

## Framework for Surrey's Fair Access Protocol

<b>1.</b>	<b>Introduction</b>	
	1.1	This document sets out the framework within which Surrey's Primary and Secondary Fair Access Protocols will operate during the academic year <b>2020/21</b> .
	1.2	The Fair Access Protocols are operated by Surrey in partnership with all state funded mainstream schools and apply to children living in Surrey.
	1.3	The following documents form part of this framework: <ul style="list-style-type: none"> <li>• Common Principles of Surrey Fair Access Panels</li> <li>• Primary Fair Access Protocol <b>2020/21</b></li> <li>• Secondary Fair Access Protocol <b>2020/21</b></li> </ul>
	1.4	This framework should be read alongside each of these documents.
<b>2.</b>	<b>Background</b>	
	2.1	Paragraph 3.9 of the School Admissions Code confirms that each local authority must agree a Fair Access Protocol with the majority of schools in the area 'to ensure that, outside the normal admissions round, unplaced children, especially the most vulnerable, are offered a place at a suitable school as quickly as possible'.
	2.2	Paragraph 3.8 of the School Admissions Code confirms that admission authorities must not refuse to admit children in the normal admission round on the basis of their poor behaviour elsewhere. However paragraph 3.9 of the School Admissions Code confirms that in agreeing a Protocol for admissions outside the normal admissions round, 'the local authority must ensure that no school, including those with available places, is asked to take a disproportionate number of children who have been excluded from another school or who have challenging behaviour'.
	2.3	Once agreed, all schools in the area, including all own admission authority schools, must participate in the Fair Access Protocol. Failure by a school to engage in the fair access process will not prevent a child being placed at that school.
	2.4	The protocols ensure that access to education is secured quickly for the most vulnerable and challenging children; and that all schools in Surrey admit their fair share of children with challenging behaviour, whether or not the school is undersubscribed.
	2.5	Whilst the protocols provide for the most vulnerable children to be admitted to school quickly, unnecessary transfers between schools are strongly discouraged. Schools are expected to work with children and their families/carers to prevent unnecessary transfers between schools.

	2.6	Surrey works together with schools to reduce and prevent permanent exclusion. Managed moves which may be arranged between schools before a child reaches the point of permanent exclusion will not qualify as a placement under Surrey's Fair Access Protocol.
<b>3.</b>	<b>Principles of Surrey's Fair Access Protocol</b>	
	3.1	The Fair Access Protocol applies to all state funded mainstream schools in Surrey. All schools will work collaboratively regardless of the type of school.
	3.2	The majority of children applying outside a normal admission round will be admitted to a school through each school's in year admission procedures. However Surrey's Fair Access Protocol will be triggered when a child who is applying for in year admission is identified as falling within one of the criteria set out within the protocol.
	3.3	Children applying for a place as part of the normal admissions round to Reception, Year 3 and Year 7 must be considered alongside all other applicants and cannot be placed through the Fair Access Protocol.
	3.4	Where possible, parental preference will be considered but this will not override the Fair Access Protocol if the preferred school is unable to admit the child. However, all applicants will be advised of their right of appeal if a place at a preferred school is not offered.
	3.5	While all schools will be part of the Fair Access Protocol, exceptionally there may be circumstances where a school will not be expected to take a child under the Protocol. The circumstances where a school might not be asked or might refuse to admit such a child are set out in each Protocol.
	3.6	Admission authorities will not refuse to admit a child thought to be potentially disruptive or likely to exhibit challenging behaviour on the grounds that the child is first to be assessed for special educational needs (paragraph 3.13 of the School Admissions Code).
	3.7	Admission authorities will not cite oversubscription as a reason for not admitting a child under this Protocol unless an extra child would breach the Infant Class Size Regulations and the child to be admitted could not be treated as an excepted child (see Appendix 1 to the Primary Protocol for cases that might be considered as an exception to Infant Class Size legislation).
	3.8	There are clear benefits of the panel process in placing fair access children. This works well in the secondary sector and is increasingly being implemented in the primary sector. This approach is encouraged as it provides for a fair and transparent distribution of children and enables headteachers to make collaborative decisions.
	3.9	Children placed under the Fair Access Protocol will be given priority for admission over others on a waiting list (Paragraph 2.14 of the School Admissions Code).

3.10	Where a child leaves a school for home education, the outgoing school must notify their allocated Inclusion Officer who will offer a home visit to the family (within 10 days of the deregistration) before the child is registered as receiving home education. The intention is to prevent unnecessary or inappropriate departures from a school and to avoid the family seeking admission to another school shortly afterwards that results in a referral to Fair Access under category 2.2f of the Protocol.
3.11	A child will not be counted as having been placed under the Fair Access Protocol for a particular school if the placement breaks down within 12 school weeks of the child's start date and the child is taken off roll at that school.
3.12	At the latest, a child being placed through the Fair Access Protocol will be placed on roll within 5 school days of the school receiving a copy of the offer letter to the parent/carer, and the child should start at the school within 5 school days of going on roll. Placing on roll should not be subject to a meeting with the parent/carer, although a meeting might be arranged to discuss a start date and to discuss the child's integration to the school.
3.13	A copy of the offer letter will be sent by the Admissions team to the Area Inclusion Manager. Once on roll any attendance issues should be dealt with as appropriate through the school's attached Inclusion Officer.
3.14	Under no circumstances will a school ask a parent/carer to withdraw a child from the school's roll. If a school continues to face difficulty with a child who is on their roll, such as through poor attendance or challenging behaviour, they will seek support from the Area Inclusion Manager or the Area Lead for Specialist Teachers for Inclusive Practice (STIPS) in the first instance.
3.15	If information comes to light which indicates that a school has taken a child off roll inappropriately or has not sought appropriate support for a child whilst they were on roll, the Admissions team will refer that information to the Area Inclusion Manager who will liaise with the school as appropriate.
3.16	In the unlikely event of a child not being placed through the Fair Access Protocol, Surrey's Admissions team will identify a school in liaison with the Education and Inclusion Service Manager. In such circumstances, the school identified by Surrey's Admissions team will be expected to admit the child without delay. However in the event of the identified school refusing to admit the child, Surrey's Admissions team will follow due process in order to instruct a community or voluntary controlled school or to direct an own admission authority school to admit the child.
3.17	Fair access children who cannot be offered a place at a preferred school have the same right of appeal as any other child. The admission authority for that school must inform the parent of their right of appeal promptly.
<b>4.</b>	<b>Roles and responsibilities</b>
4.1	Admissions team: <ul style="list-style-type: none"> <li>• identify fair access children, either through direct in year applications or via a referral from an own admission authority school;</li> </ul>

