

## Somerset Fair Access Protocol for Admission to Schools for the Academic Years 2020- 2023

### Legislation

The February 2007 Admissions Code placed a duty on each local authority to develop a Fair Access Protocol (FAP). The latest revision of the Code restates the principles and scope of the Protocol. All admission authorities (state funded schools) **must** participate in their Local Authority's Fair Access Protocol. Where Somerset's Protocol refers to 'schools' this relates to all state funded schools including Academies and Free Schools.

### Key principles of Fair Access Protocols (DfE School Admissions Code)

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 and vulnerable children, are offered a school place as quickly as possible. All admission authorities **must** participate in the Fair Access Protocol including Academies and Free Schools who are required to abide by the locally agreed Fair Access Protocol under their funding agreements.

Unplaced children are those not on a school roll, whose parents have been unable to secure a school place using usual in year admissions procedures. It is generally expected that parents will have applied to all the schools within statutory walking distance of their home address.

In all cases, the LA's duty to safeguard the child is paramount. Children out of school may be at risk; schools, with the Admissions & Entitlements Team, Education Safeguarding Service and any other relevant representatives of the Local Authority must do their utmost to ensure that children are not out of school for extended periods of time.

The agreed protocol must ensure that the best interests of the child are of paramount importance while ensuring 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<sup>1</sup>.

A school will not be required to automatically take another child with challenging behaviour in the place of a child permanently excluded from the school.

It is recognised that successful models have a protocol developed and agreed with schools and academies, data shared with all schools and academies so that the process is transparent, panels that include Head Teachers that meet on a regular basis in areas to discuss individual pupils and partnerships. All Admission Authorities must provide a representative who is able to participate in discussions and make decisions on placing children via the protocol.

---

<sup>1</sup> Challenging behaviour will normally be defined as behaviour resulting in a number of fixed term exclusions and/or where the previous school indicates a serious behaviour issue; or children in receipt of High Needs Funding for SEMH or ASD.

## Operating the Fair Access Protocol

Where it has been agreed that a child will be considered under FAP, a school place must be allocated for that child within 20 school days and schools should arrange for children to start as soon as possible. The flow charts (appendices 1a, 1b & 2) set out actions required of schools and the local authority in order to meet this aim.

### 1. Categories of children to be included in the Protocol

Fair Access Protocols may only be used to place the following groups of vulnerable and/or hard to place children, where they are having difficulty securing a school place in-year, and it can be demonstrated that reasonable measures have been taken to secure a place through the usual in-year admission procedures:

<b>Categories of children to be included in the Fair Access Protocol</b>	<b>Level 1</b> Usual In Year Admissions Procedure	<b>Level 2</b> In Year Admission under Fair Access - placement by the Admissions and Entitlements Team	<b>Level 3</b> In Year Admission under Fair Access - placement by the area Allocation Panel
a) children from the criminal justice system <sup>2</sup> or Pupil Referral Units or alternative provision <sup>3</sup> who need to be reintegrated into mainstream education			√
b) children who have been out of education for four or more weeks where it can be demonstrated that there are no places available at any school within a reasonable distance of their home. This does not include circumstances where a suitable place has been offered to a child and this has not been accepted. (Not including children registered as EHE whose parents are responsible for providing education)		√	

<sup>2</sup> Young people returning from secure accommodation

<sup>3</sup> Education outside of school, when arranged by LAs or schools, is called alternative provision. It can range from pupil referral units and further education colleges to voluntary or private sector projects.

c) children of Gypsies, Roma, Travellers, refugees and asylum seekers		√	
d) children who are homeless		√	
e) children for whom a place has not been sought due to exceptional circumstances		√	
f) children who are carers		√	
g) children with special educational needs, disabilities or medical conditions (but without a statement or EHCP)		√	
h) children living in a refuge or in safe accommodation at the point of being referred to the Protocol		√	
i) children with a Child in Need Plan or a Child Protection Plan* at the point of being referred to the Protocol		√	*√
j) children who have been refused a school place on the grounds of their challenging behaviour and referred to the Protocol		√	
k) children known to the police and a number of other agencies eg county lines involvement		√	
l) Year 6 and Year 10 pupils (from summer term)		√	
m) Year 11 pupils		√	
n) children moving between Somerset schools who are at risk of permanent exclusion <sup>4</sup>			√
o) children with poor attendance of 85% or less in the current or previous academic year		√	
p) children who have been			√

<sup>4</sup> Only children previously discussed by an area PEVP / Allocation Panel or Partnership Board will be considered as at risk of permanent exclusion. It is expected that schools will refer a child for support if they consider a child to be at serious risk of permanent exclusion.

permanently excluded from school but are deemed suitable for mainstream education			
---	--	--	--

Where children fall into 4 or more of the level 2 categories consideration may be given to whether they should be discussed by the area Allocation Panel. Children for whom a School Attendance Order is required may be discussed at the area Allocation Panel.

