

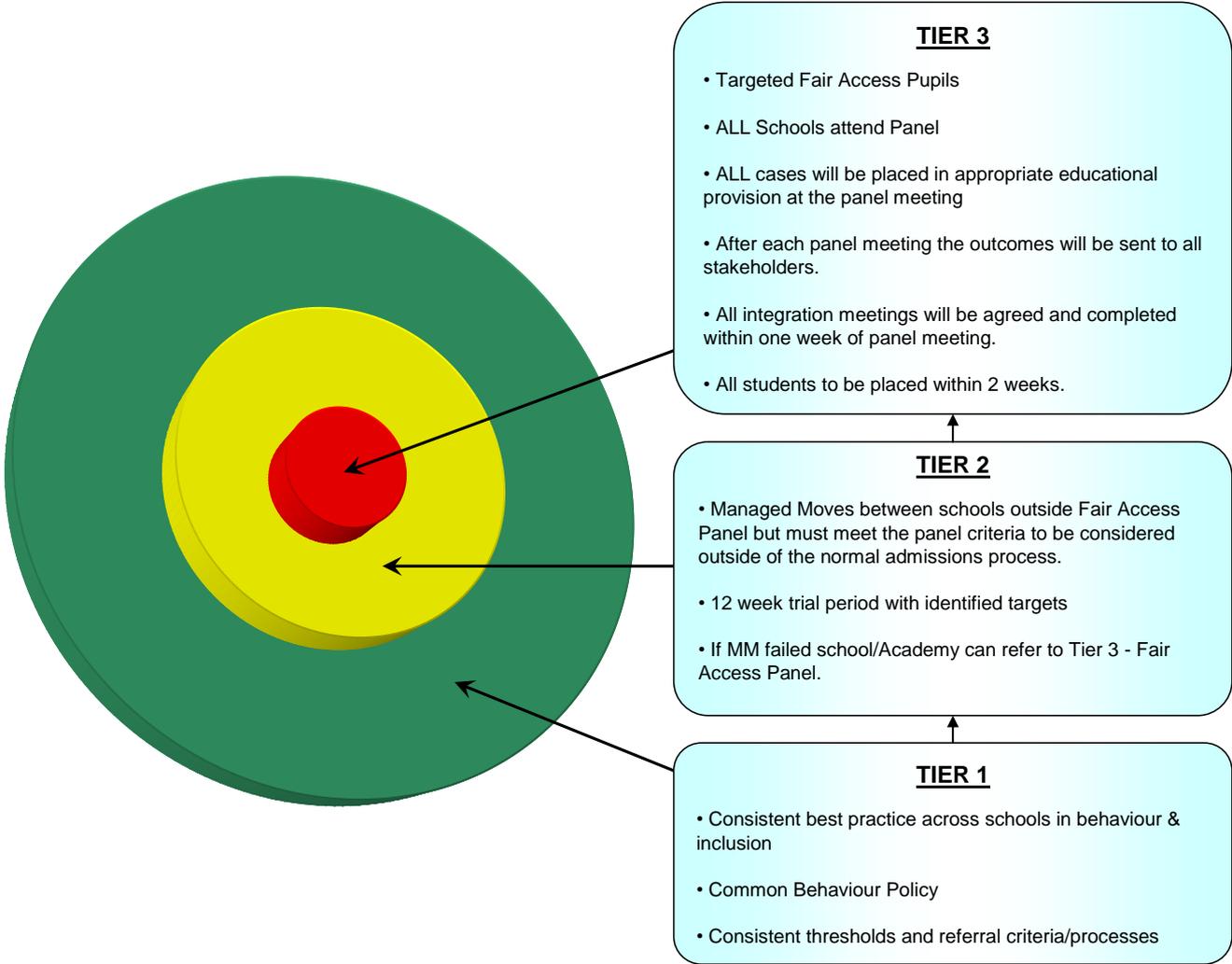
# Fair Access Protocol

## Secondary Key Stage 3 & 4

Updated: September 2012



# Overview of Support Leading to the Fair Access Protocol



# Fair Access Protocol

## 1. Background

- 1.1. The School Admission Code which came into force on 1 February 2012 and requires there to be a Fair Access Protocol in operation in every Local Authority which has been agreed 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. In agreeing a protocol, no school - including those with available places - is asked to take a disproportionate number of children who have been excluded from other schools, or who have challenging behaviour (School Admissions Code, 3.9).

