

Notice of Meeting

Cabinet Member for All-Age Learning Decisions

**Date & time**

Tuesday, 3 July
2018 at 3.30 pm

Place

County Hall, Penrhyn
Road, Kingston Upon
Thames, KT1 2DN

Contact

Emma O'Donnell
Room 122, County Hall
Tel 020 8541 8987

Chief Executive

Joanna Killian

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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 Emma O'Donnell on 020 8541 8987.

Elected Members

Mrs Mary Lewis (Cabinet Member for All-Age Learning)

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

a Members' Questions

The deadline for Members' questions is 12pm four working days before the meeting (Wednesday 27 June 2018).

b Public Questions

The deadline for public questions is seven days before the meeting (Tuesday 26 June 2018).

c Petitions

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

3 PRIMARY AND SECONDARY FAIR ACCESS PROTOCOLS 2018/19

(Pages 5
- 54)

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 2018/19 and how cases will be considered. The changes proposed to the Protocols for 2018/19 take into account comments received from schools, Secondary Phase Council and Surrey County Council (SCC) officers.

**Joanna Killian
Chief Executive**

Published: Friday 22 June 2018

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SURREY COUNTY COUNCIL**CABINET MEMBER FOR ALL-AGE LEARNING****DATE: 03 JULY 2018****LEAD OFFICER: DAVID HILL, EXECUTIVE DIRECTOR FOR CHILDREN, FAMILIES & LEARNING****SUBJECT: PRIMARY AND SECONDARY FAIR ACCESS PROTOCOLS 2018/19****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 2018/19 and how cases will be considered. The changes proposed to the Protocols for 2018/19 take into account comments received from schools, Secondary Phase Council and Surrey County Council (SCC) officers.

RECOMMENDATIONS:

It is recommended that the Cabinet Member agrees the proposed Primary and Secondary Fair Access Protocols for 2018/19.

REASON FOR RECOMMENDATIONS:

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

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

1. Copies of the proposed Primary and Secondary Fair Access Protocols along with the Framework and Common Principles of Fair Access Panels for 2018/19 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 main change relates to an alteration to the funding mechanism for fair access placements to achieve a more consistent funding system. There are also some changes of wording to add clarity and some amendment to text following suggestions from the Fair Access Review Group.

CONSULTATION:

7. Comments were initially sought from the Fair Access Protocol Review Group which met on 9 October 2017, 15 January and 19 March 2018. Further comments were sought from this group on 11 June 2018 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 Education Leads for Vulnerable Learners (ELVLs), Access To Education and Surrey's Admissions Team.
8. Feedback from the Fair Access Protocol Review Group was that, as in previous years, the Protocols were working well as a common detailed agreement of how these vulnerable children should be admitted to schools. Any issues that have arisen during the year are largely connected more with the operation of the fair access panels that place the children and with the information about a child available to schools to consider when placing.
9. The Fair Access Protocol Review Group undertook an exercise in January 2018 to benchmark whether neighbouring local authorities offered any funding for fair access placements. Of 11 responses, 6 indicated they offer funding but this was mostly generated by transferring funds from schools which had permanently excluded pupils or by using a contingency fund. Some local authorities which authorised funding required the admitting school to submit a request detailing how they proposed to spend it.
10. Changes to the Protocol for 2018/19 were agreed with the Fair Access Review Group and are highlighted in blue/bold font in the proposed Protocol documents. Changes include:
 - a proposed change to the funding mechanism for fair access pupils whereby for the majority of placements falling in a funded category, schools would be eligible for a flat rate of £1,000, rather than the tiered system currently that depends on the term in which the child is placed. The purpose of this proposed change is to achieve a more consistent funding system, and to

recognise that there is limited correlation between the term that a fair access pupil is admitted to a school and their relative needs (section 10 of the Primary Protocol and section 9 of the Secondary Protocol). Data analysis by Admissions of the current school year (up to January 2018) and the previous two school years demonstrated that this model would not lead to an increase in fair access spending.

