

## Introduction

The Department for Education School Admissions Code 2021 advises that “*Each local authority **must** have a Fair Access Protocol (IYFAP) to ensure that unplaced and vulnerable children, and those who are having difficulty in securing a school place in-year, are allocated a school place as quickly as possible.*” Following an update to the categories eligible for referral under the IYFAP within the updated School Admissions Code, primary schools in Halton have been consulted in accordance with paragraph 3.15 of the Code and agreement has been reached by the majority of primary schools.

## Key Principles of the In-Year Fair Access Protocol:

- recognises that the majority of applications will likely be normal in year admission requests and that referral under the protocol will not be required (i.e. where a place is available the child will be admitted) and also recognises that schools can proceed with admission prior to referring eligible cases to Panel should they not believe that the admission of the child would cause prejudice. *In these instances the admission will be recorded as a ‘pre-agreed’ IYFAP placement where the LA is notified;*
- recognises the vulnerability and needs of unplaced children and the duty of the LA to ensure suitable educational provision for all children and young people resident in the borough;
- aims to support safeguarding of children and young people by admitting to school, as quickly as possible and without delay, those children identified as being vulnerable and/or hard to place;
- quickly identifies children eligible for referral under the Protocol and ensures they are referred, case considered and a place is allocated within the **statutory 20 school day deadline** (paragraph 3.21 of the Code);
  - ensures that no school, is asked to take a disproportionate number of children eligible for referral to the scheme under the agreed criteria including where the preference school is oversubscribed.
- promotes an ethos of collective responsibility, with all schools and the LA working together effectively, as a community, to place and support vulnerable pupils in our borough; and
- recognises that parents and carers are entitled to seek a new school place for their child, at any time, but, where possible, reduces the amount of pupil movement across schools within the borough, to assist with delivering the best outcomes for every child.

## 1.0 Eligibility for consideration under the Protocol

In accordance with paragraph 3.17 of the Code, Fair Access Protocols may only be used to place the following groups of *unplaced* children, where they are having difficulty in 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 (*evidenced by all schools within a reasonable distance from home in Halton being oversubscribed within the year group or the referring school providing evidence which demonstrates*

*challenging behaviour). Otherwise, if a school has vacancies within the year group a place should be offered."*

- A. Children either subject to a Child in Need Plan or a Child Protection Plan or having had a Child in Need Plan or a Child Protection Plan within 12 months at the point of being referred to the Protocol;
- B. children living in a refuge or in other Relevant Accommodation at the point of being referred to the Protocol;
- C. children from the criminal justice system;
- D. children in alternative provision who need to be reintegrated into mainstream education or who have been permanently excluded but are deemed suitable for mainstream education. *Parents will be asked to complete a Permanent Exclusion Re-integration Application Form, which will identify three preference schools. This will be returned directly to the School Admissions Team who will contact the preference schools and ask if they are willing to place the child. Where less than three preferences are included the School Admissions Team will identify the closest eligible schools to the home address and include them in the process, ensuring three schools are identified. The schools must decide to either; place the child (with the placement being recorded on the IYFA data sheet); or, refer the child to the IYFA Panel and to provide a statement for that Panel as to why they are unable to offer a place to this child within the requested year group. Following a placement decision, the Local Authority will offer support to help ensure the placement is successful. This may include support around a transition timetable supported by one to one tuition, or some short term funding if appropriate. The Education Welfare Service can offer support and advice if needed. It is in everyone's interest to ensure that the child settles well and is supported as appropriate in school, so the LA will be part of regular reviews of the placement for the first 6-8 weeks to help ensure the placement is successful.*
- E. children with special educational needs (but without an Education, Health and Care plan), disabilities or medical conditions.
- F. children who are carers;
- G. children who are homeless;
- H. children in formal kinship arrangements. *Evidenced by a child arrangements order not relating to either a birth parent or special guardianship order;*
- I. children of, or who are, Gypsies, Roma, Travellers, refugees or asylum seekers;
- J. children who have been refused a school place on the grounds of their challenging behaviour and referred to the Protocol in accordance with paragraph 3.10 of the Code.
- K. children for whom a place has not been sought due to exceptional circumstances. *These will be children for whom a local authority officer makes an application due to the circumstances of the case, for example where an education welfare officer makes an application as part of a school attendance order;*
- L. 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; and

M. previously looked after children for whom the LA has been unable to promptly secure a school place. *This will normally only be necessary where the LA is considering exercising their powers of direction under paragraph 3.23 of the Code, in order to avoid unnecessary delay to the allocation of a place for the child.*

**1.2** The admission of children in the care of a Local Authority (LA) and those previously in the care of an LA (including those children who appear to have been in state care outside of England prior to being adopted), and children with an EHCP naming the school within the plan, follow separate processes and are therefore not covered by this policy.