This is issued under Sections 84 and 85 of the School Standards and Framework Act 1998. The School Admissions Code can be viewed in full at <http://media.education.gov.uk/assets/files/pdf/s/school%20admissions%20code%201%20february%202012.pdf>

- 1.2. The Fair Access Protocol exists to ensure that access to education is secured quickly for children who have no school place, but for whom a place at a mainstream school/Academy or alternative provision is appropriate, and to ensure that all schools/Academies in an area admit their fair share of children with challenging behaviour. The operation of Fair Access Protocols is outside the arrangements of co-ordination
- 1.3. The Protocol encourages local authorities, schools and Academies to work together in partnership to improve behaviour and tackle persistent absence. There is no duty for local authorities or admissions authorities to comply with parental preference when allocating places through this protocol.
- 1.4. **All** Admissions Authorities **must** participate in the agreed Fair Access protocol (School Admissions Code 2012, paragraph 3.11) in order to ensure that unplaced children, especially the most vulnerable, are offered a place at a suitable school/Academy as soon as possible. This includes admitting children above the published admission number where the year group is already full. Nottingham City Council, Nottingham City Secondary Education Partnership (NCSEP), Greenwood Dale Foundation Trust (GDFT) and their associated schools and Academies agree to comply with this protocol.
- 1.5. Children with statements of special educational need are **not** covered by this protocol as their needs are considered through a separate procedure.

## 2. Key Principles

- 2.1. There must be a balance between finding a place quickly, when the place might be in an undersubscribed school/Academy or one facing challenging circumstances, and finding a school/Academy place that is appropriate for the child. The principle of considering the individual circumstances of the pupil, in terms of what is best for them, whether they are ready for mainstream schooling and, if so, which mainstream school/Academy will be best able to meet their needs **should** guide the operation of Fair Access Protocol.

- 2.2. The School Admissions Code states local authorities **must** ensure that no school/Academy, including undersubscribed schools/Academies, is asked to admit a disproportionate number of children who have been excluded from other schools/Academies or who have challenging behaviour (School Admissions Code 2012, paragraph 3.9).
- 2.3. It is expected that pupils on roll at a school or Academy within the City of Nottingham, considered at the Fair Access Panel (FAP), under the Fair Access Protocol will have a Common Assessment Framework Form (CAF) and be open to the Team Around the Child (TAC) process.
- 2.4. Whilst each protocol covers only the schools/Academies in its local authority area, the home Local Authority should contact neighbouring authorities to help secure a place in that area under the protocol. The protocol is in effect a safety net for where normal admission procedures for in year admission have failed.
- 2.5. For the protocol to operate in accordance with the statutory requirement:
  - 2.5.1. Schools/Academies will continue to admit pupils whose parents apply for an available place, under normal admission arrangements.
  - 2.5.2. Pupils identified as Panel cases under the Fair Access Protocol will be given priority for admission over others on a waiting list or awaiting an appeal. Managed Moves will not be given priority for admission, unless they meet the criteria outlined in section 4.2 below.

### **3. Exceptions**

- 3.1. The School Admissions Code states in paragraph 3.8:

*“Admission authorities **must not** refuse to admit children in the normal admissions round on the basis of their poor behaviour elsewhere. Where a child has been permanently excluded from two or more schools there is no need for an admission authority to comply with parental preference for a period of two years from the last exclusion.”*

- 3.2. However, the School Admissions Code continues in paragraph 3.12:

*“Where a governing body does not wish to admit a child with challenging behaviour outside the normal admissions round, even though places are available, it **must** refer the case to the local authority for action under the Fair Access Protocol. This will normally only be appropriate where a school has a particularly high proportion of children with challenging behaviour or previously excluded children. The use of this provision will depend on local circumstances and **must** be described in the local authority’s Fair Access Protocol. This provision will not apply to a looked after child, a previously looked after child or a child with a statement of special educational needs naming the school in question, as these children **must** be admitted.”*

- 3.3. All schools and Academies will be expected to participate fully with the Fair Access Protocol and to admit pupils who are hard to place. The Fair Access Panel will consider any valid concerns about admission (e.g. a previous serious breakdown in the relationship between the school/Academy and the family or serious historical issues with other children at the preferred school/Academy). Consideration will also be given to the individual situation, and contextual data for each school or Academy, including, the number of pupils admitted through the panel and being supported by the school or Academy.
- 3.4. If a school or academy refuses to comply with the FAP Panel decision, they must state their reasons in writing to the chair of the panel within 5 school days from the date of the panel decision. The chair will then determine a written view after consulting with the school/Academy and the Local Authority. All schools and academies will support the view and decision of the panel. Additionally, the Local Authority or Secretary of State can enforce the decision of the panel by using any powers of direction, if required.

