

FAIR ACCESS PROTOCOL FOR SCHOOLS IN THE ROYAL BOROUGH OF WINDSOR AND MAIDENHEAD

All schools in RBWM share a collective responsibility for all children and young people living in the Borough and have a shared aim of improving the attainment of our vulnerable children and young people. This Fair Access Protocol ensures that any child without a school place resumes their education in a suitable setting with the minimum of delay so that they are able to benefit fully from the educational opportunities available in the Borough.

Fair Access is part of the spectrum of learning provision for vulnerable children in RBWM. Managed Moves form another aspect and the protocol for these is attached as Annex 3.

1. Principles:

1. All schools will share equally the challenges of meeting the needs of the vulnerable children and young people in RBWM
2. The process of allocating vulnerable children and young people to schools will be transparent, fair and consistent
3. The support and placements agreed and their outcomes will be monitored by the Fair Access Panels and the data made available to all
4. All maintained schools in the Borough including academies and free schools will adhere to the protocol
5. The Panel will establish the education provision a child will receive whilst discussions to identify a school place are taking place

2. Children and Young People covered by the Fair Access Protocol

Children and young people from the following groups, resident in RBWM, who have difficulty securing a place as specified in the School Admissions Code:

- a) children from the criminal justice system or Pupil Referral Units who need to be reintegrated into mainstream education;
- b) children who have been out of education for 8 academic school weeks 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;
- f) children who are carers; and
- g) children with significant special educational needs, disabilities or medical conditions (but without a statement or Education, Health & Care Plan).

And additionally in RBWM where a school place can not be secured through normal admission arrangements:

- h) children who are in the care of the Local Authority
- i) children who are permanently excluded
- j) children who are at imminent risk of permanent exclusion where a Managed Move has already been explored
- k) children with a history of serious attendance problems
- l) children of UK service personnel moving into the area and Crown servants returning from abroad
- m) children who are applying to transfer schools either in the last term of Year 10 or during Year 11
- n) children not covered by the categories above who have moved into an area and have been unable to secure a place at a school because of a shortage of school places in the area

In addition, schools may refer to the Panel cases where the school does have a vacancy in the relevant year group but does not wish to admit a child with significant barriers to learning, described in the Admissions Code as challenging behaviour. The Code is clear that this “will normally only be appropriate where a school has a particularly high proportion of children with challenging behaviour or previously excluded children*.” If the child in question, falling into this category, comes from a neighbouring authority the referral will be to that authority’s FA Panel.

*This does not apply to children in care or previously looked after children, nor to a child with a statement of special educational need whose statement names the school. The children in question will be those for whom a range of evidenced support programmes are already in place.

Where a child within these categories is not felt to be ready for mainstream schooling, alternative provision will be identified by the L.A. The L.A. may also be requested to facilitate a bespoke Managed Move with specific caveats such as short time frame. The school place will only be terminated in the event of challenging behaviour being exhibited that would warrant permanent exclusion.

3. Fair Access Panels

Children and Young People who fall under this Fair Access Protocol are placed by one of 4 Fair Access Panels (one secondary Panel and 3 area-based primary Panels). Their membership and meeting frequencies are as follows:

a. Secondary Panel

- A Panel consisting of all secondary representatives with the authority to pass decision on allocation, together with professionals relevant to the children being considered, will meet monthly with the exception of August. Middle school Head teachers will attend when children in Years 7 and 8 are being discussed. A quorum of 6 schools is necessary for decisions to be made.

- The Panel will be chaired by an Independent Chair, or an agreed suitable replacement in their absence

b. Area Primary Panels

- Three Panels (one each for Ascot, Maidenhead and Windsor) will consist of all primary head teachers from the area, together with professionals relevant to the children being considered. Unresolved Fair Access cases would be discussed within those Primary cluster meetings if telephone contact or emailed FA case notes have failed to secure a place
- These Panels will be chaired by an Independent Chair, or an identified suitable replacement in their absence

Where cases need to be considered between meetings, and emailed FAP1 case notes, or a direct discussion between the Fair Access Officer and a school has not led to an allocation, an interim panel will meet accordingly. There will need to be a quorate of at least 5 Heads, or representatives attending with the authority to pass a decision on allocation.

