

APPENDIX C

IN-YEAR FAIR ACCESS PROTOCOL

SUMMARY

This protocol has been established to meet the Government's expectations that local Admissions Forums agree a protocol, by consensus with all schools, the LA and others involved in supporting vulnerable children, for sharing hard to place children and to provide a fair and transparent process for swift allocation of appropriate education provision for all vulnerable West Berkshire pupils.

The West Berkshire Admissions Forum has agreed that a West Berkshire Pupil Placement Panel be established to consider the circumstances of vulnerable children, referred to them by an agreed process, and to identify the school that should admit the child, or alternative provision where appropriate, following consultation.

If the Admissions Forum had failed to agree a protocol on a voluntary basis the Secretary of State would consider whether to take out legislation requiring them to do so with the ability to impose a protocol if agreement cannot be reached; it was therefore important that a consensus is reached with a collective aim of securing a process that will benefit the individual needs of West Berkshire's vulnerable children.

This protocol will apply to both primary and secondary schools. It describes the circumstances in which it will be applied and sets out how decisions about admissions of vulnerable and hard to place pupils will be agreed. It will also be used to protect schools from admitting a disproportionate number of vulnerable pupils.

This protocol was consulted upon with all schools, governing bodies, diocesan boards and all other interested parties in September and December 2005. The Admissions Forum considered proposals and all representations made to determine a final protocol. It is hoped that the final protocol will be agreed, by consensus with all concerned, to enable the operation of the process with effect from the start of the Spring Term 2006.

Nothing in this protocol will override the provisions of Class Size legislation.

AIMS OF THE PROTOCOL

- To enable schools to work together with the LA on their wider responsibilities to provide places for vulnerable and hard to place pupils
- To work for the benefit of all children concerned
- To be more than just a shared aspiration to collaborate
- To reduce exclusions and provide the process for managed transfers
- To be reviewed annually by the Admissions Forum after consultation with schools

PRINCIPLES TO BE ADOPTED FOR THE PROTOCOL TO BE SUCCESSFUL

- In the best interests of the child, all schools in West Berkshire agree to share a collective responsibility with the LA to ensure admission to a suitable school or alternative provision as quickly as possible
- No school will be asked to take an excessive or unreasonable number of pupils excluded from other schools
- The Pupil Placement Panel will identify the school that should admit the child, or alternative provision if appropriate, and decisions apply to all schools, including Foundation and Voluntary Aided schools responsible for their own admissions
- Schools cannot cite oversubscription as reason for not admitting under the protocol
- Vulnerable pupils will be given priority for admissions over others on a waiting list or awaiting an appeal
- Schools must respond immediately to requests for admission from the Panel so that the admission is not delayed
- Schools cannot insist on an appeal being held before admitting a child under this protocol
- Schools will not refuse to admit a child who has been denied a place at that school at appeal, if the Panel identifies that school as the one to admit the child
- Consideration is given to all vulnerable and hard to place pupils, which may, or may not, include:
 1. Looked After Children for whom an authority acts as parent, and those in Kinship Care.
 2. Children whose family is subject to emergency housing by the authority or into a recognised refuge,
 3. Permanently excluded pupils,
 4. Children recognised as having challenging behaviour where it is considered that a change of school is in their best interests,
 5. Children attending PRUs who need to be reintegrated back into mainstream education,
 6. Children who have been out of education for longer than one school term,
 7. Children whose parents have been unable to find them a place after moving to the area, because of a shortage of places,
 8. Children withdrawn from schools by their family, following fixed term exclusions and unable to find another place,
 9. Children of refugees and asylum seekers not in accommodation centres,

10. Homeless children,
 11. Children with unsupportive family backgrounds, where a place has not been sought,
 12. Children known to the police or other agencies,
 13. Children without a school place and with a history of serious attendance problems, and
 14. Traveller Children.
- Alternative provision may not be appropriate for Looked After Children, who must be found a suitable school place quickly
 - Children requiring a school place may continue to be admitted in accordance with usual admission policies rather than the protocol when places are available
 - Parents/Carers and children's views will be considered – but they will not override the decision of the Panel if the preferred school is unable to take the pupil
 - Wherever possible, pupils with religious affiliations will be matched to a suitable school – but this will not override the decision of the Panel if the school is unable to take the pupil or if the pupil identified for the school does not have that affiliation
 - Monitoring of pupils in each year group and each school will be cumulative and take account of pupils already in any year group, including previously excluded pupils already in year group – unless they have been in school for 2 years without a fixed period exclusion.

PUPIL PLACEMENT PANEL

- Members to consist of:
 1. Chair: Development Manager: Inclusion
 2. 2 Primary Head Teachers (inc. Special & PRU) from pool of 8 inc. at least 1 Voluntary Aided (reviewed annually)
 3. 2 Secondary Head Teachers (inc. Special & PRU) from pool of 8 (reviewed annually)
 4. Principal Education Welfare Officer
 5. Children's Services representative
 6. Admissions Officer
 7. School Governors (1 Primary – 1 Secondary) from pool of 8
 8. Invited representatives who may already be involved in the child's case or may need to provide additional support once the child is admitted to the school.
- Head Teacher or Governor from the school being considered to receive a child, or having permanently excluded that child, shall be excused from the discussion concerning that child

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- Pools of Head Teachers and Governors would allow for each to normally sit every two months
- Panel to sit fortnightly

