

<b>TITLE</b>	<b>Proposed revision of the Fair Access Protocol</b>
<b>FOR CONSIDERATION BY</b>	Admissions Forum on 13 February 2013
<b>REPORT PREPARED BY</b>	<b>Sue Riddick</b>

**SUMMARY**

The council has agreed a Fair Access Protocol including:

- Managed transfers and reintegration of pupils in secondary schools
- Managed transfers and reintegration of pupils in primary schools
- Placement of vulnerable pupils

The existing protocol take into account the categories of children of compulsory school age who have difficulty in securing a school place as defined by the School Admissions Code. However it is considered timely to revise the protocol to reflect the School Admissions Code and guidance received from the Department for Education.

**RECOMMENDATIONS**

That the Forum considers the proposed protocol for managed transfers and reintegration of pupils in secondary school and comment on what the Forum would wish to see in revised protocol for the placement of vulnerable pupils and for managed transfers and reintegration of pupils in primary school.

**SUPPORTING INFORMATION**

The operation of Fair Access Protocols is outside the arrangements of co-ordination and is triggered when a parent of an eligible child has not secured a school place under in-year admission procedures.

Work has been undertaken with secondary schools to revise the managed transfers and reintegration of pupils in secondary schools. It is proposed to work with schools to revise the placement of vulnerable pupils later this term with a view to consulting with all schools in the early part of the summer term on the proposed Fair Access Protocol. Once agreed with the majority of schools, the revised protocol will apply across the borough and it is proposed to amend the in-year application form to ensure that appropriate information is provided to enable the protocol to be applied.

The revised protocol will also align with the overall policy for referral or admission to Foundry College.

**List of Background Papers**

**School Admissions Code**

**Proposed protocol for managed transfers and reintegration of pupils in secondary school**

**DfE guidance on the operation of Fair Access Protocols**

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<b>Date</b>	7 February 2013	<b>Version No.</b>	1

# **SECONDARY SCHOOL PROTOCOL FOR MANAGED TRANSFERS AND REINTEGRATION OF PERMANENTLY EXCLUDED PUPILS**

## **Introduction**

This protocol applies to all maintained schools and Academies, excluding Special Schools, which have signed up to this protocol.

This protocol covers both the placement of pupils at risk of permanent exclusion, where a 'managed transfer' is considered possible, as well as the re-integration of permanently excluded pupils back into mainstream schooling. The Panel overseeing this process will be represented by all schools and will meet at least every half term to consider potential placements for pupils. It will make recommendations and will allocate funding for support where available and appropriate. Representatives from other agencies may also be invited to attend the Panel as required, for example, social workers in the case of Looked After Children.

## **Principles for Managed Transfers and Re-integration**

- Pupils accepted under this protocol will be included as part of Wokingham Borough Council's Fair Access Protocol and maybe admitted even when the school year is full.
- The Local Authority will ensure that no school should be required to admit an unreasonable number of pupils who have been excluded from elsewhere, ('unreasonable' being not always related to absolute numbers, but may be relative to the challenges and demands of a particular year group, for instance.)
- Schools will be expected to admit pupils at the latest at the start of the half term following the Panel decision.
- A managed transfer request will normally be initiated by the pupil's current school. Pupils being put forward to the Panel for consideration must have evidence provided from the current school to support the need for alternative placement, ('Pupil Passport').
- It must be demonstrated that other support strategies have been exhausted and the Common Assessment Framework (CAF), when appropriate, applied.
- The full agreement of parent(s) / carer(s) will be required. The views of the pupil to undertake voluntarily a transfer to another school or to alternative provision must also be sought and carefully considered.
- In cases where no parental consent is given, a managed transfer cannot be considered. At this point, the school will continue to manage the pupil through its

agreed behaviour policy. This may include sanctions up to and including permanent exclusion.

- Offering or declining a managed transfer is without prejudice to the operation of, and treatment of a pupil under the school's behaviour policy.
- A managed transfer must only be considered when other intervention strategies have been tried. These interventions must be recorded on the Pupil Passport.
- Minutes of all meetings will be taken and distributed to all relevant partners

## **Members**

- All schools can participate in the protocol. However, the Panel will take into consideration the current profile of each school.
- The managed transfer process will normally take place over a period of half a term, with this period of time being seen as a trial. The receiving school can call a review at any time and it is expected that there will be several reviews during the course of the trial period, but there will always be a final review, with the date set at the outset. The final review will determine whether the move will become permanent or the pupil will return to the school at which (s)he is registered. A managed transfer period will only be extended exceptionally, for example due to ill-health absence.
- During the period of the managed transfer, the pupil will remain on the roll of the home school.
- Funding will be transferred to the receiving school only if the pupil transfers to that school's roll. If that is the case, this funding will then be backdated to include the period of the managed transfer.

## **Process**

- Head teacher, or representative, consults with parents/carers and the pupil to seek their views on a voluntary move. Written notes need to be made of all conversations and meetings.
- When parental consent is given, this must be in writing and may include preferred school(s). Parent(s) / Carer(s) must be informed that this choice cannot be guaranteed; it will be taken into account but the final decision lies with the Panel. Parent(s) /Carer(s) retain the right to withdraw from the process at any stage.
- Head teacher, or representative, informs the Integration Panel Administration Officer of a possible request for a managed transfer by submission of the Pupil Passport at least a week in advance of the next scheduled meeting.
- The Panel, consisting of representatives from all Wokingham Schools and the Local Authority reviews the case. Other appropriate representatives may be invited

- The receiving school stays in regular contact with parent(s) / carer(s). There will be regular review meetings involving representatives of the home and receiving schools.
- The receiving school contacts the home school on a regular basis about attendance information. Absences must be reported to the home school on the first day of absence.
- Should the outcome of the formal review at the end of a managed transfer recommend a continuation at the receiving school, the pupil will be added to the roll of that school and all relevant funding will be transferred and added to the admission register by consent of the schools admission authority. All relevant funding will be transferred.
- Should the outcome of the formal review at the end of a managed transfer recommend a return to the home school, this return will usually take place at the beginning of the next half term.
- If there is a break down in the placement before the end of the trial period, the pupil should return to the home school immediately.

#### **Re-integration following a Permanent Exclusion**

- The system for re-integrating pupils back into school following a permanent exclusion should be fair and equitable for all involved.
- Foundry College will recommend re-integration plans to the Panel and, following consultation with all relevant parties, action plans will then be drawn up.
- Assistance with travel will be provided for any permanently excluded pupil placed under this protocol at a school where the journey meets the current home to school transport policy (as if that school were the pupil's designated area school). However, the entitlement to assistance is subject to the section on parental preference below. A provisional request for travel assistance will be sought prior to the move being considered by Panel.
- Whilst parental preferences will be considered, if the preference is for a school which has been asked to admit a disproportionate number of children from other schools, or who have challenging behaviour, parents should be made aware that there is no duty for local authorities or admission authorities to comply with parental preference when allocating places through this protocol.
- The rights of parents to express their preference for particular schools applies to this protocol, and The Authority's duty to try to meet parental preference will be taken into consideration in its operation and any decisions. It may not be possible to meet parental preference where to do so would prejudice the efficient use of resources or effective education. Travel assistance may be declined if, in order to support travel to the parent's preferred school, this would result in disproportionate costs to the authority.

- Parents also have a right to apply for any school through the normal admission arrangements and will be offered a place by the admission authority if available. The only two exceptions to this general duty to have regard to parental preference are
  - 1) in the case of pupils who have been permanently excluded from two schools; (the twice excluded rule does not apply to children who have been reinstated following a permanent exclusion (or would have been so had it been practicable to do so and children with statements of special educational needs); and
  - 2) where a school has a particularly high concentration of children with challenging behaviour or previously excluded children.
- This provision 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 naming the school in question, as these children must be admitted.
- Any pupil who has a Wokingham address but is permanently excluded from a school out of area should be reintegrated into a WBC school through this protocol, if a preference has been expressed by the parent / carer for a Wokingham school.