- an exception to the above change is for pupils in year 2 of an infant school, year 6 at a primary school or pupils in year 11, where they are admitted in the summer term. For these pupils it is proposed that, providing they fall within a funded category, the receiving school would be eligible for a flat rate of £500 rather than the flat rate of £1,000 proposed above. This is in recognition that they would only be on roll for one term before they left in July. It is also the same amount that schools would have received under the 2017/18 Protocol for a summer term placement (section 10 of the Primary Protocol and section 9 of the Secondary Protocol).
 - a minor change in wording around the funding of permanently excluded pupils, to reflect the national change to pupil led funding from the 2018/19 financial year (section 10 of the Primary Protocol and section 9 of the Secondary Protocol).
 - a change in wording to clarify that children who have been receiving home education are not deemed to have been out of education (para. 2.2g of the Primary and Secondary Protocols).
 - in the Primary Protocol, an additional bullet in para. 2.2 to clarify that children to be placed under fair access must be of statutory school age.
 - in addition, all references to the Area Leads for Pupil Support (ALPS) have been altered to refer to Education Leads for Vulnerable Learners (ELVLs), to reflect the change in this post during 2017/18.
11. The draft Protocols were distributed on 17 May 2018 to all schools and Pupil Referral Units and to the Primary and Secondary Phase councils for consideration. The ELVLs, the Area Education Welfare Managers and the Elective Home Education Manager were also consulted.
 12. Consultees were given until 12 June 2018 to submit their response.
 13. The draft Protocols were also distributed to the Admissions Forum for its meeting on 15 June 2018.
 14. A total of five written responses were received to the consultation.
 15. Two responses were received from school representatives and their comments are summarised as follows:
 - Panels should only involve schools that are within a reasonable distance of where the child lives, even if they are outside the child's borough/district. This would lead to fewer schools needing to discuss a case and information being shared on a need to know basis. **Response: this is an operational issue that will be shared with the relevant Area Lead. The Protocol allows for panel chairs to liaise with neighbouring areas where they also operate a panel process, to negotiate a possible cross-borough placement**

(paragraph 8.6 of the Primary Protocol and paragraph 7.6 of the Secondary Protocol). Information is only shared when it is necessary and by secure means.

- Paragraph 2.2g of the Secondary Protocol says that children ‘who have been receiving home education are not deemed to have been out of education’ but any child who has been out of a formal education for a length of time requires support and the fair access process is appropriate for these students.

Response: the additional wording in paragraph 2.2g seeks to clarify that for the purpose of that category, children who have received home education are not deemed to have been out of education. The Protocol still provides a mechanism for schools to refer pupils who are receiving home education under paragraph 2.2f.

16. The response from Secondary Phase Council is summarised as follows:

- Further clarity regarding the identification of and processing of students who were considered within the elective home education criterion. They were concerned that a number of students may be home educated and then reapply for a place through Fair Access after a short period of time, perhaps to avoid a permanent exclusion or because they would like to try another school. They asked if the Protocol could address the need for clear and appropriate background checking to underpin the application of the criteria, to support students who are eligible but also to ensure that the system is not abused. **Response: the in year application form for parents includes a proforma for the previous school to complete which is shared with the Panel. Schools are also generally supportive of the presumption in the Protocol that children who have left a school for home education and then seek to return to mainstream schooling should usually be allocated a place at their previous school (para. 5.13 in the Primary Protocol and para. 4.11 in the Secondary Protocol). This prevents parents from gaining access to another school by deciding to withdraw their child from school to home educate, unless good reason is accepted by Panels. However, as a result of this comment, a new paragraph has been added to the Framework for Surrey’s 2018/19 Fair Access Protocol (paragraph. 3.10) to make reference to the process whereby Education Welfare will visit a family as soon as a school informs them of a child leaving for home education.**
- When students are referred back to a school after EHE, there is no mechanism to enforce their attendance or to coordinate with the school to ensure admission. Can the Protocol address the need for a process that can support this aspect of placement and mitigate the risk of students returning to panel as a consequence? **Response: once a fair access child has been allocated a school, that school is expected to place the child on roll within five school days. That school will then have the responsibility to refer to the Education Welfare Service if the child does not start or has poor attendance.**
- Further consideration of the finance allocation for year 11 students in the summer term as there is concern that a reduction in fees does not recognise the significant costs of examinations. **Response: year 11 fair access pupils who apply for a school in the summer term are rarely entered for examinations unless they have received sufficient education in Key**

