

WORCESTERSHIRE'S FAIR ACCESS PROTOCOL

1. INTRODUCTION

1.1 This document sets out a fair access protocol to ensure that 'hard to place' pupils are admitted quickly to a mainstream school in order to minimise the number of pupils in Worcestershire County Council area who are at risk of underachievement through being out of school.

1.2 The DfES issued guidance on the subject of "Hard to Place Pupils" in November 2004. The Circular made requirements on Local Education Authorities and Local Admission Forums to agree a protocol for admitting Hard to Place Pupils to schools. It highlights the need for all schools to work together to ensure a more even distribution of such pupils. The impetus for the guidance was the publication of 'Every Child Matters' and the requirement for all local authorities to improve their procedures to ensure that as few children as possible are missing education.

1.3 For the first time the Circular recognises that a balance must be struck 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.

1.4 The requirements of the Circular also reflect those contained in the national Admission Code of Practice, which places a responsibility on the Local Admission Forum and requires the Forum to agree the protocol prior to implementation in September 2007.

1.5 Whilst the requirement only applies to Key Stages 3 & 4 in the first instance, it is proposed to consider extending the protocol across to Key Stages 1 & 2 in Worcestershire in order to achieve consistency.

1.6 Children with statements of special educational need are not covered by these protocols as their needs are considered through a separate procedure. Schools will not need to consider children with statements where the Local Authority deems special school provision as appropriate.

The Government expects the protocol to apply equally to all Community, Foundation and Voluntary Aided schools and Trust Schools within Worcestershire.

2. PRINCIPLES

2.1 Children's Services Directorate recognises that some parents/carers can find difficulty in obtaining a school place for their child(ren) and that this can lead to an unnecessary delay in the admission to a school. This can be for a number of reasons, but it often also results in undersubscribed schools (which may also be operating under challenging circumstances) being asked to admit a larger proportion of hard to place pupils than those schools operating at their indicated admission number. The protocol will provide for a mechanism for fairer distribution of hard to place pupils and recognise that hard to place pupils should not be denied access to their catchment/nearest/most appropriate denominational school except in exceptional circumstances.

2.2 To ensure the process is clear, transparent, effective, fair, equitable, timely, responsive to the needs of children, schools and families, and properly resourced.

2.3 To ensure all schools and the Local Authority work together in partnership to address this shared issue of concern.

2.4 Worcestershire schools and the local authority are committed to-:

- Maximising effective partnership working between schools and between schools and the Local Authority support services.
- A reducing rate of pupil exclusions consistent with acceptable levels of behaviour.
- The concept of schools working collaboratively in addressing the needs of Hard to Place Pupils.
- Maximising delegation of inclusion related resources; these include at secondary phase: Behaviour Outreach Support; Pupil Referral Unit places, and new funding arrangements (pupil & school support for SEN).
- Pupils permanently excluded from mainstream schools returning to mainstream schooling as soon as possible (with the exception of pupils permanently excluded twice and those in Year 11).
- Facilitating the engagement of parents/carers (e.g. through Choice Advisers, Parent Partnership Service) to help address behaviour difficulties.
- Due regard should be given to transport arrangements before a decision is finalised (see Section 9).

2.5 Underpinning principles are-:

All schools will take part (Community, Foundation, Trusts, Voluntary Controlled and Voluntary Aided).

- Schools will continue to admit local pupils who apply for an available place, under normal admission arrangements.
- Schools cannot say that they are over-subscribed if they are asked to admit a pupil under the scheme, and hard to place pupils will be given priority for admission over any others on a waiting list or awaiting an appeal.
- Schools must respond immediately to requests for admission so that the admission of the pupil is not unduly delayed.
- The Children's Services' Directorate will take into account any genuine concerns about the admission, for example, a previous serious breakdown in the relationship between the school and the family, or a strong aversion by the family to the religious ethos of the school. If there is the potential to make a choice between a youngster who has a denominational affiliation or one who doesn't then we would offer the "denominational pupil" to the denominational school.
- The Children's Services' Directorate will take into account the views of the Headteachers of both the source and receiving schools.
- Headteachers and Governing Bodies of schools which are their own admissions authorities are asked to agree a procedure whereby the Headteacher in consultation with the Chair is empowered to make immediate decisions about the placement of a pupil so that there is not a further period of absence from school.
- Schools and the LA should ensure that relevant information relating to a known pupil is made available and shared in time to enable a planned and supported admission for that pupil.

