Peterborough

Fair Access Protocol

Proposed Protocol for admissions during academic year 2019 - 2020
1. **Introduction**

Since September 2011 the Fair Access Protocol and process, has been administered by the Pupil Referral Service, as part of their Single Seamless Service model for pupils, schools and families, via a Service Level Agreement with the Local Authority. This model is now successfully embedded and held up nationally as a model of good practice by successive Ofsted inspections, other Local Authorities and more recently in 2018, by the House of Commons Education Committee.

All City Secondary Schools, irrespective of category, participate equally and fully in Fair Access activities. Although the requests for primary placements is lower the same process is equally applicable to all City Primary Schools

The Fair Access Protocol is used successfully to identify, reintegrate and support pupils whose needs may have otherwise prevented them accessing a mainstream educational setting.

The Fair Access Process is open and transparent and Headteachers receive an annual report on Permanent Exclusions and Fair Access. From September 2018 all Headteachers will also receive a half termly Activity Report, which will include information on the numbers of requests for permanent exclusions, actual permanent exclusions, numbers of Fair Access Placements (List 1 and List 2), numbers of requests for Behaviour Support and pupil numbers within the Peterborough Learning Centres, to further increase transparency, awareness and understanding of the volume, and quality, of activity undertaken.

The Protocol is reviewed every two years with Headteachers and Local Authority Officers and in doing so consideration is given to;

- Changes to the National Admissions Code
- DfE Guidance documentation
- Local demographics
- School place planning and availability
- Success of the current protocol and its application
- Impact of related areas of activity such as Behaviour Support

2. **Pupils Included in the Fair Access Protocol**

2.1 DfE School Admissions Code 2014 states that the list of children considered eligible for consideration as Fair Access MUST include, as a minimum, the following children of compulsory school age who have difficulty securing a school place;

- Children from the criminal justice system or Pupil Referral Units who need to be reintegrated into mainstream education
- Children who have been out of education for two months or more
- Children of Gypsies, Roma, Travellers, refugees and asylum seekers
- Children who are homeless
- Children with unsupportive family background where a place has not been sought
- Children who are carers
- Children with special educational needs, disabilities or medical conditions (but without a statement / EHCP)

Additional local criteria which have been agreed with Headteachers and Local Authority are;

- Pupils who have had a Managed Move to avoid a permanent exclusion
- Pupils without a school place and with a history of serious attendance problems resulting in previous annual attendance of below 70% and / or where legal action has been taken in relation to non-school
attendance within the 12 months prior to the Fair Access request but has not improved attendance to the age related national minimum expectations

- Pupils moving into the City who have a history of challenging behaviour or who have been previously permanently excluded from a school in another Local Authority

- Year 11 in year admissions …. City Heads recognise the potential vulnerability of pupils seeking an in year admission in Year 11s. The School Admissions Code is clear that all pupils must be offered a mainstream place but within the City pupils may also be considered for one of several targeted programmes offered by Peterborough Learning Centres which are specifically aimed at maximising progress and attainment within the final year of statutory education.

From September 2019 all in year applications will be offered a school place via the usual admissions route and it will then be for the school to determine how to proceed with the application once they have met with the pupil and have a greater understanding of their needs. Where a school seeks support from the Peterborough Learning Centres or wishes the pupil to access one of their targeted Year 11 programmes the school will make a specific request to the Head of the Pupil Referral Service who will arrange for a visit to the relevant programme, and if selected will arrange admission.

2.2 The Fair Access Protocol should only deal with exceptional circumstances. Normal admission arrangements will be followed in most cases.

The Fair Access Protocol is **not** appropriate in the following circumstances:

- Pupils who are Looked After
- Pupils who have statements / EHCPs
- Pupils moving into the City, unless in one of the identified vulnerable groups
- Pupils seeking to transfer school for personal/academic reasons
- Pupils transferring from primary to secondary school
- Pupils who have been offered a place elsewhere but who have declined that offer.

3. **Fair Access Procedure**

The Fair Access procedure will be convened under the protocol

3.1 The Head of the Peterborough Pupil Referral Service (PPRS) is also the Local Authority representative for permanent exclusions. Through this integrated process, which includes family intervention as well as pupil assessment, the Service will identify those pupils within the Learning Centres who are ready for re-integration into mainstream under Fair Access.