Stage 4 for this to be viable and the deadline to be entered for examinations has not passed. The proposal in the 2018/19 Protocol to offer £500 of fair access funding for summer term year 11 placements reflects the same amount that a school would receive currently for any summer term placement – there is no reduction.

- In the light of the resource required by all parties to prepare for and consult around changes to the Protocol, is there a need for annual reviews?
Response: each local authority must have a Fair Access Protocol in place which must be agreed with the majority of schools. While there is no obligation to consult annually, for the purposes of transparency and partnership working the local authority is keen to ensure that all schools have opportunity to comment on changes. The Fair Access Review Group will consider whether any changes proposed for 2019/20 should be consulted on.

17. Primary Phase Council did not submit a response to the consultation.
18. The Spelthorne Confederation requested a two-year guarantee of Fair Access funding at £1,000 per placement for eligible categories in order to ensure the ongoing stability of the Fair Access process and panel working. They also thought a discretionary fund would be beneficial for the more complex cases, if it was possible to build into the budget. **Response: Surrey cannot guarantee funding beyond 2018/19. In terms of any additional funding, this would need to be discussed by the Schools Forum.**
19. Access To Education (A2E) felt that there needed to be some recognition of capacity issues within A2E and what assessments may or may not be appropriate. **Response: while the Protocol sets out clearly how children will be referred and allows for short term interim teaching from A2E in some cases, the intention of the Protocol is to place these vulnerable children as quickly as possible. There is already provision within the Protocol that permits the Admissions team to seek a direct placement with a school should A2E not be able to immediately accommodate a child.**

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 the High Needs Block 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 will be forfeited if the child withdraws within 12 weeks of the placement being made.
24. Other funding is also available to schools for permanently excluded pupils, dependent on the date of the exclusion and the school that the child had previously been permanently excluded from.
25. In addition, maintained schools and academies will receive AWPU funding for Year 11 pupils placed on roll after 5 October 2018 and before the end of the spring term 2019 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 could be significantly higher.

Legal Implications – Monitoring Officer

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.

Public sector equality duty:
31. 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).

Pre-consultation:

32. 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.

Post-consultation:

33. 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.

General Decision-Making:

34. 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.

Best value duty:

35. 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

36. An Equality Impact Assessment has been completed and is included in Annex 5.
37. There are no negative impacts on any equality group. Placements under the Fair Access Protocols are currently less than 250 a year and as such these Protocols will not affect many people nor have a severe effect on some people.

38. 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:

39. 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

40. 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

41. 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:

42. The Protocols will be shared with all schools and relevant officers and implemented for 2018/19.
43. 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:

- David Hill, Executive Director for Children, Families & Learning
- 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 2018/19 .
	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 2018/19 • Secondary Fair Access Protocol 2018/19
	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	Where a child leaves a school for home education, the outgoing school must notify the relevant Area Education Welfare Manager who will arrange for an urgent home visit to the family before the child is registered with the Elective Home Education team. The intention is to prevent unnecessary or inappropriate departures from a school and to avoid the family seeking admission to another school shortly afterwards that results in a referral to Fair Access under category 2.2f of the Protocol.
	3.11	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 at that school.
	3.12	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.
	3.13	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.
	3.14	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.
	3.15	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.
	3.16	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 Education Lead for Vulnerable Learners . 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.
	3.17	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	Admissions team: <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 **Education Lead for Vulnerable Learners**;
- 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 the child, via a direction if necessary;
- 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.