3. THE SCOPE OF THE PROTOCOL

3.1 In their guidance, the Department for Education and Skills (DfES) emphasise that the pupils covered by any protocol will be the ones who are difficult to place in a school and who need to be admitted quickly. No list of pupils to be included within a protocol can ever be exhaustive but the following examples are based on DfES advice and the result of local consultations. Each case will be considered on its merits and children falling within the criteria may not necessarily be considered as hard to place;

- a) Children who have not been permanently excluded but who are attending a PRU and who need to be reintegrated into mainstream education.
- b) Children who have been out of education for longer than 10 weeks.

- c) Children for whom the LA has been unable to find a place after moving to the area
- d) Children Looked After (this includes children from both Worcestershire and other Authorities where they are seeking a place in a maintained Worcestershire school)
- e) Children of refugees and asylum seekers not in accommodation centres.
- f) Children with English as a second language or with no English.
- g) Homeless children, to include pupils living away from the family home.
- h) Traveller children
- i) Children without a school place and with a history of serious attendance problems
- j) Children returning to school from Elective Home Education
- k) Children with unsupportive family backgrounds, where a place has not been sought.

3.2 Pupils with a Statement of Special Educational Needs will be placed in accordance with the arrangements set out in the SEN Code of Practice and will not be considered by the Fair Access Area Panel.

4. LOCAL CONTEXT

4.1 The Authority already has well established working groups and procedures – namely the Headteacher Area Panels which have been established since September 2004. These are attended by all secondary schools to agree the placement of pupils reintegrated to mainstream school following permanent exclusion and managed moves of pupils at risk of permanent exclusion.

4.2 Worcestershire has included Additional In-Year Criteria within the Admission Policy for the placement of 2 vulnerable children over the agreed Published Admission Number since 2004. This agreed number of 2 above PAN will be maintained in regard to the wider scope of this protocol. Refer to Appendix A for a more detailed explanation of the admission procedure for pupils admitted above PAN.

4.3 This paper brings together the strands of Hard to Place, Managed Moves (Appendix B) and Children Missing Education into one protocol.

5. ALL OTHER ADMISSIONS

5.1 This protocol does not affect the normal requirement for Admission Authorities to comply with parental preference where places are available. Children in the above categories (Section 3.1) that are admitted to a school through normal procedures where places are available will not be considered to have been placed through the protocol.

5.2 This protocol will not be used to simply accommodate any parental preference where the above conditions do not apply. In respect of a child in public care, it may, however, be extended to any other school which is deemed by the Authority as the most appropriate as part of the child's Personal Education Plan.

5.3 Exceptionally, outside the normal year of entry, admission authorities for certain schools, may decide to refuse to admit a challenging child where there are places available on the grounds that admission would prejudice the provision of efficient education or the efficient use of resources. Each case must be considered individually and refusal of a place will normally only be appropriate where a school has a particularly high concentration of pupils with challenging behaviour, or the child is particularly challenging, and in either case the school:

- a) Is under special measures or has recently come out of them (within the last two years); or
- b) Has been identified by OFSTED as having serious weaknesses; or
- c) Is subject to a formal warning notice; or
- d) Is a Fresh Start school open for less than two years; or

- e) Is a secondary school where less than 25% of whose pupils are achieving 5 or more GCSEs at grades A* - C.

5.4 In the context of the Area Panel discussion a school may discuss admission of a child in the above circumstances if:

- It is in one of the categories A-E, and
- The school can demonstrate that the preferred year group already has a high proportion of challenging pupils and that the admission of the pupil in question would be detrimental to the school's efforts to improve.

