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<b>List of Background Papers</b>
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Relevant regulations	
<b>Held by</b> Sue Riddick	<b>Service</b> Children's Services
<b>Telephone No</b> 974 6113	<b>Email</b> sue.riddick@wokingham.gov.uk
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Wokingham Borough Council

**FAIR ACCESS PROTOCOL - OVERVIEW**

Amended 20 November 2013

**1. Introduction**

A review of the Fair Access Protocol started in the summer term and views were invited from school colleagues on how the proposed protocol should operate within the borough, together with the categories of children to be considered under the Protocol. It is recognised that for a Fair Access Protocol to work successfully; the local authority and schools need to work in partnership to ensure that, outside of the normal admissions round, unplaced children, especially the most vulnerable, are offered a place at a suitable school as quickly as possible.

Once agreed by the majority of schools, it is binding on all schools, including Academies.

This protocol applies to all state funded schools in the Wokingham Borough (not special schools) and includes registered pupils living in the borough attending those schools, or who live in the borough and attend schools outside the borough. References to 'school' or 'schools' should be taken to mean both maintained schools and Academies, except where indicated otherwise.

Where a child lives outside the borough and attends a Wokingham borough school; reference must be made to the home local authority of the child.

To this end, the Fair Access Protocol will include separate procedures for the admission of:

- Young people at risk of or at permanent exclusion (A)
- Managed transfers between secondary schools (B)
- Managed transfers between primary schools (C)
- Children at particular risk of missing education known as "vulnerable children" (D)

The Foundry College admissions and referral policy is available to view at:

<http://foundry.wokingham.sch.uk/wp-content/uploads/FC-021-Referral-Policy.pdf>.

The needs of children identified as having Statements of Special Educational Needs will be met by the Special Educational Needs Team in accordance with the Special Educational Needs Code of Practice.

The Fair Access Protocol applies to statutory school age children living in or moving to the Wokingham Borough. Statutory school age is the term after a child's fifth birthday. It is expected that where prompt placement is not secured, that the child's name will be placed on the Children Missing Education register.

Parental preference will be considered wherever possible and where it is not possible to meet parental preference, parents will be notified of their right of appeal. Where a place can be offered in accordance with parental preference, access to school transport will be in accordance with that policy.

There is no duty for local authorities or admission authorities to comply with parental preference when allocating places through the Fair Access Protocol (paragraph 3.11 of the School Admissions Code). Where a place is offered by the Fair Access Protocol Panel which is not the parent's preferred school, school transport assistance will be considered.

## 2. The Aims of the Protocol

The Fair Access Protocol exists for those children **who cannot obtain a place through normal admission procedures** to ensure that:

- Where a place at a mainstream school or alternative provision is appropriate, that access is secured quickly for children who have no school place. Where an application is made under the "vulnerable children's protocol"; notification of the outcome of the application should be made within 20 school days (where possible) in accordance with the in-year co-ordinated scheme.
- All schools will admit their fair share of children with challenging behaviour, including children excluded from other schools. Admission authorities must not refuse to admit children in the normal admissions round on the basis of their poor behaviour elsewhere. Where a child has been permanently excluded from two or more schools there is no need for an admission authority to comply with parental preference for a period of two years from the last exclusion. The twice excluded rule does not apply to children who were below compulsory school age at the time of the exclusion, children who have been re-instated following a permanent exclusion (or would have been had it be practicable to do so) and children with statements of special educational needs (paragraph 3.8 of the School Admissions Code).
- 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 (paragraph 3.13 of the School Admissions Code)
- In agreeing, this protocol for admissions outside the normal admissions round, no school, including those with available places, is asked to take a disproportionate number of children who have been excluded from another school or who have challenging behaviour (3.9 of the Code), as such whilst all schools must be included within the Protocol, exceptionally, certain schools may **not** be expected to take children that fall in procedures A, B and C or single asterisked categories in procedure D. This would usually be where a school has a particularly high proportion of children with challenging behaviour or previously excluded children and may include any school that is considered by OFSTED as requiring improvement or a lower category. The final determination of which schools will not be required to take these children will be the subject of local agreement by members of the Fair Access Protocol Panel and is subject to change depending on circumstances. **This provision will not apply to a looked after child, a previously looked after children or a child with a statement of special educational needs naming the school in question. In accordance with 3.12 of the School Admissions Code, these children must be admitted.**
- No school will be asked automatically to take another child with challenging behaviour in the place of a child excluded from the school. Such children will be considered by the Fair Access Protocol Panel to determine the most suitable school to meet that child's needs (3.14 of the School Admissions Code).

