

FAIR ACCESS PROTOCOL

Annexe A: Terms of Reference
Annexe B: Flowchart
Annexe C: SPP Decision making rationale

The underlying principles of this protocol are as follows:

Introduction

The Fair Access Protocol (FAP) is intended to offer pupils a school place where they are out of school. It is not an alternative admission process to secure a school preference outside the normal admissions round or In-Year Scheme.

- Harrow's Fair Access Protocol may exceptionally require schools to admit children in excess of published admission numbers in order to protect the interests of vulnerable children and those with challenging behaviour. These pupils will be shared among Harrow schools. Pupils placed through the Protocol will take priority over children on the waiting lists.
- This protocol applies only to children living in Harrow. Confirmation of residence and that the child is in the country at the point of application when the application is being considered by the panel will be required.
- Wherever it is possible, and if specifically requested by the parent/carer, children will be allocated a school of their faith provided a Supplementary Information Form (SIF) has been submitted to the school providing relevant supporting information and where the school agrees the child meets the faith criterion. Notwithstanding the above, voluntary aided schools will be required to admit their fair share of pupils under this protocol regardless of whether a SIF is completed if the Panel deems the placement to be appropriate.
- Each case is considered under its own merits.
- There is no duty for local authorities or admission authorities to comply with parental preference when allocating places through the Fair Access Protocol.

Which children are covered?

- 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;
- g) children with special educational needs, disabilities or medical conditions (but without a statement); and
- h) Where the local authority has not been able to offer a school place within a reasonable distance from the applicant's home in accordance with the In-Year Scheme.
- j) children permanently excluded from school, who have not secured a school place through the In-Year process.
- k) Children known to Harrow Children Services with an allocated social worker with Child Protection (CP) or Children In Need (CIN) concerns who are out of school or need to be placed in an alternative school to support the CP and or CIN plan.

Which children are not covered?

The FAP 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.

Which schools are involved in this protocol?

All Harrow community, voluntary aided and academy schools.

When will the protocol apply?

Applications for school places are received throughout the year and school places will be offered in accordance with the In-Year scheme. Where the local authority is unable to offer a school place in accordance with the In-Year scheme and the pupil is out of school or has moved to a new area where the travelling time to their current school is unreasonable, these applications are considered under the Fair Access Protocol.

The Fair Access Protocol in accordance with the School Admissions Code broadly covers three groups of applications:

1. Excluded Pupils

Harrow excluded pupils will be placed at the Pupil Referral Unit and the local authority will use provision to ensure that the needs of pupils who are not ready for mainstream schooling are met. When they are ready to access mainstream schooling, excluded pupils are placed at a school using the following:

- Secondary pupils will be referred to another high school on a rota basis.

- Primary pupils will be referred to the next nearest school to their home address. A primary school will not normally be expected to take more than one excluded pupil per year group in each academic year.

2. Managed Moves Process (MMP)

The Managed Moves Process may be applied for pupils who are at risk of exclusion. Managed moves are agreed by headteachers to transfer pupils from one school to another school in exceptional circumstances deemed in the best interest of the child.

3. In-Year Applications via the School Placement Panel (SPP)

Applications where it is not possible to offer a place in accordance with the In-Year scheme are referred to the School Placement Panel (SPP). These applications are for children who are not in school and there are no vacancies at a suitable school. The SPP consider the cases and schools are identified to take additional pupils on roll.

This panel generally meets every three weeks unless there are no cases to consider.

- For secondary pupils – to offer a place because all schools in the relevant year group are full.
- For primary pupils to offer a place because there is no school with a vacancy within a reasonable distance of the home address. The School Admissions Code makes allowance for the entry of an additional child to an infant class in exceptional circumstances including children who move into the area outside the normal admissions round for whom there is no other available school within reasonable distance.
- Applications will only be considered if a child or children move into the area and are out of school, or if the family move into a new area and the child or children are already in school but their current school is over 2 miles for a child in KS1 or 3 miles for a child in KS2 measured in straight line **and** over 45 minutes travelling time to their primary school. For a child in KS3/4 if their current school is over 3 miles measured in a straight line **and** over 75 minutes travelling time. Applications where children are already in school will be assessed using the quickest travel times obtained from Transport for London (TFL) where there are no reported delays. Times will be calculated using a 8.45am start time. Reasonable distance will be determined on travel times by public transport using buses only. The only exception would be where the pupil has a disability which would make it unreasonable to travel. Where the applications are received from a family who has children in KS1 as well as KS2, the applications will be considered using the KS1 thresholds.
- Applications from parents who have elected previously to home education will be considered in accordance with the In-Year scheme unless there are exceptional circumstances supported by the Education Lead, Elective Home Education.

- Cases will only be considered by the panel once. If the offer the family are made is declined the case will not be put forward to the panel again unless there are exceptional circumstances for the case to be considered again.
- 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. In the case of an Academy that cannot agree with the local authority over admitting a child, only the Secretary of State can direct the Academy to admit the child.

When will the School Placement Panel meet?