5.5 Schools in these categories may submit a case to the Area Panel to refuse admission. The fact that a school is in one of these categories does not give that school blanket protection from admitting any pupils.

6. FAIR ACCESS AREA PANELS

6.1 The Managed Moves Area panels are now to be known as Fair Access Area Panels (FAAP).

6.2 The 4 FAAPs are based on the following secondary (and middle) school pyramids:

North East	Bromsgrove Redditch Rubery Wythall
South (1)	Evesham Malvern Pershore Upton
South (2)	Martley Worcester
North West	Bewdley Droitwich Hagley Kidderminster Stourport Tenbury

All FAAP's to include Special Schools Kingfisher, Riversides and Stourminster wherever possible.

6.3 Objectives of the Panel

- To share good practice and alternative options.
- To seek alternative placements for pupils who have been permanently excluded and support for schools where a managed transfer is sought.
- To advise the Local Authority where Parenting Orders may be felt appropriate.
- To place an otherwise vulnerable pupil.
- To consider admission into a PRU within a quota system allocated to each area.

6.4 Data collected by the LA on behalf of the Panel;

- The distribution of managed moves between schools.
- The effectiveness of managed moves.
- The use of other providers and the outcomes for pupils.
- The pattern of exclusions from the schools, both fixed term and permanent.
- The use of additional funding provided by the LA/Schools.

6.5 Performance indicators;

- Reduction of number of pupils not on a school roll.
- Reduction in number of permanent exclusions.
- Reduction in number of fixed term exclusions.
- Increased appropriate placement of the pupils who have been permanently excluded.
- Reduced overall pupil absence from school.
- Reduced time for pupils to be out of school to 30 days.

7. PROCEDURES

7.1 The Reintegration and Exclusion Service will monitor and track pupils 'out of school' on behalf of the LA. Information on pupils should be provided, as required, by the Education Welfare Service, Behaviour Support Service and Admissions Section to the named officers. They determine which pupils meet the criteria for 'hard to place' pupil and are responsible for the monitoring and publishing data regarding the admission of these pupils to schools.

7.2 The FAAP will meet every half term. The Panel will always include a representative from each school. The school representative must have the authority to authorise an admission of a pupil brought to the meeting for consideration.

7.3 Membership of the FAAP comprises:

- The Headteacher, or delegated member of the school's SMT, from each secondary school;
- The Headteacher, or delegated member of the school's SMT, from each secondary-deemed middle school, or representative as nominated by the Middle School Heads Group;
- Pupil Exclusion and Mediation Officer
- Senior representative of the Behaviour Support Service
- Senior representative of the Education Welfare Service

7.4 Detailed relevant information on all pupils to be discussed will be presented 1 week in advance of the FAAP meeting.

7.5 Any named member of the FAAP may make a referral.

7.6 Where it is agreeable to the FAAP, LA support to clerk the meetings and monitor data will be offered to the FAAP through the Pupil Exclusion and Reintegration Officer role.

8. FUNDING

Funding is devolved to each Fair Access Area Panel on the basis of the overall school population and Acorn data aggregated for that area. The LA is responsible for auditing the FAAP's expenditure for pupil led needs.

9. TRANSPORT

9.1 Advice on transport options is available from the LA's Passenger Transport Group (e.g. availability of public routes or local authority contacts with concessionary seats). The LA would expect transport considerations to influence the school identified for the pupil's admission. The preferred option is for parents/carers to secure attendance without the assistance of the LA, so in this respect it helps if they have their own transport, there is suitable public transport or there is a concessionary seat on a Council contract route. In the event that none of the above are available then a request should be made to the transport team who would assist in the arrangements, which can be funded from the budget that is available to each FAAP.

9.2 Advice should be sought from the Service Development Manager – School Systems (Alison Cartwright) where places are being considered for a pupil from another FAAP before a decision can be finalised.

