

# Solihull Secondary Fair Access Protocol



## 1. Introduction and regulations

The School Admissions Code requires each local authority to have a Fair Access Protocol which has been agreed by the majority of the schools in its area. All state funded mainstream schools, which include Academies, Free Schools and Trust Schools are required to participate in their local authority's (LA) Fair Access Protocol. The protocol must ensure that, outside the normal admissions round, Solihull children who have not secured a school place, especially the most vulnerable, are offered places promptly and at a suitable school or provision. This could mean admitting children above the published admission number.

The list of children to be included in a Fair Access Protocol is to be agreed with the majority of schools in the area and must include the children of compulsory school age who have difficulty securing a school place.

## 2. Children subject to the Fair Access Protocol

The following list brings together the categories of children identified by the admissions code, and those defined locally, to identify which children will be considered through the Fair Access Protocol. This will only apply to children without a school place and resident in Solihull. Any children not resident in Solihull will be subject to arrangements made by their home local authority

- a) Children from the criminal justice system or Pupil Referral Units who need to be reintegrated into mainstream education.
- b) Children who have been out of education for two months or more.
- c) Children of Gypsies, Roma, Travellers, refugees and asylum seekers.
- d) Children who are homeless.
- e) Children with unsupportive family backgrounds for whom a place has not been sought.
- f) Children who are carers.
- g) Children with special educational needs, disabilities or medical conditions (but without a statement or education, health and care plan).
- h) Children whose native language is other than English.
- i) Children with a history of poor attendance (90% or less).
- j) Children with a history of challenging behaviour (evidence of a number of fixed term exclusions etc).
- k) Children unsuccessful in obtaining a school place through the normal admissions process.

This protocol is designed to provide a framework within which all schools in Solihull work together to admit their fair share of children that may need additional support and intervention to change school.

The protocol will ensure that a school or, in some cases, alternative provision is identified quickly.

Children placed through the Fair Access Protocol will be given priority for admission over others on a waiting list or those awaiting an appeal. There is no duty on admission authorities to comply with parental preference when allocating places through the Fair Access Protocol, although this will be a consideration where possible.

The LA will assess each in-year application and previous school history. All applications that do not satisfy any of the criteria set out in 2 (a)-(k).above will continue to be dealt with through the normal admissions process.

Generally schools can only refuse an application for admission if;

- The school is full to its admission limit for the year group and further admissions would cause prejudice to the provision of efficient education and use of resources, or
- The pupil has been permanently excluded from two schools and the most recent exclusion was within the previous two years.

If a school is refusing to offer a place to a child that does not satisfy the Fair Access Protocol criteria for any reason other than the two detailed above these reasons must be provided to the LA in writing and the LA may ask the Fair Access Panel to consider the case.

### **3. Fair Access Protocol process : Level 1**

Applications received from a Solihull child, new to the Borough, who satisfies the criteria set out in 2. above, will be processed as a level 1 Fair Access Protocol application.

Following receipt of a complete application, the LA will identify an appropriate school taking into consideration various factors. These factors may include: catchment-area, faith, location and accessibility of the school, number of Fair Access Protocol children (level 1 and level 2) previously placed, parental preference, mobility levels, vacancies and number of permanent exclusions.

The identified school will be asked to consider the admission under the Fair Access Protocol level 1. A response to the request is expected within 5 school days. If a place can be offered the child is expected to start within 5 school days. If the target school declines to admit the child the case is referred to the Fair Access Panel.

Where the target school does not respond to the LA request to consider an admission within 5 days, the LA will assume that the child can be offered a place. An offer letter will be sent to the parent explaining that the child is expected to start within a further 5 days. A copy of the offer letter will be sent to the school.

In cases where the school delays admission which leads to the LA being required to make interim provision the Fair Access Panel can agree that the LA recharge the school with the cost of the interim provision.

### **4. Fair Access Protocol : Managed Transfers - Level 2**

In some exceptional cases, applications for a change of school can be more complex. These applications will be recorded as level 2 and considered by the Fair Access Panel. Such cases are likely to include:

- Year 11 school applications for Solihull children new to the borough
- Children attending a Solihull school at significant risk of permanent exclusion
- Children on roll of a Solihull school where the head teacher believes that a permanent change of provision (another school or alternative provision) is in the best interest of the child. (Maybe as a consequence of very low attendance etc)
- Children wishing to return from a period of Elective Home Education

## **5. Fair Access Panel**

The Fair Access Panel has the following functions:

1. Consider level 1 applications where the LA and the target schools are in dispute and admission has not been secured.
2. Consider appropriate provision for level 2 applications, managed transfers and other requests from schools.
3. Consider all referrals from schools for alternative provision.

Referrals to the Fair Access Panel must be accompanied by a completed referral form and other associated documentation which the referrer deems necessary for the panel to make a decision about future placement needs.

The panel will consist of representatives from appropriate school/AP provisions and appropriate LA representatives

The Fair Access Panel will consider each case and agree a school or appropriate alternative provision for the child.

If the school determined by the panel will not admit the pupil or the panel cannot reach agreement as to which school should be offered, the LA will make a determination and seek a direction to admit the child through the appropriate channels.

In some cases, a child may be allocated a school but the parent does not accept the place. In this circumstance the school should hold a place and the case referred to the Education Enforcement Team who will consider issuing a School Attendance Order. The Order will name the school identified through the admissions process or the Fair Access Protocol. The child should not be put on to the school roll until they start to attend.

The identification and subsequent offer of a school place through the Fair Access Protocol does not remove a parent's right to appeal against any school's decision to refuse an application made through the normal admissions process.

Following notification of the panel's decision, the identified school should make arrangements to admit the child within 5 school days.

### **Alternative Provision**

The Fair Access Panel will consider all referrals for a place at Solihull Academy against the Academy's admission arrangements to determine which students should be offered places. It is anticipated that this process will result in a significant reduction in students being permanently excluded.

### **Monitoring and Reporting**

The Fair Access Panel will define a basic dataset that will be made available at each meeting. This is likely to include school level data on in-year admissions (normal, level 1 and level 2), vacancies by year group, permanent exclusions, in-year leavers (with reasons).

The Children Missing Education and Pupil Tracking Team will check the attendance of children placed by the panel to verify that children have started. Attendance will be reviewed after 12 months in order to facilitate reporting of the effectiveness of the Fair Access Protocol.

The Local Authority will monitor the effectiveness of the Fair Access Protocol and provide regular reports to the Director of Childrens' Services and the Fair Access Panels. This information will be used in the Local Authority's annual report to the Schools Adjudicator.

## **Finance**

Solihull Schools Forum has previously agreed a process whereby the pupil led element of funding follows the child when he/she moves between provisions. This transfer of funding presently takes place in a number of circumstances, and it is proposed that consideration is given to the funding deduction being applied in the case of all pupils removed from roll that remain in the area. This funding pot could then allow for all children transferring between local schools through the Fair Access Protocol to attract the AWPU.