- Admissions authorities will not cite oversubscription as a reason for not admitting a child under the Fair Access Protocol and schools may be approached to admit above their admission number; 3 places per year group for secondary schools and 1 place per class at primary schools (no primary school class subject to infant class size legislation will be required to admit over number unless as a permitted exception as identified in paragraph 2.15 of the School Admissions Code). Reference will be made to the register of children allocated under the Protocol to ensure that no school is required to admit an inappropriate number in a short period of time (one term). Where there is concern; determination will be made by the Fair Access Protocol Panel.
- Children to be placed under the Fair Access Protocol must be given priority for admission over others on a school waiting list (2.14 of the School Admissions Code).

### **3. Membership of the Fair Access Protocol Panel (FAPP)**

#### **Primary**

- i. Primary headteachers will attend the FAPP on a rota basis as agreed by Wokingham Primary Heads Association (WPHA) and by Academies as a group or individually if not included as part of WPHA. If a headteacher is unable to attend a deputy headteacher may attend providing he/she has the responsibility to make decisions on the headteacher's behalf ~~Where~~where a school cannot send a deputy, the headteacher is responsible for arranging for another headteacher to attend in their place.
- ii. The Primary FAPP meets every three weeks during term time. If there are no cases to consider then the meeting will be cancelled.
- iii. The membership of the FAPP and the appointment of Panel members is regularly reviewed (at least once a year)
- iv. The panel's decisions are binding on all primary schools in the borough.

The Primary FAPP will be chaired by the Headteacher of Foundry College and supported by a member of the administration team.

Members include:

Headteacher of Foundry College  
Principal Education Welfare Officer  
School Admissions Lead Officer or representative from School Admissions Team  
Primary School Representation, number to be agreed by WPHA  
Others as required e.g. SEN or representatives from Academies

A quorum of four members is required.

#### **Secondary**

- i. The Secondary FAPP will be held as part of the Secondary Behaviour Leads meeting held half termly and will be chaired for this section by the Headteacher of Foundry College
- ii. Academies who do not participate in the Secondary Behaviour Leads meeting have the right to be included for this part of the meeting

Proposed for consultation

- iii. All participants will have the responsibility to make decisions on the schools' behalf and the decision of the panel is binding on all secondary schools in the borough.

Members include:

Headteacher of Foundry College  
Principal Education Welfare Officer  
School Admissions Lead Officer or representative from School Admissions Team  
Secondary School Representation  
Others as required e.g. SEN

A quorum of four members is required.

#### **General principles for both Primary and Secondary FAPP**

- i. The members are responsible for having regard to the aims and principles of the FAP and policies, accepting and tracking referrals, and identifying for each case referred an appropriate mainstream school with additional support where appropriate.
- ii. Data confirming the admission of children under the FAP will be circulated to all schools at the end of every term.
- iii. The FAPP is expected to take into account distance and journey times when considering the most suitable placement. Where transport is deemed solely appropriate to support integration, this will only be funded for one term and beyond that the child would be expected to travel on an alternative mode of transport to school. Any extension would be considered through the transport appeal process.
- iv. Meetings proceed in accordance with the Council's Code of Conduct, and decision is reached by a consensus (general or widespread agreement) sought among the whole membership. In some cases further meetings and/or further information may be required to achieve consensus but having due regard to ensuring that a child is not missing education for more than four school weeks.
- v. The FAPP members can acquire information that has not been made public. As such Panel members should never disclose or use confidential information for personal advantage of themselves or of anyone known to them, or to the disadvantage of the Panel or anyone else.

Cases to be considered by the FAPP

- Young people at risk of or at permanent exclusion and their reintegration into mainstream school
- Managed transfers between secondary schools
- Managed transfers between primary schools
- Children at particular risk of missing education known as "vulnerable children" – single asterisk categories
- Non asterisked vulnerable children identified through the in-year admissions process where an approach has been previously made to allocate to the year group within the term
- Retrospective in-year allocations where a school subsequently receives a school file on transfer or identifies that a child would have met one of the above categories.

#### **4. Fair Access Protocol recording and reporting**

A register of children allocated under the Fair Access Protocol will be kept by the School Admissions Team and shared with all schools on a termly basis (minus names) and to the Wokingham Secondary Federation Manager. This will include information on whether a managed transfer is in process or has been successfully completed.

