

Fair Access Protocol for Schools in Worcestershire

Document Details:

Status: 0.1

Date: September 2018

Document Location:

http://www.worcestershire.gov.uk/info/20099/school_admissions/471/school_admissions_policies_and_appeals

Contact: Senior Education Adviser for Vulnerable Learners

Contents

Fair Access Protocol for Schools in Worcestershire	
Introduction	3
1. Key Principles.....	4
2. Operation of the Fair Access Protocol in Worcestershire	2
3. Referral Process.....	9
4. Alternative Provision.....	13
5. Complaints	13
6. Monitoring and Review	14
7. Review Date	14
Appendix A: Direction Process for LA and non-LA Maintained Schools	15
Appendix B: Fair Access Request: To be completed by the Senior Exclusions and Hard to Place Officer.....	17
Appendix C: Learner Profile.....	20
Appendix D: The Office of the Schools Adjudicator (OSA).....	28
Appendix E: Useful Contacts	29
Appendix F: Fair Access Data	31

Introduction

Every Local Authority has a duty to secure sufficient school places and equally parents¹ have a duty to ensure their child receives a suitable education². The majority of parents will apply for school places at the normal point of transfer; however, there are many occasions where parents need to utilise the in-year application process. This is by no means exhaustive but includes the following circumstances:

- The parents have moved and the child's previous school is beyond reasonable distance
- A child returning from Elective Home Education
- A child who has been permanently excluded
- A child whose previous medical needs prevented them from attending a school
- A child returning from the criminal justice system

In most instances parents are able to secure a mainstream school place; however, there are occasions where parents are not successful, and that is a situation which is only acceptable

- Where admitting the child would prejudice the provision of efficient education or the efficient use of resources e.g. the school is full³.
- Where the school already has a disproportionate number of children with challenging behaviour

Challenging Behaviour

For the purpose of this document Children with Challenging Behaviour are defined as follows:

- Those who have engaged in serious criminal behaviour resulting in a conviction or a police caution within the previous two years preceding the request for a school place;
- Children, admitted to the school who have received a Permanent Exclusion within the last 2 years;
- Children whose behaviour has resulted in a significant number of fixed term exclusions (or other evidenced and accepted in-house alternative intervention) from which it is clear that the child is at serious risk of permanent exclusion within a period of at least one year preceding the request for a school place.

To ensure that parents whose children have been refused admission based on the reasons above every Local Authority **must have** a Fair Access Protocol in place. In Worcestershire the Fair Access Protocol has been more successful in some years than others; however, the number of children being referred under the Protocol is proportionally low against the number of those eligible for placement. Also, the success of the Fair Access allocations has been decreasing year on year.

¹ For the purpose of this document the definition of parent is anyone aged 18 years or over with the day to day care of the child as outlined in Section 576 of the Education Act 1996

² S7 Education Act 1996

³ S86(3)(a) School Standards and Framework Act 1998

Whilst it is acknowledged that on average 50.5% of these children have been permanently excluded and subject to placement in Alternative Provision; the number of children entering alternative provision is decreasing because of capacity within Alternative Provision.

With the increase in children missing education and the average number of days children are registered to Alternative Provision increasing by 46.1% in 2016-17 this Protocol will ensure that children return to mainstream school at the earliest opportunity and that Alternative Provision is only used for as long as it is required⁴. This must not however, be at the detriment of the child or the school and there must be a collective responsibility to ensure that:

- Every child has access to suitable provision
- No school with places available is expected to admit a disproportionate number of children with challenging behaviour
- Schools act swiftly to allocate places to avoid the need for the Local Authority to intervene by allocating Alternative Provision
- Consent from parents has been obtained before any referral is made under the Protocol
- Schools in the Category of Inadequate are not expected to admit any child eligible for Fair Access unless there are exceptional circumstances
- Alternative Providers primary objective is to ensure children are reintegrated into school and where this is not appropriate assessments will have been undertaken (paragraph 53) to evidence that the child requires a specialist placement.

1. Key Principles

1. Each Local Authority is required⁵ to have a Fair Access Protocol (FAP), agreed by the majority of schools, to ensure that children, who have not secured a place outside the normal admissions round, are admitted as quickly as possible into a mainstream school.
2. The FAP will be triggered when a parent⁶ of an eligible child has not secured a school place under in-year admission procedures. This is when:
 - a) the admission of the child would prejudice the provision of efficient education or the efficient use of resources⁷.
 - b) a school, with places available has refused to admit the child on grounds that it already has a disproportionate number of children with challenging behaviour⁸
3. All schools will commit to the use of the Fair Access Protocol as an expression of their commitment:
 - to the collective responsibility for all pupils
 - to ensure that all schools admit a fair share of 'Hard to Place' pupils
 - to meet the needs of pupils by demonstrating the Graduated Response maximum use of Ordinarily Available: The Local Offer.

⁴ S19 Education Act 1996

⁵ Admissions Code 2014(3.19)

⁶ Section 576 of the Education Act 1996

⁷ Section 86 (3a) School Standards and Framework Act 1998

⁸ Admissions Code 2014 (3.12)

4. Own admission authority schools **must**, on receipt of an in-year application; notify the Local Authority of both the application and its outcome⁹.
5. This document has been consulted in June 2018 and agreed by the majority of schools in Worcestershire and therefore all admission authorities must participate in it¹⁰
6. Referrals under this Protocol will not be accepted unless an in-year application has been submitted and the parent has not secured a school place for their child. The FAP must not be used to circumvent the in-year admissions process; parents are also entitled to appeal against any refusal to admit during this process¹¹.
7. Children who are included within the Fair Access Protocol are:
 - a) children from the criminal justice system or Pupil Referral Units who need to be reintegrated into mainstream education
 - b) children who have been twice permanently excluded
 - c) children who have been out of education for two months or more
 - d) children previously Electively Home Educated
 - e) children of Gypsies, Roma, Travellers, refugees and asylum seekers
 - f) children who are homeless
 - g) children with unsupportive family backgrounds for whom a place has not been sought
 - h) children with special educational needs, disabilities or medical conditions (but without a statement or Education, Health and Care Plan).
 - i) children who are carers;
 - j) children with previous medical conditions (but without a Statement or Education, Health and Care Plan)
 - k) children in Key Stage 4
 - l) children who have been refused admission from a school because of challenging behaviour, even though the school has places available
8. The Fair Access Protocol **does not**¹² apply to:
 - a) Looked After Children or previously Looked After Children, as these children **must** be admitted¹³.
 - b) children with Statements of Special Educational Need or Education, Health and Care Plans **must** not be referred to Fair Access Panels, as these children **must** be admitted to the school named in the Statement/Education Health and Care Plan.¹⁴
9. Paragraph 1.27 of the SEND Code of Practice (2015) states:

