

Notice of Meeting

Cabinet Member for Education & Learning Decisions

**Date & time**

Tuesday, 14
September 2021 at
3.30 pm

Place

Woodhatch Place, 11
Cockshot Hill, Reigate
RH2 8EF

Contact

Angela Guest
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Chief Executive

Joanna Killian

If you would like a copy of this agenda or the attached papers in another format, e.g. large print or braille, or another language please either call 07929 724773 or email angela.guest@surreycc.gov.uk.

This meeting will be held in public, however numbers will be limited in order to adhere to Covid-19 social distancing requirements. If you would like to attend, please contact Angela Guest on 07929 724773

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Cabinet Member
Denise Turner-Stewart

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 (8 September 2021).

b Public Questions

The deadline for public questions is seven days before the meeting (7 September 2021).

c Petitions

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

3 FAIR ACCESS PROTOCOL 2021-2022

(Pages 5
- 34)

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 2021/22 and how cases will be considered.

Joanna Killian
Chief Executive

Published: Friday, 3 September 2021

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SURREY COUNTY COUNCIL**MS DENISE TURNER-STEWART, CABINET MEMBER FOR
EDUCATION AND LEARNING****DATE: 14 SEPTEMBER 2021****LEAD OFFICER: LIZ MILLS, DIRECTOR FOR EDUCATION AND LIFELONG
LEARNING****SUBJECT: FAIR ACCESS PROTOCOL 2021/22****ORGANISATION** Empowering Communities
STRATEGY PRIORITY
AREA:**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. The Fair Access Protocol ensures that vulnerable and unplaced children, who are not successful in gaining a place through the normal in-year admissions process, are offered a place at a suitable school within 20 school days. This includes admitting children above the published admission number to schools that are already full.

The proposed Fair Access Protocol for 2021/22 sets out the criteria that the local authority will use to determine which children will be placed under Surrey's Fair Access Protocol and how cases will be considered. It has been updated to ensure it complies with the Department for Education's (DfE) new School Admissions Code which came into force on 1 September 2021, and which introduces changes in relation to fair access. It also complies with the DfE guidance on fair access that was issued in July 2021 alongside the new School Admissions Code.

RECOMMENDATIONS:

It is recommended that the Cabinet Member agrees the proposed Fair Access Protocol for 2021/22.

REASON FOR RECOMMENDATIONS:

- The local authority is required to have a Fair Access Protocol in place that all schools must participate in.
- The proposed Protocol meet the requirements of the new School Admissions Code, which came into effect on 1 September 2021.
- The Protocol will ensure that vulnerable and unplaced children can be placed in school quickly where they are unable to secure a place through the normal in-year admissions procedure.
- When seeking to place a child under the Protocol, no school will be asked to take a disproportionate number of children who have been permanently excluded from other schools, who display challenging behaviour, or who meet one of the other categories set out in the protocol.

- It is proposed to consult schools more fully on the practical operation of the Protocol in the autumn term once term is underway and schools become familiar with the requirements of the new School Admissions Code.

DETAILS:

1. A copy of the proposed Fair Access Protocol for 2021/22 is attached as Annex 1.
2. The Protocol complies with the statutory requirements of the new School Admissions Code which came into force on 1 September 2021.
3. The main changes to the School Admissions Code in relation to fair access which have been incorporated into the 2021/22 Protocol are as follows:
 - a. Confirmation that participation by schools in the Protocol includes making available a representative who is authorised to participate in discussions, make decisions on placing children through the Protocol and admitting children under the Protocol when asked to do so, even when the school is full (paragraph 2.3);
 - b. Clarity that an in-year application can only be refused on the basis of challenging behaviour if the year group is not for a normal year of entry (paragraph 3.4);
 - c. Inclusion of a definition of challenging behaviour, which will be used to consider whether a child might legitimately be refused admission and referred for placement under the Protocol, even if the school has places (paragraphs 3.5 and 3.6);
 - d. A reminder to schools of their duties under the Equality Act 2010 which may include a child with challenging behaviour (paragraph 3.7);
 - e. Requirement that admission can only be refused on the basis of challenging behaviour if the school has a particularly high proportion of either children with challenging behaviour or previously permanently excluded children on roll compared to other local schools and it considers that admitting a child with challenging behaviour would prejudice the efficient use of resources or the provision of efficient education (paragraph 3.8);
 - f. Confirmation that in-year applications must be processed in accordance with usual in-year processes and must not be refused on the basis that they may be eligible to be placed via fair access (paragraph 3.9);
 - g. Confirmation that an admission authority must not refuse to admit a child solely because information has not been received from their previous school (paragraph 3.10);
 - h. Confirmation that fair access can only be applied where a child is having difficulty in securing a place in-year and where it can be demonstrated that reasonable measures have been taken to secure a place (paragraphs 3.2 and 3.13);
 - i. Where it is agreed to consider a placement under fair access, a school place must be allocated within 20 school days and thereafter for the child to start as soon as possible (paragraphs 3.18, 7.1, 7.6 and 7.16);
 - j. Confirmation that when seeking to place a child under the Protocol, no school - including those with available places - will be asked to take a disproportionate number of children who have been permanently excluded

