

Solihull In-year Fair Access Protocol

An interim protocol for placing hard to place pupils and children missing education

1. Protocol framework

- 1.1 This interim protocol for Solihull secondary schools will be considered by the Solihull Admission Forum, as required by the Education and Inspections Act 2007 and will be subject to extensive consultation and review with head teachers, governing bodies and other stakeholders before being published in the final form during the 2007/8 academic year.
- 1.2 This interim protocol draws upon the legal framework and the DfES guidance set out in the Admissions Code of Practice and the CME (Children Missing Education) regulations, and is adapted and in some cases extended to take account of the particular circumstances relating to schools in Solihull. The protocol develops current best practice and also draws upon input from secondary head teachers early in the drafting stage.
- 1.3 The Admissions Regulations allow for a child placed through an In-Year Fair Access protocol to supersede priorities set out in published admission arrangements.
- 1.4 An in-year fair access protocol means an arrangement for sharing the admission of hard to place children, which would apply to all admission authorities and academies within the area of a local education authority, who have agreed to comply with such an arrangement.
- 1.5 Hard to place children are defined as any child or any category of children as agreed to be included in the in-year fair access protocol on the basis that the children would otherwise be likely to be refused admission to a suitable school.
- 1.6 Regarding schools, which maintain a waiting list; the legal requirement is that the Local Authority's first duty is to ensure that each child in its area can secure access to education. A in-year fair access protocol supports the local authority in that duty while providing a more equitable system for allocation of places than the current existing processes.
- 1.7 There is no statutory requirement to maintain a waiting list but if the admission authority is offering places to children on one, this should be done in accordance with published admission arrangements. Children on waiting lists have, in many cases, already taken up a school place,

and have already had their preferences considered and complied with (ie refused admission but offered an appeal); whereas hard to place children may not yet have had a preference considered. For that reason, hard to place pupils should take precedence.

2. Key principles

- 2.1 This protocol applies to all 15 Solihull secondary schools, including voluntary aided schools, Grace Academy and the CTC.
- 2.2 All schools, academies and the CTC will play their part in admitting hard to place pupils; this will relieve pressure on schools where the published admission number has not been reached.
- 2.3 The fact that the published admission number may have been reached in a particular year group should not be given as a reason for not admitting a pupil under this protocol.
- 2.4 The majority of children requiring a school place will continue to be admitted to their local or preferred school where a vacancy exists, in accordance with the usual admission procedures, rather than through the protocol.
- 2.5 Based on the numbers of hard to place pupils identified in the 2006/2007 academic year, every secondary school is likely to be required to admit a maximum of four hard to place pupils in an academic year, except for a school in special measures.
- 2.6 Placement decisions will take account of the number of other hard to place pupils, recently admitted to the school in addition to general pupil mobility. Account will also be taken of the number of pupils permanently excluded from schools.
- 2.7 Hard to place pupils must be given priority for admission even if there are other pupils on a waiting list or awaiting an appeal.
- 2.8 Schools cannot insist that an admission appeal be heard before a child is admitted under the protocol.
- 2.9 Parents' views will be considered but will not override the protocol if the preferred school is unable to take the pupil.
- 2.10 The educational needs of the pupil will be the prime factor in deciding a placement but every effort will be made to ensure that transport costs are reasonable and cost effective.
- 2.11 The Local Authority retains the right to direct the governors of admission authority schools or to require the governors of voluntary aided and foundation schools (who have a statutory duty to comply with the Local Authority's decision to admit pupils) to admit a pupil, in

accordance with the provisions of Sections 96 and 97 of the School Standards and Framework Act 1998 and Section 497 of the 1996 Education Act.