⁹ Admissions Code 2014 (2.22)

¹⁰ Admissions Code (3.11)

¹¹ Section 95 School Standards and Framework Act 1998 provide that arrangements do not have to be made for the parent to appeal against a decision to refuse admission where the child has been twice permanently excluded and the last permanent exclusion being within the last 2 years.

¹² School Admission Code 2014 (3.12)

¹³ WCC LAC Admissions Process

¹⁴ SEND Code of Practice 2015

Where a child or young person has SEN but does not have an EHC plan they **must** be educated in a mainstream setting except in specific circumstances (see below). The School Admissions Code of Practice requires children and young people with SEN to be treated fairly. Admissions authorities:

- **must** consider applications from parents of children who have SEN but do not have an EHC plan on the basis of the school's published admissions criteria as part of normal admissions procedures
 - **must not** refuse to admit a child who has SEN but does not have an EHC plan because they do not feel able to cater for those needs
 - **must not** refuse to admit a child on the grounds that they do not have an EHC plan
10. This Protocol will also not apply to children on roll of a Worcestershire school, despite any attendance issues they may have, unless a change in the family circumstances means that continued attendance at the current school is not viable (i.e. a move of house to another part of the county). Parents cannot remove their child from school without alternative education already in place unless subject to certain conditions.¹⁵
 11. Where a child is on a school roll and parents wish to change their school (for whatever reason), it is expected that the parents will work with the child's current school to address any issues, and if unsuccessful, that they follow the usual in-year admissions process to secure an alternative school place; at that stage schools and parents may wish to consider whether a Managed Move would be an appropriate alternative.
 12. There is an expectation that consideration should be given to parental preference; however, there is no duty placed upon local authorities/Fair Access Panels to comply with such preference(s) when allocating places under the Fair Access Protocol.
 13. Parents remain responsible for ensuring that their child receives a suitable education¹⁶. Therefore, should they choose to refuse the school place offered under this Protocol, they will need to secure alternative arrangements for their child's education either by securing another school place through the usual admissions and appeal process or otherwise¹⁷.
 14. If a parent does not make suitable arrangements even though the Local Authority has identified a place through the Fair Access Protocol, the Local Authority may consider an application for a School Attendance Order¹⁸. The School identified by the Senior Education Adviser for Vulnerable Learners through the Fair Access Protocol will agree to be the school named in the Order.
 15. 'Managed Moves' are separate to arrangements to those made under the Fair Access Protocol; however, consideration may be given to the number of completed Managed Moves when identifying appropriate schools (Paragraph 33)

¹⁵ Regulation 8 of The Education (Pupil Registration) (England) Regulations 2006.

¹⁶ Section 7 Education Act 1996

¹⁷ S7 Education Act 1996

¹⁸ Section 437 Education Act 1996

16. 'Managed Moves' are usually triggered when another school place is being sought to:
 - Improve attendance
 - Prevent Exclusion
 - Contribute to the child's assessment of need.
17. Managed Moves must be with consent from all parties and schools must ensure that the child is appropriately registered and deleted on both school's Admissions and Attendance registers¹⁹

2. Operation of the Fair Access Protocol in Worcestershire

18. Schools have a statutory duty to notify the Local Authority of both the in-year application and its outcome and must use the online Children's Services Portal to do this (<https://capublic.worcestershire.gov.uk/InYearAdmissions/Homepage.aspx>). The Local Authority will refer those children eligible for placement under the Protocol to the Senior Exclusions and Hard to Place Officer within Babcock Prime; however, any person can make a referral to the Senior Exclusions and Hard to Place Officer for action under Fair Access where they are aware the child is eligible for placement.
19. Every School, including Pupil Referral Units, Alternative Providers, Independent Schools and Special Schools must also use the Children's Services Online Portal to notify the Local Authority of every admission and deletion to the schools register.
20. Placement of secondary aged children is arranged through Fair Access Area Panels (FAAP) which, for geographical reasons, are divided into the following areas:

Area/Panel	Schools Represented	Local Alternative Provider/PRU
North East Worcestershire (Redditch and Bromsgrove) Secondary School Panel	North Bromsgrove High School RSA Arrow Vale Saint Augustine's Catholic High School South Bromsgrove High School Trinity High School Tudor Grange Academy Redditch Waseley Hills High School Woodrush Community High School	The Forge Secondary Short Stay School (PRU)
Bromsgrove Middle School Panel	Alvechurch CE Middle School Aston Fields Middle School Catshill Middle School Parkside Middle School St John's Academy	The Forge Secondary Short Stay School (PRU) The Beacon Primary Short Stay School (PRU)
Redditch Middle School Panel	Birchensale Middle School Church Hill Middle School Ridgeway Academy	The Forge Secondary Short Stay School (PRU)

¹⁹ Regulation 8 (1) The Education (Pupil Registration)(England) Regulations 2006

	RSA Ipsley St Bede's Catholic Middle School Tudor Grange Academy Redditch Walkwood CofE Middle School Woodfield Middle School	The Beacon Primary Short Stay School (PRU)
North West Worcestershire Secondary School Panel	Baxter College Bewdley High School Hagley Catholic High School Haybridge High School Holy Trinity High School King Charles I High School Stourport High School Tenbury High School Wolverley CE Secondary School	Continu Plus (Academy) (AP Free School)
South Worcestershire Secondary School Panel	The De Montfort School Dyson Perrins CE High School The Chase High School Hanley Castle High School Pershore High School Prince Henry's High School	Aspire Academy (AP Free School) Newbridge Short Stay School (Academy)
Worcester City Secondary School Panel	The Chantry School Christopher Whitehead College Droitwich Spa High School Tudor Grange Academy Worcester Nunnery Wood High School Bishop Perowne CE College Blessed Edward's Catholic College	Aspire Academy (AP Free School) Newbridge Short Stay School (Academy)

