



## Fair Access Protocol

### 1. Introduction

*This protocol for schools in Wiltshire was formally agreed by the Admission Forum in September 2007*

1. The revision of our current protocol is being undertaken in the light of the Education and Inspections Act 2006 and the DfES 'Schools Admissions Code', particularly paragraphs 3.14 – 3.19 'In Year Fair Access Protocol'. In addition the Government's Five Year Strategy sets out an expectation that all schools will take a more proactive and collaborative approach to making provision for all children and young people in their local areas, including those who may be difficult to place.

1.1 This agreed protocol applies to all schools (see below), including voluntary aided and foundation schools and Academies. In the vast majority of cases children and young people requiring a school place will continue to be admitted in accordance with the usual admission procedures rather than through this protocol.

1.2 Some young people, particularly at secondary age, may be unable to access mainstream education and may require a more flexible and personalised curriculum, including provision made by other providers such as in our Young People's Support Service (YPSS). There are links, therefore, between the operation of an admissions protocol and the development of appropriate alternative provision, particularly for permanently excluded child or young persons. All schools, particularly secondary schools from September 2007, are being encouraged to work in local partnerships to support young people at risk of exclusion and to consider, where appropriate, managed transfers of those young people in lieu of permanent exclusion. The Authority is working with clusters of secondary schools through the Behaviour and Attendance Strategy to promote and establish these collaborative partnerships.

(Transfers to a grammar school will only be undertaken if the young person has shown, by passing the entrance examination, that such provision would be suitable for them)

### 2. Children and Young People covered by this protocol

2.1 This agreed protocol includes those children and young people of compulsory school age in some or all of the following categories:-

- ◆ those who are in care of a Local Authority (previously known as Looked After) \* (see below)
- ◆ those attending a YPSS centre who need to be reintegrated back into mainstream education;
- ◆ those who are permanently excluded\*;
- ◆ those who are out of education for longer than one school term.
- ◆ those whose parents have been unable to find them a place after moving into the area because of a shortage of places;

- ◆ those withdrawn from schools by their family following fixed term exclusions and unable to find another place.
- ◆ those who are refugees or asylum seekers;
- ◆ those who are homeless;
- ◆ those without a school place and with a history of serious attendance problems;
- ◆ those with unsupportive family backgrounds, where a place has not been sought;
- ◆ those known to the police or other agencies;
- ◆ those who are carers;
- ◆ those who have special educational needs (SEN) but without statements;
- ◆ those who are travellers; and/or
- ◆ those with disabilities or medical conditions.

\* Exception to this protocol- The Local Authority (Wiltshire) has the legal power to direct a school to admit a child in its care to a school best suited to that child's needs. This action will be taken in the best interests of the child.

2.2 The children and young people in the above categories are vulnerable to underachievement and as such the term 'vulnerable children and young people' will be applied throughout this protocol.

2.3 Children and Young People with statements of Special Educational Need are not included as their needs must be considered separately. (see Appendix 2 attached)

2.4 NB additional notes can be found in Appendix 2 relating to children and young people in care and those permanently excluded.

2.5 This agreed protocol applies to all schools in Wiltshire. All schools will work together within their local collaborative partnership on their wider responsibilities to ensure that vulnerable children and young people are admitted to a school as quickly as possible.

### **3. Key principles underpinning this protocol:-**

3.1 The agreed protocol will provide a fair, equitable and open method of allocation of school places for vulnerable children and young people; it will be kept as simple and transparent as possible;

3.2 There will be scope for local variation in the operation of the protocol in order to meet the needs and interests of particular local situations/areas and the needs of the child but these will not override the overall Local Authority ethos or spirit of this Wiltshire protocol;

3.3 The majority of children and young people requiring a school place will continue to be admitted to a school in accordance with the usual admission procedures, rather than through this protocol. These normal admissions processes are described in the relevant co-ordinated schemes for admissions which are agreed annually with all schools;

3.4 Schools cannot say they are over-subscribed if they are asked to admit a vulnerable child or young person; vulnerable children and young people included in this protocol will be given priority over any others on a waiting list or awaiting an appeal;

