

Notice of Meeting

Cabinet Member for All-Age Learning Decisions

**Date & time**

Monday, 6 July
2020 at 3.30 pm

Place

Remote

Contact

Angela Guest, Committee
Manager
Angela.guest@surreycc.gov.uk

Chief Executive

Joanna Killian

Please note that due to the Covid-19 situation this meeting will take place remotely.

Please be aware that a link to view a live recording of the meeting will be available on the Cabinet Member for All-Age Learning Decisions page on the Surrey County Council website. This page can be accessed by following the link below:

<https://mycouncil.surreycc.gov.uk/mgCommitteeDetails.aspx?ID=717>

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 (30 June 2020).

b Public Questions

The deadline for public questions is seven days before the meeting (29 June 2020).

c Petitions

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

3 PRIMARY AND SECONDARY FAIR ACCESS PROTOCOLS 2020/21

(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 2020/21 and how cases will be considered.

4 APPROVAL OF MAINTAINED SCHOOLS' DEFICITS

(Pages
49 - 56)

This report provides summary details of Surrey maintained schools total balances and the council's Dedicated Schools Grant balances at 31 March 2020; and seeks Cabinet Member approval where schools are projecting deficits in excess of 5% of their budget share at 31 March 2021. Two schools require this approval in 2020/21.

Joanna Killian
Chief Executive

Published: 26 June 2020

This page is intentionally left blank

SURREY COUNTY COUNCIL**CABINET MEMBER FOR ALL-AGE LEARNING****DATE: 06 JULY 2020**

**LEAD OFFICER: LIZ MILLS, DIRECTOR FOR EDUCATION, LIFELONG
LEARNING & CULTURE**

**SUBJECT: PRIMARY AND SECONDARY FAIR ACCESS
PROTOCOLS 2020/21**

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 2020/21 and how cases will be considered.

RECOMMENDATIONS:

It is recommended that the Cabinet Member agrees the proposed Primary and Secondary Fair Access Protocols for 2020/21.

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.
- The Protocols will ensure that children who are out of school can be placed in school quickly.
- The Protocols 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.
- In light of the current Covid-19 Pandemic and the pressure this is placing on schools, no changes to the Protocols are proposed from 2019/20.

DETAILS:

1. Copies of the proposed Primary and Secondary Fair Access Protocols along with the Framework and Expectations of Fair Access Panels for 2020/21 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 panels which operate to agree fair access placements. As virtual panels have taken place during Covid-19, a sentence has been added to this document for 2020/21 to reflect this new practice.
5. Generally the Protocols have been working well and there has been little demand for change. As such the only changes are to dates and these have been highlighted in bold in the proposed Protocol documents.
6. Officers within Admissions and the area teams intend to review the operation of the Protocols for 2020/21 to try to achieve greater consistency across the Surrey quadrants.

CONSULTATION:

7. As no changes are being proposed and as schools are under pressure from the Covid-19 pandemic, the usual four-week summer consultation with schools has not taken place this year.
8. Consultation has taken place with Legal Services, Finance and the Fair Access Protocol Review Group.
9. Representation on the Fair Access Protocol Review Group is from schools, Pupil Referral Units, local authority Education & Inclusion Service Managers, Area Inclusion Managers, Access To Education and Surrey's Admissions Team.

RISK MANAGEMENT AND IMPLICATIONS:

10. 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.
11. 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:

12. Funding remains available to schools in 2020/21 for permanently excluded pupils, dependent on the date of the exclusion and the school that the child had previously been permanently excluded from. The basis of this funding is specified by the DfE and it is generally funded from sums recovered from the excluding school.

13. In addition, maintained schools and academies will continue to receive Age Weighted Pupil Unit (AWPU) funding for Year 11 pupils placed on roll after 01 October 2020 and before the end of the spring term 2021 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. The cost of this funding has been negligible in recent years as few year 11 pupils are placed under the Protocol.

Section 151 Officer commentary:
--

14. Although significant progress has been made over the last twelve months to improve the Council's financial position, the medium term financial outlook is uncertain. The public health crisis has resulted in increased costs which are not fully funded in the current year. With uncertainty about the ongoing impact of this and no clarity on the extent to which both central and local funding sources might be affected from next year onward, our working assumption is that financial resources will continue to be constrained, as they have been for the majority of the past decade. This places an onus on the Council to continue to consider issues of financial sustainability as a priority in order to ensure stable provision of services in the medium term. As such, the Section 151 Officer supports the proposed protocols and the implications will be factored into the Medium-Term Financial Strategy.
15. 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.
16. 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 (HNB) of the Dedicated Schools Grant, there is an overall need for major cost reductions to be found in the high needs block to remove the current operating deficit. 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 in the overall context of the HNB.

Legal implications – Monitoring Officer:

17. 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.
18. The proposed Fair Access Protocols are compliant with the 2014 DfE School Admissions Code.

Public sector equality duty:

19. 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).

Consultation:

20. 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. However, as indicated in the report, no significant changes are proposed and consequently there is no requirement for consultation.

General Decision-Making:

21. 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 and the public sector equality duty.

Best value duty:

22. 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:

23. An Equality Impact Assessment has been completed and is included in Annex 5.
24. 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.
25. 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:

26. 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:

27. 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:

28. 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:

29. The Protocols will be shared with all schools and relevant officers and implemented for 2020/21.
30. The Fair Access Review Group will monitor the effectiveness of the Protocols throughout the year, along with other officers as required.

