FAIR ACCESS IN NORTH SOMERSET
FAIR ACCESS PROTOCOL

1. Introduction

Each Local Authority must have a Fair Access Protocol, agreed with the majority of schools in its area to ensure that - outside the normal admissions round - unplaced children, especially the most vulnerable, are offered a place at a suitable school as quickly as possible. In agreeing a protocol, the Local Authority must ensure that no school - including those with available places – is asked to take a disproportionate number of children who have been excluded from other schools, or who have challenging behaviour. The protocol must include how the Local Authority will use provision to ensure that the needs of pupils who are not ready for mainstream schooling are met.


2.1 The Fair Access Protocol will apply to all admission requests outside the normal admission round with the exception of:

1. a child with a statement of Special Educational Need (SEN) or Education Health Care Plan (EHCP) which names the school in question;
2. a looked after child or a previously looked after child.

Paragraph 3.12 of the School Admissions Code 2014 directs that such children must be admitted to the school in question and that the principles of Fair Access do not apply to such cases.

2.2 Admission authorities must not refuse to admit a child thought to be potentially disruptive, or likely to exhibit challenging behaviour, on the grounds that the child is first to be assessed for special educational needs.

2.3 The operation of Fair Access Protocols is triggered when a parent of an eligible child has not secured a school place under in-year admission procedures.

2.4 All admission authorities must participate in the Fair Access Protocol in order to ensure that unplaced children are allocated a school place quickly. There is no duty for Local Authorities or admission authorities to comply with parental preference when allocating places through the Fair Access Protocol, although, parents’ wishes will be taken into account.

2.5 The Protocol encourages the Local Authority and schools to work together in partnership to ensure children are placed in the most appropriate placement as soon as possible. This protocol incorporates guiding principles against which to place children who may have difficulty securing a school place outside the normal admissions round.

2.6 Paragraph 2.9 of the School Admissions Code 2014 states that Admission authorities must not refuse to admit child solely because:

a) they have applied later than other applicants
b) they are not of the faith of the school in the case of a school designated with a religious character
c) they followed a different curriculum at their previous school;
d) information has not been received from their previous school; or
e) they have missed entrance tests for selective places.

3. The North Somerset Context
3.1 This protocol covers all admission requests outside the normal admissions round and applies to all North Somerset maintained schools including Academy, Community, Foundation, Free Schools, Voluntary Controlled and Voluntary Aided schools.

3.2 In line with the requirements set out in paragraph 3.15 of the School Admissions Code 2014 the following criteria will be used for a North Somerset resident child of statutory school age that is being considered for allocation under this protocol:

- Children from the criminal justice system or Pupil Referral Units who need to be reintegrated into mainstream education;
- Children who have been out of education for two months or more;
- Children of Gypsies, Roma, Travellers, refugees and asylum seekers;
- Children who are homeless;
- Children with unsupportive family backgrounds for whom a place has not been sought;
- Children who are carers;
- Children with special educational needs, disabilities or medical conditions (but without a Statement or EHCP).

3.3 Whilst it is recognised that children that fall into the categories identified above may be vulnerable, not all children meeting a particular criterion will be vulnerable and require assistance to access a school place. The majority of children will be dealt with through standard admission procedures. Other children not listed above may also experience difficulties in attaining a school place, the majority of whom will also be admitted through routine admissions procedures operated by admission authorities or their agents. This Protocol will work as a failsafe for a minority of children who, for whatever reason, may find it particularly difficult to access a school place.

3.4 These children may have challenging behaviour. This will be defined as:

- serious criminal behaviour resulting in a conviction or a police caution within the previous two years preceding the request for a school place;
- behaviour resulting in a permanent exclusion within the last two years preceding the request for a school place;
- behaviour resulting in a significant number of fixed term exclusions e.g. one per term or one significant incident (or other evidenced and accepted in-house alternative intervention) from which it is clear that the child is at serious risk of permanent exclusion within a period of at least one year preceding the request for a school;
- children with additional needs that have presented one of the above behaviours, who are being assessed for an EHCP.

3.5 Children who have been out of education for 2 months or more are defined as children who have had no access to any education provision for a period of time. Children who have previously been Electively Home Educated (EHE) or attending an alternative provision have had access to education and so cannot be considered under this criterion.

3.6 Where a child has attended mainstream school and parents have opted to Electively Home Educate, the child will be removed from roll. Where possible, children who have been EHE and are now requesting to go back into mainstream school, a placement will be sought at the child’s most recently attended school.

