

City of York
Secondary School
Fair Access Protocol
2020/21 School Year

January 2020

Introduction

- 1 This protocol complies with and operates within the City of York In Year Coordinated Admissions Scheme for secondary schools in the City of York Council local authority area.
- 2 This protocol complies with the Department for Education School Admissions Code 2014 and all relevant guidance on school admissions.
- 3 The admission of pupils with an education, health and care plan is covered by different admission regulations, and decisions on the entry to school of these pupils should be directed to the relevant Local Authority Special Educational Needs team.
- 4 **Which pupils are covered by the protocol?**
All school aged pupils whose parent/carers are requesting a place in a City of York school/academy **outside** the normal “admissions rounds”. The admissions rounds are the coordinated process of applications for a place in Year 7.
- 5 The protocol is split into two parts. **Part A** covers the admission of ‘hard to place’ pupils and **Part B** covers the admission of pupils who have had no previous attendance or behaviour problems but whose parent/carers are seeking a change of school.
- 6 **What is the purpose of the protocol?**
The purpose of the Fair Access Protocol is to ensure that any unplaced children and young people, especially the vulnerable are found a secondary school place quickly and fairly, so that the amount of time any child is out of school is kept to the minimum. The protocol also makes sure that all schools and academies admit their fair share of vulnerable children. The School Admissions Code 2014 requires there to be a Fair Access Protocol in operation in every local authority area.

Part A A protocol for considering the admission of hard to place pupils to a school within the City of York Council area

1. Which pupils are covered by Part A of this protocol:

- pupils from the criminal justice system
- pupils from a pupil referral unit who need to be reintegrated back into a mainstream school (this will include permanently excluded pupils)
- pupils who have been out of mainstream education for more than one term (includes pupils who have previously been home educated)
- pupils with serious attendance problems (below 50% attendance within the previous 12 month period)
- pupils who are homeless or who have been placed in urgent alternative accommodation (e.g. women's refuge)
- children of Gypsies, Roma Travellers, refugees and asylum seekers
- pupils with unsupportive family backgrounds for whom a school place has not been sought
- pupils attending a City of York school who have met threshold levels of consideration (see paragraphs 2 & 3)
- pupils who have attended a school outside of the City of York Council area who has met similar thresholds to those set out in paragraphs 2 & 3

This list is not exhaustive and it is recognised that some pupils not included on this list will be considered hard to place and may be required to have their case considered through this part of the protocol.

Where a school which has spaces and is being asked to admit a disproportionate number of pupils with attendance levels of between 50% and 85% they can refer these cases to the Behaviour and Attendance Panel for further consideration

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. The Code also states that where a governing body does not wish to admit a pupil 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 the Fair Access Protocol. The protocol therefore seeks to protect schools with vacancies from taking a disproportionate number of children with challenging behaviours.

Whilst it is recognised that admission requests for year 10 and year 11 pupils may be more problematic because of curriculum and examination incompatibilities, these factors are not, in themselves, reasons for refusing admission.

Whilst it is recognised that those pupils that have English as an additional language may require additional support, it is not accepted that this is a factor, in itself for refusing admission.

2. Threshold levels for consideration of move through Fair Access (Behavioural):

- Permanent Exclusion, upheld by Governor Panel and if necessary independent review panel for a single significant incident or for persistent breaches of the behaviour policy.

or

- Evidence of long term evidenced informed interventions by the school
- Repeated amount of fixed term exclusions have been used within the last 12 months
- Timetable and curriculum changes have been put in place to avoid repeated incidents that have increased the risk for the pupil
- A My Support Plan (MSP) must have been created and reviewed at least twice with targets that are relevant to the need. The plan

should consider the increased use of support staff as an intervention.