4. Processes for a child being considered by the Panel under Fair Access

a. Referrals

Step 1 Application is made via the RBWM Admissions Team or an own admitting authority school:

- i) An In Year application made by a parent on the In Year application form is assessed by the admitting authority as coming under Fair Access. This may include applications received by Own Admitting Authority schools and referred to the RBWM Admissions Team by the school; or
- ii) A head teacher/governing body or a professional outside school feels that a case meets the criteria set out in Section 2 above and contacts the RBWM Admissions Team. If the parent has not completed an In Year application form, a professional may do so on behalf of the parent

Step 2 Passing an In Year Transfer Application to RBWM Admissions Team:

- i) If the application is for a child who has moved into an area with no schools within a reasonable travelling distance and who is not vulnerable, the application is treated as Fair Access and passed to the Fair Access Officer. If a Head teacher in an area which is frequently affected by this issue wishes to, they may delegate the allocation process to the RBWM Admissions team. The relevant Head teachers would provide the team with criteria upon which to base their decision
- ii) If the application is for a vulnerable child from one of the categories in Section 2 above, and a school place is not available or admission has been appropriately refused by a school with places (see Section 2 above), the RBWM Admissions Team passes the form to the Fair Access Officer.

Step 3 The Fair Access Officer receives the in year application form from the RBWM Admissions Team, compiles relevant information from previous education provider(s), parents, and relevant professionals as appropriate, ensuring that parents are aware of the process and of their rights. The information provided will include a profile of the pupil and details of their behaviours and difficulties over a period of time.

Step 4 The Fair Access Officer summarises the information gathered and forwards to all Head Teachers in advance of the Fair Access Panel meeting

- i) The Fair Access Officer produces a FAP 1 document that outlines all the relevant information required by the schools. This is emailed out to Head teachers, where possible, 5 days before the Panel meeting

Step 5 Panel members review the information prior to the meeting and can contact the Fair Access Officer to ask for more information if necessary

b. Consideration at the Panel

1. The Panel decides whether the case meets one of the Fair Access criteria in Section 2 above. If it does not, the case is referred back to the relevant Admission Authority to be processed as a regular in year admission. If the Panel feels it does meet the criteria the Panel proceeds to the next stage
2. The Panel considers the case by taking into account the Fair Access Officer's FAP1 report and supporting evidence. Schools have agreed to trust colleagues in terms of sharing their cohort data, and in the event a decision is proving difficult to make, have agreed to using DFE and LA data which is later discussed in this Protocol. The Panel also understand that a voting system may be used if necessary.
3. The Panel may decide to agree that funding will be allocated to support the child's integration into the new school, subject to a bid being received.
4. The Panel will set a review date when they will received a report on the child's progress in the new school and the use of any funding allocated
5. The discussion and decision are recorded

c. Implementing the Panel's decision

Note: In order that a child resumes their education as quickly as possible all parties involved will act with a sense of urgency in securing the school place.

1. The Fair Access Officer contacts the relevant school and parents to convey the Panel's decision and provide the school with all the information which has been submitted
2. If the Panel has admitted a student already, and later submit a funding proposal, this will need to be agreed by Panel members. In many cases a funding request will be submitted together with the Fair Access referral in the first place
3. The school will contact the parent and ensure that the child is admitted within 5 school days of the school receiving notification of the decision
4. It is anticipated that all Fair Access cases will be resolved by a Panel at its meeting. As a last resort, however, the Local Authority can direct a school to admit a child, or request the Secretary of State to direct, for Academies. The RBWM procedures for direction are available as a separate document.