## **Wokingham Secondary Integration Panel**

### **Introduction:**

- 1 The Integration Panel will seek to place those pupils identified by schools to be at risk of permanent exclusion and for whom a managed transfer is seen as an appropriate intervention.
- 2 The Integration Panel will work closely with Foundry College which will lead on reintegration plans for permanently excluded pupils.

### **Fixed Panel:**

- Chair – WBC Social Inclusion Manager or Representative
- Behaviour Lead or Headteacher Representative of each Secondary School participating in this protocol
- Professionals appropriate for the discussion, for example:
  - Principal Education Welfare Officer
  - (virtually, when appropriate) Lead Admissions Officer
  - SEN Officer, if statemented or a request for statutory assessment for a statement of special educational needs has been submitted to the authority.
  - Lead Professional (if CAF used)

### **Frequency of Meetings:**

- Every half term



**WOKINGHAM  
BOROUGH COUNCIL**

PROTOCOL FOR

**MANAGED  
TRANSFERS AND  
REINTEGRATION  
OF PUPILS IN  
SECONDARY  
SCHOOLS**

**PART OF THE FAIR  
ACCESS ADMISSIONS  
PROTOCOLS**

**Approved by Admissions  
Forum July 07**

# PROTOCOL FOR MANAGED TRANSFERS AND REINTEGRATION OF PUPILS IN SECONDARY SCHOOLS

## Introduction

This protocol will cover the placement of permanently excluded pupils in appropriate provision, the placement / support of pupils at risk of permanent exclusion, including managed moves and the re-integration of permanently excluded pupils and pupils attending Pupil Referral Unit back into mainstream / special school. This follows the general principles outlined in DfES circular 10/99 and the School Admissions Code. The Panel may also receive referrals from the admissions' process, where pupils have transferred into the area and have recognised significant need.

The Integration Panel will meet every two weeks to consider appropriate placements for pupils. The panel will decide the most appropriate setting for individual pupils and will allocate funding for support where appropriate. Representatives from other agencies may be invited to attend the panel as required, for example, social workers in the case of Looked After Children.

Minutes will be taken and distributed by the Administration Officer of the Pupil Referral Service (PRS).

## Principles for Managed Moves and Re-integration

- No school should be required to admit an unreasonable number of pupils who have been excluded from elsewhere. ('unreasonable' being not always related to absolute numbers, but may be relative to the challenges and demands of a particular year group, for instance.)
- Schools will be expected to admit pupils within ten school days of a panel decision
- A managed move request will normally be initiated by the child's current school. Pupils being put forward to the panel for consideration should have evidence provided from the current school to support the need for alternative placement.
- It is expected that a managed move has been sought prior to any permanent exclusion or prior to a move into alternative provision (PRS). It should be demonstrated that other support strategies have been exhausted, and the Common Assessment Framework (CAF), when available, applied.
- The full agreement of parent(s) / carer(s) will be required. The views of the pupil to undertake voluntarily a transfer to another school or to alternative provision must also be sought and carefully considered.
- In cases where no parental consent is given, a managed move cannot be considered. At this point, the school will continue to manage the pupil through its agreed behaviour policy. This may include sanctions up to and including permanent exclusion.
- A managed move must form part of the pupil's Pupil Support Plan (PSP), and other intervention strategies put in place should also be available to panel



members.

- All schools will participate in the protocol. However, the Panel will seek to avoid placing pupils at schools where:
  - schools have already exceeded their admission numbers by 10 places as a result of successful appeals or placed under in-year fair access protocols within the academic year;
  - the receiving school already has a pupil currently undergoing a trial period managed move; or
  - there is a proposed admission of a child with a statement of special educational needs where the primary issue is BESD.
- Where a pupil has a statement of Special Educational Needs (SEN), interim statutory review procedures must be implemented prior to any transfer request for alternative provision, or a permanent exclusion. If an incident arises before the review or transfer request is resolved, and for which permanent exclusion would be considered, the school should normally serve a fixed-period exclusion instead, pending the outcome of the application. (See also the SEN Code of Practice)
- Managed moves will normally take place over a period of half a term. The receiving school can call a review at any time, but there will always be a final review, with the date set at the outset. The final review will determine whether the move will become permanent or the pupil will return to the school at which (s)he is registered. Notes from any review meetings will be submitted to the next Integration Panel meeting. A managed move period will only be extended exceptionally, for example due to ill-health absence.
- During the period of the managed move, the pupil will remain on the roll of the home school.
- Funding will be transferred to the receiving school only if the pupil transfers to that school's roll. This funding will then be backdated to include the period of the managed move.

## Details of Managed Moves

- Head teacher, or representative, informs the Integration Panel Administration Officer of a possible request for a managed move by submission of the appropriate form.
- Head teacher, or representative, consults with parents and the pupil and seek their views on a voluntary move. This will be done as part of a PSP review.
- Where a pupil has a statement, this meeting should be a statutory interim review.
- When parental consent is given, this must be in writing and may include preferred school(s). Parent(s) / Carer(s) must be informed that this choice cannot be guaranteed; the final decision lies with the Panel. Parent(s) / Carer(s) retain the right to withdraw from the process at any stage, or to appeal to the Admissions' Independent Appeal Panel.
- Head teacher, or representative, completes and submits the relevant

documentation by the agreed deadline, including additional professional input.

- The Integration Panel reviews the case, including financial implications.
- The Behaviour Lead from home school attends the Panel meeting.
- If the request is accepted, the Re-integration Officer arranges a meeting with the receiving school's Head teacher, or representative, pupil and parent(s) / carer(s). A date for the period of the managed move will be agreed.
- The Panel must be aware of and monitor the financial implications of each managed move.
- The receiving school stays in regular contact with parent(s) / carer(s)
- The receiving school contacts the home school on a regular basis about attendance information. Absences must be reported to the home school on the first day of absence.
- Should the outcome of the formal review at the end of a managed move recommend a continuation at the receiving school, the pupil will be added to the role of that school and all relevant funding will be transferred.
- Should the outcome of the formal review at the end of a managed move recommend a return to the home school, the Head teacher, or representative, should consult the Integration Panel and home school Head teacher, or representative, before confirming this in writing to parent(s) / carer(s), Integration Panel and home school.

### ***Re-integration following a Permanent Exclusion***

- The system for re-integrating pupils back into school following a permanent exclusion should be fair and equitable for all involved.
- A list will be kept to determine which school should receive a permanently excluded pupil:
  - a) Following a permanent exclusion, the excluding school's name goes to the top of the list to receive.
  - b) Following re-integration of any permanently excluded pupil, the school's name goes to the bottom of the list.

The list will be held by the Secondary Integration Panel Administration Officer

- Pupils accepted under this protocol will be included as part of an in-year fair access protocol and may be additional to the admission number.
- **Assistance with transport will be provided for any permanently excluded pupils placed under this protocol at a school where the journey meets the current home to school transport policy (as if that school were the pupil's designated area school)**

- As soon as a pupil is permanently excluded, (ie point when taken off roll – to avoid prejudice to any appeals), the excluding school will collate all relevant documentation to present to the panel.
- The PRS will recommend re-integration plans to the Panel and action plans will then be drawn up.