This information will also be used to provide statistics on an individual school basis and to report on the effectiveness of the Protocol in the Annual Report to the Office of the Schools Adjudicator annually by 30 June and which is required to be published. It will also be used to report to the School Admissions Forum, which whilst it no longer has a statutory function, is continuing in an advisory role on monitoring the effectiveness of the Protocol.

The register will be made available for each meeting of the FAPP to meet the aims of the Protocol.

Relevant paperwork must be completed and returned to the Headteacher of Foundry College, five school days in advance of each meeting.

#### **5. Timing**

As this will be the agreed Protocol for the borough, it is not envisaged that there will be any issues in requesting schools to admit children agreed to be placed in accordance the Protocol. In line with Wokingham Borough Council's in-year co-ordinated scheme and following negotiation between parent and school, a suggested start date will be notified in the offer letter.

The Department for Education has issued guidance should there be any issues as shown below:

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 five school days.

Before deciding to issue a direction to a voluntary aided or foundation school, the 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.

**6. 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.

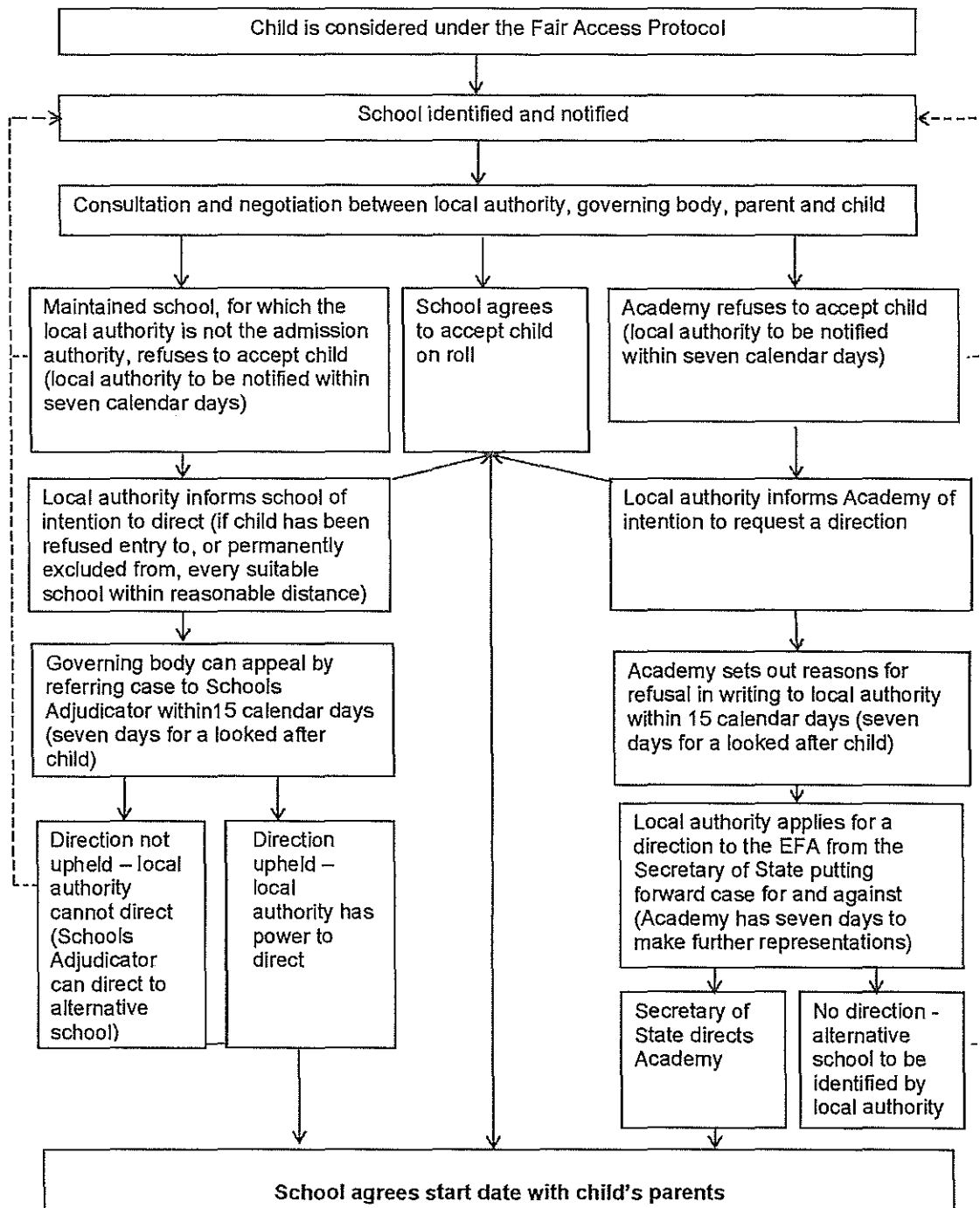
The local authority should send the information using the attached template to the Education Funding Agency. On receipt of a request to direct, the Education Funding Agency will inform the school that it has received a request for a direction. The letter will request that the Academy provide any evidence 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.