3.5 All schools will respond quickly (i.e. within a period of 5 working days) to request for admissions so that placement of vulnerable children and young people are not unduly delayed;

3.6 All Primary Schools will agree to take a maximum of two vulnerable children above their stated admission number in each academic year;

3.7 All Secondary Schools will agree to take a maximum of two vulnerable young people above their stated admission number in each year group in each academic year in accordance with the guidance outlined in Section 8);

3.8 In all schools the overloading of particular year groups with disproportional vulnerable children and young people will be avoided as far as possible; (\* see arrangements for ensuring equity in schools Section 8.0)

3.9 Wherever possible, parents' views will be considered but will not override the protocol if the preferred school is unable to take the child or young person. This does not remove the rights of appeal for parents;

3.10 Vulnerable children and young people with a religious affiliation will be matched to a suitable school, wherever possible, but this will not override the protocol if the school is unable to take the child or young person, or if the child or young person identified for the school does not have that affiliation;

3.11 The educational needs of the child or young person will be paramount in deciding a placement; every effort will be made to ensure that transport costs are reasonable, cost effective and agreed with the Local Authority before the placement of a child or young person; and

3.12 The Local Authority will take account of any genuine concerns about the admission of vulnerable children and young people; for example a previous serious breakdown in relationship between the family and the school, or a strong aversion by the family to the religious ethos of the school.

## **4. Procedures**

4.1 To ensure that the needs of the child or young person and the needs of the school are taken into account the Local Authority has agreed with its schools the procedures for the implementation of the Key Principles. The general rule must be that if a child or young person moves into the area, outside of the normal admissions round, he/she attends a local school or the school named by the parents as their first preference. Head teachers must not refuse to admit a child or young person if there is a place available. It is only in exceptional circumstances that schools may refuse admission (see paragraphs 4.2 to 4.4 below). For schools which are their own admissions authorities Head teachers and Governing Bodies are asked to seek agreement from their Governing Body for a procedure whereby the Head in consultation with the Chair is empowered to make immediate decisions about the placement of a child or young person so that there is not a further period of absence from school.

4.2 The Code on Admissions (DfES) states that: Admission authorities must not refuse to admit children in or outside the normal admission round on the basis of their

behaviour elsewhere, unless paragraph 3.10 applies. They also must not refuse to admit a child thought to be potentially disruptive, or to exhibit challenging behaviour, on the grounds that the child is to first be assessed for special educational needs. The law disappplies the normal principle that parents' preferences are complied with only in the 'twice excluded' situation described in paragraph 3.10. If, following admission, a child is found to be seriously and persistently disruptive, the school may consider disciplinary action in the normal way, including temporary and, ultimately, permanent exclusion procedures. However, the school should always consider utilising the range of support services and Pastoral Support Plans (PSPs) and/or Individual Education Plans (IEPs) before excluding and be able to justify reason for not doing so if challenged. A child with challenging behaviour may also be disabled as defined in the Disability Discrimination Act 1995 and require reasonable adjustments to be made for them in the school or require particular support for any special educational needs.

4.3 Some undersubscribed schools may find that they have been required to admit an undue proportion of children with a recent history of challenging behaviour, which may have led to a permanent exclusion from another school. Implementation of a Fair Access Protocol will result in all schools admitting a more even share of such children, including children excluded from other schools.

4.4 Exceptionally, outside the normal year of entry, and where an application is made outside arrangements covered by a Fair Access Protocol, admission authorities may decide to refuse to admit a child with challenging behaviour even though there are places available, on the grounds that admission would prejudice the provision of efficient education or the efficient use of resources. This will normally only be appropriate where a school has a particularly high concentration of children with challenging behaviour or previously excluded children and one or more of the following exceptional circumstances exists, namely that the school:

- a) required special measures or has recently come out of them (within the last two years);
- b) has been identified by Ofsted as having serious weaknesses or requiring significant improvement and therefore given 'notice to improve';
- c) is subject to a formal warning notice;
- d) is a Fresh Start school or Academy open for less than two years; or
- e) is a secondary school where less than 30% of children are achieving 5 or more GCSEs at grades A\*–C, or a primary school where fewer than 65% of pupils achieve level 4 of above at Key Stage 2 in both English and mathematics for four or more consecutive years.

