

# **DERBYSHIRE FAIR ACCESS PROTOCOL**

## **for Primary Schools**

**(Reviewed December 2011)**

### **Background**

The School Admissions Code requires that each local authority must have a Fair Access Protocol. All schools and Academies must participate in their local authorities 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 to schools that are already full.

A revised version of the School Admissions Code comes into force in December 2014 and applies to children starting schools in September 2015 onwards. The Protocol has been amended to reflect changes in the Code in respect of Fair Access Protocols as detailed in sections 3.9 to 3.15.

Sections 3.15 of the School Admissions Code defines categories of children that Fair Access Protocols must include as a minimum.

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 a Statement of Special Educational Need**

Children with Statements of Special Educational Need are not covered by this Protocol, as their needs are considered separately through their Statements in accordance with the Special Educational Needs Code of Practice. However, the admission of excluded children with Statements and children with

Statements which identify behaviour as primary major need will attract points in the scoring system.

Schools should not delay in admitting children with special educational needs but without statements and children with disabilities or medical conditions. 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 quickly placed.

## **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 these children spend out of school;
- recognize 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, even if they are responsible for their own admissions;
- schools cannot cite over-subscription if they are asked to admit a child under the Protocol;
- 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 under this Protocol;
- the 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, and geographical factors will be taken into consideration, but these will not necessarily override the Protocol;
- consideration will be given to a child's religious affiliation when considering a suitable school but this will not override the Protocol.
- there is no duty for the Authority or admission authorities to comply with parental preference when allocating places through the Protocol.

### **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.

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:-

- requires special measures or has recently come out of them (within the last year)
- has been identified by Ofsted as requiring significant improvement and therefore 'given a notice to improve'
- has fewer than 55 per cent of children achieving Level 4 or above at Key Stage 2 in both English and mathematics for four or more consecutive years
- has already admitted one child in the academic year who have been previously excluded
- can evidence that they have an unusually high proportion of children with challenging behaviour

The Protocol covers the following categories of children:

- A. Permanently excluded children not attending a Support Centre determined as suitable for school.
- B. Children from the criminal justice system
- C. Children attending a Support Centre who are ready to be integrated back into mainstream education.

- D. Children for whom it has been identified that they would benefit from a managed move.
- E. Children moving into Derbyshire having received 'out of school' packages in their previous Authority.
- F. Traveller children.\*
- G. Children in care. \*
- 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 placement – not applicable to primary schools.
- K. Homeless children.
- L. Children known to police or other agencies and defined by that agency as vulnerable.
- 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 5 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 without a Statement with special educational needs and/or with disabilities or medical conditions where the appropriate support services have been unable to resolve any placement difficulties.
- T. Children of UK Service Personnel and other Crown Servants.
- U. Children in Year 11 with the option to place on the Authority's Year 11 roll – not applicable to primary schools.

The categories cover two distinct groups of children –children without a school place and children from vulnerable groups with a school place who wish to change school.

★ In these categories, where the normal area/local school is a Derbyshire school, children will be placed at the normal/local area school (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 of the Authority will determine whether a child is identified as being 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 Authority will initiate the Protocol and either, according to the agreed criteria, contact the normal/local area school or alert the lead agency to arrange a meeting of up to the 6 nearest Derbyshire to the child's home address.
3. The Protocol obliges all invited schools to attend the meeting where attendees will be responsible for agreeing a placement for the child. This should be done on an equitable and transparent basis and may be done by reference the point scoring system attached as Appendix 1.
4. Once a school has been nominated arrangements should be made to admit the child to school within **10 working days** of the nomination.
5. Statistics regarding the number of children placed and the receiving schools will be reported to the Schools Admissions Forum.

## **Funding and Additional Support**

Every year each School Behaviour Cluster will receive a funding allocation in addition to the following will be available if relevant criteria are met:

- Support from the Behaviour Support Service for reintegration of children who have been permanently excluded.
- Support from the Children in Care Education Service
- Temporary additional pupil support.

## **Monitoring and Evaluation**

The Protocol will be monitored by the Derbyshire Admissions Forum and reported on annually as part of the Authority's annual report on admissions.

### **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 score, set annually
  - Child difficulty score, adjusted whenever a school receives or excludes a child
3. The initial score for each school will be set from the latest available PLASC data.
4. The following data will be used to determine initial scores;

	<b>% base weighting for average school</b>
<b>School context indicator (taken from the Primary Data book + school highest factor )</b>	<b>54.1%</b>
<b>Percentage of children for whom English is an additional language .</b>	<b>1%</b>
<b>Total absence (taken from the DCSF FORVUS return).</b>	<b>7.6%</b>
<b>SEN Percentage (calculated using all children for all ages )</b>	<b>21.2%</b>
<b>Percentage Mobility</b>	<b>15.7%</b>
<b>Percentage of children in care on roll</b>	<b>0.3%</b>
<b>Gross base weighting</b>	<b>100%</b>

In very exceptional circumstances the Panel may increase the points awarded up to the maximum of 300 points. For example, in the case of 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.

The original data was taken as at September 2006 and is updated on an annual basis in the September of each year.

5. The child difficulty score (table 1) represents a figure given to children identified by the Protocol when they move into or out of a school, other than at times of transfer. The weighting given to each category is based on both DCSF guidance and the experience of the Local Authority in placing particular categories of children.
6. The figure is added or subtracted to determine the relevant school score and ranked position at any given point during the school year. Schools are able to view their ranking and score via the Extranet using a secure Web Page Front End. Children will always attract the highest single score.

#### Child Difficulty Score

	<b>Education Background</b>	<b>Points</b>
A	Permanently excluded children not attending a Support Centre determined as suitable for school.	300
B	Children from the criminal justice system	300
C	Children currently attending Support Centre who are ready to be integrated back into mainstream education	210
D	Children for whom it has been identified that they would benefit from a managed move.	210
E	Children moving into Derbyshire having received out of school package in previous authority	210
F	Traveller children	150
G	Children in care	150
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 – not applicable to primary schools	90
K	Homeless Children	60
L	Children known to police or other agencies and defined by that agency as vulnerable.	60
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 5 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 and children with disabilities or medical conditions where there are difficulties with particular support or for reasonable adjustments which the involvement of the appropriate support services have been unable to resolve	30
T	Children of UK Service Personnel and other Crown Servants	10
U	Children in Year 11 – not applicable to primary schools	90
	<b>Confirmed Permanent Exclusion Penalty</b>	<b>-210</b>

Schools may use the points score to help inform their decision making.

In the exceptional event that Schools are unable to agree placement, then the Panel will determine a placement on the basis of the points scoring system having considered all relevant facts.

Should any school disagree with the placement decision, then they can appeal to the Assistant Director.

#### Monitoring arrangements.

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

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