

Secondary Fair Access Protocol

1.	Introduction	
	1.1	This document sets out the Fair Access Protocol which will be operated by Wiltshire Council in partnership with all secondary schools within Wiltshire. In agreeing this 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.
	1.2	Schools that have not signed up to the Service Level Agreement (SLA) must still participate in Fair Access as this is a mandatory requirement of the Local Authority (LA).
	1.3	Fresh starts will be considered by the Fair Access Panel and full details can be found in the final section of this protocol.
2.	Role and Representation of the Panel	
	2.1	The purpose of the Protocol is to ensure that unplaced students, especially the most vulnerable, are offered a place at a suitable school swiftly.
	2.2	<p>The most suitable school for some students could be a school that is close to the student's home. Advantages of a placement close to the students home address are as follows:</p> <ul style="list-style-type: none"> ✓ There are likely to be less transport issues or costs ✓ If the school is nearer there are likely to be fewer barriers which prevent the student from attending ✓ There may be better parental support and participation ✓ The student will be better placed to participate in extracurricular activities ✓ The student is more likely to develop friendship groups from his/her local community ✓ It is less likely that appeals for other schools will be upheld ✓ Establishes a clear and transparent way for referrals to be made
	2.3	<ul style="list-style-type: none"> • The Panels normally meet on a calendar monthly basis (dates set annually) • Schools and representatives will receive paperwork 5 working days in advance of the meeting. • All representatives who attend the panel meetings on behalf of the headteacher, must have the authority to make decisions. • If a school is not represented at the panel and a place is allocated at the school, the decision is final and binding. • The decision of the Panel is final and binding. • There will be no right of appeal directly to the Fair Access Panel. Any appeals submitted will follow the normal procedure.
	2.4	North, South and West panels operate for administrative purposes only and applications across these areas or across county borders cannot be refused purely on location of the pupil's home address.

		In all cases, panels must consider requests from other areas in the same way that they would consider those from within their own area.
3.	Categories of students	
	3.1	This protocol includes all the categories that are mandatory under the School Admissions Code (denoted by *)
	3.2	Students to be placed under this Protocol will be those: <ul style="list-style-type: none"> • who live in Wiltshire; and or are seeking a place at a Wiltshire school. • who are not already on the roll of a school (although see exception in category a); and • who are seeking a place in Year 7 to 11 • who fall under one of the categories a) to p) below • who have been referred within five days of the school receiving the application
	a) *	<i>Students attending PRUs or Alternative Provision who are ready to be reintegrated back into mainstream education but into a different school from the one originally attended;</i>
	b)	<i>Students who were permanently excluded from their last maintained school placement and who are ready for re-integration to another school;</i>
	c) *	<i>Students returning from the criminal justice system who are registered with the Youth Offending Team and or who have had active involvement with the police or other similar agencies, in the past six months;</i>
	d)	<i>Students with a history of serious attendance problems, who have been out of education for more than six weeks and or, whose attendance has incurred 20 unauthorised sessions within a six week period or considered a persistent absentee;</i>
	e)	<i>Students withdrawn from schools by their parents following fixed term exclusion, who have been out of education for longer than 12 school weeks;</i>
	f)	<i>Students seeking to change schools that have three aspects of behaviour agreed to be a medium risk by the panel, on the risk assessment section of the Student Information form;</i>
	g)	<i>Students who have been electively home educated for longer than 12 school weeks;</i>
	h) *	<i>Students with special educational needs at SEN support level, who do not have an Education Health and Care Plan. but who have been out of education for longer than 12 school weeks;</i>
	i) *	<i>Other students who have been out of education for longer than two months;</i>
	j) *	<i>Students with disabilities or medical conditions which have already impacted on their attendance or participation at school;</i>
	k)	<i>Students known to Social Care (Child in Need or those who are subject to a Children</i>

		<i>Protection order), whose move either within or from outside the County requires a change of school;</i>
	l) *	<i>Students who are known to be carers;</i>
	m) *	<i>Students of Gypsies, Roma, Travellers, Bargees;</i>
	n) *	<i>Students of asylum seekers and refugees who have been in the UK less than two years and need a supported entry to school. The need for a supported entry does not include language support where this is the only support required and must be substantiated by professional evidence. Examples of the type of circumstances that might demonstrate a need for a supported entry are where such a student requires specific emotional or behavioural support by the school;</i>
	o) *	<i>Homeless students who have been placed in temporary housing;</i>
	p) *	<i>Students with unsupportive family backgrounds for whom a place has not been sought</i>
		<p>Where a governing body does not wish to admit a student with challenging behaviour outside the normal admissions round, even though there are places 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 students with challenging behaviour or previously excluded student. A student with challenging behaviour is one that only meets the criteria f outlined in paragraph 3.2 of this protocol.</p> <p>This provision will not apply to a looked after child, a previously looked after child or a child with an Education Health and Care Plan that names the school in question, as these children must be admitted.</p> <p>If a student is referred under this category, the Student Information will be requested from the home school and the LA will determine whether the pupil meets the criteria for referral.</p> <p>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.</p>
4.	Process of Identification of students who meet the criteria for the Protocol	
	4.1	Most students will come to the attention of the Admissions Team or the school as part of the in-year admission application process
	4.2	Where an application form is received directly by the Admissions Team, it will be passed to the preferred schools who will assess the information on the in year application form.
	4.3	<p>If a school believes that the student meets the criteria of the Protocol, they will consider whether they are still able to admit the student:</p> <ul style="list-style-type: none"> • If they are able to admit the student, the school will notify the admissions team of the application and the offer and the reasons why they believe the student meets the criteria for referral. The admission will then be logged as