**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.

## Fair Access Protocol (FAP) - A

### Protocol for young people at risk of or at permanent exclusion

#### 1. Aims of the protocol

This protocol is designed to:

- a) Strengthen and develop the reintegration arrangements and procedures, taking into account the Local Authority's duty to ensure that pupils excluded from school are placed back in education as soon as possible.
- b) Respond to the needs of vulnerable children who are not on the roll of any school and to place them in education provision quickly, taking account of their specific needs.
- c) Ensure that all schools, including both Academies and maintained schools, admit an equitable share of pupils with challenging needs.
- d) Be fair and transparent, to have the confidence of all schools and to include representatives of mainstream schools in the decision making process.
- e) References to AWPU for maintained schools should be taken to mean, for Academies, the equivalent pupil place element of their fund.
- f) References to support provided by Foundry College as a core service to pupils in maintained schools may be conditional on Academies buying into this service and similarly for any element of additional level of service purchased by maintained schools or Academies.
- g) Where possible, parental views will be taken into consideration. Where a parent refuses to accept the school offered under the FAP and insists on applying for a school with an appropriate vacancy, the school will be required to admit that pupil in accordance with the School Standards and Framework Act 1998) and the local authority will count the admission as an admission under the Protocol and consider the resources for admission under that category (if agreed by School's Forum).

#### 2. Pupils at risk of Permanent Exclusion (still subject to discussion and agreement between Wokingham Borough Council and Foundry College)

- a) Wokingham Borough Council understands that the majority of young people who are permanently excluded from school have a range of social and emotional needs that require additional intervention and support in order to re-engage in education.

- b) In order to support schools and young people, Wokingham Borough Council is in the process of commissioning Foundry College to ensure wraparound support for those pupils who are at risk of exclusion and fall under the FAP. This funding will be topped up by schools in line with the AWPU.
- c) Support over and above core entitlement may be arranged through Foundry College in line with an agreed pricing structure and SLA (to be agreed).
- d) It is anticipated that due to national changes, amendments may be required to Paragraph 2b and 2c before April 2015.
- e) Referrals to Foundry College can be made from 4 September 2013 at [www.foundry.wokingham.sch.uk](http://www.foundry.wokingham.sch.uk). In the majority of cases there will be no need to take referrals to the Fair Access Protocol Panel ("FAPP"), however in more complex cases this may be necessary.
- f) In all cases, the Headteacher of Foundry College will report the number of pupils on roll termly to the FAPP. This information will be made available to all schools.
- g) For further information and additional support from Foundry College please contact the Headteacher on 0118 908 8014.

### **3. Permanently Excluded Pupils**

- a) Wokingham Borough Council does not expect any school in the area to permanently exclude a looked after child or a child with a statement of SEN. Schools are expected to request an emergency review for a child with a statement of SEN.
- b) Wokingham young people who are permanently excluded from mainstream school are expected to attend Foundry College from day 6 until the Governing Body convenes to ratify the exclusion. Notification will be made to the young person's home local authority where a permanent exclusion is made from a Wokingham school in order that alternative provision can be made available within that authority.
- c) Foundry College will engage the young person in the "Next Steps" programme at KS3 and KS4 and in the Nurture group at KS1 and KS2 in order that individual needs can be assessed and suitably addressed.
- d) FAPP will meet every 2 weeks during term time to discuss individual needs of the young person and make a decision on school placement. Wraparound care from Foundry College will continue and a Personal Learning Passport will be agreed with Foundry College and the new school.