10. DISPUTES

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

10.2 If a school is identified as the one to admit a pupil and it refuses to do so after the FAAP has considered the case, the LA will refer the matter to the Director of Children’s Services who has the power to direct the school to admit the pupil.

10.3 Parents/carers have the right to turn down the offer of a place in which case the pupil will be re-referred to the FAAP. If the FAAP still considers the school to be suitable, consideration will be given to imposing a School Attendance Order.

11. MONITORING AND REVIEW

11.1 The monitoring and review of this protocol’s effectiveness will be the responsibility of the Children Missing Education Panel (CME) Panel.

11.2 The Education and Inspections Act 2006 places a new statutory duty on local authorities to make arrangements to establish the identities of children missing education in their area.

11.3 The Children Missing Education Panel will strategically support and review the work of the Fair Access Area Panels in regard to “hard to place” pupils and will also have a wider strategic brief in regard to children missing education - ie. children not accessing appropriate provision at a school or otherwise despite these procedures.

11.4 This will include when strategic issues arise from the monitoring of individual cases where:

- The professional view is that home education has broken down;
- A full-time curriculum is not being provided;
- Access to full-time and appropriate education is not being provided;
- Significant unauthorised absence has not been resolved through recourse to an appropriate range of processes;
- Pupils move into or return to the Authority [e.g. from a YOI];
- Otherwise “vulnerable” young people require a school place.

11.5 The CME Panel will:

- review written protocol and policy agreed with partners concerning children not receiving a suitable education;
- ensure that the arrangements to identify children not receiving education are embedded within the LA’s strategic planning arrangements and the cross-cutting arrangements for safeguarding and inter-agency co-operation to improve the well-being of children;
- monitor the effectiveness of arrangements for key stakeholders to provide information to Children’s Services about young people without educational provision;

- monitor processes for securing the support of other agencies where it is needed and for securing educational provision for children missing education;
- monitor the effectiveness of information systems in allowing access to up to date information concerning availability of school places and availability of places with alternative providers;

11.6 Develop and monitor agreed “governance” arrangements for the four FAAPs; this could be by officer attendance at the panels or Chairs of Panels meeting appropriate officers;

11.7 Develop and monitor arrangements for the work of the Authority’s Admissions Section and the FAAPs in regard to the admission of “hard to place” pupils;

11.8 Monitor and review procedures for tracking all children missing education in Worcestershire, including use of the Lost Pupils Database;

11.9 Provide the Admissions Forum with a termly report on “ hard to place” children missing education in Worcestershire;

11.10 Monitor and review procedures for the provision of accurate data for the FAAPs on the admission of “hard to place” children into all Worcestershire

11.11 Monitor and regularly review the “hard to place” protocol;

11.12 Undertake a termly “what is life like” sample review of “ hard to place” cases and provide a report for Children’s Services SMG;

11.13 To maintain correlation between strategic direction and operational practice in regard to children missing education.

The CME Panel will meet termly and be composed of the following members:

- Service Development Manager: Vulnerable Children [Chair];
- 3 Service Development Managers - Integrated Services
- School Admissions Officer;
- Principal Education Welfare Officer;
- Principal Educational Psychologist;
- Operational Manager – Behaviour Support Service
- 4 Headteacher Chairs from each FAAP

Contact

For further information, please contact:

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Alison Cartwright, Service Development Manager – School Systems, 01905 766394, acartwright@worcestershire.gov.uk

**Admission Procedure for pupils admitted Above PAN
Under the 'Fair Access Protocol.'
As required by the School Admission Code.**

- Each year group in the school can be increased by a maximum of two over PAN (Published Admission Number) for the groups of pupils specified in the 'Fair Access Protocol.' This is restricted to Key Stage 2 and above.
- The pupils joining this distinct admission group remain two over PAN for however long as they remain a pupil in the school. Therefore if a vacancy occurs in the year group this can be filled in the normal way.
- If a pupil should leave who has been included in the two over PAN 'Fair Access group' then a new pupil from 'Fair Access' category could fill that space.
- It is not the intention that schools should go over PAN for normal admissions with the justification that the two over PAN vacancies under the 'Fair Access Protocol' have not been filled.