### **Parental preference**

The rights of parents to express their preference for particular schools applies to this protocol, and The Authority's duty to try to meet parental preference will be taken into consideration in its operation and any decisions. Parents also have a right to apply for any school through the normal admission arrangements and will be offered a place by the admission authority if available. The only two exceptions to this are

- 1) in the case of pupils who have been permanently excluded from two schools; and
- 2) where a school has a particularly high concentration of children with challenging behaviour or previously excluded children and one or more of the following exceptional circumstances exists, namely that the school:
  - a) required special measures or has recently come out of them (within the last two years);
  - b) has been identified by Ofsted as having serious weaknesses or requiring significant improvement and therefore given 'notice to improve';
  - c) is subject to a formal warning notice;
  - d) is a Fresh Start school or Academy open for less than two years; or
  - e) is a secondary school where less than 30% of children are achieving 5 or more GCSEs at grades A\*–C.

*Any pupil who has a Wokingham address but is excluded from a school out of area should be reintegrated into a WBC school through this protocol, if a preference has been expressed by the parent / carer for a Wokingham school.*

## Wokingham Secondary Integration Panel

### *Purpose:*

- 3) The Integration Panel will seek additional support or alternative placements for those pupils at risk of permanent exclusion.
- 4) The Integration Panel will work with the Pupil Referral Service (PRS), which will lead on reintegration plans for permanently excluded pupils.

### *Fixed Panel:*

- Head Teacher of Southfield School                      Chair
- Head Teacher of PRS    Vice Chair
- One other Secondary Head (on a rotational basis for an agreed period of time)
- Behaviour Leads from those schools which are putting forward names to the Panel
- Coordinator of the Secondary Behaviour Strategy
- Principal Education Welfare Officer
  
- + (virtually) Lead Admissions Officer

*In addition, professionals appropriate to the discussion, for example:*

- SEN Officer, if statemented
- Lead Professional (if CAF used)

### *Frequency of Meetings:*

- Every two weeks



**WOKINGHAM  
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PROTOCOL FOR

**MANAGED  
TRANSFERS AND  
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EXCLUDED FROM  
PRIMARY  
SCHOOLS**

**PART OF THE FAIR  
ACCESS ADMISSIONS  
PROTOCOLS**

Approved by Admissions Forum July  
2009

## INTRODUCTION AND TIMETABLE

The Admissions Forum implemented protocols for children moving into the area and looked after children in September 2005 for both primary and secondary schools.

A separate protocol has been developed with secondary schools for reintegration of excluded secondary pupils and managed transfer of secondary pupils at risk of exclusion.

This document is a protocol for the admission and reintegration of excluded children or children attending a Pupil Referral Unit, of primary age, and managed moves for pupils in primary schools at risk of exclusion, applicable to all maintained schools within the Wokingham Borough Council area.

### Aims:

- Local Authority officers will work in partnership with schools throughout the process of implementing the protocol
- The best interests of the child are of paramount importance and must be considered in all decision making
- The protocol will apply to all primary schools and Children's Services
- Speed of action is key to the success of this protocol. It is expected that a reintegration plan and a decision on placement will be made within 15 school days.
- A Panel will be established as part of this protocol and will monitor all such placements.
- All schools may be asked to admit a pupil identified under this protocol into the relevant year group, even if the school is full in that year group (subject to class size regulations). Pupils so identified will normally be given priority for admission over any other on a waiting list or awaiting an appeal.
- In normal circumstances approaches will be made to the nearest school(s) to the pupil's home address. Exceptions may be made where a school can demonstrate that the needs of a child cannot be met or where the numbers in the year group to which the child may be admitted are already significantly in excess of the admission number for that year. The reasons for refusal must be submitted on the managed transfer request form. A final decision will then be taken by the Panel.

This draft protocol complies with the requirements of the School Admissions Code.

## Main Principles

In order for the scheme to be successful, the following principles will apply to all requests for managed transfers:

- Justification for the transfer of pupils in public care, or pupils with full statements of Special Educational Needs, will need to be especially strong
- A managed transfer request will normally be initiated by the child's current school
- It is essential that the full agreement of parents is obtained. The views of the pupil to voluntarily undertake a transfer to another school or to alternative provision must also be sought and carefully considered
- A managed transfer must form part of the pupil's Pastoral Support Plan (PSP) and/ or Individual Behaviour Plan.
- Generally it is the collective expectation of both schools and the LA that any managed transfer must be considered prior to a permanent exclusion being implemented. In such cases it needs to be demonstrated that all other support strategies have been exhausted, and the Common Assessment Framework applied to assist in determining these.
- Where a pupil has a statement of SEN, interim statutory review procedures must be implemented prior to any transfer request or a permanent exclusion. If an incident arises before the review or transfer request is resolved, and for which permanent exclusion would be considered, the school should normally serve a fixed-term exclusion instead, pending the outcome of the application.
- All schools will act in line with the protocol and will adhere strictly to its requirements particularly in reference to timescales and in the provision of appropriately detailed pupil information. Failure to do so may invalidate the applications in which case Headteachers will be asked to resubmit a new application to the Panel.
- All managed moves will last for an initial trial period of 6 weeks with a set *date for a formal review procedure at which a final decision will be made* as to whether the transfer will become permanent
- The home school will retain the pupil on its admission register throughout the trial transfer period and must also maintain a daily attendance register during that time.
- A receiving school must admit the pupil in accordance with the principles outlined in the plan tailored to the child's individual needs. This may include some provision of outreach support from the Vulnerable Children's Education Service, or other Children's services staff, alongside mainstream school activities during the trial period.

- Funding will be transferred to a receiving school at the end of the trial period, only if the pupil is then formally admitted. This will be the balance of the AWPUP plus any other appropriate amounts previously allocated according to the current agreed formulae. If the pupil is subsequently formally admitted, the funding transferred will be backdated to the beginning of the six-week trial period. There may also be some additional funding for half a term from the LA to support reintegrating pupils subject to panel approval and funding constraints.
- All schools must act in a spirit of partnership and co-operation for the managed transfer arrangements to work

### **Process to be followed for a managed transfer between schools**

Before proceeding with a request for a managed transfer, schools should ensure that they have satisfied statutory or local authority guidance on the management of pupil behaviour as failure to do so may result in the request being refused by the Panel.

#### Application stage

- Headteacher must inform their School Development Advisor of the possibility of a managed transfer being requested
- The Headteacher must then consult the parents and pupil for their views on a transfer to another school. This will normally be at a review meeting of the child's progress as part of the pupil's PSP/behaviour plan. An Education Welfare Officer must attend the review together with any other supporting professionals in accordance with the pupil's individual requirements. The Pupil Information Sheet must be completed after the meeting and then submitted to the LA with the Managed Transfer Proforma – Part A should be completed by the home school and Part B by the parents.
- If parents and pupil agree that a transfer is appropriate, written consent must be obtained and they must also be asked whether they wish to nominate two alternative schools or providers. Parents must be advised that there is no guarantee that the request will be approved – that is a matter for the Panel. In the majority of cases, the Panel would expect the full range of preventative to precede any managed transfer between schools.
- If parental consent is not given, the Education Welfare Officer will prepare a submission for the next Panel meeting. The home school will be required to send in full supporting information as detailed in the Managed Transfer Information Form relating to progress, attainment and behaviour by the deadline set. In all cases it will be necessary for the school to provide evidence of the actions it has taken in line with the PSP/behaviour



plan and advice from relevant professionals. This will include tracking of behaviour.