21. There is no prescribed model for the arrangements of individual Panels and each Panel can determine their own procedures for allocation; however, regardless of how this is determined, the decision regarding the allocation of placement, supported by the majority of the Panel, is binding. There is an expectation that every child brought to panel **must** be placed.
22. Where there is a new Panel or changes to the configuration of existing Panels the Local Authority's Senior Education Adviser for Vulnerable Learners must be notified and agree to such arrangement. Panels that have not been authorised by the Senior Education Adviser for Vulnerable Learners will not be acknowledged as a 'panel' under this Protocol; however, the Protocol will apply to schools having regard to paragraph 16 and 32 of this Protocol.
23. If at any point a Panel is seen not to be operating in accordance with this protocol then the Senior Education Adviser for Vulnerable Learners will write to the Panel advising them of the concerns which have been raised. The Chair of the Panel must respond to the Senior Education Adviser for Vulnerable Learners, in writing, confirming how such concerns have been addressed. If the Senior Education Adviser for Vulnerable Learners is not satisfied then the Panel will be referred to the Assistant Director who will make a decision on whether the Panel can remain in operation. Until such decision is made any referral(s) must continue to place in accordance with the Protocol.

24. It is acknowledged that in some instances it may not be viable to have specific panels in the Primary Phase because there are a large number of schools and the current demand for placement is infrequent. In such cases, where a placement is required and a Local Panel is not in operation, the Senior Exclusions and Hard to Place Officer will make requests of the nearest²⁰ schools with and without places and a meeting will be coordinated within seven days of request. For the purpose of this document this arrangement will be known as a 'Panel' which is authorised by the Senior Education Adviser for Vulnerable Learners; the chair of this panel will be the Senior Exclusions and Hard to Place Officer.
25. Each Panel must have a Chair and, as a minimum, include representations from:
 - a) School Representatives, with the authority to allocate places for their school
 - b) Local Commissioned Alternative Provider(s)
 - c) Senior Exclusions and Hard to Place Officer (Babcock Prime)
26. Consideration should be given to the impact of inviting other professionals to contribute to the panel meeting to provide members with relevant information.
27. In Worcestershire, schools will be expected to admit pupils above PAN for Fair Access placements; however, schools admitting children in Key Stage 1 **must not** exceed their infant class size by admitting a child through Fair Access unless the child is an 'excepted' pupil.²¹
28. For geographical reasons it may be practical to make a referral to seek a school in another authority through their Fair Access Protocol and in such instances the Local Authority will abide by the Protocol of the relevant Authority. Equally, another authority may seek to place an out of county child and must be dealt with on their own merit.
29. All Panels, including those convened in the Primary Phase, must keep accurate minutes of each meeting and these must be sent within 3 days of each panel meeting, to all invitees and the Senior Education Adviser for Vulnerable Learners.
30. The Local Authority has a statutory duty²² to provide the information of the number of allocations, refusals and directions made through the Protocol to the Office of the Schools Adjudicator (OSA) Reporting requirements (Appendix C).

3. Referral Process

31. The Fair Access Protocol will be triggered when a parent of an eligible child has not secured a school place under in-year admission procedures.
32. Where a school, with places available, has refused to admit a child because compliance with the parents preference would prejudice the provision of efficient

²⁰ Calculated by walking distance from the child's place of residency within Worcestershire; this will normally be a minimum of 10 schools.

²¹ The School Admissions (Infant Class Sizes) (England) Regulations 2012

²² S88P Schools Standards and Framework Act 1998

education or the efficient use of resources²³ and/or because they have a disproportionate number of children with challenging behaviour, the refusing schools must present their case to the panel and **all** supporting evidence to make it explicit as to why they feel they cannot admit the child.

33. Before a child is referred under the FAP, consent must have been sought from parents prior to making such request.

Stage 1

34. A request to the representatives of the relevant panel²⁴ will be made by the Senior Exclusions and Hard to Place Officer (Appendix B) and will be provided with, where available, copies of the refusal letters; the Learner Profile (Appendix C) completed by the school the child last attended and/or lead professional currently involved with the family; and any other information considered necessary to assist with the placement of the child.
35. Consideration should be given to the location of each school; however, any placement made through the Fair Access Panel will be regarded as the child's designated school and will therefore be assessed against the Local Authority's Education Transport Policy.
36. All schools **must** work together collaboratively, taking into account the needs of the child and those of the schools. Therefore, when placing a child through Fair Access the Panel **must** have evidence of and regard to the following when identifying a school to ensure all schools are treated in a fair, equitable and consistent manner. This information must be submitted to the Local Authority's Senior Education Adviser for Vulnerable Learners on a monthly basis
- The number of places available in the relevant year group
 - Published Admission Numbers
 - Geographical location
 - Current and previous Ofsted Category
 - Number and Percentage of fixed term and permanent exclusions issued by the school
 - Number and Percentage of in-year admission (including managed moves)
 - Number and Percentage of Fair Access Admissions
 - Number and Percentage of SEN (including EHCP and 'Additional Support')
 - Number and Percentage of Looked After Children
 - Number and Percentage FSM/IDACI/PP and PP+ population
 - Number and outcomes of appeals requested by parents
37. In addition to the above, schools will need to consider the following for each child presented to them.
- a) Specific factors relating to the child such as relationships with others, siblings, court orders, risk factors, curriculum needs.
 - b) Any financial Assistance available to support the in-year admission.