Note

1. The School Admission Code puts a requirement on the LA to operate a 'Fair Access Protocol' from September 2007. Once the Worcestershire Admission Forum has agreed the 'Fair Access Protocol,' all state schools in Worcestershire must comply with the protocol.
2. Appeals panels have accepted the justification for the Admission Authority to operate this system. Foundation, Trust and VA school should note that this is covered in the Schools Admissions Code published by the DfES in March 2007.
3. School will need to have a mechanism for recording those pupils who are admitted to a year group under this protocol.

Appendix B

Protocol for Managed Moves

Managed moves are referred to in the DfES guidance 'Improving Behaviour & Attendance: Guidance on Exclusion from Schools and Pupil Referral Units' published in January 2003 as an alternative to exclusion. In December 2003 the then Worcester LEA produced guidance outlining recommendations for the planning and implementation of managed moves.

It is recommended as a strategy to support young people and as approach to promote the reduction in numbers of pupils being excluded in mainstream schools. This should be seen as part of a preventative strategy to support young people at risk of permanent exclusion.

It may lead to the positive outcome of the avoidance of continued disciplinary action against a pupil and their successful transfer to their receiving school. At worst, it may result in a status quo and an immediate return to the home school. The home school will then consider whether all alternative strategies for the young person have been exhausted, and whether a permanent exclusion is now appropriate.

A managed move is a voluntary agreement based on sound educational principles involving clear understanding and agreement in advance by:-

- The pupil
- The parent/carer
- The home school
- The receiving school

A school's FAAP representative may bring a pupil forward to the Panel for a managed move recommendation or this move may be agreed outside the meeting. In the latter case the move will be ratified by the next FAAP meeting and monitored in the usual way.

Once a move is agreed a planning meeting should take place prior to the transfer to establish appropriate support, specific and realistic pupil targets/outcomes, review and monitoring arrangements and time limited to a maximum period of 10 school weeks.

Reviews should normally take place every three/four weeks. Review dates must be agreed before the proposal is implemented and an end date set for a formal review at which time a final decision will be made as to whether the move will then become permanent. The pupil's progress should be recorded and monitored as a Pastoral Support Programme. Consideration will be given to the use of a Parenting Contract, as necessary.

The home school will retain the pupil on its admission register throughout the managed move period (marked as 'B', educated off-site, in the register). . The host school will keep a record of the pupil's attendance.

In exceptional circumstances, if the receiving school wants to end the initial trial before the ten-week period is completed, the Headteacher should consult with the Behaviour Support Area Team Coordinator and the home school Headteacher before confirming this in writing to the parent specifying the date from which the pupil must return to their home school.

At the formal review meeting a decision must be made whether the pupil will return to their home school or be admitted to the host school on a permanent basis. An extension of the agreed period will only be appropriate in unusual circumstances such as long-term absence through illness and, if so, must be again confirmed in writing as before.

On the agreed date, the pupil will be removed from the admission register of the home school and added to the admission register of the host school. Any remaining school records should then be transferred. Once this has happened the host school cannot remove the pupil except by permanent exclusion or a further referral to the FAAP.

The LA will redesignate the receiving school where a managed move is deemed to be successful after the 10-week period. This will ensure transport is provided for the pupil beyond the trial period.

Appendix C

MANAGED MOVE REQUEST

To be completed by the 'home' school. Please enter pupil's details	
Home school:	
Surname:	
Forename:	
Name of parent(s) / Guardians:	
Address:	
Home telephone number:	
Mobile telephone number:	
Parent work number:	
Gender:	Male/Female
Date of birth:	
Year group:	
Child Looked After?	Yes / No
SEN stage:	School Action Yes / No School Action Plus Yes / No Statemented Yes* / No
If statemented, date of last statutory review:	*Pupils with statements must be managed through separate SEN procedures
Schools previously attended: (with details of from and to)	
Name link person at 'home school' with contact number:	
Please briefly outline what support mechanisms have been put in place prior to referral:	
Attendance – current% Unauthorised: Authorised:	
Academic ability: Please comment upon the student's progress in the following subjects with reference to National Curriculum attainment levels	
KS3 ENGLISH NC levels:	KS2 SATS levels:

