

## Appendix 2

### **FAIR ACCESS PROTOCOL**

The underlying principles of this protocol are as follows:

- Harrow's Fair Access Protocol may exceptionally require schools to admit children in excess of published admission numbers in order to protect the interests of vulnerable children and those with challenging behaviour. These pupils will be shared equally among Harrow schools. Pupils placed through the Protocol will take priority over children on the waiting lists
- This protocol applies only to children living in Harrow. Confirmation of residence will be required
- Wherever it is possible, and if specifically requested by the parent/carer, children will be allocated a school of their faith provided a Supplementary Information Form (SIF) has been submitted to the school providing relevant supporting information and where the school agrees the child meets the faith criterion. Notwithstanding the above VA schools will be required to admit their fair share pupils under this protocol regardless of whether a SIF is completed if the Panel deems the placement to be appropriate.
- Each case is considered under its own merits
- There is no duty for local authorities or admission authorities to comply with parental preference when allocating places through the Fair Access Protocol.

#### **Which children are covered?**

- 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;
- g) children with special educational needs, disabilities or medical conditions (but without a statement); and

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- h) Where the local authority has not been able to offer a school place in accordance with the In-Year Scheme.

### **Which children are not covered?**

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.

### **Which schools are involved in this protocol?**

All Harrow community, voluntary aided and academy schools

### **When will the protocol apply?**

Applications for school places are received throughout the year and school places will be offered in accordance with the In-Year scheme. Where the local authority is unable to offer a school place in accordance with the In-Year scheme, applications are considered under the Fair Access Protocol.

There are broadly three groups of applications:

#### 1 Excluded Pupils

Excluded pupils are placed at a school using a rota:

- Secondary pupils will be referred to another high school on a rota basis.
- Primary pupils will be referred to the next nearest school to their home address. A primary school will not normally be expected to take more than one excluded pupil per year group in each academic year.

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#### 2 Managed Moves Process

The Managed Moves process may be applied for pupils who are at risk of exclusion. Managed moves are agreed by headteachers to move pupils from one school to another school in exceptional circumstances deemed in the best interest of the child.

#### 3 In-Year Applications

In-Year applications where it is not possible to offer a place in accordance with the in year scheme are referred to the School Placement Panel (SPP). These applications are for children who are not in school and there are no vacancies at a suitable school. SPP consider the cases and schools are directed to take additional pupils on roll. This panel meets every two weeks unless there are no cases to consider.

- For secondary pupils – to offer a place because all schools in the relevant year group are full.
- For primary pupils – to offer a place because there is no school with a vacancy within a reasonable distance of the home address. The School Admissions Code makes allowance for the entry of an additional child to an

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infant class in very limited circumstances including children who move into the area outside the normal admissions round for whom there is no other available school within reasonable distance

- 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. This will normally only be appropriate where a school has a particularly high proportion of children with challenging behaviour or previously excluded children. In the case of an Academy cannot agree with the local authority over admitting a child, only the Secretary of State can direct the Academy to admit the child.

### **When will the School Placement Admissions Panel meet?**

Meetings of the School Placement Admissions Panel are scheduled in advance and are generally held every two weeks during term time. If required a meeting is held during school holidays, usually the week before term starts, so that parents can be notified of the school allocated before the start of term.

### **Process for determining allocation of places**

Harrow resident pupils will be placed in another mainstream school, even if the year group concerned is full. When making decisions the Panel will need to be mindful of the duty on the council that states that 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.”.

For both primary and secondary pupils the Admissions Service will provide the Members of the School Placement Admissions Panel with the following details to inform their decision:

- The pupil’s date of birth and year group.
- The school(s) the parent has named on their application together with the number of places available, the number of children currently on roll and the number on roll if all cases admitted.
- Names of the schools closest the child’s home address together with the number of places available, the number of children currently on roll and the number on roll if all cases admitted.
- Names and dates of birth of siblings attending any of the schools identified.
- Any known special educational needs without a Statement of SEN.
- Any known religious, philosophical or other reasons for parental preference. Wherever, possible children will be allocated a school of their faith.
- The number of excluded pupils who have been placed in a school via the rota identified in point 1 above.
- The number of pupils who have been placed in a school via the Managed Moves protocol.
- Any information provided by the school.

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Once the decision has been made the Admissions Service will inform the school and parents of the decision.

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.

This protocol does not require a school automatically to take another child with challenging behaviour in the place of a child excluded from the school.

### **Powers of Direction**

Harrow Council has the power to direct the admission authority for any maintained school in its area to admit a child even when the school is full. The local authority can only make such a direction in respect of a child in the local authority's area who has been refused entry to, or has been permanently excluded from, every suitable school within a reasonable distance. The local authority must choose a school that is a reasonable distance from the child's home and from which the child is not permanently excluded. It must not choose a sixth-form that selects by ability unless the child meets the selection requirements, or a school that would have to take measures to avoid breaking the rules on infant class sizes if those measures would prejudice the provision of efficient education or the efficient use of resources.

Where Harrow Council considers that an Academy will best meet the needs of any child, it can ask the Academy to admit that child but has no power to direct it to do so. The local authority and the Academy will usually come to an agreement, but if the Academy refuses to admit the child, the local authority can ask the Secretary of State to intervene. The Secretary of State has the power under an Academy's Funding Agreement to direct the Academy to admit a child, and can seek advice from the Adjudicator in reaching a decision.

### **Year 11 pupils whose first language is not English**

Newly arrived young people resident in Harrow for whom English is not their first language will be referred for a language assessment. This assessment will include a recommendation as to the most appropriate placement, i.e. referral to a high school or placement on an appropriate ESOL course.

### **Monitoring**

The Admissions Service will provide regular updates and an annual report on the placement of pupils through the Fair Access Protocol to the Education Strategy Consultative Forum.

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