

## IN-YEAR FAIR ACCESS PROTOCOL – SECONDARY

### Background

The School Admissions Code which came into force on the 19<sup>th</sup> December 2014 requires each Local Authority to have a Fair Access Protocol agreed with the majority of schools in the area.

All Admissions Authorities must participate in the agreed Fair Access Protocol (School Admissions Code 2014, paragraph 3.9) 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. Therefore this protocol covers all schools and Academies within Hartlepool.

Children with Education, Health and Care Plans are **not considered under** this protocol, as their needs are considered through a separate procedure.

The Fair Access Protocol is not applicable to admissions made through the normal admissions round for primary or secondary schools and cannot be used where this would involve contravening the regulations on the size of infant classes.

Most in year admissions will continue to be processed through the normal admissions process. Therefore where parents request a school place and the school has vacancies in the relevant year group there is no requirement for the application to be considered under the Fair Access Protocol unless the requirements set out in protocol apply.

There is no duty for Local Authorities or an Admissions Authority to comply with parental preference when allocating places through this protocol.

### Aims of the Protocol

Fair Access Protocol exists for those **children**, especially the most vulnerable, **who cannot obtain a place through normal admissions procedures**, as outlined within the In Year Transfer arrangements, to ensure that:

- Schools admit pupils with challenging educational needs on a fair and equitable basis through an objective and transparent process.
- Education is secured quickly for all children reducing the time vulnerable children spend out of school.

## Key Principles of this Protocol

The following principles are agreed in order to ensure the successful implementation of the Protocol:

- All children are unique and of equal worth. This Protocol will focus on the needs of some of the most disadvantaged children and young people in our community.
- The Local Authority Admissions Team shall be fully involved in the process of admitting Fair Access pupils to schools.
- Normal admissions processes and procedures shall be used wherever possible to admit vulnerable pupils. The protocol shall only be used when normal processes and procedures have failed to secure a placement.
- The Local Authority Admissions Team will maintain a database of all pupils placed under this protocol.
- This Protocol shall be implemented in a manner that is fair and equitable to all schools and that has at its core the key principles of objectivity and transparency.
- No school shall ever be asked to take an excessive or unreasonable number of pupils who have been excluded from other schools. The maximum number of previously permanently excluded pupils that an individual school/academy will be asked to admit in any year group shall be 3.
- Pupils admitted under the Fair Access Protocol will not be considered for a Managed Move or In Year Transfer until the third term following admission.

All schools agree to abide by this Protocol. The position of all schools is accepted and it is acknowledged that the relevant Admission Authority is the final arbiter on admissions. However, the Headteachers of all schools must abide by this protocol in principle as agreed by Hartlepool Admissions Forum.

## Definition of Vulnerable Pupils

The School Admissions Code 2014, states 7 minimum categories to be included 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.

The following categories are covered by the scope of this Protocol from September 2017:

- Children from the criminal justice system or Pupil Referral Units who need to be reintegrated into mainstream education.
- Children who have been out of education for two months or more.
- Children of Gypsies, Roma, Travellers, refugees and asylum seekers.
- Children who are homeless.

- Children with unsupportive family backgrounds for whom a place has not been sought.
- Children who are carers.
- Children from out of the borough with a history of serious attendance problems; to be agreed on an individual basis by the Behaviour and Attendance Partnership.

## Prioritisation System

The prioritisation system is used to identify the next school to take a Fair Access Student. The system takes into account the following:

- Number of students on roll.
- Percentage of Free School Meal students.
- Percentage of Looked After Students.
- Percentage of Students with Education Health and Care Plan.
- Percentage of Students identified as SEN Support.
- Percentage of Students with English as an additional language.
- Index of Multiple Deprivation (IMD). (See Appendix A)

The prioritisation system will be recalculated every 3 years.

**When a school admits a pupil it gains points and moves down the list. Fair Access Points are taken from the following table:**

Permanently Excluded Pupil	5
Children from the criminal justice system	5
Child who have been out of education for two months or more	3
On completion of a successful Managed Move	3
Children of Gypsies, Roma, Travellers, refugees and asylum seekers	2
Children who are homeless	2
Child from out of the borough with a history of serious attendance problems; to be agreed on an individual basis by the partnership.	2
Children with unsupportive family backgrounds for whom a place has not been sought	1
Children who are carers	1
Children with special educational needs, disabilities or medical conditions (but without a statement or Education, Health and Care Plan)	1
Discretionary based on needs identified following admission **	2

\*\* Individual cases to be discussed at the next Behaviour and Attendance meeting, points will only be added if agreed by the majority of schools.

