

WAKEFIELD LA FAIR ACCESS PROTOCOL

Background

In line with DCSF guidance and in consultation with all relevant partners, a Hard to Place Protocol was agreed and introduced in Wakefield in November 2005. The Protocol applied to all high schools in Wakefield, including the Voluntary Aided schools.

The aims of the protocol were set out to:

- (i) ensure all children within the District have the opportunity to reach their potential through regular attendance at school.
- (ii) ensure that no school has to take an unfair proportion of pupils who have challenging behaviour.

These aims are set within an operational context, which is informed by the principles set out in Every Child Matters which emphasises the need to safeguard the well being of all children and young people.

In a subsequent revision of the School Admissions Code of Practice (February 2007), the DCSF issued new regulations which required LAs to review and revise the Hard to Place Protocol. This would be replaced by a newly modelled protocol - Fair Access Protocol - which will be agreed by schools and LAs in the Autumn term of 2007.

The Fair Access Protocol seeks to build and develop the principles and approaches set out within the Hard to Place Protocol and will only apply in situations where a school is at or above its planned admission number.

School Admissions Policies

Admission procedures in Wakefield work well for most pupils and schools. Across the district there remains a strong commitment between all schools and the LA, to work together in partnership on all matters concerning admissions.

The admission of all pupils, including those who have Special Educational Needs, are generally through the usual routes, which are set out within the relevant statutory and local admissions policies and procedures.

Over 95% of pupils attain their first preference and there continues to be a relatively low number of admission appeals.

A range of existing policies deal with situations where there are more applications than places available at any particular school. Information on how these admissions are prioritised is provided within the Local Authority

admissions policies or school's own admission policies. These policies apply in all cases where a particular year group is full, not just during the usual September admissions round.

However, there continues to be a significant number of admission requests, outside of the usual school intake admissions round and these can occur at any time of the year. Many are straight forward, however, a disproportionate number of these admissions involve pupils who have a complex range of personal and educational needs and who have the potential to present significant challenges to schools, in terms of their capacity to meet those needs.

Some schools will inevitably take a higher proportion of pupils with complex and varied needs, due to the nature of their local catchment areas. The introduction of the Fair Access Protocol will not change that, but it will ensure that most of these children, who seek admission during the academic year, are admitted to their local school.

Schools which have places available also often have to admit a high proportion of pupils from this particular group.

The new School Admissions Code of Practice, and other previous guidance, recognises and emphasises that admissions policy and practise must secure a balance between finding a place quickly in an undersubscribed school, or one in challenging circumstances, and finding a school place that is appropriate for the child.

A main purpose of the Fair Access Protocol is therefore to support timely access to appropriate education for all pupils. At the same time the Fair Access Protocol will ensure that there is a fair distribution of pupils with complex and varied needs, across all the LA's schools.

Wakefield Pupil Placement Panel (WPPP)

Where difficulties arise, The Wakefield Pupil Placement Panel [Annex 1] will consider the circumstances of cases where placements have not been secured within the timescales and work to support the successful placement of pupils using a range of strategies and resources. The panel will also be responsible for providing information and feedback to all relevant parties on the effectiveness of the policies and procedures which manage admissions within the LA.

Fair Access Protocol [FAP]

This protocol will only be used in cases where the school concerned is at or above its admission number for the year group concerned. The Protocol overrides the current over subscription criteria of an individual school's admission policy.

Pupils who are admitted via this protocol will receive priority above other young people seeking admission to a school.

General principles

The following principles have been agreed by Headteachers and Governing Bodies and underpin the local authority's approach to admissions.

- All children at all ages should be educated as close to their family and community as possible. All children should therefore attend their Local school wherever possible.
- The admissions system should be seen to be transparent and equitable, serving the best interests of children and itself minimising the amount of time children spend out of school.
- The educational interests of young people in all but the most exceptional circumstances are best served by full time mainstream schooling; all involved will work together to ensure that access is maximised, and consistent with the needs of the individual child.
- Headteachers and the LA will do all they can to minimise mid year transfers within the District.
- All schools will agree to share responsibility for the education of children with challenging behaviour and will work together to ensure there is a fair distribution of such children across all schools, consistent with the statutory admissions framework.
- The LA believes that schools are in general best placed to deliver behaviour support to pupils and the LA will devolve funding for this purpose, subject to retaining sufficient resources to allow its statutory responsibility for the education of children otherwise than at school to be fulfilled.
- Permanent exclusion has a significant effect on the further engagement and progress of the pupil concerned. It should only be used where no other courses of action are available or appropriate. It has been agreed that Schools and the LA will work in partnership and explore opportunities to minimise permanent exclusion and will seek to engage parents and other agencies to work with them to achieve this aim;
- No child will be excluded other than by way of the formal procedures.
- It is expected that a child will be permanently resident in Wakefield and meets the usual residential checks undertaken by the School Admissions Team.