Education Leads for Vulnerable Learners:

- 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.

Access to Education (A2E):

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

Pupil Referral Units (PRUs):

- inform the **Education Lead for Vulnerable Learners** of pupils in the PRU who are ready for reintegration into a mainstream school;
- receive referrals from the **Education Lead for Vulnerable Learners** for recently excluded pupils;
- provide written information on the child's progress at the PRU to the **Education Lead for Vulnerable Learners**;
- 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; • 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 2018/19 and section 9 of the Secondary Fair Access Protocol 2018/19 .
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.

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 five 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 **Education Lead for Vulnerable Learners** / 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 **Education Lead for Vulnerable Learners** 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 2018/19

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 2018/19 .
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 are of statutory school age; 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>Children who have been out of education for longer than two months where throughout that period:</p> <ul style="list-style-type: none"> • they have not been receiving elective home education; • they have been living within the UK; and • they have had a right to access state funded education. <p>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.</p>
h)*	Children of Gypsies, Roma and Travellers;
i)*	Children of asylum seekers and refugees who have been in the UK for less than two years and need a supported entry to school. The need for a supported entry does not include language support where this is the only support required and must be substantiated by professional evidence. Examples of the type of circumstances that might demonstrate a need for a supported entry are where such a child requires specific emotional or behavioural support by the school as a result of their experiences;
j)*	Children who are homeless including those who have been placed in temporary housing by Surrey County Council;
k)*	Children with unsupportive family backgrounds where a place has not been sought and where a referral is made through an outside agency or service who is seeking to support the child;
l)*	Children who are carers;
m)*	Children with special educational needs, disabilities or medical conditions (but without an Education, Health & Care Plan), where the need, disability or medical condition has already impacted on the child's attendance or participation at school;
n)	Children subject to a child protection plan;
o)	Children of UK service personnel and other Crown Servants, where a change of location ordered by the service leads to a need for a change of school;
p)	Children who are accommodated in an emergency refuge for victims of domestic violence.
2.3	Within the definition of this Protocol, categories deemed to be 'challenging' are categories a) to g) and these may attract funding to the school depending on the date of admission. The processes for the admission of children are set out in Sections 5 and 6.
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 Education Lead for Vulnerable Learners /Head of PRU. The Education Lead for Vulnerable Learners /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 Education, Health & Care Plan (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 Education Lead for Vulnerable Learners 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 Education Lead for Vulnerable Learners /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 Education Lead for Vulnerable Learners; • all other children will be referred to the A2E team through the Education Lead for Vulnerable Learners, 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 Education Lead for Vulnerable Learners 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 Education Lead for Vulnerable Learners will collate reports from tutors/mentors which will be submitted to the next area panel. The Education Lead for Vulnerable Learners will also send copies of the referral paperwork to the Admissions team.
5.8		Where appropriate, the Education Lead for Vulnerable Learners 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 Education Lead for Vulnerable Learners 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		In considering cases, Panels will have regard to: <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 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.
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 five school days of the placement being agreed and for a start date within five 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 two 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 Education Lead for Vulnerable Learners .
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 Education Lead for Vulnerable Learners will determine whether or not the placement should be considered to have broken down. Where a placement is considered to have broken down, the Education Lead for Vulnerable Learners 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 Education Lead for Vulnerable Learners .
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 Education Lead for Vulnerable Learners .
6.3	A school might not be expected to admit a child if: <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; or • there are reasons why a school would not be an appropriate placement for the child.
6.4	If for these reasons it is not possible to place the child within one of the parent/carer's preferred schools, the Admissions team, in liaison with the Education Lead for Vulnerable Learners , will seek to place the child in the nearest and most suitable school taking into account the circumstances described in paragraph 6.3 and, in addition, the following points: <ul style="list-style-type: none"> • schools with vacancies;

