

North Yorkshire County Council
Children & Young People's Service

In-Year Fair Access Protocol
September 2015

1.0 The Education and Inspections Act 2006 introduced a requirement for each local authority to have in place an In-Year Fair Access Protocol (IYFAP). Further guidance of this requirement is provided in the School Admissions Code 2012, particularly paragraphs 3.9 to 3.23.

Other guidance issued by the Department for Education is located in Fair Access Protocols, Principles and Process, Departmental Advice issued November 2012. Within this guidance it confirms that:

- Schools (including Academies) should work together collaboratively, taking into account the needs of the child and those of the school. There is no duty to comply with parental preference when allocating places through the Protocol but it is expected the wishes of the parents are taken into account.
- Fair Access Protocols should not be used as a means to circumvent the normal in-year admissions process. A parent can apply for a place as an in-year admission at any point and is entitled to an appeal when a place is not offered.

Each local authority must have a Fair Access Protocol, agreed with the majority of schools in its area, which sets out how, outside the normal admissions round, schools in the area will admit their fair share of children with challenging behaviour, children excluded from other schools and children who arrive outside the admissions round who may have difficulty securing a school place. In these circumstances, admission authorities may, if necessary, admit above their published admission number (PAN).

1.1 All admission authorities must participate in the In Year Fair Access Protocol in order to ensure that unplaced children are allocated a school place quickly and that no school takes more than its share of children with challenging behaviour. **There is no duty for local authorities or admission authorities to comply with parental preference when allocating places through the In Year Fair Access Protocol.**

2.0 Purpose of Protocol

2.1 The operation of In Year Fair Access Protocols is outside the arrangements triggered when a parent of an eligible child has not secured a place under in-year admission procedures, even following the outcome of an appeal. The purpose of the protocol is:

2.2 To ensure that for in year admissions (i.e. outside of the normal admissions round) children are admitted to a suitable school as quickly as possible.

2.3 To encourage the equitable distribution of children needing to be admitted in year so that no school is overburdened.

3.0 To Which Groups of Children does the Protocol Apply?

3.1 The list of children to be included in an In Year Fair Access Protocol includes the following children of compulsory school age who may have difficulty securing a school place. The following are a minimum required by the School Admissions Code:-

- Children involved in the criminal justice system or supported by a Pupil Referral Service (PRS) who need to be reintegrated into mainstream education;
- Children who have been out of education for 2 months or more;
- Children of Gypsies, Roma, Travellers, refugees and asylum seekers;
- Children who are homeless;
- Children with unsupportive family backgrounds for whom a place has not been sought;
- Children who are carers; and
- Children with special education needs /disabilities SEND) or medical conditions (but without a statement of SEN/EHC Plan).

The following groups of children have been agreed with the majority of schools in the area.

- Children permanently excluded from a school or children with fixed term exclusions exceeding 15 days in the current academic year;
- Children without a school place and with a history of serious attendance problems (i.e. less than 50%);
- Children looked after by a local authority.

3.2 It is important to emphasise that, **in the vast majority of cases, hard to place children in the above categories requiring a school place will continue to be admitted in accordance with the usual admission procedures, rather than through the protocol.**

3.3 Mid-year admissions, where a child is not considered hard to place, will be managed through the usual admission procedure in line with parental preference.

3.4 The protocol does not cover the admission of children with statements of SEN/EHC Plan which will continue to be managed through the statutory processes.

4.0 General Application of the Protocol

4.1 In each area of the County, at secondary level, a local behaviour and attendance (B&A) Collaborative panel including secondary Head teachers or their representatives will meet on a regular basis. All Collaboratives in North Yorkshire LA meet regularly: Hambleton and Richmondshire, Ryedale, Scarborough and Selby meet every fortnight and Harrogate, Craven and Whitby meet once a month.

