

**North East Lincolnshire Local Authority
Fair Access Protocol
(for primary schools and academies)**



Our **Fair Access Protocol (FAP)** provides the rationale by which professionals:

- Agree to a **transparent system** for ensuring that children who are hard to place in schools are placed in a timely manner which supports **NELC's commitment to vulnerable children**.
- Ensure that children who are seeking admission to schools in North East Lincolnshire, **outside the normal admissions round**, and **who may be hard to place due to their vulnerability or a history of challenging or disruptive behaviour** are placed in a **fair, equitable and open manner**.

NB: Schools in an Ofsted 'category' will not automatically be considered as appropriate to receive pupils under this protocol.

The Fair Access Protocol (FAP) will be used as the key principles for the Pupil Placement Panel (PPP – see below) when considering the allocation of places. The process will take account of, but is not driven by parental preference. Use of the FAP by the PPP is not an alternative to an appeal, which remains an entitlement in most cases. Once the FAP has been agreed by 51% (majority) of schools it will be considered to be applicable to all schools.

Where the PPP fails to allocate a place in a mainstream school the local authority will seek to place the child in appropriate educational provision.

NB: There may also be occasions when a child will be considered to be eligible for a **managed move / transfer**. Any such moves will be made with prior agreement of all parties and are therefore not required to be part of this protocol. On this basis, head teachers and principals will facilitate the movement of children for whom primary mainstream education is appropriate between their schools on an individual basis, taking account of:

- The reasons for exclusion.
- The wishes of parents.
- The needs of the wider school community.

If the child is excluded from school or at risk of being excluded and being monitored and supported by the Behaviour Support Services Team, then that team or the school should refer the case to the primary Behaviour Attendance Collaborative (BAC).

Fair Access Protocol - Key Principles:

In order for this protocol to be successful for all stakeholders:

- All admissions authorities / schools will continue to admit children who apply for a place under normal admissions arrangements in accordance with published procedures;
- All schools will take part, including those which are their own admissions authorities i.e. voluntary aided schools, trust, foundation schools and academies;
- All schools agree not to cite oversubscription at the normal point of entry as a reason for not admitting a child under this protocol. *However, if a school can demonstrate 'reasonableness' and has a compelling case in relation to evidenced capacity issues in particular year groups this will be considered as part of the Fair Access Protocol's process;*
- Hard to place children will be given priority for admission over those on a waiting list, or awaiting an appeal;

- All schools will seek to respond immediately to requests for admission so that the admission of the child is not delayed, and establish delegated operational arrangements to allow this;
- All schools will not insist on an appeal being heard or an assessment undertaken before admitting a child under this protocol;
- Children with special needs that do not have a statement will be treated the same as other applicants;
- Where there is a prior need for particular support or for reasonable adjustments to be made for a child with special educational needs or disabilities, such children will be placed quickly.

How the Fair Access Protocol will work- setting up a Pupil Placement Panel (PPP)

Normal admissions procedures will apply in most cases. If they fail to secure a school place for a child, then:

- a) If parents/carers have made no application for a school place, the Education Welfare Service should encourage that they do so and or secure a School Attendance Order;
- b) If one or more applications have been made without success, then the School Admissions Team should invoke the FAP.

The risk of a child missing education is greater than that of an inappropriate referral.

The PPP will always take account of any genuine concerns about the admission, for example:

- A previous serious breakdown in the relationship between the school and the family;
- A desire for the religious ethos of a school or a strong aversion against the religious ethos of the school;
- Impact of alternative or previous educational provision and readiness for transition into a mainstream setting;
- Previous educational past behavioural evidence including the child's exclusion record;
- Evidence of drugs or substance misuse;
- Evidence of parental support;
- Previous known experience of social mix issues and peer group perception (either from the primary phase or for previously known secondary children returning to the area); and
- The possibility of placement failure.

Where under 3:12 of the Code a governing body has expressed their wish not to admit a child on the grounds of challenging behaviour outside the normal admissions round, even though the school has places available, the PPP will require the school to evidence their decision including reference to the proportion of children in the school or year group with challenging behaviour or that have been previously excluded.

