



## Primary Fair Access Protocol

### 1. Introduction

The School Admissions Code (2014) requires each local authority to have a Fair Access Protocol. The main purpose of this policy is to ensure that – outside the normal admissions round – unplaced children, especially the most vulnerable are offered a place at a suitable school as quickly as possible. The policy will also ensure that all Walsall schools admit their fair share of pupils with challenging behaviour including pupils excluded from other schools who are ready for reintegration back into a mainstream placement. The protocol applies to all Walsall mainstream primary schools and academies.

### 2. Principles of the Fair Access Protocol

- 2.1 The protocol will apply to all mainstream schools and academies.
- 2.2 All maintained community, voluntary controlled, foundation, voluntary aided schools, and academies will participate in the protocol.
- 2.3 The Fair Access Protocol will operate in conjunction with the Fair Access Panel who will decide on an appropriate placement for each child referred under the protocol.
- 2.4 The interests of the pupil are paramount and consideration must be given to the circumstances of the individual pupil, in terms of what is best for them, whether they are ready for mainstream schooling and, if so, which mainstream school will be best able to meet their needs.
- 2.5 Schools will exceed their published admission number where necessary in order to admit pupils under the protocol, (subject to Infant Class Size regulations – see Appendix 1).
- 2.6 Pupils identified for placement under the Fair Access Protocol will be given priority over those on waiting lists for the same school.
- 2.7 Where parents have expressed a preference for a school this will be considered by the panel, but there is no requirement to comply with parental preference when placing a child under the Fair Access Protocol.
- 2.8 Where possible a pupil with a religious affiliation will be placed in a school with the same affiliation, but this will not always be possible.
- 2.9 The allocation of pupils should be equitable with no one school or Academy being required to take a disproportionate number of challenging pupils.

### 3. Criteria to be used to identify pupils to be placed under the Fair Access Protocol

Pupils who fall into the following groups will be placed under the Fair Access Protocol:

- 3.1 permanently excluded pupils;
- 3.2 children moving to Walsall where there is information from the previous school/local authority to show the pupil was at a high risk of permanent exclusion;

- 3.3 children who have been out of education for two months or more;
- 3.4 children on the Children Missing Education (CME) list;
- 3.5 children from the criminal justice system who need to be reintegrated into mainstream provision;
- 3.6 children who are homeless;
- 3.7 children with unsupportive family backgrounds, where a place has not been sought;
- 3.8 children known to the police or other agencies;
- 3.9 children without a school place and with a history of persistent absence;
- 3.10 children of Gypsies, Roma, Travellers, refugees and asylum seekers;
- 3.11 children who are carers;
- 3.12 children with special educational needs, disabilities or medical conditions who are without a statement or an Education, Health and Care Plan;
- 3.13 children of UK Service Personnel and other Crown Servants;
- 3.14 children with a history of challenging behaviour at their previous school(s);
- 3.15 children who are without a school place and are not suitable for mainstream provision and require a placement in alternative provision or at the Shepwell Centre and pupils with special educational needs who require a placement in a mainstream school in order to collate evidence for the statutory assessment process;
- 3.16 children who have been withdrawn from Elective Home Education.

#### **4. The Fair Access Panel**

- 4.1 The remit of the Fair Access Panel is to decide on an appropriate placement for each child referred under the Fair Access Protocol.
- 4.2 The primary Fair Access Panel will be made up of three primary head teacher representatives to be agreed by Walsall primary head teachers each of whom will serve on the panel for no longer than three consecutive school terms, the head teacher of the New Leaf Centre, one governor representative, a representative from the School Improvement Team, a representative from the SEN Team, a representative from the Access and Entitlement Team, a representative from the Early Help Team, the Service Manager – Admissions and Pupil Place Planning and the Specialist Officer, Education Coordinator for Children Missing from Education. The Fair Access Panel will be chaired by a member who is independent from all Walsall schools and from the local authority, to be approved by the panel members. The panel will be quorate with five members in attendance.
- 4.3 The chair of the Fair Access Panel may from time to time invite other professionals to attend a panel meeting to provide information on a particular case.

- 4.4 Parents will not be invited to attend Fair Access Panel meetings, but may submit a statement to the panel if they wish to do so.
- 4.5 The Fair Access Panel will meet on a monthly basis in term time during the week following the monthly Children Missing Education (CME) Panel meeting, but additional emergency meetings can be convened if there is an urgent need to place a child.

## **5. Procedures**

- 5.1 All referrals to the panel are to be made to the Admissions and Pupil Place Planning Team who will generate a File Information Sheet for each pupil directly from the Capita One database and provide details of all schools within statutory walking distance (2 miles of the child's home address for children under 8 years old and 3 miles for children aged 8 and above) in order of proximity.
- 5.2 Referral documents will be submitted to the Fair Access Panel administrator who will collate the referrals, prepare the agenda and take the minutes for each meeting and maintain a database to record the outcomes of all referrals to the panel.
- 5.3 At each Fair Access Panel meeting the panel members will review referrals and will agree on a placement for each child, subject to the following conditions:
- Children will not be placed at a school where they have previously had an unsuccessful managed move;
  - Children will not be placed at a school from which they have previously been permanently excluded;
  - Children will not be placed at a school for which they have had an unsuccessful admission appeal during the current school year;
  - Children will not be placed into an infant class at a school if the admission of an additional pupil would cause a breach of the Infant Class Size Limit of 30 pupils with a single teacher – unless the child would be classed as a permitted exception to the infant class size limit as defined in paragraph 2.15 of the School Admissions Code (2014).
- 5.4 The panel will attempt to place the child at a school that is within statutory walking distance of the child's home address and, if possible is consistent with parental preference. However, if none of the schools that are within the statutory walking distance of the child's home address are eligible to receive a Fair Access placement the child may be allocated a place that is further away and they will be eligible for assistance with travel to and from the school.
- 5.5 All Walsall primary schools will take turns to receive a child under the protocol to ensure that no school receives a disproportionate number of challenging pupils. Once a school has received a child under the protocol they will not be required to admit another child into the same year group as a Fair Access placement until all other schools have received a child into that year group.
- 5.6 After each Fair Access Panel meeting the Chair of the panel will write to the head teacher of each school that is to receive a placement to inform them of the panel's decision and provide a copy of the child's referral document.