²³ s86 3(a) School Standards and Framework Act 1998

²⁴ The panel which serves the area the child resides in

c) Parents/young persons preferred schools

38. The Panel **must** identify a school within seven days from the request made by the Senior Exclusions and Hard to Place Officer to ensure no child is without a school place for a prolonged period of time.
39. The Chair of the Panel is responsible for notifying the Senior Exclusions and Hard to Place Officer of the outcome of the Panel and provides the relevant minutes of the meeting to evidence the decision making process.
40. In line with the current DfE advice, once a school has been identified and agreed by the school and panel, it is expected that the child will be admitted to the identified placement as soon as possible; the expectation is that this is within **seven** calendar days after the agreement to place has been made²⁵.
41. The Senior Exclusions and Hard to Place Officer will write to the parent to confirm the identified school and send copies to the Chair of the Fair Access Panel and Senior Education Adviser for Vulnerable Learners to confirm the offer of a place and agreed start date where necessary. For the purpose of securing transport, the Senior Exclusions and Hard to Place Officer will notify Education Transport Services.
42. If the school does not confirm the start date within seven days then the Senior Education Adviser for Vulnerable Learners will notify the school of the date that the child is expected to attend²⁶.
43. In the case of a child who has been permanently excluded and has not attended another mainstream school previous to the permanent exclusion, a financial readjustment²⁷ will be paid to the school from the date the child is placed on the school's Admissions Register. The Senior Exclusions and Hard to Place Officer will send a copy of the school's letter of acceptance to Education Transport.
44. All Fair Access Placements must be admitted and must not be subject to a 'managed move' or on a 'trial' basis.
45. **Every effort must be made to ensure that each child presented to the Panel is allocated a place under the Protocol;** however, in the **unlikely** event that a school is not at Stage 1 the Senior Exclusions and Hard to Place Officer and chair of the relevant panel, where appropriate, will identify a school after taking into consideration each school's reason for refusal (paragraph 29) and refer to the Local Authority's Senior Education Adviser for Vulnerable Learners.

²⁵ The Education (Pupil Registration) Regulations 2006, regulation 5 (3).

²⁶ The Education (Pupil Registration) Regulations 2006, regulation 5 (3).

²⁷ Section 51A Education Act 2002 and regulations made under this section. The requirements for the transfer of funding following an exclusion from a maintained schools or pupil referral unit are set out in The Education (Amount to Follow Permanently Excluded Pupil) Regulations 1999. Academy funding agreements may require an Academy to enter into a similar agreement with the local authority.

Stage 2

46. The Senior Education Adviser for Vulnerable Learners and Chair of the relevant panel will take into consideration the outcome of Stage 1. A preferred school will then be notified setting out clearly the reasons why they are most suitable to admit the child no later than seven days from the conclusion of stage 1. This must take into consideration evidence submitted (paragraph 33).
47. The identified school will then have no more than fifteen school days to raise an objection; however, within this period and no more than 10 days from notification the Senior Education Adviser for Vulnerable Learners will arrange a meeting with the school, Chair of the relevant panel and Senior Exclusions and Hard to Place Officer to negotiate the placement.
48. If an objection is not raised within fifteen school days then the school **must admit** on the date issued by the Senior Education Adviser for Vulnerable Learners²⁸.
49. If an objection is raised and the Senior Education Adviser for Vulnerable Learners upholds the objection the case will be referred back to Senior Exclusions and Hard to Place Officer for action under Stage 1 setting out clearly the reasons as to why this is the case.
50. If the Senior Education Adviser for Vulnerable Learners dismisses the objection the case must progress to stage 3.

Stage 3

51. Where an identified school raises an objection and the Senior Education Adviser for Vulnerable Learners disagrees with such objection then the Senior Education Advisor for Vulnerable Learners will present a report to the Assistant Director for Education outlining the recommendation to seek and instruction to admit²⁹ or request the Secretary of State to direct the school to admit³⁰ the child to the recommended school. The Assistant Director for Education will consider each case in accordance with the Fair Access Protocol and will determine which school to proceed with (Appendix A)
52. Non-responses to Local Authority requests and/or Non-attendance at Fair Access Panel meetings will **not** mean that those schools are exempt from participating in the allocation of places either in placement panels or being identified for direction. In order to ensure equality and fairness, a school/academy which has not attended may be identified as the most suitable school to admit the child and therefore must comply with the decision made by the relevant panel in consultation with the chair. To ensure the effective placement of children it is expected that all schools will formally respond to any requests made of them to consider a child for placement; if a school is unable to attend a panel meeting it is imperative that they advise the chair, and in advance of the meeting outline specific reasons why the child cannot be placed at their school.

²⁸ The Education (Pupil Registration) Regulations 2006, regulation 5 (3).

²⁹ in the case of voluntary, Community or foundation school

³⁰ In the case of an Academy

4. Alternative Provision

53. The Local Authority has a responsibility for providing education for those children of compulsory school age who, by reason of illness, exclusion from school or otherwise, may not for any period receive suitable education unless such arrangements are made for them³¹.
54. Where a child is eligible for placement under Fair Access the Local Authority will consider whether interim Alternative Provision would be suitable to minimise the days lost to education whilst a placement is sought. The quality and suitability of such provision will be monitored on a regular basis^{32/33} until the child is admitted to a school.
55. Any child, who has been permanently excluded, is without a school place and has not been reintegrated into another mainstream school since the last permanent exclusion will be eligible for a placement within alternative provision setting³⁴ as determined by the Senior Educational Adviser for Vulnerable Learners.
56. A mainstream school place will not be sought where the child has:
- a) been assessed for SEN and the outcome of Education Health and Care Plan names specialist Provision and/or;
 - b) a consultant's letter to confirm that the child is currently unable to attend a school because of medical needs
57. In each case there must be supporting evidence made available to demonstrate that the child is not able to access a mainstream school. In every other case, a child's needs are expected to be met within what is Ordinarily Available and the Local Offer³⁵.
58. Schools must not refuse to consider a child for placement under Fair Access on the grounds that a child attends the Alternative Provision and/or be assessed for Special Educational Needs prior to offering a place.

5. Complaints

59. All professionals must demonstrate compliance with relevant legislation and statutory guidance issued at the time. Where a concern is expressed regarding an individual this must be addressed with their Line Manager.
60. If the concerns are related to any of schools policies and procedures these concerns must immediately be presented to the Local Authority's Senior Education Adviser for Vulnerable Learners.