		<p>a Fair Access placement</p> <ul style="list-style-type: none"> • If a student is offered a place at a school and following the admission it is determined that the application should have been admitted through the protocol, then it can be logged retrospectively. • If the school is unable to offer a place, the school will refer it to the admissions team to be considered under the Protocol <p>All such referrals must be made within 5 school days of the application being received by the school. A request for referral form must be received by the LA within this timescale. This will allow the LA sufficient time to obtain the student information from the current school and process the application within the legal timescale. Once agreed, the School Admissions Team will contact the home school for student information to be completed. Where it is proving difficult for the preferred schools to access information from the home school, the LA will be notified to request an extension on this time. The request for an extension must be made within the 5 day timescale outlined above.</p> <p>Any requests for referrals received outside the five school days timescale will not be eligible for consideration under the Fair Access Protocol.</p> <p>Should a referral be refused by the LA, feedback will be provided to the preferred schools.</p>
4.4		<p>Students who are permanently excluded from any school will apply as part of the in-year admission application process, all cases will be automatically referred to IYFAP under category 3.2a.</p> <p>Students with challenging behaviour and those who have been permanently excluded twice – Admission Authorities must not refuse to admit students in the normal admissions round on the basis of their poor behaviour elsewhere, or on the grounds that the student is first to be assessed for special educational needs. Where a student has been permanently excluded from two or more schools there is no need for an admission authority to comply with parental preference for a period of two years from the last exclusion. The most appropriate provision for the student will be determined by the panel.</p> <p>Should the Fair Access Panel feel that mainstream education is not appropriate based on the child’s individual needs, then alternative provision will be provided.</p> <p>The panel must not allocate a school automatically to another child with challenging behaviour in the place of a child who has already been excluded from the school</p>
4.5		<p>Student information paperwork <u>must</u> be consistent across all admin areas. The LA will provide a generic form which cannot be adapted.</p> <p>Attendance at panel meetings – it is the expectation that a member of staff from the pupil’s home school will attend the meeting to present the case.</p> <p>Parent(s) of students whose application is being considered under the Fair Access Process will not be invited to attend the meeting.</p> <p>If a school refuses to admit a pupil following the offer of a place at FAP, the Local</p>

		Authority will look to direct admission via the Secretary of State or the School's Adjudicator as outlined in the School Admissions Code of Practice- December 2014.
5.	Process for admission – categories a) to p)	
	5.1	Students who fall within categories a) to q) in paragraph 3.2 are considered to be the most challenging with regard to admissions.
	5.2	<p>In considering cases, the Panel will have regard to:</p> <ul style="list-style-type: none"> • Parental preference (the parent/carer can still submit an appeal and so it is helpful to demonstrate that this has been considered). In line with the School Admissions Code of Practice there is no duty to comply with parental preference. • Information provided by schools to the Panel will be available on request for any appeals that may be heard. • Proportion of students with challenging behaviour or previously excluded students; • Any genuine concerns about the admission by either the parent/carer or the school • Distance, availability of transport and travelling time • Information will be circulated to the Panel no later than 5 days prior to the meeting. • If a school is able to offer a place in advance of the meeting, the application will still be considered under the formal process as above.
	5.3	Where a student has been removed from school and formally accepted by the LA for elective home education and then wants to return to school to the same phase of education that student will be expected to be admitted back to their original school, unless there are practical or geographical reasons why this should not happen.
	5.3a	Year 11 pupils moving into the county mid-year will be referred to the Fair Access Panel. Referral will be based on the Wiltshire Secondary Admissions form and not the Access Panel Referral form. In view of the need to admit such pupils with the minimum delay because of the impact periods out of school is likely to have on their examination results schools that can offer a match of courses should not wait for the Access Panel to meet in order to offer a place. In such a situation, a pupil would be mentioned at a Panel so the school's offer can be recorded but there would be no need for a discussion. Geographical areas cannot be a boundary for refusing admission.
	5.4	Decisions on all placements will be made at the panel meeting & parent/carer will be notified by School Admissions Team, with a copy also being sent to the school. Education Welfare Team will be notified within 3 working days by a member of the admissions team.
	5.5	Immediately after the Panel has made its placement decision the parent/carer will contact the school and make detailed admission arrangements. The school must then make every effort to ensure that the student is placed on the roll at the offered school within 7 school days of the decision, regardless of year group.

