

## **Secondary In Year Fair Access Protocol** **For the Canterbury and Swale Partnerships**

### **Aim**

- Ensure all children are admitted to appropriate education quickly

### **In Year Fair Access Protocol (IYFAP)**

- Each LA has a statutory duty to introduce and operate a protocol. In Kent this responsibility has been devolved to Partnership groups of schools and is mandatory from September 2007.
- Every school (including Academies and Faith Schools) is bound by the provision of the protocol, including admitting children above the published admission number.
- The protocol will be known as the In Year Fair Access Protocol (IYFAP).
- The protocol will be reviewed on a regular basis.

### **This protocol is designed to:**

- Ensure that access to education is secured quickly for children who have no school place.
- Ensure that all schools in an area admit pupils with challenging educational needs on a turn-taking basis.
- Be fair and transparent - The Protocol recognises that vulnerable parents may need support.
- Ensure that 30 school days is the maximum wait for admission into a Kent school.
- Take account of a previous serious breakdown in the relationship between the school and family, or a strong aversion to or desire for the religious ethos of a school.
- Consider Parents' views but these will not override the protocol. In cases of disagreement, parents will be given the option to write to the LA.

### **Pupils with Fair Access Status (FAS)**

The protocol will cover:

- Children who live in the locality and are permanently excluded from other schools.
- Children who have been out of education for more than 24 school days. This is to ensure that these pupils secure an education placement within the specified 30 school days.

### **Definition of 'Hard to Place'**

A child is hard to place if:

- They do not have a school place

This does not include:

- children who have been off-rolled due to absence as they should still be on the school's roll unless they are given the status Child Missing Education by the Area Attendance Team Leader
- children removed from school without securing a place at another school as under safeguarding guidelines it is the present school's responsibility to ensure children are not 'lost' between schools and records are sent to the correct receiving school.
- They are a Challenging Pupil without a Statement for Specialist Provision (Statements are covered by the flowchart)
- They have moved into the area, applied to schools which are full AND have a range of indicators which merit investigation. Such as:
  - A history of challenging behaviour as evidenced, for example, by fixed term exclusions
  - A pattern of non-attendance
  - Permanent Exclusion
  - Social Services involvement

For pupils new to the area who have applied to schools which are full and do not display one or some of the above indicators the Area Placement Officer will advise parents of the schools in the area and the vacancies in the area. If the parents come back and have not had a positive response the Placement and Monitoring Officer will send out an admission consultation asking schools to consider the child.

**The spirit of the IYFA Protocol is to share hard to place pupils amongst all schools.**

It was agreed when referrals were not 'hard to place' as defined above, the Area Placement Officer in consultation, when needed, with the Panel Chair and facilitating Partnership Manager, would remove the referrals from the agenda.

It is the responsibility of the school to inform the Partnership Manager / IYFA facilitator when a child is admitted to them on appeal who the school considers to be a challenging pupil or a perceived hard to place child.

### **Authorised Panels**

- Canterbury and Swale Secondary Heads agreed the representative HTs on the Authorised Panel would consist of two HTs each from Canterbury City and Swale Urban and one each from Canterbury Coastal and Swale Rural, a total of six. A representative from Grammar Schools in the area would also join the panel.
- The representative HTs will elect one of them to Chair the Authorised Panel for a period to be agreed.
- It was also agreed the Authorised Secondary Panel should consist, in an advisory capacity, of – Senior Inclusion Officer, Area Placement Officer, Area Alternative Curriculum Co-ordinator, Area Exclusions Officer and the Partnership Managers from the Area. Representatives from AEN and MCAS would be invited to attend, when appropriate.
- All HTs in the area will be made aware of the dates of when the Panel is due to meet and are welcome to attend however the decision will be made by the

Representative HTs after taking into consideration the advice of KCC representatives on the Authorised Panel.

- In arriving at their decision the Panel will follow the steps in the IYFA Secondary Flowchart (Appendix 1)
- It will be the responsibility of the Authorised Panel, to ensure an excluded pupil has an identified school or Alternative Curriculum placement within the statutory six school days and an out of school (new to the area, LAC) pupil has a place within 30 days..
- If the Panel fails to secure an educational place for the pupil the Local Authority will be obligated to direct a school to admit the pupil, but will not do so otherwise.

