

Cabinet – 15 July 2009

Fair Access Protocol

Portfolio: Councillor R Walker, Children's Services

Service: Walsall Children's Services - Serco

Wards: All

Key decision: Yes

Forward plan: Yes

1. Summary of report

The report sets out the proposed Fair Access Protocol for Walsall schools. The current protocol has been revised to comply with the requirements of the School Admissions Code which came into force in February 2009.

2. Recommendations

That Cabinet adopts the Fair Access Protocol for implementation from 1 September 2009.

3. Background information

- 3.1 Each local authority must have a Fair Access Protocol. All schools and academies must participate in their local authorities' protocol in order to ensure that unplaced pupils, who live in the home local authority, especially the most vulnerable, are offered a place at a suitable school in the home local authority as quickly as possible.
- 3.2 A Hard to Place Protocol has been operational in Walsall since September 2005.
- 3.3 A number of revisions to the protocol (now known as the Fair Access Protocol) are necessary in order to comply with the requirements of the revised School Admissions Code which came into force on 10 February 2009. The revised Fair Access Protocol is attached to this document as **Appendix A**.

- 3.4 In the secondary sector, Walsall has set up two Inclusion Panels of secondary headteachers with schools split geographically between the north and south inclusion panels. Each inclusion panel will meet at least once during each half term and will where appropriate make a recommendation for the placement of pupils under the Fair Access Protocol to the appropriate admission authorities, all of whom will be partners under the protocol. The protocol will be administered by the Planning, Admissions and Transport team.
- 3.5 Similar arrangements for the primary sector are under development.

4. Resource considerations

- 4.1 **Financial:** There are no direct financial implications other than the cost of printing and circulating the document; these will be covered from the existing education revenue budgets.
- 4.2 **Legal:**
- 4.2.1 Walsall Council, as the local admission authority, has a statutory duty to establish a Fair Access Protocol.
- 4.2.2 The Education and Inspections Act 2006 requires local authorities to promote fair access to educational opportunity.
- 4.2.3 The proposed Fair Access Protocol complies with the School Admissions Code.
- 4.3 **Staffing:** There are no direct implications arising from this report.

5. Citizen impact

The impact of the Fair Access Protocol will be to ensure that access to education is secured quickly for pupils, including those who are most vulnerable, who have no school place but for whom a place at mainstream school or alternative provision is appropriate, and to ensure that all schools in the area admit their fair share of pupils with challenging behaviour, including pupils excluded from other schools.

6. Community safety

There are no direct implications arising from this report.

7. Environmental impact

There are no direct implications arising from this report.

8. Performance and risk management issues

8.1 Risk:

The Fair Access Protocol will minimise the period of time spent without a school place for pupils of compulsory school age.

8.2 Performance management:

The Fair Access Protocol will reduce to an absolute minimum the number of pupils without a school place at any given time and will ensure that access to appropriate educational provision is secured quickly for all pupils of compulsory school age, including those who are most vulnerable.

9. Equality implications

All schools and academies must participate in the Fair Access Protocol. The Protocol will ensure that the allocation of pupils to schools is equitable with no one school or academy being required to take a disproportionate number of challenging pupils, and undersubscribed schools will not be required to admit a greater proportion of pupils with a recent history of challenging behaviour than other schools.

10. Consultation

- 10.1 Walsall Children's Services – Serco undertook initial consultation with the Secondary Inclusion Panels and with the secondary headteachers of all Walsall schools.
- 10.2 Formal consultation with all Walsall schools, the Walsall Academy, Shelfield Community Academy, Diocesan representatives and professional associations took place in June 2009.
- 10.3 The Walsall Admission Forum was consulted at the meeting which took place on 6 July 2009 (text to be added following the meeting)
- 10.4 Consultation responses (text to be added after consultation period on 19 June 2009)

Background papers

DCSF: School Admissions Code, February 2009

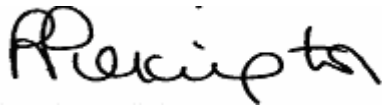
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Tony Staine



Signed:
Pauline Pilkington
Interim Executive Director

Date: 6 July 2009

Signed:
Tony Stainer
Managing Director,
Walsall Children's Services Serco
Date: 6 July 2009



Signed:
Councillor Rachel Walker
Portfolio Holder

Date: 6 July 2009

Draft Fair Access Protocol**1. Introduction**

The School Admissions Code requires each local authority to have a Fair Access Protocol. Fair Access Protocols exist to ensure that access to education is secured for pupils who have no school place but for whom a place at a mainstream school or alternative provision is appropriate, and to ensure that all schools in an area admit their fair share of pupils with challenging behaviour including pupils excluded from other schools in a timely manner. Once an admission number has been set by the admission authority, pupils should not be admitted above the published number other than following a successful appeal, in some circumstances a looked after child (LAC), if the school is named in a statement or as part of a Fair Access Protocol. The protocol applies to all mainstream primary and secondary schools including Academies.

2. Principles

- 2.1 The protocol will apply to all mainstream schools.
- 2.2 All maintained schools will participate in the protocol including foundation, voluntary aided schools, and academies. (Walsall Academy has restrictions on admitting above its admission number which have been imposed by the its funding agreement.)
- 2.3 The interests of the pupil are paramount and consideration must be given to the circumstances of the individual pupil, in terms of what is best for them, whether they are ready for mainstream schooling and, if so, which mainstream school will be best able to meet their needs.
- 2.4 Where considered appropriate under this protocol, schools will exceed their admission number within the limits specified in order to admit hard to place pupils.
- 2.5 Pupils identified for a place under the Fair Access Protocol will be given priority over those on waiting lists.
- 2.6 Other than in the case of twice permanently excluded pupils all pupils considered for placement under the Fair Access Protocol will be part of the midyear admission procedures.
- 2.7 The protocol cannot override parental preferences other than in the case of twice permanently excluded pupils. Professionals should however work with parents to support their understanding that in many cases the Fair Access Protocol will work in the best interests of their child.
- 2.8 Where possible a pupil with a religious affiliation will be placed in a school with the same affiliation. However, this should not override the pupil number limits set by paragraph 4.4 of the protocol. In faith school, a child who does not have the religious affiliation of the school will not be admitted under this protocol.

