

# Surrey County Council

## DRAFT SECONDARY 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 secondary 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, Surrey's 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 secondary 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 sections 6 and 7.
- 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.
- 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 1 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 7 to Year 11; and
- who fall under one of the categories a) to q) 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 where a child is still on roll at a school but is 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 applying to enter Year 11 whose application for a school place through the normal in year admission process is refused;*

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

3.3 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 6 and 7.

#### **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 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.

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 sections 6 and 7 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 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.

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 KS3 & KS4 children - categories a) to h)**

6.1 Secondary aged children who fall within categories a) to h) in paragraph 3.2 are considered to be the most challenging with regard to admissions:

- Children already in a Surrey PRU or alternative provision will be referred directly to the area Panel by the Area Lead for Pupil Support/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 Lead for Pupil Support
- All other children will be referred to the A2E team through the Area Lead for Pupil Support, by the admissions team

- 6.2 On receipt of referrals in A2E, the Area Lead for Pupil Support will arrange for:
- 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.
- 6.3 After a maximum target time of 6 weeks with the A2E team, the Area Lead for Pupil Support will collate reports from tutors/mentors which will be submitted to the next area Panel. The Area Lead for Pupil Support will also send copies of the referral paperwork to the admissions team.
- 6.4 Where appropriate, the Area Lead for Pupil Support 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.
- 6.5 The Area Lead for Pupil Support 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.
- 6.6 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.
- 6.7 In considering cases, Panels will have regard to:
- 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
- 6.8 In considering cases, Panels may also wish to have regard to the number 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.
- 6.9 Decisions on placement will be notified to the admissions team for formal notification to the parent/carer, with a copy also being sent to the school and Area Lead for Education Welfare, who will in turn share it with the attached Education Welfare Officer and Exclusion and Reintegration Advisory Teacher.
- 6.10 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 7 calendar days of the placement being agreed and for a

start date within 7 calendar days of going on roll. Support for the admission process may be available from the EWO and the Exclusion and Reintegration Advisory Teacher and if required, reintegration support may also be available from the A2E team for the child's first 2 weeks in school.

- 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.
- 6.12 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.
- 6.13 Subsequent Panel meetings will review any placements made to ensure that the children in the partnership area are in receipt of full time education.
- 6.14 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.

## **7 Process for admission under the Protocol – categories i) to q)**

- 7.1 Children who fall within categories i) to q) in paragraph 3.2 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.
- 7.2 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.
- 7.3 If it is not possible to place the child within one of the parent/carer's preferred schools, the admissions team will seek to place the child in the nearest and most suitable school, taking into account:
  - schools with vacancies
  - whether or not 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)
  - 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 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 and travelling times
- 7.4 The admissions team will liaise with the school before notifying a parent/carer of the placement.

- 7.5 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 Lead for Pupil Support, who will in turn share it with the attached Education Welfare Officer and Exclusion and Reintegration Advisory Teacher.
- 7.6 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 and for a start date within 7 calendar days of going on roll.
- 7.7 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.
- 7.8 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.
- 7.9 Any child who cannot be offered an appropriate school place by the admissions team either within or outside the County within 3 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 A2E team. Processes will then follow paragraphs 6.4 to 6.14.

## **8 Establishing which Panel is responsible for considering placements under categories a) to h) of the Fair Access Protocol**

- 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 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:
- 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
  - Establishes a clear and transparent way for referrals to be made
- 8.3 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:



- The previous school can comment on the child's behavioural and educational history at Panel
- Support services may already be familiar and be supporting the child
- Ensures collegiate working between schools in the same area which in turn improves shared approaches to managing behaviour and attendance
- 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 the County 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 the County 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 to negotiate a placement in the others area.

## 9. Out of area applications

9.1 Occasionally applications will be received from children who live outside of Surrey (not including those who have been excluded from a Surrey school) but who otherwise meet the criteria for placement under this Protocol.