#### Consideration by Panel

- The Panel will consider the request at the next available meeting. The Headteacher of the home school and any suggested alternative school, or if this is not possible their representative, will attend.
- The Education Welfare Officer will prepare a summary of the case, with a recommended course of action, for the Panel's consideration.
- The decision of the Panel is final and must be accepted by all schools. *The parent's statutory right of appeal to an independent admissions appeal panel are not invalidated.*

#### Trial placement stage

- If the Panel approves the request, a meeting with the new Headteacher or representative will be arranged without delay by the education welfare officer, who will also attend, together with the parents and pupil. The Education Welfare Officer will explain how the six-week trial period will operate. The pupil will remain on the previous school's register at this stage.
- Following the meeting, and if the parents and pupil are in agreement, the transfer will take place. The following arrangements must be recorded in Part D of the Managed Transfer Request Form. This must form part of the child's existing PSP and/ or behaviour plan and must be copied to the LA (Education Welfare Officer) and to the home school, where it will be placed on the pupil's file:
  - the starting date for the trial period of the transfer
  - any agreed attendance arrangements; e.g. it may not be appropriate of all pupils to transfer on a full-time basis immediately
  - the length of the trial transfer (usually six weeks) and the date set for the final review meeting
  - the arrangements for reporting and recording the child's attendance record (this will be kept on the home school register, using the code for "receiving education off site" (present), so long as the child is actually in attendance when required. Absences that are not approved must be recorded as "unauthorised".)
  - any other issues needing clarification such as transport, learning support, involvement of LA officers and other professionals
- In exceptional circumstances, if the receiving school wants to end the trial before the period is completed, the Headteacher must consult with the Education Welfare Officer and the home school Headteacher before

confirming this in writing to the parent(s), the LA and to the home school Headteacher, specifying the date from which the child must return to their home school. This will only occur in instances of extreme behaviour.

### **Review and permanent transfer stage**

- At the agreed final review meeting, which the education welfare officer will arrange in consultation with both headteachers, and which the education welfare officer and parents will attend, a decision will be made to determine whether the child will return to their home school or be **admitted to the new school on a permanent basis**. Further trials will only be appropriate in unusual circumstances such as long-term absence through illness and, if so must be again confirmed in writing as before. The pupil's views on the success of the trial must be sought at the review meeting.
- If a decision at the review meeting is made to admit the child, an agreed *date for admission will be agreed*, and a request made for admissions staff to offer and allocate the place.
- On the agreed date, the child must be removed from the admission register or the home school and added to the admission register of the receiving school or provider. Any remaining school records should then be transferred. Once this has happened, the receiving school or *provider cannot remove the pupil again, except by permanent exclusion or through a further managed move through a fresh referral to the Panel*.
- The LA will then make arrangements to transfer the level of funding to be transferred between establishments in accordance with relevant current formulae.

### **Note**

In this protocol "parent" includes any person who has "parental responsibility" for a child and anyone who currently has care of the child.

### **Re-integration following a Permanent Exclusion**

- The system for re-integrating pupils back into school following a permanent exclusion should be fair and equitable for all involved.
- As soon as a pupil is permanently excluded, (i.e. the point when taken off roll, to avoid prejudice to any appeal), the Vulnerable Children's Education Service will convene a reintegration meeting. The excluding school, and *any other parties, will supply all relevant documentation requested for that meeting*.
- The Vulnerable Children's Education Service will then draw up a

reintegration plan which will be regularly reviewed and monitored.

- Placement at an alternative school will be arranged through the Admissions team in conjunction with the panel and other key stakeholders. The principles set out in the Vulnerable Pupils Protocol shall apply in identifying and securing a suitable alternative placement.
- Assistance with transport will be provided for any permanently excluded pupils placed under this protocol at a school where the journey meets the current home to school transport policy (as if that school were the pupil's designated area school)

### Implementation and review

Once approved by the Admissions Forum, the Forum will advise all relevant admission authorities to adopt the protocol without delay. Doing so constitutes a permitted variation to published admission arrangements. The Forum will regularly review the effectiveness of all protocols, and consider whether to issue any revised advice or new versions of the protocols.

## Appendix A



**WOKINGHAM  
BOROUGH COUNCIL**

### Wokingham Primary Reintegration Panel

#### *Purpose:*

- 1) The reintegration Panel will seek additional support or alternative placements for those pupils at risk of permanent exclusion.
- 2) The reintegration Panel will work with the Vulnerable Children's Education Service (VCES), which will lead on reintegration plans for permanently excluded primary pupils.

#### *Membership:*

- Headteacher of VCES           Chair
- Senior primary Behaviour Support teacher   Vice Chair
- One Primary Head (on a rotational basis for an agreed period of time)
- Representative from school(s) putting forward names to the Panel
- Principal Education Welfare Officer
- SEN representative (where appropriate)
- Education Psychology Service representative
- Senior teacher KS1/2 excluded (where appropriate)
  
- + (virtually) Lead Admissions Officer
  
- Parents/Carers/ advocates
  
- Other key professionals (as appropriate)

#### *Frequency of Meetings:*

- due to the small numbers of pupils involved the panel will only be convened when necessary. Any follow up meetings to monitor progress on reintegration plans will be arranged with key professionals present.



**WOKINGHAM  
BOROUGH COUNCIL**

PROTOCOL FOR

**PLACEMENT OF  
VULNERABLE  
CHILDREN**

PART OF THE FAIR ACCESS  
ADMISSIONS PROTOCOLS

## INTRODUCTION AND TIMETABLE

The Admissions Forum implemented Protocols for children moving into the area and looked after children in September 2005 for both primary and secondary schools.

Separate Protocols have been developed for the reintegration of excluded pupils and managed transfer of pupils at risk of exclusion.

The aims of this Protocol are to:

- ensure that the needs of vulnerable young people who are not on the roll of any school are dealt with quickly and sympathetically
- reduce the time that difficult to place pupils spend out of school
- ensure that schools admit pupils with challenging educational needs on an equitable basis
- ensure that schools admit a fair share of vulnerable pupils, even those already at or above the published admission number for the year group in question
- be fair and transparent

This Protocol will only be used in exceptional circumstances i.e. where a place cannot be allocated using the Council's normal admission arrangements.

This Protocol will comply with the requirements of the School Admissions Code.

### Definition of 'vulnerable' for this Protocol

Children attending PRUs who need to be reintegrated back into mainstream education;

Children who have been out of education for longer than one school term;

Children who parents have been unable to find them a place after moving to the area, because of shortage of places;

Children withdrawn from schools by their family, following fixed-term exclusions and unable to find another place;

Children of refugees and asylum seekers;

Homeless children;

Children with unsupportive family backgrounds, where a place has not been sought;

Children and families known to the Police or other agencies;

Children without a school place and with a history of serious attendance problems;

Traveller children in particular 'highly mobile' families;  
Children who are carers;  
Children with special educational needs (but without a statement);  
Children with disabilities or medical conditions;  
Children returning from the criminal justice system;  
Children of UK service personnel and other Crown Servants;  
Young parents, pregnant girls, homeless children;  
Children from families experiencing domestic violence, who may be resident in a refuge;  
Children placed in emergency foster care (who would also qualify to be dealt with under the protocol for looked after children);  
Children who are looked-after (in the care of a local authority);  
Children who were previously considered looked-after and who have been adopted in the previous three years;  
Children who are subject of Child Protection order or who, in the opinion of a professional involved with the child, is at risk of harm at their current school

Documentation/background information will be required from partner agencies and/or teams within Children's Services to support application for admission under this protocol.

### **Main principles**

In order for the scheme to be successful, the following general principles will apply:

- All schools are required to take part, even if they are responsible for their own admissions
- The local authority (in co-ordination with voluntary aided schools) will continue to admit local pupils who apply for an available place under normal admission arrangements
- The best interests of the child are of paramount importance and must be considered in all decision making
- The school being full in the appropriate year group cannot be cited as a reason for not admitting a pupil under the protocol (with the exception that KS1 class size regulations shall still apply)
- Pupils being placed under a Fair Access Protocol should be given priority for admission over others on a waiting list or awaiting an appeal
- Schools must respond within 5 school days to requests for admission under a Protocol so that the admission of a pupil is not delayed

- Schools should not insist on an appeal being heard before admitting a child under this Protocol
- 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 child
- The placement panel will take account of any genuine concerns about the admission, for example a previous serious breakdown in the relationship between the school and the family
- Wherever possible, parent's views will be considered, but will not override the Protocol if the preferred school is unable to take the pupil
- Wherever possible, pupils with a religious affiliation should be matched to a suitable school but this will not override the protocol if the school is unable to take the pupil, or if the pupil identified for the school does not have that affiliation.

