

IYFA
Protocol
2018

Appendix II: In Year Fair Access Protocol

In accordance with the DFE School Admissions Code (2014) and Fair access protocols in school admissions (2012) NYCC has an In Year Fair Access Protocol (IYFAP) in which all schools (including Academies) within the collaborative have agreed to participate in.

Purpose

The purpose of Fair Access Protocols is to ensure that - outside the normal admissions round - unplaced children, especially the most vulnerable, are found and offered a place quickly, so that the amount of time any child is out of school is kept to the minimum.

Principles

Schools (including Academies) should work together collaboratively, taking into account the needs of the child and those of the school to encourage the equitable distribution of children needing to be admitted in year preventing any school becoming overburdened. 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. Once a student is on the collaborative agenda parents should not be encouraged to fill in a parental preference form. The list of children included within this IYFAP includes the following children of compulsory school age who may have difficulty securing a school place:

- a) Children from the criminal justice system or Pupil Referral Units who need to be reintegrated into mainstream education;
- b) Children who have been out of education for two months or more;
- c) Children of Gypsies, Roma, Travellers, refugees and asylum seekers;
- d) Children who are homeless;
- e) Children with unsupportive family backgrounds for whom a place has not been sought;
- f) Children who are carers; and
- g) Children with special educational needs, disabilities or medical conditions (but without a statement or Education, Health and Care Plan).
- h) Children permanently excluded from a school or children with fixed term exclusions exceeding 15 days in the current academic year;
- i) Children without a school place and with a history of serious attendance problems (i.e. less than 50%);
- j) Children looked after by a local authority.

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.

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.

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.

Schools will not insist on an appeal being heard before admitting a child under this protocol.

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.

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.

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.

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.

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.

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.

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.

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.

In the event that the majority of schools in an area can no longer support the principles and approach of the local Protocol, all the school heads should initiate a review with the local authority. The existing Protocol however remains binding on all schools up until the point at which a new one is adopted.

General application of the protocol

The local partnership of schools will meet regularly through the collaborative meeting and will be responsible for the application of this protocol and effectively manage in year fair access admissions within their local area.

Timing

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 falls under the Fair Access Protocol. The collaborative will act to ensure that schools are held to account for the timeliness of their admissions in line with the IYFAP. Where meetings are less than fortnightly informal discussions should take place between schools especially when a student is out of provision.

All schools, including Academies, are expected to respond to requests by the collaborative to admit a child under Fair Access Protocols within seven calendar days and the child should be admitted on roll and start attending the identified school within 15 school days.

Before deciding to issue a direction to a voluntary aided or foundation school, the local authority must consult the governing body of the school, the parent, and the child, if they are over compulsory school age. If following consultation the local authority decides to direct, it must inform the governing body and head teacher of the school. The local authority should do the same when considering requesting a direction for a child to be admitted at an Academy through the Fair Access Protocol.

The governing body of a maintained school can appeal by referring the case to the Schools Adjudicator within 15 calendar days. Similarly, it is expected that an Academy will agree a starting date for the child or set out its reasons for refusal in writing to the local authority within 15 calendar days (providing contact details to cover any approaching bank holiday or holiday periods).

If an Academy has not agreed a start date for the child within 15 calendar days, the local authority can apply for a direction from the Secretary of State via the Education Funding Agency who acts on his behalf in these cases

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

Transport

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

Financial procedures

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

Cross Border issues

The local authority will consult with neighbouring authorities over financial arrangements and equity for pupils who meet the IYFAP, and who attend school in one authority and live in another. It is the home local authority who has responsibility for the IYFA of their pupils.

Monitoring and accountability The collaborative partnership will be expected to report on IYFA admissions through their annual report to the Children's trust board.