## **5. Managed Moves and Permanent Exclusions**

5.1 There is an expectation that Secondary schools will continue to collaborate with each other in their local 14-19 clusters but for practical and pragmatic reasons there may well be joint arrangements between individual schools or those in close geographical proximity. In Primary schools clustering arrangements exist and with the ever increasing emphasis being placed on collaborative partnerships, these arrangements may well become formalised as is at secondary level.

5.2 Schools in Wiltshire have collaborated with each other in both informal and formal arrangements involving the transfer of children and young people when it has been in the best interests of the child or young person. Many of these arrangements occur in preference to the child or young person being the subject of a permanent exclusion. In the past two terms have been used to describe these forms of

arrangement. One term 'Fresh Starts' applied to children or young people who had been permanently excluded. The other term 'Managed Moves' referred to those who were in danger of being permanently excluded. It is proposed within this protocol to refer to all such arrangements as '**Managed Moves**' with the emphasis placed on the arrangements being managed.

5.3 DfES Guidance on Exclusions from Schools and Pupil Referral Units (Sept 06) paragraph 7(d) states 'The head teacher may ask another head teacher to admit the pupil. This should only be done with the full knowledge and cooperation of all parties involved, including the parents, governors and the Local Authority, and in circumstances where it is in the best interests of the pupil concerned'.

5.4 At Secondary level all managed moves will involve the local YPSS manager in order to assist in supporting but not financing a successful integration. The local centre manager will hold a register of sending and receiving school and where possible attend any collaborative partnership meetings where a managed move is discussed. At Primary level similar arrangements will be made with the Primary Behaviour Support Service, with the team leader maintaining the register and where possible attending cluster meetings concerning managed moves.

5.6 When a child or young person is considered for a managed move a clear mutually agreed strategy will be drawn up between the schools and the local YPSS manager to ensure that the transfer is as smooth as possible. This will include any funding arrangements, transport arrangements (see transport section below), induction/placement arrangements and specifically designed clear outcomes for the managed move with fortnightly monitoring arrangements to ensure a smooth transition. Specifically defined outcomes for the transfer/move including review dates and an evaluation of the programme will be set as part of this strategy. Parents and the young person will be involved at all stages throughout this procedure.

5.7 At Primary level all managed moves will involve the sending and receiving schools area Education Welfare Officer, Primary Behaviour Support Service member and/or other LA staff as necessary (e.g. in the case of a traveller the appropriate representative from the Traveller Team). As at Secondary level a clear mutually agreed strategy will be drawn up between the schools to ensure that the transfer is as smooth as possible. This will include any funding arrangements, transport arrangements (see transport section below), induction/placement arrangements and specifically designed clear outcomes for the managed move with fortnightly monitoring arrangements to ensure a smooth transition. Specifically defined outcomes for the transfer/move including review dates and an evaluation of the programme will be set as part of this strategy. Parents and the young person will be involved throughout this procedure. All necessary paperwork should be forwarded to the Education Welfare Service.

5.8 In all Secondary Schools from September arrangements are expected for young people who receive fixed term exclusions for 6 days and more. Schools are expected to make arrangements to ensure that young people have suitable full-time education away from the school that has excluded them. Through the collaborative partnerships arrangements are being made to address this issue and these when formalised will be added to this protocol.

5.9 In Primary Schools few children receive a fixed-term exclusion for six days or more. Similar arrangements are being made which when complete will be included.

5.10 A draft sample managed transfer request form for school, parent and child/young person is attached at Appendix 1.

## **6. Funding Arrangements**

6.1 The Local Authority is working towards ensuring that local collaborative partnerships of schools manage and organise their own arrangements. This could in the future involve the Local Authority in the devolvement and delegation of resources and finances to support these local arrangements within the framework of this agreed protocol.

## **7. Transport arrangements**

7.1 In the case of a managed move the Local Authority must be consulted before any arrangements are made. The Local Authority Transport Department will not in any circumstances agree to any proposed arrangements unless they have been consulted. In the large majority of cases the transport costs of transfer to another school within the cluster partnership will be met by the Local Authority. If the school chooses to meet the child or young person's needs in an off-site provision, away from the school, then the cost of transport to this provision will be met from the AWPU.

