

THURROCK FAIR ACCESS PROTOCOL

1 Introduction

This fair access protocol, agreed with the majority of schools in the area ensures that - outside the normal admissions round - unplaced children, especially the most vulnerable, are offered a place at a suitable school as quickly as possible. In operating the protocol, the local authority agrees ensure that no school - including those with available places - is asked to take a disproportionate number of children who have been excluded from other schools, or who have challenging behaviour. The protocol also sets out how the local authority will use provision to ensure that the needs of pupils who are not ready for mainstream schooling are met.

2 Legislation

The Education and Inspections Act 2006 introduced a requirement for each local authority to have in place an In Year Fair Access Protocol by September 2017. Further guidance about this requirement is provided in the School Admissions Code published on December 2014 (updated 2017).

3 Guidance

The School Admissions Code Paragraphs 3.9 -3.15 sets out the principles and process of fair access protocols which must be in place in all local authorities. The relevant sections of the code are set out below.

*3.9 **Fair Access Protocols** - Each local authority **must** have a Fair Access Protocol, agreed with the majority of schools in its area to ensure that - outside the normal admissions round - unplaced children, especially the most vulnerable, are offered a place at a suitable school as quickly as possible. In agreeing a protocol, the local authority **must** ensure that no school - including those with available places - is asked to take a disproportionate number of children who have been excluded from other schools, or who have challenging behaviour. The protocol **must** include how the local authority will use provision to ensure that the needs of pupils who are not ready for mainstream schooling are met.*

3.10 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.

*3.11 All admission authorities **must** participate in the Fair Access Protocol in order to ensure that unplaced children are allocated a school place quickly. There is no duty for local authorities or admission authorities to comply with parental preference when allocating places through the Fair Access Protocol.*

3.12 Where a governing body does not wish to admit a child with challenging behaviour outside the normal admissions round, even though places are available, it **must** refer the case to the local authority for action under the Fair Access Protocol (Where in the case of an Academy it cannot agree with the local authority over admitting a child, only the Secretary of State can direct the Academy to admit the child). This will normally only be appropriate where a school has a particularly high proportion of children with challenging behaviour or previously excluded children. The use of this provision will depend on local circumstances and **must** be described in the local authority's Fair Access Protocol. 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, as these children **must** be admitted.

3.13 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.

3.14 A Fair Access Protocol **must not** require a school automatically to take another child with challenging behaviour in the place of a child excluded from the school.

3.15 The list of children to be included in a Fair Access Protocol is to be agreed with the majority of schools in the area but **must**, as a minimum, include the following children of compulsory school age who have difficulty 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;
- c) children of Gypsies, Roma, Travellers, refugees and asylum seekers;
- d) children who are homeless;
- e) children with unsupportive family backgrounds for whom a place has not been sought;
- f) children who are carers; and
- g) children with special educational needs, disabilities or medical conditions (but without a EHCP).

4 Protocol

This protocol has regard to the School Admissions Code. It defines Thurrock schools as a community of educators who will take responsibility for admitting pupils who may have difficulty securing a school place outside the normal admissions round. It is designed to maximise learning opportunities such that children deemed hard to place are not disadvantaged or denied opportunity by ensuring that:

1. All schools will participate;
2. Schools will admit pupils who apply for an available place under normal admission arrangements in compliance with the School Admissions Code;
3. All schools will where necessary to meet the commitment to minimise time out of school, from time to time, exceed their published admission number in order to facilitate access of a child without a school place;
4. All schools respond promptly to requests for admission in order that there is no undue delay;
5. Schools managing their own admissions notify the local authority of any pupils whom they are refusing a place;
6. Schools will seek to achieve a fair and reasonable distribution of hard to place pupils on the basis of contextual data supplied to it by the LA;
7. Account is taken of the views of the child where feasible to do so;
8. The parental preference of school choice will be noted as part of the process however this is not a determining factor under Fair Access.
9. Schools comply with the statutory guidance limiting the information that can be used in reaching an admission decision to that which is required to assess the application against the admission criteria;
10. The principle that the school place is identified first, and the planning/resources to support placement follow is adhered to;
11. No child remains without a school place for more than 20 school days;
12. All schools play their part as a community of educators to secure speedy access to places taking into account parental preference where possible;
13. So far as possible there is an equitable distribution of pupils with challenging behaviour who move into the area during the school year;
14. All schools play their part in the admission of pupils with additional and/or high needs throughout the school year;
15. Vulnerable children and young people who are not on the roll of any school are placed quickly, with appropriate reintegration programmes and support that will prepare them for success in learning and in the school community;
16. The time that any child, including high need pupils, spends out of school is minimised;
17. Schools admit pupils with challenging needs on an equitable basis.
18. Children and young people whose needs are such that admission to a mainstream school is not realistic within 20 school days are placed in alternative provision with a view to reintegration.
19. The LA provides high-quality contextual information to aid decision making.

