

Notice of Meeting

Cabinet Member for All-Age Learning Decisions

**Date & time**

Monday, 1 July
2019 at 11.30 am

Place

G9, County Hall,
Penrhyn Road,
Kingston Upon
Thames, KT1 2DN

Contact

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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 Ben Cullimore on 020 8213 2782.

Cabinet Member:

Mrs Julie Iles (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 (25 June 2019).

b Public Questions

The deadline for public questions is seven days before the meeting (24 June 2019).

c Petitions

The deadline for petitions was 14 days before the meeting and none have been received.

3 PRIMARY AND SECONDARY FAIR ACCESS PROTOCOLS 2019/20

(Pages 5
- 48)

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 2019/20 and how cases will be considered. The changes proposed to the Protocols for 2019/20 take into account comments received from the Spelthorne Confederation and a Headteacher of two Pupil Referral Units.

4 APPROVAL OF MAINTAINED SCHOOLS' DEFICITS

(Pages
49 - 54)

This report provides summary details of total balances at Surrey maintained schools and seeks Cabinet Member approval where schools are projecting deficits in excess of 5% of their budget share. One school requires this approval in 2019/20.

Joanna Killian
Chief Executive

Published: Friday, 21 June 2019

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SURREY COUNTY COUNCIL**CABINET MEMBER FOR ALL-AGE LEARNING****DATE: 1 JULY 2019****LEAD OFFICER: LIZ MILLS, DIRECTOR FOR EDUCATION, LIFELONG LEARNING & CULTURE****SUBJECT: PRIMARY AND SECONDARY FAIR ACCESS PROTOCOLS 2019/20****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 2019/20 and how cases will be considered. The changes proposed to the Protocols for 2019/20 take into account comments received from the Spelthorne Confederation and a Headteacher of two Pupil Referral Units.

RECOMMENDATIONS:

It is recommended that the Cabinet Member agrees the proposed Primary and Secondary Fair Access Protocols for 2019/20.

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 Expectations of Fair Access Panels for 2019/20, are attached as Annexes 1 to 4.
2. The Primary and Secondary Fair Access Protocols should be read alongside the Framework and the Expectations of Fair Access Panels 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 Expectations of Fair Access Panels document 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 are considering setting up a Primary panel.
5. Generally the Protocols have been working well and there has been little demand for change.
6. The main change relates to the removal of fair access funding from September 2019, although Age Weighted Pupil Unit (AWPU) funding will continue for Year 11 pupils, as the fair access funding will be redirected through the high needs block of the Dedicated Schools Grant to support all schools. There are also some changes of wording to add clarity and some amendments to officer posts and roles as a result of the restructure of the Children, Families, Lifelong Learning and Culture directorate.
7. 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.

CONSULTATION:

8. Comments were initially sought from the Fair Access Protocol Review Group which met on 5 November 2018, 21 January and 25 March 2019. Further comments were sought from this group on 10 June 2019 when the consultation had finished and responses could be discussed. Representation on that group is from schools, Pupil Referral Units, local authority Education & Inclusion Service Managers, Area Inclusion Managers, Access to Education, and Surrey's Admissions Team.
9. 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 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.
10. Changes to the Protocol for 2019/20 were agreed with the Fair Access Review Group and are highlighted in bold in the proposed Protocol documents. Changes include:
 - The removal of fair access funding from the Fair Access Protocol from September 2019, as it will be redirected through the High Needs Block to support all schools. The exceptions to the removal of this funding will be for Surrey year 11 fair access children admitted after the October census

and for permanently excluded children, for whom an AWPU funding calculation will still be carried out for schools.

- A minor change in wording around the process for a family to be offered a visit by the Inclusion Service (formerly the Education Welfare Service) when the child leaves a school for home education, prior to the child being registered as receiving home education (paragraph 3.10 of the Framework document).
- Clarification that the Area Inclusion Manager will notify the Admissions team when a child in a Pupil Referral Unit is ready to be placed in school via the Fair Access Protocol (paragraph 4.1 of the Framework document).
- The Expectations of Fair Access Panels has been renamed from Common Principles of Fair Access Panels. This is to be clearer about the accountability of schools in the operation of panels, where these exist.
- Additional bullets have been added to the Expectations of Fair Access Panels document to make it clear that schools that have already admitted a fair access child in the current academic year could still be allocated further fair access children; that service representatives will be invited to panels where it is felt they might contribute to the discussion or support the child's reintegration; and that notes of panels will be taken, which will set out the factors that informed the decision.
- All references to the Area Education Welfare Manager have been changed to the Area Inclusion Manager; references to the Education Welfare Officer have been changed to the Inclusion Officer; references to the Education Lead for Vulnerable Learners have been changed to the Education and Inclusion Service Managers; and references to the Area Lead for Specialist Teachers have been changed to The Area Lead for Specialist Teachers for Inclusive Practice (STIPS).

11. The draft Protocols were distributed on 9 May 2019 to all schools and Pupil Referral Units and to the Primary and Secondary Phase councils for consideration. The Dioceses, the Education and Inclusion Service Managers and the Area Inclusion Managers were also consulted.

12. Consultees were given until 6 June 2019 to submit their response.

13. A total of two written responses were received to the consultation and their comments are summarised as follows:

- The Spelthorne Confederation felt it was sensible to set out in the Expectations of Fair Access Panels that notes of meetings should be made, but felt the notes should be made by someone from Admissions who might attend each panel. **Response: This is an operational issue that will be discussed with the Education & Inclusion Service Managers as part of an area review. It is not an Admissions function to administer the panels.**
- A Headteacher from a Pupil Referral Unit (PRU) expressed concern that in relation to Section 4 of the Framework (Roles & Responsibilities), realistically the PRU would only be able to provide

minimal reintegration support rather than full outreach for reasons of capacity. **Response: The Framework has been reworded to say, "Where possible, the PRU will provide reintegration support to the incoming school."**

14. Primary and Secondary Phase Councils did not submit a response to the consultation.

RISK MANAGEMENT AND IMPLICATIONS:

15. 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.
16. 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:

17. Funding remains available to schools in 2019/20 for permanently excluded pupils, dependent on the date of the exclusion and the school that the child had previously been permanently excluded from.
18. In addition, maintained schools and academies will continue to receive Age Weighted Pupil Unit (AWPU) funding for Year 11 pupils placed on roll after 3 October 2019 and before the end of the spring term 2020 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 at any stage because this cohort will have left the school by the next October census date. It is hoped that this will offer some incentive to schools to admit year 11 children.

