

## TAMESIDE MBC

### PRIMARY AND SECONDARY MAINTAINED SCHOOLS AND ACADEMIES

#### FAIR ACCESS PROTOCOL 2017 – 2018

## 1. Background

1.1 Departmental Advice November 2012 advises the purpose of a Fair Access Protocol is to ensure that – outside the normal admissions round – unplaced pupils, especially the most vulnerable, are found and offered a place quickly, so that the amount of time any pupil is out of school is kept to the minimum.

1.2 The advice note states that every local authority must have a Fair Access Protocol, agreed with the majority of schools, in which all schools including Academies\* must participate since it is binding on all schools.

1.3 Schools should work together collaboratively, taking into account the needs of the pupil and those of the school. There is no duty to comply with parental preference when allocating places through the Protocol but it is expected the wishes of the parents are taken into account.

1.4 The Protocol will ensure that no school or academy, including those with available places, is asked to take a disproportionate number of children and young people who have been excluded from other schools or academies or who have challenging behaviour.

## 2. Main Principles

2.1 The Tameside Fair Access Protocol will ensure that school places are allocated and offered in an open and fair way. The operation of the Protocol is outside the arrangements of co-ordination and will be used when an 'eligible' child or young person has not secured a school or academy place under the in-year admission procedures. It is not intended to cover the majority of pupils for whom in-year transfers are a straightforward procedure.

2.2 Admission Authorities must **not** refuse to admit a pupil thought to be potentially disruptive, or likely to exhibit challenging behaviour, on the grounds that the child or young person is first to be assessed for special educational needs.

2.3 Where there is professional evidence that mainstream education may not be suitable at the present time, the local authority will consult parents and other agencies and seek to provide appropriate provision or support.

2.4 Where a governing body does not wish to admit a pupil with challenging behaviour outside the normal admission round, even though places are available, it must refer the pupil to the Fair Access officer for action under the Fair Access Protocol. This will normally only be appropriate where a school has a particularly high proportion of pupils with challenging behaviour or previously excluded pupils. This provision does not apply to a looked after child, a previously looked after child or a child with an education health and care plan naming the school in question, as these children must be admitted.

2.5 Once it has been agreed that a pupil should attend a named school, that school must be accountable for that pupil. There is a collective responsibility to ensure the safeguarding of all young people and we must work together to protect them and act in their best interests.

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2.6 The LA will have the responsibility for identifying a pupil as being ‘Fair Access’ based upon evidence received from the transferring school and other relevant professionals.

### 3. Circumstances under which the Protocol will be used

3.1 The following criteria have been locally agreed:

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|----------|--|
| <b>a</b> | Permanently excluded pupils living in Tameside.  |
| <b>b</b> | Homeless pupils living in Tameside (in certain circumstances it may be expedient to admit homeless pupils to school on a temporary basis however, once housed in a permanent residential address such pupils may be placed under the protocol).  |
| <b>c</b> | Pupils living in refuges in Tameside (in certain circumstances it may be expedient to admit refuge residents to school on a temporary basis however, once housed in a permanent residential address such pupils may be placed under the protocol).   |
| <b>d</b> | Pupils moving into Tameside (and Tameside residents transferring from an extra district school) with less than 65% attendance over the previous 2 terms at their last school.  |
| <b>e</b> | Pupils moving into Tameside (and Tameside residents transferring from an extra district school) with a history of behaviour difficulties as demonstrated by: <ul style="list-style-type: none"> <li>• a significant record of fixed term exclusions (i.e. ten or more days fixed term exclusions); or</li> <li>• more than 6 separate instances in the last 2 terms; or</li> <li>• has ‘behaviour causing concern’ as evidenced by the previous school.</li> </ul> |
| <b>f</b> | Year 6 pupils (prior to SATS entry deadline)* and those in Term 3 (Summer) Year 5 transferring from an extra district school or moving address into Tameside.<br>*[this usually a Friday on or around 17th March]  |
| <b>g</b> | Year 11 pupils (prior to census deadline)** and those in Term 3 (Summer) Year 10 transferring from an extra district school or moving address into Tameside.<br>**[this is usually 1 <sup>st</sup> February]   |
| <b>h</b> | Primary aged pupils who move into Tameside outside the normal admissions round for whom there is no other available school within a reasonable distance 2 miles walking distance for pupils aged up to 8 years and 3 miles for pupils aged 8 years and above.  |
| <b>i</b> | Pupils returning to or moving into Tameside who have been in secure accommodation.   |

3.2 The following mandatory criteria will be applied to those pupils who **do not** have a school place:

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| <b>j</b> | Pupils attending PRUs who need to be reintegrated back into mainstream education.   |
| <b>k</b> | Pupils who have been out of education for longer than two months or more (including pupils who are EHE where the education is deemed to be inadequate. Pupils returning from EHE will be allocated to their previous school in the first instance). |
| <b>l</b> | Pupils of Gypsy, Roma and Traveller heritage.   |
| <b>m</b> | Pupils who are Refugees or Asylum Seekers.  |
| <b>n</b> | Pupils who are homeless.  |
| <b>o</b> | Pupils with unsupportive family backgrounds, where a place has not been sought.   |
| <b>p</b> | Pupils who are carers.  |
| <b>q</b> | Pupils with special educational needs, disabilities or medical conditions (but without an education health and care plan).  |

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#### 4. Allocating Places under the Fair Access Protocol

4.1 Once an application has been identified as one which meets the Fair Access criteria the LA will initiate the protocol. The initial contact between the LA and a school regarding all pupil transfers will be through School Admissions.

