The school has strengthened the leadership team and has made considerable progress in raising standards. The school has also undertaken considerable outreach work in the community which has contributed to the rapid improvement of the school. The new evaluative and innovative approaches have transferred to other leaders in the school and improvements in pupil attainment are expected to be sustainable.

The school's March 2017 year end deficit of £115,213 was significantly in excess of the approved deficit of £63,500, highlighting concerns regarding financial monitoring at the school. The school's leadership have requested a licensed deficit of £135,000 in 2017/18 after which the school intends to repay its deficit. Full supporting details are still awaited and following the departure of the school's bursar, assistance is required in validating budget assumptions and developing a robust recovery plan. The council is providing financial advice and advanced skills governor support to the school for this purpose.

Cabinet Member approval is sought for a one-year licensed deficit pending further information from the school and the development of a robust recovery plan.

Chart Wood

	% of annual budget *	£
Deficit as at 31 March 2017	11.1%	232,109
Maximum proposed deficit as at 31 March 2018	7.5%	232,109
* Note: The budget increases in 2017/18 for the full year impact of the merger. The combined school operated for part of the year only in 2016/17.		

Chart Wood school was formed by the merger of two special schools - in practical terms from September 2016 and legally from September 2017. It is anticipated that the merger and future planned relocation onto a single site will allow scope for savings in staffing and other costs, but these will take time to realise, although some small savings in staffing have already been made. Reduced pupil numbers and lower boarding numbers are currently contributing to the large shortfall. The school is likely to remain on two sites for at least another year and discussions regarding additional transitional funding are currently underway.

In the interim it is suggested that a one year license be approved for the existing deficit to continue in 2017/18. Once funding is finalised, the level of any deficit – which is expected to be considerably lower - will be assessed and a robust recovery plan developed.

Gosden House

	% of annual budget	£
Deficit as at 31 March 2017	6.1%	103,204
Proposed deficit as at 31 March 2018	2.6%	44,700

Historically, Gosden House was funded at a relatively high rate for residential provision. The reduction and ultimately closure of residential provision at the school in August 2013 made the staffing structure unsustainable. The school has restructured to realise some savings but funding has been impacted by low pupil numbers. The school is currently in negotiations with the local authority regarding the type of special needs to be catered for in future years.

The school has revised its original budget plan for 2017/18 making changes including reducing its expenditure on agency support staff and is now projecting a deficit of £44,700 (2.6%) in 2017/18. This will be fully recovered in 2018/19.

RISK MANAGEMENT AND IMPLICATIONS:

- 13 Risks include the maintenance by schools of inappropriately high surpluses which leave current pupils' needs unmet. Schools with large deficits can struggle to repay them without impacting on standards. Where a weak school is obliged to academise – under sponsored academy status - the local authority can be expected to fund any deficit on conversion. This becomes a pressure on council funds required for other services.
- 14 As part of the monitoring of a schools' performance, the current level of balances is considered and recommendations are made regarding their potential use. Schools with deficits are required to develop a recovery plan to repay the deficit with a defined period and are subject to enhanced monitoring until fully repaid.

Financial and Value for Money Implications

- 15 All maintained schools are expected to repay any deficits and must submit recovery plans to the local authority. These vary from one to three years depending on the size of the deficit and the potential impact of repayments on the school's performance.
- 16 Relatively few Surrey schools have deficits as schools at risk are closely monitored and advice is provided where needed.

Section 151 Officer Commentary

- 17 The Section 151 officer confirms the process of monitoring surpluses and deficits is robust and outcomes are well within DfE requirements.
- 18 Those schools with deficits in excess of 5% are a concern and officers from the local authority and Babcock Four S have been involved in providing advisory support. Notably, Gosden House will fully recover its deficit during 2018/19.
- 19 DfE policies currently assume that schools with deficits on conversion to academy status will carry those deficits to the new academy except where schools are obliged to convert under 'sponsored academy' status due to weak performance. Additional financial and governor support is currently being provided to Hale school to minimise their deficit as the current low OFSTED rating could create a financial risk to the council should the school be required to convert. To date all schools with deficits converting to academy status in Surrey have taken their deficits with them.
- 20 The local authority works with schools with particularly high surpluses to assess an appropriate level of balances which maintains a prudent approach to future risks but ensure the needs of current pupils are addressed.

Legal Implications – Monitoring Officer

- 21 The legal framework is set out in the Schools & Early Years Finance (England) Regulations 2017, the Surrey Scheme for Financing Schools September 2015 and the Scheme for Financing Schools Statutory Guidance issued by the Department for Education 2015. There are no significant legal implications arising from this report.