SECTION 151 OFFICER COMMENTARY:

19. The Fair Access Protocol is important in ensuring timely placement of vulnerable pupils in mainstream schools when that is appropriate. It is recognised that inclusion in mainstream schools is generally the best option for the child, as well as the most cost effective solution for the Council.
20. However, whilst the cost of payments to schools admitting year 11 pupils under the Fair Access Protocol is already provided for within the high needs block of the Dedicated Schools Grant, there is a need for major cost reductions to be found in the high needs block. It is recognised that continuation of payments for year 11 pupils supports inclusion of these pupils and may avoid incurring much higher costs for alternative placements elsewhere and should continue but needs to be kept under review.

LEGAL IMPLICATIONS – MONITORING OFFICER:

21. 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.

22. The proposed Fair Access Protocols are compliant with the 2014 DfE School Admissions Code.
23. **Public sector equality duty:** The public sector equality duty (Section 149 of the Equality Act 2010) applies to the decision to be made by the Cabinet Member in this report. There is a requirement when deciding upon the recommendations to have due regard to the need to advance equality of opportunity for people with protected characteristics, foster good relations between such groups and eliminate any unlawful discrimination. These matters are dealt with in the equalities paragraphs of the report and in the attached Equalities Impact Assessment (EIA).
24. **Pre-consultation:** There is a clear expectation in public law that the Council should carry out a consultation process whenever it is considering making significant changes to service provision, particularly including the closure of any of its resources. Such consultation will need to involve those directly affected by such changes together with relevant representative groups. It will be important that the material presented to consultees provides sufficient information to allow for intelligent consideration and response in relation to the proposals. This information will need to be presented in a way that consultees will understand. The responses to the consultation will need to be conscientiously taken into account when the Cabinet Member makes any future decision.
25. **Post-consultation:** In considering this report, the Cabinet Member must give due regard to the results of the consultation as set out in the report attached and the response of the Service to the consultation comments, and conscientiously take these matters into account when making its final decision.
26. **General Decision-Making:** In coming to a decision on this issue, the Cabinet Member needs to take account of all relevant matters. The weight to be given to each of the relevant matters is for the Cabinet Member to decide. Relevant matters in this context will include the statutory requirements, the policy considerations, the impacts of the options on service provision, the Medium Term Financial Plan (MTFP), the Council's fiduciary duty, any relevant risks, the results of the consultation and the public sector equality duty.
27. **Best value duty:** The best value duty is contained in Section 3 of the Local Government Act 1999, as a result of which the Council is under a duty to make arrangements to secure continuous improvement in the way in which functions are exercised, having regard to a combination of economy, efficiency and effectiveness. The relevant guidance states that councils should consider overall value, including economic, environmental and social value when reviewing service provision.

EQUALITIES AND DIVERSITY:

28. An Equality Impact Assessment has been completed and is included in Annex 5.

29. 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.
30. 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:

31. 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:

32. 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:

33. 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:

34. The Protocols will be shared with all schools and relevant officers and implemented for 2019/20.
35. The Fair Access Review Group will monitor the effectiveness of the Protocols throughout the year.

Contact Officer:

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Principal Manager Admissions and Transport (Strategy)
01483 517689

Consulted:

Liz Mills, Director for Children, Lifelong Learning & Culture
Rachel Hickman, Legal and Democratic Services
Infant, Junior, Primary and Secondary Schools and Pupil Referral Units in Surrey
Area Education teams
Children, Lifelong Learning & Culture Finance

Diocesan Board representatives

Annexes:

Annex 1 – Framework for Fair Access Protocol

Annex 2 – Expectations of Surrey 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 2019/20 .
	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 2019/20 • Secondary Fair Access Protocol 2019/20
	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 their allocated Inclusion Officer who will offer a home visit to the family (within 10 days of the deregistration) before the child is registered as receiving home education. 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 five 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 Inclusion Manager . Once on roll any attendance issues should be dealt with as appropriate through the school's attached Inclusion 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 Inclusion Manager or the Area Lead for Specialist Teachers for Inclusive Practice (STIPS) 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 Inclusion 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 and Inclusion Service Manager . 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	<p>Admissions team:</p> <ul style="list-style-type: none"> • Identify fair access children, either through direct in year applications or via a referral from an own admission authority school • Notify the parent that placement is being considered through the Fair Access Protocol • 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 • Attend the area panels as appropriate • Send the outcome 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/**Secretary of State referral** if necessary
- Monitor the placements to ensure the child is placed on roll and completes 12 weeks on roll
- Maintain statistics on number of fair access placements agreed for each school, **in which category and whether the 12 week threshold is met**

Area Inclusion Manager:

- 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
- **Notify the Admissions team when a child in a Pupil Referral Unit is ready to be placed in school 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
- Facilitate the placing of fair access children at panels
- 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 **Area Inclusion Manager**, from the Admissions team
- Complete an assessment of the child and arrange interim tutoring
- Provide written information on the child's progress to the **Area Inclusion Manager to be presented to schools at area panels**
- Attend the area panels as appropriate
- Provide reintegration support as appropriate to the incoming school

Pupil Referral Units (PRUs):

- Inform the **Area Inclusion Manager** of pupils in the PRU who are ready for reintegration into a mainstream school
- Receive referrals from the **Area Inclusion Manager** for recently excluded pupils
- Provide written information on the child's progress at the PRU to the **Area Inclusion Manager**
- Attend the area panels as appropriate
- Where possible, provide reintegration support to the incoming school

Schools:

- Own admission authority schools:
 - Identify fair access cases from in-year applications that are received direct
 - Consider whether able to admit without the need to refer to the Fair Access Protocol for placement
 - Complete a Fair Access Referral Form and send promptly to the Admissions team indicating whether able to admit
 - Issue outcome letters to parents and advising them of their right of appeal if a place cannot be offered
- All schools:
 - 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 five school days to a request from the Admissions team to admit a child, giving a full written

		<p>explanation if unable to admit</p> <ul style="list-style-type: none"> - 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 five school days of the offer and to start within a further five 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 permanently excluded children will be allocated in accordance with Section 10 of the Primary Fair Access Protocol 2019/20 and Section 9 of the Secondary Fair Access Protocol 2019/20 .
7.	Children with an Education, Health & Care Plan	
	7.1	Children with an Education, Health & Care Plan (EHCP) are outside the remit of Surrey's Fair Access Protocol as these children are placed in accordance with the SEND Code of Practice.
	7.2	However, children who are awaiting an EHCP will continue to be considered under normal admissions processes, including the Fair Access Protocol as appropriate, until their EHCP is agreed.
	7.3	The Fair Access Protocol does not replace the process for assessing the specialist needs of a child and putting in place appropriate provision.
8.	Looked After Children	
	8.1	Looked After Children are children who are in the care of the local authority as defined by Section 22 of the Children Act 1989.
	8.2	Looked After Children are placed in accordance with Surrey's Protocol for the Processing of in-year admissions for Children in Care, and so they are outside the remit of Surrey's Fair Access Protocol.

