

Fair Access Protocol for the Placement of Vulnerable and Hard to Place Pupils

1. Rationale

- 1.1. The School Admissions Code 2014 states all Local Authorities (LAs) **must** operate a Fair Access Protocol (FAP) and all admission authorities **must** participate in order to ensure that unplaced children, especially the most vulnerable are offered places promptly and at a suitable school.
- 1.2. Within Cumbria the FAP for secondary schools will be administered through area Fair Access Panels consisting of representatives from schools and the LA. The panels will take place within Inclusion Panel meetings in each area.
- 1.3. For primary school pupils requiring a place through the FAP the functions of the Fair Access Panel will be undertaken by the LA's School Admissions Team.
- 1.4. The Fair Access Protocol is not applicable to admissions made through the normal admissions round for primary, infant, junior or secondary schools.
- 1.5. Most in year admissions will continue to be processed through the normal admissions process, to which new arrangements have applied from September 2013.

2. Vulnerable and Hard to Place Pupils

- 2.1. This group of pupils do not have a school place and have difficulties securing one. The students will be typically drawn from those pupils:
 - Who have been excluded from other schools for more than 15 days in the last term;
 - Who have been out of education for two months or more;
 - Who attend Pupil Referral Units and need to be reintegrated into mainstream education;
 - Children who are or who have parents who are refugees or asylum seekers;
 - Who are homeless;
 - Who have a history of serious attendance problems i.e. 10% unauthorised absence within the last 6 weeks.
 - Gypsies, Roma or Travellers where there are additional needs;
 - Who are returning from the criminal justice system and need to be reintegrated into mainstream education;
 - Who are carers;
 - Who have unsupportive family backgrounds for whom a place has not been sought;
 - With special educational needs, disabilities or medical conditions (but without a statement or Education, Health Care Plan);

- Young people for whom there are no places available as a result of a shortage of places in the area.
- Year 11 students
- Children on the edge of care. The protocol does not apply to children looked after because they are covered by specific legislation.

3. The Panel

- 3.1. The panel should have senior leadership representation from **all** secondary schools.
- 3.2. The representatives should be nominated by the respective Head Teachers and membership should be rotated to ensure a full attendance at the meetings.
- 3.3. Panel representatives must have the authority of their Head Teacher to make decisions relating to the placement of students at the panel meeting.
- 3.4. The Area Access and Inclusion Officers, (Children Missing Education, Exclusions).
- 3.5. Other officers/agencies where appropriate e.g. YOS.
- 3.6. The panel should appoint a chair in accordance with local arrangements.
- 3.7. The chairship may be rotated at a frequency determined by the panel.
- 3.8. The meeting will be serviced by the chair's organisation.
- 3.9. The minimum number of panel members to ensure a quorate body is two thirds of the members and the chair.
- 3.10. The referring body should present the FAP case at the panel meeting
- 3.11. The referrer should advise the family of the outcome of the meeting
- 3.12. School Admissions will write to parents advising of the offer a school place following the meeting.

4. Underlying principles

- 4.1. All schools and academies are to participate in this protocol.
- 4.2. Schools, academies and the local authority can refer cases to be considered under the FAP protocol.
- 4.3. Schools and academies wishing to refer an admission request under the FAP protocol should forward a copy of Form SA8 to the appropriate school admissions assistant for their school, setting out the basis for referral in line with the criteria set out in Section 2, above. The LA's Fair Access Coordinator (Area Service Manager Inclusion) will decide whether the case should be referred to FAP or progressed through the normal in-year process.
- 4.4. If an admission request meets the FAP criteria parents/carers must be advised of the process, their right to pursue a 'normal' application should they so wish, and their right of appeal in accordance with the School Admissions Code.
- 4.5. To ensure consistency, all admission requests that meet the FAP criteria must be referred through the protocol if parents agree.
- 4.6. Oversubscription in any year group/school and the availability of the admission appeals procedure must not be cited as a reason for exemption from this protocol; where there is a broad consensus that any given school represents the best placement for any FAP case, the school will admit regardless of oversubscription.

- 4.7. Parental viewpoints will be considered by the panel but will not override this protocol.
- 4.8. The pattern of placements will be closely recorded, monitored, and reported as appropriate to the Office for the Schools Adjudicator in the LA's annual report.
- 4.9. No school will be asked to admit a disproportionate number of pupils. No school to become a "receiving school". Proportionality shall take into account according to the size of school and the ratio of pupils with additional needs
- 4.10. All transactions will be fair and transparent.
- 4.11. Early intervention will be beneficial to both pupils and schools.
- 4.12. The decision to offer a place at a panel will be binding.

5. The Protocol

- 5.1. The referring body will provide the panel with all the relevant information regarding the pupils.
- 5.2. This information should be obtained from a comprehensive list of relevant agencies.
- 5.3. Relevant agencies will be invited to the panel meeting in an advisory role only.
- 5.4. The underlying principles of this protocol will form the basis of the decision making process.
- 5.5. As an outcome of the meeting each pupil will be offered a firm place at school.
- 5.6. No pupil should be without the offer of a school place for more than four weeks unless further assessment of their needs is considered essential.
- 5.7. All relevant admissions request information should be forwarded to the chair as far in advance as possible (ideally 10 days before the meeting). Exceptionally a late referral could be considered provided papers were circulated to the panel no later than three working days prior to a meeting so as not to delay a decision. With the exception of late referrals all paperwork will be circulated with the agenda to members of the panel at least one week before the meeting.
- 5.8. Minutes of the meeting should be circulated to all members of the panel, the referrer and the FAP Co-ordinators.
- 5.9. The Panel should meet at least every six weeks. The dates of the meeting should be agreed on an annual basis.
- 5.10. The School offering a place will contact the family to arrange admission.
- 5.11. The chair must maintain records and be able to account for their responsibilities as outlined in the protocol, including informing the LA of data pertaining to action taken as a result of the protocol.
- 5.12. In cases of normal admission, pupils should be on roll within 5 days of the action being agreed at the panel. In exceptional cases, where assessment is needed this may take longer as agreed with the LA.
- 5.13. In exceptional cases, where the meeting cycle will not allow admissions within timescales, the referring body will refer the exceptional case information to the chair who will circulate to the panel within 24 hours with the reasons. The panel is then required to reply to the chair with their possible action concerning admissions within 48 hours. The chair will inform the referring body of the outcome on the deadline. If no school place is offered the LA will determine provision.

This protocol will be reviewed in September 2017

November 2016