- from other schools, who display challenging behaviour, or who meet one of the other fair access categories (paragraph 3.20);
- k. A prescribed list of set categories that are eligible to be placed under the Protocol (paragraph 5.2);
 - l. Provision for the Protocol to be reviewed if the majority of schools (more than 50%) no longer support its principles or approach - subject to the matter under dispute not being a statutory requirement (paragraphs 14.1 to 14.4).
4. Other changes to the Protocol for 2021/22 compared to the Protocol for 2020/21 are as follows:
- a. There is now just one Protocol that applies to primary and secondary (last year there was a separate protocol for each as different categories applied);
 - b. The layout and order of the sections has been reviewed, making the Protocol shorter and easier to read;
 - c. The Protocol sets out clearly the legal basis for refusing an application for admission in-year, depending on whether or not the year being applied for is a normal year of entry, which is one of the triggers for a case to be considered under the Protocol (paragraphs 3.3 and 3.4);
 - d. In line with other aspects of the School Admissions Code, confirmation that applications for admission in-year must be decided upon within a maximum of 15 school days (paragraph 6.3);
 - e. Introduction of a process to benchmark cases where admission has been refused on the basis of challenging behaviour, to ensure the threshold of challenging behaviour has been met and to ensure consistency (paragraph 6.5 and Appendix 1);
 - f. The process for deciding whether a case should be referred directly to a school for placement or to a panel has been more clearly set out (paragraph 7.2);
 - g. The process for referring to a panel has been streamlined to reduce the involvement of Area teams to ensure greater consistency and oversight for all referrals in Surrey (paragraph 7.7 and Appendix 1);
 - h. The process for deciding which schools should consider a placement at a panel meeting has been reviewed and will no longer be restricted to borough/district boundaries. Instead, dates will be set and schools will be invited according to the circumstances of the case (paragraphs 7.8 to 7.10);
 - i. Clarification that a child who is being placed from a PRU should be placed on the roll of the school and should not be dual registered (paragraph 7.19);
 - j. The roles and responsibilities of the key stakeholders involved in fair access have been reviewed and are now included in Appendix 1 rather than within the body of the document;
 - k. The Expectations of Fair Access Panels have been moved from the body of the document to Appendix 3 and these set out good practice in the event of panels needing to operate to agree fair access placements.
5. New categories that have been added to the Protocol because they are now on the prescribed list of categories within the School Admissions Code and those which have changed from the previous Code are as follows:

- children either subject to a Child in Need Plan or a Child Protection Plan or having had a Child in Need Plan or a Child Protection Plan within 12 months at the point of being referred to the Protocol;
 - children living in a refuge or in other Relevant Accommodation at the point of being referred to the Protocol;
 - children in formal kinship care arrangements;
 - children who have been refused a school place on the grounds of their challenging behaviour and referred to the Protocol in accordance with paragraph 3.10 of the School Admissions Code;
 - children for whom a place has not been sought due to exceptional circumstances;
 - children who have been out of education for four or more weeks where it can be demonstrated that there are no places available at any school within a reasonable distance of their home. This does not include circumstances where a suitable place has been offered to a child and this has not been accepted; and
 - previously looked after children for whom the local authority has been unable to promptly secure a school place.
6. As a consequence of the DfE prescribing a set list of categories that are eligible to be placed under the Protocol, the following categories have been removed from Surrey's Protocol for 2021/22:
- 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;
 - Children with a history of serious unauthorised attendance problems (below 85%) within the past academic year, as assessed by the attached Inclusion Officer;
 - Children withdrawn from school by their parent following fixed term exclusion for persistent breaching of internal behaviour policies in school;
 - 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;
 - Children applying to enter Year 11 whose application for a school place through the normal in year admission process is refused
 - 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 schoolchildren of UK service personnel and Crown Servants
7. Some of the children who would have qualified under one of these removed categories may still qualify under one of the prescribed categories set out in the School Admissions Code and in paragraph 5.2 of the Protocol.
8. Surrey's Fair Access Protocol has generally worked well, with 214 children being referred under the Protocol in 2020/21 (91 primary and 123 secondary). Of these, 180 were placed in school during 2020/21, with only 16 secondary children and no primary children being placed in school by a panel. The remaining 174 children were all placed in a school directly by the School Admissions team.

9. Surrey may see a reduction in the number of children who are placed under fair access in 2021/22 for the following reasons:
- A change within the School Admissions Code to the categories of children who will be eligible for placement under the Protocol;
 - Confirmation within the Code that a child must only be placed through fair access when they have been unable to secure a place through the in-year admission procedures;
 - Confirmation within the Code that admission must not be refused on the basis that they may be eligible to be placed via fair access; and
 - Clarification within the Code of the circumstances when admission might legally be refused in year, for a year group that is the normal year of entry and a year group that is not (different rules apply).

