



# City of Westminster

## IN YEAR FAIR ACCESS PROTOCOL WESTMINSTER SECONDARY SCHOOLS

### Background

As set out in the Admissions Code, all schools and Academies must participate in their Local Authority area's protocol in order to ensure that unplaced children who live in the home authority, especially the most vulnerable, are offered a place at a suitable school in the home authority as quickly as possible. This includes admitting children above the published admission number to schools that are already full.

### Aims of the Protocol

The protocol is designed to:

- acknowledge the real need of vulnerable children who are not on the roll of any school to be dealt with quickly and sympathetically
- reduce the time that these 'difficult to place/high need' children spend out of school
- ensure that all schools in Westminster, including those that may have places available admit their fair share of children who have behavioural difficulties.
- be fair and transparent, and to have the confidence of all schools.

### Main Principles

- all schools will be required to take part (as per the Admissions Code)
- the protocol will apply to Westminster residents only
- the protocol does not apply to children already on roll at a school
- parents should continue to apply for a school place in the usual way and this protocol will be referred to only when all applications have been unsuccessful (cases where parents are refusing to apply to schools with vacancies or refusing to take up a place offered will not be brought to the Panel)
- schools will continue to admit local children who apply for an available place, under normal admission arrangements
- schools will not be able to cite over-subscription as a reason for refusing a child as the protocol will be adhered to even when schools have reached their standard number
- 'hard to place' children will be given priority for admission over any others on a waiting list or awaiting an appeal(para.).
- schools must respond within one week to requests for admission so that the admission of the child is not unduly delayed
- schools will place back on roll any child that previously attended their school where the parent withdrew to home educate. Only when exceptional circumstances apply, that does not allow the child to return to the school, will the case be referred for a Fair Access placement at an alternative school.
- The Fair Access Panel (WSSIC) will take account of any genuine concerns about the admission, for example a previous serious breakdown in the relationship between the school and the family, or a strong aversion by the family to the religious ethos of the

school. Although religious affiliation and parental choice will be considered, the protocol will be referred to where it is not possible to accommodate preferences.

- If the parent/carer rejects the school or alternative provision offered to the child, they will still have the right to appeal for a place at the preferred school(s). The appeal panel will be informed that places have been allocated according to the criteria of the Fair Access Protocol which must be taken into account.
- If places are not offered to children on the Hard to Place list within a week of the Fair Access Panel meeting, the LAs Fair Access Officer will refer any remaining cases for a placement to be agreed at the WSSIC meeting.

**Headteachers cannot refuse to admit a child if there is a place available, even if the child has behavioural issues or comes from a difficult family background. It is only in exceptional circumstances that schools may refuse admission.**

Children with special educational needs but without statements **must** be treated in at least the same way as all other applicants.

The DfE states that the governing body of a voluntary aided or foundation school may refer a local authority's decision to direct the admission of a child to the Schools Adjudicator. If a governing body refuses to comply with the direction the local authority may refer the matter to the Secretary of State for consideration. Similarly, the local authority can refer the matter to the Secretary of State if an Academy refuses to admit a child in accordance with the protocol.

Where a school refuses to admit a child under the protocol, the local authority may formally direct a maintained school to admit the child, or in the case of an academy the case may be referred to the Secretary of State.

Where a child has been permanently excluded from two or more schools, a parent can still express a preference for a school place, but the requirement to comply with that preference is removed for a period of two years from the date on which the latest exclusion took place.

A separate Managed Transfers Protocol for students at risk of permanent exclusion has been developed to run concurrently with this protocol and is managed between schools.

## **Referral Procedures**

Students who meet the criteria for Fair Access Protocols are defined as:

- Students attending Alternative Provision (TBAP) who need to be reintegrated back into mainstream education;
- Children who have been out of education for **FOUR WEEKS** of term time or more from the date of registration for a school place.
- Children whose parents have been unable to find them a place after moving to the area, because of a shortage of places;
- Children withdrawn from schools by their family, following fixed term exclusions and unable to find another place;
- Children of Gypsies, Roma, Travellers, refugees and asylum seekers;
- Homeless children;
- Children with unsupportive family backgrounds, where a place has not been sought;
- Children known to the police or other agencies;
- Children without a school place and with a history of serious attendance problems;
- Traveller children;

- Children who are carers;
- Children with special educational needs (but without a statement);
- Children with disabilities or medical conditions;
- Children returning from the criminal justice system; and
- Children of UK service personnel and other Crown Servants.
- Looked After Children
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### Terms of Reference

In order for Headteachers and governing bodies to be involved in the decision making process for placing students:

- The Head teacher and Chair of Governors of all Westminster Secondary Schools (including the Academies) together with key LA Officers will be deemed as members of the Fair Access Panel. A minimum of at least **three school representatives** be present in order that the meetings be quadrate.
- The Panel will be used as a forum for updates between the Local Authority and schools on the development of partnership work in relation to behaviour, attendance and exclusion and to agree outstanding placements.
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The Secondary Fair Access Officer will complete each Referral Form. A child who meets the criteria for a Fair Access placement will be discussed at the Fair Access Panel and a place for the child will be agreed in this forum. Panel meetings will take place every six weeks at the end of the WSSIC meeting.

The Secondary Fair Access Officer will provide:

- An up-to-date list of students without school places
- In-depth history of each student
- Any cases which might involve illegal off-rolling will be investigated prior to referral to the Panel.

This information will be presented by the Fair Access Officer at every six-weekly meeting. A copy of the list will be circulated to schools two weeks prior to the meeting to afford time for schools to consider the resources they have available to meet the needs of students on the list. The Fair Access Panel will allocate students without unfairly prejudicing undersubscribed schools taking into consideration:

- Schools the family have applied to (must be at least four school and include schools outside Westminster if located 3-mile straight-line distance and/or under a 75 minutes travelling time by public transport)
- Travel distance
- Support available in schools
- Number of Hard to Place students taken by the school in the current academic year (this information is monitored by the LA Admissions Team).

## PROCEDURE FOR FAIR ACCESS

1. Any student who has been out of education for **four weeks** (not including holidays) is eligible to be considered under the Fair Access Protocol, **but must** have applied for at least one school with known vacancies and been refused admission.
2. Two weeks prior to the Fair Access meeting papers to be circulated to schools for consideration. Papers to include
  - List of students and all relevant details including previous school reports if possible to support making appropriate placements. This will include evidence of investigation if a student has been off-rolled from another school within a reasonable distance.
  - Summary of number of students taken by schools under Fair Access in the current academic year.
3. At the Fair Access (WSSIC) meeting (3 schools represented to be quorate) the following will be considered:
  - Schools applied to (must be at least four school to include schools outside Westminster if located at either a 3 miles' straight-line distance and/or under a 75 minutes travelling time by public transport)
    - Travelling distance
    - Support available in schools
    - Number of Hard to Place students taken by the school in the current academic year (this information will be monitored by the LA Admissions Team).

Once a student has been allocated a school the Secondary Fair Access Officer will follow up the agreed placement by email and notify the family in writing.

4. The school will arrange to meet the student and family within two weeks of the Fair Access meeting and inform Admissions when the meeting is to be held and the outcome.
5. Should the family refuse to take up the placement the school will inform Admissions immediately.