

Bracknell Forest Fair Access Protocol



Context

This Protocol was implemented on 1 February 2019 and applies to all state funded schools including academies in Bracknell Forest. It is a requirement of paragraph 3.11 of the School Admission Code that “all admission authorities **must** participate in the Fair Access Protocol in order to ensure that unplaced children are allocated a school place quickly” All own admission authority schools are required to comply as part of their funding agreement.

The Protocol describes the principles to be applied and procedures to be followed in relation to the In Year admission of “hard to place” children outside the normal admission round.

This Protocol applies only to children resident in Bracknell Forest and to Bracknell Forest schools, though it may be applied to children resident in Bracknell Forest seeking a place at a school outside Bracknell Forest if the admitting authority for the school is prepared to accept this and vice versa.

This Protocol does not apply to children whose parents did not secure provision at their preferred schools when starting school, infant to junior or secondary transfers.

Main principles

The best interests of the child are of paramount importance and should be at the centre of all decisions made.

It has been agreed that:

- All schools will take part in the scheme as specified in the School Admissions Code including those which are or will become responsible for their own admissions, e.g. voluntary aided schools and academies;
- This Protocol provides a fair, equitable and open method of admitting hard to place children to schools to ensure that these admissions are spread fairly and do not fall disproportionately upon schools which are undersubscribed;
- Subject to the provisions of the School Admission Code and relevant legislation, the LA will provide schools with as much background information as it is able to gather about any hard to place pupil they are asked to admit. Similarly, schools will, in timely fashion, supply such information when requested by the LA;
- The LA will, as far as it is possible, not ask a school to admit hard to place pupils in quick succession, especially into year groups that have recently admitted children under this Protocol;
- Hard to place pupils must be given priority for admission above others who may be on the school waiting list as mentioned in paragraph 2.14

of the School Admission Code;

- Pupils identified as falling within the scope of this Protocol should be allocated a school place and attending no later than twenty school days after the place was sought and no later than fifteen school days after the school identified under the Protocol has been approached.
- Formal admission appeals for hard to place pupils are not required before a pupil may be admitted under this Protocol;
- A pupil who has been denied a place at a school by the Independent Appeal Panel may be admitted by that school if it is identified under the terms of this Protocol as being the one to admit the pupil;
- As per the provision of the School Admissions Code 3.12 '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 Local Authority for action under this Protocol. This will normally only be appropriate in exceptional circumstances, e.g. where a school has a particularly high proportion of children with challenging behaviour or previously excluded children (this provision does not apply to a Child Looked After, a child previously looked after or a child with an EH&CP naming the school in question as these children must be admitted)';
- Parent(s)/carer(s) of hard to place children retain their legal right of appeal for their preferred school if this school is not identified under the Protocol as the school which should admit the child. It is hoped that because it can be demonstrated that a robust and fair Protocol for the admission of hard to place pupils is in place, and because a place has been offered at another school under the Protocol, that an Independent Appeal Panel will be less likely to uphold an appeal lodged for a different school;
- All related elements of the formula budget and pupil premium (if relevant) will transfer with the child.
- School at or above their admission number will also admit a fair share of pupils referred under this Protocol.
- Regulations prescribe those exceptions which are permitted in cases where the infant class size limit applies.

Hard to Place Pupils

- This Protocol applies *only* to those children who, by virtue of their circumstances, are likely to find it significantly harder than the average child to settle at school. Such children are likely to place a significantly higher demand on a school's resources and this is why it is important that all the schools share these admissions fairly. This is one of the central aims of this Protocol.
- The Department for Education has defined those categories of pupil who may be described as "hard to place" in accordance with the principles expressed in paragraph 3.1 of the School Admission Code.

The list of children to be included in the Fair Access Protocol is to be agreed with the majority of schools within Bracknell Forest but **must** include as a minimum the following children of compulsory school age who have difficulty securing a school place:

- *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, refugee and asylum seekers*
- *Homeless children*
- *Children with unsupportive family backgrounds where a place has not been sought*
- *Children who are carers*
- *Children with special educational needs, disabilities or medical conditions (but without an Education, Health and Care Plan)*

The Local Authority has also agreed to include the following:

- Children in Year 11 from the Spring term onwards (earlier if presenting significant additional needs)

Those children who apply for an in year admission into year 11 and because of exceptional circumstances (eg have missed a significant amount of schooling, have moved from abroad or they are not proficient enough in English for the level expected) will be considered under the Protocol.