## **2. Deciding when to refer an application for action under the Fair Access Protocol**

(Under the School Admissions Code all schools and Academies must notify the Local authority of every application and every outcome. The SCC in year procedures should be followed in all cases)

2.1 The operation of the Fair Access Protocol is triggered when the information provided by a parent on an In Year application form or other information obtained by a school following receipt of an In Year application form leads to the Admission Authority taking the decision to refuse to admit a child because the child has challenging behaviour and the school already has admitted a particularly high number of children with challenging behaviour compared to other local schools. Or where the LA identifies a vulnerable child who has been unable to secure a placed using normal In Year admission procedures and whose parent consents to FAP being triggered.

The majority of children requiring a school place will continue to be admitted to their local school in accordance with the usual admission procedures, rather than through this Protocol.

This protocol does not apply to children who do not live in Somerset as Somerset Local Authority has no responsibility for the education of non-resident children. The parent of a child refused admission in this case has the right to appeal to an independent school admission appeal panel. However, in exceptional circumstances the area Allocation Panel may agree to consider a case.

2.2. The Fair Access Protocol is not a means for admission authorities to avoid their legal responsibilities to meet parental preference. Therefore, where a parent requests a school place and the school has a vacancy in the relevant year groups, there is no need for the application to be referred under the Fair Access Protocol unless the requirements set out in paragraph 2.3 apply.

2.3. Where an Admission Authority does not wish to admit a child with challenging behaviour (as defined in footnote 2) outside the normal admissions round it must refer the case to the Admissions & Entitlements Team for possible action under the Fair Access Protocol by email as soon as possible, but in the case of an Own Admission Authority not more than 10 school days after the initial approach or in the case of a VC or Community School not more than 5 school days. This will normally only be appropriate where the school can provide evidence that it has a particularly high proportion of children with challenging behaviour or previously excluded children. The LA will take no action under the Fair Access Protocol when a child is already on roll at a school within a reasonable distance of their home address as such children are not unplaced.

2.4. Paragraph 2.3 does not apply to a child looked after; a previously looked after child<sup>5</sup> or a child with a statement of special educational needs (SEN) naming the

<sup>5</sup> The term only refers to looked after children who were adopted (or subject to residence orders or special guardianship orders) immediately following having been looked after.

school in question, as these children **must not** be refused admission on the basis of challenging behaviour. Admissions 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 SEN<sup>6</sup>. In deciding whether a child is ready for mainstream school, the child must be placed on roll and admitted to school in the first instance, where their needs can be assessed, before seeking appropriate support from the relevant agencies.

2.5 Those children for whom English is an additional language will not be considered as “challenging” under the Somerset Fair Access Protocol.

### 3. Fair Access Protocol Arrangements

On receipt of the In-Year application form by the school, the Governing Body / Admissions Committee / Academy Trust will consider the request within the timescale published in the Admission Authority’s admission arrangements.

If the admission of the child is agreed but the child ticks one of the fair access categories above, the school may wish to request the Admissions and Entitlements Team log the admission under equitable share at level 2. The school should identify the primary fair access category when contacting the team.

If the admission is refused on the grounds the child has challenging behaviour and the school already has a particularly high proportion of children with challenging behaviour, the Admission Authority should notify the Admissions and Entitlements Team who will determine whether the case needs to be considered under this protocol. Early discussion with the Admissions and Entitlements Team is recommended.

3.1 For children considered under level 1 usual In Year Admission procedures apply.

3.2 For children refused a place at level 2 the Local Authority Admissions & Entitlements Team will consider the case, advise the parent/s and if the child remains unplaced will, if appropriate, request a school place demonstrating fair and equitable share. The In-Year Team with the Team Leader or Service Manager will determine the placement using the equitable share data detailed in appendix 3, seeking to protect any one school from a disproportionate number of placements of children with challenging behaviour. In addition, where possible, the team will also take account of the circumstances of the individual pupil. In deciding a placement every effort will be made to ensure that transport arrangements, which may be the responsibility of parents, are reasonable and cost effective.

3.3 Children considered by the Admissions and Entitlements Team to meet the criteria under level 3 will be referred to the Area Allocation Panel. The Allocation Panel will determine a school place. Places will be identified using the equitable share data detailed in appendix 3, seeking to protect any one school from a disproportionate number of placements of children with challenging behaviour. In addition, where possible the panel will also take account of the circumstances of the individual pupil and which school will be best able to meet their needs. In deciding a placement, every effort will be made to ensure that transport arrangements, which may be the responsibility of parents, are reasonable and cost effective. If the panel agree the pupil is not ready for admission to

---

<sup>6</sup> DfE Statutory Guidance School Admissions Code

mainstream school, alternative provision will be offered to parents. See appendix 3 – Terms of Reference for Somerset Area Allocation Panels.