Note: A school which is its own Admission Authority may choose to admit an applicant who it feels meets the Fair Access criteria, instead of referring the case to the Panel, and notify the Panel via the Fair Access Officer that it has done so. The Panel will consider whether the case meets the Fair Access criteria and if it agrees that it does it will be logged in the same way as cases allocated by the Panel. The same process can take place for a school where RBWM is the Admission Authority, in agreement between the school and the Independent Chair.

1. Criteria for allocating a school under Fair Access

In proposing a receiving school, the Fair Access Officer and the Panel will adhere to the principles set out in Section 1 above, ensuring a fair, equitable and transparent distribution of children with barriers to learning. School representatives have agreed to trust colleagues to share their relevant cohort data. In the event a decision regarding allocation is particularly difficult, the Panel agree to use specific DFE data that would be used in the event of a request for the Secretary of State to direct, and additional data such as:

- Fair Access allocations for the relevant cohort
- Fair Access allocations across the school
- Distance from student's home to a school
- PAN, and number of pupils in the relevant Year Group
- Previously permanently excluded pupils
- Managed move allocations (See also Annex 3)

Other factors to consider when making an allocation are as follows:

- The parent and/or child's preference (but there is no legal requirement under Fair Access to meet parental preference)
- Any reasons why it would not be appropriate for a child to attend a school in their own locality
- Any exceptional reasons why a particular school might be particularly suitable, e.g. specialisms or religious affiliation
- Infant class size and related excepted pupil regulations

2. Rights of parents and carers

- A parent or carer can apply for a place as an in-year admission at any point and is entitled to an appeal if a place is not offered
- If a parent or carer decides to appeal for a place this process can run concurrently with the Fair Access process in order to minimise the time a child is without a school place. An Appeals Panel's decision is binding on the school and admission authority.

3. Funding and budgets

- It is recognised that a vulnerable child may require additional support, particularly in the transition phase as they settle into the new school, and some funding is available to facilitate this support from the Fair Access budget which also funds primary Fair Access cases. Approximately £40k per annum is available for Fair Access cases (both primary and secondary). The types of support which could be funded may include the following:
 - Additional catch up support e.g. for a Year 11 changing school/exam boards
 - 1-1 support in/or out of lessons including counselling, teaching and learning (though counselling could be facilitated through the Early Help hub)
 - Off-site provision
 - Additional equipment for e.g. those children with significant medical needs without an EHCP
 - No additional funding will be provided to meet those costs normally covered by AWPU.

As per page 5 (point 2), If the Panel decides that funding is appropriate in the particular case, the receiving school submits a funding request to the FA Officer, setting out **how** additional funding would be used. This is then shared among the Panel and agreed/or not agreed accordingly.

There may be transport costs to consider. The Borough has a statutory duty to pay for transport costs to the nearest available school where that school is more than a certain distance away. This would be funded from the Borough's home to school transport budget. However, if the most appropriate school under Fair Access is not the nearest school with places there would be no statutory requirement to fund transport. In this situation the Fair Access Officer will investigate whether it is possible for the home to school transport to be funded through the Exceptional Circumstances process and will include this in the information provided to the Panel about the child in question.

4. Recording and monitoring of children's progress and outcomes, and of Fair Access and allocations

- The Fair Access Officer will record all allocations made by, or notified to the Panel, by school and year group, and liaise with the Alternative Provision support officer if Fair Access cases presented have been involved recently with Alternative Provision. This data will be made

available to the Panel on request. The Fair Access Officer will also inform the RBWM Admissions Team of all Fair Access allocations.

- The Fair Access Officer will work collaboratively with the schools in order to gather updates, information and progress, relating to all children considered by the Panels, and report back at the next Fair Access Panel meeting accordingly.

Annexes:

1. Legal basis for the Fair Access Protocol
2. Fair Access Process Flow-Chart
3. Managed Move Protocol