#### **4. Criteria Fair Access Panel**

- 4.1. A pupil placed under this Protocol is not necessarily a “challenging” pupil. Any child in this category is however potentially a vulnerable child as long as an appropriate educational placement has not been secured.
- 4.2. The School Admissions Code 2012 states 7 minimum categories<sup>1</sup> to include in a Fair Access Protocol. These categories identify a child as potentially “Hard to Place or vulnerable”. These are not meant to be exhaustive but provide an example of pupils who **must** be considered under the protocol. It is proposed that the City protocol monitors these pupils, but will have specific focus on the following criteria:

##### **Fair Access Panel - Triggers**

1. Children in Public Care.
2. Children attending Learning Centres who have been permanently excluded and who need to be reintegrated back into mainstream education. (See Section 7 below)
3. Children seeking an alternative to permanent exclusion with a history of intensive multi-agency support (CAF) and where alternative placements have been unsuccessful e.g. managed move.
4. Children who have been out of education for longer than one school term and/or have a history of serious attendance problems (below 50% attendance within a 12 month period)
5. Children fleeing domestic violence
6. Children returning from the criminal justice system

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<sup>1</sup>School Admissions Code 2012 – 7 Minimum Fair Access Criteria

- a) children from the criminal justice system or Pupil Referral Units who need to be reintegrated into mainstream education;
- b) children who have been out of education for two months or more;
- c) children of Gypsies, Roma, Travellers, refugees and asylum seekers;
- d) children who are homeless;
- e) children with unsupportive family backgrounds for whom a place has not been sought;
- f) children who are carers; and
- g) children with special educational needs, disabilities or medical conditions (but without a statement).

- 4.3. Looked After Children<sup>2</sup>, will be given the highest priority for admission and will be brokered prior to a panel meeting. The Inclusion Officer will establish in consultation with Social Care, the Virtual School and other agencies the preferred preferences for their education. The views of the schools preferred and any potential prejudice as a result of the placement will always be considered. However, in most circumstances a Looked After Child will be offered, in agreement with school or Academy, even if the year group is oversubscribed if the offer is considered in their best interests. Once an offer has been made, the Lead professional will normally, but not always arrange a multi-agency meeting to bring together all the professionals that have been working with the child to support their transition into their new educational provision.
- 4.4. The Inclusion Officer will determine if a pupil meets the panel criteria (4.2). All pupils who meet the criteria will be considered at a Fair Access Panel meeting. Background information will be collated by Nottingham City Council to support any application to the panel and the pupil's subsequent admission. NCSEP and GDFT and their associated schools and Academies will ensure background information is shared without delay. If the pupil does not meet the above criteria, the application will be processed through the normal admissions procedures, including year 10 and 11 pupils.

## **5. FAP Panel Membership**

- 5.1. Membership of the panel is split between Core Membership and Support Membership. Core members of the Fair Access Panel will attend each meeting. At each meeting senior representatives from every school will also be in attendance as will 3 support services representatives. The collective panel membership will use their expertise and knowledge to secure a decision for each individual pupil that is best for them. **Final decisions will rest with Core Panel Members.** The Panel will need to balance between the pupil's needs and what school/Academy or provision can best meet their needs, whilst ensuring that the pupil is supported and that no school/Academy is asked to admit a disproportionate amount of pupils through the protocol.
- 5.2. All schools and Academies will provide educational expertise and knowledge as well as represent an overall educational perspective for the City. All schools and academies will be provided with case information 48 hours before a panel meeting, through secure File Transfer Protocols (FTP).
- 5.3. There will also be 3 representatives from Support Services across Children and Families that constitute the Support Membership of the panel. These representatives will attend on a rotational basis (See Appendix 1 attached). They will be expected to represent their Service Area and provide relevant information about any involvement and support that can be offered. Case information will be provided to support services 5 working days before a panel meeting in order to provide a report at the panel meeting.

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<sup>2</sup> A 'looked after child' is a child who is (a) in the care of a local authority, or (b) being provided with accommodation by a local authority in the exercise of their social services functions (see the definition in Section 22(1) of the Children Act 1989) at the time of making an application to a school.

5.4. All Panel members are responsible for arranging for an informed colleague to attend in their place should they be unable to attend. All professionals must come fully prepared with information pertaining to the individual cases to be discussed. School/Academy representatives must have the power to make decisions regarding admissions on behalf of their school/Academy.