PROCEDURE FOR REFERRAL & CONSIDERATION

- Referral Form to be completed (Appendix A – to be devised) and forwarded to the designated officer supporting the Pupil Placement Panel
- Referrals can be made by the following:
 1. Head Teacher of a school (inc. PRU)
 2. Education Welfare Officer
 3. School Admissions Officer
 4. Social Worker
- All referrals will be logged and the case reviewed to consider the extent to which normal admissions arrangements would allow for admission to preferred schools
- Each case to be considered at a weekly Pre-Panel Internal Discussion Group consisting of :
 1. PRU Head Teachers
 2. Admissions Officer
 3. Education Welfare Officer
 4. Social Worker
- Pre-Panel Discussion Group will establish the extent of reports and consultation to be undertaken prior to consideration by the Pupil Placement Panel. Reports/consultation will be obtained from:
 1. Parents or Carers (Robin Douglas in case of LAC)
 2. All schools involved – previously/currently attended and preferred by parents
 3. Education Welfare Officer
 4. Social Worker if applicable
 5. Professionals if applicable (EPS, BST, FRT)
 6. Admissions Officers
 7. SEN Officers
 8. Other LAs if applicable
- Multi-professional assessments and risk assessments will be undertaken when considered necessary. Risk assessments will be undertaken in cases with a history of violent or sexually aggressive behaviour towards pupils or staff.
- Education Welfare Officers will obtain reports to be passed to the designated support officer for presentation to Pupil Placement Panel Members.
- Panel to consider case and identify:

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1. Appropriate school for admission or alternative provision
 2. Funding arrangements
 3. Transport implications and funding
 4. Multi-Agency Support required
 5. Any other additional resources considered appropriate
- Decisions to be conveyed to relevant school and others involved, including parents or carers, by an P&SAC Officer on behalf of the Panel.

CONSIDERATION BY PUPIL PLACEMENT PANEL

- Balance to be struck between finding a place quickly (eg in an undersubscribed school or one facing challenging circumstances) and finding a place that is appropriate for the child.
- No school will be asked to take an excessive or unreasonable number of pupils excluded from other schools
- Where schools reach a limit in any year group – consideration will be given to placement in alternative provision until a place becomes available – unless schools agree to exceed the limit following consultation
- Consideration will be given to whether good quality alternative provision provides a longer term solution for children who cannot tolerate a mainstream environment
- Where a pupil is permanently excluded the excluding school will pass the remainder of ‘age-weighted pupil unit’ (AWPU) for the financial year back to the LA. Money will be passed to the receiving school when admitted, or used for alternative provision if it is decided not to place the pupil in a school
- Similar funding will be arranged for pupils not permanently excluded when transferring between West Berkshire schools when considered appropriate by the Panel
- Where a pupil is not excluded or transferred between West Berkshire schools, support for transition from the Vulnerable Children’s Grant will be considered by the Panel
- Excluding **secondary** schools will be charged £1000 per term pro-rata for permanently excluded pupils, in line with guidance relating to Pupil Retention Grant
- Where appropriate, support for transition will be provided from PRUs or the Behaviour Support Team

- Consideration will be made whether to assist with transport assistance, normally limited to provision for attending schools beyond walking distance
- The Panel will take account of any genuine concerns about the admission, eg a previous serious breakdown in relationship between the school and the family, or a strong aversion to, or desire for, the religious ethos of the school.

RESULT OF CONSIDERATION

- The Panel decision will be either:
 1. Placement at an identified mainstream school
 2. Dual registration with a mainstream school and alternative provision
 3. Full-time placement in alternative provision with a scheduled review for re-integration into a mainstream school, or
 4. Full-time alternative provision, including within FE sector
 5. Refusal in support of an admission authority when considering whether or not the admission of a pupil, including those from out-of-area, will prejudice the efficient education or efficient use of resources in a school.
- If a school identified as the one to admit refuses to do so, the LA will refer the matter to the Department for Education & Skills (if VC or Community schools) or will direct the school to admit the pupil (if Foundation or Voluntary Aided). The DfES has stated that the School Admissions Code of Practice is to be amended to make this power clear.
- Once agreed which school will admit – a meeting or discussion will be arranged between the school and LA to discuss support needed and provided via the Panel.
- Admission to identified provision will be within 1-2 weeks
- Should this protocol consider an appropriate school place to be in conflict with the preferences of parents, or admission is refused to an out-of-area pupil on the grounds of prejudice to the efficient education and efficient use of resources, parents will be informed of their right of appeal. Any reports considered by the Pupil Placement Panel shall be available for the admissions authority when establishing their case for refusal.

MONITORING

- As a starting point the LA will identify current scale of in-year admissions and whether some schools are taking a disproportionate number of previously excluded pupils or others considered to be vulnerable. This will help analyse types of pupils that are hard to place in the area
- There will be both openness and fairness about these admissions
- Demonstration of the system being open and transparent will be established by working with schools and keeping them informed of any decisions or anything new happening – Statistics will be shared with head teachers each term to show how the protocol is working
- To ensure that a complete picture of how schools are working with the LA to share vulnerable pupils, all such admissions will be recorded. This will include those pupils that could be considered to have been referred to the Panel, but were not, due to admission under the normal admission arrangements. This will assist the Panel when considering cases and ensure that schools do not take a disproportionate number
- The protocol will be reviewed annually by the Admissions Forum, following consultation with all schools, to gauge its effectiveness.