### **How the protocol will work**

A placements panel will be convened on a weekly basis to consider:

- Those applications received by School Admissions who may be considered to fall within another of the above categories
- Pupils identified in the above categories by sections within Children's Services
- Pupils identified in the above categories by partner agencies i.e. Police, Social Services, and by Team around the Child

All necessary paperwork and supporting documentation must be made available to the panel to enable an informed decision to be made without need to defer.

### **General Principles**

The general principle to be followed is that the panel will normally offer a place at the school serving the home address. However, in some cases, more detailed consideration of individual circumstances may be required. This could include parental preference for an alternative school, the distance from the home address to alternative schools, the numbers (and proportionality) of challenging pupils already admitted during the academic year, levels of mobility or whether school has a learning support unit.

Wherever possible, pupils with a religious affiliation should be matched to a suitable church school. With this in mind, Headteachers and governing bodies of all voluntary aided schools are asked to agree a procedure whereby the Headteacher, in consultation with the Chair of Governors, is empowered to make immediate decisions about the placement of a pupil so that there is not a further period of absence from school.



Schools at, or above the appropriate admissions number, will also admit a fair share of these pupils and all pupils will be admitted within 10 school days of the placement being confirmed by the panel. In all cases, the decision of the Panel is final and binding. Children will be admitted under the Protocol to the relevant year group up to a maximum of two places above the school's published admission number for admission in the case of primary schools and relative to the size year group up to a maximum of ten at secondary schools. When a school has reached its admission number in any year group children may only be admitted in accordance with the Protocol, through successful appeal or through Statement of Special Educational Need.

The School Admissions Appeal Code states that independent appeals panels must not treat the admission of children under the Fair Access Protocol as an indication that a further child could be admitted to the school without causing prejudice and must take into account the school's obligation to admit such children throughout the year when deciding to allow any appeals.

Children admitted under Fair Access Protocols are considered excepted under the Regulations in cases where the infant class size limit applies until the start of the next academic year.

An exception will be made to avoid seeking the placement of a vulnerable pupil under this Protocol at a school which:

- a) has already exceeded their admission number by two places (in the case of primary schools) or by ten (in the case of secondary schools) as a result of successful appeals within the academic year
- b) currently has a pupil undergoing a trial period managed move
- c) has been advised of a proposed admission of a child with a statement of special educational needs

A monitoring system will be set up to ensure that numbers are strictly adhered to.

#### Note

In this protocol "parent" means any person who has "parental responsibility" for a child and anyone who currently has care of the child.

#### **Implementation and review**

Once approved by the Admissions Forum, the Forum will advise all relevant admission authorities to adopt the Protocol without delay. Doing so constitutes a permitted variation to published admission arrangements. The Forum will regularly review the effectiveness of Fair Access Protocols, and consider whether to issue any revised advice or new versions of the protocols.



**The process for requesting that the Secretary of State direct an Academy to admit a child**

- Local authorities and Academies are expected to reach agreement between themselves rather than the LA needing to request the Secretary of State to direct an Academy to admit a child.
- Where local resolution cannot be found, it is the responsibility of the local authority and the Academy to document the case for and against admission.
- When reviewing an Academy direction case the Education Funding Agency will act on behalf of the Secretary of State in considering whether due process has been followed in applying the provisions of the Fair Access Protocol.
- In requesting a direction from the Secretary of State, the local authority must provide evidence that the provisions of the Fair Access Protocol have been applied in a fair and appropriate manner. It must set out the Academy's reasons for refusal and the local authority's response.
- The local authority should make a request for a direction by the Secretary of State to the Education Funding Agency using this template. On receipt of a request to direct, the Education Funding Agency will inform the Academy that it has received a request for a direction. The letter will ask the Academy to provide any evidence in addition to that which has already been supplied to the EFA that the process has not been properly applied. The Academy will have seven calendar days to respond.
- Where the Secretary of State is asked to consider a direction he will make a decision on the basis of the papers provided, taking into account:
  - whether the local Fair Access Protocol has been applied appropriately;
  - the arguments of the Academy and local authority, whether the local authority has considered the arguments for refusal and why it still considers the Academy to be the appropriate place for the child;
  - whether the Academy has been asked to accept a disproportionate number of children under the Fair Access Protocol compared to other local schools.

## **Section A – Background Information**

Child's full name, date of birth and local authority they are resident in:

Name:

D.o.B.:

LA:

Academy the direction is being sought for:

Year group the child is to be admitted to:

Name and address of previous school (where appropriate):

Name:

Address:

Reason(s) for leaving school (e.g. permanent exclusion, family moved):

Length of time out of education (include relevant dates):

Details of alternative education currently being received:

## **Section B – Process Followed**

Is this a request for a Secretary of State direction following the conclusion of the local Fair Access Protocol? (Y/N):

Is the child being placed outside the normal admission round? (Y/N):

Has the Academy been consulted as set out in "Fair Access Protocols – Principles and Process" document? (Y/N)

<http://www.education.gov.uk/schools/adminandfinance/schooladmissions>

Please confirm that the child is not on the roll of any school:

Please confirm that the Fair Access Protocol has been applied fully:

Please attach or provide in the box below a statement explaining the process followed in allocating this child a place under the Fair Access Protocol, including:

- the reason for using the Fair Access Protocol;
- the reasons the Academy has given for refusing admission; and
- the Local Authority's response to these reasons:

## **Section C – Challenging Children**

If the child is being placed under the Fair Access Protocol because they are defined as challenging please explain why and how this aligns with the definition of challenging children in the local Fair Access Protocol? (If the child is not defined as challenging please go to section D.)

**Please attach or provide in the box below the definition of challenging children in the FAP**

Has the child been excluded from or refused admission to all schools within a reasonable distance?

Does the Academy have on roll a high proportion of challenging pupils or previously excluded pupils (in comparison to other local schools)

Is the local authority satisfied the child is suitable for mainstream education?

If applicable, what re-integration package has been offered to the pupil/ Academy?

## **Section D – Contextual information**

To help us deal with your request quickly, please:

- complete this form including Table A on the next page;
- attach all correspondence with the Academy about placing the child. This should include responses from the Academy;
- include a copy of the locally agreed Fair Access Protocol;
- provide a copy of the local authority's intention to direct notice; and
- include a map of the local area that shows the location of the child's home and any schools referred to in this template and related correspondence.

**Table A: Home to school distance and operation of the In-year Fair Access Protocol**

Please list in order:

- (a) Academy named in the direction
- (b) other alternative schools within a reasonable distance
- (c) nearest school beyond a reasonable distance.

Please include a map of the local area including both the home and any schools referred to.

Name of school	Distance from home	Is public transport available (Y/N)	Why does the local authority consider the school to be within a reasonable distance	Current published admission number	Original admission number for year group in question	Number of in year Fair Access Admissions for current Academic Year for the school	Number of in year Fair Access Admissions for previous 2 Academic Years for the school	Total number of in year Fair Access Admissions for the school	Number of in year Fair Access admissions for current Academic year for the year group in question	Number of in year Fair Access admissions for previous 2 Academic years for the year group in question	Total number of in year Fair Access Admissions for year group in question
85											

Please send completed forms and attachments to [academyquestions@efa.education.gov.uk](mailto:academyquestions@efa.education.gov.uk) under the title – Request for a Secretary of State direction.



