



# **Fair Access Protocol**

**School Admissions Service**  
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## **Fair Access Protocol**

### **1. Introduction**

The School Admission Code (Statutory Code document no: 005/2013, 7/2013) states that all Local Authorities (LAs) must have appropriate protocols in place for admitting children they consider to be hard to place so that unplaced children, especially the most vulnerable, are offered suitable school places promptly. In accordance with this requirement, Rhondda Cynon Taf has developed a Fair Access Protocol (FAP).

In Rhondda Cynon Taf, the FAP will be administered for secondary schools through a Fair Access Protocol Panel (FAPP) consisting of representatives from schools and the LA. For primary school learners requiring a place through the FAP, the functions of the FAPP will be undertaken by the LA's School Admissions Service, in partnership with the Attendance and Wellbeing Service and the Access and Inclusion Service.

Most in-year admissions will continue to be processed through the usual school admissions process but more complex in-year transfers into mainstream education will be referred to the FAPP. More complex referrals will generally include vulnerable learners who are likely to experience difficulties in securing a secondary school placement and will typically include children and young people who:

- have been permanently excluded from a school;
- require a managed move (please refer to the Managed Move Protocol for more detail);
- have been out of education for a significant period of time (at least two months or more) or have severe attendance problems despite ongoing Attendance and Wellbeing Service involvement and require a fresh start elsewhere;
- currently attend a Pupil Referral Unit and need to be reintegrated back into a new mainstream setting;
- are Gypsy and Traveller children;
- have Youth Offending Service involvement and require a change in educational placement;
- are returning from the criminal justice system and need to be reintegrated back into mainstream education;
- are looked after and have significant needs;
- have significant special educational needs (SEN) or disabilities but do not have a statement of SEN.

In general, the admission of children with statements of SEN is covered by the Education Act 1996 and the Special Educational Needs Code of Practice for Wales 2002. Section 324 of the Education Act 1996 requires a maintained school that is named in a statement of SEN to admit the child. In these cases, schools cannot refuse to admit a child even if this would result in a school exceeding their admission number. In view of this and the statutory responsibilities relating to meeting the

needs of learners with SEN, it is not the remit of the Fair Access Panel to consider the needs of learners with a statement of SEN.

## **2. The Fair Access Protocol Panel**

The Fair Access Protocol Panel (FAPP) will be made up by senior leadership representatives from all Rhondda Cynon Taf secondary schools. The representatives are nominated by respective Headteachers and membership rotated to ensure full attendance at the meetings. Panel representatives must have the authority of their Headteacher to make decisions relating to the placement of learners considered at panel meetings as decision making should not be deferred. The panel should also include senior LA representatives or their designated officers from a range of service areas, including:

- 17 secondary school representatives (Headteacher or nominated senior leader)
- Head of Inclusion Services
- Attendance and Wellbeing Service – Head of Service (or nominated senior officer)
- School Admissions – In Year Transfer Co-ordinator
- Behaviour Support Service – Exclusion Prevention/Intervention Teacher

The minimum number of panel members to ensure a quorate body is 50% of the members ie 11.

Other professionals and agencies can be involved where appropriate but their attendance would be in an advisory capacity only.

The panel is for professionals only. However, parents/carers and their children can submit their views as part of the referral process.

The panel should have a nominated chairperson and the role rotated at a frequency determined by the panel. All panels will be convened by the School Admissions Service tri-weekly with dates provided on an annual basis. Meetings will be held in Ty Trevithick with an 8am start.

## **3. Underlying principles**

All mainstream secondary schools are required to contribute to the effective implementation of the FAP/FAPP.

Panel decisions will be underpinned by legislative requirements, including the Equality Act 2010. All panel members will have due regard for the Equality Act 2010 and will not refuse to admit learners on the basis of challenging behaviour elsewhere. Children with SEN but without statements of SEN will be treated fairly and equitably, and will not be refused admission to a school on the grounds that they do not have a statement of SEN, or are currently being assessed for one.

The pattern of placements will be closely recorded, monitored, and reported as appropriate. No school will be asked to admit a disproportionate number of pupils and decision making will take into account the size of school and the ratio of pupils with significant needs. ALN and vulnerability data will not be shared in the meetings

but decisions will be based on the evidence shared, honest professional dialogue and trust.

All placements agreed following the implementation of the FAP will be monitored to ensure equitable distribution of vulnerable learners who meet the FAP criteria. Historical in-year transfer data for complex cases agreed prior to May 2018 will not be taken into consideration in the meetings. All placements agreed in the Fair Access Panel from May 2018 onwards will be taken into consideration and all schools will be required to take equitable number of learners. However consideration will be given to contextual information where appropriate (e.g. numbers of learners on dual PRU placements and accessing learning support class provision on the school site). Vulnerability profiling data and numbers of learners identified as having SEN on PLASC will not be used to inform placements but focus will be placed on ensuring that schools admit a more equitable number of learners who meet the FAP criteria.

All members of the FAPP need to play a part in ensuring that the children considered, are admitted to a suitable school as quickly as possible. This includes, potentially, admitting children to schools that are already full if the school concerned is deemed to be the most suitable for the child or young person concerned. The panel will aim to ensure that a balance is struck between finding a place quickly in an undersubscribed school or one facing challenging circumstances, and finding a school place that is appropriate for the child. The protocol should therefore ensure that no school, including those with places available, is asked to take an excessive or unreasonable number of children who have been excluded from other schools.