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Introduction

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

Expectations

1. All schools will participate in the panel process.
2. The representative from the school will have delegated responsibility.
3. If a school has no representation at a panel, that school could still be allocated a fair access child.
4. **Schools that have already admitted a fair access child in the current academic year could still be allocated further fair access children.**
5. For own admission authority schools, the delegated representative will 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.
6. All children will be placed at the panel.
7. Paperwork will be circulated at least five school days before a panel.
8. Paperwork will be as comprehensive as possible and will include information made known to the Admissions team or the **Area Inclusion Manager** / Pupil Referral Unit as appropriate.
9. Attendees will have read the paperwork in advance of the panel.
10. Panel paperwork will include a named person and contact details for the previous school if available.
11. **Service representatives will be invited to attend Panel meetings where it is felt that they might contribute to the discussion or be needed to support integration to a school.**
12. Placement decisions will be made in the best interests of the child.
13. 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.
14. Where a placement in another panel area is thought to be in the child's best interests, the **Area Inclusion Manager** 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.
15. **Notes of meetings will be made, which will set out the factors that informed the decision.**

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Surrey County Council

PRIMARY Fair Access Protocol 2019/20

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 2019/20 .	
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 Inclusion 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)*	<i>Children who have been out of education for longer than two months where throughout that period:</i>	

	<ul style="list-style-type: none"> • They have not been receiving elective home education • They have been living within the UK • They have had a right to access state funded education <p><i>This two-month period will be counted as continuous from the date the child came off roll but will exclude the summer break. Where a child is removed from roll on the last day of a term or half-term, the first day of absence will be deemed to be the first day of the next term or half-term.</i></p>
h)*	<i>Children of Gypsies, Roma and Travellers;</i>
i)*	<i>Children of asylum seekers and refugees who have been in the UK for less than two years and need a supported entry to school. The need for a supported entry does not include language support where this is the only support required and must be substantiated by professional evidence. Examples of the type of circumstances that might demonstrate a need for a supported entry are where such a child requires specific emotional or behavioural support by the school as a result of their experiences;</i>
j)*	<i>Children who are homeless including those who have been placed in temporary housing by Surrey County Council;</i>
k)*	<i>Children with unsupportive family backgrounds where a place has not been sought and where a referral is made through an outside agency or service who is seeking to support the child;</i>
l)*	<i>Children who are carers;</i>
m)*	<i>Children with special educational needs, disabilities or medical conditions (but without an Education, Health & Care Plan), where the need, disability or medical condition has already impacted on the child's attendance or participation at school;</i>
n)	<i>Children subject to a child protection plan;</i>
o)	<i>Children of UK service personnel and other Crown Servants, where a change of location ordered by the service leads to a need for a change of school;</i>
p)	<i>Children who are accommodated in an emergency refuge for victims of domestic violence.</i>
2.3	Within the definition of this Protocol, categories deemed to be 'challenging' are categories a) to g). 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	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:

		<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. The school must also advise the parent that they are unable to offer a place and inform them of their right of appeal. <p>All such referrals will be made within five school days of the application being received.</p>
	3.4	Most children who are permanently excluded from a Surrey school and those who are ready for reintegration to a mainstream school from a Surrey Pupil Referral Unit (PRU) or other Alternative Provision will be identified by the Area Inclusion Manager / Head of PRU. The Area Inclusion Manager / 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 Area Inclusion Manager 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 category a).
	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

	<p>be referred as follows:</p> <ul style="list-style-type: none"> • Children already in a Surrey PRU or alternative provision will be referred directly to the area panel by the Area Inclusion Manager / Head of PRU once the child is ready for reintegration to another mainstream school • Children who are already known to Surrey and who are recently excluded will be referred to a PRU by the Area Inclusion Manager • All other children will be referred to the A2E team through the Area Inclusion Manager, by the Admissions team
5.4	<p>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 Inclusion Manager 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.</p>
5.5	<p>On receipt of referrals in A2E, the Area Inclusion Manager 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
5.6	<p>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.</p>
5.7	<p>After a maximum target time of six weeks with the A2E team, the Area Inclusion Manager will collate reports from tutors/mentors which will be submitted to the next area panel. The Area Inclusion Manager will also send copies of the referral paperwork to the Admissions team.</p>
5.8	<p>Where appropriate, the Area Inclusion Manager will try to mediate a school placement ahead of the panel meeting, based on the circumstances of the case and the conditions set out in this Protocol.</p>
5.9	<p>The Area Inclusion Manager and/or a representative from the Admissions team and/or a representative from A2E, as appropriate, will attend the panel at which placement decisions are to be taken.</p>
5.10	<p>Panels are expected to consider the case of each child and to agree a placement at the most suitable school within the area of the panel.</p>
5.11	<p>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.</p>
5.12	<p>In considering cases, Panels will have regard to:</p> <ul style="list-style-type: none"> • Parental preference (the parent/carer can still submit an appeal and so it is helpful to demonstrate that this has been considered) • The schools in the area that they might wish to protect from admitting a challenging child (such as a school which has a particularly high proportion of children with challenging behaviour or previously excluded children; a school in special measures or recently come out of them; or a school which

		<p>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
	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 Inclusion Manager , who will in turn share it with the attached Inclusion 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 Inclusion 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 Area Inclusion Manager .
	5.18	A placement will be considered to have broken down within 12 weeks if the child's behaviour would ordinarily warrant permanent exclusion. In such cases the Area Inclusion Manager will determine whether or not the placement should be considered to have broken down. Where a placement is considered to have broken down, the Area Inclusion Manager will work with the school to identify a solution which might include the school referring the child for alternative provision or placement at an alternative school.
	5.19	Subsequent Panel meetings will review any placements made to ensure that the children in the partnership area are in receipt of full-time education.
	5.20	If for any reason a Panel is unable to resolve a placement, a placement will then be allocated to the child by the Admissions team.
6.	Process for admission – categories h) to p); and categories a) to g) where no panel process exists	
	6.1	Children who fall within one of the categories h) to p) will be referred directly to one of the parent/carer's preferred schools by the Admissions team, in liaison with the Area Inclusion Manager .
	6.2	Children who fall within one of the categories a) to g) in an area where no panel process exists will be referred directly to one of the parent/carer's preferred schools by the Admissions team, in liaison with the Area Inclusion Manager .