The FAP aims to:

- Ensure that the educational needs of pupils who are not on the roll of any school, are addressed quickly, sympathetically and appropriately;
- Reduce the time that pupils who fall within the scope of the FAP spend out of school;
- Ensure that all schools contribute to meeting the needs of pupils who have complex personal and educational needs;
- Be fair and transparent, and to have the confidence of all schools;

The protocol – ground rules

By signing up to this agreement, all schools agree to share collective responsibility so that children with complex and varied needs are found a school place with a minimum disruption to their education and the overall work of the receiving school. The LA promotes access to education for all young people and seeks to ensure, that where appropriate, all children and young people in Wakefield have access to an appropriate school place.

For the protocol to be successful:

- All schools will continue to admit local pupils who apply for an available place, under normal admission arrangements.
- All schools (both primary and secondary) will take part, and have signed up to implementation of the protocol.
- No school will use oversubscription as a reason to refuse admission of a pupil who falls within the definition of this protocol and high need pupils, as defined in this document, will be given priority for admission over any others on a waiting list or awaiting an appeal.
- Schools will respond quickly to requests for admission so that admission of the pupil is not unduly delayed. The pupil should be entered on the register of a school as soon as possible following agreement between the Local Authority and the Headteacher of the school concerned. Schools will aim to place pupils on roll within 10 school days of notification by the School Admissions Team, however, it is recognised that the placement of these pupils can be complex and this is not always possible. For admissions under this Protocol, particularly where the pupil has been out of schooling for some time, a phased attendance pattern may be necessary although, unless there are exceptional circumstances, full time attendance should be in place within 4 weeks of entry on the register.
- LA schools will provide up to date information on the pupil to be admitted to another school. The gathering of information to enable a pupil to be placed successfully in a school is a joint responsibility between the School

Admissions Team, the receiving school and the school where the child had previously been placed. A lack of information should not be used to delay the admission, however, it is recognised that a balance must be drawn between a lack of information and concerns that a school may have with regard to admitting the pupil.

- The outcome of any relevant appeal will not be used to delay admission by schools.
- Schools will work with the LA to provide quick and easy access for LAC.

Categories of pupils and the Fair Access Protocol

Wakefield has considered DCSF guidance and the categories of children covered by the local FAP are agreed as follows:

- Children who have been permanently excluded from another school and require either alternative mainstream place immediately or reintegration into mainstream following specialist work. A recommendation, following appropriate assessment and consideration of all the information available, that the pupil is ready to return to mainstream school. The pupil will be dually registered for a term, with a reintegration package provided by the Wakefield District Community School if appropriate
- Children whose parents have been unable to find them a place after moving to the area, because of a shortage of places;
- Children withdrawn from school by their family because of a risk of permanent exclusion, following fixed term exclusions and unable to find another place; to include where a child is at risk of permanent exclusion, for whom a managed move is agreed by all stake holders as the best way forward.
- Children who meet the Government's "persistent absence" criteria and have had a referral to an Education Welfare Officer.
- Children of Traveller Families.
- Children where a place has not been sought due to significant difficulties within the family;
- Children who have been convicted of a criminal offence and/or been referred to the Youth Offending Team;
- Refugees and asylum seekers.
- Children on the Child Protection Register.
- Children placed in alternative accommodation due to domestic violence.

The allocation of pupils who are placed under the Fair Access Panel will be as follows:

- The pupil will be placed in his/her local catchment area school unless that school has already admitted, and maintained on roll, two (Fair Access Protocol) pupils (or 1% whichever is the greater) within the same year group in the last twelve months.

- In such cases, the pupil will be admitted to the next nearest school as measured by a straight line distance from the pupil's home. Again, if that school has admitted two such pupils within the last twelve months he/she will be referred to a third school and so on.

In all cases the pupil will be entered on the receiving school register within ten school days of notification by the LA.

There will be a panel style appeals process where there are disputes [Annex 1].

