



**City of London**

**Fair Access Protocol**

## 1) AIMS

1.1) 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.

1.2) The protocol process is in effect a safety net for where the normal procedures for in-year admission have failed. Therefore, for most children needing a new school place in-year, parents will express a preference and, where a place is available at the preferred school, it is a requirement of the School Standards and Framework Act, 1998 that the child is admitted.

1.3) Whilst Local Authority protocol covers only the schools in its local authority area, the City will contact neighbouring authority to help secure a school place in that area under that local authority's protocol where appropriate, and with the maintaining authority's agreement.

1.4) In addition to the above it is not possible to have a Fair Access Protocol like other Authorities as there is only one maintained primary school in the City. The City has linked into Islington's Fair Access Protocol in order to secure provision outside the City and is on the process of linking in with other Local Authorities to give residents greater choice. Some Local Authorities make allowances for other borough children to be considered under their Fair Access Protocol. .

1.5) The City's Fair Access Protocol makes provision for admitting children above the published admission number to schools that are already full, 1 over numbers in any year group at Sir John Cass's Foundation Primary at School Key Stage 2.

1.6) The City's Fair Access Protocol only applies to City of London residents.

## 2) Admissions Authorities Obligations

2.1) All admission authorities **must** participate in the Fair Access Protocol. There is no duty for local authorities or admission authorities to comply with parental preference when allocating places through the Fair Access Protocol.

2.2) Where a governing body does not wish to admit a child with challenging behaviour outside the normal admissions round, even though places are available, it **must** refer the case to the local authority for action under the Fair Access Protocol. This will normally only be appropriate where a school has a particularly high proportion of children with challenging behaviour or previously excluded children.

2.3) The use of this provision will depend on local circumstances and **must** be described in the local authority's Fair Access Protocol. This provision will not apply to a looked after child, a previously looked after child or a child with a statement of special educational needs naming the school in question, as these children **must** be admitted.

2.4) Admission authorities **must not** refuse to admit a child thought to be potentially disruptive, or likely to exhibit challenging behaviour, on the grounds that the child is first to be assessed for special educational needs.

### **3) Local authority powers of direction (general) Admissions**

3.1) In addition to the Fair Access Protocol, the City has the power to direct the admission authority for any maintained school in its area to admit a child even when the school is full.

3.2) The City can only make such a direction in respect of a child in the local authority's area who has been refused entry to, or has been permanently excluded from, every suitable school within a reasonable distance. The local authority **must** choose a school that is a reasonable distance from the child's home and from which the child is not permanently excluded. It **must not** choose a school that would have to take measures to avoid breaking the rules on infant class sizes if those measures would prejudice the provision of efficient education or the efficient use of resources.

3.3) Before deciding to give a direction, the local authority **must** consult the governing body of the school, the parent of the child 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.

3.4) The governing body can appeal by referring the case to the Schools Adjudicator within 15 days. If it does this, the governing body **must** tell the local authority. The local authority **must not** make a direction until the 15 days have passed and the case has not been referred.

3.5) If the case is referred to the Adjudicator, the Adjudicator may either uphold the direction or determine that another maintained school **must** admit the child. The Adjudicator's decision is binding. The Adjudicator **must not** direct a school to admit a child if this would require the school to take measures to avoid breaking the rules on infant class sizes and those measures would prejudice the provision of efficient education or the efficient use of resources.

### **4) PRINCIPLES.**

4.1) All cases relating to the Fair Access will be considered by the Targeted Educational Resources Panel , who will meet on a case by case basis. If the application relates to a primary aged child, the Head Teacher at Sir John Cass's Foundation Primary School will also be invited to the meeting.

4.2) Sir John Cass is to continue to admit local children who apply for an available place under normal admission arrangements and other categories of fair access admissions that will not be considered by the Targeted Educational Resources Panel.

4.3) If the Targeted Educational Resources Panel decide the best place for the child is Sir John Cass's Foundation Primary School, the school must admit the child. The school is expected to take a maximum of 1 over numbers in any year group at School Key Stage 2 even if the class is full.

4.4) Children without a school place must be given priority above others on a waiting list.

4.5) Account will be taken of genuine concerns from Sir John Cass's Foundation primary School about admission (e.g. previous serious breakdown of relationship or local issues that will have an impact on the school / family / child);

## **5) SCOPE: VULNERABLE GROUPS**

5.1) The School Admissions Code, 2012 specifies the following categories of pupils who **must** be included in the Protocol as a minimum:

5.1.1 children from the criminal justice system or Pupil Referral Units who need to be reintegrated into mainstream education;

5.1.2 children who have been out of education for two months or more;

5.1.3 children of Gypsies, Roma, Travellers, refugees and asylum seekers;

5.1.4 children who are homeless;

5.1.5 children with unsupportive family backgrounds for whom a place has not been sought;

5.1.6 children who are carers; and

5.1.7 children with special educational needs, disabilities or medical conditions (but without a statement).

5.2 There is flexibility in the Code to add further categories. The City's Protocol will also include children with significant social, emotional and behaviour difficulties who are at the point of permanent exclusion for whom a Managed Transfer to a new school is considered appropriate.