3. Hard to place pupils

- 3.1 The School Admissions Code 2007 states “ In-year fair access protocols (formerly referred to as ‘hard to place pupil protocols’) exist to ensure that access to education is secured quickly for children who have no school place, and to ensure that all schools in an area admit their fair share of children with challenging behaviour. Along with devolved funding and responsibility for alternative provision, an agreed protocol encourages schools to work together in partnership to improve behaviour and tackle persistent absence.”
- 3.2 Pupils with special educational needs will be placed in accordance with the appropriate legislation by the Special Educational Needs Team in the Inclusion and Access Services Division.
- 3.3 In their guidance, the Department for Education and Skills (DfES) emphasises that the pupils covered by any protocol will be the ones who are hard to place in a school and who need to be admitted quickly. No list of pupils to be included within a protocol can ever be exhaustive but the following examples are based on DfES advice and the result of local consultations:
- (a) Children who may or may not have not been permanently excluded who are attending an education centre and who need to be reintegrated into mainstream education.
 - (b) Children who have been out of education for longer than 10 weeks.
 - (c) Children whose parents have been unable to find them a place after moving to the area, because of a shortage of places.
 - (d) Children of refugees and asylum seekers not in accommodation centres.
 - (e) Children with English as a second language or with no English.
 - (f) Homeless children, to include pupils living away from the family home.
 - (g) Traveller children.
 - (h) Children whose parents opted for an elective education programme but now wish to access a mainstream education place.

The majority of these children are likely to be KS3 but could be KS4 depending upon the timing of the application.

4. Process

- 4.1 The Admissions Team leader in consultation with the Children Missing Education Officer will consider each application for a school place in year and through the CME Virtual Team determine which pupils

applications should be considered as hard to place. Those applications considered to be 'normal moves' will be processed according to existing practice as set out in the admissions arrangements.

- 4.2 Applications for places in mainstream schools considered as being hard to place would be subject to this protocol. The determination of which mainstream school should be offered will be made in accordance with the determination of offer section below.
- 4.3 Once the nominated school is identified the CME Officer will approach the school with the details of the child to be admitted. Schools will be expected to respond to the request for admission within one week of being approached so as to avoid delaying the admission and avoid further extending the length of time the pupil spends out of school.
- 4.4 It is hoped that the majority of admissions can be processed in this way. In some very exceptional situations a nominated school may wish to put forward compulsive reasons as to why a particular admission would be inappropriate. Where these concerns cannot be resolved through discussions with the CME Team, the placement panel will be asked to make a final determination of placement.

5. Placement panel

- 5.1 A placement panel will be established to have regard to the requirements of this protocol, monitor its effectiveness and, where required, determine a placement where the local authority has been unable to secure the admission of a hard to place pupil with the school that it considers is appropriate in accordance with this protocol. The panel will convene once per term or more frequently if it is deemed necessary and will be chaired by a senior manager from one of the secondary schools.
- 5.2 All secondary schools will be invited to be represented on the panel initially. This is likely to be a member of the senior management team. Local authority representation will be drawn from CME, the Admissions Team, Inclusion and Access, Specialist Inclusion Support Service, Quality Division and the Education Welfare Service.
- 5.3 Chairs of Governors from secondary schools may be invited to observe, attending on a rotational basis.

6. Offer determination process

- 6.1 The schools will be ranked according to data taken for the 2006/7 academic year relating to such factors as the number of hard to place pupil taken, general levels of mobility and permanent exclusions. The ranking will be circulated to all schools.

- 6.2 The Admissions Manager and the Inclusions and Access Manager will jointly consider the circumstances of the pupils accepted as hard to place, and will determine which school should be approached to take the pupil. This will normally be the next school on the ranked list within a reasonable distance of the pupil's home after taking into account, where appropriate, the pupil's religious affiliation and any other factors specific to that pupil. When a school admits a pupil under the scheme, the school will be moved to the bottom of the list. The school will therefore not normally be asked to admit two pupils in quick succession.
- 6.3 As set out above where a school does not agree with this determination, the placement panel will consider the circumstances of the case before either confirming the placement or identifying an alternative.

7. Record keeping

- 7.1 The Admissions Team and the CME Officer will keep records of all pupils placed in accordance with the provisions of this protocol, together with all other placements. Schools may be asked for up to date information about recent admissions and departures of pupils. Information on placements will be provide to all secondary head teachers on a termly basis, and will be included in the annual report of the Admission Forum. It is in schools' interest to discuss with the local authority any admission that they feel should be given hard to place status.

8. Review of protocol

- 8.1 This is intended to be an interim protocol and will be subject to review through consultation with head teachers. The final protocol will be an integral element of the Schools Partnership currently under discussion with head teachers and should be considered as one of the strands of the much wider remit that the partnership is seeking to address.