KS3 MATHS NC levels:	KS2 SATS levels:
KS3 SCIENCE NC levels:	KS2 SATS levels:
KS4: GCSEs/ GNVQs currently being undertaken by the pupil. Please include details of syllabus and options.	
Current assessment of performance – please indicate most recent assessment results, for example, modular tests and portfolio assessments.	
Agency Involvement:	
Education Psychology Contact:	Yes / No
Education Welfare Service Contact:	Yes / No
Social Services Contact:	Yes / No
CAMHS Contact:	Yes / no
YOT / ART Contact:	
OTHER: (please specify)	
Headteacher's signature:	Date:

Appendix D

MANAGED MOVE REQUEST

To be complete by the host school / provision	
Name of school/provision:	
Surname	
Forename	
Starting date for the trial transfer:	
End date of the transfer period:	
Review meeting:	
Review meeting:	
Review meeting:	
Date of final review meeting:	
Any other issues:	
Named link person at new school with telephone number:	
Named Social Inclusion Team member:	Yes / No
School file copied for new school:	
Signed: Headteacher:	
Signed : Parent/guardian:	
Signed: Social Inclusion	
If successful, date hat the pupil went on roll:	

Appendix E

Protocol for Reintegration of Permanently Excluded Pupils

Scope of the protocol

The protocol will cover

- All pupils attending a Worcestershire school who are permanently excluded
- Pupils residing in Worcestershire who are permanently excluded from out county schools

Procedure

Pupils permanently excluded from school will receive a 6 week placement in a Pupil Referral Unit to facilitate a secure and successful reintegration to a mainstream school.

In all but the most exceptional cases, pupils will be reintegrated to another mainstream school only after a 6-week assessment in the PRU. They will be required to take part in the programme provided by the School Returners Group, which will be a full-time programme of Core Curriculum studies, PSHE, and preparation for return to school. The reintegration programme will be co-ordinated by a Reintegration Officer (RIO) who will handle all the arrangements with schools, families, pupils, and the PRU, to ensure a successful return. Only pupils who are successful in the School Returners Group will be brought to a Headteachers panel to be reintegrated into mainstream school.

Following this assessment period, pupil's evidencing a successful readiness to reintegrate will be referred to the FAAP to determine a placement in a school.

The designated Reintegration Officer will work closely with the identified school to ensure a smooth and successful return to school. This will involve discussion with the school via the appropriate designated officer at the earliest stage. This would normally be at the start of the School Returners Group, i.e. at least half a term before return to school. At the start of the phased return, the Reintegration Officer will work closely with the school to establish an induction programme and to monitor progress.

Reintegration should mean a trial period of 10 weeks maximum.

Vulnerable Children

Individual Reintegration Plan

No:

Pupil's Name:	
DOB:	Year:
Date of Meeting:	

Persons present :

	Name	Location	Tel. No.
Parent/Carer School Contact :		-	
Parent/Carer		-	
BST Contact			
School Contact			
LA Officer			
Other			

Other Agencies involved

Name	Agency	Tel. No.

Provision

Interim Placement	
Subsequent Educational Provision e.g. mainstream/special/other - please detail	

Reintegration

Target date:	Approx. length:
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Please attach Reintegration report to support this, highlighting strategies.

Identification of Target (Attach relevant plan)

Desired Outcome:	Date to be achieved:
Actual Outcome	% achieved

Reintegration Action Plan

Action	Desired Outcome	Person responsible

Views of Parent/Carer:

Views of Student:

Review date (within 1 month) :

Signed:..... (Reintegration Officer)

Date :

Cc: Pupil File, Pupil, Parent/Carer, Receiving School, RIO, Area Co-ordinator, Relevant Agencies