7.2 The Local Authority will not fund transport arrangements arising from arrangements made for children and young people on work experience placements, college courses or those on flexible curriculum packages at Key Stage 4. In such cases it is the school's responsibility to fund these from the AWPU. In some cases parents may be willing to support their son or daughter. Funding will also not be made for children or young people who transfer as a result of parental choice. Parents are responsible for ensuring that their son or daughter gets to and from their new school.

## **8. Arrangements to ensure equity in schools**

8.1 If the child or young person is accepted as being vulnerable in accordance with this protocol, schools working together are advised to consider at a local level whose turn it is to admit the child or young person next. At Secondary level this will normally be through the current 14-19 collaborative partnership arrangements. Secondary head teachers are advised to use a single list of all young people for their area, to place both permanently excluded pupils and those who are vulnerable. This may well result in a points weighting system or ranking system so that some schools are not unduly pressurised to accept more than their fair share of young people on managed moves. In Primary clusters a similar system should be used to support schools to decide locally whose turn it is to admit a child under this protocol. This may result in both Secondary and Primary schools using data relating to such factors as the number of young people with statements, those on School Action Plus, the number of children eligible for free school meals or those on managed moves who have behavioural difficulties. Schools should therefore not normally be asked to admit more than one child or young person (either permanently excluded or vulnerable) in quick succession. Primary schools are unlikely to be asked to admit more than two children in any one year. The maximum number for any large Secondary will be ten but this is likely to be much less. In small Secondary Schools (380-850) head teachers working together are advised to ensure that they are not disadvantaged by taking more than their fair share of young people on managed moves because of their size.

8.2 As Wiltshire Local Authority has the legal power to direct a school to admit a child in its care they are not included in any point- weighted arrangements.

## **9. The Role of the Admissions Forum within this Protocol**

9.1 Section 85A of the School Standards and Framework Act 1998 requires all local authorities to establish an Admission Forum. Admission Forums provide a vehicle for admission authorities and other key interested parties to discuss the effectiveness of local admission arrangements, consider how to deal with difficult admission issues and advise admission authorities on ways in which their arrangements can be improved. Admission authorities of all maintained schools and Academies, when exercising their functions, must have regard to any advice offered by the Forum. Local authorities may establish a joint forum with one or more other local authorities to consider and advise on admissions in more than one authority area.

9.2 Admission Forums have a key role in ensuring a fair admissions system that promotes social equity and must, under section 84 of the School Standards and Framework Act 1998, act in accordance with this Code. The role of Admission Forums is set out in Regulations. Admission Forums must:-

- ◆ consider how well existing and proposed admission arrangements serve the interests of children and parents within the area of the authority;
- ◆ promote agreement on admission issues;
- ◆ consider the comprehensiveness and accessibility of the admissions literature and information produced for parents by each admission authority within the area of the forum;
- ◆ consider the effectiveness of the authority's proposed co-ordinated admission arrangements;
- ◆ consider the means by which admissions processes might be improved and how actual admissions relate to the admission numbers published;
- ◆ monitor the admission of children who arrive in the authority's area outside a normal admission round with a view to promoting arrangements for the fair distribution of such children among local schools, taking account of any preference expressed in accordance with arrangements made under section 86(1) of the School Standards and Framework Act 1998 and in accordance with this Code (see Chapter 3);
- ◆ promote the arrangements for children with special educational needs, children in care and children who have been excluded from school; and
- ◆ consider any other admissions issues that arise.

9.3 In discharging these responsibilities, Admission Forums should:

- ◆ refer an objection to the Schools Adjudicator where either it identifies policy, practice or oversubscription criteria of a school that may be unfair, unlawful or that contravene the mandatory provisions of this Code, or where their advice has been disregarded by admission authorities;
- ◆ review the comprehensiveness, effectiveness and accessibility of advice and guidance for parents by the local authority, both through the published composite prospectus and the delivery of Choice Advice ; and
- ◆ agree, promote and monitor local authority In-Year Fair Access Protocols for potentially vulnerable children including those previously excluded from school,

children in care, children with special educational needs and/or disabilities, children who are hard to place, and those who arrive in the area outside the normal admissions round.