Parental preference

The duty to recognise parental preference, within the context of the LA admissions policy and for school's whose Governing Body is the admissions authority, is generally not relieved under the Fair Access Protocol. Where the preference is made for a faith based school any placement will be discussed with the school and the school's admissions policy will be taken into consideration.

For twice excluded pupils there is no duty to comply with the preference of parents or offer an appeal. This category of all pupils will normally be considered by this Protocol.

Where the admissions authority has determined that a child should not be offered a place at a particular school, the parent will have a right of appeal to the Independent School Admissions Appeals Panel.

Parent/Carers may refuse the placement agreed for their child and retain the right of appeal directly to another school. If refused by the school, the parent/carer retains the right to appeal.

If an appeal is successful, support for the young person's placement will be considered by the WPPP.

Challenging behaviour / schools in a category.

The School Admissions Code of Practice also gives the admissions authority the provision to refuse admission in particular circumstances, even though there are places available.

Each case must be considered individually and refusal of a place will normally only be appropriate where a school:

- Already has a particularly high concentration of pupils with challenging behaviour, or a child is particularly challenging and that the admission of the pupil in question would be detrimental to the schools efforts to improve.

AND the school :

- a) Is judged to require special measures or has recently come out of them (within the last 2 years); or
- b) Is judged to have serious weaknesses; or requiring significant improvement and therefore is given “notice to improve”; or
- c) Is subject to a formal warning notice; or
- d) Is a “fresh start” 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.

Schools in these categories may submit a case to appeal against admission, however, because a school is in one of the categories above, does not give that school automatic protection from admitting any pupils.

The LA will be sympathetic where a school has temporary changes in circumstances where they feel it is unable to operate at its published admission number, an example of this may be where the school has had a fire or physical accommodation has been removed.

The impact of persistent absentees added to the school roll mid-year shall be identified where appropriate as affecting attendance figures..

Exemptions to the protocol

- SEN Pupils. Children with statements of special educational needs (SEN). Separate arrangements apply for the admission of children with SEN where there are difficulties in securing an appropriate placement
- Looked After Children. Section 50 of the Education and Inspection Act 2006 creates a new power for LAs to direct admission authorities to admit looked after children to the best suited school to his or her needs. The School Admissions Team, on behalf of the LA, and in consultation with other relevant parties, will make a final decision concerning what represents the child’s best interest. In this situation the LA will use its statutory powers to direct the admission of individual pupils.

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There are two main reasons for children being in local authority care thus:

- Children who are subject to a care order made by the courts under section 31 of the Children Act 1989 (about 65% of all looked-after children) - for the courts to grant a care order they have to be satisfied that a child is suffering or would suffer 'significant harm' without one

- Children who are accommodated by the local authority on a voluntary basis under section 20 of the Children Act 1989 (about a third of all looked-after children)
- Looked After Children will be counted against a school's "quota". If this has been reached and it is felt that a young person should be admitted to a particular school, then these quotas can be exceeded in these circumstances. It should be noted that appeals to these directions are to be made to the Schools Adjudicator not the LA.
- Any placement will have to comply with the Infant Class Size legislation.

Appeals against allocation of a pupil

The LA will establish an administrative body known as the Wakefield Pupil Placement Panel (WPPP) to hear all Fair Access appeals against a request from the School Admissions Team to admit a pupil under the current agreed statutory and local admissions policies and procedures.

The reasons for any refusal to admit a pupil under the Fair Access Protocol must be put in writing to the Principal Admissions Officer who will arrange for the case to be considered at the WPPP.

Further appeal

All schools will be expected to admit pupils who have been duly assigned to their school by the WPPP.

If a school is identified as the one to admit a pupil and it refuses to do so after the panel has considered the case, the LA will refer the matter to the Director (Family Services) who has the authority to direct the school to admit the pupil.

Funding

A pupil who is admitted to a new school through the Fair Access Protocol will have, from the date on roll, the remaining portion of the Age Weighted Pupil Unit (AWPU) formula in that financial year transferred to the new school

Where a pupil is admitted from outside the District the receiving school will receive the AWPU in the normal way.

Provision of transport

Transport assistance will be available, if necessary, for any pupil who has to travel in excess of three miles to the designated school, in line with the normal home to school transport policy.

Monitoring and review

The WPPP will monitor and evaluate the effectiveness of all admissions policy and procedures within the LA and will provide data, feedback, amendments

and reports as set out in its terms of reference, to all relevant parties, including governing bodies, in the autumn of each year.