## **Procedure**

- Authorised Panels, using agreed 'factors of local information' data will follow the Secondary (Appendix 1) Flowchart.
- Where a pupil is permanently excluded from a school, the school will advise the Exclusion Officer immediately.
- The Exclusion Officer will send a formal email to the current Chair of the Authorised Panel.
- The Code is clear that Admission Forums **must** monitor how quickly the children are found places and the contribution every school in the area is making.
- The Local Authority will provide the data to enable the admissions Forum to fulfil this role.
- Each time a child is placed in school under the protocol the factors of local information data will be updated. This means that it would be unusual for a school to be asked to admit two pupils in quick succession.

Analysis of hard to place pupils over the last 2 years suggests that it would be unusual for a secondary school to be asked to admit more than 5 children in any one year under the protocol.

### **Agreed Factors of Local Information**

If a pupil needs to be placed using the In Year Fair Access Protocol a list of agreed factors of local information will be referred to in order to identify the school most appropriate to admit next.

The following will be taken into consideration:

- The most appropriate school to meet the child's needs
- Managed move pupils taken
- Pupils with statements of special educational need\*
- Pupils at school action plus
- Pupils eligible for free school meals /Mosaic/IMD data
- Looked after Children
- Mobility placements
- English as an Additional Language

Amended 17<sup>th</sup> October 2008

- Distance to be travelled (particularly at KS3)
- Recent, relevant changes to any of the above including IYFA Panel decisions

\* Not including children with statements of special educational need attending an attached Unit/designation

Data will be based on PLASC data agreed with Management Information Systems

## **Managed Moves**

Canterbury and Swale Secondary Head Teachers are committed to reducing the number of permanent exclusions in the Area. An effective way to achieve this is through managed moves.

Therefore managed moves data will be taken into consideration as one of the agreed factors which the Panel will use in making its decision.

It is the responsibility of schools agreeing to take a managed move pupil to inform the Area Exclusions Officer, who will co-ordinate the information, so the data can be taken into consideration.

## **Excluded Pupils Data**

With regard to excluded pupils attached as Appendix 2 is a 'good practice' checklist which all schools in the Area should take into account before permanently excluding a pupil.

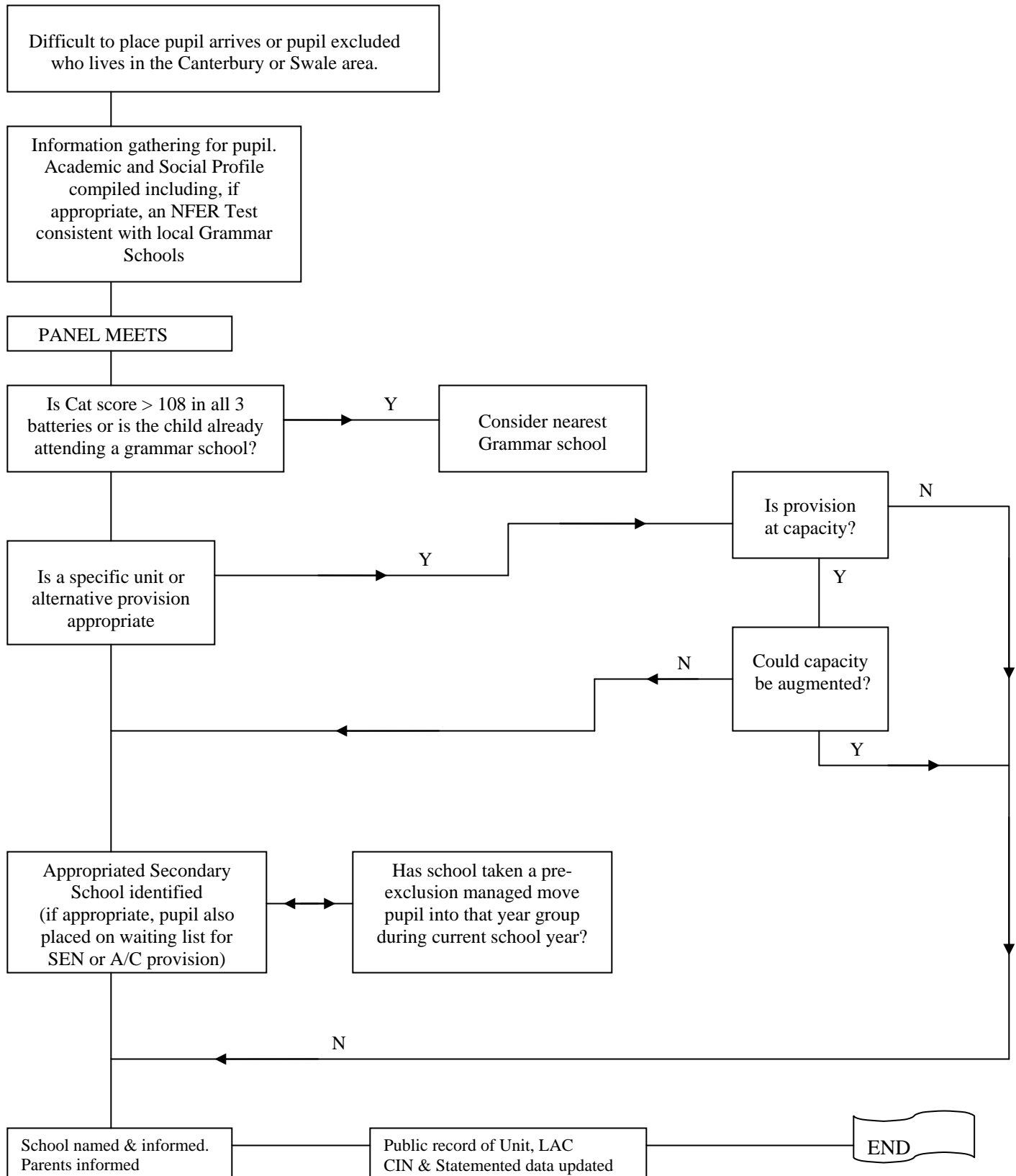
A record of fixed and permanently excluded numbers by individual schools and Clusters is kept and monitored by the Local Authority.

