



HILLINGDON

LONDON

Fair Access Protocol 2020

1. Background & Context

As set out in the School Admissions Code, all local authorities must have a Fair Access Protocol (FAP). The Protocol covers children of compulsory school age as set out below. The operation of Fair Access Protocols is outside of the arrangements of coordination and is triggered when a parent of an eligible child has not secured a place under in-year admission arrangements. It must be agreed by (all/the vast majority of) schools and applies to all admissions authorities in Hillingdon, including Voluntary Aided, Academies, Foundation and Free Schools.

2. Aims of the Protocol

- To ensure that access to education is secured quickly for children who have no school place but for whom a place at a mainstream school is appropriate.
- To ensure that no school in an area is asked to admit more than their fair share of children with challenging behaviour, including children excluded from other schools.
- To support the safeguarding of children and young people by ensuring that they are accessing education.

3. Requirements of In-Year Fair Access Protocols (as set out in the School Admissions Code)

3.1 General

- As set out in Section 3.9, all local authorities must have a Fair Access Protocol.
- The protocol is to ensure that, outside the normal admissions rounds, unplaced children, especially the most vulnerable, are allocated a school place as quickly as possible.
- All admissions authorities must participate in the Fair Access Protocol.
- There is no duty for local authorities or admission authorities to comply with parental preference when allocating places through the Protocol.
- The list of children included in the Protocol includes as the minimum those mentioned in Section 3.15

- Any school that has been categorised as special measures by OFSTED will not be expected to take a pupil under the FAP, for the duration of that academic year only.

3.2 Pupils with Challenging Behaviour

- 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.
- The protocol must include how the local authority will use provision to ensure that pupils whose needs cannot be met by mainstream schools will receive their educational entitlement.
- A Protocol must not require a school automatically to take another child with challenging behaviour in place of a child excluded from school
- Where a governing body does not wish to admit a child with challenging behaviour outside the normal admission round, even though places are available, it must refer the case to the local authority for action under the Protocol. This will normally only be appropriate where the school has a particularly high proportion of children with challenging behaviour or previously excluded children. The use of this provision will depend on local circumstances and must be described in the Protocol.

The Admissions Code also states that:

- Admission authorities must not refuse to admit children on the basis of their poor behaviour elsewhere. Where a child has been permanently excluded from two or more schools (but subject to some exceptions, such as children with a statement of special educational needs), there is no need for an admission authority to comply with parental preference for a period of two years from the last exclusion.
- 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.

4. Children covered under the Fair Access Protocol

4.1 The Protocol applies to the following children of statutory school age, who are living in Hillingdon (with the exception of UK service personnel as covered by Section 2.18 of the School Admissions Code) and who have difficulty securing a school place:

When this occurs, the placement of the pupil will be considered by either the Fair Access Panel or Managed Move & Inclusion Panel as follows:

- Children from the criminal justice system or Pupil Referral Units who need to be reintegrated into mainstream education;

- Children who have not been able to secure a school place (or alternative education provision if appropriate) within five school weeks of the date of application and who are out of education.
- Children who have been out of education for two months or more (a);
- Children who are carers
- Children with special educational needs, disabilities or medical conditions (but without a Education, Health and Care Plan)
- Children with unsupportive family backgrounds, where a place has not been sought
- Homeless children
- Children of Gypsies, Roma, Travellers, refugees and asylum seekers
- Children known to the police or other agencies;
- Children without a school place and with a history of serious attendance problems;
- Year 11 pupils seeking admission to a Hillingdon school, Federation or Academy who cannot be easily assimilated into appropriate courses.
- Children who are electively home educated where home education is judged to have failed in the view of the Local Authority; since coming off a schools roll will be placed back at previous school (where feasible, depending on location and phase and in accordance with 7.6).

4.2 Children not covered by the Protocol

The protocol does not apply to;

- Children already on roll at a school and seeking transfer to another school.
- children who have been offered a school place within a reasonable distance, even if the offer is not for a preference school;

5. Children with Challenging Behaviour

5.1 Definition of “Challenging Behaviour”

A child with challenging behaviour is one at significant risk of permanent exclusion or, if not currently in school, was at significant risk of permanent exclusion in their previous school.

If the child has previously attended a Hillingdon school, schools must demonstrate evidence of assessment and support for the child (e.g. educational psychologist assessment, individual education plan, parent support programme).