- e) In KS3 a full reintegration is anticipated by the end of the academic year, although there will always be more complex cases that will require a more sustained level of support. The funding will move to the school, following a 6 week period of dual registration.
- f) Wokingham Borough Council will ensure that any young person who still falls under the “at risk of exclusion” category retains a continuation of support from Foundry College until such time that this can reasonably be withdrawn and the pupil can be fully and successfully reintegrated.
- g) KS4 pupils considered at risk of permanent exclusion may access education through Foundry College. In some cases, where transfer of school impacts on pupil outcome due to curriculum offered, additional tuition may be possible.
- h) In the case of pupils nearing transition or the end of KS4, Foundry College may continue to support the school until the end of the period.
- i) All schools should admit a fair share of permanently excluded pupils. In determining admission, the FAPP will consider relevant factors such as the distance from the home address to school and other pupil-related matters.

**4. Funding for young people at risk of permanent exclusion under the FAP (still subject to discussion and agreement between Wokingham Borough Council and Foundry College)**

- a) Young people who have exceeded Stage 2 of the Foundry College Continuum of support are most likely to be vulnerable and at risk of exclusion under the FAP. The Local Authority may commission and part fund Foundry College to provide preventative and holistic provision to ensure that where possible the young persons’ education is maintained in the most appropriate and effective way.
- b) Packages of support will be accessed through a referral to Foundry College. Within 2 weeks of receipt of referral, Foundry College and the School will meet to agree the SLA.
- c) Schools may access a range of provisions from Foundry College, the most common cost being a pro-rata of the AWPU, FSM, Pupil Premium and SEN funds for the time that Alternative Provision is in place.

**5. Funding for Permanently excluded pupils from a Wokingham School**

**5.1 School roll and attendance register**

- a) Where a pupil is permanently excluded, the pupil remains on the school roll until the end of the appeal period or as specified by the regulations. During the

period that Foundry College provides full time education from day 6 the pupil will be dual registered with Foundry College.

- b) The pupil's absence must be recorded as 'E' (Exclusion) for the first 5 days and 'D' (Dual registered) from day 6 until the end of the appeal period.
- c) The local authority will notify the school of the date the pupil may be taken off the school's roll in cases where the exclusion is upheld.

## 5.2 AWPU, FSM, Pupil Premium and SEN funds

- a) The pro-rata of above funds is invoiced to the excluding school until the date which the permanent exclusion is upheld. The Local Authority fulfils its duties through Foundry College which makes interim full-time provision using these young people.
- b) All permanently excluded pupils are to be offered a fresh start opportunity at a new mainstream school as quickly as possible after the exclusion is upheld and at the latest at the next FAPP, whichever is soonest. The decision of which school is to be allocated will be taken by the FAPP.
- c) The balance of the AWPU and other funds then transfer to the next receiving school.
- d) The transfer of funding will be in accordance with the current regulations as they apply to maintained schools and Academies.
- e) Pupils reintegrating to a new school, following permanent exclusion will be entitled to continued support from the Local Authority under the "at risk of exclusion" element of the FAP.
- f) Where a pupil is reinstated, or the exclusion is reduced to a fixed term exclusion (i.e. the pupil returns to the excluding school), the school retains the remainder of the funds.
- g) FAPP will not normally attempt to reintegrate pupils excluded in year 11. Under these circumstances the Local Authority would fulfil its responsibility through Foundry College. The remainder of the funds would transfer directly to Foundry College.

## **SECONDARY SCHOOL PROTOCOL MANAGED TRANSFERS - B**

### **Introduction**

This protocol applies to all maintained schools and Academies, excluding Special Schools, in the Borough of Wokingham.

It covers the placement of pupils at risk of permanent exclusion, where a 'managed transfer' is considered possible. 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'). On occasions, a managed transfer can be decided by two schools working together.

### **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 must 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

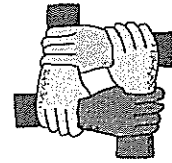
- Head teacher, or representative, consults with parents/carers and the pupil to seek their views on a voluntary move. Written notes need to be made of all conversations and meetings.
- When parental consent is given, this must be in writing and may include preferred school(s). Parent(s) / Carer(s) must 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.
- Headteacher, 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 school's 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.





**WPHA**  
**Wokingham Primary**  
**Headteachers Association**



**PROTOCOL**  
**MANAGED TRANSFERS - C**

**Introduction**

This protocol applies to all maintained schools and Academies, excluding Special Schools, in the Borough of Wokingham.

It covers the placement of pupils at risk of permanent exclusion, where a 'managed transfer' is considered possible. The panel overseeing this process will include representation from Wokingham Primary 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'). On occasions, a managed transfer can be decided by two schools working together.