Department  
for Education

# **Fair Access Protocols: Principles and Process**

**Departmental Advice**

**November 2012**



## Introduction

The purpose of Fair Access Protocols is to ensure that - outside the normal admissions round - unplaced children, especially the most vulnerable, are found and offered a place quickly, so that the amount of time any child is out of school is kept to the minimum. This is why every local authority is required to have in place a Fair Access Protocol, developed in partnership with local schools.

This document sets out some principles to clarify the expectations on all parties to ensure Fair Access Protocols operate effectively at a local level. It is aimed at both admission authorities and schools. It is expected that readers are familiar with the School Admissions Code 2012 (the Code) – in particular paragraphs 3.9 to 3.23.

The Code gives local authorities and schools, including Academies<sup>1</sup>, the freedom to develop and agree Protocols which best serve the needs of children in their area. Neither the Code, nor this document, attempts to prescribe the structure or detailed content of Protocols. It is for participating schools to ensure that the local Protocol works for them and is reviewed as required with the local authority.

## Principles

- Every local authority must have a Fair Access Protocol, agreed with the majority of its schools, in which all schools (including Academies) must participate since it is binding on all schools.
- Schools (including Academies) should work together collaboratively, taking into account the needs of the child and those of the school. There is no duty to comply with parental preference when allocating places through the Protocol but it is expected the wishes of the parents are taken into account.
- When seeking to place a child under a Protocol, all schools should be treated in a fair, equitable and consistent manner.
- Fair Access Protocols should not be used as a means to circumvent the normal in-year admissions process. A parent can apply for a place as an in-year admission at any point and is entitled to an appeal when a place is not offered.

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<sup>1</sup>The term “Academies” in this document refers to all types of Academy schools, i.e. including Academy converters, sponsored Academies, and all types of Free Schools, including University Technical Colleges and Studio Schools, with the exception of Special Schools and alternative providers.

- An application to direct from the Secretary of State should only be requested as a last resort.
- The Secretary of State will base his decision having regard to whether due process, in line with the locally agreed provisions in the Fair Access Protocol, has been applied appropriately.
- The Protocol should establish the education provision a child will receive whilst discussions to identify a school place are taking place.
- In the event that the majority of schools in an area can no longer support the principles and approach of the local Protocol, all the school heads should initiate a review with the local authority. The existing Protocol however remains binding on all schools up until the point at which a new one is adopted.

## Timing

- It is expected that all parties will act with a sense of urgency to identify a school place for any child who has had difficulty securing one or who falls under the Fair Access Protocol.
- All schools, including Academies, are expected to respond to requests by local authorities to admit a child under Fair Access Protocols within seven calendar days.
- Before deciding to issue a direction to a voluntary aided or foundation school, a local authority must consult the governing body of the school, the parent, and the child, if they are over compulsory school age. If following consultation the local authority decides to direct, it must inform the governing body and head teacher of the school. A local authority should do the same when considering requesting a direction for a child to be admitted at an Academy through the Fair Access Protocol.
- The governing body of a maintained school can appeal by referring the case to the Schools Adjudicator within 15 calendar days. Similarly, it is expected that an Academy will agree a starting date for the child or set out its reasons for refusal in writing to the local authority within 15 calendar days (providing contact details to cover any approaching bank holiday or holiday periods).
- If an Academy has not agreed a start date for the child within 15 calendar days, the local authority can apply for a direction from the Secretary of State via the Education Funding Agency who acts on his behalf in these cases.

## **The process for requesting that the Secretary of State direct an Academy to admit a child**

- Local authorities and Academies are expected to mediate between themselves before a request is made to the Secretary of State to direct an Academy to admit a child.
- Where a local resolution cannot be found, it is the responsibility of the local authority and the Academy to document the case for and against admission.
- When reviewing an Academy direction case, the Education Funding Agency will act on behalf of the Secretary of State to consider whether due process has been followed in applying the provisions of the Fair Access Protocol.
- In requesting a direction from the Secretary of State, the local authority must provide evidence that the provisions of the Fair Access Protocol have been applied in a fair and appropriate manner, the Academy's reasons for refusal and the local authority's response.
- The local authority should send the information using the attached template to the Education Funding Agency. On receipt of a request to direct, the Education Funding Agency will inform the school that it has received a request for a direction. The letter will request that the Academy provide any evidence other than that already received that the process has not been properly applied within seven calendar days.
- Where the Secretary of State is asked to consider a direction he will make that decision on the basis of the papers provided, taking into account:
  - whether the local Fair Access Protocol has been applied appropriately;
  - the arguments of the Academy and local authority, whether the authority has considered the arguments for refusal and why it still considers the Academy to be the appropriate provision for the child;
  - whether the Academy has been asked to accept a disproportionate number of children under the Fair Access Protocol compared to other schools.



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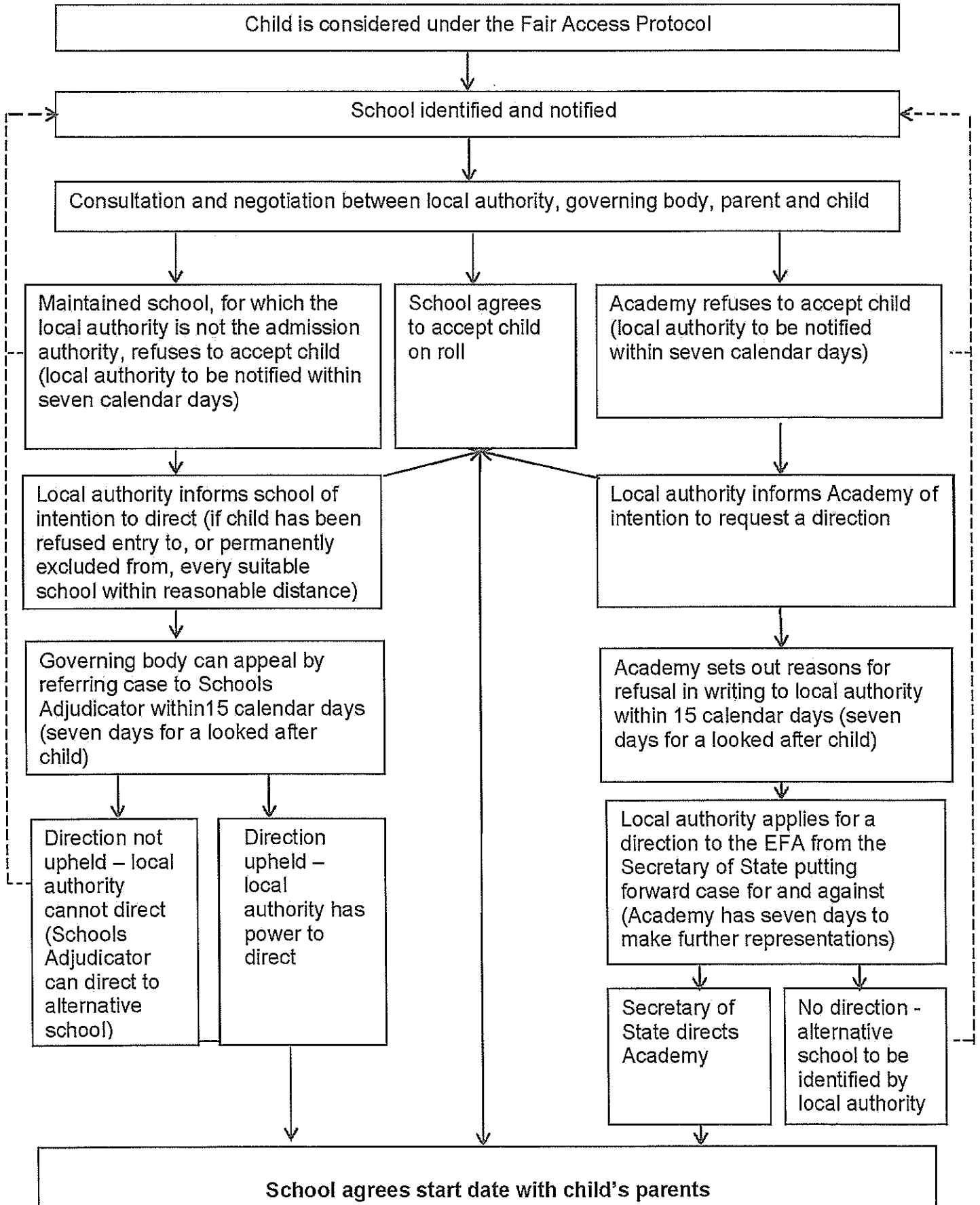
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## Directions flow chart (overview of process)