6.3	<p>A school might not be expected to admit a child if:</p> <ul style="list-style-type: none"> • The school is in special measures, has recently come out of them or is otherwise assessed by the local authority as needing support (such an assessment will be carried out by the Admissions team in liaison with the local authority); or • The school has no vacancies and the school already has 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	<p>If for these reasons it is not possible to place the child within one of the parent/carer's preferred schools, the Admissions team, in liaison with the Area Inclusion Manager, 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:</p> <ul style="list-style-type: none"> • Schools with vacancies • 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	<p>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.</p>
6.6	<p>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.</p>
6.7	<p>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.</p>
6.8	<p>The Admissions team will liaise with the school before notifying a parent/carer of the placement.</p>
6.9	<p>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 Inclusion Manager who will in turn share it with the attached Inclusion Officer.</p>
6.10	<p>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 with the Admissions team and for a start date within five school days of going on roll.</p>
6.11	<p>The Admissions team will continue to monitor the placement to ensure that the child is placed on roll and the satisfactory completion of 12 weeks. The reintegration of children returning to mainstream school from a PRU may be managed over a period longer than 12 weeks, at the decision of the Area Inclusion Manager.</p>
6.12	<p>A placement will be considered to have broken down within 12 weeks if the child's</p>

		behaviour would ordinarily warrant permanent exclusion. In such cases the Area Inclusion Manager will determine whether or not the placement should be considered to have broken down. Where a placement is considered to have broken down, the Admissions team will liaise with the Area Inclusion Manager 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	<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 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 	

		<ul style="list-style-type: none"> • 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
	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	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 (except for Year 2s excluded from an infant school during the summer term or Year 6s excluded from a junior or primary school during the summer term for which a separate calculation applies).
	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 2s excluded from an infant school during the summer term or Year 6s excluded from a junior or primary school during the summer term for which a separate calculation applies).
		Pupil-led funding includes the basic entitlement rate; plus deprivation, low prior

	c)	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.	
	10.2	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.	
	10.3	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		
	<i>Category of Child</i>	<i>Support team</i>	<i>Panel</i>
	a) Permanently excluded children or children attending a PRU/Alternative Provision who are ready for re-integration to another mainstream school or where a child is still on roll at a school but is attending a PRU or Alternative Provision as an alternative to permanent exclusion	<ul style="list-style-type: none"> • Area Inclusion Manager • Alternative Provision provider • Dual Registration arrangements 	Yes
	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
	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
	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 • Inclusion Officer 	Yes
	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 • Area Lead for Specialist Teachers for Inclusive Practice (STIPS) • Area Inclusion Manager 	Yes
	f) Children who have applied to return to	<ul style="list-style-type: none"> • Admissions 	Yes

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"> • Inclusion Officer • Area Inclusion Manager 		
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 • Area Inclusion Manager 	Yes	
h) Children of Gypsies, Roma and Travellers	<ul style="list-style-type: none"> • Admissions • Race, Equality & Minority Achievement team 	No	
i) Children of asylum seekers and refugees who have been in the UK less than two years and need a supported entry to school	<ul style="list-style-type: none"> • Admissions • Children's Services 	No	
j) Children who are homeless, including those who have been placed in temporary housing by 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 • Inclusion Officer 	No	
l) Children who are carers	<ul style="list-style-type: none"> • Admissions • Young Carers • Children's Services 	No	
m) Children with special educational needs, disabilities or medical conditions (but without an Education, Health & Care Plan), where the need, disability or medical condition has already impacted on the child's attendance or participation at school	<ul style="list-style-type: none"> • Admissions • Area Inclusion Manager 	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	

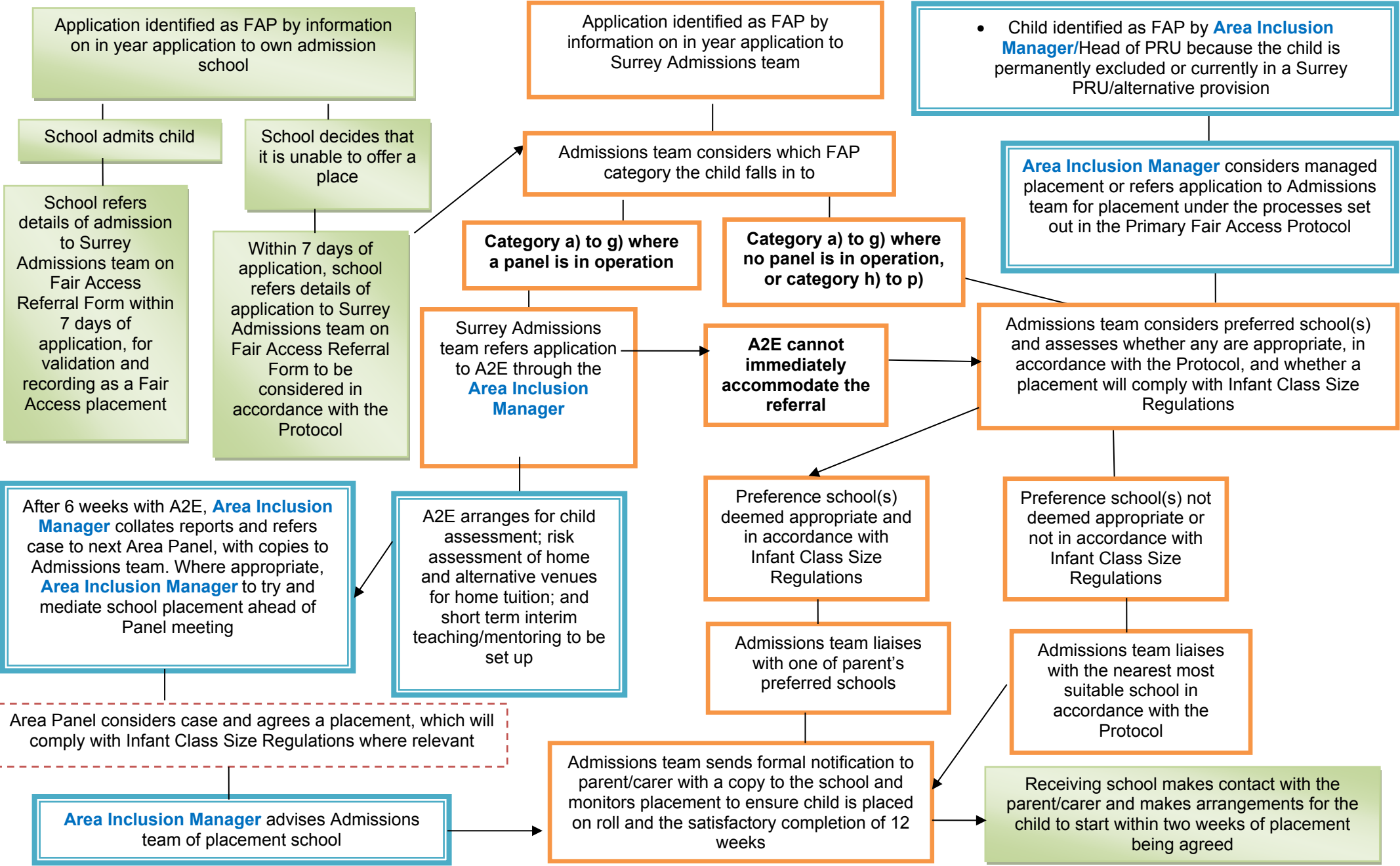
Exceptions to the Infant Class Size Limit – 2019/20