9.2 In those cases, if the child falls within categories a) to h) 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 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.

## 10. Funding

10.1 Other than for excluded children (see paragraph 10.3), in-year applicants living in Surrey at the time of placement and admitted to state funded schools under categories a) to h) 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 will be approved by each Panel according to need. 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.

10.2 Additionally, Surrey children admitted into year 11 at a **state funded school** after 2 October 2014 but before the end of the spring term and who do not already qualify for part year AWPU funding, will receive pro rata AWPU funding from the date of their admission to the end of August 2015 provided that the placement does not break down within 4 school weeks of the placement being made. Funding will be paid once the child has completed 4 school weeks at the school but a proportion will be reclaimed if the child subsequently leaves the school.

10.3 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 (except for 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 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.

10.4 Panels are expected to take into account distance and journey times when considering the most suitable placement. 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.

10.5 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.

## 11 Data

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

## 12 Process for KS3 & KS4 children

Category of Child	Support team	Panel	Additional arrangements
a) 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"> <li>Exclusions and Re-integration team</li> <li>Area Lead for Pupil Support</li> <li>Alternative Provision provider</li> </ul>	✓	Points Weighting Dual Registration
b) Children returning from the criminal justice system who are registered with the Youth Offending Team	<ul style="list-style-type: none"> <li>Admissions</li> <li>Youth Support Service</li> </ul>	✓	Additional funding
c) Children known to the police or other similar agencies, where there has been active involvement within the past six months or support received from Surrey's Community Incident Action Group (CIAG)	<ul style="list-style-type: none"> <li>Admissions</li> <li>Youth Support Service</li> </ul>	✓	Additional funding
d) Children with a history of serious unauthorised attendance problems (below 85%) within the past academic year	<ul style="list-style-type: none"> <li>Admissions</li> <li>EWO</li> </ul>	✓	Additional funding
e) Children withdrawn from school following fixed term exclusion for persistent breaching of internal behaviour policies in school	<ul style="list-style-type: none"> <li>Admissions</li> <li>Behaviour support</li> <li>Area Lead for Pupil Support</li> <li>Alternative Provision provider</li> </ul>	✓	Additional funding
f) Children returning 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"> <li>Admissions</li> <li>EWO</li> <li>EHE team manager</li> </ul>	✓	Additional funding
g) Children who have been out of education, including elective home education, for longer than two months whilst living within the UK	<ul style="list-style-type: none"> <li>Admissions</li> <li>EHE team manager</li> </ul>	✓	Additional funding
h) Children applying to enter Year 11 whose application for a school place through the normal in year admission process is refused	<ul style="list-style-type: none"> <li>Admissions</li> </ul>	✓	Additional funding
i) Children of Gypsies, Roma and Travellers	<ul style="list-style-type: none"> <li>Admissions</li> <li>REMA</li> </ul>	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"> <li>• Admissions</li> <li>• Social Care</li> </ul>	No	
k) Children who are homeless including those who have been placed in temporary housing by SCC	<ul style="list-style-type: none"> <li>• Admissions</li> <li>• Social Care</li> </ul>	No	
l) Children with unsupportive families, where a place has not been sought and where the child is not in education 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"> <li>• Admissions</li> <li>• EWOs</li> </ul>	No	
m) Children who are carers	<ul style="list-style-type: none"> <li>• Admissions</li> <li>• Social Care</li> </ul>	No	
n) 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	<ul style="list-style-type: none"> <li>• Admissions</li> <li>• Area Lead for Pupil Support</li> </ul>	No	
o) Children subject to a child protection plan	<ul style="list-style-type: none"> <li>• Admissions</li> <li>• Social Care</li> </ul>	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"> <li>• Admissions</li> </ul>	No	
q) Children who are accommodated in an emergency refuge for domestic violence	<ul style="list-style-type: none"> <li>• Admissions</li> <li>• Social Care</li> </ul>	No	