3.4 The departmental guidance from the DfE, 'Fair Access Protocols: Principles and process' expects that all parties will act with a sense of urgency to identify a school place for any child who has difficulty securing one or who falls under the Fair Access Protocol. All schools including Academies are expected to respond with a decision to requests by Local Authorities to admit under Fair Access protocols within seven calendar days.

3.5 There is no duty for local authorities or admission authorities to comply with parental preference when allocating places through the Fair Access Protocol, but parents' views should be taken into account and children should be placed in a school that is appropriate to any particular needs they have. The parent of a child still has a right to apply and appeal to an independent school admission appeal panel for their preferred school/s even if the child has been offered a school place via FAP.

3.6 The fact that the Admission Number has been reached or exceeded cannot be given as a reason for not admitting a pupil under this protocol.

3.7 It is acknowledged that some schools may hold waiting lists during the academic year. There is no requirement for a child who has been refused a place on the grounds of their challenging behaviour and referred to the Local Authority under FAP to be added to the school's waiting list. However, the DfE School Admissions Code requires children being placed by the Local Authority under Fair Access to have priority over children on a waiting list.

3.8 Schools must not require that a school admission appeal be heard before a child is admitted under the protocol and must not refuse a child on the basis that a school admission appeal was previously unsuccessful.

3.9 Statutory powers of direction and the rights of schools to object to the Schools Adjudicator are set out on pages 7 and 8.

3.10 Should a school feel within the first term following admission that a pupil falls into one of the categories listed under the Fair Access Protocol and is displaying challenging behaviour; contact should be made with the Admissions and Entitlements Team. Evidence will be required. If agreed the admission will be added to the equitable share data against the school. Please note that no additions to the equitable share data will be possible beyond the first term following admission.

3.11 The Local Authority is required to include an overview of admissions under the Fair Access Protocol and identify any issues in its operation in its annual report to the Schools Adjudicator.

#### **4. Record keeping**

A record will be kept of all pupils that fall into a vulnerability category or are placed using this protocol on Capita ONE (please note that level 2 admissions will only be logged if requested by schools). The Admissions & Entitlements Team, Access Casework Officer and SEN Team will log all relevant admissions on to each child's 'relocation tab'. For equitable share<sup>7</sup> purposes this will include those that fall into any of the categories (a) to

---

<sup>7</sup> Equitable share is defined as the even distribution of children with challenging behaviour within the context of other local schools. Comparison of data between local schools will be considered when requesting places under Fair Access.

(p) listed in this protocol, permanently excluded pupils placed by PEVP/Allocation Panel/SEN Team and successful managed transfers when notified to the area Access Casework Officer. Approaches and actual admissions to schools will be logged under the appropriate level. The following information will be recorded:

- All approaches for children that meet the fair access criteria made to schools under this protocol
- All admissions to schools of children that meet the fair access criteria under this protocol
- Category and level under which the child falls
- Team that has made the approach e.g. Admissions, Access or SEN
- Current status of the approach
- Notice to direct date

Approach dates and on roll dates will be recorded and will provide data on the length of time the process has taken. Area equitable share data will be sent with each approach for a place under fair access. Reports will also be produced as necessary/on demand and shared with all schools and relevant partners. Schools are required by the School Admissions Code to notify the Local Authority of all In Year applications and admissions to ensure that the Local Authority has up to date records of numbers on roll in all year groups and are aware of any children who may not have a school place. It is also requested that schools alert the Local Authority to children they believe are without education provision if they become aware of them, for safeguarding purposes.

## **5. Area Allocation Panels**

The role of the Allocation Panel is to consider level 3 cases. To agree a mainstream school place or, for children for whom the panel decide are not ready to be integrated into mainstream education, a place at a Pupil Referral Unit. The panels will also monitor the number of Fair Access placements and record managed transfers within its area when schools notify the Area Casework Officer of a successful fresh start. Notification of a successful managed transfer must include the reason for the fresh start e.g. at risk of permanent exclusion or very poor attendance.

The Local Authority will offer alternative provision for any unplaced child via the Allocation Panel while negotiations with schools under this protocol are on-going if a place has not been agreed with a school within 20 school days.

## **6. Training and Guidance for Schools**

The Local Authority will offer training in all aspects of the Somerset Fair Access Policy to all Governors and to school staff on request. See appendix 4 for details.