Allocation of school places:

- A Pupil Placement Panel (PPP) (see Annex 2) will be established with the aim of identifying the recipient school in individual cases.
- The clerk to the panel will collate referrals for consideration by the panel.
- Details of a child's current or most recent educational provision needs to be acquired by the School Admissions Team to determine whether a primary mainstream school placement is appropriate.
- The Pupil Placement Panel (PPP) will allocate places at schools so that, as far as possible, **each school admits an even share of pupils who have challenging behaviour or who are identified by the criteria as vulnerable pupils** whilst recognising the need to avoid unreasonable demands upon schools as far as is possible. Reminder: Schools in an Ofsted 'category' will not automatically be considered as appropriate to receive pupils under this protocol.

An allocation will be based on:

- The child's needs;
- Nearest school to home address;
- Comparative school data (NELC schools) in relation to:
 - a. Percentages already admitted to that school under the protocol.
 - b. The number of in year admissions made to a particular year group, and the profiles of those children admitted.
 - c. Individual children already attending the school who share a common and difficult history with the child to be placed.
- Information with regard to parental preference even if a placement is not subsequently offered in the school of parental choice.
- The protocol will operate on a rolling school year basis, so that the position at the end of the summer term will be taken into account when determining new allocations for the following autumn term.
- Transport will be provided in accordance with North East Lincolnshire's Home to School Transport policy related to distance (see below).

Directions:

If the admission authority for a school that has been identified as the appropriate school through this protocol to admit a 'hard to place' pupil does not do so within the timescale set by the PPP, the LA will ask the Secretary of State to intervene and direct the admission authority to admit the pupil.

Role of the Governing Body:

Governing bodies that are the admission authority for the school are recommended, once they have agreed to the FAP, to delegate the management of the process to the head teacher / principal of the school subject to regular reports to the governing body on admissions to school under the protocol. Whilst the governing body of a community or voluntary controlled school has no role to play in individual admissions to school, head teachers of those schools should report regularly to the governing body on admissions to the school under the protocol.

Provision of Transport:

Transport will be provided if a decision made by the PPP meets the criteria for free transport in accordance with the Local Authority's Home to School Transport Policy.

Role of the Parent / Carer:

The lack of parental support will not prevent the case being referred to the PPP. Although parents/carers cannot be forced to support an application, they may be advised that failure to do so may result in a Parenting Order being sought through the court.

Review:

The FAP will be reviewed on an annual basis.

Appendix 1 - General Admissions Information:

School Admissions Code:

In line with 3:9 of the School Admissions Code:

'Each local authority must have a Fair Access Protocol agreed with the majority of schools in its area to ensure that outside the normal admission rounds - unplaced children, especially the most vulnerable, are offered a place at a suitable school as quickly as possible.'

The list of children who **must** be covered by the protocol are:

- 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 who are carers;
- Children with unsupportive backgrounds for whom a place has not been sought;
- Children who are carers;
- Children with special educational needs, disabilities or medical conditions (but without a statement or education, health and care plan);

However, it is to be noted, this list is not exhaustive.

General Admission Principles:

All schools/academies within North East Lincolnshire are expected to provide education for the range of children living within the authority.

At times any school may need to consider the need to admit children:

- Who are at risk of social exclusion;
- Who have moved into the authority with an established history of disruption and/or disaffection;
- With a history of disruptive behaviour who are returning to the authority from elsewhere;
- Who have been permanently excluded.

Normal School Admission procedures:

- Most pupil admissions will be dealt with in the normal admission round as they enter Reception, Year 3 or Year 7 classes.
- Others will need a school place mid year, and are entitled to apply according to published admissions procedures.
- Where demand exceeds the availability of places the **appeal process** may be used.

Pupils with Statements of Special Educational Needs / Education, Health and Care Plans (EHCPs):

Children with a statement of special educational needs that names a school in part 4 of the statement or detailed in the Education Health Care Plan (EHCP) are required to be admitted to that school even if the school is full. Parents/carers may express a preference as to the school, which the authority will seek to comply with, without necessarily assuming responsibility for transport. The power to name a school rests with the local authority, in consultation with governors.

