

Halton Local Authority Primary School In-Year Fair Access Protocol

Introduction

The Department for Education School Admissions Code 2014 advises that all local authorities must have a Fair Access Protocol to ensure that, outside the normal admissions round, unplaced children, especially the most vulnerable, are offered a school place at a suitable school as quickly as possible. To-date, the admission of vulnerable children has always been managed at an informal level without recourse to a “formal” in year fair access protocol, with the admission of these children being agreed between the Local Authority and individual primary schools. However, the numbers of children being deemed vulnerable is increasing across the primary sector, and there is a need for a fair and formal approach between primary schools and the Local Authority.

The School Admissions Code 2014 states that all admission authorities (the Local Authority for community and voluntary controlled schools, and the governing board/trust for voluntary aided, academy, and free schools) **must** participate in the Fair Access Protocol in order to ensure that unplaced children are allocated a school place, quickly.

Following consultation with all primary schools in Halton during Autumn 2019, the following will apply to all primary schools from January 2020 onwards.

Key Principles of the Protocol:

- recognises that the majority of applications will likely be normal in year admission requests and that referral under the protocol will not be required (i.e. where a place is available the child will be admitted) and also recognises that schools can proceed with admission prior to referring eligible cases to Panel should they not believe that the admission of the child would cause prejudice;
- recognises the vulnerability and needs of unplaced children and the duty of the LA to ensure suitable educational provision for all children and young people resident in the borough;
- aims to support safeguarding of children and young people by admitting to school, as quickly as possible and without delay, those children identified as being an unplaced child;
- quickly identifies children eligible for referral under the protocol and ensures they are referred in a timely manner, for consideration by the Primary In-Year Fair Access Panel;
- ensures that no school, including those with places available, is asked to take a disproportionate number of children eligible for referral to the scheme under the agreed criteria;
- promotes an ethos of collective responsibility, with all schools and the LA working together effectively, as a community, to place and support vulnerable pupils in our borough; and
- recognises that parents and carers are entitled to seek a new school place for their child, at any time, but, where possible, reduces the amount of pupil movement across schools within the borough, to assist with delivering the best outcomes for every child.

1.0 Eligibility for consideration under the Protocol

- 1.1 In line with the School Admissions Code 2014 the following list of **unplaced*** children of compulsory school age will be identified as being eligible for referral under the In-Year Fair Access Protocol:
- a) children from the criminal justice system seeking re-integration into mainstream education;
 - b) children who have been out of mainstream 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 (this will be identified by professional making the application);
 - f) children who are carers;
 - g) children with special educational needs, disabilities or medical conditions (those children subject to agreed discretionary top-up funding or Undergoing Statutory Assessment, not children with an Education, Health and Care Plan (EHCP)); and
 - h) children for whom this application is being made as a result of permanent exclusion.
- 1.2 The admission of children in the care of a Local Authority (LA) and those previously in the care of an LA, and children with an EHCP naming the school within the plan, follow separate processes and are therefore not covered by this policy.
- 1.3 To assist with the collection of this information and in order to help to identify eligible applications, all parents and carers, when submitting an application, will be required to complete a revised *Primary In-Year Common Application Form*, ensuring that the *Fair Access Information* section is completed by their current school before sending the completed application to their preferred school (s).

*For the purposes of this protocol, an *unplaced* child refers to a child:

- moving into the borough for whom a school place is being sought;
- a Halton resident child, seeking re-integration to mainstream education, following a period of elective home education or having been formally off the roll of a Halton School for two months or more; or
- a Halton resident child for whom an alternative school place is sought, due to their current school being an unreasonable distance from their new home address.

2.0 Composition and mechanism of the Primary In-Year Fair Access Panel

- 2.1 The Local Authority, on behalf of the HAPH Executive, will identify the IYFA Panel **for each half-term period**, comprising four Headteachers (1 from Widnes East, 1 from Widnes West, 1 from Runcorn East and 1 from Runcorn West planning areas) and a reserve Headteacher should the referral be from one of those schools.
- 2.2 Upon receipt of a referral the Panel will be contacted by email with the relevant details as indicated in Section 3. Panel members will be asked to confirm the placement decision by an identified date (usually within 5 school days) and to email that decision to schooladmissions@halton.gov.uk.

- 2.3 Whilst the Panel is not obliged to offer a place at the parent/carer's preferred school, where it is fair and proportionate to do so, there is an expectation that parental preference would be met.
- 2.4 Where a majority placement decision cannot be reached, the case will be referred to an identified member of HAPH Executive, to confirm the final decision for placement.

3.0 Referral to the Primary In-Year Fair Access Panel

- 3.1 Upon receipt of an in-year application that meets the eligibility criteria for referral under the protocol, the Headteacher of the preference school must arrange for the *Initial Referral Details* section of the *Primary IYFAP Referral Form (Appendix A)* to be completed **in full** and then emailed, along with a copy of the original application form, to the School Admissions Team at schooladmissions@halton.gov.uk.
- 3.2 The preference school must write to the parent to advise that their application has been referred to Panel under the agreed protocol and advising that they will normally be notified of the Panel decision within ten school days of the referral. A *Primary IYFAP Referral Letter (Appendix B)* template will be provided to ensure consistency and transparency.
- 3.2 The School Admissions Team will verify the request and complete the *Admissions Information* section of the form. The completed form and any supporting documents will then be emailed to the designated members of the Primary In-Year Fair Access Panel for a placement decision to be made.
- 3.3 The Panel will consider the following factors in coming to their placement decision for the child:
 - information within the *Primary IYFAP Referral Form* and the *Primary In Year Application Form (Appendix C)*;
 - placements to date, ensuring a fair and transparent distribution of children placed under the Protocol, across all schools (this will be updated after each placement and indicated on the *Primary IYFAP Referral Form*);
 - where a child has been permanently excluded, the information provided within the 'Evidence of action for pupils with SEMH' document;
 - reasons for why the parent requested a new school and for their preference (taken from the application form); and
 - the child's current offer of a school place (where the application has been made due to a house move and the current school therefore being deemed to be an unreasonable distance from the new home address).

4.0 Notification of Panel outcomes

- 4.1 The placement school will be notified of the Panel decision and will be asked to arrange a start date, ensuring the child is placed within **ten school days**.
- 4.2 The placement decision of the Panel does not override the parent/carer's right to appeal, and where preference has not been met, the Local Authority will advise the parent of their right of appeal in writing within the placement decision letter that is sent. This includes where the Panel has not found in favour of a school move, for children already on roll at a Halton School.