5.5. The core membership of the Fair Access Panel will be:

Core Panel Membership	
Chair (Elected Annually) Inclusion Officer Executive Head Teacher, Learning Centres Behaviour Strategy Co-ordinator Educational Welfare Officer	
Big Wood School Bluecoat Academy Bulwell Academy Djanogly City Academy Ellis Guilford School Emmanuel C of E School Farnborough School Fernwood School Hadden Park High School Nottingham Academy Nottingham Girls Academy Nottingham University Samworth Academy Trinity Catholic School Top Valley Academy	Designated Senior staff from every school/Academy  (The representative members of NCSEP will be those senior staff who sit on the PSLBN)

5.6. The support membership of the Fair Access Panel will be:

Support Services	Representing
<b>Inclusive Learning Representative</b>	{ Inclusive Education Service Special Educational Needs Behaviour Support Team Vulnerable Groups
<b>Family Community Team Representative</b>	{ Child & Adolescent Mental Health Service Educational Psychology Service Youth Offending Team Family Community/Targeted support
<b>Children's Social Care Representative</b>	{ Family Intervention Project Children's Social Care – North Children's Social Care – Central Children's Social Care – South

## 6. Fair Access Panel Meetings

6.1. The Panel will meet twice per month with the exception of August each academic year. The meetings will be scheduled for the entire academic year.

6.2. Key contextual information will be provided by all schools and Academies prior to the panel meeting. This will be collated by the Inclusion Officer. Additionally, Fair Access statistics will be provided on a termly basis and

shared with schools and Academies. In addition an annual report will be sent to the schools adjudicator.

- 6.3. Children who have recently experienced a traumatic family or domestic event or for whom there are clear medical grounds to support placement in a particular secondary school or Academy; such cases will be discussed in detail between the Inclusion Officer and the Headteacher/Principal prior to the Panel. Such placements will be made above the published admission number if necessary and may be brokered outside of a panel meeting.
- 6.4. The Partnership's Panel Co-ordinator will inform, in writing, the headteacher or principal of all schools/Academies and other stakeholders of the panels decision within 24 hours of the panel meeting. The school or academy must admit the pupil within 10 working days of being informed. If the Panel agree that a multi-agency meeting take place before admission, schools/Academies will have 15 working days in which to admit the pupil.
- 6.5. Funding is secured through the Schools Forum for the implementation of the Fair Access Protocol. This figure is currently £190,000 and is delegated to NCSEP to manage on behalf of the panel. This funding is secured to support Fair Access pupils' integration back into education through, translation costs, assessments, purchasing support services and providing alternative provision for pupils who are not ready for mainstream schooling. Pupils are to be allocated funding relevant to their need. A system to allocate funding for need will be consulted on during the Autumn Term 2012 by NCSEP. Education for pupils who have been permanently excluded will be provided by the appropriate Learning Centre (see section 7 below), and any costs recovered through agreed processes.

## **7. Learning Centre Reintegration**

- 7.1. Within the City we are supported by two Learning Centres rated by Ofsted as 'Good' which support intervention within the City and educate permanently excluded pupils. Our Learning Centres work hard to identify pupils needs, address behaviour, attitudes and academic underperformance to try and raise achievement and reintegrate permanently excluded pupils back into mainstream education. Reintegration into another mainstream school/Academy is the right option for the majority of pupils in year 7, 8, 9 and 10.
- 7.2. Pupils will not usually be considered for reintegration into a mainstream school/Academy until their behavioural, social or emotional needs have been addressed and they are ready to return to a mainstream setting. The Executive Headteacher will identify and support pupils who are ready to reintegrate back into mainstream education from Denewood Learning Centre or Unity Learning Centre. This will be supported by background information about the pupil and their progress whilst at the learning centre. Permanently excluded pupils ready for reintegration, attending an alternative PRU/Learning Centre will be considered through the panel and a recommendation sought from the Headteacher regarding their readiness for reintegration.
- 7.3. Pupils who live in the City boundary who have been permanently excluded will normally be placed on the roll of either Denewood or Unity Learning

Centre. Permanently excluded pupils who move into the City, who are not ready for mainstream education will attend a Learning Centre until they are ready to be reintegrated back to mainstream education.

- 7.4. All secondary schools or Academies will take at least 1 reintegration pupil. Further reintegration pupils will be allocated through the panel and consideration will be given to the number of permanent exclusions issued by the school/Academy. Fair Access Protocols **must not** require a school/Academy to automatically take another child with challenging behaviour in the place of a child excluded from the school.
- 7.5. Reintegration placements should follow similar timelines to other panel pupils' admission. However, it is expected that the Denewood or Unity Learning Centres will continue to provide reintegration support for a specified period of time for any excluded pupils who are being reintegrated back into a mainstream school/Academy to ensure a smooth transition. Reintegration placements will be recorded and funded through the panel.

## **8. Other Key Documents**

8.1. Other key documents are:

- NCSEP Managed Move Protocol
- Going to School in Nottingham – Information about admissions
- Schools Admissions Code – February 2012
- Intervention Protocol – Denewood Learning Centre