**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 with one exception; where to do so will result in the school breaching infant class size legislation at Key Stage 1).
- 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 must 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 Primary 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 school's 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.

## FAIR ACCESS PROTOCOL

### PROCEDURE FOR ALLOCATING CHILDREN AT PARTICULAR RISK OF MISSING EDUCATION – VULNERABLE CHILDREN (D)

Amended 20 November 2013

The purpose of the Fair Access Protocol is to ensure that, outside of 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.

The majority of children applying outside a normal admission round will be admitted to a school through Wokingham Borough Council's co-ordinated in-year admissions scheme. This protocol will only be triggered when a child falls into one of the categories set out below.

It is not to 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 cannot be offered. If there are places at a preferred school, then the admissions authority for the school must admit to that school place regardless of whether the child is included in the list of "vulnerable child" categories below.

#### 1. Categories of "vulnerable" children to be included

The School Admissions Code (paragraph 3.15) requires local authorities to include the following list of children as a minimum, who are not on the roll of a school and who may have difficulty in securing a school place:

- (a) Children from the criminal justice system or Pupil Referral Units who need to be reintegrated into mainstream education;\*
- (b) Children who have been out of education for two months or more (including elective home education);\*
- (c) Children of Gypsies, Roma, Travellers, refugees and asylum seekers;
- (d) Children who are homeless (including temporary residence in a refuge);
- (e) Children with unsupportive family backgrounds for whom a place has not been sought;
- (f) Children who are carers; and
- (g) Children with special educational needs, disabilities or medical conditions (but without a statement)\*\*

Wokingham Borough Council has extended the list to include the following children:

- (h) Children with a history of serious attendance problems (below 75%) within the past academic year, as assessed by the supporting Education Welfare Officer\*
- (i) Children withdrawn from schools by their family, following fixed term or permanent exclusion, seeking a mainstream school place at another school prior to receiving any appropriate support\*
- (j) Children seeking a return to a school where there was a previous history of fixed term exclusions or previous serious attendance problems (below 75%)\*

- (k) Children of UK service personnel and other Crown Servants, where a change of location is ordered leading to a need for a change of school (an assignment order in the case UK service personnel or similar notice will be required for Crown Servants)
- (l) Children subject to a child protection plan or on the edge of care as identified by the local authority or receiving support from other agencies\*
- (m) Children who are looked after or previously looked after, supported by evidence e.g. Adoption Order, Special Guardianship or Residents Order together with confirmation from the home local authority
- (n) Children known to the police or other agencies during the previous 12 months e.g. CAMHS, social services.\*
- (o) Children for whom no school place within the borough can be found within a reasonable distance
- (p) Key stage 4 children for whom no school place can be found, where course matches are difficult or where the child would have completed education in his/her school or country of origin.
- (q) Children identified on the local authority 'Children Missing Education' list\*
- (r) Children seeking a return to school following elective home education where the local authority consider a return to mainstream school appropriate\*

\*Applications for children included within these categories will be subject to consideration by the Fair Access Protocol Panel as these are considered to be the most challenging children to place.

\*\*Applications for children included within this category will be the subject of a specially convened Multi-professional Panel of local authority officers, to include the inclusion manager, a representative from the SEN and Educational Psychology teams and Foundry College to determine whether a mainstream school can meet the child's needs. It is anticipated that few children will fall into this category and as their needs will be complex and will require assessment prior to a final decision.

Applications without an asterisk will be considered by panelled by the School Admissions Lead Officer and the Principal Education Welfare Officer.

## **2. Process for the identification of children who meet the criteria**

Applications are made as part of the co-ordinated in-year admissions scheme.

Each application will be assessed, having identified whether a school preference can be met or not, by the School Admissions Lead Officer or, in her absence, by a Senior Admissions Officer, and marked under a traffic light scheme as green or amber. Particular attention will be taken of the parent's reasons for their school preference and the reasons for leaving their previous school. Attention will also be made to information supplied by the previous school to identify children under this protocol. Due regard will also be given to the child's exclusion and attendance record where there is a record of the child on the ONE Admissions & Transfers system.

It is anticipated that the majority of applications will be green flagged for processing at this point especially for moves to the Borough (unless there is a comment requiring further investigation). Where a school place cannot be offered at a preferred school; a place will be offered at a) the

designated area school if a place is available or b) the most accessible school with places available. Parents will be advised of their right of appeal where parental preference cannot be met.