CONSULTATION:

10. Draft Protocols were distributed on 13 May 2021 to all schools and Pupil Referral Units and to the Primary and Secondary Phase councils for consideration. The Education and Inclusion Service Managers and the Area Inclusion Managers were also consulted.
11. However, at that point, the new School Admissions Code had not been issued, so the draft Protocols did not reflect the changes within it and reflected a carry forward of the 2020/21 Protocol with dates updated.
12. The School Admissions team received no comments to that consultation.
13. The proposed new School Admissions Code was published on 13 May 2021 but was subject to Parliamentary approval which was not confirmed until 13 July 2021. In addition the DfE confirmed that they would issue updated guidance on Fair Access Protocols and this was not issued until 13 July 2021.
14. The late confirmation that the Code had passed through Parliament and the publication of the updated guidance so close to the end of the summer term has meant that no further consultation has taken place with schools or other stakeholders.
15. However, the School Admissions team informed all schools of the detail of the new School Admissions Code on 2 June 2021, including the implications for fair access in Surrey.
16. Whilst there is much within the Protocol that the local authority is legally obliged to implement and cannot be changed, the intention is to consult with schools in the autumn term 2021 on some of the operational detail of the Protocol to ensure it seeks views on the aspects that can be developed locally. This includes:
- the decisions about how placements will be decided upon
 - the operation of panels and the information they receive
 - the roles and responsibilities of the different stakeholders
 - the monitoring and reporting of information in relation to fair access

17. Surrey's Fair Access Review Group will also review the operation of the Protocol for 2021/22 to identify any in-year changes that may be needed. The Review Group consists of representatives from primary and secondary schools, Pupil Referral Units, local authority Education & Inclusion Service Managers, Area Inclusion Managers and Surrey's School Admissions Team.

RISK MANAGEMENT AND IMPLICATIONS:
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18. The Fair Access Protocol reduces the risk of children being left out of school by ensuring there is a shared responsibility between the local authority and schools to place a child in school within 20 school days where they have been unable to secure a place through the normal in-year admissions process.
19. Once placed in a school, the Protocol ensures that children will be placed on roll as soon as possible, but within no more than five days, to ensure that no child remains out of school for longer than necessary.
20. The Protocol reduces the risk of undersubscribed schools being asked to admit more than their fair share of children who need to be placed under the Protocol.

Financial and value for money implications:
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21. Funding remains available to schools in 2021/22 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.
22. In addition, maintained schools and academies will continue to receive Age Weighted Pupil Unit (AWPU) funding for Year 11 pupils placed on roll after 07 October 2021 and before the end of the spring term 2022 under categories d) and j) of the 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.
23. 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.
24. 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.

Section 151 Officer commentary:
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25. 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 Protocol and the implications will be factored into the Medium-Term Financial Strategy.

Legal implications – Monitoring Officer:

26. The 2021 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 under the Protocol, including children excluded from other schools.
27. The proposed Fair Access Protocol has been updated to reflect the new requirements of the 2021 DfE School Admissions Code and is legally compliant.

Public sector equality duty:

28. 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:

29. 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. Whilst changes have been made to the 2021/22 Protocol, these bring it in line with the new School Admissions Code and these aspects of the Protocol cannot change as a result of consultation as they are statutory requirements. However, because of the date of publication of the new Code, there was no time to undertake consultation with schools on operational aspects of the Protocol before the end of the summer term and so this will take place in the autumn term.

General Decision-Making:

30. 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:

31. 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:

32. An Equality Impact Assessment has been completed and is included in Annex 2.
33. There are no negative impacts on any equality group. Placements under the Fair Access Protocol are currently in the region of 214 a year and as such this Protocol will not affect many people nor have a severe effect on some people.
34. The Fair Access Protocol is 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 this Protocol as they will be placed in school quickly, even if a school is full.

Corporate Parenting/Looked After Children implications:

35. 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 Protocol.

Safeguarding responsibilities for vulnerable children and adults implications:

36. The Fair Access Protocol provides 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:

37. The Protocol will be shared with all schools and relevant officers and implemented for 2021/22.
38. The Fair Access Review Group will monitor the effectiveness of the Protocol throughout the year.
39. Consultation on the operational aspects of the Protocol will be carried out with schools during the autumn term.

Contact Officer:

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Consulted:

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

Annexes:

Annex 1 – Fair Access Protocol

Annex 2 – Equality Impact Assessment

Sources/background papers:

- DfE School Admissions Code - September 2021
 - DfE Fair Access Protocols Guidance - July 2021
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Fair Access Protocol 2021/2022



Surrey's Fair Access Protocol 2021/22

1. Introduction

- 1.1 This document sets out the Fair Access Protocol which will be operated by Surrey in partnership with all state funded mainstream schools during the academic year 2021/22.
- 1.2 This Protocol applies to children living in Surrey and complies with the requirements of the 2021 School Admissions Code (the Code) and the DfE guidance on Fair Access Protocols issued in July 2021.
- 1.3 Roles and responsibilities of stakeholders involved in the fair access process are set out in Appendix 1.

