

# Wiltshire Council

## Primary Fair Access Protocol 2018/19

<b>1.</b>	<b>Introduction</b>	
	1.1	This document sets out the Fair Access Protocol which will be operated by Wiltshire in partnership with primary schools during 2018-19 academic year
	1.2	Managed Moves will not be considered under this process; schools are expected to arrange these locally. The LA will play no role in Managed Moves
<b>2.</b>	<b>Role and Representation of the Panel</b>	
	2.1	The purpose of the Protocol is to ensure that unplaced children, especially the most vulnerable, are offered a place at a suitable school as quickly as possible.
	2.2	<p>The most suitable school for some children could be a school that is close to the child's home. Advantages of a placement close to the child's home address are as follows:</p> <ul style="list-style-type: none"> <li>✓ There are likely to be less transport issues or costs</li> <li>✓ If the school is nearer there are likely to be fewer barriers which prevent the child from attending</li> <li>✓ There may be better parental support and participation</li> <li>✓ The child will be better placed to participate in extracurricular activities</li> <li>✓ The child is more likely to develop friendship groups from his/her local community</li> <li>✓ It is less likely that appeals for other schools will be upheld</li> <li>✓ Establishes a clear and transparent way for referrals to be made</li> </ul> <p><b>Applications referred for consideration under this protocol will be sent to the pupil's three closest schools (as the crow flies) – all schools named on the app form</b></p>
	2.3	<ul style="list-style-type: none"> <li>• The panel will consist of a representative from the local authority School Admissions Team and from Children's Services, three Headteachers from each of the three geographical areas of the county (total 9). Representation will change on an annual basis.</li> <li>• The Panel meet on a calendar monthly basis (dates set annually)</li> <li>• Schools and representatives will receive paperwork 7 working days in advance of the meeting.</li> <li>• The decision of the Panel is final and binding.</li> <li>• There will be no right of appeal directly to the Fair Access Panel. Any appeals submitted will follow the normal procedure.</li> <li>• A copy of the minutes for each Panel meeting will be held by the local authority.</li> <li>• Appointments of panel members will be made on an annual basis</li> </ul>
<b>3.</b>	<b>Categories of children</b>	
	3.1	This protocol includes all the categories that are mandatory under the School

		Admissions Code (denoted by *)
	3.2	<p>Children to be placed under this Protocol will be those:</p> <ul style="list-style-type: none"> <li>• who live in Wiltshire; and</li> <li>• who are not already on the roll of a school (although see exception in category a); and</li> <li>• who are seeking a place in Year Reception to Year 6; and</li> <li>• who fall under one of the categories a) to j) below</li> <li>• who have been referred within five days of the school receiving the application</li> </ul>
	a) *	<i>Children who were permanently excluded from their last state funded school placement, who are ready to be reintegrated back into mainstream education but into a different school from the one originally attended or children who are still on roll at a school but are attending Alternative Provision as an alternative to permanent exclusion;</i>
	b) *	<i>Children returning from the criminal justice system who are registered with the Youth Offending Team;</i>
	c)*	<i>Children known to the police or other similar agencies, within the past six months; Evidence will be required at the point of referral by a school &amp; provided to admissions. If this is not provided, then the normal admissions process applies</i>
	d) *	<i>Children who have been out of education, for longer than 12 weeks of school time where they have been living within the UK throughout that period;</i>
	e) *	<i>Children of Gypsies, Roma and Travellers;</i>
	f) *	<i>Children of asylum seekers and refugees who have been in the UK for 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 child requires specific emotional or behavioural support by the school as a result of their experiences;</i>
	g) *	<i>Children who are homeless including those who have been placed in temporary housing by Wiltshire Council;</i>
	h) *	<i>Children with unsupportive family backgrounds where a place has not been sought and where a referral is made through an outside agency or service who is seeking to support the child;</i>
	i) *	<i>Children who are carers;</i>
	j) *	<i>Children with special educational need, disabilities or medical conditions (but without a statement of SEN or an Education, Health &amp; Care Plan), where the need, disability or medical condition has already impacted on the child's attendance or participation at school;</i>
		Where a governing body does not wish to admit a child with challenging behaviour