³¹ Section 19 Education Act 1996

³² Alternative Provision Statutory Guidance 2013

³³ www.stoneking.co.uk/literature/e-bulletins/using-alternative-provision-improve-behaviour

³⁴ S101 Education and Inspections Act 2006

³⁵ SEND Code of Practice 2015

61. Where a parent has concerns about the Local Authority's policies/procedures or an individual officer they will be advised to follow the Local Authority's complaints procedure.
62. Where a parent has concerns about a school they will be advised to follow the school's complaints procedure.

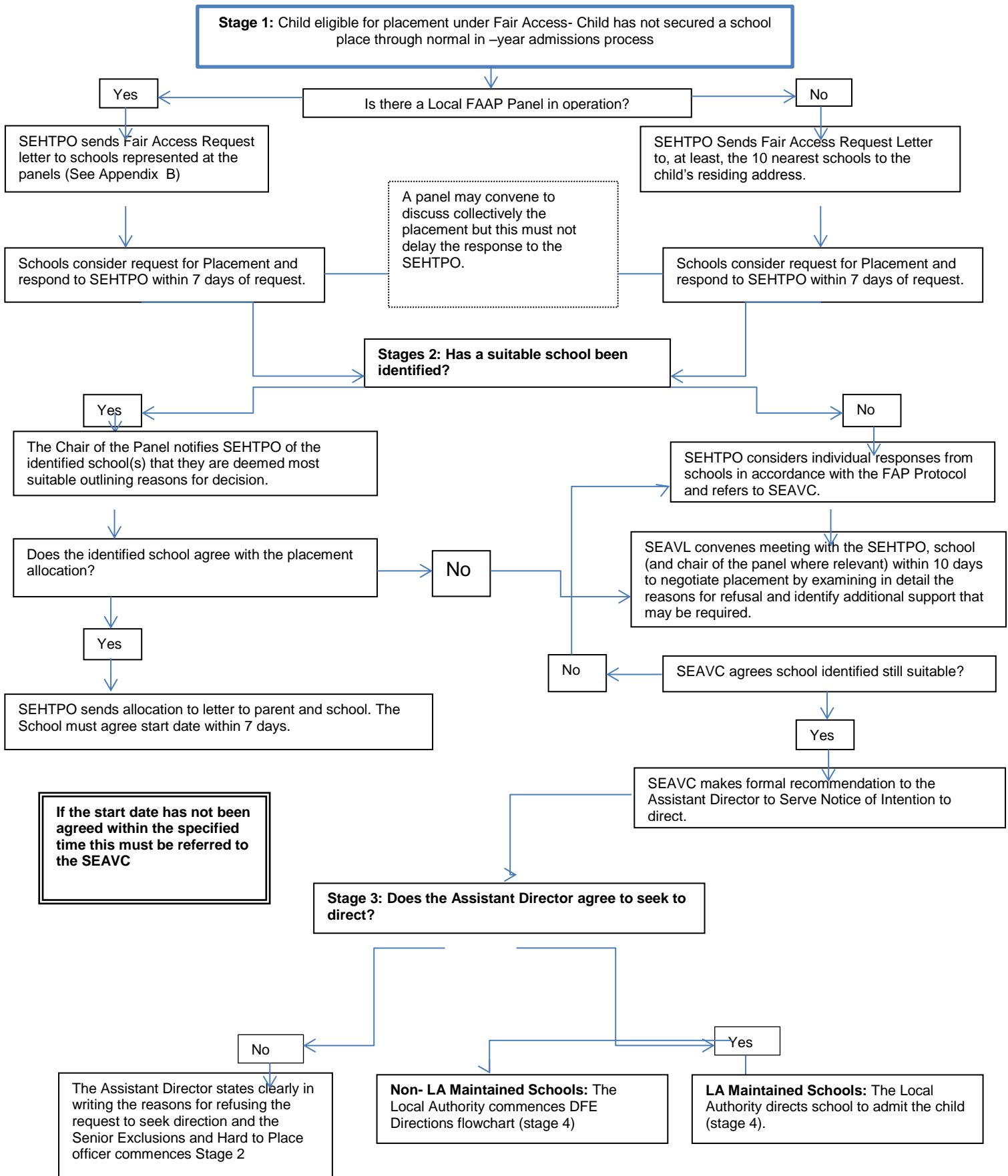
6. Monitoring and Review

63. The monitoring and review of this Protocol, and the effectiveness of each Fair Access Panel in exercising their responsibilities within the Protocol, will be undertaken termly by the Chairs of FAAP Meeting representatives. This meeting is attended by:
 - a) The Chairs of each Fair Access Area Panels
 - b) Local Authority Representative (Senior Education Adviser for Vulnerable Learners)
 - c) Babcock Representative (Senior Exclusions and Hard to Place Officer)
 - d) Exclusions Officer/ Other Local Authority Officers may be invited as necessary to these meetings.
59. The Protocol will be consulted on with all schools triennially unless there are changes to legislation and/or guidance which impacts upon the delivery/effectiveness of this protocol.
60. The Protocol is published at [Worcestershire Fair Access Protocol](#)