Equalities and Diversity

- 22 Budget recovery plans may impact on particular groups. However, in determining a recovery plan, advice is sought from curriculum, HR and finance consultants and appropriate safeguards are built into the plan. In the past this has necessitated seeking DfE approval for a recovery plan to exceed three years, to protect the interests of vulnerable pupils.

Other Implications:

- 23 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	No significant implications arising from this report
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

WHAT HAPPENS NEXT:

- 24 Council officers and Babcock 4S will continue to provide support to the schools listed and robust recovery plans will be agreed.
- 25 Schools deficits and surpluses will continue to be managed to ensure that DfE guidelines are not breached.

Contact Officer:

Lynn McGrady, Finance Manager, Funding & Planning
(Tel 0208 541 9212)

Consulted:

Mary Lewis, Cabinet Member for Education
Sheila Little, Director of Finance,
Liz Mills, Assistant Director

Sources/background papers:

- Schools & Early Years Finance (England) Regulations 2017
- Surrey Scheme for Financing Schools September 2015
- Scheme for Financing Schools: Revised Statutory Guidance (DfE Dec 2015)

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SURREY COUNTY COUNCIL**CABINET MEMBER FOR EDUCATION****DATE: 4 JULY 2017****LEAD OFFICER: GARATH SYMONDS, ASSISTANT DIRECTOR,
COMMISSIONING AND PREVENTION****SUBJECT: DEPARTMENT FOR EDUCATION (DFE) 30 HOURS CAPITAL
FUNDING****SUMMARY OF ISSUE:**

The Childcare Act 2006 places a statutory duty on local authorities to assess the local childcare market and to secure sufficient childcare for working parents. The level of childcare provision is only deemed to be sufficient if it meets the needs of the community in general and, in particular, those families on lower incomes and those with disabled children.

In September 2017, eligible working families of three and four year olds will be able to increase their universal offer of 570 hours to 1,140 hours of free early education (30 hours FEE). It is anticipated that around 8,450 of Surrey children will be eligible for the additional hours.

This proposal is to seek agreement for the payment of Department for Education (DfE) 30 hours Capital Grant to support the development of additional 30 hour places to meet the demand for eligible working parents in four identified areas of Surrey.

RECOMMENDATIONS:

It is recommended that the Cabinet Member for Education agrees the approval and deployment of £615,103 Department for Education (DfE) 30 hours capital grant to four projects as detailed in paragraph 24.

REASON FOR RECOMMENDATIONS:

Eligible parents will be requesting 30 hour places to start in September 2017. The providers selected for funding are in areas of need and have expressed a wish to increase capacity. If projects are not completed or underway by September 2017 some eligible parents would not be able to access provision to allow them to take up or increase their working hours.

<u>DETAILS:</u>

Business Case and background

1. The Childcare Act 2006 places a statutory duty on local authorities to assess the local childcare market and to secure sufficient childcare for working parents. The level of childcare provision is only deemed to be sufficient if it meets the needs of the community in general and, in particular, those families on lower incomes and those with disabled children.
2. In September 2017, eligible working families of three and four year olds will be able to increase their universal offer of 570 hours to 1,140 hours of free early education (30 hours FEE). It is anticipated that around 8,450 of Surrey children will be eligible for the additional hours.
3. In June 2016, the government made available capital funding of £50 million in stage 1 and £100 million in stage 2 to create new 30 hour childcare places. Local authorities were invited to bid for projects that would create additional 30 hour places, which address parental demand and safeguard existing 2 year olds FEET places and the universal 15 hour funded early education places for 3 and 4 year olds. Local authorities were given a 'Project Limit' ranking of either high or medium according to the number of 3 and 4 year old children that are eligible for 30 hours in the local authority area. Surrey was ranked high and given a limit of six projects to bid for, which were all successful. This paper seeks approval from Cabinet Member for four of these projects to proceed, with approval for further projects to be sought at a later date.
4. A criterion set out by the Education Funding Agency, overseeing the grant on behalf of the Department for Education, listed conditions that projects must meet and what they would be judged against. Only high quality applications, which provide succinct and relevant evidence that meet the priorities outlined in the guidance for application would be considered.

This included:

- a. Providers must have had at least one recorded inspection by Ofsted
 - b. Clear evidence that the project will be completed by the end of December 2017 (extended to March 2018)
 - c. Total cost of project is below £1 million, (including alternative sources of funding) with a minimum of 25% of the total project cost funded by the provider from alternative sources
 - d. Value for money demonstrated in an appropriately costed project plan, which responds to the project need
 - e. Thorough and well evidenced tenders/quotes relative to the size of the project
5. An invitation to tender was sent out by Surrey, to providers in areas identified as having insufficient early education and childcare places shown in the revised 2016 Childcare Sufficiency Audit (CSA), along with Education

Funding Agency guidance. Using these and the DfE guidance for local authorities the six projects were chosen.