**5 points** to be deducted from the point score when school permanently excludes a pupil once the Independent Review Panel period has expired.

## Procedure

Wherever possible, pupils will be admitted to a school using the normal admissions policies and procedures. Where this proves not to be possible, the following procedure will apply:

1. A verbal agreement is made between the Local Authority Representative and the Local Authority Admissions Team that the protocol should be applied.
2. The Local Authority Admissions Team logs the referral in the central database.
3. The Local Authority Admissions Team approaches the school ranked in first position, via email and information in relation to the transfer will be shared securely.
4. All subsequent communications (telephone, email, letter, meetings) are recorded and logged.
5. The Headteacher will arrange admission and induction without delay.
6. Once the school has admitted a pupil under the Fair Access Protocol they will awarded the relevant points.

## Exceptional Circumstances

The following should only be considered in exceptional circumstances and can only be initiated by the first ranked school once in an academic year.

1. The Headteacher indicates to the Local Authority Admissions Officer that the school is unable to meet the pupil's needs and therefore unable to admit the pupil under the ranking system.
2. The Headteacher must arrange a partnership meeting within ten school days of the Fair Access notification.
3. The Local Authority Admissions Officer and Local Authority Representative are to be invited to the partnership meeting.
4. The Headteacher will make arrangements for a minute taker to keep a record of the meeting.
5. The Headteacher will outline details of the Fair Access Pupil and request that schools within the partnership consider the application with the aim of another school agreeing to take the pupil, as they are in a position to meet the child's needs at this point in time.
6. If agreement is achieved and another school within the partnership is to offer a place under Fair Access, the admission will be formalised and induction organised. Where possible the child should be admitted by the fifth school day following the partnership meeting to minimise further delay.

7. The original school will remain in first position.
8. If admission to another school is not agreed within the partnership meeting, then the first ranked school should arrange admission and induction for the child by the fifth school day following the partnership meeting to minimise further delay.
9. If the first ranked school formally refuses to admit the child under the Fair Access Protocol the case will be referred to the Placement Panel.

## **Placement Panel**

Where it is not possible to secure voluntary agreement on the placement of a Fair Access Pupil, a Placement Panel, consisting of Headteachers and Local Authority Officers, will make the final decision on placements; any such decisions will be binding on all parties.

1. Placement Panel meets within 10 school days.
2. The Placement Panel will consist of Local Authority Officers and 3 Headteachers.
3. The Placement Panel will take careful note of any genuine reasons for concern about the admission of an individual pupil to a particular school – for example where there is a known history of serious relationship breakdown between the school and the family.
4. Schools will not be able to cite over-subscription for not admitting a pupil who is to be admitted under the terms of this Protocol unless it is in relation to infant class size prejudice.
5. Fair Access Pupils will be given priority over others on waiting lists or awaiting appeal.
6. Placement Panel considers implementation of steps 1 – 6 above and decides on the most appropriate placement for pupil.
7. For schools where the governing body is the admission authority, governing bodies are asked to agree procedures whereby the Headteacher, in consultation with the Chair of Governors, is empowered to make immediate decisions about the admission of a Fair Access pupil.
8. The decision of the Placement Panel is binding with no right of appeal.

## Appendix A

### FORMULA

#### Stage 1

% of pupils: FSM, LAC, EAL, EHCP/Statement, SEND support % added together and divided by 5 = **(A)**.

#### Stage 2

Index of Multiple Deprivation (IMD) is an overall measure of deprivation constructed by combining seven domains of deprivation such as income, employment etc. So the figures by school show the population of the school (the pupils) against where they live (their postcodes). This gives every pupil a deprivation figure and these are then averaged and this gives the school a number (%) IMD score **(B)**.

#### Stage 3

**A + B = points score and ranking**

The ranking below is based on the prioritisation system outlined above.

School	Points	Rank
High Tunstall College of Science	33.14	1
English Martyrs School & Sixth Form College	36.63	2
Manor Community Academy	46.26	3
St Hild's Church of England VA School	47.65	4
Dyke House Sports & Technology College	48.26	5