## **7. Escalation Procedures**

The Somerset School Admissions Escalation Procedure is explained via the flowchart in appendix 4. If a school fails to respond or refuses to admit a pupil within 7 calendar days of being asked to take a pupil under the Fair Access Protocol, the escalation procedure will be initiated. In cases where a parent is unhappy with the type of provision agreed, the decision may exceptionally be reviewed by the Allocation Panel but there is no further right of appeal. Please note that if a parent is in agreement with the decision to return their child to a mainstream school but is not in agreement with the school identified there will be no further review of the decision by the Allocation Panel and parents will be advised of their right to apply for their preferred school using normal in year admissions procedures.

## **8. Powers of Direction**

The School Admissions Code summarises the powers of direction given to LAs under sections 96 and 97 of the 1998 Education Act, and the differing requirements in relation to admissions to Academies:

**3.16 Local authority powers of direction (general)** - A local authority has the power<sup>8</sup> to direct the admission authority for any maintained school for which they are not the admission authority to admit a child in their area even when the school is full. The local authority can only make such a direction in respect of a child in the local authority's area who has been refused entry to, or has been permanently excluded from, every suitable school within a reasonable distance. The local authority **must** choose a school that is a reasonable distance from the child's home and from which the child is not permanently excluded. It **must not** choose a sixth-form that selects by ability unless the child meets the selection requirements, or a school that would have to take measures to avoid breaking the rules on infant class sizes if those measures would prejudice the provision of efficient education or the efficient use of resources.

**3.17** Before deciding to give a direction, the local authority **must** consult the governing body of the school, the parent of the child and the child if they are over compulsory school age. If, following consultation, the local authority decides to direct, it **must** inform the governing body and head teacher of the school. The governing body can appeal by referring the case to the Schools Adjudicator within 15 days. If it does this, the governing body **must** tell the local authority. The local authority **must not** make a direction until the 15 days have passed and the case has not been referred.

**3.18** If the case is referred to the Adjudicator, the Adjudicator may either uphold the direction or determine that another maintained school **must** admit the child. The Adjudicator's decision is binding. The Adjudicator **must not** direct a school to admit a child if this would require the school to take measures to avoid breaking the rules on infant class sizes and those measures would prejudice the provision of efficient education or the efficient use of resources.

**3.19 Local authority powers of direction (looked after children)** - A local authority also has the power<sup>9</sup> to direct the admission authority for any maintained school in England to admit a child who is looked after by the local authority, even when the school is full. The local authority **must not** choose a school from which the child is permanently excluded but may choose a school whose infant classes are already at the maximum sizes.

**3.20** Before deciding to give a direction, the local authority **must** consult the admission authority of the school it proposes to direct. The admission authority **must** tell the local authority within 7 days whether it is willing to admit the child. If, following consultation, the local authority decides to direct, it **must** inform the admission authority, the governing body (if the school is a voluntary controlled or community school), the local authority that maintains the school, and the head teacher. The admission authority can appeal by referring the case to the Schools Adjudicator within 7 days. If the child has been permanently excluded from two other schools and the most recent exclusion was within the previous two years, the governing body (if the school is a voluntary controlled or community school) may also refer the case to the Adjudicator. The admission authority or governing body **must not** refer the case unless it considers that admitting the child would seriously prejudice the provision of efficient education or the efficient use of resources. If the admission authority or governing body does refer the case, it **must** tell the local authority that looks after the child.

---

<sup>8</sup> Sections 96 and 97 of the SSFA 1998

<sup>9</sup> Sections 97A-C of the SSFA 1998.



The local authority **must not** make a direction until the 7 days have passed and the case has not been referred.

3.21 If the case is referred to the Adjudicator, the Adjudicator may either uphold the direction or determine that another maintained school in England **must** admit the child. The Adjudicator's decision is binding. The Adjudicator **must not** direct an alternative school to admit a child unless the local authority that looks after the child agrees, nor if the child is permanently excluded from that school, nor if the admission of the child would seriously prejudice the provision of efficient education or the efficient use of resources.

3.22 **Secretary of State power of direction (Academies)** - Where a local authority considers that an Academy<sup>10</sup> will best meet the needs of any child, it can ask the Academy to admit that child but has no power to direct it to do so. The local authority and the Academy will usually come to an agreement, but if the Academy refuses to admit the child, the local authority can ask the Secretary of State to intervene. The Secretary of State has the power under an Academy's Funding Agreement to direct the Academy to admit a child and can seek advice from the Adjudicator in reaching a decision<sup>11</sup>.

The process for escalation where an academy refuses to admit a child under the Fair Access protocol is as follows:

- Local Authority (LA) must complete and send the appropriate Education Funding Agency form for consideration of a request to direct admission to the Academy with supporting evidence
- The EFA will inform the Academy that it has received a request for a direction and will ask for any further evidence to be supplied within 7 calendar days

All Academies are subject to their funding agreements which say they must abide by the locally agreed Fair Access protocol.