3.7 Schools cannot refer to oversubscription of school places as a reason for not admitting a pupil under a Fair Access Protocol. Equally, no school, including those with places available,
is asked to take a disproportionate number of children in each year group who have been excluded from other schools or who have challenging behaviour or who are known to have a history of behavioural problems.

3.8 Schools must notify the Local Authority of a Fair Access Protocol Referral within the agreed timeframe of **7 calendar days** so that the admission of the pupil is not delayed. Schools should not insist on an appeal being heard before admitting a child under this Protocol. Please note: Calendar days is both within term time and school holidays.

3.9 Where a Governing Body does not wish to admit a child with challenging behaviour outside the normal admissions round, even though places are available, it must refer the case to the School Admissions Team for action under the Fair Access Protocol. This will normally only be appropriate where a school can provide evidence that it has a particularly high proportion of children with challenging behaviour and that evidence is supported by the School Admissions Team. In such cases, the School Admissions Team will refer the case for consideration to the Fair Access Panel. Any children that are without any form of education will be referred to the Out of School Panel.

3.10 Wherever possible, pupils with a religious affiliation should be matched to a suitable school (which could result in the school being asked to admit over PAN).

4. **Standard In-Year Admission Procedure**

4.1 Most applications will be considered under the usual admissions procedures. Applications will be considered up to PAN or another agreed limit. Looked after children and previous looked after children will be admitted to the preferred school even if the school is above PAN or other agreed limit as long as the admission does not prejudice provision of efficient education or the efficient use of resources.

4.2 A school should confirm a decision to the admission request within ten working days to parents/carers and School Admissions. Section 2.22 of the School Admissions Code states: Own admission authority schools must, on receipt of an in-year application, notify the local authority of both the application and its outcome, to allow the local authority to keep up to date figures on the availability of places in the area. The admission authority must also inform parents of their right to appeal against the refusal of a place. (School Admissions Code section 2.22).

5. **In-Year Admission Procedure for Identified Fair Access**

5.1 The Local Authority will ensure that no school is asked to admit a disproportionate number of unplaced children with challenging behaviour and will not expect a school to automatically take another child with challenging behaviour in the place of a child excluded from the school (paragraph 3.14 School Admissions Code 2014).

5.2 Pupils will be allocated to both under and over-subscribed schools on a fair, equitable and consistent basis.

5.3 All managed moves will be reported and monitored through Out Of School Panel.

5.4 A scoring system will be used to assist in making decisions about where to place children whilst also ensuring compliance with section 3.9 of the School Admissions Code. The higher the score, the higher the proportion of complex cases that the school cohort has in relation to their percentage share of the cohort. The colour shading is automatically generated based on the score. Dark red is the highest score and green the lowest.
The data is calculated by taking into account the total number of places in the cohort across the whole of North Somerset (PAN/admission level), how many children are currently on roll in any year group by school and calculating the percentage of the overall cohort in each school as compared with the whole of North Somerset.

The number of complex cases at the school will also be taken into account and this will be divided by the percentage of overall cohort in North Somerset to calculate a score.

For example, for school A, that has a PAN of 100, with 93 pupils on roll in year 7, they have 7 vacancies and 12.8% of the total number of year 7 children in North Somerset, in their school. Having 2 children with complex needs in that year group which equates to a score of 15.6. Based on this and the option of three schools with a lower score rating, school A would be less likely to be asked to admit the child.

An example of the scoring system is set out below:

<table>
<thead>
<tr>
<th>School</th>
<th>PAN</th>
<th>Number of roll</th>
<th>Spaces</th>
<th>School’s % of total cohort in North Somerset</th>
<th>Current number of complex cases (Managed Transfers / Fair Access / Agreed Complexity cases attending school with a start date within the last 6 months)</th>
<th>Rating (current number / % of cohort)</th>
</tr>
</thead>
<tbody>
<tr>
<td>A</td>
<td>100</td>
<td>93</td>
<td>7</td>
<td>12.8%</td>
<td>2</td>
<td>15.6</td>
</tr>
<tr>
<td>B</td>
<td>150</td>
<td>154</td>
<td>-4</td>
<td>21.2%</td>
<td>2</td>
<td>9.4</td>
</tr>
<tr>
<td>C</td>
<td>200</td>
<td>201</td>
<td>-1</td>
<td>27.6%</td>
<td>1</td>
<td>3.6</td>
</tr>
<tr>
<td>D</td>
<td>100</td>
<td>99</td>
<td>1</td>
<td>13.6%</td>
<td>3</td>
<td>22.0</td>
</tr>
<tr>
<td>E</td>
<td>180</td>
<td>180</td>
<td>0</td>
<td>24.8%</td>
<td>2</td>
<td>8.1</td>
</tr>
<tr>
<td>Total</td>
<td>730</td>
<td>727</td>
<td>3</td>
<td>100%</td>
<td>10</td>
<td></td>
</tr>
</tbody>
</table>