9.4 Admission Forums have an important power, under section 85A(1A) of the School Standards and Framework Act 1998 (as inserted by section 41 of the Education and Inspections Act 2006), to publish an annual report to include:-

- ◆ a breakdown of preferences met by ranking (1st, 2nd, 3rd preference etc), and the main factors affecting whether preferences were met;
- ◆ the number of admission appeals made for schools in the area;
- ◆ the ethnic and social mix of pupils attending schools in the area, and factors which affect this;
- ◆ the extent to which existing and proposed admission arrangements serve the interests of vulnerable children;
- ◆ how well Fair Access Protocols are working and the number of children admitted to each school under the protocol;
- ◆ whether primary schools are complying with infant class size legislation;
- ◆ details of other matters that affect how fairly admission arrangements serve the interests of local children and parents; and
- ◆ any recommendation or recommendations that the forum wishes to make in order to improve parental choice and access to education in the local authority's area.

9.5 These reports are a valuable tool in ensuring an open and fair admission system as admission authorities must have regard to any advice published by the Admission Forum. The reports will be drawn upon by the Schools Commissioner in drawing up his two yearly national review of fair access. Admission Forum (England) Regulations 2002 (SI 2002/2900) as amended by SI 2007/192

## **10. Monitoring and Evaluation**

10.1 This protocol will be kept under review and information through quality assuring the service level agreements used to evaluate its success. The overall target for this protocol is to ensure equity across schools, improve the quality and range of provision for vulnerable children and young people and ensure that they are admitted to school as quickly as possible. Local collaborative partnerships will be expected to analyse the data for their area, provide solutions to local issues and ensure that all children and young people have suitable full-time education. This information and the action taken will be forwarded to the Local Authority Behaviour and Attendance Strategy Group which at present involves senior members from across the Department for Children and Education. This group monitors exclusions and attendance across the local authority and promotes the inclusion of vulnerable children and young people covered by this protocol.

10.2 This protocol will be monitored at least four times a year by the Behaviour and Attendance Strategy Group. The main focus of this monitoring will be to encourage school collaborative partnerships to develop consistent approaches and ensure an equitable system of placement across Wiltshire. Information from this monitoring will be fed into the Admissions Forum to support them in the discharge of their duties. Where difficulties or issues arise with the use of this protocol a nominated officer of the Local Authority will discuss these with the school's Head Teacher or within the collaborative

partnerships of schools to seek a resolution. If the matter cannot be resolved then it will be referred to the Behaviour and Attendance Strategy Group or Admissions Forum.

**Agreement:-**

Signed and agreed:

.....School

.....Head teacher

.....Chair of Governing Body.

.....date.

## Appendix 1

### ***Managed Move Request Form***

**PART A** – To be completed by the ‘home’ school

***Pupil’s Personal Details*** (please complete in **BLOCK CAPITALS**)

Surname: \_\_\_\_\_

Forename(s): \_\_\_\_\_

Male/Female: \_\_\_\_\_

Date of Birth: \_\_\_\_\_ / \_\_\_\_\_ / \_\_\_\_\_.

Year Group: \_\_\_\_\_

Is this a “Looked After Child”: Yes/No

SEN Stage: School Action / School Action Plus / Statemented (*Please circle*)  
If statemented, date of the statutory interim review and name of LA Officer attending: \_\_\_\_\_

Permanent Home Address: \_\_\_\_\_

Parent(s)/Guardians Name(s):  
Father: \_\_\_\_\_  
Mother: \_\_\_\_\_  
Guardian: \_\_\_\_\_

Telephone Number(s):  
Home: \_\_\_\_\_  
Mobile: \_\_\_\_\_  
Work: \_\_\_\_\_

Previous Schools Attended: \_\_\_\_\_ From \_\_\_\_\_ To \_\_\_\_\_  
\_\_\_\_\_ From \_\_\_\_\_ To \_\_\_\_\_  
\_\_\_\_\_ From \_\_\_\_\_ To \_\_\_\_\_