It is inevitable that some cases will be unidentifiable from the application form as limited information can be requested as part of the application process. Where a school subsequently receives a school file on transfer or identifies that a child would have met one of the above categories, notification should be made to the School Admissions Team for retrospective consideration of the application. Full details and evidence of issues which have arisen since the child was admitted to the school together with the reasons why it is felt that the child should be considered under this Protocol must be submitted for consideration by the next Fair Access Protocol Panel. The school will be notified of the Panel's decision and the outcome recorded on the Protocol register, if agreed.

Applications flagged amber will be copied for further investigation by the Principal Education Welfare Officer and discussed at the next meeting with the School Admissions Lead Officer. Where it is considered that the application does not meet any of the above categories, the application will be green flagged for processing.

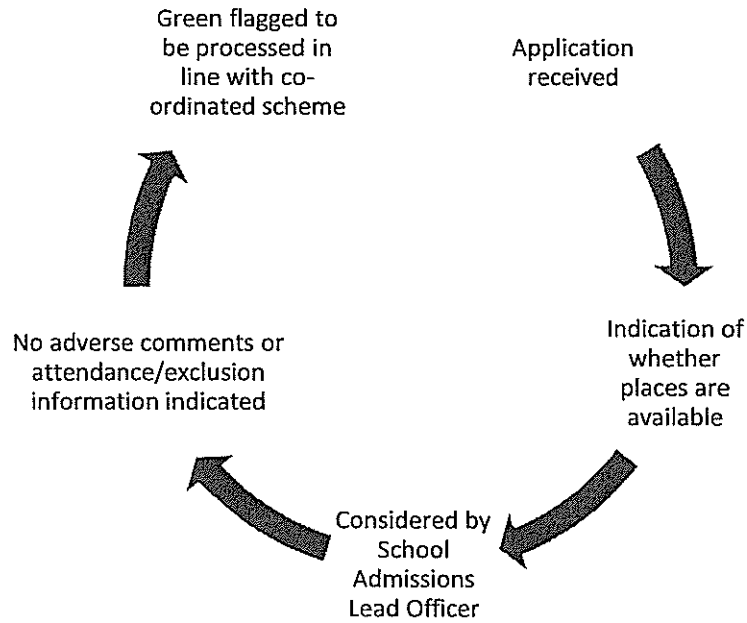
In some instances, the application may meet the one of the categories without an asterisk, and a school preference can be offered. In such cases, the application will be processed and the school notified of the findings and the outcome recorded on the Protocol register. If it meets the criteria and no school place can be offered, the school will be request to admit above admission number, having noted if an approach has been made in the previous term. If an approach has been made for that year group in the previous term; the application will be referred to the next Fair Access Protocol Panel meeting for consideration.

If the application is considered to meet any of the categories which have an asterisk; those applications will be red flagged and brought forward to the next Fair Access Protocol Panel for consideration. The outcome of the panel will be notified to the school within 5 school days together with notification to the parent. The outcome will also be recorded on the Protocol register.

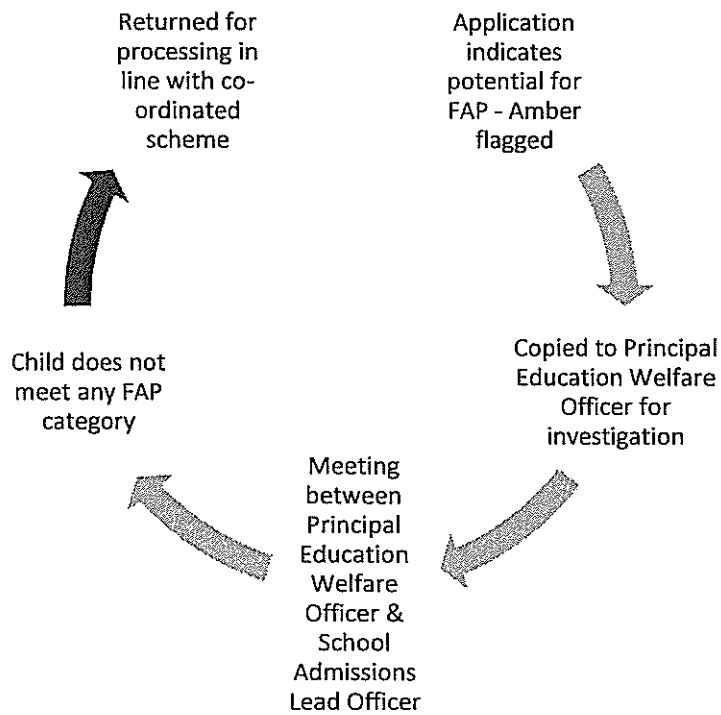
The following is a visual map of the process for individual parent-led applications.