It is recognised that a proportion of pupils seeking places may not previously have attended a UK school and that there may need to be some flexibility in relation to evidencing challenging behaviour.

5.2 How proportionality will be established

The local authority will log and track input and output data of pupils with challenging behaviour admitted under the Protocol. The proportion of such Hillingdon Fair Access Protocol 2020

children admitted to each school under the Protocol will be calculated as follows:

- The absolute number of children with challenging behaviour already admitted under the Protocol in that school year into that year group will be calculated and recorded

This record will be available at each Panel meeting and used to help decide where to place children by comparing numbers admitted to other schools in the local area.

Placements will be subject to the need to ensure that children are offered places within a reasonable travelling distance of their home.

5.3 Refusal of a Governing Body to Admit

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 will need to demonstrate that it has a particularly high proportion of children with challenging behaviour or previously excluded children compared with other schools in their area.

5.4 Pupils who are not ready for mainstream schooling

In Hillingdon, this will be met by assessing the child's needs and building an appropriate alternative provision programme through The Skills Hub. This provision may include all or elements of provision such as Pupil Support Team, virtual education, college placements, vocational centres, work experience opportunities and independent provision when appropriate.

6. Identifying cases falling under the Fair Access Protocol

All in year applications will be processed by the School Placement and Admissions team. If a place cannot be found for an "eligible" child (see paragraph 4), the School Placement and Admissions team will refer the child to the Fair Access and Placement Officer who will collate case notes and present the child at the next available Fair Access Panel.

If an admissions authority has failed to respond within 20 school days regarding whether or not a place can be offered, every effort will be made to expedite matters with the school(s) concerned but the lack of response will not delay the referral of the case to the panel.

All Secondary Schools have been asked to provide the School Placement and Admissions team vacancy numbers for each of their year groups prior to every Fair Access Panel meeting. A spreadsheet template has been circulated to each secondary school including the dates prior to each meeting it needs to be completed and returned to us by.

Parents have the right of appeal against refusal to offer a place by an admissions authority. But if a parent chooses not to appeal to an admissions authority, this alone does not make them ineligible for referral to the Fair Access Panel.

7. Fair Access Panel

7.1 The Role of the Panel

The local authority will establish a Fair Access Panel to oversee all Fair Access arrangements and monitor the effectiveness of the Protocol. The role of the Panel is to:

- Ensure the Panel is operating in accordance with the School Admissions Code.
- Ensure the aims of the Fair Access Protocol are delivered.
- Determine the school to be asked to admit a child in all categories of pupils covered by the Protocol.

7.2 Constitution

The Panel will be made up of:

- Four local authority officers nominated by the Chief Education Officer
- Two Hillingdon secondary head teachers
- Two Hillingdon primary head teachers

At its first meeting of the academic year, the Panel will elect a Chairman and Vice-Chairman. The local authority will make arrangements for the meetings.

Other persons may attend the meeting for the purpose of providing information to the panel.

For meetings to be valid, at least four members shall be present.

Meetings shall be conducted in accordance with the Councils Code of Conduct. The panel shall meet at least monthly (except during May and August)

7.3 Decisions of the Panel

The Panel shall determine the school to be asked to admit the child or, if a mainstream school place is not deemed appropriate, will make recommendations for referral for alternative provision.

The Fair Access Panel will consider the following information when placing pupils:

- An equal distribution by number to each school (as far as possible over the course of the year, and recognising new schools will not have all year groups)
- The school is within 2 miles walking distance (if below the age of 8). As a general guide, transport arrangements should not require a child to make several changes on public transport resulting in an unreasonably long journey time. Best practice suggests that the maximum each way length of journey for a child of primary school age to be 45 minutes and

for secondary school age 75 minutes, but these should be regarded as the maximum.

The following information will also be considered in relation to Secondary Schools, before every Fair Access Panel meeting:

- Current on roll numbers for all year groups, including any vacancies.
- The number of mid-year admissions that have started at the school since the start of the academic year - broken down by year group.
- Any additional submitted information schools would like the Fair Access Panel/Local Authority to be aware of.

Therefore, it is a school's responsibility to provide monthly updated information to the Fair Access and School Placements Officer.

The Panel when allocating placements will be considerate of any school that has admitted over 2% of their Published Admission Number in that particular year group. The purpose of collecting data on new starters was to consider the impact schools are experiencing on resources when integrating pupils mid-year.