Contact Officer:

Claire Potier, Service Manager, Admissions and Transport
claire.potier@surreycc.gov.uk

Consulted:

- Liz Mills, Director for Education, Lifelong Learning & Culture
- Rachel Hickman, Legal and Democratic Services
- Area Education teams
- David Green, Strategic Finance - Children, Families and Learning

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
 - Department for Education guidance on fair access protocols in school admissions
-

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 2020/21 .
	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 2020/21 • Secondary Fair Access Protocol 2020/21
	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 5 school days of going on roll. Placing on roll should not be subject to a meeting with the parent/carer, although a meeting might be arranged to discuss a start date and to discuss the child's integration to the school.
	3.13	A copy of the offer letter will be sent by the Admissions team to the Area 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	Admissions team: <ul style="list-style-type: none"> identify fair access children, either through direct in year applications or via a referral from an own admission authority school;

	<ul style="list-style-type: none"> • 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. <ul style="list-style-type: none"> • 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; <ul style="list-style-type: none"> • 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. <p>Access to Education (A2E):</p> <ul style="list-style-type: none"> • 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. <p>Pupil Referral Units (PRUs):</p> <ul style="list-style-type: none"> • 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. <p>Schools:</p> <ul style="list-style-type: none"> • own admission authority schools: <ul style="list-style-type: none"> - identify fair access cases from in year applications that are received
--	--

		<ul style="list-style-type: none"> - 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. <ul style="list-style-type: none"> • all schools: <ul style="list-style-type: none"> - where a child is not in a fair access category to be placed at panel or where there is no panel in operation, respond within 5 school days to a request from the Admissions team to admit a child, giving a full written explanation if unable to admit; - where an area panel exists, ensure the Headteacher or delegated colleague attends and has read all paperwork in advance; - contribute to decision making at panels which maintains an equitable distribution of fair access pupils among schools; - once a fair access placement is agreed, make contact with the family and arrange for the child to go on roll within 5 school days of the offer and to start within a further 5 school days; - where appropriate, make a referral to the area SEND team as soon as a placement is agreed.
5.	Monitoring and reporting	
	5.1	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 2020/21 and section 9 of the Secondary Fair Access Protocol 2020/21 .
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.

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. **Panels may be heard virtually where appropriate.**
12. 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.
13. Placement decisions will be made in the best interests of the child.
14. 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.
15. 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.
16. Notes of meetings will be made, which will set out the factors that informed the decision.

This page is intentionally left blank

Surrey County Council

PRIMARY Fair Access Protocol 2020/21

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 2020/21 .
	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)*	<p><i>Children who have been out of education for longer than two months where throughout that period:</i></p> <ul style="list-style-type: none"> <i>• they have not been receiving elective home education;</i> <i>• they have been living within the UK; and</i> <i>• they have had a right to access state funded education.</i> <p><i>This two month period will be counted as continuous from the date the child came off roll but will exclude the summer break. Where a child is removed from roll on the last day of a term or half-term, the first day of absence will be deemed to be the first day of the next term or half-term.</i></p>
	h)*	<i>Children of Gypsies, Roma and Travellers;</i>
	i)*	<p><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></p>
	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	<p>Where an application form is received directly by an own admission authority school, they will assess the information on the in year form. If they believe that the child meets the criteria of the Protocol, they will consider whether they are still able to admit the child:</p> <ul style="list-style-type: none"> • If they are able to admit the child, the school will notify the Admissions team of the application and the offer and the reasons why they believe the child meets the Protocol. The Admissions team will then consider whether the admission should be logged as a Fair Access placement. • If the school is unable to offer a place, the school will refer it to the Admissions team to be considered under the Protocol. 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 5 school days of the application being received.</p>
	3.4	Most children who are permanently excluded from a Surrey school and those who are ready for reintegration to a mainstream school from a Surrey Pupil Referral Unit (PRU) or other Alternative Provision will be identified by the Area 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 be referred as follows: <ul style="list-style-type: none"> • children already in a Surrey PRU or alternative provision will be referred directly to the area panel by the Area 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 by the Admissions team to the Access To Education (A2E) team through the Area Inclusion Manager.
	5.4	In the event that there is a Key Stage 1 fair access pupil to be placed in an area where a panel exists but where most schools are full and Infant Class Size legislation will apply, the Area 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.
	5.5	On receipt of referrals in A2E, the Area Inclusion Manager will arrange for: <ul style="list-style-type: none"> • the child's assessment to be completed; • a risk assessment to be carried out on the suitability of the home or alternative venues for home tuition; • short term interim teaching/mentoring to be set up in the light of assessment/other available information.
	5.6	In the event that the A2E team cannot immediately accommodate a child, the Admissions team will follow the process in Section 6 in allocating a school.
	5.7	After a maximum target time of 6 weeks with the A2E team, the Area 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.
	5.8	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.
	5.9	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.
	5.10	Panels are expected to consider the case of each child and to agree a placement at the most suitable school within the area of the panel.
	5.11	For own admission authority schools, the Headteacher or delegated representative at the panel should not need to seek prior or subsequent authorisation from their governing body to admit a fair access child. This is because when a child is placed in accordance with the Fair Access Protocol, the admission authority for that school should admit the child.
	5.12	<p>In considering cases, Panels will have regard to:</p> <ul style="list-style-type: none"> • parental preference (the parent/carer can still submit an appeal and so it is helpful to demonstrate that this has been considered); • the schools in the area that they might wish to protect from admitting a challenging child (such as a school which has a particularly high proportion of children with challenging behaviour or previously excluded children; a school in special measures or recently come out of them; or a school which is otherwise in need of support); • any genuine concerns about the admission by either the parent/carer or the school; • a view of the parent/carer about the religious ethos of a school; • distance, availability of transport and travelling times.
	5.13	Where a child has been removed from school for elective home education and then wants to return to school to the same phase of education, that child will normally be expected to be admitted to their original school unless there are compelling reasons why that would not be possible or appropriate.
	5.14	In considering cases, Panels may also wish to have regard to the number of 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 has already its quota of children under the Protocol within the academic year; or • to admit an extra child would breach Infant class size legislation; or • there are reasons why a school would not be an appropriate placement for the child.
	6.4	<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	In such circumstances a school may be asked to admit a child above PAN in excess of the limit stipulated in paragraph 4.1 but taking into account paragraph 4.2.
6.6	Where a child has been removed from school for elective home education and then wants to return to school to the same phase of education, that child will normally be expected to be admitted to their original school unless there are compelling reasons why that would not be possible or appropriate.
6.7	Where a panel exists in an area and a child falling under categories h) to p) cannot be placed within three weeks, the Admissions team reserves the right to refer the case to the panel for consideration.
6.8	The Admissions team will liaise with the school before notifying a parent/carer of the placement.
6.9	Once agreement has been reached, the Admissions team will send notification to the parent/carer, with a copy also being sent to the school and the Area Inclusion Manager who will in turn share it with the attached Inclusion Officer.
6.10	The receiving school will contact the parent/carer and make arrangements for the child to go on roll within 5 school days of the placement being agreed with the Admissions team and for a start date within 5 school days of going on roll.
6.11	The Admissions team will continue to monitor the placement to ensure that the child is placed on roll and the satisfactory completion of 12 weeks. The reintegration of children returning to mainstream school from a PRU may be managed over a period longer than 12 weeks, at the decision of the Area Inclusion Manager.
6.12	A placement will be considered to have broken down within 12 weeks if the child's behaviour would ordinarily warrant permanent exclusion. In such cases the Area 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