7. Review Date

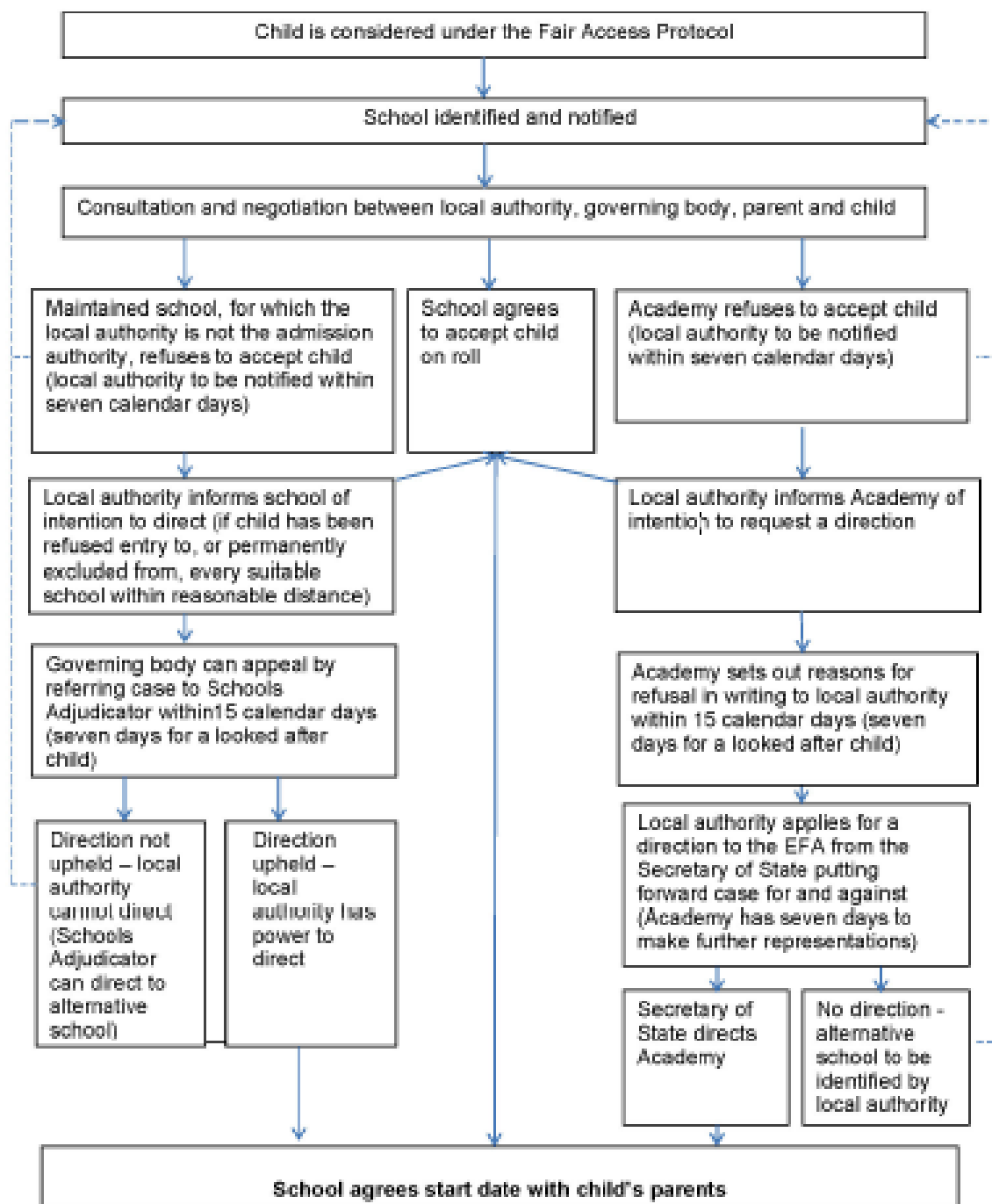
61. January 2021

Appendix A: Direction Process for LA and non-LA Maintained Schools



Stage 4: Request Direction from the ESFA/OSA for schools not maintained by the Local Authority (DFE 2012)

Directions flow chart (overview of process)



* Note: A community or voluntary controlled school cannot refuse to admit a pupil if requested by its own admissions authority.

Appendix B: Fair Access Request: To be completed by the Senior Exclusions and Hard to Place Officer

RE: Request for Placement in Accordance with Fair Access: (Insert Name of Fair Access Panel)

I am writing to you, on behalf of the Local Authority, to request that you consider the following child for placement in a school, within the **(INSERT)**, in accordance with the principles of the Fair Access Protocol underpinned by the Admissions Code 2014.

As outlined in the Admissions Code, all schools are required to participate in the Fair Access Protocol to ensure any child without a school place, especially those most vulnerable are placed as quickly as possible thus the Local Authority should have no requirement to seek direction; however, if the Local Authority is required to seek direction, it will need to show evidence in support of its decision. Please can I therefore ask that that schools provide detailed reasons for any refusal given (supported by any evidence where appropriate) to be submitted to me before **(INSERT)**. This is to ensure the most appropriate school for this child is identified and that we maintain a fair and consistent approach with regard to the placement of children who meet the Fair Access criteria.

Please be advised that the parent may also wish to exercise their right of appeal at any point during this process and if successful, may choose not to accept a place allocated through Fair Access. In addition to this, we may receive additional supporting information which demonstrates that the child is not able to access mainstream education. Where such information is received the Local Authority may decide to withdraw the request for placement.

I can confirm that I have requested additional information from the relevant schools and will include this once I am in receipt of it; however, if in the meantime you have any queries or concerns regarding this please do not hesitate to contact either myself or **(INSERT)** as soon as possible.

Yours sincerely

Xxxxxxxx

xxxxxxxxxx- Senior Exclusions and Hard to Place Officer



Fair Access Request Form

Child's Name:	
Date of Birth:	
Address:	
Parent's name	
Contact Tel number/email	
SEN Status (IF THE CHILD HAS AN EHCP PLEASE REFER TO THE LOCAL AUTHORITY)	
Is the child subject to a CIN/CP Plan	
Has the child ever been regarded as a Looked After Child? (IF YES, PLEASE REFER TO LOCAL AUTHORITY)	
Permanent Exclusion History (please include date of last permanent exclusion and excluding school)	
Fixed Term Exclusions in the last academic year	
School(s) Applied to (Please attach copies of all CA1)	
Reason(s) for and date of refusal Please attach copies of outcome letters)	
School Previously Attended	
Reason(s) for leaving	
Current Educational Provision	
Reason for Fair Access Request	



Parent(s) Preferred School	
Are there any schools which should not be considered? If so, please give details.	
Learner Profile Attached	
Any other additional information	
I give consent for the Local Authority to share with schools information about my child in order to secure a suitable school placement in accordance with the Admissions Code 2014 and Fair Access (2012).	
Name of Person making the request	

Appendix C: Learner Profile

Learner Profile

Including Risk Assessment

To be completed and sent via Children's Services Portal to Exclusions by the home school

Reason for completion of Pupil Profile:

Reason for completion	Required documents	Included Y/N (if no please provide reason)
Permanent Exclusion	Copy of Permanent Exclusion Letter to parent attached	
Elective Home Education	Copy of parents letter informing school of intention to Electively Home educate	
Children Missing Education	Referral from Children's Services Portal	

Pupil Details

Surname:

Forename(s):

D.O.B.: [Click here to enter a date.](#)

Gender: [Choose an item.](#)

Current Address: [Click here to enter text.](#)

NCY: [Choose an item.](#)

SEN status: [Choose an item.](#)

UPN: [Click here to enter text.](#)

Ethnicity: [Choose an item.](#)

Is the Pupil a Looked After Child: [Choose an item.](#)

Medical details: (please provide any details of known medication, allergies etc.)