## **School Admissions Code**

3:18: The governing body of a voluntary aided or foundation school may under section 97 of the School Standards and Framework Act 1998 (as amended by section 49 of the Education and Inspections Act 2006) refer to local authority's decision to direct the admission of a child in accordance with a locally agreed protocol under section 96 of the School Standards and Framework Act 1998 to the Schools Adjudicator. The Adjudicator then determines which school is to be required to admit the child. The governing body of the school **must** admit the child.

If a governing body refuses to comply with a direction under section 96 the local authority may refer the matter to the Secretary of State for consideration under section 497 of the Education Act 1996. Similarly, the local authority can refer the matter to the Secretary of State if an Academy refuses to admit a child in accordance with a protocol. In the case of a community or voluntary controlled school where the governing body refuses to accept the local authority decision as admission authority to admit the child, the local authority may refer the matter to the Secretary of State under section 496 or section 497b of the Education Act 1996.

## Canterbury and Swale In Year Fair Access for Secondary Age Pupils (appendix 1)



**CANTERBURY and SWALE AREA**  
**PRE-EXCLUSION CHECKLIST (Appendix 2)**

**School Wide Support**

- Does the School have an Inclusion Policy which enables it to:
  - Provide suitable learning challenges for all pupils
  - Meet the diverse needs of all pupils
  - Overcome barriers to learning
- Is there a need for a Pastoral Support Programme?
- Does the school have an up-to-date behaviour policy?
- Has the behaviour policy been shared recently with all pupils, parents/carers, staff, governors, other stakeholders?
- Does the school work with others in the district as feeders/receivers and/or in terms of sharing good practice support?
- Are parents/carers fully involved in their children's learning?
- Are LA and other services used to support pupils needs in the areas of e.g:
  - Cognition and Learning
  - Communication and Interaction
  - Behaviour, Emotional and Social Development
  - Physical and Sensory
- Does the school have effective collaborative links with key agencies locally?
- Are delegated funds used appropriately to support pupils at School Action, School Action Plus and those with Statements of SEN?

**Targeted Support**

- Has a Pastoral support plan been put in place?
- Are "hot spots" and "hot times" being controlled/calm? E.g. lunchtimes, quiet corners of the playground?
- Are vulnerable teachers receiving appropriate support/or training e.g. NQTs, supply?
- Are the needs of vulnerable groups of pupils being met?
- Are all pupils provided with full time education provision?
- Are diverse learning styles catered for and encouraged?
- Are pupils being presented with a curriculum appropriate to their skills?
- Are independent thinking skills and organization for learning encouraged?