Looked After Children and Previously Looked After Children:

In accordance with the School Admissions Code all admission authorities must ensure that their admission arrangements give priority to looked after children and previously looked after children in their oversubscription criteria. The use of FAP will not apply to a looked after child or a previously looked after children as these children must be admitted, even if the school is full.

Appendix 2 - Background and Legislation

History - In November 2004 the DfES (now DfE) issued guidance on “hard to place pupils” with the expectation that local authorities would have agreed protocols for a fairer sharing out of these pupils among local schools so as to avoid undersubscribed schools and those in challenging circumstances receiving excessive numbers of challenging pupils. The 2007 and 2012 School Admissions Codes placed a requirement on all local authorities to produce an “in-year fair access protocol (the form of words replaces “hard to place”)” and a requirement on all schools to participate in it. This reflects the pervasive emphasis on equity in the Code. It is essential to the success of this protocol that all head teachers, principals, governing bodies and local authority officers agree its aims, principles and procedures and give it their fullest support.

The School Admissions Code - The Admissions Code details the statutory duties of maintained schools (including academies) and local authorities. Key messages about Fair Access Protocols (FAP) from the Code are:

- They should cover *all* in-year admissions whatever their cause;
- Children should spend the minimum time necessary out of school;
- *All* schools and academies must participate in the FAP;
- No school should be asked to take an excessive or unreasonable number of children who have been excluded from school;
- The contribution of all schools to the protocol is to be monitored by the Admission Forum;
- Local authorities are expected to refer disputes with governors to the Adjudicator (for voluntary aided and foundation schools) or the Secretary of State (academies, voluntary controlled or community schools)

Admissions to school - Children admitted to the Reception Year and those pupils transferring from Year 2 in an infant school to Year 3 in a junior school and from Year 6 in a junior / primary to year 7 in a secondary school do so during the normal admissions round in a process co-ordinated by the local authority. Parents can also make applications in year to transfer their child from one school to another outside of the normal admission round at any time of year. Such admissions to school are in year admissions and with these; problems can arise with particular pupils, both of primary and of secondary school age. The purpose of this FAP is to deal with applications to school outside of the normal admissions round and to focus on pupils defined as ‘hard to place’ in other words, where a placement has not been secured under normal admissions procedures.

Parental Preference - An admission authority has a duty to comply with a parental preference for a place except under specific circumstances. This duty is not relieved by having a protocol on ‘hard to place pupils’ or FAP. Where an admission authority has determined that a child will not be offered a place at a school, the parents have a right to an independent appeal. For twice excluded pupils there is no duty to comply with the preference or offer an appeal, but the duty to provide education does and the LA power of direction may still apply. This category of pupils will be included in those considered ‘hard to place’. It is not a requirement that the FAP is driven by parental preference, as this might militate against the principle of fair “turn taking”.

Waiting Lists - Information on waiting lists for North East Lincolnshire schools and how they operate can be found in the respective ‘Your New School – A Guide for Parents’ booklet. Pupils admitted to school according to this protocol will take precedence over any on a waiting list, consistent with the statutory requirement of the School Admissions Code.

Admission Appeals - Where the admission authority determines not to offer a place, the parent can appeal against the decision and the admission authority has to defend the legality of its decision.

Links to Other Provisions - The FAP is consistent with and complementary to, the DfE guidance on identifying and maintaining contact with children missing, or at risk of going missing from education. It contributes to the prevention of children falling out of the education system because they:

- Fail to start the appropriate provision and hence never enter the system;
- Cease to attend, due to exclusion or withdrawal (e.g. illegal unofficial exclusions);
- Fail to complete a transition between providers (being unable to find a new school place after moving to a new LA or moving across the borough).