[Click here to enter text.](#)

Parent/Carers Details

Parent/Carers Names: [Click here to enter text.](#)

Relationship to pupil: [Click here to enter text.](#)

Contact Number: [Click here to enter text.](#)

Emergency Contact:

- Name: [Click here to enter text.](#)
 -
 - Relationship to child: [Click here to enter text.](#)
 -
 - Contact Number: [Click here to enter text.](#)
-

Entitlements

Free School Meals: [Choose an item.](#)

Pupil Premium: [Choose an item.](#)

Current School Details

Name of School: [Click here to enter text.](#)

Head Teacher: [Click here to enter text.](#)

Attendance (%) at point of PX: [Click here to enter text.](#)

Risk of 'RONI' Indicator:

Permanent Exclusion Details

Date of PX: [Click here to enter a date.](#)

Reason for PX: [Choose an item.](#)

Final incident (Date): [Click here to enter a date.](#) **Education History**

School	Start Date	End Date	Attendance
Click here to enter text.	Click here to enter a date.	Click here to enter a date.	Click here to enter text.
Click here to enter text.	Click here to enter a date.	Click here to enter a date.	Click here to enter text.
Click here to enter text.	Click here to enter a date.	Click here to enter a date.	Click here to enter text.

Click here to enter text.	Click here to enter a date.	Click here to enter a date.	Click here to enter text.
Click here to enter text.	Click here to enter a date.	Click here to enter a date.	Click here to enter text.

Pupils Aspirations, Interests and Positive Behaviours

(Details of hobbies, career goals, club memberships, talents etc.)

Click here to enter text.

Areas requiring support and development

(Areas that the pupil requires additional support, finds challenging, presents as a trigger)

Click here to enter text.

Previous Interventions

(For example: small groups, off site provision, one to one support, detention, Behaviour contract)

Click here to enter text.

Preferred Learning Style

(What has/has not worked well in school)

Click here to enter text.

Achievement Record

Subject	Type of Exam	Predicted Grade	Result

Involved Agencies

Please detail all involved agencies and professionals:

Name	Organisation	Role	Contact Details

Linked Plans – Please attach a copy where relevant

- Early Help Assessment (CAF) Next review date: [Click here to enter a date.](#)
- Child in Need Plan Next review date: [Click here to enter a date.](#)
- Child Protection Plan Next review date: [Click here to enter a date.](#)
- IEP Next review date: [Click here to enter a date.](#)
- PSP Next review date: [Click here to enter a date.](#)
- PEP Next review date: [Click here to enter a date.](#)
- Emergency/Annual Review Next review date: [Click here to enter a date.](#)
- Other (please provide details) [Click here to enter text.](#)

Known Risks – Please attach a copy of up to date risk assessment

(Any safeguarding issues, risks to self or others, risks in the community)

[Click here to enter text.](#)

Criminal Record/Convictions

Present and past convictions: [Click here to enter text.](#)

Pending Court Cases:

- Reason: [Click here to enter text.](#)
- Date: [Click here to enter a date.](#)
- Reason 2: [Click here to enter text.](#)
- Date: [Click here to enter a date.](#)

Any other information

[Click here to enter text.](#)

Form Completed by:

Name: [Click here to enter text.](#)

Position: [Click here to enter text.](#)

Contact Number: [Click here to enter text.](#)

Date: [Click here to enter a date.](#)

To be completed by Exclusions Service, Babcock Prime

PX Process

Date notified by School: Click here to enter a date.
6th Day: Click here to enter a date.
16th Day: Click here to enter a date.
SDC Date: Click here to enter a date.
LA Attending: Choose an item. **Officer:** Choose an item.

SDC Outcome: Choose an item.
IRP Request 16th Day: Click here to enter a date.
IRP requested: Choose an item.
- If Yes; Date: Click here to enter a date.
- LA Attending: Choose an item. **Officer:** Choose an item.

6th Day Placement

PRU: Choose an item.
Induction Date: Click here to enter a date.
Start Date: Click here to enter a date.
Date on roll (Dual Registration): Click here to enter a date.

First Review Date: Click here to enter a date.

Date on Roll: Click here to enter a date.

Educational Placement- views of the Child/Young person:

(Please use this space to add any additional information which you would like to share with us to assist us in meeting your preference. Please feel free to use any way you choose, for example draw, write, or use photographs)

This could include:

What you like about school

What you do not like about school

Hobbies/interests

Thoughts about your future, including career, school etc.

4 Contact Number: [Click here to enter text.](#) Date:

Appendix D: The Office of the Schools Adjudicator (OSA)

The School Standards and Framework Act (1998) requires Local Authorities to make an annual report to The Office of the Schools Adjudicator (OSA). This report requires an assessment of the effectiveness of Fair Access Protocols and their co-ordination in the LA area, including a record of how many children were admitted under the Protocol to different categories of schools. (This does not include Managed Moved children who do not form part of the Fair Access Protocol. It refers to children being taken directly on roll as part of the Fair Access Process)

Worcestershire School Admissions, on behalf of the LA, shall complete the annual report to the Adjudicator citing how many children have been admitted to each school and how many refused, citing the reasons and actions taken.

OSA Annually Required Data can be found below:

Type of School	Number of children admitted	Number of children admitted	Number of children refused admission	Number of children refused admission
	Schools for pupils up to age 11	Schools for children over age 11	Schools for pupils up to age 11	Schools for children over age 11
Community				
Voluntary Controlled				
Voluntary Aided				
Foundation				
Academy				
Total				

Numbers of schools directed to take pupils are also required in the above categories of schools, together with data regarding the above categories of schools' exclusions.