6. The DfE Capital funding awarded to Surrey is for the approved projects to create 30 hour places to meet local need. Any changes in these projects require sign off by the DfE before any funding can be transferred to another provider or project. The amount of Capital awarded to Surrey was £788,690, of which approval is now sought to deploy £615,102.50 for four projects. The projects have a total capital cost of £882,805, with £615,102.50 being provided by DfE and the balance of £267,702.50 being met by providers as set out in para 24. There is no expectation that local authorities contribute to any of these projects and this will be clearly stated in the condition of grant agreements that providers will sign. This leaves Surrey County Council free of risk of overspend.
7. The DfE Capital Funding is part of a larger programme of preparation for the early years and childcare sector ahead of the launch of the 30 hours funding in September 2017. County council staff and representatives from education and the private, voluntary and independent sector providers have been working together since the government announced the 30 hours funding, to provide information, guidance, resources and toolkits to help providers understand how this additional funding will work and look at ways to offer 30 hour places and develop the sustainability of their business. The Early Years and Childcare Commissioning Team are available to work with providers needing extra support, advice and guidance and have worked across all sectors, including childminders and out of school providers to look at way of offering partnerships where the 30 hours cannot be accessed from one provider.
8. This proposal is to seek agreement for the payment of Department for Education (DfE) 30 hours Capital Grant to support the development of additional 30 hour places to meet the demand for eligible working parents in four identified areas of Surrey.
9. Listed below are outlines of the four projects identified for capital funding for 30 hour provision. Two further projects are being developed but not yet ready for approval.

Jack and Jill Nursery, Ash

10. Jack and Jill Nursery. In order to ensure sufficient places to cater for the increased demand expected following the introduction of additional hours in September it is proposed to invest in Jack and Jill Nursery. Jack and Jill Nursery offers 36 childcare places to children aged two to five years, broken down as 10 places for two year olds, and 26 places for three and four year olds. The setting is full and in the 2016 spring term, the setting reported that there were 10 children on the waiting list for immediate places including current pupils on roll wanting more hours as well as children waiting to start at the nursery (Audit of Provision section of EY Census Form 2016, January 2016). There were 41 three and four year olds funded in the 2016 spring term. The nursery also caters to disadvantaged two year olds eligible for free early education and wishes to maintain this offer. In order for the setting to offer more free early education places for three and four year olds, it needs to expand.

11. The main reason for this proposal to provide a secure, free flow play space for 2, 3 and 4 year olds to access high quality early education and childcare at Jack and Jill Nursery and increase the number of FEET and FEE universal (570 hour) and 30 hour (1,140 hour) places in the Ash area. Jack and Jill Nursery will create 6 x 30 hour FEE places for 3 and 4 year olds and develop 12 x 30 hour FEE places from existing 15 hour places. The cost of this project is £25,610 (please see appendix for details). Following a successful bid to the Department of Education (DfE) this project has been awarded £19,207.50 in the form of a ring-fenced grant. The provider is funding the additional £6,402.50.

Langshott Ladybirds, Horley

12. Langshott Ladybirds. In order to help ensure that there are sufficient Free Early Education places in the area it is proposed that investment is made in Langshott Ladybirds. Langshott Ladybirds Nursery occupies a demountable at Langshott Primary School that lacks suitability for future needs due to lack of space and kitchen / food preparation facilities. This has led to the exploration of alternative options in order to deliver extended hours and increased capacity in a new building, for which we are applying for capital funding. The partnership between Langshott Primary and Langshott Ladybirds Nursery is vital to the local community of Horley East, an area identified in the SCC Childcare Sufficiency Assessment Update 2015 as being unable to meet future demand for early education. Ladybirds have had to decline applications for childcare places in recent years due to lack of capacity and an inability to provide flexible hours that meet the requirements of local families.
13. Langshott Ladybirds currently operates 2 sessions per day (8.45am - 11.45am and 12.15pm - 3.15pm) with the exception of Friday afternoon. All sessions are at full capacity. With 44 children on roll, only 21 can attend each session due to space restrictions. This will severely affect the ability to provide sufficient spaces once Ladybirds is able to offer 30 hours free childcare: number on roll would reduce by over 50% to 21 if all 30 hours of childcare are taken up by parents thereby adding further pressure to the area in terms of EYFS childcare places.
14. Langshott Ladybirds will create 34 x 30 hour FEE places for 3 and 4 year olds. The cost of this project is £142,395. Following a successful bid to the Department of Education (DfE) this project has been awarded £106,795.50 in the form of a ring-fenced grant. The provider is funding the additional £35,599.50.

