

# DERBYSHIRE FAIR ACCESS PROTOCOL

## For Secondary Schools

### Background

The School Admissions Code requires each local authority to have a Fair Access Protocol. All schools and academies must participate in their local authority's protocol in order to ensure that unplaced children, who live in the local authority area, especially the most vulnerable, are offered a place at a suitable school in the local authority as quickly as possible. This includes admitting children to schools that are already full.

The Protocol is designed to ensure the admission to school of children and young people living in Derbyshire who find themselves in challenging circumstances and outlines the arrangements to support this. **It is not intended** to cover the majority of children for whom in-year admissions are a straightforward process and for whom normal admission arrangements apply. The Protocol is triggered when a parent of an eligible child has not secured a place under the in-year admissions procedure. Eligibility for placement under the Protocol does not remove the right of parents to express a preference for a particular school through the normal admissions process. Normally children can only be placed through the Protocol with parents' agreement.

### Exceptions

#### **Children with an Education, Health and Care Plan (EHCP)**

Children with an Education, Health and Care Plan are not covered by this Protocol as their needs are considered separately through their EHCP in accordance with the Special Educational Needs Code of Practice. However, the admission of excluded children with EHCPs and where EHCPs identify behaviour as primary major need will attract points in the scoring system.

Schools should not delay in admitting children with special educational needs, with disabilities or medical conditions, including those children without an EHCP. Where there is a prior need for particular support or for reasonable adjustments the school should involve the appropriate support services to ensure that such children are placed quickly.

### **Aims**

The Fair Access Protocol is designed to:

- be fair and transparent
- take into account the needs of the child and the needs of the school
- reduce the time that children spend out of school

- recognise the success of proactive work being undertaken cooperatively by schools to prevent exclusion and to support children e.g. managed moves
- ensure that no schools, including those with available places, are asked to take a disproportionate number of children who have been excluded from other schools, or who have challenging behaviour.

## **Principles**

In order for the Protocol to be successful:

- **all** schools will take part
- schools cannot cite over-subscription if they are asked to admit a child
- fair access children will be given priority for admission over any others awaiting an appeal for admission
- schools must treat all requests for the admission of a fair access child as a matter of urgency
- schools should not insist on an appeal hearing before admitting a child
- the Local Authority should take account of 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 to or desire for the religious ethos of a school
- parents' and carers' views will be considered, but there is no duty for admission authorities to comply with parental preference
- geographical factors will be taken into consideration, but will not be the overriding factor
- consideration will be given to a child's religious affiliation when considering a suitable school, but it will not be the overriding factor

## **In what circumstances will the Protocol be used?**

In the vast majority of cases, children requiring a school place will continue to be admitted in accordance with the usual admission arrangements, rather than through the Protocol. The Protocol is triggered when a parent of an eligible child has not secured a place under the in-year admissions procedure, with the exception of permanently excluded pupils, who are placed under these arrangements, unless parents choose the in-year admission route.

Where a school does not wish to admit a child with challenging behaviour outside of the normal admissions round, even though there are places available, it can refer the case to the authority for action under the Fair Access Protocol. This will normally only be appropriate where the school:-

- has been judged by Ofsted as inadequate

- has been below floor standards for three or more consecutive years and currently below the data standard
- where the school has already admitted three children in the academic year who have been previously excluded
- more than 10% of compulsory school age pupils have had a fixed term exclusion in the last academic year

The Protocol covers the following categories of children:

- A. Permanently excluded children not attending a Support Centre
- B. Children from the criminal justice system
- C. Children attending a Support Centre
- D. Children placed through a managed move
  - D (i) Children who have completed 6 weeks or more of a managed move but have returned to their original school
- E. Children moving into Derbyshire having received 'out of school' packages in their previous authority.
- F. Gypsy, Roma and Traveller children\*
- G. Looked after children and children who were looked after but ceased to be so because they were adopted (or became subject to a child arrangements order or special guardianship order) \*
- H. Children withdrawn from school by their family, following fixed-term exclusions and unable to find another place
- I. Children without a school place and with a history of serious attendance problems (less than 85%)
- J. Key Stage 4 children where moving house necessitates a change of school
- K. Homeless children
- L. Children who are returning to school from elective home education
- M. Children whose parents have been unable to find them a school place after moving into the area, because of a shortage of places and there are no places available within the distance travelled to the normal area school and beyond 8 miles measured by the nearest available route.\*
- N. Children of refugees and asylum seekers
- O. Children with unsupportive family backgrounds, where a place has not been sought
- P. Children in refuges\*
- Q. Children who have been out of education for two months or more

- R. Children who are carers (who help look after a member of the family who is sick, disabled, or has mental health problems, or is misusing drugs or alcohol)
- S. Children with special educational needs, disabilities, or medical conditions (but without an EHCP)
- T. Children of UK Service Personnel and other Crown Servants

**\*** In these categories, where the normal area/local school is a Derbyshire school, children will be offered a place at the normal/local area school through the Protocol (in the case of a shared normal area then the placement will be at the nearest school to the child's home address) unless it is deemed an inappropriate placement by the Fair Access Panel. These cases will not therefore be referred to the school behaviour cluster.