		<p>set out in Section 4; or</p> <ul style="list-style-type: none"> • to admit an extra child would breach infant class size legislation; or • there are compelling reasons why a school would not be an appropriate placement for the child. <p>While community and voluntary controlled schools may refer cases back to the local authority for consideration under the Protocol, it will be the local authority as admission authority for the school which will decide whether a place should be offered at that school.</p>
8.	Establishing which Panel is responsible for considering placements under categories a) to g) where a panel process exists	
	8.1	The purpose of the Protocol is to ensure that unplaced children, especially the most vulnerable, are offered a place at a suitable school as quickly as possible.
	8.2	<p>The most suitable school for some children could be a school that is close to the child's home. Advantages of a placement close to the child's home address are as follows:</p> <ul style="list-style-type: none"> • there are likely to be fewer transport issues or costs; • if the school is nearer there are likely to be fewer barriers which prevent the child from attending; • there may be better parental support and participation; • the child will be better placed to participate in extracurricular activities; • the child is more likely to develop friendship groups from his/her local community; • it is less likely that appeals for other schools will be upheld; • it establishes a clear and transparent way for referrals to be made.
	8.3	<p>However there are also advantages of placing a child within the area where they were previously at school, and such placements can lead to a more informed and considered process which in turn can lead to a successful and supported placement:</p> <ul style="list-style-type: none"> • the previous school can comment on the child's behavioural and educational history at the panel; • support services may already be familiar and be supporting the child; • it ensures collegiate working between schools in the same area which in turn improves shared approaches to managing behaviour and attendance; • it establishes a culture of shared problem solving of individual cases within the same area; • 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 $\frac{1}{52}$ 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 $\frac{1}{52}$ 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).
	c)	Pupil led funding includes the basic entitlement rate; plus deprivation, low prior attainment and EAL funding where the pupil is eligible for such funding. A further adjustment is made where the pupil generated pupil premium for the school.
	10.2	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.
12.	Process for Primary children	
Category of Child		Support team
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
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
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
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
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
f) Children who have applied to return to mainstream schooling after a period of elective home education and whose		<ul style="list-style-type: none"> • Admissions • Inclusion Officer

application for a school place through the normal in year admission process is refused	<ul style="list-style-type: none"> 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