Current School: \_\_\_\_\_

**PART B** – To be completed by the parent(s).

Please tick the appropriate boxes below:-

Does your child receive Free School Meals?		Yes <input type="checkbox"/>	No <input type="checkbox"/>
<b>Ethnic Information (please tick)</b>			
<b>White</b>	<b>Mixed</b>	<b>Asian or Asian British</b>	
British <input type="checkbox"/>	<input type="checkbox"/> White and Black Caribbean	Indian <input type="checkbox"/>	
Irish <input type="checkbox"/>	<input type="checkbox"/> White and Black African	Pakistani <input type="checkbox"/>	
Traveller of Irish Heritage <input type="checkbox"/>	<input type="checkbox"/> White and Asian	Bangladeshi <input type="checkbox"/>	
Gypsy/Roma <input type="checkbox"/>	<input type="checkbox"/> Any other mixed background	Any other Asian background <input type="checkbox"/>	
<b>Any other White background</b> <input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
<b>1.1 Black or Black British Caribbean</b> <input type="checkbox"/>	<b>1.2 Chinese or other ethnic group</b>		
African <input type="checkbox"/>	Chinese <input type="checkbox"/>		
Any other Black background <input type="checkbox"/>	Any other <input type="checkbox"/>		

**Parents'/Guardians' Signature:**

I have attended a review meeting of my child's progress and agree that a managed transfer to an alternative school or provision is my preferred option. I would like to express a preference for my child to be transferred to the following:-

*(Please list in the order of your preference)*

First Preference: \_\_\_\_\_

Second Preference: \_\_\_\_\_

You may, if you wish, give reasons for your preference(s) below:

\_\_\_\_\_

\_\_\_\_\_

Parent/Carer's Signature: \_\_\_\_\_ Date: \_\_\_\_/\_\_\_\_/20\_\_.

Parent/Carer's Signature: \_\_\_\_\_ Date: \_\_\_\_/\_\_\_\_/20\_\_.

Please return the completed form to:

**PART D** – To be completed by the new school/provision

Name of school/provision: \_\_\_\_\_

Starting date for the trial transfer: \_\_\_\_/\_\_\_\_/20\_\_.

Any agreed attendance arrangements: \_\_\_\_\_

\_\_\_\_\_

End date for the trial transfer period: \_\_\_\_\_ / \_\_\_\_\_ /20\_\_\_\_ .

Date of final review meeting: \_\_\_\_\_ / \_\_\_\_\_ /20\_\_\_\_ .

Any transport arrangements: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Any other issues: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Signed: \_\_\_\_\_

Headteacher

Signed: \_\_\_\_\_

Parent(s)/Guardian(s)

Signed: \_\_\_\_\_

Admissions/Exclusions Officer

# Managed Move Request Form

## *Pupil Information*

Student \_\_\_\_\_ Date of Birth \_\_\_\_\_

Home School \_\_\_\_\_ Year Group \_\_\_\_\_

Date of Request \_\_\_\_\_

### Incidents in school that have given rise to concern:

Physical assault against pupil against pupil  Verbal abuse/threatening behaviour

Physical assault against adult against adult  Verbal abuse/threatening behaviour

Bullying  Racist abuse

Sexual misconduct  Drug and alcohol related

Damage  Theft

Persistent disruptive behaviour  Other

### Is the student at:

School Action  or  School Action Plus of the SEN Code of Practice?

*Is the student the subject of a statement?*

(Please provide latest IEP/PSP)

Date of last review / /20

Additional Information:

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Attendance \_\_\_\_\_ Actual \_\_\_\_\_ Authorised \_\_\_\_\_

Please attach recent certificate of attendance.

Please briefly outline what support mechanisms have been put in place prior to referral, using the Local Authority's guidance on interventions at school action/school action plus & attach a copy of the pupil's IEP and a report from appropriate Local Authority Officer.

School contact and responsibility \_\_\_\_\_

**Academic Ability:**

Please comment upon the student's progress in the following subjects with reference to national Curriculum attainment levels.

**KS3:**

<b>Subject</b>	<b>NC levels</b>	<b>KS2 SATS levels</b>
• English		
• Maths		
• Science		

**KS4:**

GCSEs / GNVQs currently being undertaken by the pupil. Please include details of syllabus and options.