4.2 The Fair Access Officer will allocate each pupil to a school. The Officer will take the circumstances of each pupil and all schools into account. Consideration will be given to location, year group, fair access credits, fair access reason, parental preference and other information provided with the application.

4.3 **ALLOCATION** - In the majority of cases, the allocated school will be expected to accept the pupil. Pupils should be admitted and put on roll in a timely fashion and within 15 school days of the placement being allocated. The school will inform the Fair Access Officer of the start date of the pupil.

4.4 **OBJECTION** - If a Head Teacher has exceptional reason not to admit the pupil, the Head Teacher will email their concerns to the Fair Access Officer within 5 school days from receipt of the allocation.

4.5 **PANEL** - Objections will be considered by a panel of 3 Head Teachers. The Fair Access Officer will invite Head Teachers to attend the panel on a rota basis. The panel will decide if the allocation should remain in light of the objection raised or if an alternative school should be identified.

4.6 **OBJECTION REFUSED** – If the panel decides the objection is not sufficient to prevent the pupil from being admitted to the allocated school, the Fair Access Officer will inform the school and send an offer letter to the parent. The pupil should be admitted and put on roll in a timely fashion and within 15 school days of the objection being refused. The school will inform the Fair Access Officer of the start date of the pupil.

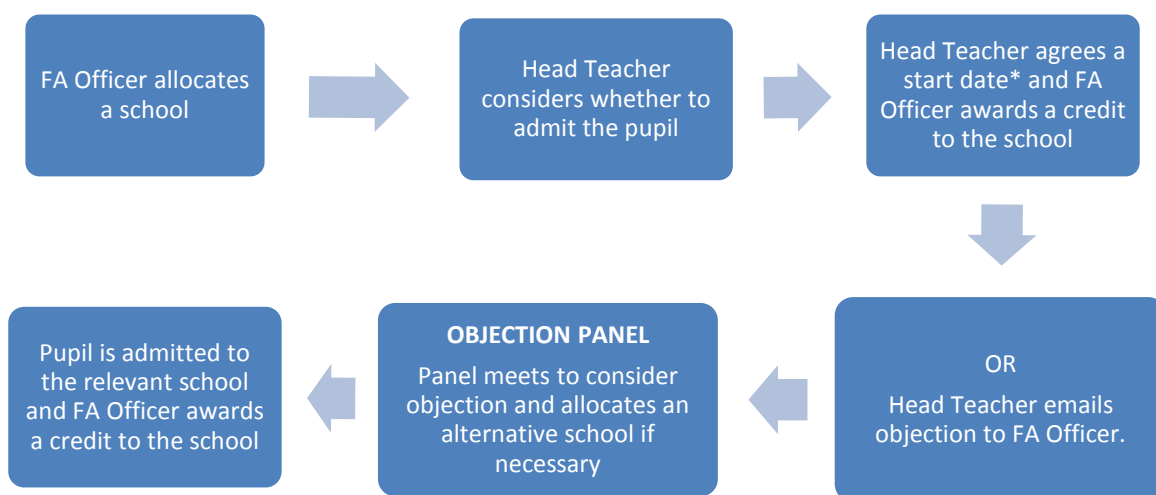
4.7 **OBJECTION UPHeld** – If the panel decides the objection is sufficient to prevent admission to the allocated school, an alternative school will be identified by the panel. The Fair Access Officer will inform the original school of the decision and will inform the alternative school of the allocation. The alternative school will be expected to admit the pupil. The Fair Access Officer will send an offer letter to the parent. The pupil should be admitted and put on roll in a timely fashion and within 15 school days of the allocation being made. The school will inform the Fair Access Officer of the start date of the pupil.

4.5 In all cases the Fair Access Officer informs the parents of the school allocations and if relevant their statutory right of appeal to an independent appeal panel. The Fair Access officer will also update the Fair Access records to ensure there is equity of placement.

4.6 **FAIR ACCESS CREDITS** - Schools are awarded one fair access credit for each pupil allocated under the protocol. The number of credits a school has accrued during the current and previous 2 terms will be taken into account when pupils are allocated to schools. Fair Access credits will be awarded once a start date has been confirmed by the school and has notified the Fair Access Officer of the date. Should a pupil not be subsequently admitted onto an allocated school roll, the credit will be removed.