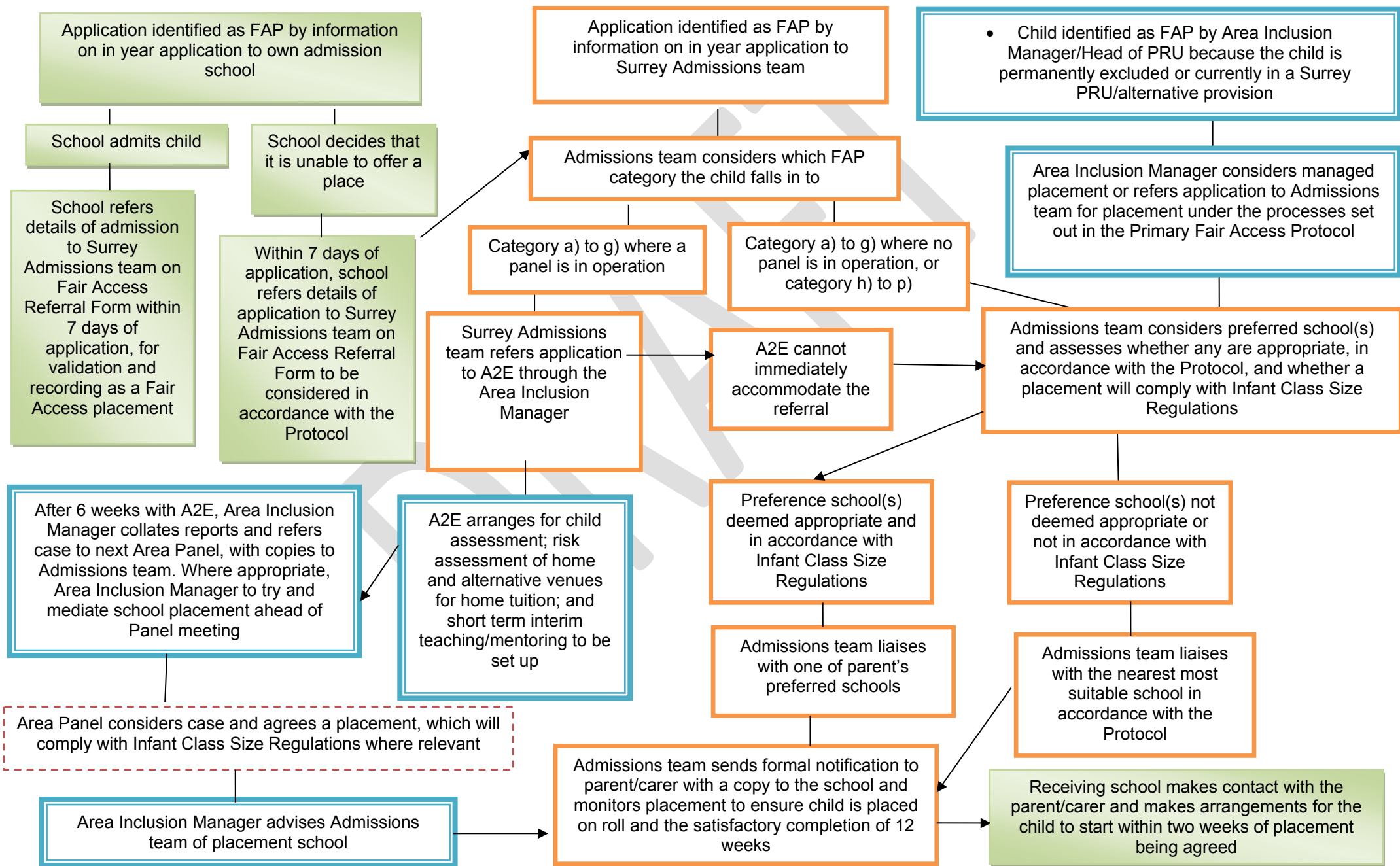
Exceptions to the Infant Class Size Limit – 2020/21

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



This page is intentionally left blank

Surrey County Council

SECONDARY Fair Access Protocol 2020/21

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 2020/21 .
	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)*	<p><i>Children who have been out of education for longer than two months where throughout that period:</i></p> <ul style="list-style-type: none"> <i>they have not been receiving elective home education;</i> <i>they have been living within the UK; and</i> <i>they have had a right to access state funded education.</i> <p><i>This two month period will be counted as continuous from the date the child came off roll but will exclude the summer break. Where a child is removed from roll on the last day of a term or half-term, the first day of absence will be deemed to be the first day of the next term or half-term.</i></p>
	h)	<i>Children applying to enter Year 11 whose application for a school place through the normal in year admission process is refused;</i>
	i)*	<i>Children of Gypsies, Roma and Travellers;</i>
	j)*	<i>Children of asylum seekers and refugees who have been in the UK for less than two years and need a supported entry to school. The need for a supported entry does not include language support where this is the only support required and must be substantiated by professional evidence. Examples of the type of circumstances that might demonstrate a need for a supported entry are where such a child requires specific emotional or behavioural support by the school as a result of their experiences;</i>
	k)*	<i>Children who are homeless including those who have been placed in temporary housing by Surrey County Council;</i>
	l)*	<i>Children with unsupportive family backgrounds where a place has not been sought and where a referral is made through an outside agency or service who is seeking to support the child;</i>
	m)*	<i>Children who are carers;</i>
	n)*	<i>Children with special educational needs, disabilities or medical conditions (but without an Education, Health & Care Plan), where the need, disability or medical condition has already impacted on the child's attendance or participation at school;</i>
	o)	<i>Children subject to a child protection plan;</i>
	p)	<i>Children of UK service personnel and other Crown Servants, where a change of location ordered by the service leads to a need for a change of school;</i>
	q)	<i>Children who are accommodated in an emergency refuge for victims of domestic violence.</i>
	2.3	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	<p>Where an application form is received directly by an own admission authority school, they will assess the information on the in year form. If they believe that the child meets the criteria of the Protocol, they will consider whether they are still able to admit the child:</p> <ul style="list-style-type: none"> • If they are able to admit the child, the school will notify the Admissions team of the application and the offer and the reasons why they believe the child meets the Protocol on the Fair Access referral form for schools. The Admissions team will then consider whether the admission should be logged as a Fair Access placement. • If the school is unable to offer a place, the school will refer it to the Admissions team to be considered under the Protocol. 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 5 school days of the application being received.</p>
	3.4	Most children who are permanently excluded from a Surrey school and those who are ready for reintegration to a mainstream school from a Surrey Pupil Referral Unit (PRU) or other Alternative Provision will be identified by the Area 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	<p>The process to place children who fall within categories a) to h) is as follows:</p> <ul style="list-style-type: none"> • children already in a Surrey PRU or alternative provision will be referred directly to the area panel by the Area 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 by the Admissions team to the Access To Education (A2E) team through the Area Inclusion Manager.
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 6 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/carers can still submit an appeal and so it is helpful to demonstrate that this has been considered); • the schools in the area that they might wish to protect from admitting a challenging child (such as a school which has a particularly high proportion of children with challenging behaviour or previously excluded children; a school in special measures or recently come out of them; or a school which is otherwise in need of support);