	5.6	The admitting school will be required to provide the panel with a brief update on student progress after 12 weeks from Panel's decision Subsequent Panel meetings <u>must</u> review any placements made to ensure that the students in the partnership area are in receipt of full time education In all cases a decision must be made on the day of the panel. This decision is final & binding on all parties.
6.	Out of area applications	
	6.1	Occasionally applications will be received for students who live outside Wiltshire but would otherwise meet the criteria for placement under this Protocol.
	6.2	In those cases, if the student falls within categories a) to p) of paragraph 3.2 of this Protocol and the preferred school is unable to offer a place the application will be referred back to the students home local authority to identify an alternative placement.
	6.3	If a student moves into Wiltshire who has previously been permanently excluded or has been attending a Pupil Referral Unit in another Authority then the panel will allocate the most appropriate provision. If this is at alternative provision the Local Authority will make the referral. The panel will be responsible for funding the placement.
7.	Transport	
	7.1	If the parent is unsuccessful in securing a place at one of their preferred schools and the allocated school is outside of the statutory safe walking distance for the student's age, the panel can submit a request to the LA for transport to be provided.
	7.2	Places allocated at Alternative Provision will not be funded by the LA, but by the FAP directly. The LA will support the panel in the facilitation of the transport.
8.	Data	
	8.1	All panels are required to provide the LA with a written copy of minutes of the meetings and any decisions made.

Fresh Start Protocol

In certain circumstances a Fresh Start to another school may enable a student to improve their behaviour and attitude, break out of difficult peer group relationships, attend regularly and make the expected progress.

Before a fresh start is arranged the Fair Access Panel must ensure that:

- Everything possible has been done to tackle the problem in the original school
- A multi-agency approach has been used
- The students and parents/carers are fully involved at all stages
- The student understands exactly how things need to change
- Targets are clearly achievable
- The introduction to the receiving school is a positive experience.

Each school will identify a member of staff to take responsibility for the coordination and monitoring of fresh start within the school.

If a fresh start is proposed for a statemented student an early annual review should take place. Fresh start for a statemented student cannot be discussed by the Fair Access Panel.

The sending school will call a meeting with parents/carers and all agencies involved, this will be the opportunity to discuss the fresh start in principal and possible schools. Issues for consideration are:

- Parental preference
- Individual students in possible receiving schools and the make-up of year groups
- Ongoing transport arrangements; the student will be expected to travel by public transport as transport for

Fresh starts will be discussed at each meetings where the sending school will talk about the student, explain what the issues have been, what has been put in place to try to address the issues and what the student now needs.

After discussion the IYFAP will decide what provision is best for the student and so where the fresh start will take place. There is then a period of three weeks where it is incumbent on both the sending school and receiving school to check and agree all details, then the move stands.

The sending school:

- Maintains responsibility for the student
- Will approach the agreed receiving school and arrange a meeting for the student, parents/carers and a representative of the sending school. At this meeting the process of entry to the receiving school should be arranged, including targets and uniform issues
- Will send all relevant information to the receiving school, including for KS4 details of all ongoing and completed coursework and continuous assessment
- Will pay any specific expenditure for the student, including FSM and transport.

The receiving school:

- Will be expected to identify a key member of staff to provide support
- Will organised an appropriate curriculum matched to the needs and ability of the student and in KS4 will try to match option choices as much as is possible

The details of the fresh start agreement will be completed at the meeting held by the receiving school. This formal agreement should be signed by the Head teacher or their representative of both the receiving and sending school, the student and the parents/carers.

The fresh start would normally last for 12 school weeks but this is flexible and can be changed according to the needs, progress and best interests of the student.

The receiving school should arrange regular formal meetings to track targets and progress to which the sending school should be invited.

Attendance should be recorded as follows:

Sending school – D

Receiving school – fill in as normal

If a fixed term exclusion is necessary during the fresh start the receiving school will complete all appropriate paperwork, including statutory information for the authority, copies should be sent to the sending school.

If the fresh start is successful, the student should be taken on roll (registered) with the receiving school after written agreement with the sending school. Up until this time the sending school should still have the student on roll. When the student is taken on roll, the sending school will be invoiced for the remaining A.W.P.U. However, if the student is in Year 11 the student will remain on the roll of the sending school until the end of year 11.

If the fresh start fails, a planning meeting should be held at the sending school as soon as possible, inviting a representative from the receiving school, parents/carers and other agencies who are actively involved, to discuss possible ways forward. The student may also be brought back to the next possible IYFAP meeting for further discussion.