2. Background

- 2.1 Paragraph 3.14 of the Code confirms that each local authority **must** have a Fair Access Protocol to ensure that unplaced and vulnerable children, and those who are having difficulty in securing a school place in-year, are allocated a school place as quickly as possible.
- 2.2 Paragraph 3.15 of the Code confirms that the Protocol **must** be consulted upon and developed in partnership with all schools in its area. Once the Protocol has been agreed by the majority of schools in its area, all admission authorities **must** participate in it.
- 2.3 Participation includes making available a representative who is authorised to participate in discussions, make decisions on placing children and admitting pupils when asked to do so in accordance with the Protocol, even when the school is full. Failure by a school to engage in the Protocol will not prevent a child being placed at that school.

3. Legal principles of the Code in relation to Fair Access

- 3.1 Fair Access Protocols only apply to children who are applying for a place in year and not those who are applying for a place as part of the normal admissions round.
- 3.2 The majority of children applying in year will be admitted to a school through each school's in year admission procedures. However, this Protocol will be triggered when a child is refused admission through the in-year process and is identified as falling within one of the criteria set out within paragraph 5.2 of this Protocol.
- 3.3 For children applying for a place at a school in the normal year of entry (i.e. where a PAN exists for entry into that year group - normally Reception, Year 3 or Year 7), admission can only be refused in year if:
 - the PAN has been reached; or
 - the child has been permanently excluded from two or more schools and the last exclusion was within the last two years - paragraph 3.8 of the Code sets out the limited exceptions to this rule.
- 3.4 For children applying for a place at a school for a year group that is **not** the normal year of entry, admission can only be refused in year if:

- the child has been permanently excluded from two or more schools and the last exclusion was within the last two years - paragraph 3.8 of the Code sets out the limited exceptions to this rule; or
 - the school is full and can argue prejudice; or
 - the school is undersubscribed but can argue prejudice on the basis of the child having challenging behaviour (in accordance with the definition set out in paragraph 3.5 of this Protocol) and otherwise meets the conditions set out in paragraph 3.8 of this Protocol.
- 3.5 The Code defines challenging behaviour as 'where it would be unlikely to be responsive to the usual range of interventions to help prevent and address pupil misbehaviour **or** it is of such severity, frequency, or duration that it is beyond the normal range that schools can tolerate. We would expect this behaviour to significantly interfere with the pupil's/other pupils' education or jeopardise the right of staff and pupils to a safe and orderly environment.'
- 3.6 The following reasons **on their own** should not be grounds for considering that a child may display challenging behaviour:
- poor attendance elsewhere;
 - a defined number of suspensions, without consideration of the grounds on which they were made;
 - special educational needs; or
 - having a disability.
- 3.7 A child with challenging behaviour may also be disabled as defined in the Equality Act 2010. All schools have a duty to make reasonable adjustments for students with disabilities. Schools should be aware that a child who displays challenging behaviour may do so as a result of their disability or any unmet needs. Schools must therefore consider whether any reasonable adjustments can be put in place to support the needs of a particular child when considering whether admission should be refused on these grounds.
- 3.8 Where an admission authority receives an in-year application for a year group that is not the normal point of entry and it does not wish to admit the child because it has good reason to believe that the child may display challenging behaviour, it may refuse admission and refer the child for placement through this Protocol, **only if**:
- the school has a particularly high proportion of either children with challenging behaviour or previously permanently excluded pupils on roll compared to other local schools; and
 - it believes that admitting another child with challenging behaviour would prejudice the provision of efficient education or the efficient use of resources.
- 3.9 An admission authority must not refuse to admit a child to a school solely on the basis that they would be, or they believe they would be, eligible to be placed via this Protocol.
- 3.10 An admission authority must not refuse to admit a child solely because information has not been received from their previous school.
- 3.11 The provision to refuse a child on the basis of challenging behaviour cannot be used to refuse admission to looked after children, previously looked after children or children who have an Education, Health and Care Plan naming the school in question.
- 3.12 Admission authorities must also 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.

- 3.13 This Protocol can only be used to place children who fall within one of the groups set out in paragraph 5.2 of this Protocol where it can be demonstrated that reasonable measures have been taken to secure a place through the in-year procedures. In accordance with the Code, this might be where an application has been made to at least one school and this has been refused or where the local authority has confirmed that there are no places available at any school within a reasonable distance.
- 3.14 Eligibility for this Protocol does not limit a parent's right to make an in-year application to any school for their child. Admission authorities must process these applications in accordance with their usual in-year admission procedures and they must not refuse to admit such children on the basis that they may be eligible to be placed via this Protocol.
- 3.15 Parents continue to have the right of appeal for any place they have been refused, even if the child has been offered a school place via this Protocol.
- 3.16 There is no duty to comply with parental preference when allocating a place through this Protocol but parents' views should be taken into account.
- 3.17 This Protocol will seek to place a child in a school that is appropriate to any particular needs they may have and will not require a school to automatically admit a child in place of a child permanently excluded from the school.
- 3.18 Where it has been agreed that a child will be considered under this Protocol, a school place must be allocated for that child within 20 school days. Once they have been allocated a school place via this Protocol, arrangements will be made for the child to start at the school as soon as possible.
- 3.19 Admission authorities must admit children when asked to do so in accordance with this Protocol.
- 3.20 When seeking to place a child under this Protocol, no school - including those with available places - will be asked to take a disproportionate number of children who have been permanently excluded from other schools, who display challenging behaviour, or who meet one of the other categories set out in paragraph 5.2 of this Protocol.