		<ul style="list-style-type: none"> any genuine concerns about the admission by either the parent/carer or the school; a view of the parent/carer about the religious ethos of a school; distance, availability of transport and travelling times.
	4.11	Where a child has been removed from school for elective home education and then wants to return to school to the same phase of education, that child will normally be expected to be admitted to their original school unless there are compelling reasons why that would not be possible or appropriate.
	4.12	In considering cases, panels may also wish to have regard to the number of Looked After Children (LAC) and EHCP children within each school; and the number and frequency of previous Fair Access placements within the academic year and within each year group.
	4.13	Decisions on placement will be notified to the Admissions team for formal notification to the parent/carer, with a copy also being sent to the school and Area 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		<p>If it is not possible to place the child within one of the parent/carer's preferred schools, the Admissions team will seek to place the child in the nearest and most suitable school, taking into account:</p> <ul style="list-style-type: none"> • schools with vacancies; • whether a school is in special measures, has recently come out of them or is otherwise assessed by the local authority as needing support (such an assessment will be carried out by the Admissions team in liaison with the local authority); • any genuine concerns about the admission by either the parent/carer or the school; • a strong view of the parent/carer about the religious ethos of a school; • the number and percentage of LAC and EHCP children within each school and the number and frequency of previous Fair Access placements within the academic year and within each year group; • distance and travelling times.
5.4		The Admissions team will liaise with the school before notifying a parent/carer of the placement.
5.5		Once agreement has been reached the Admissions team will send notification to the parent/carer, with a copy also being sent to the school and the 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	

	<p>6.1 If a school does not wish to admit a child who falls within one of the Fair Access categories outside the normal admission round, it will refer the case to the Admissions team setting out the reasons why they do not feel they can place the child within 5 school days. However an exception is only likely to 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.	<p>Establishing which Panel is responsible for considering placements under categories a) to h)</p>
7.1	<p>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.</p>
7.2	<p>The most suitable school for some children could be a school that is close to the child's home. Advantages of a placement close to the child's home address are as follows:</p> <ul style="list-style-type: none"> there are likely to be less transport issues or costs; if the school is nearer there are likely to be fewer barriers which prevent the child from attending; there may be better parental support and participation; the child will be better placed to participate in extra curricular activities; the child is more likely to develop friendship groups from his/her local community; it is less likely that appeals for other schools will be upheld; it establishes a clear and transparent way for referrals to be made.
7.3	<p>However there are also advantages of placing a child within the area where they were previously at school, and such placements can lead to a more informed and considered process which in turn can lead to a successful and supported placement:</p> <ul style="list-style-type: none"> the previous school can comment on the child's behavioural and educational history at the panel; support services may already be familiar and be supporting the child; it ensures collegiate working between schools in the same area which in turn improves shared approaches to managing behaviour and attendance; it establishes a culture of shared problem solving of individual cases within the same area;

