

## **West Berkshire Council In-Year Fair Access Protocol**

### **SUMMARY**

The In-Year Fair Access Protocol was established to provide a fair and transparent process for swift allocation of appropriate education provision for all vulnerable and/or hard to place West Berkshire pupils.

The Protocol applies to both primary and secondary schools and describes the circumstances in which it will be applied and sets out how decisions about admissions of vulnerable and/or hard to place pupils, outside of the normal admissions round, will be agreed. It will also be used to protect schools from admitting a disproportionate number of vulnerable pupils.

The operation of the Fair Access Protocol is outside the arrangements of co-ordination and is triggered when an eligible child has not secured a school place under In-Year admission procedures.

There is no duty for the Local Authority or Admission Authorities to comply with parental preferences when allocating places through the Fair Access Protocol.

All schools, governing bodies, diocesan boards and all other interested parties in West Berkshire have endorsed this Protocol.

Nothing in this protocol overrides Class size legislation.

**The West Berkshire In-Year Fair Access Protocol is administered by the Pupil Placement Panel.**

### **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 after consultation with schools

## **KEY PRINCIPLES TO GUIDE THE PUPIL PLACEMENT PANEL**

- 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, Voluntary Aided and Academy schools responsible for their own admissions.
- Schools cannot cite oversubscription as reason for not admitting under the protocol
- Admissions via this protocol will be given priority for admissions over others on a waiting list or awaiting an admissions appeal
- Schools must respond immediately to requests for reports requested in order for the Panel to make timely decisions.
- Schools cannot insist on an appeal being held before admitting a child under this protocol. The appeal process is able to run parallel to this consideration
- 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 appropriate 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.

- Decisions are made on the individual merits of each case.
- Alternative provision may or 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:
  - Chair: Service Manager (Social Inclusion)
  - 2 Primary Head Teachers (inc. Special & PRU)
  - 2 Secondary Head Teachers (inc. Special & PRU)
  - Principal Education Welfare Officer
  - Social Services representative
  - Admissions Officer/Team Leader
  - School Governors (1 Primary – 1 Secondary)
  - 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
- Panel to normally sit fortnightly, or as required

## **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 any of the following posts - Head Teacher of a school (inc. PRU); Education Welfare Officer; School Admissions Officer or 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
- Panel to consider case and identify:
  - Appropriate school for admission or alternative provision
  - Funding arrangements
  - Transport implications and funding
  - Multi-Agency Support required
  - Any other additional resources considered appropriate
- Decisions to be conveyed to relevant school and others involved, including parents or carers, by the administering Officer on behalf of the Panel following draft copy being approved by Chair.
- Financial outcomes to be conveyed to the Schools Funding Officer by way of the outcome sheets from the administering Officer.

## CONSIDERATION BY PUPIL PLACEMENT PANEL

- Balance to be struck between finding a place quickly (e.g. 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
- 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
- Consideration will be made whether to assist with transport assistance, normally limited to provision for attending schools beyond walking distance. All the normal assessments for transport as detailed in the Home to School transport will apply.
- The Panel will take account of any genuine concerns about the admission, e.g. 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 (OUTCOME)**

- The Panel decision will be one of the following:
  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 (if VC or Community schools) or will direct the school to admit the pupil (if Foundation or Voluntary Aided).
  
- Admission to and registration with identified provision will be within 1 week from receipt of outcome sheet.
  
- 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 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 for referral 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
- Annual Pupil Placement Panel Review meeting open to all Panel representatives.
- In the case of change to legislation regarding In-Year Admissions, the Protocol will be reviewed in order to comply with any new regulations.