4. Additional principles of Surrey's Fair Access Protocol

- 4.1 Whilst this Protocol provides 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.
- 4.2 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 this Protocol.
- 4.3 Admission authorities will not cite oversubscription as a reason for not admitting a child when seeking to place 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 2 for cases that might be considered as an exception to Infant Class Size legislation for applications for KS1).

- 4.4 Children placed under this Protocol will be given priority for admission over others on a waiting list.
- 4.5 Where a child leaves a school for home education, the outgoing school will 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 may result in a referral under this Protocol.

5. Categories of children

- 5.1 In order to be placed under this Protocol a child must meet the following criteria:
- live in Surrey; and
 - have a legal right to access state funded education; and
 - be seeking a place outside the normal admissions round; and
 - be of statutory school age.
- 5.2 This Protocol will **only** be used to place children who fall within one of the following groups where they have been refused a school place in accordance with paragraphs 3.3 and 3.4 of this Protocol and where it can be demonstrated that reasonable measures have been taken to secure a place through the usual in-year admission procedure:
- a) children either subject to a Child in Need Plan or a Child Protection Plan or having had one of these within 12 months at the point of being referred to this Protocol;
 - b) children living in a refuge or in other Relevant Accommodation at the point of being referred to this Protocol;
 - c) children from the criminal justice system;
 - d) children in alternative provision who need to be reintegrated into mainstream education or who have been permanently excluded but are deemed suitable for mainstream education;
 - e) children with special educational needs (but without an Education, Health & Care Plan), disabilities or medical conditions;
 - f) children who are carers;
 - g) children who are homeless;
 - h) children in formal kinship care arrangements (as evidenced by either a child arrangements order not relating to either birth parent or a special guardianship order);
 - i) children of, or who are, Gypsies, Roma, Travellers, refugees, and asylum seekers;
 - j) children who have been refused a school place on the grounds of their challenging behaviour and referred on the basis of paragraph 3.8 of this Protocol;
 - k) children for whom a place has not been sought due to exceptional circumstances. It is for the local authority to decide whether a child qualifies to be placed under this category, based on the circumstances of the case;
 - l) children who have been out of education for four or more weeks where it can be demonstrated that there are no places available at any school within a reasonable distance of their home. This does not include circumstances where a suitable place has been offered to a child and this has not been accepted;

- m) previously looked after children for whom the local authority has been unable to promptly secure a school place.

6. Identification of children who meet the criteria for placement under this Protocol

- 6.1 Most children will come to the attention of the School Admissions team or the school as part of the in-year admission application process.
- 6.2 Where an application form is received by either the School Admissions team or an own admission authority school, the application will be processed in accordance with in-year procedures. A place can only be refused in year for the reasons set out in paragraphs 3.3 and 3.4 of this Protocol.
- 6.3 If a place is refused, the School Admissions team or the school will advise the parent that they are unable to offer a place, setting out the reasons and informing them of their right of appeal, within no more than 15 school days of the application being received.
- 6.4 Where the school is making the refusal, they must let the School Admissions team know that they are unable to offer a place, the reason for the refusal and indicating if they believe the child meets the criteria for placement under this Protocol.
- 6.5 Where refusal is on the basis of challenging behaviour, the School Admissions team will liaise with the Area Inclusion Manager to ensure the conditions for refusal and referral under this Protocol have been met, in accordance with paragraphs 3.3 to 3.8 of this Protocol.
- 6.6 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 child should be referred for placement under this Protocol. Where it is decided that a placement should be secured under this Protocol, the Area Inclusion Manager will refer the details to the School Admissions team.

7. Process for agreeing a placement

- 7.1 Once it has been agreed that a child will be considered under this Protocol, a school place must be allocated within 20 school days.
- 7.2 A senior manager within the School Admissions team will consider each case, liaising with the Area Inclusion Manager as appropriate, and will decide whether it is appropriate to refer the case directly to a school for placement or whether the circumstances of the case warrant discussion at a placement panel. Generally, children who meet categories d) and j) within paragraph 5.2 of this Protocol will be referred to a panel for placement. However, children falling within one of the other categories will generally be referred directly to a school for placement.