- 5.7 The Fair Access Panel Administrator will circulate details of the panel decisions on all referrals to head teachers of all Walsall secondary schools.
- 5.8 Receiving schools should arrange to admit the child as soon as possible within a maximum of 10 school days.
- 5.9 In the event that any school fails to comply with the decision of the panel the Local Authority will exercise its powers of direction to direct admission in the case of foundation or voluntary aided schools, or will ask the secretary of state to direct admission to an academy.
- 5.10 To support the reintegration of pupils placed under the protocol by the Fair Access Panel, schools will receive additional funding in the form of a one off payment of up to £500 for each pupil admitted under the protocol. The purpose of this payment is to assist the school with funding support for the pupil such as the purchase of additional resources, teaching assistant support etc. This payment will not be made until the child has been placed on roll at the school. The full sum paid to the school must be refunded to the Local Authority if the child does not remain fully on roll at the school for a minimum period of 12 months from the date of admission.

## **6. Managed Moves**

- 6.1 A managed move is an admission which is arranged on a 12 week trial basis. This is a voluntary agreement between head teachers.
- 6.2 Managed moves are only to be arranged in circumstances where a child is at serious imminent risk of permanent exclusion.
- 6.3 All managed moves are to be arranged through the Fair Access Panel. Any managed moves which are arranged outside of the panel will be designated as 'unofficial' managed moves and will not be considered under paragraph 5.3 of this policy.
- 6.4 Managed moves must always be in the best interest of the child and careful consideration should be given by the Headteacher of the home school to the school which is best suited and able to meet the needs of the child.
- 6.5 Managed moves should not be arranged on a reciprocal basis between schools, unless this is in the best interests of the children concerned.
- 6.6 Schools which accept a pupil on a managed move will not be exempt from receiving a child into the same year group under the Fair Access Protocol when it is their turn to do so.
- 6.7 Parental consent must be obtained before a managed move is agreed. Schools cannot refuse to place a child fully on roll under the usual midyear admissions procedures if a parent is unwilling to consent to a trial basis managed move unless the child is offered a place elsewhere under the Fair Access Protocol.
- 6.8 Head teachers who wish to arrange a managed move must complete a referral form stating which school is recommended to receive the pupil and submit it to the Fair Access Panel

administrator before the panel meeting. The referral should clearly demonstrate what has been done previously to support the child, including details of multi agency involvement – documentary evidence should be provided to the panel at the time of referral.

- 6.9 During a managed move the child will remain on roll at their home school and will be enrolled as a guest pupil at the receiving school. Throughout the move the pupil's attendance at the receiving school must be monitored by the home school which remains responsible for safeguarding the wellbeing of the pupil.
- 6.10 A managed move is to run for a maximum of 12 weeks and will be subject to a review after 6 weeks. A report on the outcome of the 6 week review is to be submitted to the Fair Access Panel.
- 6.11 If the managed move breaks down during the 12 week period, the child is to be returned to the home school.
- 6.12 If the managed move is deemed to be successful at the end of the 12 week trial period, the pupil must be placed fully on roll at the receiving school. Managed moves cannot be extended beyond the 12 week period without the agreement of the panel.
- 6.13 If the managed move is deemed to be unsuccessful at the end of the 12 week trial period, the pupil must be immediately returned to the home school.

## **Appendix 1**

### **The Infant Class Size Limit**

Infant Class Size regulations and the permitted exceptions to the infant class size limit are detailed in paragraph 2.15 of the School Admissions Code (2014).

Infant classes must not contain more than 30 pupils with a single school teacher. Additional children may be admitted under limited exceptional circumstances. These children will remain an 'excepted pupil' for the time they are in an infant class or until the class numbers fall back to the current infant class size limit. The excepted children are:

- a. children admitted outside the normal admissions round with statements of special educational needs or Education Health and Care Plans specifying a school;
- b. looked after children and previously looked after children admitted outside the normal admissions round;
- c. children admitted, after the initial allocation of places, because of a procedural error made by the admission authority or local authority in the original application process;
- d. children admitted after an independent appeals panel upholds an appeal;
- e. children who move into the area outside the normal admissions round for whom there is no other available school within reasonable distance;
- f. children of UK service personnel admitted outside the normal admissions round;
- g. children whose twin or sibling from a multiple birth is admitted otherwise than as an excepted pupil;
- h. children with special educational needs who are normally taught in a special educational needs unit attached to the school, or registered at a special school, who attend some infant classes within the mainstream school.