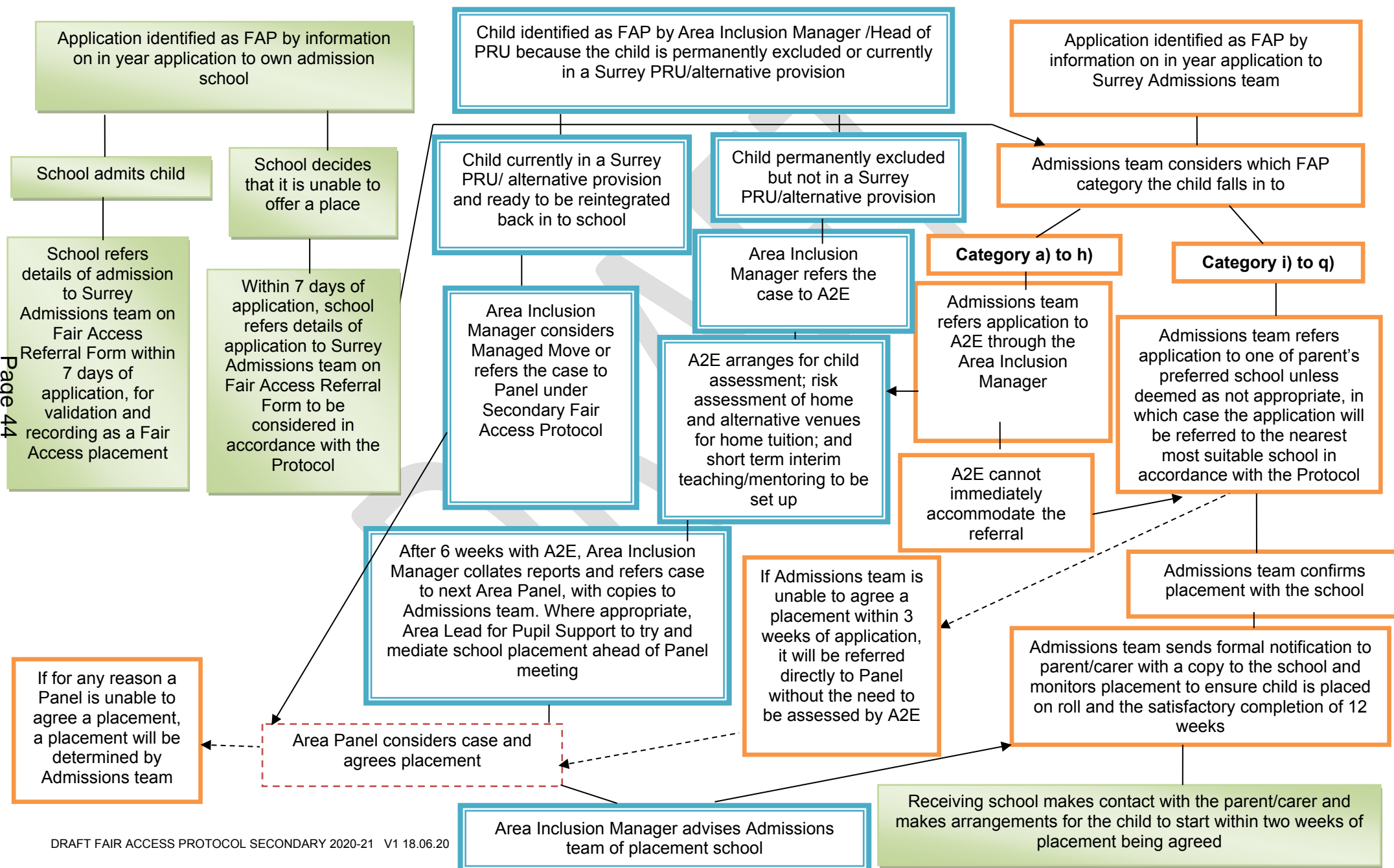
		<ul style="list-style-type: none"> schools can challenge the poor practice of other schools within the same area and this may in turn reduce the number of hard to place cases.
	7.4	For the purpose of this Protocol, children who have previously attended a school within Surrey will be referred to the panel in which the child was previously at school. This will encourage collaborative working between schools.
	7.5	However, any child who has not previously attended a school within Surrey will be referred to the panel for the geographical area in which the child lives.
	7.6	Where a panel is satisfied that a placement in a neighbouring area would be in the best interests of the child or other children, then in those cases the panel Chair will liaise with the neighbouring panel Chair to negotiate a placement in the neighbouring area.
8.	Out of area applications	
	8.1	Occasionally applications will be received from children who live outside Surrey but who otherwise meet the criteria for placement under this Protocol.
	8.2	As these children do not meet Surrey's Fair Access Protocol, schools should consider these applications in accordance with normal in year processes.
	8.3	However, if the child falls within categories a) to g) of paragraph 2.2 of this Protocol and the preferred school is unable to offer a place - either because it has no vacancies or because it is in special measures, has recently come out of them or has been otherwise assessed by the local authority as needing support - the application will be referred back to the child's home local authority to effect an alternative placement.
9.	Funding	
	9.1	<p>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 1 October 2020 but before the end of the spring term 2021, 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 2021, 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 2021; placements made up to the end of March 2021 which have lasted four weeks or more by that date - payment will be issued at the end of March 2021; remaining payments will be made in the summer term 2021. <p>In all cases a proportion of the funding will be reclaimed if the child</p>

		subsequently leaves the school.
	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 $1/52 \times$ the number of weeks from the date of permanent exclusion to the end of the local authority's financial year (except for Year 11s excluded during the summer term for which a separate calculation applies).</p> <p>b) Where a previously permanently excluded child is admitted to another school, the receiving school's budget is increased by the annual value of pupil led funding for a pupil of the same age and characteristics multiplied by $1/52 \times$ the number of weeks from the date of re-admission to the end of the local authority's financial year (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	<p>A log of all placements made through the Fair Access Protocol will be maintained by the Admissions team.</p>
11.	Process for secondary children	
Category of Child		Support team
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		<ul style="list-style-type: none"> • Area Inclusion Manager • Alternative Provision provider • Dual Registration arrangements
		Panel
		Yes

alternative to permanent exclusion		
b) Children returning from the criminal justice system who are registered with the Youth Offending team	<ul style="list-style-type: none"> • Admissions • Surrey Family Services 	Yes
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 • Race, Equality & Minority Achievement team 	No
j) Children of asylum seekers and refugees who have been in the UK less than two years and need a supported entry to school	<ul style="list-style-type: none"> • Admissions • Children's Services 	No
k) Children who are homeless including those who have been placed in temporary	<ul style="list-style-type: none"> • Admissions • Children's Services 	No

housing by Surrey County Council		
l) Children with unsupportive family backgrounds where a place has not been sought and where a referral is made through an outside agency or service who is seeking to support the child	<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 – 2020/21