Direct placements

- 7.3 Where it is agreed that the case will be referred directly to a school, the School Admissions team will agree the school(s) to be approached, liaising with the Area Inclusion Manager as appropriate, and will make the referral with the reasons and details of the case.

- 7.4 The following will be taken into account when deciding which school(s) to approach:
- parental preference (the parent/carer can still submit an appeal and so it is helpful to demonstrate that this has been considered);
 - whether a school is in special measures, has recently come out of them or is otherwise assessed by the local authority as needing support;
 - whether a school has a particularly high proportion of children with challenging behaviour or previously excluded children;
 - the number and percentage of LAC and EHCP children within each school and number of children already admitted to a school under this Protocol to each year group;
 - any genuine concerns about the admission by either the parent/carer;
 - a strong view of the parent/carer about the religious ethos of a school;
 - which schools are nearest by road and straight line, availability of transport and travelling times;
 - which schools have vacancies;
 - the needs of the child;
 - any previous schools attended, especially if the child was removed from school for elective home education and the child is returning to the same phase of education.
- 7.5 Schools will be given five school days to put forward any concerns and, if no school has indicated their willingness to admit within that time, the School Admissions team will decide on the placement.
- 7.6 The placement will be confirmed within 20 school days of the original fair access referral and the School Admissions team will send notification to the parent/carer. A copy will also be sent to the school and the Area Inclusion Manager, who in turn will share it with the attached Inclusion Officer.

Placement panels

- 7.7 Where a child meets categories d) and j) within paragraph 5.2 of this Protocol or where it is considered that the circumstances of the case otherwise warrant placement at panel, the School Admissions team will provide schools with reasonable notice and information as to how and when discussions around the placement of the child will take place, making sure the timetable will allow a decision to be made within 20 school days of the referral.
- 7.8 In considering which schools to invite to a panel meeting under this Protocol, the School Admissions team will take account of the child's school history, where the child lives and the circumstances of the case.
- 7.9 The most suitable school for many children is likely to be a school that is close to the child's home. Advantages of inviting schools close to the child's home address are as follows:
- there are likely to be less transport issues or costs;
 - if the school is nearer there are likely to be fewer barriers which prevent the child from attending;
 - there may be better parental support and participation;
 - the child will be better placed to participate in extracurricular activities;
 - the child is more likely to develop friendship groups from his/her local community;
 - it is less likely that appeals for other schools will be upheld;
 - it establishes a clear and transparent way for referrals to be made.

- 7.10 However there are also advantages of inviting schools in the area where the child was 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:
- 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;
 - it can encourage collaborative working between schools.
- 7.11 Paperwork in relation to the cases to be considered at panel will be distributed within five days of the panel meeting.
- 7.12 A representative from the School Admissions team, the Area Inclusion Manager and a representative from the PRU, as appropriate, will attend the panel at which placement decisions are to be taken. Other representatives will be invited as appropriate.
- 7.13 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.
- 7.14 For own admission authority schools, the delegated representative at the panel 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 this Protocol, the admission authority for that school should admit the child.
- 7.15 In considering cases, panels will have regard to:
- parental preference (the parent/carers can still submit an appeal and so it is helpful to demonstrate that this has been considered);
 - whether a school is in special measures, has recently come out of them or is otherwise assessed by the local authority as needing support;
 - whether a school has a particularly high proportion of children with challenging behaviour or previously excluded children;
 - the number and percentage of LAC and EHCP children within each school and the number of children already admitted to a school under this Protocol to each year group;
 - any genuine concerns about the admission by either the parent/carers or the school;
 - a strong view of the parent/carers about the religious ethos of a school;
 - distance, availability of transport and travelling times;
 - which schools have vacancies;
 - the needs of the child;
 - any previous schools attended, especially if the child was removed from school for elective home education and the child is returning to the same phase of education.
- 7.16 Once a placement decision is made at panel, the School Admissions team will send notification to the parent/carers within 20 school days of the original fair access referral. A copy will also be sent to the school and the Area Inclusion Manager, who in turn will share it with the attached Inclusion Officer.

7.17 More information on the expectation of panels is set out in Appendix 3.

Arrangements for placing on roll

- 7.18 The receiving school will contact the parent/carer and make arrangements for the child to go on roll as soon as possible, but no later than five school days of the placement being agreed and for a start date no later than five school days of going on roll.
- 7.19 Where a placement is from a Surrey PRU or alternative provision, the child should be removed from that school roll and should not be dual registered.
- 7.20 Support for the admission process may be available from the attached Inclusion Officer. If required, where the child was previously open to Access to Education (A2E), reintegration support may also be available from the A2E team for the child's first two weeks in school.
- 7.21 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.

Mitigation where placements cannot be agreed

- 7.22 In the unlikely event of a child not being placed through this Protocol, the School Admissions team will identify a school in liaison with the Education and Inclusion Service Manager. In such circumstances, the school identified must admit the child without delay. In the event of the identified school refusing to admit the child, the School 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, including making a referral to the Secretary of State in relation to academies.

