

The Leeds Local Authority Fair Access Protocol for Children and Young People

Part I The Protocol

This Protocol will ensure that school places for maintained schools and Academies are allocated and offered in an open and fair way. Outside the normal admissions round, unplaced children (especially the most vulnerable), must be offered a place at a suitable school as quickly as possible. It is recognised that this will have a significant impact on attendance and consequently how well young people perform at all levels of learning. It will contribute to our vision that Leeds is a Child Friendly City very specifically through its impact on what has already been identified in the CYPP as an 'obsession'. It will be subject to Outcome Based Accountability assessment to give the opportunity for all interested parties to be involved in 'turning the curve'.

The impact of the Protocol will be felt in the Leeds Education Challenge and further reports and monitoring will be integrated into its governance structure. It is through collaboration and partnership that the outcomes for children and young people will improve most effectively and one of the sign up pledges to the Challenge is that every child and young person of school age will be in school or in learning.

The new School Admission Code which came into force on 1st December 2014 amends the mandatory categories of the Fair Access Protocol and how it is implemented. The outlined process reflects the requirements of the new Code. The Protocol must be agreed by the majority of schools and academies and all schools and academies must participate.

The Protocol will be used when an 'eligible' child or young person has not secured a school or academy place under the in year admission procedures. The aim is to secure a place at a suitable school or academy as quickly as possible and although 30 school days is the maximum stated in this protocol our intention is to act as quickly as possible.

The Protocol will also ensure that no school or academy, including those with available places, is asked to take a disproportionate number of children and young people who have been excluded from other schools or academies or who have challenging behaviour.

Once it has been agreed that a child or young person should attend a named school or academy that school or academy must be accountable for that person. There is a collective responsibility to ensure the safeguarding of all young people and we must work together to protect them and act in their best interests. Every young person will be made an offer of an educational place if an accessible educational place does not already exist.

Part II The Process

1.0 General

1.1 The Fair Access Protocol must be agreed with the majority of schools in Leeds and all Admission Authorities must participate in it to ensure that children and young people are allocated a school place quickly.

1.2 The operation of the Protocol is triggered when a parent of an eligible child has not secured a school place under in-year admission arrangements. Where a Governing Body does not wish to admit a child with challenging behaviour outside the normal admission round, even though places are available, it must refer the child to the Local Authority for action under the Protocol. This will normally only be appropriate where a school has a particularly high proportion of children with challenging behaviour or previously excluded children. This provision does not apply to children looked after by the local authority, a child previously looked after by the local authority or a child with a statement of special educational needs naming the school in question as these children **must** be admitted. (Appendix A).

1.3 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.

1.4 No school will be asked to take a disproportionate number of children who have been excluded from other schools or who have challenging behaviour.

1.5 A list of children and young people that are 'eligible' to be considered is contained at the end of the Protocol.

1.6 In Leeds the Protocol will be administered through a system of Fair Access Panels that are based on Area Inclusion Partnerships. The operation of these Panels is described below.

2.0 Membership of the Fair Access Panels

2.1 The Secondary Panels consist of the Project Directors or Chair of the Fair Access Panel, Headteachers, or their representatives, and a representative from the Children's Services Admissions Team. Other Leeds City Council officers or agencies working with families may also be invited to attend to contribute specific information about children and families that they are working with.

2.2 The Primary Panels meet as and when required and the membership consists of the Project Director or a Cluster Co-ordinator, a representative from the Children's Services Admissions Team and the Headteachers of the preferred school/academy plus any other local schools. Other Leeds City Council officers or agencies working with families may also be invited to attend to contribute specific information about children and families that they are working with.

2.3 In all cases the attendance of the Project Director or Chair of the Fair Access Panel and a member of the Admissions Team will make the meeting quorate and decisions will be made in a timely manner.

3.0 Accountability

3.1 The school/academy nominated by a Panel will be accountable for the young person once a school place has been agreed at the meeting. Meetings will be held monthly or as near as possible accommodating school terms and school holidays. Minutes will be kept as a record of each meeting.

4.0 Timelines

4.1 Every case where a young person is not on the roll of a school/academy or other educational provision, will be resolved by the young person being on the roll of an educational provider within a maximum of 30 school days of the refusal by the preferred school/academy being received by the Capacity Planning and Sufficiency Team, unless there are documented and agreed reasons between the Local Authority, Project Director and Fair Access Panel as to why it is not possible for this to happen. Every effort must be made to keep the time out of education to the minimum.

4.2 In compliance with the Pupil Registration Regulations the Local Authority **must** notify the school/academy of the date by which the child is to be admitted and on the school roll.

5.0 Decision Making

5.1 Children and young people will only be referred to Panel for placement once the school/academy preferred by the family has confirmed to the Local Authority that it is not able to offer a place and the young person is eligible to be considered under the Protocol. The refusal must include an explanation of why the young person cannot be admitted with regard to the prejudice of efficient education and efficient use of resources. (Appendix B).

5.2 Where a Fair Access Panel judges a child is not yet ready for mainstream provision they will allocate a child to a school roll and will consider which of their local, partnership provisions, or if appropriate Pupil Referral Unit, is best able to enhance the child's readiness to learn and enable their re-integration into a mainstream setting. The school, in partnership with the Area Inclusion Partnership (AIP) is then responsible for securing appropriate full-time educational provision.

5.4 The decision as to which school/academy will be offered to a child will be taken by the Fair Access Panel as a whole. Where a Panel fails to make a decision the Local Authority will do so.