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 2019/20

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 2019/20 .
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 Inclusion 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)*		<i>Children who have been out of education for longer than two months where throughout that period:</i>

		<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><i>This two-month period will be counted as continuous from the date the child came off roll but will exclude the summer break. Where a child is removed from roll on the last day of a term or half-term, the first day of absence will be deemed to be the first day of the next term or half-term.</i></p>
	h)	<i>Children applying to enter Year 11 whose application for a school place through the normal in year admission process is refused;</i>
	i)*	<i>Children of Gypsies, Roma and Travellers;</i>
	j)*	<i>Children of asylum seekers and refugees who have been in the UK for less than two years and need a supported entry to school. The need for a supported entry does not include language support where this is the only support required and must be substantiated by professional evidence. Examples of the type of circumstances that might demonstrate a need for a supported entry are where such a child requires specific emotional or behavioural support by the school as a result of their experiences;</i>
	k)*	<i>Children who are homeless, including those who have been placed in temporary housing by Surrey County Council;</i>
	l)*	<i>Children with unsupportive family backgrounds where a place has not been sought and where a referral is made through an outside agency or service who is seeking to support the child;</i>
	m)*	<i>Children who are carers;</i>
	n)*	<i>Children with special educational needs, disabilities or medical conditions (but without an Education, Health & Care Plan), where the need, disability or medical condition has already impacted on the child's attendance or participation at school;</i>
	o)	<i>Children subject to a child protection plan;</i>
	p)	<i>Children of UK service personnel and other Crown Servants, where a change of location ordered by the service leads to a need for a change of school;</i>
	q)	<i>Children who are accommodated in an emergency refuge for victims of domestic violence.</i>
	2.3	Within the definition of this Protocol, categories deemed to be 'challenging' are categories a) to h). 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	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:	<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. The school must also advise the parent that they are unable to offer a place and inform them of their right of appeal. <p>All such referrals will be made within five school days of the application being received.</p>
3.4	Most children who are permanently excluded from a Surrey school and those who are ready for reintegration to a mainstream school from a Surrey Pupil Referral Unit (PRU) or other Alternative Provision will be identified by the Area Inclusion Manager / Head of PRU. The Area Inclusion Manager / 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 Inclusion Manager 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) and h). 	
4.2	The process to place children who fall within categories a) to h) is as follows:	<ul style="list-style-type: none"> • Children already in a Surrey PRU or alternative provision will be referred directly to the area panel by the Area Inclusion Manager / Head of PRU once the child is ready for reintegration to another mainstream school • Children who are already known to Surrey and who are recently excluded will be referred to a PRU by the Area Inclusion Manager • All other children will be referred to the A2E team through the Area Inclusion Manager, by the Admissions team

4.3	<p>On receipt of referrals in A2E, the Area Inclusion Manager will arrange for:</p> <ul style="list-style-type: none"> • The child's assessment to be completed • A risk assessment to be carried out on the suitability of the home or alternative venues for home tuition • Short term interim teaching/mentoring to be set up in the light of assessment/other available information
4.4	<p>In the event that the A2E team cannot immediately accommodate a child, the Admissions team will follow the process in Section 5 in allocating a school.</p>
4.5	<p>After a maximum target time of six weeks with the A2E team, the Area Inclusion Manager will collate reports from tutors/mentors which will be submitted to the next area panel. The Area Inclusion Manager will also send copies of the referral paperwork to the Admissions team.</p>
4.6	<p>Where appropriate, the Area Inclusion Manager will try to mediate a school placement ahead of the panel meeting, based on the circumstances of the case and the conditions set out in this Protocol.</p>
4.7	<p>The Area Inclusion Manager and/or a representative from the Admissions team and/or a representative from A2E, as appropriate, will attend the panel at which placement decisions are to be taken.</p>
4.8	<p>Panels are expected to consider the case of each child and to agree a placement at the most suitable school within the area of the panel.</p>
4.9	<p>For own admission authority schools, the delegated representative at the panel should not need to seek prior or subsequent authorisation from their governing body to admit a fair access child. This is because when a child is placed in accordance with the Fair Access Protocol, the admission authority for that school should admit the child.</p>
4.10	<p>In considering cases, panels will have regard to:</p> <ul style="list-style-type: none"> • Parental preference (the parent/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
4.11	<p>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.</p>
4.12	<p>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.</p>

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 Inclusion Manager , who will in turn share it with the attached Inclusion 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 Inclusion 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 Area Inclusion Manager .
4.16	A placement will be considered to have broken down within 12 weeks if the child's behaviour would ordinarily warrant permanent exclusion. In such cases the Area Inclusion Manager will determine whether or not the placement should be considered to have broken down. Where a placement is considered to have broken down, the Area Inclusion Manager 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	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: <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

		<ul style="list-style-type: none"> Distance and travelling times
5.4		The Admissions team will liaise with the school before notifying a parent/carer of the placement.
5.5		Once agreement has been reached the Admissions team will send notification to the parent/carer, with a copy also being sent to the school and the Area Inclusion Manager , who will in turn share it with the attached Inclusion 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 Area Inclusion Manager will determine whether or not the placement should be considered to have broken down. Where a placement is considered to have broken down, the Area Inclusion Manager 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 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; 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		The most suitable school for some children could be a school that is close to the

