

## BRACKNELL FOREST FAIR ACCESS PROTOCOL FOR VULNERABLE OR HARD TO PLACE PUPILS

- 1.1 The Department for Education School Admissions Code<sup>1</sup> at
- 3.9 **states that** each local authority **must** have a Fair Access Protocol, agreed with the majority of schools in its area 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. In agreeing a protocol, the local authority **must** ensure that no school - including those with available places - is asked to take a disproportionate number of children who have been excluded from other schools, or who have challenging behaviour.
  - 3.10 The operation of Fair Access Protocols is outside the arrangements of co-ordination and is triggered when a parent of an eligible child has not secured a school place under in-year admission procedures.
  - 3.11 All admission authorities **must** participate in the Fair Access Protocol in order to ensure that unplaced children are allocated a school place quickly. There is no duty for local authorities or admission authorities to comply with parental preference when allocating places through the Fair Access Protocol.
  - 3.15 The list of children to be included in the Fair Access Protocol is to be agreed with the majority of schools in the area but **must**, as a minimum include children of compulsory school age who have difficulty securing a place who are listed at 2.1
- 1.2 The Bracknell Forest protocol has been written to address this requirement.

### **The aims of the protocol are to:**

- ensure that the needs of vulnerable young people who are Bracknell Forest residents and are not on the roll of any school are dealt with quickly and sympathetically;
- reduce the time that difficult to place pupils spend out of school;
- ensure that schools admit pupils with challenging educational needs on an equitable basis;
- ensure that schools admit a fair share of vulnerable pupils, even those already at or above the published admission number for the year group in question, other than those school covered by infant class sizes;
- In the interest of fairness and equity schools may be required to admit children above their published number where they are already full. Schools may not cite oversubscription as a reason for not admitting a child through FAP. Children admitted via the panel will take priority over others on a waiting list or pending appeal.
- be fair and transparent.
- To be a mechanism for managed moves

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<sup>1</sup> School Admissions Code, December 2014

1.3 This protocol has been written to comply with the requirements of the School Admissions Code.

**2 The DfE's list of children who are either vulnerable or have difficulty securing a place is:**

- children from the criminal justice system or Pupil Referral Units who need to be reintegrated into mainstream education
- children who have been out of education for two months or more
- Gypsy, Roma or Traveller children
- refugee and asylum seeker children
- homeless children
- children with unsupportive family backgrounds where a place has not been sought
- young carers
- children with special educational needs, disabilities or medical conditions (but without a statement or Education, Health and Care Plan)

**2.1 Locally agreed children who will also be included for review by the Panel are:**

- Those pupils that require a fresh start and a managed move may be of benefit.
- Those pupils who have been permanently excluded (see point 7).

2.2 Given the wide ranging nature of this definition supporting documentation and background information will be required from partner agencies and/or teams within the LA to support an application for admission under this protocol.

**3 Main Principles**

3.1 In order for the scheme to be successful, the following general principles will apply:

- The best interests of the child are of paramount importance and must be considered in all decision making;
- All schools will need to take part, even if they are responsible for their own admissions;
- A Placement Panel<sup>2</sup> will convene every four weeks to consider those applications received who fall within the agreed criteria. Although the Panel is not a requirement of a protocol it will ensure equity, transparency and quality decision making.
- All schools will continue to admit pupils who apply for an available place under their normal admission arrangements;
- the school being full in the appropriate year group cannot be cited as a reason for not admitting a pupil under the protocol (with the exception that class size regulations for Key Stage 1 shall still apply);
- Pupils being placed under the Fair Access Protocol must be given priority for admission over others on a waiting list or awaiting an appeal;

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<sup>2</sup> The placement panel shall comprise headteacher or decision making representatives from all secondary schools and 3 primary headteachers (delegated decision makers for all primary schools) and LA officers, including the Senior Admissions Officer and the Safeguarding and Inclusion Manager (Chair)