4.2 A key purpose of the panel is to manage in year admissions where the protocol criteria apply.

4.3 No school should take more than its fair share of children with challenging behaviour.

- 4.4** All local partnership schools, including those who are their own admissions authority agree to admit at least 1 hard to place pupil in each year group per academic year. Collaborative panels will consider a 'weighting' for small secondary schools where the impact on small year groups may be considerable.
- 4.5** Schools will not insist on an appeal being heard before admitting a child under this protocol.
- 4.6** Schools will not refuse to admit a pupil who has been denied a place at that school at appeal, if the protocol identifies that school as the one to admit the child.
- 4.7** As part of the Collaborative arrangements for the admission of vulnerable pupils, the collaborative panel **may** ask the school listed as the highest preference on the parental preference form to hold a meeting on behalf of the Collaborative panel. The purpose of the meeting is to gather information about the pupil so that a referral form can be completed and an informed decision about the future placement of the pupil can be made at the next Collaborative panel meeting. This is not a pre-admission meeting but is a procedure used to ensure that vulnerable children and unplaced children are allocated a school place as soon as possible.
- 4.8** The panel must take account of any genuine concerns about an admission, for example a previous breakdown in the relationship between the school and the family, or a strong aversion to, or desire for the religious ethos of a school.
- 4.9** For a pupil to be placed at a North Yorkshire Grammar School in line with the In Year Fair Access criteria, he or she must also meet the academic criteria for that school.
- 4.10 Schools must respond within the timescales specified in this protocol to requests for admission, so that the admission of the pupil is not delayed.**
- 4.11** Wherever possible, pupils with a religious affiliation should be matched to a suitable school. If the school with a religious affiliation has already taken a pupil under the protocol in that year group, then the pupil may be offered a place at a different school that doesn't have the religious affiliation.
- 4.12** Admissions agreed between schools under the scheme of Managed Moves do not count as places allocated under this protocol. The local authority will collate data on the two schemes separately and make the data available to panels on a regular basis.

5.0 Local Flexibility

- 5.1** Whilst working within the spirit of the protocol a local Collaborative panel must use discretion and judgement to achieve the best outcome for the child concerned and other children. For example, one school may have compelling reasons (agreed by the panel) for not admitting to a particular year group at that time. The school might therefore agree to make 2 places available in a different year group.

6.0 Monitoring Arrangements

- 6.1** All mid-year admissions under the protocol will be monitored by the local authority through the local Collaborative panel.

6.2 A local authority officer will chair all Collaborative Panels whenever possible; this will usually be the Educational Development Adviser: Behaviour & Attendance (B&A) for the area. A colleague from the Admissions team will attend the Collaborative meeting whenever possible.

7.0 Additional Support

7.1 Additional advice for schools admitting children under this protocol may be available from the local authority e.g. from the Education of Looked After Children team. This discussion should take place at the Collaborative meeting.

8.0 Timescales

8.1 All referrals under this protocol should be considered within these timescales;

As soon as possible, following the identification of the school which will admit the student, and within 3 school days, a panel representative will discuss admission and potential school(s) with the parent and pupil. It is expected that all parties will act with a sense of urgency to identify a school place for any child who has had difficulty securing one or who fall within the Fair Access Protocol.

Within 10 school days of a panel meeting, the identified school will invite the parent and the child or young person for an admissions meeting with the opportunity to view the school and formulate an integration plan.

The child should be admitted on roll and start attending the identified school within 15 school days.

8.2 The clerk to the collaborative panel will send a letter to the parents informing them of their child's planned admission to the agreed school.

9.0 Actions by Schools that Contravene the Agreement

9.1 Schools in the local partnership agree not to advise parents to:

- remove their child from school and find another school.
- remove their child from the roll of the school and voluntarily educate at home.

10.0 Transport

10.1 Free or assisted transport will be provided to enable a pupil to attend the school agreed by the panel if it is over two miles from home for primary age pupils and three miles from home for secondary pupils.

This arrangement currently applies to pupils permanently excluded from school.

11.0 Financial Procedures

11.1 Where a pupil is permanently excluded the excluding school must return any remaining Age-Weighted Pupil Unit (AWPU) and any Pupil Premium (PP) funding for that particular pupil to the local authority for transfer to the receiving school.

12.0 Cross Border Issues

12.1 The local authority will consult with neighbouring authorities over financial support and equity for pupils who meet the In Year Fair Access Protocol, and who attend school in one authority, and live in another.