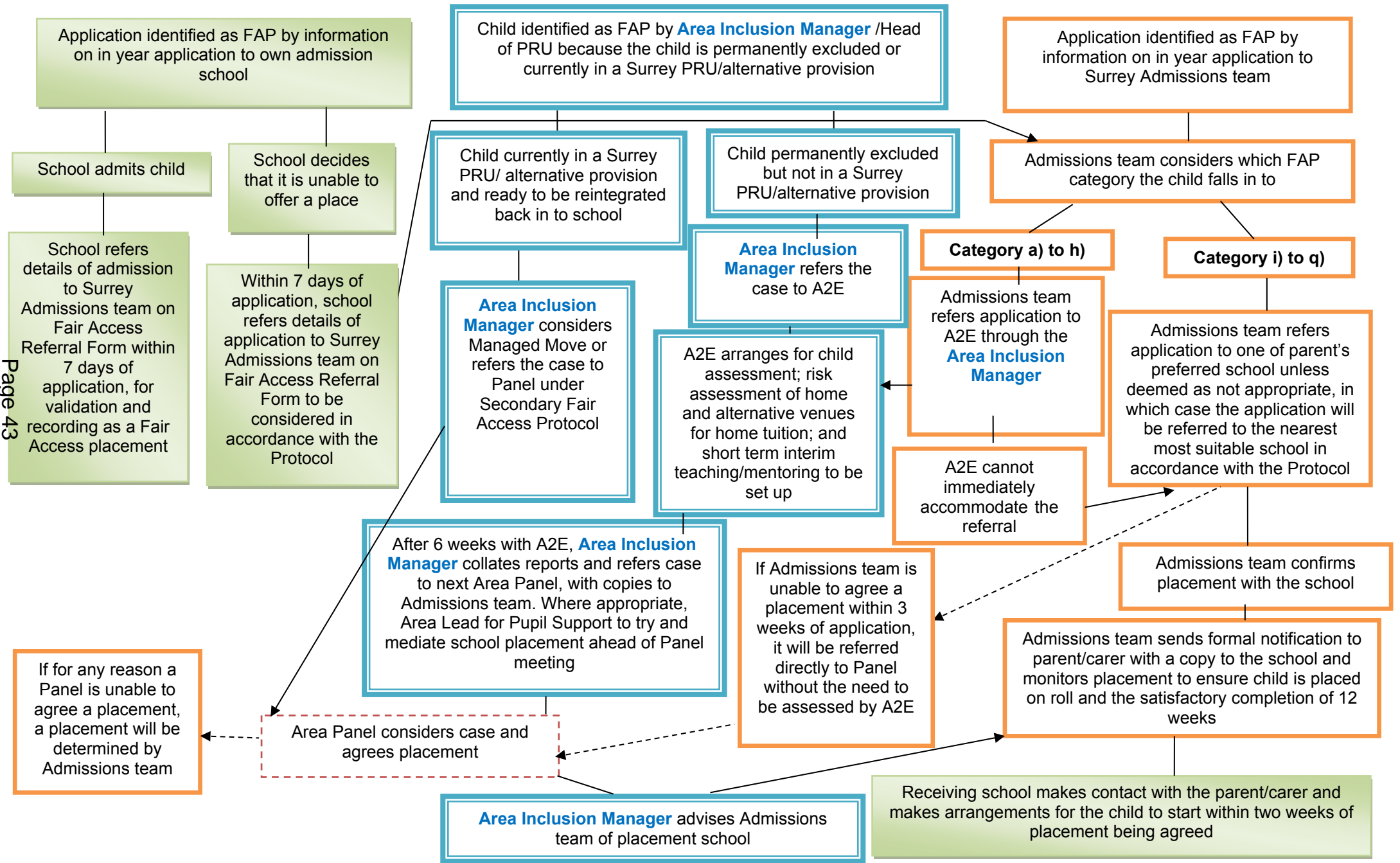
		<p>child's home. Advantages of a placement close to the child's home address are as follows:</p> <ul style="list-style-type: none"> • There are likely to be less transport issues or costs • If the school is nearer there are likely to be fewer barriers which prevent the child from attending • There may be better parental support and participation • The child will be better placed to participate in 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
	7.3	<p>However, there are also advantages of placing a child within the area where they were previously at school, and such placements can lead to a more informed and considered process which in turn can lead to a successful and supported placement:</p> <ul style="list-style-type: none"> • 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	<p>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.</p>
	7.5	<p>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.</p>
	7.6	<p>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.</p>
8.	Out of area applications	
	8.1	<p>Occasionally applications will be received from children who live outside Surrey but who otherwise meet the criteria for placement under this Protocol.</p>
	8.2	<p>As these children do not meet Surrey's Fair Access Protocol, schools should consider these applications in accordance with normal in year processes.</p>
	8.3	<p>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.</p>
9.	Funding	

9.1	<p>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 3 October 2019 but before the end of the spring term 2020, 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 2020, 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 2020 • Placements made up to the end of March 2020 which have lasted four weeks or more by that date – payment will be issued at the end of March 2020 • 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>
9.2	<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 (except for Year 11s excluded during the summer term for which a separate calculation applies).</p> <p>b) Where a previously permanently excluded child is admitted to another school, the receiving school's budget is increased by the annual value of 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>
9.3	<p>Panels are expected to take into account the distance and journey times when considering the most suitable placement. Subject to the maximum walking distance appropriate to the child's age being breached, transport will normally be arranged for the most appropriate public transport route. Where there are other suitable modes of transport but a taxi is deemed appropriate to support integration, this will only be funded for one term, and beyond that the child would be expected to travel on an alternative mode of transport to school. Where there are exceptional circumstances the parent/carer could request that the taxi provision is extended, and this would be considered as a transport case review by senior officers in the Admissions team.</p>
9.4	<p>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.</p>

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		
	<i>Category of Child</i>	<i>Support team</i>	<i>Panel</i>
	a) Permanently excluded children or children attending a PRU/Alternative Provision who are ready for re-integration to another mainstream school or where a child is still on roll at a school but is attending a PRU or Alternative Provision as an alternative to permanent exclusion	<ul style="list-style-type: none"> • Area Inclusion Manager • Alternative Provision provider • Dual Registration arrangements 	Yes
	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
	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
	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 • Inclusion Officer 	Yes
	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 • Area Lead for Specialist Teachers for Inclusive Practice (STIPS) • Area Inclusion Manager 	Yes
	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 • Inclusion Officer • Area Inclusion Manager 	Yes
	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 • Area Inclusion Manager 	Yes
	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
	i) Children of Gypsies, Roma and Travellers	<ul style="list-style-type: none"> • Admissions 	No

