

Surrey County Council

DRAFT PRIMARY Fair Access Protocol 2014/15

1. Introduction

- 1.1 This document sets out the Fair Access Protocol which will be operated by Surrey in partnership with primary schools during 2014/15.
- 1.2 This Protocol works alongside Surrey's in year admissions processes and takes effect when a child who is applying for in year admission is identified as meeting one of the Fair Access categories.
- 1.3 This protocol will 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.
- 1.4 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'. Once agreed, all schools in the area, including academies, must participate in it.
- 1.5 Although no longer a statutory body, Surrey's Admission Forum will continue to monitor the effectiveness of the Protocol.
- 1.6 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 school under the Protocol. Surrey's annual report must be produced by 30 June each year and must be published locally.
- 1.7 Whilst this Protocol provides for the most vulnerable children to be admitted to school quickly, unnecessary transfers between schools are strongly discouraged. Schools will work with children and their families/carers to prevent unnecessary transfers between schools.
- 1.8 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.
- 1.9 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 Lead for Education Welfare or Area Lead for Specialist Teachers in the first instance.
- 1.10 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

Lead for Education Welfare who will liaise with the school as appropriate.

2 Principles of Surrey's Fair Access Protocol

- 2.1 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 this Protocol will be triggered when a child falls within one of the criteria set out in section 3.
- 2.2 This Protocol applies to all maintained primary schools and academies in Surrey. All schools will work collaboratively regardless of the type of school.
- 2.3 Where possible, parental preference will be considered but this will not override the 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.
- 2.4 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 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'.
- 2.5 As such, whilst all schools will be part of this Protocol, exceptionally, there may be circumstances where a school will not be expected to take a child under this Protocol. The circumstances where a school might not be asked or might refuse to admit such a child are set out in section 6.
- 2.6 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).
- 2.7 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 for cases that might be considered as an exception to Infant Class Size legislation).
- 2.8 Children placed under this Protocol will be given priority for admission over others on a waiting list (Paragraph 2.14 School Admissions Code).
- 2.9 A child will not be counted as having been placed under the Protocol for a particular school if the placement breaks down within 12 school weeks of the child's start date.
- 2.10 At the latest, a child being placed through this Protocol will be placed on roll within 7 calendar days of receiving a copy of the offer letter to the parent/carer and should start at the school within 7 calendar 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.

2.11 A copy of the offer letter will be sent to the Area Lead for Education Welfare and Exclusion and Reintegration Advisory Teacher. Once on roll any attendance issues should be dealt with as appropriate through the school's attached Education Welfare officer.

2.12 Appendix 2 sets out a flow chart for processing cases under this Protocol.

3. Categories of children

3.1 This Protocol includes all the categories that must be incorporated within it, as set out in the School Admissions Code (denoted by *).

3.2 Children to be placed under this Protocol will be those:

- who live in Surrey; 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 Reception to Year 6; and
- who fall under one of the categories a) to p) below

- a)* *Children who were permanently excluded from their last state funded school placement and those attending 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;*
- b)* *Children returning from the criminal justice system who are registered with the Youth Offending Team;*
- 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;*
- 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;*
- e) *Children withdrawn from school following fixed term exclusion for persistent breaching of internal behaviour policies in school;*
- 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;*
- g)* *Children who have been out of education, including elective home education, for longer than two months of school time where they have been living within the UK throughout that period;*
- h)* *Children of Gypsies, Roma and Travellers;*

- i)* *Children of asylum seekers and refugees who have been in the UK for less than two years and need a supported entry to school. The need for a supported entry does not include language support where this is the only support required and must be substantiated by professional evidence. Examples of the type of circumstances that might demonstrate a need for a supported entry are where such a child requires specific emotional or behavioural support by the school as a result of their experiences;*
- j)* *Children who are homeless including those who have been placed in temporary housing by Surrey County Council;*
- k)* *Children with unsupportive family backgrounds where a place has not been sought and where a referral is made through an outside agency or service who is seeking to support the child;*
- l)* *Children who are carers;*
- m)* *Children with special educational needs, disabilities or medical conditions (but without a statement), where the need, disability or medical condition has already impacted on the child's attendance or participation at school;*
- n) *Children subject to a child protection plan;*
- o) *Children of UK service personnel and other Crown Servants, where a change of location ordered by the service leads to a need for a change of school;*
- p) *Children who are accommodated in an emergency refuge for victims of domestic violence.*

3.3 Within the definition of this Protocol, categories deemed to be 'challenging' are categories a) to g) and these may attract funding to the school depending on the date of admission. The processes for the admission of children are set out in Section 6.

4. Children with a statement of Special Educational Needs

- 4.1 Children with a statement of Special Educational Needs (SEN) are outside the remit of this Protocol as they are placed in accordance with the SEN Code of Practice.
- 4.2 This Protocol does not replace the process for assessing specialist needs of a child and the putting in place of appropriate provision.

5 Identification of children who meet the criteria for the Protocol

- 5.1 Most children will come to the attention of the admissions team or the school as part of the in year admission application process.
- 5.2 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.

5.3 Where an application form is received directly by **an own admission authority** school they will assess the information on the in year form and if they believe that the child meets the criteria of the Protocol they will consider whether they are still able to admit the child:

- 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.