Current assessment of performance – please indicate most recent assessment results, for example, modular tests and portfolio assessments.

**Agency Involvement:**

Level of vulnerability in accordance to the LA model.

Please indicate if the following agencies are involved with the student.

- Education Psychology    Contact \_\_\_\_\_
- Education Welfare        Contact \_\_\_\_\_
- Social Services            Contact \_\_\_\_\_
- CAMHS                      Contact \_\_\_\_\_
- Y.O.T.                        Contact \_\_\_\_\_
- Health                        Contact \_\_\_\_\_
- Other (please specify)    Contact \_\_\_\_\_

Headteacher's Signature \_\_\_\_\_  
Print Name \_\_\_\_\_

**Date**        /        /20

# **Appendix 2 Vulnerable Children and Young People with Statements of Special Educational Need and those In Care.**

## **1. Introduction**

1.1 Section 5.10 of the Schools Admissions Code of Practice (DfES, 2002) gives details of responsibilities for the Admissions Forum in relation to this issue:

Forums are also responsible for seeking to promote agreements on arrangements for dealing with a range of difficult issues, including how to ensure that potentially vulnerable children (such as looked-after children as defined in paragraph 7.22, or those who have special educational needs) are effectively provided for in admission arrangements. In particular, they are encouraged to discuss and agree protocols for the allocation of vulnerable children who arrive in the area outside the normal admission round, taking into account parental preference as much as possible. Similar consideration should also be given to the allocation of places to other children who arrive outside the normal admission round, when popular schools are full, and those who have been excluded from school (or who have a history of challenging behaviour), so that all schools play their part in accommodating these children. Once these agreements have been reached, the Admissions Forum is also required to monitor how well they are working, how quickly the children are found places and the contribution every school in the area is making.

1.2 This protocol outlines the LA's arrangements to ensure the above pupil categories are admitted on a fair and equitable basis to all schools. In all cases, admission authorities are expected to adhere to the requirements of this protocol.

## **2. Children in Care**

2.1 The Code recommends that the over-subscription criteria for all primary and secondary community and voluntary controlled schools should be amended to give first priority to looked-after children, as defined by Section 22 of the Children's Act 1989. This to take effect from September 2007. The admissions policy for all community and voluntary controlled schools will conform to this recommendation from that date.

2.2 All voluntary aided primary and secondary schools are also to be requested to amend their admission arrangements in line with the above.

2.3 Children in Care who require admission to a school outside of the normal admissions round will normally be offered a place at the school serving the address at which the pupil is living (the catchment area school), subject to the requirements of the Key Stage 1 class size limits. Admissions will normally be processed within ten days of the application.

## **3. Permanently Excluded Pupils**

3.1 All schools have already signed up to an agreement in the LA's Protocol on Fair Access, whereby they generally expect to admit a fair share of permanently excluded pupils. New procedures for the readmission of excluded pupils and managed transfers to alternative schools have been agreed with Headteachers. The collaborative partnerships will also consider other relevant factors, such as the distance from the home address to school and other pupil-related matters. A termly report will be presented to the Admissions Forum and the

Behaviour and Attendance Strategy Group to ensure that all schools do operate in line with this agreement and the requirements of this protocol.

#### 4. Pupils with Statements of SEN

4.1 The 1996 Education Act enshrined the rights of parents of pupils with statements of SEN to express a preference for the school they wanted their child to attend. An LA had to agree with the preference as long as the school could meet the needs of the pupil, it would not affect the efficient education of other pupils, and it was an efficient use of the Authority's resources.

4.2 The 2001 SEN and Disability Act now enshrines the rights of parents to have their child educated in a mainstream school. The LA cannot use the efficient use of resources as a reason for not agreeing to a parental preference, except in certain circumstances, usually involving additional resources, such as transport costs.

4.3 A statement of SEN has six parts. Part 4 is where the LA names the school/type of school which the pupil should attend. When a proposed statement is issued, Part 4 is left blank and the parents are invited to express a preference for the name and type of school which they want their child to attend. On receipt of the parental preference the LA consults the Governing Body.