	<ul style="list-style-type: none"> • Race, Equality & Minority Achievement team 		
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 • Inclusion Officer 	No	
m) Children who are carers	<ul style="list-style-type: none"> • Admissions • Young Carers • Children's Services • 	No	
n) Children with special educational needs, disabilities or medical conditions (but without an Education, Health & Care Plan), where the need, disability or medical condition has already impacted on the child's attendance or participation at school	<ul style="list-style-type: none"> • Admissions • Area Inclusion Manager 	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 – 2019/20



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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 2019/20
Service	Admissions and Transport
Name of assessor/s	Claire Potier
Head of service	Chris Kiernan
Date	16 June 2019
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 3 October 2019 until the end of the Spring term 2020
Gender Reassignment			X	
Disability	X			Children with special educational needs and disability who do not 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 workforce issues			X	
Human Rights implications if relevant			X	

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

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

Is a full EIA required?	Yes (go to stage two)	No
		X
If no briefly summarise reasons why you have reached this conclusion, the evidence for this and the nature of any stakeholder verification of your		

conclusion.
There are no negative impacts on any equality group. Placements under the Fair Access Protocol are less than 250 a year and as such this Protocol will not affect many people nor have a severe effect on some people.
Briefly describe any positive impacts identified that have resulted in improved access or services
The Fair Access Protocol is designed to ensure that children who are out of school are placed in school quickly. The equality groups identified above will face a positive impact as a result of this Protocol as they will be placed in school quickly, even if the school is full.

For screenings only:

Review date	
Person responsible for review	Claire Potier
Head of Service signed off	Chris Kiernan
Date completed	16 June 2019

- 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

SURREY COUNTY COUNCIL

CABINET MEMBER FOR ALL-AGE LEARNING DECISIONS

DATE: 1 JULY 2019

LEAD OFFICER: DAVE HILL, EXECUTIVE DIRECTOR FOR CHILDREN, FAMILIES & LEARNING

SUBJECT: APPROVAL OF MAINTAINED SCHOOLS' DEFICITS

**SUMMARY OF ISSUE:**

This report provides summary details of total balances at Surrey maintained schools and seeks Cabinet Member approval where schools are projecting deficits in excess of 5% of their budget share. One school requires this approval in 2019/20.

RECOMMENDATIONS:

It is recommended that:

1. The level of balances held by Surrey maintained schools is noted.
2. A licensed deficit is approved for Wey House School.

REASON FOR RECOMMENDATIONS:

Approval of a licensed deficit will set the parameters within which this school's finances can be monitored.

DETAILS:**SCHOOLS' BALANCES**

1. Total net balances held by Surrey's 227 maintained schools as at 31 March 2019 were £38.9m. A further £2.3m is held by confederations and networks of schools. For comparative purposes, the table below excludes from current and all prior year figures, the balances held by schools which had converted to academy status by 31 March 2019. Responsibility for the finances of academies transfers to the Education & Skills Funding Agency on conversion. The Council is not currently informed of academies' financial balances prior to their publication in December each year.

	As at 31 March 2017	As at 31 March 2018	As at 31 March 2019	No. of maintained schools
<i>School Phase:</i>	<i>£m</i>	<i>£m</i>	<i>£m</i>	
Primary (including nurseries)	23.1	24.8	27.5	192
Secondary	7.3	6.9	7.7	13
Special	2.3	2.9	3.0	14

Pupil referral units	0.6	0.5	0.7	8
Total individual schools' balances	33.3	35.1	38.9	227
Balances held by schools confederations / networks	2.8	2.4	2.3	
Total Schools' Balances	36.1	37.5	41.2	

The table excludes from current and prior year totals, all schools that had converted to academy status by 31 March 2019.

LOCAL AUTHORITIES' FINANCIAL MONITORING OF SCHOOLS: DFE REQUIREMENTS

2. The Department for Education (DfE) requires each local authority's Chief Finance Officer (CFO) to produce an Outturn statement indicating the extent of any under or overspending of Dedicated Schools Grant (DSG) by the authority. In addition, the local authority (LA) must demonstrate deficits and large surpluses in schools are short-term and actively managed.
3. The DfE seeks explanations of actions to be taken by LAs if specific thresholds are breached. The thresholds are as follows:
 - An overspend on DSG should not exceed 1% and an underspend should not exceed 5%. Surrey had a net DSG overspend of 0.7%.of gross DSG in 2018/19.
 - No LA should have 2.5% of its schools with a deficit of 2.5% or higher, for the last 4 years. Surrey has no schools in this position.

SURPLUS BALANCES

4. Of Surrey's 227 maintained schools, 221 (97.4%) had surplus balances at 31 March 2019. Year-end surplus balances are typically expressed as a percentage of each school's total revenue budget share for the year.
5. School surpluses can be analysed across phases as follows:

As at March 2019:	Primary schools (including nurseries)		Secondary schools		Special schools		PRUs	
	No. of schools	% of phase	No. of schools	% of phase	No. of schools	% of phase	No. of schools	% of phase
Surpluses								
0 – 5%	18	9.4	3	23.1	3	21.4	1	12.5
5 - 8%	26	13.5	3	23.1	1	7.2	1	12.5
8 – 10%	26	13.5	1	7.6	0	0.0	0	9.0
10-15%	39	20.3	3	23.1	8	57.1	3	37.5
15% +	79	41.2	3	23.1	1	7.2	2	25.0
Total	188	97.9	13	100	13	92.9	7	87.5

6. Although a marginal surplus can represent prudent financial management, excessive balances are discouraged as funding is allocated to schools on the basis of the specific needs of current pupils and is intended to be spent on those pupils. The latest comparative data available (March 2018) shows that 4.9% of Surrey maintained schools held surplus balances of over 15% of budget for over five years. This compares with an average for all LAs of 2.9%.
7. The local authority asks schools with balances in excess of 15% of funding to provide details of the purpose for which they are held. Responses received to date indicate that approximately 34% of balances were held for capital projects including major maintenance and ICT. Approximately 25% of high balances were held to ensure stability in current or future budgets amid pupil number variations and funding concerns. The remaining balances were maintained for a variety of purposes including non-capital development (staff training, outdoor equipment, building maintenance), depreciation on sports pitches, payment of retrospective pay awards and community focused projects.
8. The DfE has historically discouraged long-term surplus balances and set targets whereby each LA should ensure that no more than 5% of its schools maintained surpluses exceeding 15% for the last five years. However, this target has now been removed and a recent request by the Council to clawback excessive Surrey school balances in order to support high needs SEND was rejected by the DfE in February 2019, indicating an increasing expectation of greater autonomy for schools.