Proposed for consultation

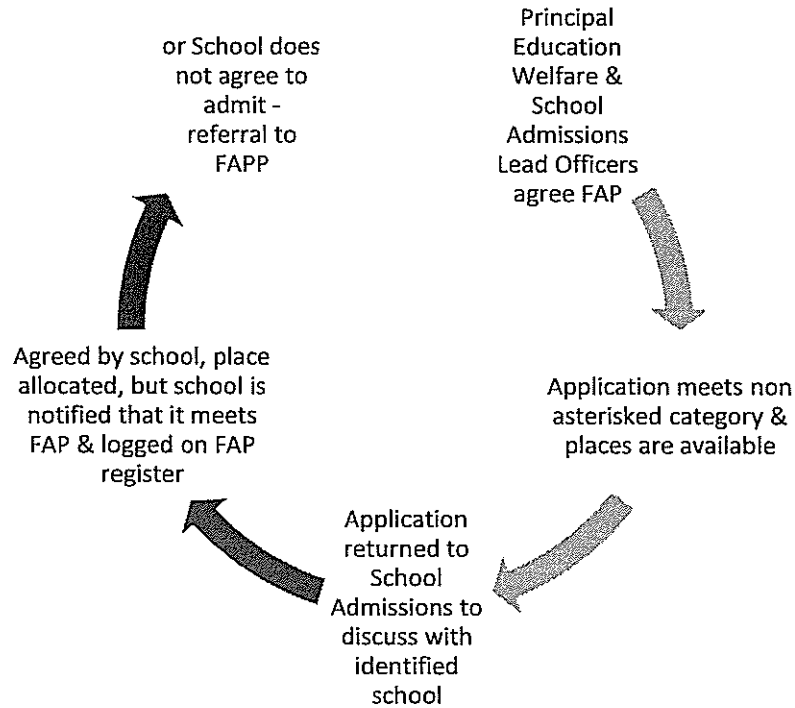
Step 1 – green flagged applications



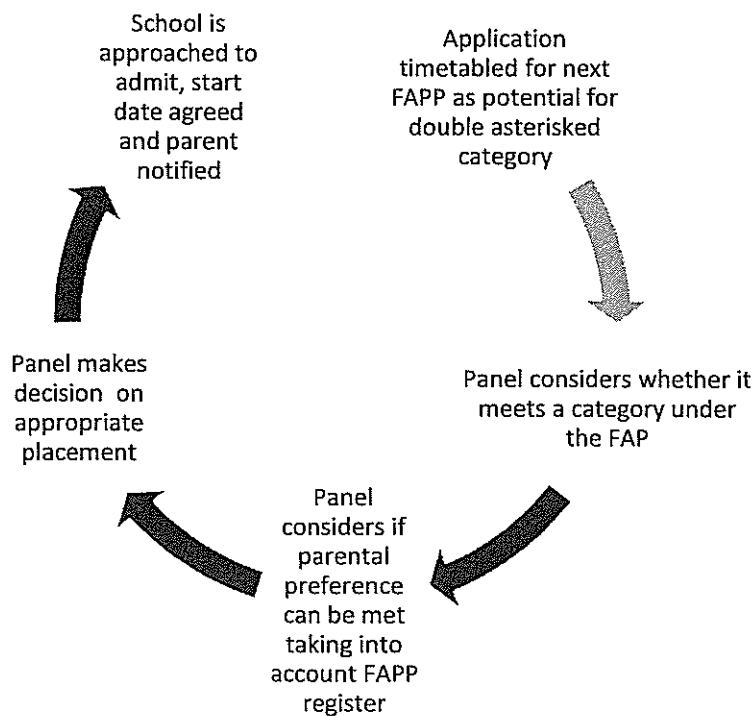
Step 2 – amber flag to green flag application – does not meet requirements of FAP



Step 2 – amber flag to green flag application – meets FAP – non asterisked category



Step 3 – amber flag to red flag application – to be considered by FAPP





Step 4 – red flag to green flag application – following consideration by FAPP