It recognised that schools designated as having a religious character are their own admissions authority and that they may give preference in their admission arrangements to members of a particular faith or denomination, providing this does not conflict with other legislation, such as equality legislation or the mandatory provisions of the School Admission Code. Faith schools must not keep open places if they have insufficient applicants of their own faith and other families have applied for a place at the school. In light of the admissions arrangements in this sector, it is recommended that the FAPP takes into consideration the needs of the learners and agree 'in principle' potential placements in faith schools, subject to ratification by the governing body admissions committee. In the event of a learner subsequently being refused a place in a faith school, reasons for refusal should be immediately communicated to the local authority, and shared with colleagues at the next FAPP meeting.

Where a child has been permanently excluded from two or more schools, their parents can still express a preference for a school place and for their child to be referred to the FAPP for consideration. However, the requirement to agree with parental preferences in instances of two permanent exclusions or more is removed for a period of two years from the date on which the latest exclusion took place. Exceptions do exist however, and include children who: have statements of SEN; were below compulsory school age at the time of permanent exclusion; were reinstated following a permanent exclusion; are looked after or previously looked after.

All decision making will be fair and transparent and focus will be placed on ensuring early intervention and swift placement where possible. The decision to offer a place at a panel will be binding, even in cases where a representative school is not present in the panel.

To ensure consistency, all complex secondary in-year admission requests that meet the FAP criteria must be referred to the FAPP. In the case of pupils with severe attendance problems, robust evidence of Attendance and Wellbeing Service involvement must be provided. In the absence of a school not being represented in the FAPP placements may still be agreed where the unrepresented school in panel is deemed to be the most appropriate for the child or young person under consideration.

If an admission request meets the FAP criteria, parents/carers must be advised of the process, their right to pursue a 'normal' application should they so wish, and their right of appeal in accordance with the School Admissions Code. The governing body of a community or voluntary controlled school, for which a LA is the admissions authority, must implement any decision taken by the admission authority relating to the admission of pupils without undue delay.

#### **4. Panel Processes**

Schools, PRUs and the LA can refer cases to be considered under the FAPP but must ensure that informed parental consent is secured prior to submission. No referral will be considered without a parental signature and the agreement to share confidential information.

FAPP processes are detailed in Appendix 1. Schools, PRUs or LA Officers wishing to make a referral under the FAP are required, as with all year 10 and 11 pupils, to submit an Intention to Transfer Form (see Appendix 2) and any supporting password protected documentation by secure e-mail to [angie.williams-roberts@rctcbc.gov.uk](mailto:angie.williams-roberts@rctcbc.gov.uk). All referrals and any supporting documentation should be forwarded for consideration 5 working days prior to the date of the tri-weekly FAPP.

In relation to pupils who have been permanently excluded, schools will be required to complete the Intention to Transfer Form and email it by secure e-mail to [Andrew.j.brazier@rctcbc.gov.uk](mailto:Andrew.j.brazier@rctcbc.gov.uk) ahead of the governors' Pupil Discipline Committee meeting, any supporting documentation should be password protected. The Exclusion Prevention and Intervention Teacher will be responsible for arranging for the pupil and parents to complete their section of the Intention for Transfer Form. Once informed parental consent is obtained the referral will be submitted to the FAPP.

All Intention to Transfer Forms will be considered in an Referral Panel involving the LA's In-Year Transfer Co-ordinator, Exclusion Prevention and Intervention Teacher and senior officer from the Educational Psychology Service. A Headteacher representative from FAPP should also be included in the FAPP Referral Panel on a rotation basis. Officers will collectively reach agreement as to whether submission to

the FAPP is needed or whether this should be processed as part of the usual in-year school admission or other process. Minutes of the meeting will be recorded for transparency.

All referrals received outside the referral submission deadline will be deferred to the next panel meeting. Agenda details will be disseminated to all panel members by secure and password protected e-mail 3 working days prior to the panel date. Referral forms and supporting evidence will be sent by secure e-mail, with password protection, to the top three preferred choice of schools identified in the referral form. All panel members will be required to bring the disseminated information to the meeting as paper copies will not be available in the panel.

The referring body should present the case at the FAPP to inform discussions and panel members should reach agreement in relation to placement based on the presented information and submitted evidence. Relevant agencies and professionals who are not usually represented in panel can be invited to attend in an advisory capacity only. However, prior consent for additional panel members should be secured from the In-Year Transfer Co-ordinator at least 5 working days prior to the panel meeting.

Following agreement on placement, a provisional pre-admission meeting date and a confirmed start date should be agreed in the panel. The start date agreed in panel should be binding and placement should commence at the earliest opportunity but no later than 15 working days from the panel meeting.

School Admissions will verbally advise the parents/carers of the offer of a school place within 2 working days. If parents are in agreement, School Admissions will liaise with senior officers in the receiving school who will be required to proceed with the pre-admission meeting in a timely manner. Parents and carers should be advised that a completed In-Year Transfer Request Form is essential to enable the admission process to progress, although this should not delay the pre-admission meeting. Once the In-Year Transfer Request is received by the School Admission Service, the school placement will be confirmed verbally and in writing.

For learners with likely support needs, should be discussed and agreed in the pre-admission meeting so that appropriate targets, interventions and support can be agreed.

When placement is agreed as part of a managed move, then the processes outlined in the Managed Move Protocol should be followed and associated timescales adhered to.

## **5. Monitoring and Review**

The underlying principles of this protocol will form the basis of the decision making process. All pupils considered in panel will be offered a firm place at a school unless

there are exceptional circumstances and further information is deemed essential. However, any unnecessary delays should be avoided and in any event, all children and young people referred to panel should not be without the offer of a school place for more than four weeks after initial consideration by Panel.

The chairperson must review the previous minutes and agreed actions at the start of every panel meeting and be able to account for the panels' adherence to this protocol. All panel members should be held to account in relation to agreed actions.

This policy will be reviewed annually to ensure its effective implementation.