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 2020/21
Service	Admissions and Transport
Name of assessor/s	Claire Potier
Head of service	Claire Potier
Date	18.06.20
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 01 October 2020 until the end of the Spring term 2021
Gender Reassignment			X	

Disability	X			Children with special educational needs & 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			X	

issues				
Human Rights implications if relevant			X	
<p>If you find a negative impact on any equality group you will need to complete stage one and move on to stage two and carry out a full EIA.</p> <p>A full EIA will also need to be carried out if this is a high profile or major policy that will either effect many people or have a severe effect on some people.</p>				

Is a full EIA required?	Yes (go to stage two)	No X
<p>If no briefly summarise reasons why you have reached this conclusion, the evidence for this and the nature of any stakeholder verification of your conclusion.</p>		
<p>There are no negative impacts on any equality group. Placements under the Fair Access Protocol are less than 250 a year and as such this Protocol will not affect many people nor have a severe effect on some people.</p>		
<p>Briefly describe any positive impacts identified that have resulted in improved access or services</p>		
<p>The Fair Access Protocol is designed to ensure that children who are out of school are placed in school quickly. The equality groups identified above will face a positive impact as a result of this Protocol as they will be placed in school quickly, even if the school is full.</p>		

For screenings only:

Review date	
Person responsible for review	Claire Potier
Head of Service signed off	Claire Potier
Date completed	18 June 2020

- 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****DATE: 6 JULY 2020****LEAD OFFICER: DAVID HILL, EXECUTIVE DIRECTOR FOR CHILDREN,
FAMILIES AND LEARNING****SUBJECT: APPROVAL OF MAINTAINED SCHOOLS' DEFICITS****SUMMARY OF ISSUE:**

This report provides summary details of Surrey maintained schools total balances and the council's Dedicated Schools Grant balances at 31 March 2020; and seeks Cabinet Member approval where schools are projecting deficits in excess of 5% of their budget share at 31 March 2021. Two schools require this approval in 2020/21.

RECOMMENDATIONS:

It is recommended that:

1. the level of balances held by Surrey maintained schools is noted;
2. the level of Dedicated Schools Grant is noted;
3. licensed deficits are approved for two schools as set out in paragraph 13.

REASON FOR RECOMMENDATIONS:

Approval of a licensed deficit will set the parameters within which these two schools' finances can be monitored.

DETAILS:**SCHOOLS' BALANCES**

1. Total net balances held by Surrey's 215 maintained schools as at 31 March 2020 were £36.8m. For comparative purposes, table 1 below excludes from current and all prior year figures, the balances held by schools which had converted to academy status by 31 March 2020. 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.

Table 1: Total school balances

	As at 31 March 2018	As at 31 March 2019	As at 31 March 2020	No. of maintained schools
<i>School Phase:</i>	£m	£m	£m	
Primary (including nurseries)	22.6	25.2	24.9	182
Secondary	6.8	7.5	7.6	12
Special	2.8	3.0	3.5	14
Pupil referral units	0.5	0.7	0.9	7
Total individual schools' balances	32.7	36.4	36.8	215

The table excludes from current and prior year totals, all schools that had converted to academy status by 31 March 2020.

LOCAL AUTHORITIES' FINANCIAL MONITORING OF SCHOOLS: DFE REQUIREMENTS

- 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.
- The DfE expects local authorities to prepare a recovery plan if they have overspent their DSG. At 31 March 2020 Surrey had a net DSG overspend of 3.7% of gross DSG in 2019/20.
- The DSG Deficit at 31 March 2020 was £31.5m and £48.8m of this is High Needs Block (HNB) DSG, as shown in table 2. The Council ensures its accounts are sustainable by maintaining a reserve equal to the HNB deficit and the Medium Term Financial Plan provides for a £24m HNB DSG overspend in 2020/21. The SEND transformation programme is working to contain HNB spend and reduce the in-year deficit to zero within three years.

Table 2: DSG Balances at 31 March 2020

	31 March 2019		31 March 2020
	Deficit /	Movement	Deficit /
	Surplus (-)		Surplus (-)
	£m	£m	£m
Schools	-4.90	-0.88	-5.78
Central School Services	-0.26	0.15	-0.11
Early Years	-7.74	-3.69	-11.44
High Needs	18.88	29.96	48.83
Total	5.97	25.54	31.51

SURPLUS BALANCES

5. Of Surrey's 215 maintained schools, 210 (98%) had surplus balances at 31 March 2020. Year-end surplus balances are typically expressed as a percentage of each school's total revenue funding for the year. School surpluses can be analysed across phases as shown in table 3.