- 2.9 The allocation of pupils should be equitable with no one school or Academy being required to take a disproportionate number of challenging pupils.
- 2.10 Account must be taken of any genuine concerns about the admission, for example a serious breakdown in the relationship between the school and the family or strong views about the religious ethos of the school. The panel will not place a pupil at a school where they have previously had an unsuccessful trial basis managed move.
- 2.11 Once a school has been identified to receive a pupil under the Fair Access Protocol they must be placed on roll within 5 school days if receipt of an email from the Admissions team.
- 2.12 Schools should not refuse to admit a pupil who has been denied a place at that school at appeal, if the Protocol identifies that school as the one to admit the pupil.

3. Criteria to be used to identify pupils to be placed under the Fair Access Protocol:

Pupils may be designated hard to place and will be placed under the Fair Access Protocol if they fall into one or more of the following groups:

- 3.1 permanently excluded pupils;
- 3.2 pupils attending PRUs who need to be reintegrated back into mainstream education;
- 3.3 pupils who have been out of education for longer than one school term;
- 3.4 pupils returning from secure accommodation who are without a school place;
- 3.5 pupils moving into the borough where there is information from the previous borough to show the pupil was at a high risk of permanent exclusion;
- 3.6 year 11 pupils seeking admission to a Walsall school who cannot be easily assimilated into appropriate courses at the Walsall school preferred by their parents/carers;
- 3.7 pupils seeking admission to a Walsall school who have failed to gain a place after following all established procedures, including pupils whose parents have been unable to find them a place after moving to the area, because of a shortage of places;
- 3.8 homeless pupils;
- 3.9 pupils with unsupportive family backgrounds, where a place has not been sought;
- 3.10 pupils known to the police or other agencies;
- 3.11 pupils without a school place and with a history of serious attendance problems;
- 3.12 travelling pupils;
- 3.13 pupils who are carers;
- 3.14 pupils with special educational needs (but without a statement);
- 3.15 pupils with disabilities or medical conditions;
- 3.16 pupils of UK Service Personnel and other Crown Servants; and
- 3.17 pupils with challenging behaviour/ pupils in public care and pupils of asylum seekers and refugees will be allocated.

a place by the local authority in accordance with the preferences of their parents or carers at an appropriate school within 10 days of receipt of their application for admission.

4. Process

- 4.1 The majority of pupils identified under this protocol will be dealt with under the mid-year admission process. Schools will need to inform the Admissions team if a mid-year child qualified under a category in this protocol.
- 4.2 For secondary pupils, the Inclusion Panels, with support from appropriate officers including an officer from the Admissions Team, the Exclusion and Re-integration officer and the lead officers from Access and Entitlement, make recommendations for the placement of pupils under this protocol unless the pupil is not receiving education or is in danger of not receiving education.

In these circumstances an emergency meeting of officers and the Panel will be called within 5 working days by the Admissions team and decision will be taken at this meeting.

- 4.3 For primary pupils, officers will implement this protocol.
- 4.4 Pupils admitted under this protocol who come under 3.1, 3.2 and 3.17 will not exceed 1% of a school's PAN in any year group.
- 4.5 For a school to consider a pupil as having challenging behaviour under 3.17 of this protocol, the school must have taken into account current guidance and legislation relating to:

Education and Inspections Act 2006; and

Improving behaviour and attendance: guidance on exclusion from schools and Pupil Referral Units.

- 4.6 Pupils will be considered under 3.17 where schools can evidence officers that:
- the pupil has exceeded 15 days fixed term exclusion in any term;
 - they have implemented a range of internal/ external interventions;
 - child concern/ CAF meetings have taken place and have been reviewed regularly;
 - where a pupil is considered to have SEN and/ or mental health issues the school has made appropriate referrals to SEN and Inclusion Services;
 - parenting contracts have been implemented; and/ or
 - pupils being referred have a PSP/ IEP in place and that a minimum of two reviews have taken place.

This definition will be reviewed by officers and the Inclusion Partnerships in July 2010.

- 4.7 Pupils admitted under this protocol who come under 3.3 to 3.16 will not exceed 3%* of a school's PAN in any year group.

*If this figure results in suitable school places being unavailable the DCS, in consultation with the Cabinet member for Children's Services, will amend it.

Admission looked after children and refugees will be in addition to the 1% and 3% given above to meet legal requirements.

- 4.8 The protocol will be administered by the Planning, Admissions and Transport team.
- 4.9 The Admissions team will inform mainstream secondary schools and the Admissions Forum of the number of pupils admitted to each school each term.
- 4.10 Inclusion Panels and officers will take account of the issue of cross board and cross partnership placement ensuring that children are not kept out of schools unnecessarily.
- 4.11 Inclusion Panels will take account of all legislation governing school admissions and exclusions including the School Admissions Code, the Appeals Code and the Exclusions Code and other locally agreed protocols including the Managed Moves Protocol.

Other consideration will include parental preference, religious/ cultural affiliations, appropriateness of placements and the Fair Access Protocol of other local authorities.

Protocol written by Kate Mann - Head of Planning, Admissions and Transport (Walsall Children's Services – Serco)

Consultation with all schools, JNC and Diocesan officers – 3 June 09.

To be reviewed – July 2010