5.3) The inclusion of these groups recognises these pupils as being vulnerable and having complex needs. However, no list can be exhaustive, and some children who fall within the above groups may not be 'hard to place' or have significant additional needs but do need a school place as quickly as possible. Each case will therefore be considered on its merits.

5.4) Children with a Statement of Special Educational Needs will be placed in accordance with the arrangements set out in the SEN Code of Practice and will **not** be considered under this protocol.

5.5) Documentary evidence will be needed from families/children to prove they fall under one of the categories, the evidence will be considered by the Targeted Educational Resources Panel.

## **6) PARENTAL RIGHTS**

6.1) Parents'/Carers' views will be taken into consideration when reaching a decision. The Protocol will be explained to parents when offering the proposed school that is next under the fair share agreement.

6.2) Parents/Carers may refuse the placement offered and retain the right to apply directly to another school. Where a vacancy exists, the pupil must be admitted. In the case of oversubscription, the parent/carer retains the right to appeal. If an appeal is successful or in the case where a parent's preferred school is required to admit the pupil (e.g., there is a vacancy).

## **7) PROCESS**

7.1) In line with the requirements of the School Admissions Code, the circumstances of individual pupils will be considered on a case by case basis in terms of:

7.1.1) what is best for them;

7.1.2) whether they are ready for mainstream schooling and if so;

7.1.3) which mainstream school will be best able to meet their needs;

7.2) This will ensure the most appropriate provision is identified.

7.3) Pupil summaries will be requested for any applicant where there is an indication on the school admissions application form that the pupil may meet the criteria for admission under City's Fair Access Protocol. Using this information, the Education and Early Years' Service will decide whether the case should be taken forward to the Targeted Educational Resources Panel for consideration.

7.4) The Targeted Educational Resources Panel will make a two part decision based on the evidence available (pupil summary and any relevant supporting documentation):

7.4.1) Does the case meet the criteria for admission under the City's Fair Access Protocol.

7.4.2) Which provision is the most appropriate to meet the pupil's needs (e.g. mainstream school, alternative provision or Pupil Referral Unit).

7.5) The Targeted Educational Resources Panel will meet on a case by case basis and generally decisions will be made at the meeting following receipt of the application.

7.6) Where the Panel requests further information, the panel meeting will be rescheduled or, for urgent cases (e.g. where a child is without provision), Chair's Action will be implemented (i.e. without re-referral to the Targeted Educational Resources Panel). The Targeted Educational Resources Panel (or, where relevant, Chair) decisions will be implemented within no more than 20 days.

7.7) The Panel's decisions will be final and binding. Sir John Cass's Foundation Primary will be required to admit pupils within 20 school days of the notification letter. If the decision is taken to admit to a Pupil Referral Unit or other provision, we would expect them to admit the child within 20 school days.

7.8) The Director of Community and Children's Services will have ultimate responsibility for ensuring children are placed in appropriate provision and that schools comply with the terms of City's Fair Access Protocol.

## **8) ADDITIONAL RESOURCING**

### 8.1) Funding:

The Principles of the Fair Access Funding are:

8.1.1) To provide additional short-term support for the pupil to ensure successful transition and integration to a new school.

8.1.2) To ensure that funding Age-Weighted Pupil Unit follows the pupil in a situation of permanent exclusion.

8.1.3) The funding is to supplement money already delegated to schools within school budgets to support children with additional needs

8.1.4) Normal new arrivals or admissions will not be eligible for fair access funding

8.2) For Managed Transfers the new school will receive £3000 to support the pupil's reintegration.

8.3) For permanently excluded pupils the new school will receive £3000 plus the remaining balance of the Age-Weighted Pupil Unit.

8.4) For other Fair Access pupils admitted via the other vulnerable criteria, an allocation of £1000 will be considered on an individual basis as additional funding may not always be required.

### 8.5) Age-Weighted Pupil Unit funds

8.5.1) Where the exclusion is upheld the pro-rata Age-Weighted Pupil Unit is deducted from the excluding school backdated to day 6 of the exclusion to the end of the financial year. The City will look at existing resources and will try and place the child in another school or provide alternative education either through a Pupil Referral Unit or home tuition. The aim is for most permanently excluded pupils to be offered a fresh start opportunity at a new mainstream school as quickly as possible.

8.5.2) The balance of the Age-Weighted Pupil Unit then transfers to the next receiving school regardless of where the school is.

8.6) Where a pupil is reinstated or the exclusion is reduced to a fixed term exclusion (i.e. the pupil returns to the excluding school), the school will be charged the pro-rata Age-Weighted Pupil Unit from day 6 of the exclusion to the date of reinstatement. This funding is used to make full-time education provision from day 6 by the Pupil Referral Unit.

## **9) MONITORING**

9.1 The City's School Admission Forum will monitor how well the Fair Access Protocol is working and how quickly the children are found places. The Admission Forum will receive an annual report detailing this information.

9.2 The Targeted Educational Resources Panel will keep under review the progress of the pupils it places.