6. Reintegration into Mainstream Schools

6.1 Pupils should not be reintegrated to mainstream schools unless they are ready and schools should not be required or pressured into taking a pupil until their behavioural problems have been assessed, suitably addressed and they are ready to take the step back into a mainstream setting. Reintegration cases from a Pupil Referral Unit will be considered at the Out of School Panel. In addition, some pupils may benefit from an early start in a further education college or other setting.

6.2 As an over-arching principle in placing pupils, North Somerset Council will balance the requirement to consider the circumstances of the individual pupil with finding a place quickly. Depending on the circumstances, admissions requests for children dealt with by this protocol will normally be resolved within 15 calendar days of the date of the recommendation.

Note: The desire to meet this timescale should not override a comprehensive consideration of the needs of individual pupils and a subsequent decision about which school or setting will be best able to meet their needs.

7. Transport
7.1 Transport will be considered on an individual basis as part of the decision.

8. **Parental Preference**

8.1 There is no duty to comply with parental preference when allocating places through the Fair Access Protocol, but the wishes of parents are taken into account. A parent can apply for a place as an in-year admission at any point and is entitled to an appeal when a place is not offered.

9. **Decisions**

9.1 Any decision made with regards to a Fair Access Protocol case, will be binding on all admissions authorities.

10. **Review**

10.1 North Somerset Admission arrangements will be subject to regular consultation and review. PHANS and SHINS will monitor the effectiveness of the Protocol and consider how well existing and proposed admission arrangements serve the interests of children and parents in North Somerset.
Fair Access Protocol Cases Scenario 1 – when a child meets Fair Access criteria

All admission authorities must contact the parent/carer to notify them that their application is being considered under the fair access protocol and that this is a separate process from the normal admissions procedures.

Application received

Consider application under Fair Access Protocol

If child meets one of the FAP criteria

Offer a place within PAN

- Send the application to North Somerset Council with notification of the outcome either in the form of a copy of the letter sent to the applicant or an Own Admissions Authority decision form.
- Arrange a date with applicant for the child to start at school.

Offer a place above PAN

- Send the application to North Somerset Council with notification of the outcome either in the form of a copy of the letter sent to the applicant or an Own Admissions Authority decision form.
- Notify the Out of School Panel about the fair access child that has been taken on roll.
- Arrange a date with applicant for the child to start at school.

Notify the applicant that the child’s application will be considered under the FAP.

If child does not need one of the FAP criteria

Follow the process for ‘North Somerset Normal In Year admissions’

The child has challenging behaviour

Follow the process for ‘North Somerset Complex In Year admission’

Complete FAP referral form to be considered at Out of School Panel
- Refer applicant to North Somerset Council for further advice

Fair Access Protocol Scenario 2 – child doesn’t meet Fair Access criteria but admitting them would mean that the school has taken a disproportionate number of children who have been excluded from other schools, or who have challenging behaviour.

All admission authorities must contact the parent/carer to notify them that their application is being considered under the fair access protocol and that this is a separate process from the normal admissions procedures.

**Application received**

Consider application under Fair Access Protocol, the child does not meet one of the set criteria:

- Offer a place within PAN.
  - Send the application to North Somerset Council with notification of the outcome either in the form of a copy of the letter sent to the applicant or an Own Admissions Authority decision form.
  - Arrange a date with applicant for the child to start at school.

- Offer a place above PAN, as the current percentage of Fair Access Protocol children within the school is not a significant number.
  - Send the application to North Somerset Council with notification of the outcome either in the form of a copy of the letter sent to the applicant or an Own Admissions Authority decision form.
  - Arrange a date with applicant for the child to start at school.