Meetings of the School Placement Panel are scheduled in advance and are generally held every three weeks during term time. If required a meeting is held during school holidays, usually the week before term starts, so that parents can be notified of the school allocated before the start of term.

Process for determining allocation of places

Harrow resident pupils will be placed in a mainstream school, even if the year group concerned is full. When making decisions the Panel will need to be mindful of the duty on the Council that states that the “local authority must ensure that 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”.

For both primary and secondary pupils the Admissions Service will provide the Members of the SPP with the following details to inform their decision:

- The pupil’s date of birth and year group.
- The school(s) the parent has named on their application together with the number of places available, the number of children currently on roll and the number of any places offered in the relevant year group.
- 8 nearest schools, to the home address, with options to go up to 2 miles (for KS1) or 3 miles (for KS2 and above). The panel may however consider schools further away if the nearest schools already have additional pupils on roll.

The following information will be provided about each school:

- PAN’s and number of pupils on Roll
- any information provided by the schools
- the number on roll if all cases offered are admitted in the relevant year group
- Names and dates of birth and Year Group of siblings attending any of the schools identified.
- Any known special educational needs without a Statement of SEN.

- Any known religious, philosophical or other reasons for parental preference. Wherever, possible children will be allocated a school of their faith if a SIF has been provided.
- Any information provided by the school, where available.
- Evidence that the child is in the country, where available.
- The number of pupils who have been placed in a school via the Managed Moves Protocol, when applicable.
- The number of excluded pupils who have been placed in a school in that academic year, when applicable.

Once the decision has been made the Admissions Service will inform the school immediately and the parents will be informed 48 hours after schools have been informed of the panel's decision. Parents will be informed that their own admission authorities have the right to refuse to admit the child, in which case, the local authority will consider whether to pursue a formal direction process.

The 48 hours period will enable time for schools to make preparations for the child to be admitted. In the case of schools who are their own admission authorities it will also allow time for the school to inform the governing body before the Admissions Service informs the parents.

Admission authorities must not refuse to admit a child thought to be potentially disruptive, or likely to exhibit challenging behaviour, on the grounds that the child is first to be assessed for special educational needs. Where a school has referred the application to be considered under FAP, the school must provide detailed evidence that will be presented to the panel to inform their decision making.

This protocol does not require a school automatically to take another child with challenging behaviour in the place of a child excluded from the school.

Powers of Direction

Whilst it is expected that the majority of schools will comply with the decision of the School Placement Panel, in cases where a voluntary aided school refuses to admit a child, Harrow Council has the power to direct the admission authority for any maintained school in its area to admit a child even when the school is full. The local authority can only make such a direction in respect of a child in the local authority's area who has been refused entry to, or has been permanently excluded from, every suitable school within a reasonable distance. The local authority must choose a school that is a reasonable distance from the child's home and from which the child is not permanently excluded. It must not choose a sixth-form that selects by ability unless the child meets the selection requirements, or a school that would have to take measures to avoid breaking the rules on infant class sizes if those measures would prejudice the provision of efficient education or the efficient use of resources. The direction process, including a duty to consult with parents and the school, prior to making a decision on direction. If a decision to direct is made, a governing body can appeal to the Schools Adjudicator.

Where Harrow Council considers that an Academy will best meet the needs of any child, it will ask the Academy to admit that child but has no power to direct it to do so. It is expected that the local authority and the Academy will usually reach an

agreement, but if the Academy refuses to admit the child, the local authority will ask the Secretary of State to intervene. The Secretary of State has the power under an Academy's Funding Agreement to direct the Academy to admit a child, and can seek advice from the Adjudicator in reaching a decision.

Year 11 pupils whose first language is not English

Newly arrived young people resident in Harrow for whom English is not their first language will be referred for a language assessment. This assessment will include a recommendation as to the most appropriate placement, i.e. referral to a high school or placement on an appropriate ESOL course.

Monitoring

The Admissions Service will provide regular updates and an annual report on the placement of pupils through the Fair Access Protocol to the Corporate Director and the School Organisation Officer Group.

Fair Access Protocol
School Placement Panel
Terms of Reference

1. Context

The Fair Access Protocol (FAP) is intended to offer pupils a school place where they are out of school. It is not an alternative admission process to secure a school preference outside the normal admissions round or In-Year Scheme. Harrow's Fair Access Protocol may exceptionally require schools to admit children in excess of published admission numbers in order to protect the interests of vulnerable children and those with challenging behaviour. The School Placement Panel undertakes this role for the local authority in partnership with the Primary and Secondary Headteacher Executives. A flow chart is presented at Annexe B.

2. Purpose

The purpose of the School Placement Panel (SPP) is to consider cases presented in accordance with the Fair Access Protocol.

The SPP is a decision-making body to place children without a school place at a school over the published admission number.

Excluded Pupils and the Managed Moves Process are not considered by the SPP.

3. Scope

SPP consider In-Year Applications.