		<p>outside the normal admissions round, even though there are places available, it <b>must</b> 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. A child with challenging behaviour is one that only meets the criteria 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 EHCP or Statement of Special Educational Needs that names the school in question, as these children <b>must</b> be admitted.</p> <p>If a child 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>
	3.3	The protocol does not apply if parents are deliberately keeping their child out of school because they have been refused a place at their preferred school, this refusal has been upheld by an independent Appeals Panel and alternative school has been offered that meets the child's need.
4.	<b>Process of Identification of children who meet the criteria for the Protocol</b>	
	4.1	Most children 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 and will categorise children as meeting the Protocol if, from that information they appear to meet the criteria.
	4.3	<p>If a school believes that the child meets the criteria of the Protocol, they will consider whether they are still able to admit the child:</p> <ul style="list-style-type: none"> <li>• If they are able to admit the child, the school will notify the admissions team of the application and the offer and the reasons why they believe the child meets the criteria for referral. The Admissions Team will then consider whether the admission should be logged as a Fair Access placement</li> <li>• If the school is unable to offer a place, the school will refer it to the admissions team to be considered under the Protocol</li> </ul> <p>All such referrals <b>must</b> 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. Once agreed the School Admissions Team will contact the home school for student info 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>

		Should a referral be refused by the LA, feedback will be provided to the preferred schools.
	4.4	<p><b>Children with challenging behaviour and those who have been permanently excluded twice</b> – Admission Authorities <b>must not</b> refuse to admit students in the normal admissions round on the basis of their poor behaviour elsewhere, or on the grounds that the child is first to be assessed for special educational needs.</p> <p>Children who are permanently excluded from any school will apply as part of the in-year admission application process. The 3 named schools and 3 closest geographical schools will be notified but all cases will be automatically referred to IYFAP under category 2.2a</p> <p>Should the Fair Access Panel feel that mainstream education is not appropriate based on the child's individual needs, then the option of alternative provision may be considered.</p>
5.	<b>The number of Fair Access placements that each school will be expected to admit</b>	
	5.1	By their nature, the number of primary aged children falling within one of the Fair Access categories will be low each year. As such, where there is a need for a school to admit over PAN, schools will generally only be asked to admit a maximum of one child for each class of 30 within their published intake, up to a maximum of three placements, across the whole age range during one year. This arrangement will be reset at the beginning of each academic year
6.	<b>Process for admission – categories a) to j)</b>	
	6.1	Children who fall within categories a) to j) in paragraph 3.2 are considered to be the most challenging with regard to admissions
	6.2	<p>In considering cases, the Panel will have regard to:</p> <ul style="list-style-type: none"> <li>• Parental preference (the parent/carer can still submit an appeal and so it is helpful to demonstrate that this has been considered).</li> <li>• Information provided by schools to the Panel will be available on request for any appeals that may be heard.</li> <li>• Proportion of children with challenging behaviour or previously excluded children;</li> <li>• Any genuine concerns about the admission by either the parent/carer or the school</li> <li>• Distance, availability of transport and travelling time</li> <li>• Only information provided on the matrices will be considered when allocating a school.</li> <li>• All relevant schools will be considered even where the matrix information has not been provided.</li> <li>• Information will be circulated to the Panel no later than 5 days prior to the meeting.</li> <li>• 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.</li> </ul>

	6.3	Where a child 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 within 12 weeks school time that child will be expected to be admitted back to their original school.
	6.4	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
	6.5	Immediately after the Panel has made its placement decision the parent/carer will contact the school and make arrangements for the child to go on roll within 7 school days of the placement being agreed.
	6.6	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 will review any placements made to ensure that the children 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.
<b>7.</b>	<b>Out of area applications</b>	
	7.1	Occasionally applications will be received from children who live outside Wiltshire but would otherwise meet the criteria for placement under this Protocol
	7.2	In those cases, if the child falls within categories a) to k) 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 child's home local authority to identify an alternative placement
<b>8.</b>	<b>Transport</b>	
	8.1	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 child's age, the panel can submit a request to the LA for transport to be provided.
	8.2	The Panel is expected to take into account the distance and journey times when considering the most suitable placement.
<b>9.</b>	<b>Data</b>	
	9.1	A log of all cases, discussed at the Panel will be maintained by the Admissions Team and this data will be made available at each Panel