When considering children with Challenging Behaviours, in addition to allocating places proportionally, the Panel will also consider;

- The circumstances of each case and whether the pupil's needs can be met by mainstream schooling;
- If not, the Panel will refer the pupil to The Skills Hub who will assess the pupil's needs and build an appropriate individual programme as required.
- The Panel will be aware of the support available for commissioning or referral but will not make recommendations for the support to be provided to the school and reintegration plan (if applicable). It is for individual schools to access support services as they see fit. The parent would be advised of the proposed provision.

Panel decisions will be communicated to the schools securely electronically by the Fair Access and Placements Officer within two days of the Panel meeting being held. Offer letters will be set to the parents within a week of the Panel.

7.4 Pupils Seeking Places in Year 11

The general expectation is that mainstream education will be inclusive and that pupils with a wide range of needs will be able to access a mainstream school place. However, in recognition of the greater challenges for pupils in Year 11 who are seeking a new school in accessing existing courses where they are nearing post-compulsory school age, these pupils will be offered a place at our Interim Provision where they will complete a cognitive assessment. If a school place is required the case will then be treated as a

Fair Access case and referred to the Fair Access Panel (Pupils must attend the provision to be taken to the Fair Access Panel unless reasonable grounds are stated and accepted by the panel)

7.5 Infant Class Limit

Under the School Admissions (Infant Class Size) Regulations 2012, infant classes must not contain more than 30 pupils with a single school teacher but additional children can be admitted under limited circumstances. Such children will be “excepted pupils” for the time they are in an infant class or until the class numbers fall back below 30. Excepted pupils now include children who were not living in the area at the time that the majority of pupils were admitted to the school and for whom there is no other available school within reasonable distance.

The Protocol will be activated when it has not been possible to offer a Hillingdon resident infant aged child a school place within two miles of their home address or a Hillingdon resident junior aged child a school place within three miles of their home address and the child is an 'excepted pupil' for the purpose of the School Admissions (Infant Class Sizes Regulations) or is a junior aged pupil. It will not apply to Nursery aged children.

7.6 Process

Children will be placed over number in the nearest suitable school to their home address, subject to the following:

1. That the following over admission limits have/will not be breached.

PAN	Over-admission limit
30-59	2
60-89	4
90-119	6
120 & above	8

2. Siblings living at the same address to be offered places in the same school (including linked infant & junior schools where appropriate).

3. Where possible, pupils will be placed in a school of their parents' religious affiliation. However, this will not override the Protocol and it may be necessary to offer places in other schools or to offer a place to a pupil whose parents do not have the religious affiliation of the school concerned.

4. In placing pupils, where the above limits have not yet been reached, account will be taken of the number of pupils already admitted over number during the same school year.

7.7 Admission to School

Admission to identified provision is expected within two school weeks from the date of the letter from the Fair Access and Placements Officer to the school.

7.8 Escalation Routes where a school has declined to admit a pupil referred to it under the Fair Access Protocol

Given that the Fair Access Panel will have considered the application and the school's circumstances in accordance with an agreed Protocol, it is expected that the school will admit.