3.2 For pupils who are considered eligible, but who are not pupils within the PRS, a request for a Fair Access placement may be made by:

- An officer of another Local Authority
- the Head of Admissions
- the pupil’s current Headteacher
- the receiving Headteacher
- The Children Missing Education Officer
- the Elective Home Education Officer

An joint, informed, evidence based decision will be made on the type and level of support required to secure a placement and this is often done via a meeting with the family to ascertain and clarify relevant factual information to support the pupil and receiving school, in a Fair Access request.

In exceptional circumstances this may also be done retrospectively if the receiving school has evidence to support this from information received after the actual admission.
3.3 In the event of a Headteacher being approached directly by a parent/carer for a place for a pupil they believe meets the FAP criteria they may wish to consult with the Head of the Pupil Referral Service and Admissions as to whether the placement should be recorded as a FAP or not.

Parents do not have the right to request a Fair Access Placement, even if the pupils does meet the criteria, and any such requests should be referred directly to the Head of the Pupil Referral Service.

3.4 For permanently excluded pupils the information provided by the excluding school, together with a profile of their assessed holistic needs will be complied by the Pupil Referral Service. This Assessment will also consider any health and safety issues.

3.5 This information will be presented in a direct approach from the Head of the Pupil Referral Service to the Headteacher of the school that can offer the best fit between the school and the pupil, whilst taking into consideration other factors such as previous Fair Access placements in that school during the current academic year.

3.6 The outcome of Fair Access Placements will be presented annually to all Headteachers via the Primary and Secondary Heads meetings and from September 2018 all Headteachers will also receive a half termly activity update emailed directly to them from the Head of the Pupil Referral Service.

3.7 The Pupil Referral Service will liaise closely with the pupil, their family and all other involved to ensure a successful entry and integration to the identified school. For pupils that are known to the Pupil Referral Service a senior representative from the Service will arrange and attend the FAP interview within the new school.

3.8 There is an expectation the school will admit the pupil within 10 school days of the FAP interview.

4. **Peterborough’s Fair Access Protocol**

4.1 When a Fair Access placement is considered the Head of the Pupil Referral Service will give due regard to the allocation of placements within that academic year, but has been granted a level of professional discretion in relation to the rota of schools in relation to secondary placements, in order to ensure the best match between pupil needs, location and any other relevant information, such as a previous exclusion or over subscription in a year group. The aim being to give the placement the best chance possible of success for all.

4.2 In relation to Primary schools maintaining the national requirement for class sizes within Key Stage 1 will be respected, though there may be exceptional circumstances in which the Head of Service may approach a Primary Headteacher for a Key Stage 1 placement and under these conditions the pupil would be dual registered with the Pupil Referral Service as the main school in order that school were not in breach of DfE guidance.

4.3 In relation to Primary schools the Head of Service will first ask the Admissions Team for the location of pupil places in the required Year Group and will make every effort to place a child within an existing space, rather than request a school to go over PAN, but again there may be exceptional circumstances whereby the Head of Service will make such a request, for example where we are trying to place a refugee family and children from the same family really need to be placed together.

4.4 Consideration will be given to the impact of pupils placed under FAP on school performance data at the end of KS4 and in the event of this being an issue the pupil may be considered for dual registration with the Pupil Referral Service, where the PRS is shown as the host school, or in exceptional circumstances the pupil may be recorded as a single registration with the PRS and attending the partner school as a guest.

4.5 Any pupil moving from the Pupil Referral Service into a Fair Access Placement in a mainstream school will be dual registered for a period of three months. This ensures the transition period is supported and minimises the risk to the pupil and the receiving school in the event the placement is unsuccessful.
4.6 Any pupil who has previously been permanently excluded and whose Fair Access Placement has broken down, or is at risk of breaking down, will be returned to the Pupil Referral Service in order to avoid a second permanent exclusion, and this is explained at the time the Fair Access meeting and admission is held.

4.7 At the last review of the FAP in 2016 it was requested by secondary Headteachers that the Head of the Service operate two Fair Access registers in recognition of the particular challenges faced by some schools in relation to the volume of new admissions and in year churn. This issue has since been raised by Primary schools too, who are now included in this City specific practice. The two Lists are distinguished as follows:

**List 1**
Will record those pupils placed under FAP as a result of a direct intervention by the Pupil Referral Service and will include:
- pupils who have been in a Learning Centre as a result of being permanently excluded
- pupils who have had a Managed Move as an outcome from the permanent exclusion process
- pupils who have been absent from mainstream education through ill health, Elective Home Education, being in custody or safeguarding related issues and are assessed as requiring additional support in order to take up, and maintain, a school place

ALL List 1 placements will be brokered by the Pupil Referral Service and supported by a period of Dual Registration. All pupils placed via this route will be considered to be appropriate for mainstream.