**1.3** To assist with the collection of this information and in order to help to identify eligible applications, all parents and carers, when submitting an application, will be required to complete a

Halton Primary In-Year Application Form, ensuring that the relevant Fair Access Information section is correctly completed.

\*For the purposes of this protocol, an *unplaced* child refers to a child:

- moving into the borough for whom a school place is being sought;
- a Halton resident child, seeking re-integration to mainstream education, following a period of elective home education or having been formally off the roll of a Halton School for four weeks or more and for whom there is no school place available within a reasonable distance; or
- a Halton resident child for whom an alternative school place is sought, due to their current school being an unreasonable distance from their new home address following a move within the borough.

## **2.0 Composition and mechanism of the Primary In-Year Fair Access Panel**

**2.1** The Local Authority, on behalf of the HAPH Executive, will identify the IYFA Panel for each half-term period, comprising four Headteachers (1 from Widnes East, 1 from Widnes West, 1 from Runcorn East and 1 from Runcorn West planning areas) and a reserve Headteacher should the referral be from one of those schools.

**2.2** Upon receipt of a referral the Panel will be contacted by the school admissions team to arrange a date for the IYFA Panel to be held. The panel will consist of four headteachers who will make the placement decision. A member of the school admissions team will chair the meeting, but will not influence the decision.

**2.3** Whilst the Panel is not obliged to offer a place at the parent/carer's preferred school, where it is fair and proportionate to do so, there is an expectation that parental preference would be met.

## **3.0 Referral to the Primary In-Year Fair Access Panel**

**3.1** Upon receipt of an in-year application that meets the eligibility criteria for referral under the protocol, the Headteacher of the preference school must arrange for the Initial Referral Details section of the Primary IYFAP Referral Form (Appendix A) to be completed in full and then emailed, along with a copy of the original application form, to the School Admissions Team at [schooladmissions@halton.gov.uk](mailto:schooladmissions@halton.gov.uk).

**3.2** The local authority will write to the parent to advise that their application has been referred to Panel under the agreed protocol and advising that they will normally be notified of the Panel decision within ten school days of the referral

**3.3** The School Admissions Team will verify the request, and will complete the Admissions Information section of the form. The completed form and any supporting documents will then be emailed to the designated members of the Primary In-Year Fair Access Panel prior to the agreed panel date.

**3.4** The Panel will consider the following factors in coming to their placement decision for the child:

- information within the Primary IYFAP Referral Form and the Primary In Year Application Form (Appendix C);
- placements to date, ensuring a fair and transparent distribution of children placed under the Protocol, across all schools (this will be updated after each placement and indicated on the Primary IYFAP Referral Form);
- where a child has been permanently excluded, the additional supporting information provided by the three identified schools;
- reasons for why the parent requested a new school and for their preference (taken from the application form); and

## **4.0 Notification of Panel outcomes**

**4.1** The placement school will be notified formally of the Panel decision by email and will be asked to arrange a start date, ensuring the child is placed within ten school days of that notification.

**4.2** The placement decision of the Panel does not override the parent/carer's right to appeal, and where preference has not been met, the Local Authority will advise the parent of their right of appeal in writing within the placement decision letter that is sent.

**4.3** All partners will be advised of the outcome of the Panel's decision and provided with an up-to-date placement table by email.

## **5.0 Further consultation**

In accordance with paragraph 3.22 of the Code, in the event that the **majority** of schools in Halton no longer support the local IYFAP, a review should be initiated by the schools with the LA. To enable this, the admission authority of a school must email the [schooladmissions@halton.gov.uk](mailto:schooladmissions@halton.gov.uk) email address to formally notify the LA that they no longer support the Protocol, detailing the main reason for no longer supporting the Protocol. The LA will maintain a record of these emails including the date the notification is received, the school(s) concerned and the main reason provided. Any admission authority wishing to view the record may do so at any time by emailing [schooladmissions@halton.gov.uk](mailto:schooladmissions@halton.gov.uk) and requesting an up-to-date copy of the document. Where such emails are received from the majority of admission authorities in the borough within an academic year, the LA will open formal consultation with all admission authorities in the borough to attempt to reach a majority agreement on a revised IYFAP. Until a new IYFAP is adopted, the current IYFAP remains binding on all admission authorities and their schools within the borough.