8. Monitoring of placements

- 8.1 The School Admissions team will monitor each placement to ensure that the child is placed on roll and the satisfactory completion of 12 weeks.
- 8.2 A child will not be counted as having been placed under this 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. 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.
- 8.3 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.
- 8.4 Once on roll any attendance issues should be dealt with as appropriate through the school's attached Inclusion Officer.
- 8.5 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.

- 8.6 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 School Admissions team will refer that information to the Area Inclusion Manager who will liaise with the school as appropriate.

9. Children with an Education, Health & Care Plan

- 9.1 Children with an Education, Health & Care Plan (EHCP) are outside the remit of this Protocol as these children are placed in accordance with the SEND Code of Practice.
- 9.2 However children who are awaiting an EHCP will continue to be considered under normal admissions processes, including this Protocol as appropriate, until their EHCP is agreed.
- 9.3 This Protocol does not replace the process for assessing the specialist needs of a child and putting in place appropriate provision.

10. Looked After Children

- 10.1 Looked After Children are children who are in the care of the local authority as defined by Section 22 of the Children Act 1989.
- 10.2 Looked After Children are placed in accordance with Surrey's Protocol for the Processing of in year admissions for Children in Care and are outside the remit of this Protocol.

11. Out of area applications

- 11.1 Occasionally applications will be received from children who live outside Surrey but who otherwise meet the criteria for placement under this Protocol.
- 11.2 As these children do not meet the criteria for placement under this Protocol, schools should consider these applications in accordance with normal in year processes
- 11.3 However, if the child falls within a category of fair access as set out in paragraph 5.2 of this Protocol and the preferred school is unable to offer a place, the application will be referred back to the child's home local authority to effect an alternative placement.

12. Funding

- 12.1 Surrey fair access children admitted into Year 11 at a state funded mainstream school under categories d) and j) of this Protocol (but not previously permanently excluded) after 7 October 2021 but before the end of the spring term 2022, 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 2022, provided that the placement has lasted for four weeks or more.

Payment will only be made once the placement has lasted four weeks or more, in line with the following timescales:

- placements made in the autumn term which have lasted four weeks or more by the end of that term - payment will be issued in January 2022;
- placements made up to the end of March 2022 which have lasted four weeks or more by that date - payment will be issued at the end of March 2022;
- remaining payments will be made in the summer term 2022.

In all cases a proportion of the funding will be reclaimed if the child subsequently leaves the school.

12.2 Permanently excluded children admitted to mainstream schools under this 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; Year 6s excluded from a junior or primary school during the summer term; or Year 11s excluded 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; Year 6s excluded from a junior or primary school during the summer term; or Year 11s excluded 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.

12.3 Panels are expected to take into account the distance and journey times when considering the most suitable placement. Subject to the maximum walking distance appropriate to the child's age being breached, transport will normally be arranged for the most appropriate public transport route. Where there are other suitable modes of transport but a taxi is deemed appropriate to support integration, this will normally 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 a senior officer in Surrey's Travel Assistance team.

12.4 Funding arrangements within this Protocol will be reviewed subject to the outcomes of any changes to the funding of schools by the Department for Education or decisions made by Schools Forum to vary funding to schools.

13. Data and reporting

13.1 A log of all placements made through this Protocol will be maintained by the School Admissions team and reported to schools.

13.2 As part of its annual report to the Office of the Schools Adjudicator, Surrey is required to report on the effectiveness of this Protocol, including how many children have been admitted

to each type of school. Under the 2021 Code, from 2022, Surrey's annual report must be produced by 31 October each year and must be published locally. The annual report for 2021 has already been published in accordance with the 2014 Code.

14. Review of the Fair Access Protocol

- 14.1 This Protocol will be reviewed on an ongoing basis by the Fair Access Review Group, which consists of representatives from primary and secondary schools, Pupil Referral Units, Education & Inclusion Service Managers, Area Inclusion Managers and Surrey's School Admissions Team.
- 14.2 A more formal review and consultation will take place ahead of the Cabinet Member agreeing a new Protocol for 2022/23.
- 14.3 In the event that the majority of schools (more than 50%) can no longer support the principles and approach of this Protocol, they should initiate a review by writing to the Service Manager for School Admissions, setting out the aspects of the Protocol that they wish to be reviewed. Any review will be subject to the matter under dispute not being a statutory requirement.
- 14.4 In such circumstances, the existing Protocol will remain binding on all schools until a new one is adopted.