- Children who are at serious, but not imminent, risk of permanent exclusion, through exhibiting significant levels of challenging behaviour that cannot be managed through normal school resources and where those children would benefit from a fresh start through a managed move.

'Behaviour can be described as challenging when it is of such an intensity, frequency, or duration as to threaten the quality of life and/or the physical safety of the individual or others and it is likely to lead to responses that are restrictive, aversive or result in exclusion.'

In order for a managed move to be considered, evidence of this behaviour should be demonstrated through the use of Behaviour Support Plans, consultation with and referral to appropriate behaviour professionals, extensive use of school based strategies, meetings with the child and their parents/carers and previous fixed term exclusions.

- Those children who have applied through the normal In Year admission but have not been admitted within the permitted timescales

The School Admissions Team will process all in year applications received

in line with parental preference and work to ensure all children are admitted as required. However where the School Admissions Team receive an application and become aware of issues that mean that it cannot be processed as expected then this could be referred under the Protocol.

These issues could include but not limited to:

- Where a child has been to multiple schools (or wanting to attend the same school multiple times) within the same key stage.
 - Where the child has Children's Social Care involvement that could impact on their educational placement
 - Where the child has a significant history of disruptive behaviour, bullying or associations with criminal exploitation that could have a significant impact on other pupils within the requested receiving school; this will need to be evidenced.
 - Where their attendance has been very poor, involving the Education Welfare Service and support may need to be in place before admission.
- Those children permanently excluded
 - All children who are permanently excluded will be referred to the Pupil Referral Service for Day 6 provision.
 - After the GDC meeting or in the case of an appeal, after the IRP, the Integration Officer will prepare and implement a plan for the education provision for the child.
 - The School Admissions Code states that admission authorities **must not** refuse to admit children in the normal admissions round on the basis of their poor behaviour elsewhere. Where a child has been permanently excluded from two or more schools there is no need for an admission authority to comply with parental preference for a period of two years from the last exclusion. The twice excluded rule does not apply to children who were below compulsory school age at the time of the exclusion, children who have been re-instated following a permanent exclusion (or would have been had it been practicable to do so) and children with special educational needs statements or Education, Health and Care Plans.

Process

- Those children who meet the hard to place criteria and for whom a school place cannot be found will be referred under the Protocol by the School Admissions Team.
- Where a school wishes to refer a child for consideration under the Protocol as a managed move then they should complete the appropriate managed move form and submit it to Education.Safeguarding-Inclusion@bracknell-forest.gov.uk
- Where it is proposed that an In year application received by the school admissions team should be considered under this Protocol the in-year application will be referred to the Integration Officer. This will also include those year 11 children who are to be considered.

- For those children who have been permanently excluded the relevant exclusion paperwork will be used.

As soon as an application is received and accepted, the Integration Officer will contact the parent and child, inform them of the process and discuss the current situation. The Officer will also contact the current school to gather all relevant information.

- The Integration Officer will then work with all departments and teams (including but not limited to, Children's Social Care, Early Help, Education Welfare Service, Youth Offending Service, Exploitation Team) in order to obtain all relevant information. It could be possible to support the child to remain in their mainstream setting after intervention or if support is put in place.
- The Integration Officer may also contact the child's previous schools (and, if necessary, previous agencies involved) in order to request background information that may be of assistance to the decision making process.
- The Officer will record their decision making process and possible further discussions.

If a move is deemed to be appropriate for the child then the Integration Officer will nominate a school for that pupil based on:

- Parental preference
- the number of hard to place pupils that the school has recently admitted to ensure that there is as even a distribution of these pupils as possible across all schools. A record of all placements will be kept.
- the number of permanently excluded children that each school has admitted during that academic year
- the context of each school's circumstances, evidenced as necessary

The Integration Officer will contact the nominated school and that school should respond within two days of the approach by the Integration Officer to avoid delay in the process. The Integration Officer will share all relevant information with that school to facilitate the integration and admission of the child. If the school has concerns over the admission of the pupil they will raise them with the Integration Officer and evidence them where necessary. An integration package may be deemed necessary. If so the appropriate form should be completed.