## Review

The Local Authority will request the sign up of schools every 3 years. In the event that the majority of schools can no longer support the principles and approach of the Fair Access Protocol, schools should initiate a review with the Local Authority via SASH and/or, SAPHTO. The existing protocol remains binding on all schools until the majority sign up to a revised version. The Local Authority may make amendments without consultation if required to comply with any revision to the School Admissions Code or associated legislation.

## Publication

The Fair Access Protocol will be published on the admissions page of the Somerset County Council website and will form part of the In-Year admission arrangements for all state funded schools in Somerset.

## Contact

Queries regarding the operation of the Protocol should be directed to the Admissions & Entitlements Team at [SchoolAdmissions@somerset.gov.uk](mailto:SchoolAdmissions@somerset.gov.uk)

## Background papers

<https://www.gov.uk/government/publications/school-admissions-code--2>

<sup>10</sup> 'Academies' means Academy Schools and includes Free Schools

<sup>11</sup> 25(3A) of the SSFA 1998

## Appendix 1a

### In Year Admission process for Own Admission Authorities for admissions for 2020-2023

(The details are for the Own Admission Authority to agree ensuring they are in line with the statutory requirements of the School Admissions Code)

All schools to distribute standard in year application form or own form if preferred, to parents on request. Somerset Direct to advise parents to request forms from schools.

Application form is returned to the school by parent.

Meetings with parents must be managed by schools outside the admissions process in order to be in line with the School

**School notifies LA of receipt of application\*\***

**\*\* This is a statutory requirement of the School Admissions Code**

**Own Admission Authority's Academy Trust / Governing Body / Admissions Committee to consider the application in line with published admission arrangements \*\***

**If Yes -** school sends out standard offer letter within school's published timescale\*

**If No – Year Group up to Admission Limit and/or to admit a further child would prejudice the efficient use of resources / provision of education -** school sends out standard refusal letter and appeal instructions within school's published timescale

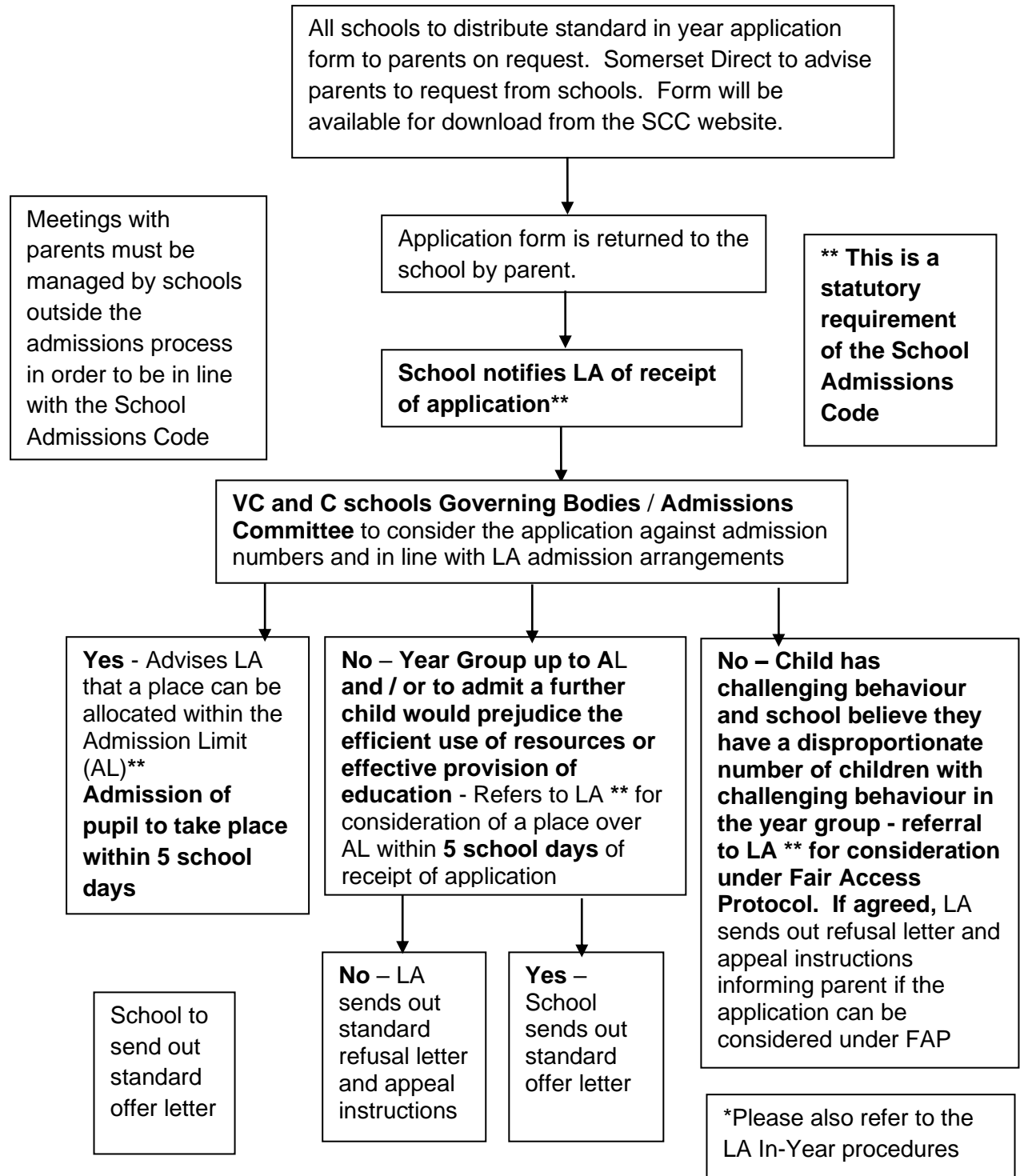
**If No –** Child has challenging behaviour and Admission Authority believe they have a disproportionate number of children with challenging behaviour in the year group already –**Discussion with LA for consideration under Fair Access Protocol -** school sends out refusal letter and appeal instructions within published timescales informing parent if the application has been referred to the LA for consideration under FAP