4.7 There will be regular allocations and objection panel meetings to ensure pupils are placed in a timely fashion. The process is summarised as follows:

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*\* for pupils at the PRS the start date will be the dual registration start date where the PRS is the main school and the allocated school is the subsidiary school.*

#### **4.8 In order for the scheme to be successful schools must adhere to the following points:**

**4.9 Appeals** - Fair access pupils will be given priority for admission over any others awaiting an appeal for admission and schools must not insist on an appeal hearing before admitting a pupil under this protocol.

**4.10 Religion / Faith** - Wherever possible pupils with a religious affiliation will be matched to a suitable school, but this will not override the Protocol.

**4.11 Exceptional Circumstances** - The local authority may take account of any particularly exceptional circumstances on an individual case basis.

**4.12 Pupils from the Pupil Referral Service** – Pupils are encouraged to apply for a school within 4 weeks of admission to the Pupil Referral Service. Once a place is allocated by the fair access officer, the school is awarded the fair access credit. The pupil will be immediately dual registered with the PRS as the main school and the allocated school as the subsidiary school.

The PRS will then work directly with the allocated school to prepare the pupil for the return to mainstream. This preparation may include:

- school representative invited to the PRS to meet the parent and pupil
- regular progress emails shared with the school
- pupil is visited at the PRS by their school form tutor
- pupil attends 'taster' lessons at the allocated school

There will be a signed Dual registration agreement between the school, the parent and the PRS outlining success criteria for pupil being considered ready to move onto the next phase of the reintegration, where the focus will be on the pupil accessing most/all of their learning at their allocated school, with the PRS offering more remote, 'hands off' support to all parties.

**PRS Reviews** - PRS review meetings are held at 4, 8 and 12 weeks to check the pupil is meeting the success criteria agreed when they were originally allocated their school place. At the 12 week PRS review or sooner if appropriate, if the pupil is ready to begin reintegration, they are admitted into the school formally on a full or part time basis. There will be a new signed agreement between the school, the parent and the PRS outlining success criteria in line with the school's behaviour policy. The pupil will remain dual registered for a maximum of 12 weeks. Given that the relationship between pupil,

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their family and allocated will have begun much earlier than this point, it is highly unlikely that this period of 12 weeks would be extended.

**School Reviews** - School review meetings will be held at 4, 8 and 12 weeks. The review will be centered around the success criteria as set out in the Dual Registration agreement, but may also include any points of agreed action from the interim reviews. Following a successful 12 week school review meeting the PRS will take the pupil off their roll and the pupil will become single registered at the school.

If at the 12 week review it is that the pupil has not met the success criteria in the dual registration agreement, or any agreed actions from the interim reviews; the placement will be deemed to have ended and the pupil is removed from the school's roll and is single registered at the PRS. The PRS will inform Admissions, and the fair access credit removed from the school. A new transfer form from the parent will be required for any future transfer requests.

**4.13 Siblings – for primary aged pupils only** - In order to ensure regular school attendance and punctuality, it may be necessary for siblings of pupils placed under the protocol to be allocated a place in the same school under the fair access process even if there are no places in the relevant year group.

**4.14 Looked After Children (LAC)** - Admission authorities are required to give highest priority in their admission arrangements to children in care, and Local Authorities may direct other admission authorities for any maintained school to admit a child in their care. Therefore looked after children are not allocated school places under the protocol. However receiving schools may be awarded a Fair Access (FA) credit if the LAC also meets one of the FA criteria. Schools should inform the LA officer when an eligible LAC pupil has been admitted to their school to request the FA credit.

**4.15 Special Educational Needs (SEN)** - Children with an Education Health and Care Plan are not covered by the protocol and are placed according to the SEN Code of Practice. However, such pupils moving into Tameside who have been permanently excluded by their previous school and placed under the SEN Code may count on the receiving school's Fair Access total. Schools should inform the LA officer when an eligible SEN pupil has been admitted to their school to request the FA credit.

## **5.0 Local Authority Instruction**

5.1 If a Fair Access Panel does not make an offer of a school place the Local Authority will 'instruct' a school or academy to admit the young person taking into consideration the number of young people already accepted by each school under the Protocol and the accessibility of the school or academy for the young person. Consideration can also be given to any other personal circumstances of the young person. The allocated school or academy may not always be within the area within which the young person lives.

5.2 If a school or academy refuses to adhere to an instruction from the Local Authority they must put their reasons in writing within 5 school days. The Local Authority will then decide whether or not to issue a direction (community schools) or refer the matter to the Education Funding Agency acting on behalf of the Secretary of State (all other schools and academies) using the processes outlined in the School Admissions Code 2014.

## **6. MONITORING AND EVALUATION**

6.1 Implementation of the Protocol will be monitored by the Tameside School Admissions Team. The Protocol will be reviewed in the summer term of each academic year so that any amendments can be agreed and implemented from the start of the following academic year.

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