All such referrals will be made within 7 school days of the application being received.

5.4 Most children who are permanently excluded from a Surrey school and those who are ready for reintegration to a mainstream school from a Surrey PRU or other Alternative Provision will be identified by the Area Lead for Pupil Support/Head of PRU. The Area Lead for Pupil Support/Head of PRU will consider whether a managed placement might be arranged directly with a school or whether the processes set out in section 6 should be followed.

5.5 However, it is inevitable that some cases will be unidentifiable from the in year application form and that 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.

5.6 Some cases may also come to light where there is evidence that might suggest that, although not subject to a statement of SEN, 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 Education Psychology for assessment before determining the most appropriate placement for the child.

6. Process for admission of KS1 & KS2 children

6.1 Primary aged children who fall within one of the categories for placement under the Protocol will be referred directly to a school (**or where a placement Panel is in operation, to the appropriate Panel**) by the admissions team, in liaison with the Area Lead for Pupil Support.

6.2 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 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.

- 6.3 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).
- 6.4 Where the admissions team identify that a child meets the criteria for the Protocol, **where there is no placement Panel in operation** the application will be referred to one of the parent/carer's preferred schools for placement unless:
- 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 Area Education Officer); or
 - a school has no vacancies and the school has already its quota of children under the Protocol within the academic year; or
 - to admit an extra child would breach infant class size legislation
 - there are reasons why a school would not be an appropriate placement for the child
- 6.5 If for these reasons it is not possible to place the child within one of the parent/carer's preferred schools, the admissions team, in liaison with the Area Lead for Pupil Support, will seek to place the child in the nearest and most suitable school taking into account the circumstances described in paragraph 6.4 and, in addition, the following points:
- 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 SEN 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
- 6.6 In such circumstances a school may be asked to admit a child above PAN in excess of the limit stipulated in paragraph 6.2.
- 6.7 The admissions team will liaise with the school before notifying a parent/carer of the placement.
- 6.8 Once agreement has been reached the admissions team will send notification to the parent/carer, with a copy also being sent to the school and the Area Lead for Education Welfare who will in turn share it with the attached Education Welfare Officer and Exclusion and Reintegration Advisory Teacher.
- 6.9 The receiving school will contact the parent/carer and make arrangements for the child to go on roll within 7 calendar days of the placement being agreed with the admissions team and for a start date within 7 calendar days of going on roll.
- 6.10 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.

- 6.11 A placement will be considered to have broken down if the child's behaviour would ordinarily warrant permanent exclusion. In such cases the Area Lead for Pupil Support, in liaison with the Exclusion and Reintegration Advisory Teacher, will determine whether or not the placement should be considered to have broken down.
- 6.12 If a school does not wish to admit a child who falls within one of the Fair Access categories outside the normal admission round even though places are available it will refer the case to the admissions team setting out the reasons why they do not feel they can place the child within 7 calendar days. However an exception is only likely to be made if the school is in special measures, has recently come out of them or is otherwise assessed by the local authority as needing support.

7. Out of area applications

- 7.1 Occasionally applications will be received from children who live outside of Surrey (not including those excluded from a Surrey school) but who otherwise meet the criteria for placement under this Protocol.
- 7.2 In those cases, if the child falls within categories a) to g) of paragraph 3.2 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 identify an alternative placement.

8. Funding

- 8.1 Other than excluded children (see paragraph 8.2), in-year applicants living in Surrey at the time of placement and admitted to state funded schools under categories a) to g) of paragraph 3.2 of this Protocol may receive a degree of financial support as follows:
- Up to £1,500 in the Autumn Term for placements made in the Autumn term (which represents £500 for each of the autumn, spring and summer terms)
 - Up to £1,000 in the Spring Term for placements made in the Spring Term (which represents £500 for each of the spring and summer terms)
 - Up to £500 in the Summer Term for placements made in the Summer Term (which represents £500 for the summer term)

Funding for a specific term will be forfeited if a child withdraws prior to the start of a term or if a child withdraws within a term if the withdrawal is within 12 school weeks of the placement being made. Where funding has already been paid the local authority will seek to recover monies from future payments.

- 8.2 Excluded children admitted to mainstream schools under the Protocol

will be funded as follows:

- a) When a child is on a school's roll in October that child generates a year's funding for the school. When a child is permanently excluded from a school at any time in the **local authority's** financial year, the school's budget is reduced by the annual value of age weighted funding multiplied by $1/52 \times$ the number of weeks from the date of permanent exclusion to the end of the **local authority's** financial year.
- b) Where a previously permanently excluded child is admitted to another school, the receiving school's budget is increased by the annual value of age weighted funding multiplied by $1/52 \times$ the number of weeks from the date of re-admission to the end of the **local authority's** financial year.
- c) In each case, adjustments will also take account of free school meals deprivation funding and the pupil premium if the pupil generated them.

8

8.3 Subject to the maximum walking distance appropriate to the child being breached, transport will normally be arranged for the most appropriate public transport route. Where 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.

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

9 Data

9.1 A log of all placements made through the Fair Access Protocol will be maintained by the admissions team and this data will be made available to Area Education Officers and the Admissions Forum by school and category.