St Mary's Nursery, Camberley

15. St Mary's Nursery is the only setting situation in the Watchetts ward. In the Watchetts ward there are 119 three and four year olds; within the ward cluster which also includes Town ward and St. Michael's ward there are a total of 454 three and four year olds (ONS Live births by Postcode 2010/11 – 2011/12). The government estimates that 29.7% of three and four year olds will be eligible to the additional 15 hours which equates to 35 children in Watchetts ward and 135 children in the cluster.
16. The density rate for early education places in the area is high because there is a maintained school offering 104 places. However, these places are

sessional and there are no plans at this time for this offer to change. While there are three day nurseries in the other wards, two of these are full, with waiting list for immediate places, so there is not a lot of capacity to accommodate an increased demand for additional free hours. There is a projected surplus of only 12 free early education places (universal offer), which means that any spare capacity will be used for this and more provision is needed to accommodate the extended offer. They would like to increase from a 26 to a 50 place nursery expanding the core opening hours from 24.5 hours per week to 50 hours per week to incorporate the new 30 hours Free Entitlement alongside providing the stretched offer for all within the local community. The Nursery has strong links with Frimley Park Hospital as they currently run their holiday play scheme using the nursery premises. They intend to offer a priority places for hospital workers and provide flexible hours to fit shift patterns including weekend provision where required.

17. St Mary's Nursery will create 33 new places and additionally develop 9 existing 15 hour places into 30 hour places. The cost of this project is £440,000. Following a successful bid to the Department of Education (DfE) this project has been awarded £283,000 in the form of a ring-fenced grant. The provider is funding the additional £157,000.

Toad Hall Nursery, Horley

18. Toad Hall Nursery is situated in the Horley Central ward where there are 214 three and four year olds, and there are a total of 593 three and four year olds living in the ward cluster which also includes Horley East and Horley West wards (ONS Live births by Postcode 2010/11 – 2011/12). These wards are clustered based on free early education take up patterns, observing the home addresses of children attending settings in these wards as well as observing the settings attended by children living in the wards. For example, for Toad Hall Nursery, most children claiming free early education in the 2016 spring term at the setting live in this cluster (79%) 42% of three and four year olds live in the same ward as the setting, 37% from the other wards in the cluster, and 21% from other neighbouring wards.
19. Using the Government's estimate of 29.7% of three and four year olds eligible for the additional 15 hours, this equates to 64 children for the ward and 176 children for the ward cluster. Only 15% of funded three and four year olds in the private, voluntary and independent sector attended 25 hours or more of childcare in the 2016 spring term, compared to 22% for Surrey overall.
20. Current provision offers an inclusive setting with 50 childcare places for children aged 3 months to 5 years. 8 of these places are for under 2s, 18 for 2 year olds and 24 for 3 and 4 year olds. 2 children SEND (special educational need or disabilities), 12 EAL children (English as an additional language) and 6 CIN children. (Child In Need) The nursery also caters to disadvantaged 2 year olds eligible for free early education and wishes to maintain this offer.
21. They hope to be able to provide an additional 60 x 30 hours places in their new provision giving parents the flexibility to return to work. They currently provide flexible sessions in their own property, which has two empty flats above. Converting these into usable space for 3 and 4 year olds will allow the expansion of 30 hour places. The re configuration of the existing nursery will allow for the increase of 30 hours places as well as securing universal 15 hour and FEET places for disadvantaged 2 year olds. Without this project

going ahead they will not be able to offer the 30 hours Free Entitlement in September 2017.

22. They would like to increase from a 50 to a 110 place nursery to incorporate the new 30 hours Free Entitlement alongside providing the stretched offer for all within the local community. The Nursery has strong links with the community and is closely situated to Gatwick Airport. They intend to provide flexible hours to fit shift patterns where requested.

23. Toad Hall will create 44 new places and additionally develop 16 existing 15 hour places into 30 hour places. The cost of this project is £274,800. Following a successful bid to the Department of Education (DfE) this project has been awarded £206,100 in the form of a ring-fenced grant. The provider is funding the additional £68,700.

24. The table below summaries the places developed and the capital required:

	Setting	DfE Capital	Provider contribution	Total cost	New Places	Change from 15 to 30 hour places	Total 30 Hour places developed
1	Jack and Jill	19,207.50	6,402.50	25,610.00	6	12	18
2	Langshott Ladybirds	106,795.50	35,599.50	142,395.00	34	0	34
3	St Mary's Nursery	283,000	157,000.00	440,000.00	33	9	42
4	Toad Hall Nursery	206,100.00	68,700.00	274,800.00	44	16	60
		615,103.00	267,702.00	882,805.00	105	37	154

CONSULTATION:

25. Each successful provider was required to consult with their parents before submitting their application to the DfE to ensure there is sufficient demand for 30 hour places.

