

Calderdale Fair Access Protocol for Primary School Admissions

Introduction

This Protocol outlines the process by which admission to an appropriate educational setting will be secured for children with challenging behaviour or who are hard to place (as defined within the School Admissions Code and reflected within this protocol).

It sets out the processes to be followed before any pupil may be considered for admission under this Protocol.

This Protocol, when invoked, will replace all that preceded it.

'The FAP is a mechanism developed by the local authority in partnership with all schools in their area. Its aim is to ensure that vulnerable children, and those who are having difficulty in securing a school place in-year, are allocated a school place as quickly as possible.'

(Fair Access Protocols, Guidance for school leaders, admission authorities and local authorities, July 2021)

'3.15 The Protocol must be consulted upon and developed in partnership with all schools in its area. Once the Protocol has been agreed by the majority of schools in its area, all admission authorities must participate in it. Participation includes making available a representative who is authorised to participate in discussions, make decisions on placing children via the Protocol, and admitting pupils when asked to do so in accordance with the Protocol, even when the school is full. Local authorities must provide admission authorities with reasonable notice and information as to how and when discussions around the placement of children via the Protocol will take place.'

(School Admissions Code, September 2021)

Contents

Introduction.....	5
1. Purpose and Objectives.....	7
1.1. Fair Access Panel Objectives.....	7
1.2. Purposes of the Protocol.....	7
1.3. Monitoring and reviewing the Protocol.....	7
2. Membership of the Fair Access Panel	7
2.1. Composition of the Fair Access Panel.....	7
3. Fair Access Panel, Role and Functions	8
3.1. Role of the Fair Access Panel	8
4. Process.....	9
4.4. Timelines:.....	9
5. Decision Making and Advice.....	9
5.1. Principals of reaching agreement.....	9
5.2. Pupils that may be considered under Fair Access.....	10
5.3. Children who have been Permanently Excluded	11
5.4. Children for whom mainstream education is not yet possible.....	12
6. Reviewing the Protocol.....	12
6.1. Amendments	12
6.2. Monitoring the effectiveness of the Protocol.....	12
6.3. Full Review.....	12
7. Officers	12
7.1. Local Authority Officers	12

1. Purpose and Objectives

1.1. Fair Access Panel Objectives

- 1.1.1. To ensure that unplaced and vulnerable children, and those who are having difficulty in securing a place in-year, are allocated a school place as quickly as possible.
- 1.1.2. To ensure that no one school is asked to take a disproportionate number of children who have been permanently excluded from other schools, who display challenging behaviour, or who are placed via the Protocol.
- 1.1.3. The Panel will exercise its role in accordance with this protocol.

1.2. Purposes of the Protocol

- 1.2.1. To clearly set out the membership and the role and functions of the FAP and its individual members;
- 1.2.2. To set out how the FAP will operate, how and when decisions will be taken and the procedures to be followed;
- 1.2.3. To provide a framework under which the business of the FAP can be carried out most effectively.

1.3. Monitoring and reviewing the Protocol

- 1.3.1. Amendments to the Protocol will be agreed by the membership and will take effect once ratified by a majority vote of the membership.
- 1.3.2. Consultation with all Schools will be required prior to adoption.
- 1.3.3. This Protocol was agreed and adopted following consultation on 29th November 2021.

2. Membership of the Fair Access Panel

2.1. Composition of the Fair Access Panel

- 2.1.1. The membership of the FAP will consist of:
 - i. The headteacher or representative from each primary school located within a reasonable distance from the relevant child's home address;
 - ii. Local Authority Officers (as appropriate) from:

- Admissions;
 - Education Welfare;
 - Looked After Children's Team
 - Exclusions;
 - Special Educational Needs Team
- iii. Non attendance by a school to a Fair Access Panel meeting will not invalidate any decisions made by those in attendance.
- iv. Where the Fair Access Protocol is invoked, decisions made by the Fair Access Panel are binding on all parties.

3. Fair Access Panel, Role and Functions

3.1. Role of the Fair Access Panel

- 3.1.1. The role of the FAP is to reach decisions around the application of the Fair Access Protocol. The objective is to quickly facilitate the admission of vulnerable children into appropriate school provision.
- 3.1.2. All admission authorities must participate in the Fair Access Protocol, this includes making available a representative who is authorised to participate in discussions, make decisions on placing children and admit pupils when asked to do so in accordance with the Protocol, even when the school is full.

4. Process

- 4.1. *Referral to the Fair Access Protocol : Upon receipt of an in-year application, an admission authority must not refuse to admit the child to a school on the basis that they would be, or they believe they would be, eligible to be placed via the FAP. The application must be processed in accordance with the usual in-year admissions process. (Fair Access Protocols, Guidance for school leaders, admission authorities and local authorities, August 2021)*
- 4.2. All applications will have been considered by the school for which a preference has been submitted prior to any referral to the Fair Access Panel.
- 4.3. When a school declines to admit but considers that a pupil meets one of the criteria specified under Fair Access then the school requested must refer that application to the Fair Access Panel for consideration stating which of the criteria they consider apply and provide detail of what consideration they have given to that application and their reason for not admitting outside of the Fair Access Process.
- 4.4. Timelines:
 - 4.4.1. Application submitted – school to notify if place can be offered and parent to be notified by Authority within 15 school days maximum – should aim for 10 school days.
 - 4.4.2. If refusing to offer a place but an application meets the criteria for consideration under Fair Access, then school should refer the matter to the Fair Access Panel for consideration as soon as possible but by no later than 15 school days (ensuring detail outlined in paragraph 4.3 is included).
 - 4.4.3. Where it has been agreed that a child will be considered under the Fair Access Protocol, the place must be allocated for that child within 20 school days. Once allocated, arrangements must be made for the child to start at the school as soon as possible.

