

Fair Access Protocol

Background

Fair Access Protocols exist to ensure that access to education is secured quickly for children who have no school place but for whom a place at a mainstream school or alternative provision is appropriate, and to ensure that all schools in an area admit their fair share of children with challenging behaviour, including children excluded from other schools. An agreed protocol encourages local authorities and schools to work together in partnership to improve behaviour, tackle persistent absence and help support improving behaviour partnerships. Local authorities **must not** require undersubscribed schools to admit a greater proportion of children with a recent history of challenging behaviour than other schools.

Each local authority **must** have a Fair Access Protocol. All schools and Academies **must** participate in their local authority area's protocol in order to ensure that unplaced children, who live in the home local authority, especially the most vulnerable, are offered a place at a suitable school in the home local authority as quickly as possible. This includes admitting children above the published admission number to schools that are already full. Whilst each protocol covers only the schools in its local authority area, the home local authority **should** contact a neighbouring (maintaining) authority to help secure a school place in that area under its protocol where appropriate, and with the maintaining authority's agreement.

Procedure

The Admissions Team have produced a Casual Admissions Application Form and an additional information form which can be used for all in year applications. This and the Fair Access Protocol are available to download on the school admissions page of the Council Website

<http://wwwi/educationandlearning/Schoolsandcolleges/schooladmissions/Pages/default.aspx> and has also been distributed to all schools. The additional information form asks questions to enable us to make a decision on whether the application should be considered under the Fair Access criteria. The parent has to ask the child's latest/previous school to complete the additional information form and this is then submitted with the application form. It is made clear on the forms that the request for a school place can only be processed if **both** forms have been received.

If the application is deemed to be Fair Access a referral will be made to the Children Missing Education Service who will forward the information to the appropriate Behaviour and Attendance Partnership. Where appropriate a Children Missing Education Officer will attend to present the case.

Normally only pupils without a school place and who meet the Fair Access Criteria will be referred to the Partnership. Any other pupils presented will have a full explanation of why the LA has decided they should be considered as Fair Access.

If a request is received for a child resident in a Local Authority outside of Bath and North East Somerset which is deemed to be Fair Access an Officer from the home authority will be asked to present to the Panel. The Officer will be able to explain any support which they may be able to offer in addition to that which will be provided by Bath and North East Somerset.

Criteria

Only Pupils who meet the Fair Access Criteria can be referred to the Partnership, to do otherwise would contravene the 2009 School Admissions Code. Normally only children **without** a school place will be considered as Fair Access.

In line with the 2009 School Admissions Code the following children **must** be considered as part of the Fair Access Protocol:-

- Children attending PRUs who need to be reintegrated back into mainstream education;
- Children who have been out of education for longer than one school term;
- Children whose parents have been unable to find them a place after moving to the area, because of a shortage of places;
- Children withdrawn from schools by their family, following fixed term exclusions and unable to find another place;
- Children of refugees and asylum seekers;
- Homeless children;
- Children with unsupportive family backgrounds, where a place has not been sought;
- Children known to the police or other agencies;
- Children without a school place and with a history of serious attendance problems;
- Traveller children;
- Children who are carers;
- Children with special educational needs (but without a statement);
- Children with disabilities or medical conditions;
- Children returning from the criminal justice system; and
- Children of UK service personnel and other Crown Servants.

In line with the code normal admission arrangements will apply to the above groups and any other children unless they fall in to the following categories: - Children who meet one of these locally agreed categories will be considered by the Behaviour and Attendance Partnership as a Fair Access admission.

- Children permanently excluded from school.
- Children who have been referred by the CMEO (Children Missing Education Officers) for placement and support.
- Pupils in Specialist Behaviour Service provision ready for reintegration.
- Pupils with less than 80% attendance during their last 12 months of full time education.
- Pupils on a stage of the School discipline code

Where a pupil is coming from abroad and they have had significant disruption to their education (but no other obvious specific needs) they should not be considered as fair access but admitted to their preferred local school at the earliest opportunity. If necessary where needs later become evident their case should be referred back to panel where points may be applied.

(Arrangements for Statemented pupils are dealt with separately by the Local Authority)

Decision

Pupil status within the Fair Access Criteria will be recorded on the Partnership agenda.

The Panel will consider each Fair Access case presented and determine the appropriate school placement with the necessary support. If the Panel are unable to agree on a school the points system will be used to determine the placement. If it becomes necessary for the Local Authority to direct a school to admit the Local Authority will direct the school named under the points system.

The Admissions Team will be notified of the decision and will confirm this in writing to the parents, resident in Bath and North East Somerset, within 5 school days of notification and copy the letter to the appropriate CMEO.

If the pupil has not been placed on the school roll the CMEO will contact the Panel administrator so it can be raised at the next meeting.

March 2011