The FAP is further underpinned by the Children Act 2004 and its requirements concerning the well being of children and young people, as defined in the ‘5 outcomes for children’ in the Act. Hard to place children are often already underachieving or ‘at risk’. Failure to place them in a school within a reasonable timescale makes them more vulnerable. This protocol both addresses the risk and underlines the collective responsibility of schools to these young people, their families, carers and communities.

Note: For the purpose of this protocol the designation ‘schools’ means all schools and academies.

Appendix 3 - Pupil Placement Panel

Terms of Reference:

- To determine that a child referred to the Pupil Placement Panel (PPP) is “Hard to Place” as defined by the Fair Access Protocol.
- To consider, outside of the normal admission round, the admission to school of any child of statutory school aged deemed “Hard to Place”.
- To produce an annual report on the applications made to the PPP, and the decisions made there.
- To consider appeals from nominated receiving schools.

Constitution, Quorum and Proceedings:

The core membership of the PPP shall be:

- Representatives from the local authority i.e. Head of Access Services and Head of SEN and Inclusion (non-voting members).
- Primary school representatives (voting members) nominated from the relevant geographical groups of schools. (how many) (minimum representation)
- The representation of the individual groups may be accommodated on a rolling or case need basis. It is noted that membership of the above groups may change in the future.
- The Chair of the PPP shall be one of the school representatives. The panel will be quorate when 75% voting members of the relevant group are present. The panel will meet on a casework need basis.
- The clerk to the panel will be drawn from either Access Services or the Behaviour Support Service and a record of the proceedings will be kept.
- When appropriate, other representatives may be invited to attend the panel e.g. Admissions/SSS/SEN/YOS officers, PRU staff, educational psychologists, CAMHS practitioners, social workers etc. Meetings of the panel will not be open to parents/carers.
- Cases referred to the FAP will be circulated to representatives so that they can identify if they are or are likely to become directly involved. This may then result in attendance or written representations.
- Decisions will be by consensus. Information in relation to the decision making process will be available on request to the PPP. If there is no consensus the decision will be made by the majority vote of the panel members. Any decision made by the panel will be binding to the school to which the decision refers. In the unlikely event of a dispute the Chair will negotiate with all relevant parties.
- The receiving schools will determine the appropriate support strategies, if any, relating to the placement in the receiving school. The Head of SEN and Inclusion will support this provision.
- All children placed by the panel will be placed on the roll of the receiving school within four school weeks of the panel's decision. The admission date will be reported at the meeting of the next panel.

Schools Relevant to this Protocol:

Cleethorpes	William Barcroft Junior School Queen Mary Avenue Infant and Nursery School Signhills Infants' Academy and Signhills Academy Middlethorpe Primary Academy Bursar Primary Academy St. Peters C of E Primary School Elliston Primary Academy Reynolds Primary Academy St. Joseph's Voluntary Aided Primary Academy Thrunsoe Primary Academy
Grimsby (Area 1)	Old Clee Primary Academy Weelsby Primary Academy St. Mary's Voluntary Aided Primary Academy Strand Primary Academy
Grimsby (Area 2)	Edward Heneage Primary School (Academy) Welholme Academy Lisle Marsden CE Aided Academy
Grimsby (Area 3)	Littlecoates Primary School Ormiston South Parade Macaulay Primary Academy
Grimsby (Area 4) + 1 village	Willows Primary Academy Wybers Wood Primary Academy Healing Primary Academy Great Coates Primary School Stallingborough CE Primary School
Grimsby (Area 5) + 1 village	Grange Primary School Laceby Acres Primary Academy Western Primary School Yarborough Primary Academy Woodlands Primary School Oasis Academy Nunsthorpe Stanford Junior and Infant's School
Immingham	Allerton Primary School Coomb Briggs Primary School Canon Peter Hall Church of England Primary Academy Eastfield Primary Academy
Humberston	Humberston Cloverfields Primary Academy Humberston CE Primary School
Scartho, Waltham + 1 village	Fairfield Primary Academy Scartho Infants' School Scartho Junior Academy Waltham Leas Academy Springfield Primary Academy East Ravendale CE Academy
New Waltham	New Waltham Primary Academy Enfield Academy of New Waltham