Table 3: schools surpluses by phase

As at March 2020	Primary schools (incl nursery)		Secondary schools		Special schools		PRUs	
Surpluses	No. of schools	% of phase	No. of schools	% of phase	No. of schools	% of phase	No. of schools	% of phase
>25%	6	3%	0	0%	0	0%	1	14%
20-25%	11	6%	1	8%	1	7%	0	0%
15-20%	30	16%	2	17%	3	21%	2	29%
10-15%	42	23%	4	33%	6	43%	1	14%
5-10%	58	32%	1	8%	2	14%	3	43%
0-5%	31	17%	4	33%	1	7%	0	0%
Total	178		12		13		7	

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 2019), shows that 6% of Surrey maintained schools held surplus balances of over 15% of budget for over 5 years. This compares with an average for all LAs of 3.4%.
7. The local authority usually asks schools with balances in excess of 15% of funding to provide details of the purpose for which they are held. This has not happened this year as the DfE issued guidance limiting non-essential data collections from schools whilst dealing with the Covid 19 situation.
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 5 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 2020 is £0.43m, an increase from £0.22m in March 2019. Table 4 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.

Table 4: number of schools with deficits

	As at 31 March 2018	As at 31 March 2019	As at 31 March 2020
Deficits	No. of schools	No. of schools	No. of schools
0 – 5%	3	3	4
5 – 10%	1	2	0
10% +	0	0	1
Total	4	5	5

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

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 2019/20 the council has not funded any such deficits. All school improvement partners are aware of financial constraints and manage schools within agreed funding levels.
11. Of Surrey's 215 maintained schools, 5 had deficit balances as at 31 March 2020. 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 2019. At that point, 2.8% of Surrey maintained schools had deficits compared to the national average for all local authorities of 9.6%.

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. One school, Wey House School, had a deficit in excess of 5% at 31 March 2020. One other schools, Guildford Nursery School, is expecting a deficit of over 5% at 31 March 2021.

Wey House School

	% of annual budget*	£
Deficit as at 31 March 2020	16%	280,438
Projected Deficit as at 31 March 2021	10%	160,438

** 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 2019/20 financial year with a deficit of £280,438 and projects an ongoing need for additional support throughout 2020/21. Some support will be provided via the local authority.

15. The school is increasing its numbers on role from September 2020, this will lead to additional funding which more than covers the current levels of spend, leading to a reduced deficit. A one-year licensed deficit of £160,438 is requested as the conversion to an academy is likely to be before 31 March 2021. This represents 10% of the school's delegated budget. It is likely the council will need to fund the accumulated deficit upon conversion.

. Guildford Nursery School

	% of annual budget*	£
Surplus as at 31 March 2020	15%	-143,781
Projected Deficit as at 31 March 2021	6%	46,572

16. Guildford Nursery School is expecting a considerable loss of parental income due to the impact of COVID-19. Parental income supports on average 15% of the school's day to day activities including staffing costs, and the current uncertainty on when the nursery can re-open to its full capacity is placing greater challenge on the school's ability to balance its budget this year. The use of brought forward surplus balances have also been required to maintain the current staffing structure and spending model throughout the school over the last few years. Governors and Senior Leadership are aware that they must seek financial efficiencies to move to a sustainable budget in future years, and are currently expected to provide the council with confidence that a balanced budget can be achieved by March 2022. It is recommended that a one year only licensed deficit is approved, giving the school time to better understand the impact of COVID 19 and of the general situation of the school before submitting their recovery plan.

CONSULTATION:

17. 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:

18. 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.

19. 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 is normally 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:
--

20. 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.
21. Relatively few Surrey schools have deficits as schools at risk are closely monitored and advice is provided where needed.

Section 151 Officer commentary:
--

22. Although significant progress has been made over the last twelve months to improve the Council's financial position, the medium term financial outlook is uncertain. The public health crisis has resulted in increased costs which are not fully funded in the current year. With uncertainty about the ongoing impact of this and no clarity on the extent to which both central and local funding sources might be affected from next year onward, our working assumption is that financial resources will continue to be constrained, as they have been for the majority of the past decade. This places an onus on the Council to continue to consider issues of financial sustainability as a priority in order to ensure stable provision of services in the medium term.
23. 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. Approval for a licensed deficit is sought for Wey House School and Guildford Nursery in order to set parameters around spending and thereby, for Wey House, to manage the financial liability falling on the county council when the school converts to academy status. Officers from the Finance and School Effectiveness teams are working with both the schools' management teams to ensure the deficits are retained within approved levels.

Legal implications – Monitoring Officer:

24. The legal framework is set out in the Schools & Early Years Finance (England) Regulations 2020, the Scheme for Financing Schools Statutory Guidance issued by the Department for Education in April 2020 and the Surrey Scheme for Financing Schools (June 2019). There are no significant legal implications arising from this report.

Equalities and diversity:

25. 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:

26. 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

27. Should any of the above issues have direct implications arising from this report, please address them under the following headings (those that do not apply can be deleted).

WHAT HAPPENS NEXT:

28. Council officers will continue to provide support to all schools in deficit to ensure they are short-term and actively managed.
29. DSG deficits and surpluses will continue to be managed to ensure that DfE targets are met.

Contact Officer:

Louise Lawson, Deputy Strategic Finance Business Partner, 020 8541 7432

Consulted:

Julie Iles, Cabinet Member for All Age Learning
Rachel Wigley, Director of Financial Insights, Surrey County Council
Liz Mills, Director of Education, Lifelong Learning & Culture

Annexes:

None

Sources/background papers:

- Schools & Early Years Finance (England) Regulations 2020
 - Surrey Scheme for Financing Schools June 2019
 - Scheme for Financing Schools: Revised Statutory Guidance (DfE April 2020).
 - Dedicated Schools Grant conditions of grant 2020
-