

Halton Secondary In Year Fair Access Protocol

Implementation: 1st November 2021

(Updated October 2024)

Introduction:

The School Admissions Code 2021 (*referred to as the Code from this point forwards in this document*) states in paragraph 3.14 that “*Each local authority must have a Fair Access Protocol 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.*”

Halton’s Secondary In-Year Fair Access Protocol is agreed and will be adhered to by all schools. For this document “all schools” is defined as all maintained mainstream schools, Academies and Free Schools in the borough. This Protocol is legally binding and is underpinned by Code. All schools must participate in this scheme to ensure unplaced children, especially the most vulnerable, are placed in school as quickly as possible following identification of a placement school through the protocol and the protocol will ensure that all schools admit a fair share of children who meet the criteria for consideration under the scheme. This includes, where necessary, the admission of children to schools in which the year group requested is already full or oversubscribed.

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

- moving into the borough for whom a school place is sought;
- a Halton-resident child seeking re-integration to mainstream education following a period of time within a Pupil Referral Unit;
- A Halton-resident child who has been formally off school roll for four or more weeks where it can be demonstrated that there are no places available at any Halton school within a reasonable distance of their home;

The admission of children in the care of a local authority (LA) and those previously in the care of an LA, and children with an Education, Health and Care Plan (EHCP) naming the school within the plan, follow separate process and are therefore not covered by this policy. Year 7 children can also not be considered under this scheme until the co-ordinated secondary scheme has ended (31st December of that academic year), therefore their application will be treated as a late secondary application until after that time.

It is the responsibility of admission authorities to ensure that all admission arrangements are compliant with the Code. Where a school is the admission authority, this responsibility falls to the governing body or Academy Trust.

Key Principles of the Protocol:

- 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;
- ensures compliance with the revised School Admissions Code (2021);

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- Continues to centralise the coordination of secondary in year applications within the LA, ensuring a fairer and more transparent system of placing vulnerable children and reducing the risk of a child being missed and left without a school place for an unreasonable period of time;
- 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);
- quickly identifies children eligible for referral under the protocol, within ten school days where possible or fifteen at a maximum (paragraph 2.30 of the Code) and they are referred in a timely manner for consideration by the In-Year Fair Access Panel, with parents receiving a placement decision from the Panel within twenty school days (paragraph 3.21 of the Code);
- ensures that no school, including those with places available, is asked to take a disproportionate number of children eligible for referral to the scheme under the agreed criteria. Allocations will therefore be made on a proportional basis in accordance with the schools' numbers on roll at each census capture point;
- 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
- 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 criteria 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 vulnerable and/or hard to place 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 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; (This application will be supported by The Bridge School)

- E. children with special educational needs (but without an Education, Health and Care plan), disabilities or medical conditions; (The referring school will be required to evidence why the child's needs cannot be met and should consult the SEND Team before referring)
- F. children who are carers;
- G. children who are homeless;
- H. children in formal kinship care arrangements;
- I. children of, or who are, Gypsies, Roma, Travellers, refugees, and 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 this Code (having also considered paragraphs 3.11 to 3.13 of the Code); (as evidence by the supporting information provided on the Section D Form)
- K. children for whom a place has not been sought due to exceptional circumstances; (this will generally refer to children for whom a School Attendance Order is being made, or where an application is being made by an LA Officer due to exceptional circumstances)
- 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 local authority has been unable to promptly secure a school place. (It is understood that this would be an extremely rare case, as the DfE explain in the Code that *"We would expect the local authority to aim to secure a school place particularly promptly for a previously looked after child and for admission authorities to cooperate with this."* Any breach by schools would result in a referral to the Secretary of State.

2.0 Composition of the IYFAP Panel and the decision-making process:

When an application is formally referred to the IYFAP Panel the parent/carer will be advised that this has taken place and they will be advised regarding the date that the Panel will meet to make a placement decision. Where possible a referral must be received at least five school days before the Panel meeting is scheduled in order to be considered at that meeting, allowing for an appropriate amount of time to properly consider the case and prepare the necessary evidence for presentation during the Panel meeting. The In Year Fair Access Panel will meet at least every twenty school days and will comprise:

- A School Admissions Officer
- Two identified Headteachers (on a rota to ensure fairness): One Headteacher from a secondary school in Widnes and one from a secondary school in Runcorn
- An officer from Education Welfare
- A representative from The Bridge School

- The Safeguarding Children in Education Officer

The following list is not a definitive list, however, in coming to a placement decision, the Panel will consider:

- evidence presented to support the referral of the child;
- the child's suitability for a mainstream placement;
- placements to date, ensuring a fair and transparent distribution of children placed under the Protocol across all schools;
- professional advice provided to assist with the placement decision;
- the child's voice (where this has been provided);
- reasons for why the parent requested a new school and for their preference;
- statements from the Headteachers of the home and preference school if available;
- the distance to the preferred school(s) and any other suitable schools;
- the impact of other referrals and placements to be made during this meeting.

The Panel, having been delegated responsibility for making placement decision, will then deliberate and come to a placement decision, which is final. As these children are unplaced a Halton school place **must** be identified and the placement school will be notified of this decision without delay. This will not always be the school that the parent has identified as the preference, although their reasons for doing so must be given consideration, but it must be a school within a reasonable distance of the child's home.

Where it is recognised by the IYFAP Panel that the child would benefit from a placement at the Pupil Referral Unit, either long-term or for a short period of assessment, The Bridge School in Runcorn will be the allocated school place.

Once a placement has been identified, the School Admissions Team will notify the school and a start date should be organised as quickly as possible. All details regarding the child's referral and the decision making process will be provided to the placement school to assist with the transition. Following each IYFAP Panel meeting the outcome of the cases and updated placement tables will be provided to all partners.

3.0 Non-compliance with the agreed Protocol

As this Protocol is the result of a partnership agreement between all schools and the local authority it is hoped that all schools will enter into the spirit of the agreement and ensure the success of the partnership. This will only be achieved through open communication, consistent provision of information and by schools adhering to the decisions of the IYFAP Panel, limiting unnecessary movement of children across the borough where possible.

Where a Fair Access placement decision is not adhered to, the LA will report the case to the Secretary of State for action and make comment within the Annual Report to the School's Adjudicator of noncompliance. Where a placement decision regarding an ordinary admission is not adhered to, the LA will

report this to the Chair of HASH and will report this as part of the routine data feedback throughout the academic year, and parents will be offered the right of appeal.

4.0 Review of the Fair Access Protocol

Open communication and transparency of information underpin the success of our IYFAP and the continued quick placement of our most vulnerable children into schools. During each academic year, in accordance with paragraph 3.22 of the Code, where a school or admission authority can no longer support the principles and approach of the locally agreed IYFAP, they should formally write to the LA by emailing schooladmissions@halton.gov.uk to advise of their position, detailing their reasons for withdrawing their support. The LA will notify the full IYFAP partnership of this notification and record this.

Where a majority of schools in the LA have formally notified the LA of their withdrawal of support within an academic year, the LA will initiate a full review of the IYFAP with all partners and seek to revise the protocol as quickly as possible to secure a position of majority support again. Until a majority agreement is reached and a new protocol is adopted, the existing IYFAP will remain binding on all schools within Halton. Where a majority agreement cannot be reached within a reasonable timeframe, the LA will refer this to the Secretary of State for assistance.