**Advises LA whether a place has been allocated or not \*\*** within the school's published timescales

\* LA would consider it good practice to admit pupils with 5 school days to prevent CME  
  
Please also refer to the LA In-Year procedures

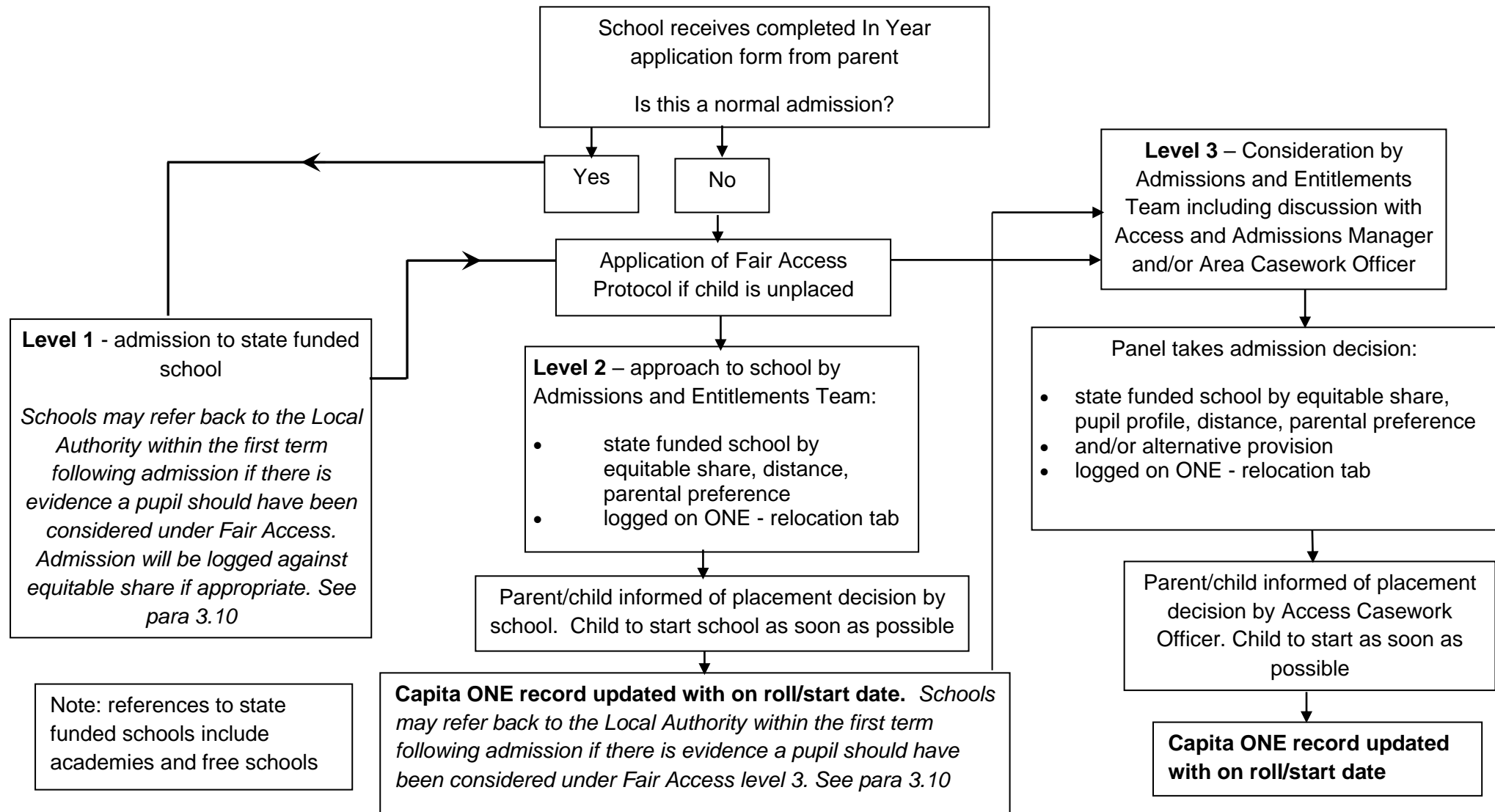
## Appendix 1b

### In Year Admission process for Voluntary Controlled and Community schools for 2020 - 2023



**Appendix 2**

**IN YEAR ADMISSIONS – Fair Access**



## Appendix 4

### Terms of Reference for Somerset Area Allocation Panels (2020-2023)

Note: These terms of reference are part of the Somerset Fair Access Protocol for Admission to Schools.

#### 1. Role of the LA

- 1.1 To ensure full time provision for permanently excluded pupils and other Level 3 pupils under the Somerset Fair Access Protocol.
  - Permanently excluded pupils (from day six of a permanent exclusion);
  - Unplaced pupils under Fair Access Protocol.
- 1.2 To provide a fair and equitable and open method of allocation of school places for these vulnerable pupils, that is as simple and transparent as possible.
- 1.3 To reduce the amount of time such pupils spend without a school place or education provision and to enable the pupil to engage with the next placement as soon as possible.
- 1.4 To take into account the Somerset Core Standards and Special Educational Needs Code of Practice where these are appropriate.
- 1.5 To take informed and realistic decisions about where pupils should be placed, ensuring the placement is appropriate to the pupil's needs.

#### 2. Remit of the Area Allocation Panel

- 2.1 To receive information about such pupils in 1.1 above and potential receiving schools and make a judgement to:
  - 2.1.1 Allocate a place in a mainstream school; or
  - 2.1.2 Refer to the area alternative provision service:
    - the local area Pupil Referral Unit
  - 2.1.3 In appropriate cases, to defer a decision until the outcome of statutory assessment is known. The Local Authority's SEND Statutory Panel will determine appropriate provision where a pupil has an Education Health Care Plan.
  - 2.1.4 Panels must allocate a place for children referred to them who are not receiving any education provision within 20 school days from the point of referral and schools should make arrangements for children to start as soon as possible.