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



Department  
for Education

# **Fair Access Protocols: Case Studies**

**November 2012**

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# Introduction

Every local area is required to operate a Fair Access Protocol that can quickly secure a school place for those children who find themselves without a place outside the normal admissions round. How that Protocol operates, the area it covers and how decisions are reached about where best to place a child is all a matter for local determination.

Based on a series of interviews with local authorities these case studies highlight key success factors for Fair Access Protocols. This is not an exhaustive list nor is it intended that every aspect lends itself to all – that is a matter for local determination having regard to the local context.

*The following key success factors for Fair Access Protocols are highlighted by the cases studies:*

- the Fair Access Protocol is kept simple and regularly reviewed;
- Protocols are led and owned by heads and principals - the Fair Access Protocol works when all schools are signed up to it;
- Protocols are seen as fair and transparent - trust, consistency, openness and honesty are essential;
- good relationships with all heads - admissions teams and exclusions officers are *known and respected by the heads*;
- all schools know the Admissions Code and the Fair Access Protocol applies to them;
- regular, carefully timed panel meetings, attended by those with decision making responsibility;
- in-depth information is needed from the child's previous school;
- the availability of alternative provision, support and funding; and
- Fair Access Protocols work when schools recognise they have wider responsibilities to their community.



## Darlington

There are seven secondary schools in Darlington, each one is an Academy.

All the secondary schools in Darlington are supportive of the Fair Access Protocol – last year not a single pupil placed through the Protocol was refused entry by a school.

But the protocol hasn't always been so successful. The original protocol did not have the buy-in of the schools and this stopped it operating effectively.

The Fair Access Protocol for secondary schools was revisited and revised following a Behaviour and Attendance Conference in autumn 2010. The heads took the lead in reviewing the protocol.

The Fair Access Panel now meets once a fortnight and is attended by the deputies of all seven secondary schools in the authority. Each case is considered on a points based system, with a full discussion taking place over the needs of the child.

Melanie Stainthorpe, Schools Admissions & Transport Team Leader at Darlington Borough Council says:

*“The meetings are time consuming and take an afternoon, but they are effective as they ensure full discussion and enable agreement to be reached.*

*The principle of the Fair Access Protocol is that no school should have to take more than a fair share of challenging pupils. Before our new protocol was introduced, some schools were under the impression that they were always the ones asked to accept challenging pupils. The process is now more transparent and is supported by all the heads in our secondary schools.”*

Pat Howarth, head teacher at Hummersknott Academy, Darlington, says:

*“The most important principle of our Fair Access Protocol is that we are all working together for all the children in Darlington, not just those in our schools. It is essential that this commitment is gained from heads and also from governing bodies.”*

**Contact:** Melanie Stainthorpe ([Melanie.Stainthorpe@darlington.gov.uk](mailto:Melanie.Stainthorpe@darlington.gov.uk))

## Derby

No child in Derby placed through the Fair Access Protocol was refused admission by a school last year. Since the first introduction of their Fair Access Protocol in 2007, Derby has undertaken a comprehensive review of the managed move process and the hard to place process. All primary and secondary schools were involved in the review.

To be part of the excellence partnership of secondary heads in Derby, all schools have to be signed up to the Fair Access Protocol. Members of the schools' Senior Management Teams used to attend panel meetings. However under the new Fair Access Agreement, heads now form part of the Panel and attend scheduled meetings each half term.

The Fair Access Panel oversees the decisions of the Secondary School Placement Panel. The placement panel meets every three weeks and is chaired by heads on a rotation basis.

The first principle for all cases being considered under the new protocol is the needs of the child. In comparison the old Fair Access Protocol operated on a carousel system – once a school had taken two challenging pupils, they didn't have to take any more until all the other schools had taken two.

Diane Whitehead, Admission Manager says;

*“One of the biggest challenges in developing the revised Fair Access Protocol was the definition of what presents challenge when allocating places under Fair Access. We have developed a principle relating to the circumstances of the individual school based on the Ofsted framework e.g. if the school is required to improve behaviour and attendance, a child with behaviour and attendance issues could be seen as challenging for that school. Any protection afforded by the Fair Access Panel to a school is reviewed by the Panel at each meeting.*

*Before cases are put to the secondary placement panel for a Managed Move or Hard to Place, the parent/carers are contacted either by the current school and/or a Specialist Education Welfare Officer who provides them with information on the benefits and limitations of the process. Crucially they are able to put their own views and preferences forward and must agree to the referral being made. Comprehensive information is then gathered on the child in advance to determine the most appropriate educational provision. If in the first six weeks of a placement, difficulties arise, the child can be reconsidered by the panel. This approach helps us maintain trust – the key to the success of the protocol.”*

Jo Ward, Derby Secondary Head says:

*“Derby City secondary schools have found great strength over the last few years in working together with each other and the local authority for the good of all of the children in Derby.*

*One of the effective ways we do this is through the In Year Fair Access arrangements which ensure that children’s individual needs are met whilst no single school is required to support disproportionate numbers of children with a particular need. The Language Centre is an excellent example of this – students new to Derby with little or no English, with parental agreement are first supported by a short course in the Language Centre before they are allocated to an appropriate secondary school in a fair and transparent way.”*

**Contact:** Diane Whitehead ([diane.whitehead@derby.gov.uk](mailto:diane.whitehead@derby.gov.uk))

## Dudley

Dudley is a small borough divided into five townships. There are three to four secondary schools in each location. The heads of these schools run the panel in each location. There is also a borough wide panel.

Dudley's First Fair Access Protocol was agreed in 2009. It was subsequently reviewed in 2011 and the new Protocol came into force on the 1<sup>st</sup> October 2012. The review involved feedback from the chairs of all the panels.

The admissions team in the authority review each case to determine whether it is a Fair Access case according to the criteria established in the Protocol.

As part of the review of the Protocol, it was agreed that parental preference would be the starting point for all decisions. The paperwork is therefore sent to the locality of the first preference. If the locality panel cannot make a decision, it then goes to the borough meeting.

The meetings are monthly with location and panel meetings staggered fortnightly so a case can be moved to a borough meeting quickly. There has never been a case on which the borough has not been able to make a decision.

If a school refuses to accept a child, the case is returned to the borough panel and the five heads vote on it and advise the school accordingly. If the school does not respond, the panel move straight to a direction letter.

Huw Powell, Education Improvement Adviser at Dudley says:

*"The decisions are made by the heads. The local authority can advise and facilitate but has no voting rights. That's what makes it work. Heads take ownership. They also disseminate the decisions which helps reinforce that they are made by the heads and not the authority."*

**Contact:** Huw Powell ([Huw.Powell@dudley.gov.uk](mailto:Huw.Powell@dudley.gov.uk))

## Durham

The Fair Access Protocol was set up following a review with all schools. Previously they had a number of different protocols covering in year admissions, pupils with challenging behaviour, managed moves etc. that come together to form the Fair Access Protocol.