		<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; • 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 three 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 Education Lead for Vulnerable Learners .
	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 Education Lead for Vulnerable Learners 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 Education Lead for Vulnerable Learners 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

		<p>to the Admissions team setting out the reasons why they do not feel they can place the child within five 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 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; • it 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; • it ensures collegiate working between schools in the same area which in turn improves shared approaches to managing behaviour and attendance; • it establishes a culture of shared problem solving of individual cases within the same area;

		<ul style="list-style-type: none"> 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	Other than permanently excluded children (see paragraph 10.2), schools admitting in year pupils 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 of £1000, regardless of when in the academic year the pupil is placed on roll. For year 2 pupils placed in an infant school in the summer term and year 6 pupils placed in a primary school in the summer term, schools may receive financial support of £500. Funding will be forfeited if a child withdraws 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.
	10.2	Permanently excluded children admitted to mainstream schools under the Protocol will be funded as follows:

	a)	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 pupil led funding attracted by a pupil of the same age and characteristics 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 pupil led funding for a pupil of the same age and characteristics 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)	Pupil led funding includes the basic entitlement rate; plus deprivation, low prior attainment and EAL funding where the pupil is eligible for such funding. A further adjustment is made where the pupil generated pupil premium for the school.		
	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 Department for Education 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 is attending a PRU or Alternative Provision as an alternative to permanent exclusion		<ul style="list-style-type: none"> • Education Lead for Vulnerable Learners • Alternative 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"> • 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 • Education Lead for Vulnerable Learners 	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	<ul style="list-style-type: none"> • Admissions • Children's Services 	No	

supported entry to school			
j) Children who are homeless including those who have been placed in temporary housing by Surrey County Council	<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 • Education Lead for Vulnerable Learners 	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	

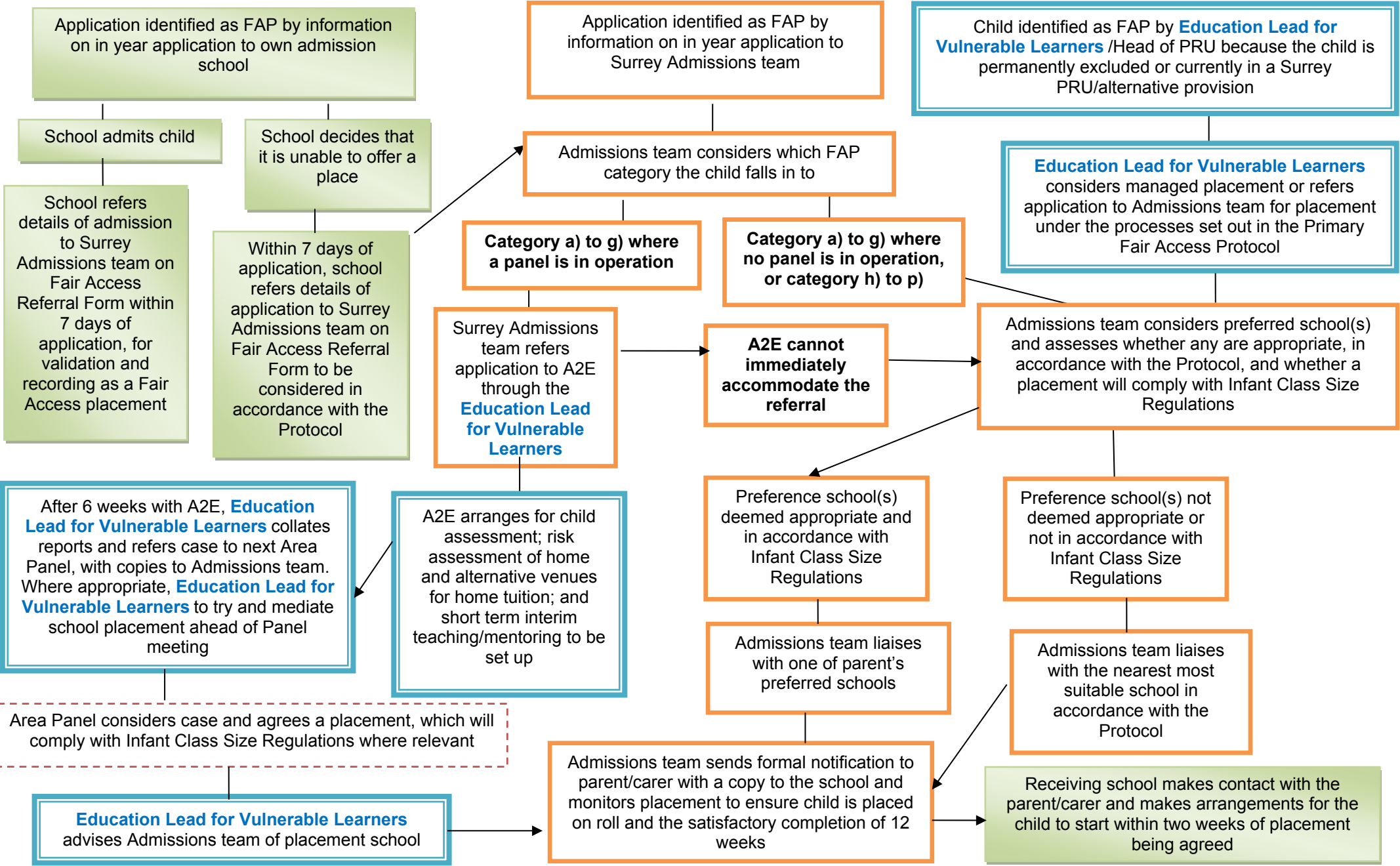
Exceptions to the Infant Class Size Limit – 2018/19

