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the **Royal Borough of Kingston** and
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Fair access protocol for primary schools in the Borough of Richmond upon Thames

September 2015

Introduction

This Fair Access Protocol ('the Protocol') is written in accordance with the School Admissions Code 2014 which requires each local authority to have a Fair Access Protocol and that all admission authorities must participate in the implementation in order to ensure that unplaced children are allocated a school place quickly.

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.

This document sets out Richmond borough's Primary Fair Access Protocol and describes how it will be applied to ensure that access to education is secured quickly for children and young people (C&YP) resident in Richmond who have no school place. It also establishes that all schools in Richmond will admit up to an agreed quota of children and young people who are hard to place, in each year group, whether or not the school is oversubscribed.

1 Principles of the Protocol

- a) Fair Access Protocols 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.
- b) This protocol aims to reduce the time that vulnerable children are out of school. It is not intended to delay admission. Wherever possible a school should admit a pupil straight away under 'normal in year admission procedures' even if the pupil meets the Fair Access criteria.
- c) All maintained primary schools, academies and free schools within Richmond borough to fully participate and work within the protocol.
- d) The operation of the Fair Access Protocol applies to in-year admissions outside the arrangements of annual coordination and is triggered when a parent of an eligible child has not secured a school place under in-year admission arrangements.
- e) This protocol will not apply to Looked After Children or Previously Looked After Children who are not included under Fair Access. Neither are pupils with an Education, Health and Care Plan or a statement of Special Educational Needs as their needs are dealt under the SEN Code of Practice.

2 Identification

This section sets out circumstances where schools may refer admissions cases to the Fair Access Panel for consideration. In doing so the school will have notified the parent that it is unable to offer a place, give reasons and offer the right of appeal. It will also inform the parent that it will refer the application to the Fair Access Panel.

Circumstances as specified in the School Admissions Code include:

- Children in receipt of Individual Tuition who need to be reintegrated back into mainstream education;
- Children who have been out of education for two months or more ('education' will be counted as any period whilst on roll at a school or any period of elective Home Education);
- Children of Gypsies, Roma and 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 without a statement or Education, Health and Care Plan and who have special educational needs, disabilities or medical conditions;
- Children in a women's refuge where immediate admission to a school has not been possible;

Guidance allows Local Authorities and schools to add other categories according to local need. Pupils may also be considered under this protocol if:

- They were permanently excluded from their last school placement;

3. Considering Applications

- a) All in-year applications for a Richmond school should come via the LA and have completed a Richmond in-year application form. Where a school receives an application directly, the school must forward the application to School Admissions.
- b) Where a governing body is unable to admit a child, as described in Section 2 ('Identification') it must refer the case to the LA for action under the Protocol.
- c) Circumstances where a referral to the FAP is made include:
 - i. Where the school is recognised as having a particularly high proportion of children with challenging behaviour or previously excluded children in a particular year group.
 - ii. Where a school has a high proportion of children with additional needs in the year group – i.e. children with Special Educational Needs with or without a Statement or Education, Health and Care Plan.
- d) In such instances where the school is unable to offer a place it must first discuss the matter with the Head of School Admissions. If it is agreed that the application meets the criteria for FAP the school must formally notify the parent of the reasons for refusal and the statutory right of appeal against this decision.
- e) The school must send a copy of the refusal letter to the Head of Admissions as part of the referral to the Fair Access Panel. School Admissions will write to the parent to inform them that the application has been referred and to explain the principles of Fair Access.
- f) The Fair Access Panel will meet once every half term, when necessary, after each Primary Heads' Partnership meeting. An extraordinary meeting may be called should it be required;
- g) The Fair Access Panel consists of representative Head Teachers from each locality, Head of Admissions and the Individual Tuition Manager. Additional LA colleagues will be invited to attend where they have direct knowledge of the young person/family;
- h) The Panel will consist of at least 2 head teacher representatives from each locality area. If their school or a school in their locality is under consideration for the placement, Head teacher/s from that school/s and/or locality may also wish to attend.
- i) Additional background evidence will be sought in each case to support the Panel decision making process, including:
 - behaviour records;
 - attendance information;
 - information on any additional needs;
 - curriculum information (e.g. subjects being studied);
 - safeguarding information
 - information from any services supporting the child and/or the family

- j) There is no duty to comply with parental preference when allocating places through the Protocol. Placements through the Protocol will take into consideration:
- background information/circumstances of the case/needs of the individual
 - each relevant school's context
 - number of allocated places to the relevant year group at each school under the Fair Access or Managed Move process during the current academic year
 - home to school distance when considering an allocation of a school place
 - parental preference
- k) Where possible, consideration of applications through Fair Access may take account of any religious views of the parent (which may include parents stating a preference for a non-faith school). However, this will not override the Protocol nor influence the final decision.
- l) The Panel will make the decision as to which school will be nominated to receive each young person. This may be the school that refused the same in-year application.
- m) All schools will be expected to admit pupils who have been duly assigned to their school under the process described above.
- n) A school cannot cite oversubscription as a reason for not admitting a pupil via the Fair Access Panel.
- o) Children allocated a place at the Fair Access Panel must be put on the roll of the allocated school within 10 school days of that meeting.
- p) The school **must** notify School Admissions of the admission date in each case.
- q) Where the parent refuses to accept a FAP allocation, then the school must refer the case to the EWS in accordance with their attendance arrangements. The child must be placed on roll at the allocated school.
- r) Where a maintained school or academy refuses to admit a pupil under FAP, the LA must consult with the governing body of the school and the parent before a direction is considered. If the LA decides to direct the school to admit the pupil, it must inform the Governing Body and head teacher of the school. The next step will be a referral to the Schools Adjudicator or to the Secretary of State, as appropriate.
- s) For any out-borough resident applicant who is considered hard to place will be referred to their Home LA to support the admission locally. However, if an application is received, the school will need to respond to the application and offer the right of appeal if a place is refused as described in Section 3 above.

5. Achieving an Equitable Distribution of Pupils Under the Fair Access Protocol (FAP)

- a) Under the FAP, each school will be given an initial limit of admitting 1 pupil per year group depending on the circumstances of the school. every academic year (subject to the circumstances of the school). 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 and/or accepting a pupil who has previously been refused a place on appeal;
- b) Where a school is over number or full in any year group, this will not be a cause to reject a placement. If the school can show significant health and safety grounds for rejection of a pupil, the case must be made to the Fair Access Protocol.
- c) Children to be placed through the Fair Access Protocol take precedence over children on any waiting list the school may hold;

6. Financial Arrangements

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

7. Review of the Protocol

This protocol will be reviewed at the end of the summer term 2016.

FAIR ACCESS PROCESS