Where necessary the details of an appropriate support package will then be agreed. Where appropriate, this may include the application of additional funding within the limits of available resources to contribute towards costs incurred as part of integration process.

If the school agrees to the request for a place, an initial meeting will be arranged at the earliest opportunity to involve (at least) the child, the parent(s)/carer(s). Other professionals may also be included, being mindful of the need to balance the need for their attendance against the creation of a situation which the child may find overwhelming.

The Integration Officer will support the child and the school, keep a record of the meeting (which will be shared with the school), clarify any issues around the admission (e.g. transport arrangements, matters of uniform), agree actions to be taken by the parties involved and determine an admission date.

The Integration Officer will conduct any reviews that were agreed as part of any support package arranged and assist the school in acquiring any further resources identified as being needed. The Integration Officer will keep suitable and appropriate records which will track progress through the various stages of the process for all children dealt with under the Protocol.

Panel

- **Composition**

The Panel will be chaired by an independent member. The core members of the panel will be two primary school head teachers, two secondary school head teachers, the Integration Officer, their Head of Service and a Children Social Care representative (where appropriate). However at each Panel meeting there may be a need for representatives from various agencies that have been involved with a child. This could be (but not limited to) officers from the Family Hub, School Admissions, Youth Offending Service and the Educational Psychologist.

- **Role and Responsibility of Panel**

The main role of the Panel will be to have an overview of the process and journey for each child following their referral. They will scrutinise the process and the decision making for each child. It will take on a safeguarding role to ensure the child's wellbeing is at the centre of all decision making. Where necessary the Panel will challenge those schools not fully participating in the Protocol and where necessary direct the school to admit or advise the ESFA of non-compliance and request to admit.

- **Reviews**

All children who have been placed following referral through the Protocol will be monitored by the Integration Officer. This will be with regular meetings and ensuring attendance at all review meetings at the child's place of education. The reviews will regularly be shared with the Panel.

Further information

- **Additional Funding**

Schools admitting in year pupils living in Bracknell Forest at the time of placement and admitted under the Fair Access Protocol may receive financial support of up to £1000, regardless of when in the academic year the pupil is placed on roll. For year 11 pupils placed in the spring term, schools may receive additional financial support of a further £1000.

Funding will be approved according to need. Funding will be forfeited if a child withdraws within 12 school weeks of the placement being made. Where funding has already been paid, the local authority will seek to recover monies from future payments.

Payment will only be made once the placement has lasted four weeks or more, in line with the following timescales:

- placements made in the autumn term which have lasted four weeks or more by the end of that term - payment will be issued in January 2019;
- placements made up to the end of March 2019 which have lasted four weeks or more by that date - payment will be issued at the end of March 2019;
- remaining payments will be made in the summer term.

In all cases a proportion of the funding will be reclaimed if the child subsequently leaves the school.

Additionally, all such pupils will be eligible to receive targeted support from Elevate that could consist of:

- IAG - intensive work on career profiling; CV; job seeking (understanding adverts; completing application forms; etc). Travel training with support worker. Support to attend college open days, CSCS training
- Work experience

Alternative Provision

The DfE define alternative provision as education arranged by local authorities for pupils who, because of exclusion, illness or other reasons, would not otherwise receive suitable education; education arranged by schools for pupils on a fixed period exclusion; and pupils being directed by schools to off-site provision to improve their behaviour.

Should there be a need to use alternative provision this will currently be at a variety of different provisions dependent on the needs of the child, for example the Pupil Referral Unit or resource units as appropriate and available.

Dependent on the success of the current bid with the DfE for an SMEH school within Bracknell Forest the availability of provision could change.

Review

This Protocol will be subject to annual review. All parties will have the opportunity to express their view as to how well and how fairly the Protocol is working, to express any concerns and suggest ways in which the Protocol should be modified.