*The Protocol is reviewed annually by the primary and secondary association group.*

When a school place needs to be found for a child, the authority gathers all the information from the previous school. The local authority identifies the most appropriate school and shares the information with that school. A head teacher local agreement meeting is then held.

All pupils must be on the roll of a school or Pupil Referral Unit to access support and the authority endeavours to meet parental preference where possible.

There is no fair access panel but there is a permanently excluded weekly panel that identifies schools for the permanently excluded.

Where pupils move in from another school, they gather the information through an in-year application form. Each case is looked at on its own merit.

The authority would wait until they had no alternative before requesting a direction as they believe solutions are best found locally.

David Wall - Pupil Casework Officer in Durham says:

*"In Durham, all schools are part of a "family of schools" and work together. The protocol works because the need for it came from the heads. They requested it."*

**Contact:** David Wall ([david.wall@durham.gov.uk](mailto:david.wall@durham.gov.uk))

## Essex

Essex places around 250 displaced and challenging pupils each year via its Fair Access Protocol. The Protocol was amended in April 2012, following consultation.

The area panels meet every half term with representatives from each school. The Education Welfare Service, Children's Support (Alternative Education) and Special Needs services are represented.

Papers are issued a week in advance and agreement is usually reached through discussion and negotiation. In some circumstances, schools agree to accept a child outside of the formal meeting.

Bev Rossi, Fair Access Officer, says:

*"Our Fair Access Protocol works because it is simple and focuses on key points and expectations. All the schools participate and acknowledge their responsibilities to engage in considering cases so that the protocol is seen as fair and transparent.*

*As well as the collaboration of schools, our key success factors include the consideration of appropriate alternative provision and support – some panels engage brokers who work with families and schools to provide bespoke tailored provision to enable a child to be taught at a school. This may be provision within a specific school or a package of support across schools."*

**Contact:** Bev Rossi ([Bev.Rossi@essex.gov.uk](mailto:Bev.Rossi@essex.gov.uk))

## Merton

The Fair Access Protocol has been agreed by all secondary schools in Merton. A cumulative record is maintained of pupils admitted through the protocol and who still attend the school. At the end of 2011/12 there were 34 children in schools placed through the Protocol, 13 in the boroughs two Academies. By operating in this way, rather than an annual list, the pupils can be tracked to the end of year 11 and beyond, and outcomes can be looked at to test the effectiveness of the protocol.

The Protocol was developed together with schools, and is reviewed every year. It is managed by the Behaviour and Attendance Partnership, chaired by heads. Until this year, it was chaired by the head of an Academy and is now chaired by the head of the Catholic Boys School.

Meetings are held monthly. Decisions are reached through collective agreement rather than placement via a rota system. The schools have agreed that money should continue to follow the pupil - money is taken from the excluding school and given back to those that take the child under the Protocol.

Like many London boroughs, Merton has a lot of cross border movement. To ensure placements are identified quickly for children, they have agreed a cross border protocol with one of their neighbouring boroughs. Under this agreement, a child meeting the criteria for consideration under the Protocol of the maintaining authority will be passed back to the home authority to consider it under their Protocol.

Peter Gasparelli, Head of Admissions for Merton and Sutton says:

*"Our Protocol is not led by the authority - it is the panel's Protocol. Schools work together to agree placements, taking into account parental preference; the authority is rarely involved in that decision process. Decisions are guided by parental preference where possible as schools feel this is more likely to make a placement work. However, the key to our protocol working is its simplicity, enabling equity between schools, full participation and an honest exchange of information.*

*A good working relationship between the local authority and schools, and trust between heads is essential - there is a collective responsibility for the young people involved, so we have to work together. It is essential that there is a Protocol that all schools take part in that enables equitable solutions."*

Contact: Peter Gasparelli ([Peter.Gasparelli@merton.gov.uk](mailto:Peter.Gasparelli@merton.gov.uk))

## Salford

The Fair Access Protocol was introduced in December 2010 and has been revised since this date following the new Admissions Code.

The heads wrote and agreed the protocol between them, commissioning Manchester Challenge to support them.

Every child that moves in to the area goes to a Fair Access Panel. Secondary panel meetings are held every twenty school days and attended by all heads.

Decisions are reached easily – it is an amicable process. The key considerations are: proximity to home, parental preference and the number of fair access cases taken by schools.

Nikki Anderson, Inclusion Officer, says:

*“It is the relationship with all our heads that has made our protocol a success – it takes time to understand the circumstances of the schools and the personalities of the heads. This investment of time has led to the success of our protocol.”*

Drew Povey, head teacher of Harrop Fold Specialist Arts College, says:

*“The protocols have made a big difference in Salford schools. The strategy, lead excellently by the local authority and head teacher representatives ensures that young people are given the best opportunities to succeed in education in Salford”*

Heather Aaron, headteacher, Wentworth High School says:

*“The protocol has benefited all stakeholders and strengthened the working relationships between the Salford head teachers. The transparency of the process has resulted in absolute trust between the schools and has led to an equitable system whereby difficult children are shared between schools. In addition, the strong relationships between heads mean that many of us also have respite systems in place which reduces the need for fixed term exclusions.”*

**Contact:** Nikki Anderson ([Nikki.anderson@salford.gov.uk](mailto:Nikki.anderson@salford.gov.uk))



## Stoke

The Fair Access Protocol was revised in autumn 2011 by a representative working group of primary and secondary schools. All schools were consulted.

All schools are approached in writing and decisions are reached based on the responses from the schools.

The Children Missing Education Panel plays the role of the Fair Access Panel.

The membership is set out in the protocol. It is attended by at least three to four heads on a rolling basis.

The authority makes the final decision not the panel but the Children Missing Education Panel has a key influence in the decision.

Paul Gerrard, Strategic Manager - School Support Children & Young People's Services in Stoke-on-Trent, says:

*"Time and a sense of urgency is the key to success. One of the biggest delays is in making sure the appropriate quality of information is available for a successful reintegration into a mainstream school. We ask for a response in seven days but if we don't get it, the panel takes a view on the basis of the information we have got."*

Karen Healey, Head teacher, Birches Head High School, says:

*"Using the Fair Access protocol has helped us to categorise the wide range of needs of hard-to-place pupils and the levels of support needed for them in their new school. Although the system can still be slow for some pupils, the process does seem to generate more definite outcomes than had previously been the case."*

**Contact:** Paul Gerrard ([paul.gerrard@stoke.gov.uk](mailto:paul.gerrard@stoke.gov.uk))

## West Sussex

The Fair Access Protocol has been agreed by all secondary schools.

Last year, 342 secondary pupils were placed through the Fair Access Protocol. Not a single child was refused admission and the authority did not need to pursue any directions.

They have four secondary panels that meet monthly and are attended by the head teachers (or deputies). They have 100% engagement if not attendance.

The panels are also attended by the access and inclusion team; alternative providers; and the local FE College.

Heads will look at paper work and have a discussion focusing initially on the parent's first preference. Agreement is reached through discussion and negotiation. Once a decision is made, it is expected that the child is admitted within two weeks.

The panels are held monthly. They have tried other ways of running the panels, for example they ran virtual panels to supplement the monthly panels.

Sue Garner, Pupil Admissions Manager at West Sussex says:

*"A good relationship between the authority and heads is essential for protocols to operate effectively. The timing of our process can mean placements take a bit of time – panels are only monthly. But when a placement is made, it tends to work. This is because we have good relationships with our schools and everyone is determined to make it work. All our schools know the Admissions Code and Fair Access Protocol is applicable to them."*

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