5.5 Every young person whose nearest school/academy (rather than the home address) is within the Fair Access Panel area must be made an offer of educational provision at a school within that Panel area. If the Local Authority can demonstrate that a school/academy outside the Panel area is more appropriate and accessible, then that school/academy will be asked to make an offer. No young person will go without the offer of educational provision if an accessible provision is not already in place. (Appendix C).

5.6 In line with agreed local practice, children returning from Elective Home Education should be offered a place at the school which they previously attended. If the child now lives outside of the previous school's panel area and there is a more appropriate or accessible school within a different area, a managed move should be considered once the child is back on roll at their previous school unless there are exceptional circumstances which would prevent a return to that school e.g. safeguarding issues.

5.7 In addition to 5.6 in line with local agreed practice, children returning to an area should be offered a place at the school which they previously attended; unless there are exceptional circumstances which would prevent a return to that school e.g. safeguarding issues.

6.0 Record Keeping

6.1 The minutes of the Panel meeting will be agreed as a correct record of the proceedings **5 school days after distribution**. Schools/Academies, Project Directors or Chairs of the Fair Access Panels and the Local Authority should all keep a record of the outcomes of the meetings to avoid any disputes and advise of any issues within 5 days of distribution

6.2 Each young person that is referred to the Panel will be discussed individually and the decision will be made, by the Fair Access Panel as to what they believe is in the child's best interests taking parental preference into consideration and the facts of each case. The decision and the reason for it must be clearly recorded. (Appendix B).

7.0 Siblings

7.1 Where applications are received for siblings of young people that are to be referred to a Panel, then all sibling applications will be considered by the Panel at the same time. The non Fair Access sibling may be allocated a place at the same school/academy if places are available.

8.0 Notification of Decision

8.1 In all cases the decision made by the Fair Access Panel will be relayed in writing to the parent/carer of the young person and the school/academy will contact the family to facilitate a speedy reintegration unless agreed otherwise with the Fair Access Manager or Project Director.

8.2 Where a young person is to be offered a school/academy, the school/academy must meet with the parent/carer of the young person and start the reintegration of the young person no later than 10 school days after the Fair Access Panel meeting.

8.3 Where a school/academy wishes to take the papers away for them to seek further information and consideration an answer must be provided to the Fair Access Manager within 5 school days. Should the school/academy feel unable to offer a place they must provide in writing clear reasons for the refusal. An alternative placement may then be agreed between the Project Director/Chair of the Panel and the Local Authority or an instruction to admit may be issued.

8.4 If it is necessary to hold a multi agency meeting before a decision can be made the school/academy must do so within 10 school days of the panel meeting.

8.5 The Capacity Planning and Sufficiency Team will inform parents of the progress of their case until a start date at an educational provision has been agreed. It is then the responsibility of the educational provider to liaise with the parent/carer.

8.6 Every child must be on the roll of an educational provision within 30 school days of the transfer request being received by the Admissions Team.

9.0 Local Authority Instruction

9.1 If a Fair Access Panel does not make an offer of a school place the Local Authority will 'instruct' a school/academy to admit the young person taking into consideration the number of young people already accepted by each school under the Protocol and the accessibility of the

school/academy for the young person. Consideration can also be given to any other personal circumstances of the young person.

9.2 The allocated school/academy may not always be within the Panel area within which the young person lives. (Appendix C).

9.3 If a school/academy refuses to adhere to an instruction from the Local Authority they must put their reasons in writing within 5 days. The Local Authority will then decide whether or not to issue a direction (community schools) or in the case of Academies refer the matter to the Secretary of State using the processes outlined in the School Admissions Code.

Children and Young People ‘eligible’ to be considered under the Protocol

Mandatory categories

- Children of Gypsies, Roma, Travellers, refugees and asylum seekers
- Children who are homeless
- Children who are carers
- Children with special educational needs, disabilities or medical conditions (but without a statement or EHCP)
- Children who have been out of education for two months or more
- Children from the criminal justice system or Pupil Referral Units who need to be integrated into mainstream; and
- Children with unsupportive family backgrounds for whom a place has not been found

Locally agreed categories

- Children with less than 85% attendance
- Children whose behaviour is causing concern or who are at risk of being permanently excluded
- Children who are known to the police, social care, CAMHS, Signpost or other support agency
- Permanently excluded
- Children returning from Elective Home Education
- Children whose parents have been unable to find them a place after moving to the area, because of a shortage of places within a ‘reasonable’ distance

Appendix A

Children Looked After by the local authority or children who have previously been Looked After by the local authority (and are now subject to an Adoption Order, a Special Guardianship Order or a Residence Order) have been removed from the Fair Access protocols following legal advice. These children must always be admitted to the preferenced school when requested by the legal guardian. This applies to all schools regardless of status.

In recognition of the challenges for schools in admitting Children Looked After or previously Looked After, a fair access credit will continue to be given to take account of the additional resources likely to be needed in supporting these children.

Appendix B

Before refusing an application and referring to a fair access panel, schools should carry out background checks with the previous school. This information should be provided to the school admissions team for inclusion in the fair access panel log. On receipt of this information, the school admissions team will pursue any additional background checks which are needed. It is important that schools provide clear and robust reasons for refusing any application as these reasons will form part of the refusal letter to the parent and may be used as evidence at a school appeal.

Appendix C

It may sometimes be necessary to instruct a school to take a child even if the child does not live in their wedge. Any instructions will only be made after careful consideration of the child's individual circumstances. This recognises that our wedge boundaries very occasionally result in a child having to travel unreasonable distances.