4.4 The LA **must** consult the governing body of a school before naming it in a statement. If another authority maintains the school, the LA **must** also consult that authority. The LA should expect schools and other LAs to respond within 15 working days, unless the time period falls within a school holiday that is longer than two weeks. The LA should consider carefully any representations from governing bodies and other LAs.

4.5 If the consultation is the result of a parental preference for a particular school, the LA should consider any concerns that the governing body may have about meeting the child's special educational needs or about how the child's attendance might impact on the education of other children at the school, or the efficient use of resources. **However, the final decision as to whether to name the school falls to the LA.**

4.6 When the consultation is not as a result of a parental preference, the LA should consider any concerns that the governing body may have that the child's attendance might be incompatible with the efficient education of other children at the school and whether the governing body or the LA can take reasonable steps to prevent that incompatibility. **However, the final decision as to whether to name the school falls to the LA.**

4.7 The LA has a duty to name the parents' preferred maintained school in a statement so long as the conditions in Schedule 27 (set out in paragraph 8.62) are met. For example, the LA should not name a maintained school in a statement if the school is selective and the child does not meet the criteria for selection. The governing body of the school cannot refuse to admit a child solely because they have special educational needs.

4.8 If the LA, after representations from the parents, decides to name an independent or non-maintained special school, they will, of course, as part of the process of agreeing the placement, consult the school.

4.9 The LA should also consider carefully whether the admission of the child to a maintained mainstream school would take the school over the number fixed as the number of intended admissions for the year, which must not be less than the 'standard number' or 'approved admissions number', in other words, whether the school is already nominally full. Admitting children over this number might be incompatible with the provision of efficient education or the efficient use of resources. In some schools an additional child in a class would be incompatible with the efficient education of others, as there might not be enough physical

space, especially if all the children require particular aids that take up a lot of space. LAs must also comply with the class size legislation in infant classes. The LA should consider these points very carefully in cases where they are not the admissions authority for the school in question; that is, another authority maintains it or it is a voluntary aided or a foundation school.

4.10 Admissions over the number fixed for admissions in special schools may be more complex because the admissions number is expressed as a global total rather than per class or year group. In such cases, the LA should consider the number in the class to which the child would be admitted rather than the total for the whole school.

4.11 The Education and Inspections Act 2006 makes provision for school travel. In part 6 of the Act at Section 77 makes provision which is described in the DfES guide to the act as follows: --

"Section 77 Reduces the impact of transport as a barrier to parents from low-income exercising their choice of school. It improves and extends the offer of free transport that was first set out in the 1944 Education Act.

The Act places a new duty on local authorities to provide free transport for some of the most disadvantaged pupils (those eligible for free school meals, or those whose parents are in receipt of the maximum level of working tax credit) to attend any of the three suitable secondary schools closest to their home, where these schools are more than two (and less than six), miles away. Alternatively, pupils may choose a school up to 15 miles away, where this is the nearest suitable school preferred on grounds of religion or belief."

The entitlement to free school transport is now related to the concept of "eligible children."

An eligible child may be: --

- Child with special educational needs, a disability or mobility problems.
- The child who cannot reasonably be expected to walk because of the nature of the route.
- The child outside walking distance.
- The child was entitled to free school meals or whose parents are entitled to maximum working tax credits

In relation to the last of these bullet points for a child who is eight, but less than 11 the relevant walking distance is 2 miles, and in relation to a Child of 11 or all the relevant distance is more than 2 miles, but not more than six.

4.12 Where the LA names a residential provision at some distance from the parents' home and the local authority, transport to residential schools is always provided. This may be through reimbursing parents with petrol or oil costs, by a voluntary driver, public transport or taxied transport.

## **Appendix 3 Collaborative Partnerships and Cluster arrangements**

In this protocol there are two terms used to describe the current partnership arrangements that exist between schools. In Secondary Schools all schools are in 14-19 area collaborative partnership arrangements. These are :-

North Wiltshire  
West Wiltshire  
Salisbury  
Salisbury Area Plains

In Primary schools there are cluster arrangements. Most Primary schools are working collaboratively through their area head teacher meetings arranged through the 20 community areas in Wiltshire.

The local arrangements referred to in this protocol are based on the above definitions.