- Refuse when the school has a space within PAN, but has already admitted a significant number of FAP pupils. Refuse admission on the grounds that it would cause prejudice to the provision of efficient education and/or the efficient use of resources.
  - Send the application to North Somerset Council with notification of the outcome either in the form of a copy of the letter sent to the applicant or an Own Admissions Authority decision form.
  - Complete FAP referral form to be considered at Out of School Panel
  - Refer applicant to North Somerset Council for further advice

- Refuse when a school is at capacity or over capacity, and has already admitted a significant number of FAP pupils. Refuse admission on the grounds that it would cause prejudice to the provision of efficient education and/or the efficient use of resources.
  - Send the application to North Somerset Council with notification of the outcome either in the form of a copy of the letter sent to the applicant or an Own Admissions Authority decision form.
  - Complete FAP referral form to be considered at Out of School Panel
  - Refer applicant to North Somerset Council for further advice
Below is the process the local authority will follow when they decide to direct an own admission authority school to take.

1. Application received and processed by admissions authority

2. Admissions authority offers a place (within 10 school days from receipt of application and notify the local authority within 7 calendar days.)

3. Admissions authority determines it wishes to refuses admission (within 15 calendar days from receipt of application)

4. Local authority informs academy of intention to request a direction (within 10 working days from receipt of refusal)

5. Academy sets out reasons for refusal in writing to local authority within 15 calendar days or 7 days for a child in care (as per DfE guidance Fair access protocols in school admissions November 2012), of receiving intention of LA to apply to Secretary of State to direct to take

6. Local authority applies for a direction to the EFA from Secretary of State putting forward a case for and against (academy has seven days to make further representations).

7. Secretary of State does not direct academy to take, alternative school to be identified by the local authority.

8. Secretary of State directs academy to take
**Fair Access Protocol Form**

Please be aware that parents can ask to see any information supplied, and if it was agreed not to admit this pupil, this information could form part of the school appeal paperwork.

### 1. Child’s details

<table>
<thead>
<tr>
<th>First name (s)</th>
<th>Middle name (s)</th>
<th>Last name</th>
<th>Date of birth</th>
<th>Year Group</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Address</th>
<th>Postcode</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
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</tbody>
</table>

<table>
<thead>
<tr>
<th>Last school/education provision attended</th>
<th></th>
</tr>
</thead>
</table>

Please give details of any agencies involved with this child/family
(e.g. locality team, social care, educational psychology, YOT, connexions, EOTAS etc)

### 2. Reason for referral

<table>
<thead>
<tr>
<th>The school is unable to admit a pupil that you believe falls under the Fair Access Protocol</th>
<th>Yes</th>
<th>No</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
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</tbody>
</table>

<table>
<thead>
<tr>
<th>The school has already admitted a pupil that you now believe falls under the Fair Access Protocol (for record purposes)</th>
<th>Yes</th>
<th>No</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Have the parents been informed about this referral</th>
<th>Yes</th>
<th>No</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
<td></td>
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</tbody>
</table>

### 3. Full report

Please attach a full report, and any supporting information, to this form stating:

- a) Why you feel your school should not admit this pupil, **OR**

- b) If you have already admitted the pupil, what outcome you would like to see?

Please note that this could be shared with parents if you haven’t already discussed your report with them.
4. **Fair access protocol criteria**

Please tick which of the following issues currently affect this pupil that mean, in your opinion, they come under the Fair Access Protocol.

- Children from the criminal justice system or Pupil Referral Units who need to be reintegrated into mainstream education.
- Children who have been out of education for two months or more.
- Children of Gypsies, Roma, Travellers, refugees and asylum seekers.
- Children who are homeless.
- Children with unsupportive family backgrounds for whom a place has not been sought.
- Children who are carers.
- Children with special educational needs, disabilities or medical conditions (but without a Statement or EHCP).

5. **Referred by**

<table>
<thead>
<tr>
<th>Name</th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Job title</td>
<td></td>
</tr>
<tr>
<td>School</td>
<td></td>
</tr>
<tr>
<td>Date</td>
<td></td>
</tr>
</tbody>
</table>

6. **Completed forms**

Please return your completed form to the School Admissions Team.

- **Email** admissions@n-somerset.gov.uk
- **Postal address** North Somerset Council, School Admissions, Walliscote Grove Road, Town Hall, Weston-super-Mare, BS23 1UJ.

The panel decision will be shared with the referrer, parent, Vulnerable Learners Service and School Admissions Team.