- notify the parent that placement is being considered through the Fair Access Protocol;
  - where an area panel exists and the child is in a fair access category to be placed at a panel, refer pupils to the Access to Education (A2E) team;
  - attend the area panels as appropriate;
  - send the outcome letters following notification of placements;
  - where there is no area panel or the child is not in a fair access category to be placed at a panel or the child is unplaced at panel, allocate a school to the child, via a direction/Secretary of State referral if necessary;
  - monitor the placements to ensure the child is placed on roll and completes 12 weeks on roll;
  - maintain statistics on number of fair access placements agreed for each school, in which category and whether the 12 week threshold is met.
- Area Inclusion Manager:
  - refer recently excluded children to a Pupil Referral Unit;
  - consider whether a managed placement can be arranged with a school for a child in a Pupil Referral Unit or in alternative provision ready for mainstream reintegration, or whether the child needs to be placed via the Fair Access Protocol;
  - notify the Admissions team when a child in a Pupil Referral Unit is ready to be placed in school via the Fair Access Protocol
  - refer any children who may not be suitable for mainstream schooling to the area Education Psychology team for review prior to deciding an appropriate placement;
    - facilitate the placing of fair access children at panels;
    - notify the Admissions team of panel placements;
    - where a placement breaks down, work with the school to identify an alternative solution.

#### Access to Education (A2E):

- receive referrals through the Area Inclusion Manager, from the Admissions team;
- complete an assessment of the child and arrange interim tutoring;
- provide written information on the child's progress to the Area Inclusion Manager to be presented to schools at area panels;
- attend the area panels as appropriate;
- provide reintegration support as appropriate to the incoming school.

#### Pupil Referral Units (PRUs):

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

#### Schools:

- own admission authority schools:
  - identify fair access cases from in year applications that are received

		<ul style="list-style-type: none"> <li>direct;</li> <li>- consider whether able to admit without the need to refer to the Fair Access Protocol for placement;</li> <li>- complete a Fair Access Referral Form and send promptly to the Admissions team indicating whether able to admit;</li> <li>- issue outcome letters to parents and advising them of their right of appeal if a place cannot be offered.</li> </ul> <ul style="list-style-type: none"> <li>• all schools: <ul style="list-style-type: none"> <li>- where a child is not in a fair access category to be placed at panel or where there is no panel in operation, respond within 5 school days to a request from the Admissions team to admit a child, giving a full written explanation if unable to admit;</li> <li>- where an area panel exists, ensure the Headteacher or delegated colleague attends and has read all paperwork in advance;</li> <li>- contribute to decision making at panels which maintains an equitable distribution of fair access pupils among schools;</li> <li>- once a fair access placement is agreed, make contact with the family and arrange for the child to go on roll within 5 school days of the offer and to start within a further 5 school days;</li> <li>- where appropriate, make a referral to the area SEND team as soon as a placement is agreed.</li> </ul> </li> </ul>
<b>5.</b>	<b>Monitoring and reporting</b>	
	5.1	As part of its annual report to the Office of the Schools Adjudicator, Surrey is required to report on the effectiveness of the Fair Access Protocol, including how many children have been admitted to each type of school under the Protocol. Surrey's annual report must be produced by 30 June each year and must be published locally.
<b>6.</b>	<b>Funding</b>	
	6.1	Funding for permanently excluded children will be allocated in accordance with section 10 of the Primary Fair Access Protocol <b>2020/21</b> and section 9 of the Secondary Fair Access Protocol <b>2020/21</b> .
<b>7.</b>	<b>Children with an Education, Health &amp; Care Plan</b>	
	7.1	Children with an Education, Health & Care Plan (EHCP) are outside the remit of Surrey's Fair Access Protocol as these children are placed in accordance with the SEND Code of Practice.
	7.2	However children who are awaiting an EHCP will continue to be considered under normal admissions processes, including the Fair Access Protocol as appropriate, until their EHCP is agreed.
	7.3	The Fair Access Protocol does not replace the process for assessing the specialist needs of a child and putting in place appropriate provision.

<b>8.</b>	<b>Looked After Children</b>	
	8.1	Looked After Children are children who are in the care of the local authority as defined by Section 22 of the Children Act 1989.
	8.2	Looked After Children are placed in accordance with Surrey's Protocol for the Processing of in year admissions for Children in Care, and so they are outside the remit of Surrey's Fair Access Protocol.