

# **IN YEAR FAIR ACCESS PROTOCOL FOR PRIMARY SCHOOLS IN WANDSWORTH**

## **Introduction**

The purpose of the In Year Fair Access Protocol is to:

- Ensure that all schools in an area admit a fair share of children with challenging behaviour and to;
- Ensure access to education is secured quickly for children with no school place.

It is a statutory requirement set out in the Schools Admission Code 2021 that all schools and Academies participate in their local authority’s protocol, including admitting children above the published admission number to schools that are already full if those children meet the relevant criteria. However, no school, including those with places available, should be asked to take an excessive or unreasonable number of pupils who have been excluded from other schools.

Under the protocol, each school will be given an initial limit of admitting 1 pupil per year group each school year. This limit may be reviewed in light of the individual circumstance of the school. This may result in the school going over the published admission number. Children to be placed through the Fair Access Protocol take precedence over children on any waiting list the school may hold.

The Protocol will only be applied in exceptional circumstances where the circumstances of the child, or the school, or both, mean that the normal admissions process cannot ensure that the child will be admitted to a suitable school as quickly as possible. It should not be used as a means to circumvent normal admissions procedures. A parent can ask for a place in their preferred school at any point and is entitled to statutory right of appeal if a place is not offered.

The primary schools within Wandsworth have agreed to adopt the principles of the In Year Fair Access Protocol as detailed above and the process for implementing that protocol as detailed in the sections below. The Protocol applies to Wandsworth resident pupils only. If pupils applying to Wandsworth schools from another Local Authority are deemed by the school to be hard to place then Wandsworth schools will refer back to the home borough to implement their own In Year Fair Access Protocol.

## **Children included in the protocol**

The Protocol will apply to Wandsworth residents who are new to the borough and also residents already on the roll of a Wandsworth school but seeking a change of placement within Wandsworth.

The following groups of pupils will be included:

- a) children either subject to a Child in Need Plan or a Child Protection Plan<sup>81</sup> or having had a Child in Need Plan or a Child Protection Plan within 12 months at the point of being referred to the Protocol;
- b) children living in a refuge or in other Relevant Accommodation at the point of being referred to the Protocol;
- c) children from the criminal justice system who need to be reintegrated into mainstream education;
- d) children in alternative provision who need to be reintegrated into mainstream education or who have been permanently excluded but are deemed suitable for mainstream education;
- e) children with special educational needs (but without an Education, Health and Care plan), disabilities or medical conditions;
- f) children who are carers;
- g) children who are homeless;
- h) children in formal kinship care arrangements;
- i) children of, or who are, Gypsies, Roma, Travellers, refugees, and asylum seekers;
- j) children who have been refused a school place on the grounds of their challenging behaviour and referred to the Protocol in accordance with paragraph 3.10 of the Admissions Code;
- k) children for whom a place has not been sought due to exceptional circumstances;
- l) children who have been out of education for four or more weeks where it can be demonstrated that there are no places available at any school within a reasonable distance of their home. This does not include circumstances where a suitable place has been offered to a child and this has not been accepted;
- m) previously looked after children for whom the local authority has been unable to promptly secure a school place
- n) children who have been out of education for two months or more or with a history of significant attendance problems;
- o) Children who are out of school for legitimate reasons i.e. moved into the area but are hard to place because of their educational history e.g. three or more fixed term exclusions in the previous year
- p) Other hard to place pupils (with the agreement of the local placement panel)

When a permanently excluded pupil is admitted to a new school through the Fair Access Protocol the receiving school will receive the remaining portion of the Age Weighted Pupil Unit (AWPU) formula transferred from the date the pupil starts on roll.

### **In Year Admissions**

In the first instance, the wider In Year Admissions Application Process is followed. Parents apply to the Local Authority stating their preferred school(s). The Local Authority refers the application to the highest preference school with a vacancy, based on weekly information provided by each school. Schools inform parents of the outcome of their application within 10 school days.

Where a governing body does not feel it can admit a child outside the normal admission round, even though places are available, it must first discuss the matter with the Head of Pupil Services. If it cannot be agreed that the application meets the Fair Access criteria, the school may request that the case be evaluated by the In Year Fair Access Panel (see below) to determine whether it should in fact be considered under the protocol. If the panel subsequently judge that the case does not meet the criteria, the referring school will be expected to accept the pupil under the standard admission procedure.

This provision will not apply to looked after children, a previously looked after child or a child with a Statement of Special Educational Needs/EHC plan as these children must be admitted. 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 an EHC plan.

### **The In Year Fair Access Panel**

An In Year Fair Access Panel will be established to make decisions relating to hard to place pupils.

The Panel will be comprised of:

- The Head of Pupil Services or his representative,
- The Head of the Education Inclusion Service or his representative,
- The Head Teacher of Victoria Drive Pupil Referral Unit
- 3 Primary Head Teacher Representatives

The panel will meet every three weeks during term time to consider cases. In order for the panel to be quorate there must be at least one mainstream primary Headteacher representative. Headteachers of schools in the local area will be invited to make representations.

When considering placement of pupils under this protocol, account will also be taken of the current position on the numbers of:

- pupils successfully placed under this protocol already within the last three terms;

- Numbers of children in the relevant year group with an EHCP
- managed moves to and from each school over the course of the last three terms;
- re-integrations from the Pupil Referral Unit (PRU);
- casual admissions to each school over the course of the last three terms;

Consideration will be given to risk factors associated with individual cases.

Schools that are in an Ofsted category of Requires Improvement or Inadequate will not be asked to take pupils under the In Year Fair Access Protocol other than in exceptional circumstances.

Places allocated under the In Year Fair Access Protocol are not required to comply with parental preference. If the parent of the pupil refuses/declines to send their child to the allocated school the parent will be considered to be failing in their duty to ensure that their child is receiving a full time education and this will be referred to the Educational Welfare Service.

Schools must respond quickly to requests for admission so that the admission of the child is not delayed. Admission should take place within 5 school days of a school/academy being notified of a decision under the Fair Access Protocol.

Within the terms of this Fair Access Protocol, placement decisions may result in the admission of children above a school's/academy's admission number. Schools/academies cannot cite oversubscription as a reason for not admitting a young person under the Fair Access Protocol. The School Admissions Code requires that those children allocated a place at a school/academy in accordance with a Fair Access Protocol must take precedence over those on a waiting list. However, admission appeal panels should not view the fact that the protocol has obliged a school to admit over its admission number as an indication that it can do so in the normal admission round.

The Panel's decision on the admission of a pupil is binding on the school concerned. If a school still refuses to admit, the LA will use its formal power of direction on behalf of the panel.

**Siblings**

Siblings of pupils placed under the In Year Fair Access Protocol will not be allocated a place in the same school if there are no places in the relevant year group. It is for individual admission authorities to determine whether the siblings of pupils placed under the protocol would be eligible for sibling priority. This should be specified in the school's

admissions policy in the in Year Fair Access Protocol section. As participation in the In Year Fair Access Protocol is mandatory there would be no need to consult on such wording within individual school admission policies.

**How the implementation of the protocol will be monitored**

A report detailing any pupils placed as a result of the protocol will be submitted to the termly Headteachers' meeting and to the admission forum.

This protocol was reviewed in July 2023 and will be subject to review again in July 2024.