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 2018/19

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 2018/19 .
	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>Children who have been out of education for longer than two months where throughout that period:</p> <ul style="list-style-type: none"> • they have not been receiving elective home education; • they have been living within the UK; and • they have had a right to access state funded education. <p>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.</p>
h)	Children applying to enter Year 11 whose application for a school place through the normal in year admission process is refused;
i)*	Children of Gypsies, Roma and Travellers;
j)*	Children of asylum seekers and refugees who have been in the UK for less than two years and need a supported entry to school. The need for a supported entry does not include language support where this is the only support required and must be substantiated by professional evidence. Examples of the type of circumstances that might demonstrate a need for a supported entry are where such a child requires specific emotional or behavioural support by the school as a result of their experiences;
k)*	Children who are homeless including those who have been placed in temporary housing by Surrey County Council;
l)*	Children with unsupportive family backgrounds where a place has not been sought and where a referral is made through an outside agency or service who is seeking to support the child;
m)*	Children who are carers;
n)*	Children with special educational needs, disabilities or medical conditions (but without an Education, Health & Care Plan), where the need, disability or medical condition has already impacted on the child's attendance or participation at school;
o)	Children subject to a child protection plan;
p)	Children of UK service personnel and other Crown Servants, where a change of location ordered by the service leads to a need for a change of school;
q)	Children who are accommodated in an emergency refuge for victims of domestic violence.
2.3	Within the definition of this Protocol, categories deemed to be 'challenging' are categories a) to h), and these may attract funding to the school depending on the date of admission. The process for the admission of children within these categories may be different from the remaining categories. The processes for the admission of children are set out in