5 Pupils covered by the Thurrock protocol

1. permanently excluded pupils
2. pupils subject to managed moves or requests for managed moves
3. children with a history of behaviour problems, where a risk assessment supports the view that an mainstream placement would be successful.

4. pupils attending PRUs awaiting reintegration to mainstream
5. children from the criminal justice system who need to be reintegrated into mainstream education;
6. pupils withdrawn from school by their family following fixed term exclusions and unable to find another place
7. children who have been out of education for more than 20 school days;
8. children of Gypsies, Roma, Travellers, refugees and asylum seekers;
9. children who are homeless;
10. children with unsupportive family backgrounds for whom a place has not been sought;
11. children who are carers; and
12. children with special educational needs, disabilities or medical conditions (but without a statement).
13. children on the Child Protection Register
14. long term non-attenders
15. children withdrawn from school for Elective Home Education whose parents are unable to provide suitable education (these will in most cases be re-directed to their original school, with the expectation that they will be re-admitted under the protocol, over number if necessary)
16. children in need
17. children with a CAF
18. young offenders
19. children for whom English is not their first language
20. Pupils transferring school in Year 11.

6 Year 11

The factors impacting on in year admissions for pupils in Year 11 include difficulties in matching up the curriculum subject options that pupils have already undertaken and in ensuring that the areas studied and necessary coursework obligations specific to the particular exam board can be completed.

Each year there are a number of pupils who move into Thurrock in Year 11 seeking a school place. Some of these pupils have experienced difficulties in their education to date due to a range of factors including behaviour and attendance and their needs will come under the Fair Access Protocol.

Proposed Arrangements for Year 11 pupils

In order to arrange timely access to an appropriate learning environment that is clearly linked to their longer term education and training needs, the following arrangements are proposed to support Year 11 pupils who come under the Fair Access Protocol.

- Schools will provide the local authority with a full list of options and exams boards each year. Initial background checks will be made and applications will be forwarded to compatible schools.
- It is expected that Schools will admit Year 11 who apply for an available place under normal admission arrangements in compliance with the School Admissions Code; That is, where a request for a school place is made by a parent, schools will consider this in the first instance enabling continuity of learning and access to examinations. Pupils should have access to local college placements, work experience placements brokered by the School with a view to supporting their needs in Year 11 and opportunities to access establishing opportunities for post 16 learning. The School will retain responsibility for their overall learning and attendance.
- Where the Local Authority receives requests for school places in Year 11 and the complexity of the circumstances and pupils needs are such that they would come under multiple categories of the Fair Access protocol, the Local Authority will refer these pupils, in the first instance, to the Inclusion Panel.
- A bespoke package of support will be considered and developed by the Inclusion Panel to ensure the pupil receives access to a range of educational opportunities tailored to their individual needs. It would be expected where there is indication that the pupil would benefit from opportunities to access some mainstream school activities, this will be brokered by the Alternative Provision establishment. There may be further requirement that some pupils will need to be placed on the roll of a school, decided by the inclusion panel members, should an alternative provider be required. The School will retain responsibility for their overall learning and attendance.

7 Delivery

For secondary schools in Thurrock the normal means of considering cases under the fair access arrangements and principles set out in the School Admissions Code 2014 will be through the Inclusion Panel. The Inclusion Panel's terms of reference are set out in Appendix 1.

8 LA support

The LA will make every effort to ensure multi-disciplinary/multi-agency support where appropriate to support the admission of vulnerable pupils. In cases of high need, so far as practicable, multi-disciplinary/multi-agency planning should take place prior to admission.

9 Monitoring and evaluation

The Protocol will be reviewed annually.

The speed and effectiveness of placement of vulnerable pupils who were deemed hard to place will be monitored and evaluated by the LA.