5. Decision Making and Advice

- 5.1. Principals of reaching agreement
 - 5.1.1. The Fair Access Protocol may only be used where pupils have been unable to secure a place through the usual in-year procedures.
 - 5.1.2. For children considered under the Fair Access Protocol:
 - i. Schools will continue to admit pupils who apply for an available place under normal admission arrangements;

- ii. due consideration will be given to each child's individual circumstances and needs and the capacity of the school to meet those needs;
- iii. schools will not say that they are full if they are asked to admit a pupil under the Protocol and such pupils will be given priority for admission over any others on a waiting list or awaiting an appeal. The capacity of the school and impact of previous admissions will be taken into consideration;
- iv. monitoring will be undertaken by the Local Authority and reported annually.

5.1.3. In determining the most suitable school, the FAP will take into account the following factors:

- i. Parental preference;
- ii. The circumstances of the pupil, including any particular needs they may have;
- iii. The number and proportion of pupils already admitted through the protocol;
- iv. The number and proportion of pupils already admitted who have been permanently excluded from other schools.

5.2. Pupils that may be considered under Fair Access

5.2.1. The School Admissions Code sets out the groups of pupils who may be considered under the Protocol. These are listed below:

- i. Children either subject to a Child in Need Plan or a Child Protection Plan or having had a Child in Need Plan or a child Protection Plan within 12 months at the point of being referred to the Protocol;
- ii. children living in a refuge or in other Relevant Accommodation at the point of being referred to the Protocol;
- iii. children from the criminal justice system;
- iv. children in alternative provision who need to be reintegrated into mainstream education or who have been permanently excluded but are deemed suitable for mainstream education;
- v. children with special educational needs (but without an Education, Health and Care plan), disabilities or medical conditions;

- vi. children who are carers;
- vii. children who are homeless;
- viii. children in formal kinship care arrangements;
- ix. children of, or who are, Gypsies, Roma, Travellers, refugees, and asylum seekers;
- x. children who have been refused a school place on the grounds of their challenging behaviour and referred to the Protocol in accordance with paragraph 3.10 of the School Admissions Code 2021;
- xi. children for whom a place has not been sought due to exceptional circumstances;
- xii. children who have been out of education for four or more weeks where it can be demonstrated that there are no places available at any school within a reasonable distance of their home. This does not include circumstances where a suitable place has been offered to a child and this has not been accepted; and
- xiii. previously looked after children for whom the local authority has been unable to promptly secure a school place.

5.3. Children who have been Permanently Excluded

- 5.3.1. Children who have been permanently excluded have 25 days to appeal against exclusion. Where an appeal against exclusion is upheld then the pupil will return to their existing school or may request an in-year transfer. An in-year request would not be considered as fair access in this scenario, unless other criteria outlined within this protocol applied.
- 5.3.2. Alternative provision will be offered to permanently excluded pupils. The Local Authority will determine the appropriate provision and period for which that provision will be provided.
- 5.3.3. Reintegration into mainstream provision will be negotiated between the Local Authority and an appropriate school where such pupils are considered suitable for mainstream education. These offers will be considered and recorded as Fair Access.

5.4. Children for whom mainstream education is not yet possible.

5.4.1. Where a Fair Access Panel considers that a child is not yet ready for mainstream provision, based on the information provided, they will allocate a school roll and consider which alternative provisions are best able to enhance the pupil's readiness to learn and enable their reintegration into a mainstream setting as soon as practicable and appropriate. The allocated school is responsible for securing appropriate full-time educational provision for the child.

6. Reviewing the Protocol

6.1. Amendments

6.1.1. Minor technical changes to the Protocol may be agreed by a majority vote of the membership.

6.1.2. Significant and material changes must be made with the approval of the majority of schools following consultation.

6.2. Monitoring the effectiveness of the Protocol

6.2.1. A running total of admissions made through the protocol should be available to panels when considering new requests.

6.2.2. A summary of admissions made throughout the previous academic year will be made available at the start of the new school year.

6.3. Full Review

6.3.1. *3.22 In the event that the majority of schools in an area can no longer support the principles and approach of their local Fair Access Protocol, they should initiate a review with the Local Authority. There should be a clear process for how such a review can be initiated within each Fair Access Protocol. The existing Fair Access Protocol will remain binding on all schools in the local area until the point at which a new one is adopted. (School Admissions Code)*

6.3.2. A full review will be carried out if the Local Authority receives a request from CPHA where there has been a majority vote reflecting the scenario in paragraph 6.3.1 above.

7. Officers

7.1. Local Authority Officers

7.1.1. Local Authority Officers will:

i. Arrange and communicate dates for meetings;

- ii. publish an agenda;
- iii. distribute and make available documentation supporting the agenda;
- iv. record the minutes of meetings; and
- v. publish and distribute the minutes of the meeting.