### 3. Structure and Process

- 3.1 The Panel forms an integral part of the allocation process. Information is gathered from the appropriate sources and is considered as soon as possible.
- 3.2 Membership of the Panel will be:
- Area Pupil Referral Unit (PRU) Head Teacher
  - Access and Admissions Manager (Chair)
  - All area secondary Head Teachers or their representative (representatives **must** be able to agree places at their school at the meeting)
  - Primary Head Teacher or representative as invited (All primary head teachers of schools identified as possible receiving schools will be invited)
  - Area Access Casework Officer
  - Other relevant PRU staff
  - Education Safeguarding Service representative for any School Attendance Order cases
- 3.3 The Access and Admissions Manager or a nominated representative will chair panels. The chair will summarise the discussions in each case, confirm a decision reflecting the view of the Panel and authorise the commissioning of alternative provision as necessary.
- 3.4 The Panel will meet twice a term. Where there are no pupils to be placed the meeting will be cancelled.
- 3.5 The Access Casework Officer will present the facts of the cases to the Panel.
- 3.6 The agenda with, the paperwork for the cases to be discussed, will be uploaded to Professional Choices one week before the panel meeting by the Access Casework Officer and will be accessible to attendees.
- 3.7 For pupils who may require a school place a general approach to the appropriate schools will be sent by e-mail, notifying the year group and geographical area of the pupils being considered. Head Teachers or representatives are invited to respond and will be able to present information concerning their school to inform Panel discussions about the pupil's next placement. As Head Teachers and their representatives will have access to the full paperwork on each case on Professional Choices one week in advance of the meeting they will be able to consider offering a place to a specific pupil either in advance of the meeting or at the meeting.
- 3.8 Panel meetings will be serviced by the Access Casework Officer and outcomes uploaded to Professional Choices for access by attendees within 2 school days after the panel. Parents will be notified of outcomes by phone and/or letter and any professionals involved in the case will be emailed the outcome.