Appendix E: Useful Contacts

NB Please do not send emails containing sensitive information through the email addresses below. All documents which detail personal, confidential or restricted information should be sent securely via the Children's Services Portal marked for the attention of the recipient.

Gwen Fennell Virtual School Headteacher	gfennell@worcestershire.gov.uk	01905 846886
Katie Clegg Senior Education Adviser for Vulnerable Learners	Kclegg1@worcestershire.gov.uk	01905 845914
Gethin Howells Exclusions/ CME Officer Babcock Prime	Gethin.Howells@babcockinternational.com	01905 678130
Tracey Wilson School Admissions Manager Babcock Prime	tracey.wilson@babcockinternational.com	01905 678171
Steve Larking WCC Commissioning Manager	Slarking@worcestershire.gov.uk	01905 845520
Natalie Waters Headteacher Droitwich Spa High School Worcester City FAAP Chair	WatersNJ@droitwichspahigh.worcs.sch.uk	01905 774421
Alan Roll Headteacher Waseley Hills High School NEW Secondary FAAP Chair	ARoll@waseleyhills.worcs.sch.uk	0121 453 5211
Steven Brownlow Headteacher King Charles I High School Wyre Forest FAAP Chair	sbrownlow@kingcharles1.worcs.sch.uk	01562 512880
Suzie Bourne Deputy Headteacher Dyson Perrins CE Academy SW FAAP Chair	SJB@dysonperrins.worcs.sch.uk	01684 593241
Luke Payton Vice Principle St Bede's Catholic Middle School NEW Middle School	lpayton@st-bedes.worcs.sch.uk	

FAAP Chair		
Paul Essenhig/Neil Mills Joint Chair Catshill Middle School/ Parkside Middle School		
Bromsgrove LP Chair		
Family Front Door/Early Help Worcestershire	http://www.worcestershire.gov.uk/info/20324/advice_care_health_and_support	01905 822666
CAMHS	WHCNHS.CAMHS-SPA@nhs.net	01905 681 087 (Internal Extension: 51087)
James Laidler Newbridge PRU	jameslaidler@advancetrust.org	01905 763580
Sean Williams Headteacher The Forge PRU	spw32@theforge.worcs.sch.uk	01527 597936
Sara Devo Headteacher ContinU+ Academy AP Free School	sd263@cpa.worcs.sch.uk	0793 655 3325 01562 822463
Simon Stevenson Headteacher Aspire Academy AP Free School	sstevenson@TheAspireAcademy.onmicrosoft.com	01905 455422
Lesley Hatton Headteacher The Beacon PRU (NEW/Wyre Forest)	office@thebeacon.worcs.sch.uk	NEW: 01527 514068 NWW: 01562 748708
Peter Hines Headteacher Perryfields PRU	office@perryfields.worcs.sch.uk	01905 427011
Education Transport Team	KRoberts2@worcestershires.gov.uk	01905 728891
Education Finance Rob Phillips/Steve Saunders	RPhillips2@worcestershires.gov.uk	01095 846252

Appendix F: Fair Access Data

	2016-17	2015-16	2014-15
No. of Children eligible for placement under Fair Access³⁶	166	152	114
% increase on previous year	10.5	33.3	-
No. of Fair Access Submissions	7	9	2
% percentage of Fair Access Submissions	4.2	5.9	1.8
No. of Placements made	3	7	2
% of secured placements	42.9	77.8	100

Outcome of those eligible	2016-17	%	2015-16	%	2014-15	
Section 19 Provision- AP (PX/No School Place)	69	41.6	78	51.3	67	58.8
Section 19 Provision – MET	6	3.6	1	0.7	5	4.4
HLNF: Prevention Place	4	2.4	2	1.3	-	-
School Placement (inc. Fair Access Placement)	13 (2)	7.8	27 (7)	17.8	20 (0)	13.2
Special School Placement³⁷	10	6.0	Data included in school placements	-	Data included in school placements	-
Elective Home Education	8	4.8	14	9.2	4	2.6
Moved out of County (Traced)	5	3.0	3	2.0	6	3.9
CME Investigation^{38,39}	51	30.7	27	17.8	12	7.9
Total	166		152		114	

³⁷ This only includes children who have been under assessment at the point of eligibility

³⁸ This includes children who are currently registered to a school but have been permanently excluded

³⁹ Children identified as CME at the end of the academic year

	2016-17	2015-16	2014-15
Average no. of days before reintegration to mainstream/special school	285	195	190

'If you need help understanding this document in your own language, please contact Ethnic Access Link. Tel: 01905 25121' (English)

'যদি এই দলিলটি আপনার নিজের ভাষায় বুঝতে আপনার সাহায্যের প্রয়োজন হয়, অনুগ্রহ করে Ethnic Access Link (এথনিক অ্যাক্সেস)-কে 01905 25121 টেলিফোন নম্বরে যোগাযোগ করুন' (Bengali)

如果你需要這個文件的中文信息，請聯絡 Ethnic Access Link. 電話是01905 25121 (Cantonese)

'Jeśli potrzebujesz pomocy w zrozumieniu tego dokumentu we własnym języku, zadzwoń do Ethnic Access Link. Tel: 01905 25121' (Polish)

'Se necessitar de ajuda para perceber o conteúdo deste documento na sua língua, contacte a associação Ethnic Access Link pelo telefone: 01905 25121' (Portuguese)

'Si necesita ayuda para entender este documento en su idioma, puede ponerse en contacto con Ethnic Access Link en el teléfono 01905 25121' (Spanish)

Bu dokümanõ kendi dilinizde anlamak için yardım isterseniz Ethnic Access Link ile temasa geçiniz Tel: 01905 25121' (Turkish)

Ethnic Access Link (ایٹھنک ایکسس لنک) سے رابطہ کریں۔ ٹیلی فون: 01905 25121 (Urdu) 'اگر آپ کو اس دستاویز کو آپ کی اپنی زبان میں سمجھنے میں مدد کی ضرورت ہے، تو براہ کرم