## **Process**

1. Other than for managed moves (see Managed Move Protocol for details of arrangements) the Fair Access Panel will determine whether a child is eligible for placement under the Fair Access Protocol based upon information received from the referring agency.
2. Once a child has been defined as eligible the Local Authority will initiate the Protocol and either contact the normal/local area school or alert the relevant local school behaviour cluster according to the agreed criteria.
3. School behaviour clusters are responsible for allocating to schools the fair access children referred to them by the Fair Access panel on an equitable and transparent basis. This may be done by reference to the point scoring system attached as appendix 1.
4. Each school behaviour cluster will need to agree arrangements to identify school placements between meetings so that children are admitted to school as quickly as possible.
5. Once a school has been nominated arrangements should be made to admit the child to school within 7 **calendar days** of the nomination in accordance with DfE "Fair Access Protocols: Principles and Process" Departmental Advice issued in November 2012.

## **Monitoring and Evaluation**

The Protocol will be monitored by the Derbyshire Admissions Forum and reported on annually as part of the Local Authority's report to the School's Adjudicator.

### **Allocation of children - Point scoring system**

This system aims to ensure fairness and equity in the distribution of those children identified as “fair access” as defined in the protocol. It is intended to support the principle that all schools are inclusive and already take a wide and diverse population whilst recognising particular circumstances which may mitigate against admitting fair access children.

The system is designed to be easy to calculate, clear to understand and accurately represent the position of each school.

#### **The system**

1. Schools will be grouped within a cluster and ranked according to their score.
2. The scoring system will be made up of two component parts:
  - Initial school cohort score, set annually
  - Child specific score, adjusted whenever a school receives or excludes a child
3. The initial score for each school will be set from the latest available data
4. The following data will be used to determine initial scores:

	<b>% base weighting for average school</b>
<b>School context indicator (as calculated for the Derbyshire School Databook and based on pupils on roll and national indices of multiple deprivation)</b>	<b>52%</b>
<b>Percentage of children for whom English is an additional language (January school census)</b>	<b>1%</b>
<b>Percentage overall absence (sessions as published by the DfE).</b>	<b>16%</b>
<b>Percentage of pupils with SEND (January school census )</b>	<b>23%</b>
<b>Percentage mobility (number of starters/leavers as a percentage of pupils on roll at January census)</b>	<b>3%</b>
<b>Percentage of pupils who are children in care (children in care as a percentage of pupils on roll at January school census)</b>	<b>5%</b>
<b>Gross base weighting</b>	<b>100%</b>

In very exceptional circumstances the Fair Access Panel may increase the child specific points awarded up to the maximum of 300 points. One example, would be a child with a complex history which places them in multiple categories and who has been out of education in excess of one academic year.

Points scores will be calculated on a three year rolling average which includes both initial cohort scores and child specific scores.

5. The child specific score (see below) represents a points value ascribed to children identified by the Protocol when they move into or out of a school, other than at times of transfer.

#### Child Specific Score

	<b>Education Background</b>	<b>Points</b>
A	Permanently excluded children not attending a Support Centre	300
B	Children from the criminal justice system	300
C	Children currently attending Support Centre	210
D	Children placed through a managed move	210
D(i)	Children who have completed 6 weeks or more of a managed move but have returned to their original school	105
E	Children moving into Derbyshire having received out of school package in previous authority	210
F	Gypsy, Roma and Traveller children	150
G	Looked after children	300
H	Children withdrawn from school by their family, following fixed-term exclusions and unable to find another place.	120
I	Children without a school place and with a history of serious attendance problems (less than 85% attendance)	120
J	KS4 children where moving house necessitates a change of school placement	90
K	Homeless Children	60
L	Children who are returning to school from elective home education	105
M	Children whose parents have been unable to find them a school place after moving into the area, because of a shortage of places and there are no places available within the distance travelled to the normal area school and beyond 8 miles.*	30
N	Children of refugees and asylum seekers	30
O	Children with unsupportive family backgrounds, where a place has not been sought	150
P	Children in refuges	30
Q	Children who have been out of education for two months or more.	30
R	Children who are carers	30
S	Children with special educational needs, disabilities, or medical conditions (but without an EHCP)	30
T	Children of UK Service Personnel and other Crown Servants	10
`	<b>Confirmed Permanent Exclusion Penalty</b>	<b>-210</b>

The weighting given to each category is based on both DfE guidance and the experience of the Local Authority in placing particular categories of children.

6. The points value is added or subtracted to determine the relevant school score and ranked position at any given point during the school year. Schools can obtain their ranking and score from the Inclusion Team. Children will always attract the highest single score.

7. School Behaviour Clusters may use the points score to help inform their decision making.
8. In the exceptional event that a School Behaviour Cluster is unable to agree placement, then the Panel will determine a placement using the points scoring system and having considered all the relevant facts.
9. Should any school disagree with the placement decision, then they can appeal to the Service Director.

### **Children returning to school from elective home education (EHE)**

The underlying principle is that children returning from EHE should be admitted back to their previous school unless there are very exceptional reasons why not.

For example, if the child now lives outside of the previous school's area (and/or outside reasonable travelling distance) and there is a more appropriate or accessible school, a managed move should be arranged once the child is back on roll at their previous school. If there are other exceptional circumstances which would prevent a return to the previous school (e.g. safeguarding issues) then the school should arrange a managed move to a more suitable school.

As set out above schools will be credited with 105 fair access points if they admit (or accept on a managed move) a child returning from EHE

### **Monitoring arrangements.**

Schools will be responsible for confirming with the authority that children have been admitted within 5 days of the admission date.

The Local Authority will be responsible for updating and maintaining the formula ranking score for each school which will be updated on a secure site for schools to view at the start and end of each academic year.

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