Roles and responsibilities

1. School Admissions team:

- consider applications for an in-year place for community and voluntary controlled schools and admission authority schools that opt in to the service;
- where a place is refused under the in-year process, issue outcome letters to parents within a maximum of 15 school days advising them of their right of appeal;
- where a place is refused, identify if the child meets one of the fair access categories;
- receive and validate fair access referrals from own admission authority schools;
- liaise with the Area Inclusion Manager to validate refusals under challenging behaviour;
- notify parents that placement is being considered through the Fair Access Protocol;
- decide the most appropriate process for placement, liaising with the Area Inclusion Manager as appropriate;
- where a direct placement is deemed appropriate, allocate a school to the child in liaison with schools and the Area Inclusion Manager as appropriate, within 20 school days of the referral;
- where a panel placement is deemed appropriate, establish which schools should be invited, organise the date and refer the details to those schools within five days of the panel meeting, making sure the timetable will allow a decision to be made within 20 school days of the referral;
- send a representative to the panel meeting;
- send the outcome letter following confirmation of the placement, copying to the school and the Area Inclusion Manager;
- if a child is unplaced at panel, allocate a school to the child via a direction/Secretary of State referral if necessary;
- monitor each placement 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 per year group, in which category and whether the 12 week threshold is met;
- respond to FOI and subject access requests in relation to fair access and panel meetings.

2. 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 Protocol;
- notify the School Admissions team when a child in a Pupil Referral Unit is ready to be placed in school via the Protocol, along with written information from the PRU on the child's progress;
- attend panel meetings as appropriate;
- provide data on the number and percentage of LAC and EHCP children within each school to the Admissions team and to panel meetings;
- where a placement breaks down, work with the school to identify an alternative solution;
- support the School Admissions team in validating refusals on the basis of challenging behaviour;
- benchmark data to establish which schools have a particularly high proportion of either children with challenging behaviour or previously permanently excluded pupils on roll compared to other local schools and share that with the School Admissions team and to panel meetings.

3. **Access to Education (A2E):**

- provide reintegration support as appropriate to the incoming school.

4. **Pupil Referral Units (PRUs):**

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

5. **Schools:**

Own admission authority schools who manage their own in year admissions:

- consider applications for an in-year place;
- where a place is refused under the in-year process, issue outcome letters to parents within a maximum of 15 school days explaining the reason for refusal and advising them of their right of appeal;
- where a place is refused under the in-year process and the child meets one of the fair access categories, complete a Fair Access Referral Form within two school days and send to the School Admissions team setting out the reason for refusal and why the case meets fair access.

All schools:

- where a direct placement is being sought, respond within 5 school days to a request from the School Admissions team to admit a child, giving a full written explanation if unable to admit;
- where a school is invited to a panel, ensure the Headteacher or delegated colleague attends and has read all paperwork in advance;
- contribute to decision making at panels to maintain 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 as soon as possible, but no later than 5 school days of the offer and to start no later than a further 5 school days;
- where appropriate, make a referral to the area SEND team as soon as a placement is agreed.

Exceptions to the Infant Class Size Limit – 2021/22

Section 1 of the School Standards & Framework Act (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 an education, health and care plan 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.

Expectations of Fair Access Panels

There are clear benefits of utilising a panel to place children under the Fair Access Protocol, especially for children who exhibit challenging behaviour and those returning from alternative provision, as long as a placement can be agreed within the maximum 20 school days. Fair Access panels provide for a fair and transparent distribution of children and enables headteachers to make collaborative decisions.

Where a panel operates, the following expectations apply:

1. All schools will participate in the panel process.
2. The representative from the school must be authorised to participate in discussions, make decisions on placing children via the Protocol, and admit pupils when asked to do so under the Protocol.
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 School 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. A child may be placed within the area where they were previously at school, even if their preference is for schools in another area. This is to increase a school's accountability for a child leaving that school.
15. Where a placement in another area is thought to be in the child's best interests, representatives from both areas might be invited to the panel meeting.
16. Notes of meetings will be made, which will set out the factors that informed the decision. These will be circulated to all those invited and will be made available under a Subject Access Request, as appropriate.

Addressing Inequalities

Equalities Impact Assessment

Surrey County Council Equality Impact Assessment Template

Stage one – initial screening

What is being assessed?	Fair Access Protocol 2021/22
Service	School Admissions
Name of assessor/s	Claire Potier
Head of service	Jane Winterbone
Date	20/08/2021
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 Fair Access Protocol. 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 under the Protocol.

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 some Year 11 pupils admitted after 07 October 2021 until the end of the Spring term 2022
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 if they have been unable to secure a school place
Sex			X	
Religion and belief	X			In considering a placement, the School 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 will be placed more effectively in school through the Fair Access Protocol if they have been unable to secure a school place
Sexual orientation			X	
Carers	X			Children who are carers will be placed in school more effectively through the Fair Access Protocol if they have been unable to secure a school place
Other equality issues – please state	X			Previously Looked After Children will be placed in school more effectively through the Fair Access Protocol if they have been unable to secure a school place
HR and workforce issues			X	

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

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

Is a full EIA required?	Yes (go to stage two)	No
		X

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

There are no negative impacts on any equality group. Placements under the Fair Access Protocol are in the region of 214 a year and as such this Protocol will not affect many people nor have a severe effect on some people.

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

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

For screenings only:

Review date	
Person responsible for review	Claire Potier
Head of Service signed off	Jane Winterbone
Date completed	20 August 2021

- 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