		Sections 4 and 5.
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 Education Lead for Vulnerable Learners /Head of PRU. The Education Lead for Vulnerable Learners /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 Education, Health & Care Plan (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 Education Lead for Vulnerable Learners /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 Education Lead for Vulnerable Learners • all other children will be referred to the A2E team through the Education Lead for Vulnerable Learners, by the Admissions team.
4.3		<p>On receipt of referrals in A2E, the Education Lead for Vulnerable Learners 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		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.
4.5		After a maximum target time of 6 weeks with the A2E team, the Education Lead for Vulnerable Learners will collate reports from tutors/mentors which will be submitted to the next area panel. The Education Lead for Vulnerable Learners will also send copies of the referral paperwork to the Admissions team.
4.6		Where appropriate, the Education Lead for Vulnerable Learners 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.
4.7		The Education Lead for Vulnerable Learners 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.
4.8		Panels are expected to consider the case of each child and to agree a placement at the most suitable school within the area of the panel.
4.9		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.
4.10		<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

		<p>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);</p> <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 five school days of the placement being agreed and for a start date within five 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 two 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 Education Lead for Vulnerable Learners .
	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 Education Lead for Vulnerable Learners will determine whether or not the placement should be considered to have broken down. Where a placement is considered to have broken down, the Education Lead for Vulnerable Learners 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 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 Education Lead for Vulnerable Learners , 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 five school days of the placement being agreed and for a start date within five 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 Education Lead for Vulnerable Learners will determine whether or not the placement should be considered to have broken down. Where a placement is considered to have broken down, the Education Lead for Vulnerable Learners 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 three 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; • it 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

	<p>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; • it ensures collegiate working between schools in the same area which in turn improves shared approaches to managing behaviour and attendance; • it 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	Other than permanently excluded children (see paragraph 9.3), schools admitting in year pupils 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 of £1000, regardless of when in the academic year the pupil is placed on roll. For year 11 pupils placed in the summer term, schools may receive financial support of £500.