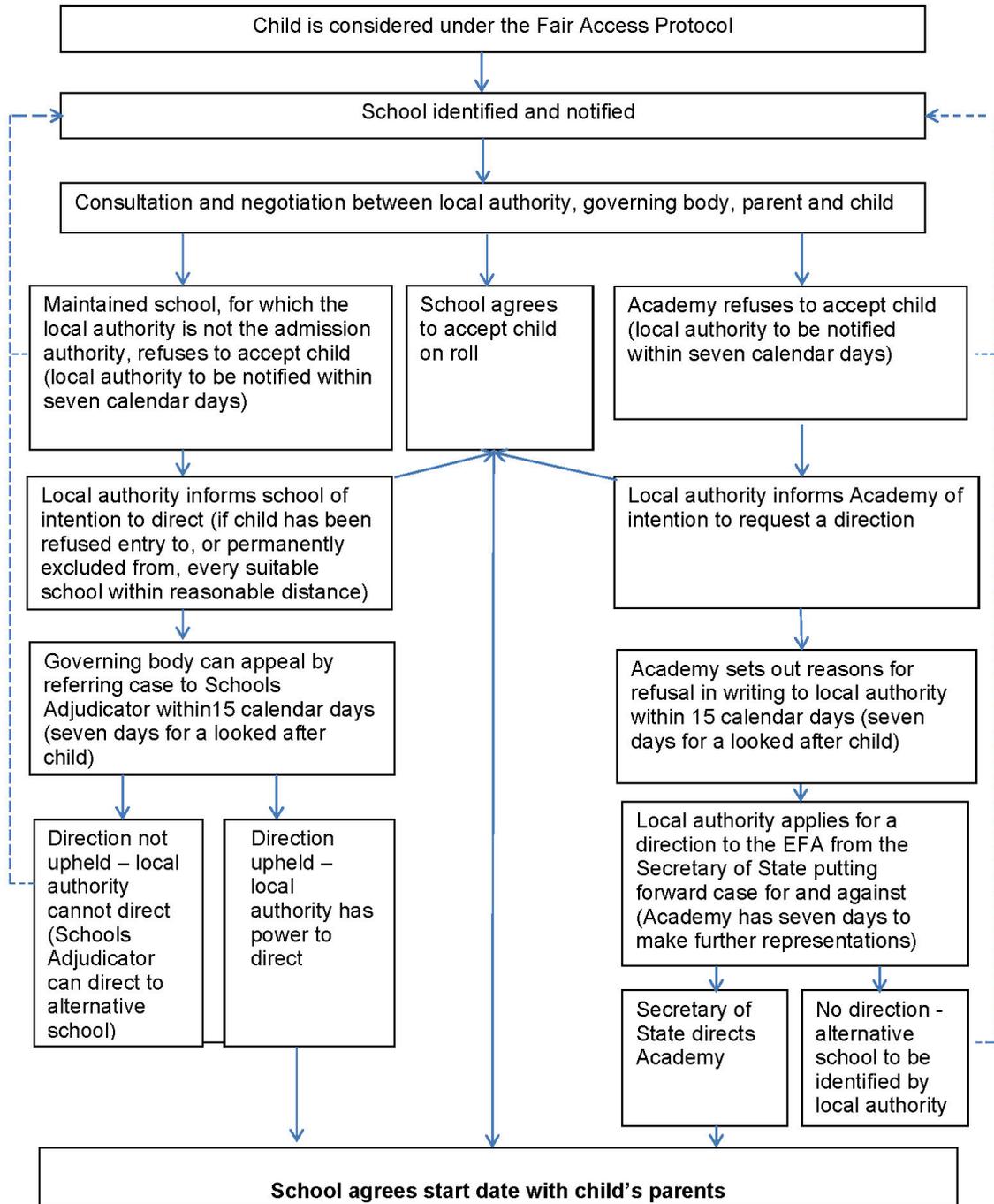
If a school declines to admit, it must provide its reasons in writing to the Chief Education Officer within 5 school days. The Chief Education Officer will consider the case put forward by the school. The Chief Education Officer will consult Panel members and if it is felt that there are insufficient grounds for refusing admission, the school will be informed that the local authority will consider the use of escalation routes to resolve the matter, see below. Escalation routes may also be activated if the school fails to respond to a request for admission under the Protocol.

The statutory processes or direction or referral to Secretary of State are as follows:

- Voluntary Aided & Foundation schools – direction to admit under section 96 of the School Standards and Framework Act 1998.
- Academies – referral to Secretary of State.

The above processes do not apply to community schools as the governing bodies of these schools are required by law to implement any decision relating to the admission of pupils to the school which is taken by or on behalf of the admission authority i.e. the LA.

Directions flow chart (overview of process)



* Note: A community or voluntary controlled school cannot refuse to admit a pupil if requested by its own admissions authority.

7.9 Interim Education Arrangements

As soon as it becomes clear that a child has been or is likely to remain without a school place or access to alternative provision for eight weeks or more, provision of interim education (e.g. tuition) will be made.

8. Monitoring Arrangements

Statistics will be maintained of the numbers and categories of children admitted under the Fair Access Protocol and the schools and alternative provision to which they have been admitted.

The Fair Access Panel will monitor placements made under the Protocol to ensure that this is in accordance with the Protocol aims and the School Admissions Code.

An annual report will be made to all head teachers providing statistical information on Fair Access admissions. This will be circulated with the minutes of the first September Fair Access Panel meeting.

The effectiveness of the Fair Access Protocol and the number of children admitted under it will also be included as part of the annual local authority report on admissions arrangements.

The Fair Access Protocol has been subject to consultation with all primary and secondary head teachers. It will be reviewed on an annual basis in line with the annual admission arrangements.