- Following receipt of the Panels decision letter the school will be given five school days to plan for, and then admit the child.
- Schools must not cause any unreasonable delay to the admission of a child.
- Where a managed move is agreed with the parents they will be fully consulted and their views sought. All applications must be signed by the parent.
- Schools at or above the appropriate admissions number will also admit a fair share of these pupils.
- Regulations prescribe those exceptions which are permitted in cases where the infant class size limit applies.
- An exception will be made to avoid placing a vulnerable pupil under this protocol at a school which is in excess of their admission number by two places (in the case of primary schools) or by ten (in the case of secondary schools) as a result of successful appeals within each year group.
- The Local Authority makes provision for those unable to access a mainstream environment through the Bracknell Forest Pupil Referral Service; this service provides a Pupil Referral Unit and a Home tuition service. The Local Authority also uses a range of alternative providers when the Pupil Referral Service is unable to meet the needs of some children or young people.
- A monitoring system will be set up to ensure that numbers are strictly adhered to. A placement table showing referral/admit numbers will be circulated with the agenda.
- In all cases the decision of the Panel is final and binding.
- The pupil; related elements of the formula budget and pupil premium (if relevant) to transfer with the child.

#### **4. How the protocol will work**

- The Placement Panel<sup>3</sup> will meet every four weeks to consider those applications received on the correct referral form who fall within the agreed criteria.
- All necessary paperwork and supporting documentation must be emailed to [education.safeguarding-inclusion@bracknell-forest.gov.uk](mailto:education.safeguarding-inclusion@bracknell-forest.gov.uk) by the published date which will then be made available to the Panel to enable an informed decision to be made without the need to defer.
- The Panel will normally offer a place at the school serving the home address. However, in some cases, more detailed consideration of individual circumstances may be required. This could include parental preference for an alternative school, the distance from the home address to alternative schools, the numbers (and proportionality) of challenging pupils already admitted during the academic year, levels of mobility or whether school has a learning support unit
- There is an expectation that all Panel members will have read the paperwork supplied.

#### **5. Virtual Fair Access Panel Meeting**

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<sup>3</sup> The placement panel shall comprise headteacher or decision making representatives from all secondary schools and 3 primary headteachers (delegated decision makers for all primary schools) and LA officers, including the Senior Admissions Officer and the Safeguarding and Inclusion Manager (Chair)

If a school is at crisis point with a child and requires intervention the Safeguarding and Inclusion Manager should be informed. The school must immediately complete the form with all relevant paperwork. This should be submitted in the usual way with a request for a virtual fair access meeting. The paperwork will then be sent to all panel members with requests for comments and responses. A decision will be made within 5 days. The Chairs decision is final and binding on all parties.

## **6. Decision making**

All decisions will be made at the panel meeting. All schools representatives must be attending as decision makers for the relevant schools. If an agreement cannot be reached then the placement table, information made available by the school improvement team, the school admissions team and any other relevant information will be considered. A majority decision may be considered necessary however it remains binding on all schools. The discussion and decisions are confidential to that meeting and should not be communicated to others except through the agreed notification process.

## **7. Permanent Exclusions**

*Admission authorities must not refuse to admit children in the normal admissions round on the basis of their poor behaviour elsewhere. Where a child has been permanently excluded from two or more schools there is no need for an admission authority to comply with parental preference for a period of two years from the last exclusion.*

### **Section 87 of the School Standards and Framework Act 1998**

Permanent exclusion does not automatically mean that a pupil can no longer attend a mainstream school and parents are entitled to apply under the normal round of admissions for a new school place. However, Bracknell Forest is a small LA with a limited number of schools and differing approaches to inclusion.

Therefore, to ensure no school - including those with available places - is asked to take a disproportionate number of children who have been excluded from other schools, or who have challenging behaviour, all children who are permanently excluded will have their application considered under this protocol. In these circumstances, parental preference will be considered and complied with where possible whilst recognising a balance to be struck between finding a place which allows ease of access for the child and allocating hard to place pupils fairly across all schools.