26. As part of their project plan each provider must ensure the correct permissions from landlords, local planning departments etc. are in place before accepting funding.

RISK MANAGEMENT AND IMPLICATIONS:

27. The main risk is project costs exceeding the original amount quoted and who would be liable for this. One of the criteria set by DfE was that Capital Funding from DfE was for a contribution towards the total cost of at most 75%, with providers meeting the remaining at least 25% cost, plus contingency and any risk of overspend. It was advised that local authorities should write this into their conditions of grant and this is being written into agreements in Surrey.

28. The projects selected, were submitted based on the providers' ability to absorb any additional costs leaving the local authority with no financial

burden. This was clearly outlined to them and they have agreed to accept funding on that basis.

Financial and Value for Money Implications

29. Surrey County Council has been successful in bidding for 30 hour Capital funding from the DfE for four projects to create additional early education places for eligible 3 and 4 year olds, to meet demand for working parents. A total of 105 new 30 hour early education places, and 37 extensions have been created. If extensions are considered as 0.5 place, then new places total 123.5 (105+18.5). With a Capital award of £615,102.50 each place will cost £4,981, which is very good value. In comparison, for example, £9,600 was identified as average cost to create a place, in early years, which is used in calculating 106 and Community Infrastructure Levy (CIL) contributions.
30. With the DfE Capital funding covering 70% of the total cost of the project and providers funding the remaining 30%, Surrey County Council will create 123.5 new early education places towards its sufficiency duty with no financial cost to the local authority.

Section 151 Officer Commentary

31. The £615,103 capital costs of the four proposed projects will be met from DfE capital grant. The grant is ring fenced to the projects approved by DOE through the bidding process.
32. The grant was secured following a DfE assessment process and the business cases for each of the projects have been successfully reviewed by the Council's Investment Panel.

Legal Implications – Monitoring Officer

33. The Council has the power to make these payments to providers in furtherance of its duty under the Childcare Act 2006 to secure sufficient childcare places are available in its area. The additional provision of 30 hour places in areas of need will support the council in meeting its statutory duty, including for the new requirement for access to 30 hours of provision from September 2017.
34. An open bidding process was followed in selecting providers to be awarded grant funding under this scheme. The successful providers will be required to enter into legally binding grant agreements with the Council. These agreements will be prepared in conjunction with Legal Services and will contain terms ensuring the risk of overspend rests with the providers and for the possibility of clawback of monies in the event of non-compliance with the grant terms.
35. There are no state aid implications in making these grant funding payments due to the very localised nature of the services provided.

Equalities and Diversity

36. The recommendation to seek approval and deployment of Department for Education (DfE) 30 hours capital grant to four projects of the six projects will have a positive impact on children and their families by:

- a. Providing children access to high quality early education that meets their needs and enables them to achieve their full potential
- b. Enabling eligible parents to return to work or increase their working hours
- c. Improving the financial position of families and for some, allow them to move out of poverty
- d. Enabling SCC to meet its sufficiency duty to provide sufficient high quality 30 hour early education places to meet the needs of eligible working parents.

Other Implications:

37. 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	No significant implications arising from this report. LAC are eligible for FEET and FEE places, plus 30 hours if foster carers meet the criteria for funding
Safeguarding responsibilities for vulnerable children and adults	No significant implications arising from this report. Applicable as stated above.

Public Health implications

38. The development of more 30 hour places will support children's early development, with associated health benefits.

WHAT HAPPENS NEXT:

39. Following approval by Cabinet Member, the next steps are:
- Seek approval from DfE to transfer Spelthorne project funding to Cedars Recreation Ground project
 - Setup condition of grant agreement including agreement to absorb any additional costs and send out to providers
 - Agree monitoring programme and payment plan

- Setup payment schedule
 - Sign off completion by end of March 2018
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Contact Officer:

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Consulted:

Department for Education (DfE)
Childcare Works (appointed by DfE to support Local authorities)
Early years and childcare sector providers:
Chertsey Nursery
Jack and Jill Nursery
Langshott Ladybirds
St Mary's Nursery
Toad Hall Nursery

Sources/background papers:

30 hours free childcare: LA and early years' provider guide. For local authorities and providers. (Department for Education) April 2017
Early Years Capital Funding: Information for applicants (Education Funding agency) June 2016

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