**List 2**
Will record those pupils who have been allocated a mainstream school place via the usual admissions route but whose in year admission form evidences the fact they meet one of the nationally or locally agreed FAP criteria, e.g. returning to school after a period of Elective Home Education and therefore out of school for two months or more.

ALL List 2 placements will be allocated by Admissions on the basis of the information presented on the Admissions form. The Admissions Team can refer cases to the Head of Service for consideration as List 2 FAP prior to allocating a place.

Any Headteacher who holds an admission meeting with a potential List 2 pupil, who has evidence to suggest the child is not school ready, can refer to the Pupil Referral Service for advice and guidance.

4.8 If a parent refuses to accept a place at the identified school, the matter will be referred to the Attendance Service who will consider taking out a School Attendance Order.

4.9 For pupils who have been permanently excluded from a previous school in Peterborough, funding will be transferred by the Local Authority from the excluding school to the school admitting a pupil under the protocol as required by the School Finance Regulations (England) 2007 when the placement occurs during the same financial year.

4.10 Funding will be calculated based on the Age Weighted Pupil Unit (AWPU) element relevant to the pupil’s age, any Pupil Premium and / or SEN funding in relation to a pupil’s statement of Special Educational Need or additional support required for medical conditions. This amount is then divided by 52 and multiplied by the total number of weeks remaining in the financial year of the excluding school. Funding will be transferred to the school budget within 20 days of the pupil’s admission.

4.11 For those schools admitting pupils under the protocol that have not been excluded from a previous school, it is expected that these schools will receive a transfer of funding from the pupil’s predecessor school on the same basis set out in paragraph 4.9 above. This is not a statutory requirement; but it has been agreed that schools recognise the need for funding in these circumstances to “follow the pupil” and agree to make the necessary transfer of funds between them.
4.12 If both the predecessor and successor schools wish the local authority to carry out the transfer of funds on both schools behalf, then the authority must receive, in writing, a request from each of the schools involved to affect the transfer. Otherwise arrangements should be made between the two schools.

4.13 Transport arrangements for pupils placed under the protocol will fall under the provision for “exceptional circumstances” in section 11 of Children’s Services Transport Policy (for children aged 4-16 years) June 2005, which allows the local authority some discretion in the provision of transport. An agreement to fund transport for a Fair Access pupil will be for the period of statutory education only and would not include post-16.

4.14 The Head of the PRS will produce and distribute information annually on the operation of the protocol. The LA Admissions Team will annually produce statistics on the overall position of pupils without a school place to the Admissions Forum and all Headteachers.

4.15 The Head of the PRS will supply information to the Admissions and Schools Finance Teams on a monthly basis in relation to Managed Moves and Fair Access Placements.

5 Implementation of the Protocol

5.1 All schools will be bound by the admission criteria set out within the section relating to Fair Access in the Secondary Guide to Parents, produced annually by the local authority and agreed by the Admissions Forum.

5.2 Pupils referred under the protocol will take precedence over all other pupils (including those on the waiting list) except Looked After Children.

5.3 The Local Authority Schools Guide to Parents States:

“All schools in Peterborough will admit pupils referred under the Fair Access Protocol even if this means going over number in a particular year group and even if there are other pupils on the waiting list. Other criteria detailed within a school’s admission statement do not apply in respect of pupils referred under the Fair Access Protocol”

5.4 This protocol has been updated to reflect the Equality Act 2010 and the new DfE Admissions Code 2016.

6 Disputes

6.1 All schools will be expected to admit pupils who have been duly assigned to their school under the process described in section 4 above.

6.2 If the identified school under the protocol refuses to admit the pupil the local authority will refer the matter to the Secretary of State (Community, Voluntary Controlled, Academy) or Standards and Framework Act (Foundation, Voluntary Aided).

6.3 Parental agreement will have been obtained within the assessment presented at the time the Fair Access Placement is requested. Should parents subsequently refuse the place consideration will be given to imposing a School Attendance Order.

7 Review

7.1 The Protocol will be reviewed every 2 years.

8 Contact

All enquiries concerning the contents of this document should be directed to:

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