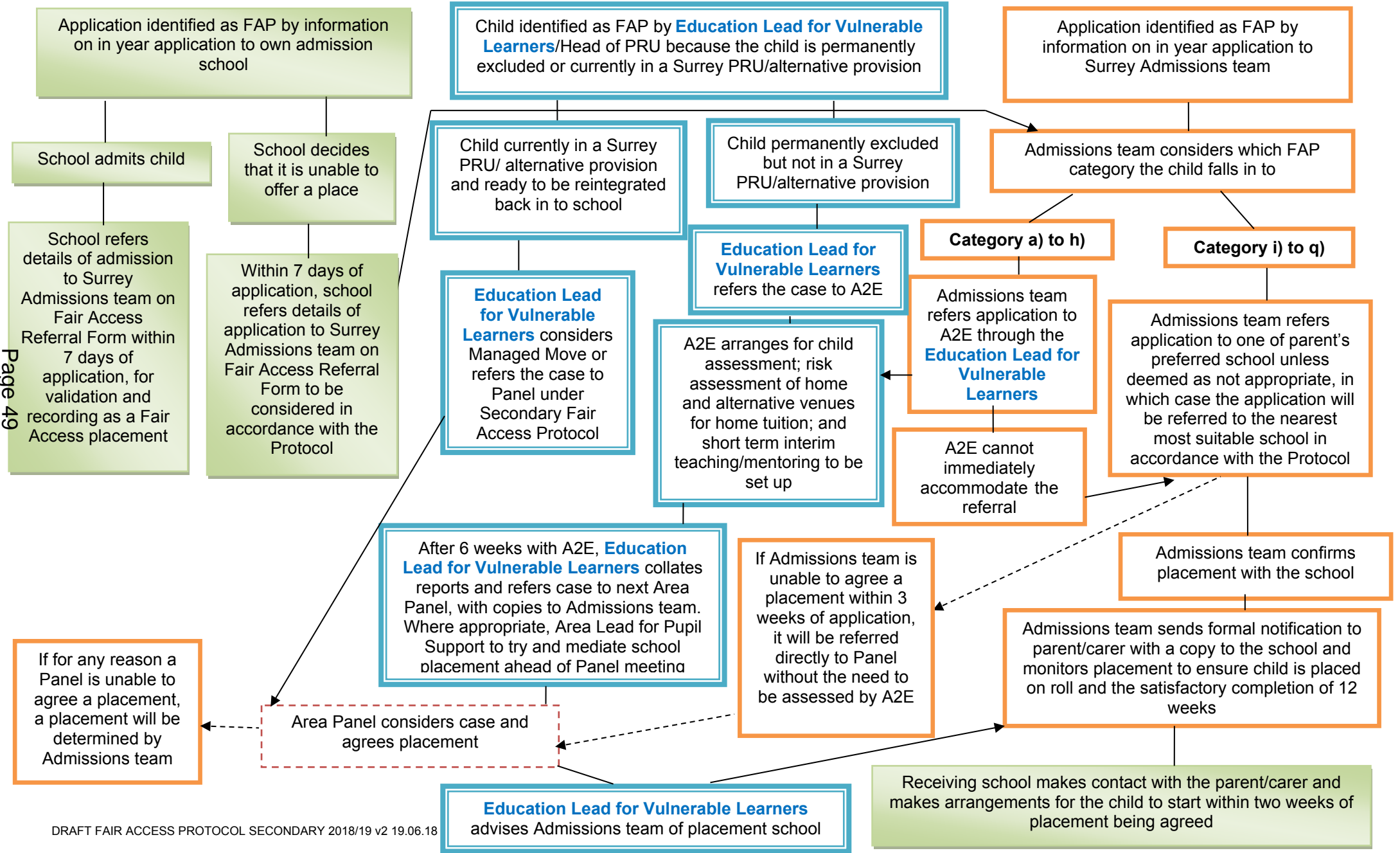
		Funding will be approved by each Panel according to need. Funding will be forfeited if a child withdraws within 12 school weeks of the placement being made. Where funding has already been paid, the local authority will seek to recover monies from future payments.
9.2		<p>Additionally, Surrey fair access children admitted into year 11 at a state funded mainstream school under categories a) to h) of the Protocol (but not previously permanently excluded) after 4 October 2018 but before the end of the spring term 2019, and who do not already qualify for part year Age Weighted Pupil Unit (AWPU) funding, will receive pro rata AWPU funding from the date of their admission to the end of August 2019, provided that the placement has lasted for four weeks or more.</p> <p>Payment will only be made once the placement has lasted four weeks or more, in line with the following timescales:</p> <ul style="list-style-type: none"> • 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 2019; • placements made up to the end of March 2019 which have lasted four weeks or more by that date - payment will be issued at the end of March 2019; • remaining payments will be made in the summer term. <p>In all cases a proportion of the funding will be reclaimed if the child subsequently leaves the school.</p>
9.3		<p>Permanently excluded children admitted to mainstream schools under the Protocol will be funded as follows:</p> <p>a) 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 pupil led funding attracted by a pupil of the same age and characteristics 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.</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 pupil led funding for a pupil of the same age and characteristics 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 (except for Year 11s excluded during the summer term for which a separate calculation applies).</p> <p>c) Pupil led funding includes the basic entitlement rate; plus deprivation, low prior attainment and EAL funding where the pupil is eligible for such funding. A further adjustment is made where the pupil generated pupil premium for the school.</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</p>

		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.		
	9.5	Funding arrangements within this Protocol will be reviewed subject to the outcomes of any changes to the funding of schools by the Department for Education 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"> • Education Lead for Vulnerable Learners • Alternative 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"> • 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		<ul style="list-style-type: none"> • Admissions 	Yes	Fair Access

by their parent following fixed term exclusion for persistent breaching of internal behaviour policies in school	<ul style="list-style-type: none"> Behaviour Support Education Lead for Vulnerable Learners 		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 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 Surrey County Council	<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 	No	

	<ul style="list-style-type: none"> • Young Carers • Children's Services 		
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 • Education Lead for Vulnerable Learners 	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 – 2018/19



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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	19.06.18
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 AWPU funding for Year 11 pupils admitted after 4 October 2018 until the end of the Spring term 2019
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 250 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	19 June 2018

- 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