- 3.9 Only mainstream Head Teachers or their representative are able to vote for the identification of a school or Pupil Referral Unit placement in the event that there is no general consensus and a vote is required.

#### **4. Information Protocol**

- 4.1 In order to make an accurate assessment as to the appropriate placement for a pupil the following information will be collected and considered about the pupil and potential receiving schools that have been identified by the Access Casework Officer:

##### Information about the pupil

- EHA (Early Help Assessment, where appropriate)
- Pupil Profile.
- Attendance Record (current or previous school and liaising with Education Welfare Service as appropriate).
- PSP, IEP, PEP, Incident /behaviour List.
- Other information as appropriate eg assessment information, exam information
- Reports from Social Care, EWO, EP, Health, Learning Support etc.
- Exclusion paperwork
- Home visit report
- Parental preference with reasons.
- Exit statement from excluding school.

##### Equitable share data

- Distance from home address
- Approximate transport cost and journey time
- Number of children on roll
- Number of challenging pupils placed under Fair Access by the LA (Via previous PEVP/Allocation Panel for the current academic year and previous 4 years. This includes those currently in the approach stage and those admitted. For those admitted, children will be logged against the academic year they went on roll. Account will be taken of the size of the school in relation to the number of approaches and admission to ensure proportionality)
- Level 2 admissions for the current and previous 2 years when requested for inclusion by school to the Admissions and Entitlement Team
- Number of children by year group at risk of permanent exclusion as reported by the schools to the Access Casework Officer at the start of each term (only those discussed at TAS and/or partnership boards will be accepted as at risk of PEx)
- OFSTED status
- Successful managed transfers notified to the Access Casework Officer for the current and previous 3 years.
- Number of children permanently excluded from each school in the current academic year and previous 4 years (Under statutory guidance FAP may not operate a one in one out system)

- In addition, the view of the excluding or current Head Teacher if available and any information or comments from the potential receiving schools may be considered.

The Access Casework Officer will collate the above information and upload to Professional Choices.

- 4.2 In exceptional circumstances, the following factors may be taken into consideration in relation to primary placements, but may not be the major factor in determining the placement of a child:
- Published Admission Number and Admission Limits
  - Accommodation.
  - Class sizes

Governing bodies/Trusts of Community, Voluntary Controlled, Voluntary Aided, Foundation and Academy / Free schools must implement any decision made by the panel relating to the admission of these pupils, in accordance with the Statutory School Admissions Code and in line with the agreed timescales.

- 4.3 Schools deemed 'inadequate' under Ofsted and where behaviour problems are a significant issue, will not be considered as possible receiving schools for one year following the judgement. Schools may still offer to admit a pupil.

- 4.4 In certain circumstances, the Access Casework Officer may approach schools informally to try to secure a place outside of the panel arrangements, in particular where the pupil would benefit from a swift return to school and minimal support. Any places offered outside the panel arrangements will be reported at the next meeting and logged for equitable share purposes.

## **5. Escalation Procedures**

- 5.1 The Somerset School Admissions Escalation Procedure is explained via the flowchart in Appendix 4. If a school fails to respond or refuses to admit a pupil within 7 calendar days of being asked to take a pupil under the Fair Access Protocol, the escalation procedure will be initiated.

## **6. Powers of Direction**

- 6.1 The School Admissions Code summarises the powers of direction given to Local Authority's under sections 96 & 97 of the 1998 Education Act, and the differing requirements in relation to admissions to Academies. Please refer to section 7 of Somerset FAP.

## **7. Funding for Receiving School**

- 7.1 Where pupils have been permanently excluded, schools will receive:



- The remainder of the AWPU funding calculated pro-rata.
- The remainder of any outstanding High Needs Funding allocated to a pupil, calculated pro-rata.

## **8. Monitoring of Effectiveness of Allocation Panels**

- 8.1 An annual audit will be made of all the decisions taken by the area Allocation Panels for the annual LA report to The Schools Adjudicator. In addition, area Head Teachers may agree to discuss the data at their area Partnership Board.

## **9. Access to Full Time Provision**

- 9.1 Pupils should be admitted onto the roll of the identified provision as soon as possible and within 20 school days of agreement to admit.

## **10. Satellite Provision**

West Somerset schools and the Frome Community Learning Partnership have been delegated funding to make alternative provision arrangements for children living in those areas and to fulfil certain statutory responsibilities on behalf of the Local Authority. In relation to children that meet the criteria for discussion at Allocation Panel that live in these areas decisions and funding of provision will be the joint responsibility of the schools in those areas. Both areas operate their own meetings and schools in those areas should always refer to their local arrangements in the first instance.

## Appendix 4

### Somerset County Council School Admissions: fulfilling LA duty as ‘Champion of Parents and Pupil