4. Composition of the School Placement Panel

The Panel will be comprised of the following members:

- (a) 1 primary headteacher representative
- (b) 1 secondary headteacher representative
- (c) 1 VA headteacher representative

Two Admissions Officers will attend the meeting, a presenting officer and an administrator to record the decisions.

5. Meetings and Attendees

- (a) The chair will be decided by the headteacher representatives.
- (b) Each member has formal voting rights when making a decision to identify a school to admit a child.
- (c) The chair has the casting vote.
- (d) The Panel will generally meet on a three weekly basis during term time. Meetings during school holidays may be required in exceptional circumstances.

An Admissions officer will present the case and panel will be provided with the following information:

- The pupil's date of birth and year group.
 - The school(s) the parent has named on their application together with the number of places available, the number of children currently on roll and the number of any places offered in the relevant year group.
 - 8 nearest schools, to the home address, with options to go up to 2 miles (for KS1) or 3 miles (for KS2 and above). The panel may however consider schools further away if the nearest schools already have additional pupils on roll.
- The following information will be provided about each school:
- PAN's and number of pupils on Roll
 - any information provided by the schools
 - the number on roll if all cases offered are admitted in the relevant year group
- Names and dates of birth and Year Group of siblings attending any of the schools identified.
 - Any known special educational needs without a Statement of SEN.
 - Any known religious, philosophical or other reasons for parental preference. Wherever, possible children will be allocated a school of their faith if a SIF has been provided.
 - Any information provided by the school, where available.
 - Evidence that the child is in the country, where available.
 - The number of pupils who have been placed in a school via the Managed Moves Protocol, when applicable.
 - The number of excluded pupils who have been placed in a school in that academic year, when applicable.

The Panel's decision will be recorded with a supporting rationale by the Admissions Officers. The Corporate Director People Services will be informed of the Panel's decisions. The decisions will be recorded in line with the rationales set out in Annexe C.

FAIR ACCESS PROTOCOL – SCHOOL PLACEMENT PANEL FLOW CHART

In- Year Application received

Child not in school - No place available at preferred or alternative school within 2/3 miles of their home address and child is not in a school within a reasonable distance from their home.

Child moves to new area and is in school – check distance to their current school 2 miles for a child in KS1 and 3 miles for a child in KS2/3/4 **and** where travel times are in excess of 45 minutes for primary and 75 minutes for secondary and where no alternative offer can be made in accordance with In-Year scheme.

Notification sent to schools a week before the SPP meeting listing the number of cases that will be considered and with year groups. Schools will be invited to send in letters to be presented to the panel. Admission Service reserves the right to submit late cases to the panel in exceptional circumstances or with safeguarding reasons. The panel will decide if late cases tabled at the meeting will be considered.

SPP MEETING

SPP meet and make a decision/recommendation based on information provided:

- The pupil's date of birth and year group.
- The school(s) the parent has named on their application together with the number of places available, the number of children currently on roll and the number of any places offered in the relevant year group.
- 8 nearest schools, to the home address, with options to go up to 2 miles (for KS1) or 3 miles (for KS2 and above). The panel may however consider schools further away if the nearest schools already have additional pupils on roll.

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- Any information provided by the school, where available.
- Evidence that the child is in the country, where available.
- The number of pupils who have been placed in a school via the Managed Moves Protocol, when applicable.
- The number of excluded pupils who have been placed in a school in that academic year, when applicable.

Admissions Officer records decision and rationale in line with Annexe C.

School Admissions Team update local admissions system and send a report to individual schools where a decision by the Panel has been made on the same day as panel meeting.

The 48 hours period will enable time for schools to make preparations for the child to be admitted. It will also allow time for schools that are their own admissions authority to notify the governors of the decision.

Send a letter to parents confirming the decision of the panel – 48 hours after the schools have been sent the lists.

Admissions to inform Corporate Director People Services the outcome of Panel decision/recommendations

If an own admission authority school disagrees with the decision of the panel the LA will consider whether to formally consult and follow the direction route (voluntary aided schools) or to request that the Secretary of State makes a direction (academies).

SPP Decision Making Rationale

All decisions by the SPP have an overarching rationale which is the need to balance and share the burden across all schools when all year groups are full at schools within a reasonable distance from the pupils' home address.

The rationales for decisions by the SPP are as follows:

1. All schools are considered and when all schools are full at Published Admissions Number, distance is considered and a place is offered at the nearest school.
2. All schools are considered and when all schools are equally over PAN, distance is considered and a place is offered at the nearest school.
3. All schools are considered and the school offered was not as over numbers in the year group as the other local schools, taking into account of distance.
4. Where siblings have to be placed, the school that could best accommodate all the children in the relevant year groups, taking into consideration schools within a reasonable distance from the pupil's home.
5. Medical or social need which means that the pupil needs to be placed at a particular school.
6. All local schools are full and over numbers and parents have expressed a preference for a school which is further away than the 8 nearest schools, and which is not as over PAN as the other local schools.
7. Other reason - Panel will need to define.

PART G

HARROW'S RELEVANT AREA

The 'relevant area' is defined as the administrative area of the London Borough of Harrow.

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