DEFICITS

9. The total value of schools' deficits at March 2019 is £221,203, a decrease from £582,091 in March 2018. The following table shows the number of schools with deficits of varying magnitude in the past three years – adjusted to exclude academy converters. A school's deficit is expressed as a percentage of its total delegated revenue budget received that year.
10. Schools converting to academies transfer their accumulated balances, whether surplus or deficit, unless converting to a sponsored academy – typically following Ofsted concerns. In this instance the local authority is required to fund any accumulated deficits. During 2018/19 the Council has – for the first time – funded deficits estimated at £390k from three schools converting to academies. Although the individual circumstances were unique, steps have been taken to ensure all school improvement partners are aware of financial constraints and manage schools within agreed funding levels.

	As at 31 March 2017	As at 31 March 2018	As at 31 March 2019
<i>Deficits</i>	<i>No. of schools</i>	<i>No. of schools</i>	<i>No. of schools</i>
0 – 5%	2	3	3
5 – 10%	1	1	2
10% +	0	0	0
Total	3	4	5

The table excludes from current and prior year totals, all schools that had converted to academy status by 31 March 2019.

11. Of Surrey's 227 maintained schools, five had deficit balances as at 31 March 2019. Smaller deficits are frequently temporary, but larger deficits require a robust recovery plan that repays the deficit whilst minimising the impact on the education of pupils at the school.
12. The latest national comparisons are currently only available for the year ending 31 March 2018. At that point, 2.4% of Surrey maintained schools had deficits compared to the national average for all local authorities of 10%.

SCHOOLS SEEKING APPROVAL FOR DEFICITS IN EXCESS OF 5%

13. Cabinet Member approval is required where schools seek a licensed deficit in excess of 5% of the school's budget share. Two schools – Green Oak and Wey House School - had deficits in excess of 5% at 31 March 2019. Following the conversion of Green Oak to academy status, only Wey House School is expected to have a deficit in excess of 5% by March 2020. Details are as follows:

Green Oak

	% of annual budget*	£
Deficit as at 31 March 2019	7.8	43,745
Converted to academy status 1 April 2019		

Green Oak school had a deficit of £43,745 (7.7% of budget) when it converted to an academy on 1 April 2019. The responsibility for the financial management of the school has now transferred to the Good Shepherd Trust and the Education & Skills Funding Agency (ESFA).

Wey House School

	% of annual budget*	£
Deficit as at 31 March 2019	6.5	118,251
Projected Deficit as at 31 March 2020	10.0	170,700

** Note: A school's annual budget can vary from year to year, particularly if temporary supplements are provided.*

14. Following an 'Inadequate' Ofsted judgement in November 2018, the management of the school has been replaced and action is being taken to address issues raised in the inspection. The intention is for the school to join a multi academy trust, but in the interim the school's expenditure has risen – primarily on staffing and adaptations to meet pupils' needs. The school ended the 2018/19 financial year with a deficit of £118,251 and projects an ongoing need for additional support throughout 2019/20. Some support will be provided via the local authority.
15. A one-year licensed deficit of £170,700 is requested at this point prior to the completion of the review. This represents 10% of the school's delegated budget.

CONSULTATION:

16. On receipt of their annual funding notifications, each school prepares a budget. Schools facing challenges are then supported in developing a robust, balanced budget plan or requesting a licensed deficit with a recovery plan. In developing a recovery plan, officers from the authority's school effectiveness team, finance and HR are consulted.

RISK MANAGEMENT AND IMPLICATIONS:

17. Surplus balances are monitored as risks include the maintenance by schools of inappropriately high surpluses which leave current pupils' needs unmet. As part of the monitoring of a schools' performance, the current level of balances is considered and recommendations are made regarding their potential use.
18. Schools with deficits are required to develop recovery plans. Schools with large deficits can struggle to repay deficits without impacting on standards so the potential impact on pupil attainment is considered when establishing the repayment period. Where a weak school is obliged to academise – under sponsored academy status – the local authority can be expected to fund any deficit on conversion. This becomes a pressure on council funds required for other services. Schools with deficits are therefore subject to enhanced monitoring arrangements until deficits are fully repaid.

Financial and Value for Money Implications:

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

Section 151 Officer Commentary:

21. Approval for a licensed deficit is sought for Wey House School in order to set parameters around spending and thereby to manage the financial liability falling on the Council when the school converts to academy status. Officers from the Finance and School Effectiveness teams are working with the school's management to ensure the deficit is retained within approved levels.
22. The Section 151 officer confirms the ongoing process of monitoring schools' deficits is robust and outcomes are well within DfE requirements. The local authority works with schools with particularly high surpluses to assess an appropriate level of balances which maintains a prudent approach to future risks but ensures the needs of current pupils are addressed.

Legal Implications – Monitoring Officer:

23. The legal framework is set out in the Schools & Early Years Finance (England) (no 2) Regulations 2018, the Scheme for Financing Schools Statutory Guidance issued by the Department for Education in February 2019 and the Surrey Scheme for Financing Schools (June 2019). There are no significant legal implications arising from this report.

Equalities and Diversity:

24. Where schools are in deficit, budget recovery plans may impact on particular groups. However, in determining a recovery plan, advice is sought from curriculum, HR and finance consultants and appropriate safeguards are built into the plan. In the past this has necessitated seeking DfE approval for a recovery plan to exceed three years, to protect the interests of vulnerable pupils. Schools with excessive balances are challenged in order to ensure that funding is directed to meeting the needs of pupils in the school.

Other Implications:

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

Area assessed:	Direct Implications:
Corporate Parenting/Looked After Children	No significant implications arising from this report
Safeguarding responsibilities for vulnerable children and adults	No significant implications arising from this report
Environmental sustainability	No significant implications arising from this report
Public Health	No significant implications arising from this report

WHAT HAPPENS NEXT:

26. Council officers will continue to provide support to all schools in deficit to ensure they are short-term and actively managed.

27. DSG deficits and surpluses will continue to be managed to ensure that DfE targets are met.

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Consulted:

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Rachel Wigley, Director of Financial Insights
Liz Mills, Director of Education, Lifelong Learning & Culture

Sources/background papers:

Schools & Early Years Finance (England) (no 2) Regulations 2018
Surrey Scheme for Financing Schools June 2019
Scheme for Financing Schools: Revised Statutory Guidance (DfE Feb 2019)