- A Family Early Help Assessment (FEHA) must be in place where there are relevant whole family needs with suitable engagement with outside agencies
- School level alternative provision has been considered and most likely used.
- Parental consent has been obtained and is evidenced for the move

3. Threshold levels for consideration of move through Fair Access through mental health concerns /anxiety:

- Evidence from a Hospital Consultant or Child, Adolescent Mental Health Service (CAMHS) Doctor confirming the pupil/student cannot be in a mainstream school environment

or

- Evidence of long term evidence informed interventions by the school
- Serious attendance problems of less than 50% for a minimum period of at least one term.
- Timetable and curriculum changes have been put in place to avoid repeated incidents that have increased the risk for the pupil/student
- Help sought from the specialist teaching team for at least two full terms
- A My Support Plan must have been created and reviewed at least twice with targets that are relevant to the need. The plan should consider the increased use of support staff as an intervention.

- A FEHA must be in place where there are relevant whole family needs with suitable engagement with outside agencies
- School level alternative provision has been considered and most likely used. If the issue is school refusal then this route should not be used unless this is medically driven and this is evidenced
- Parental consent has been obtained and is evidenced for the move

4. Children in Care

Children in Care are given the highest priority for admission. The Virtual School Head after consultation with other agencies will gather preferred preferences for their education. The views of the schools identified as a preference, and any potential prejudice as a result of the placement will be considered. However in most circumstances a Child in Care will be offered a place at the school recommended by the Virtual Head, in agreement with the school or the Academy, even if the year group is full or oversubscribed. They will not come through the Fair Access Protocols.

5. Principles

All secondary schools and academies must participate in the Fair Access Protocols since it is binding on all admission authorities within the City of York area. The City of York Council will operate the protocol on a day to day basis for all pupils by coordinating all in-year admission requests.

Schools and academies should work together collaboratively, taking into account the needs of the child and those of the school/academy. There is no duty to comply with parental preference when allocating places through the Protocol but it is expected the wishes of the parents and young people are taken into account and that all pupils will be placed on a school roll. When seeking to place a child under the

Protocol, all schools and academies should be treated in a fair, equitable and consistent manner. No school should be asked to take a disproportionate number of children.

The Fair Access Protocols should not be used as a means to circumvent the normal in-year admissions process. A parent can apply for a place as an in-year admission at any point and is entitled to an appeal when a place is not offered.

For the protocol to operate in accordance with statutory requirements schools/academies will continue to admit pupils whose parents apply for an available place, under normal admission arrangements but pupils identified as cases under Fair Access Protocols will be given priority for admission over others on the waiting list or awaiting an appeal.

6. The Behaviour and Attendance Panel

Referred fair access cases will be discussed at the Behaviour & Attendance Panel. By agreeing to adopt the protocol, it is established that the Behaviour & Attendance Panel will consider and resolve all fair access cases.

The Secondary Behaviour & Attendance Panel comprises all secondary schools and secondary academies in the City of York area and has an independent Chair.

In order to discuss and resolve fair access cases the following people will be invited to attend:

i Secondary Panel

- Headteacher or senior representative from each of the City's secondary schools/academies

- Headteacher or representative of Specialist/Alternative Education Provider(s)
- The independent Chair
- Representative from the City of York Council School Services Team

ii Procedures

- Behaviour & Attendance Panel will receive referrals for school places from those categories of pupils set out in paragraphs 1, 2 & 3.
- Use their best endeavours to ensure children resident in their area receive appropriate and sufficient educational provision
- Organise the collection of all appropriate information about the cases in front of them to assist with the decision making of the group
- Agree the allocation of a mainstream school or make recommendations for other appropriate educational provision and a relevant start date. Alternatively the Panel may decide that the pupil remains at their current school
- Each school/ academy will have one vote at a meeting of the Panel. The Chair has a casting vote
- Ensure a record is kept of referrals and their outcomes
- Ensure parents/carers are informed of their decisions as soon as possible after the meeting.

iii Considerations

- The distance and ease of travel from home to school
- The fairness of the placement and proportion of pupils that have been allocated by previous panels over the last 12 months

- The school(s) that are the parent/carer's preferred choice; i.e. the religious affiliation of the pupil (where possible)
- Genuine concerns about the admission, e.g. a previous serious breakdown in relationship between the school and the family, or a strong aversion to the provision.
- Parents/Carers and pupil's views, but they will not override the decision of the Panel if the preferred school is not allocated
- Whether good quality specialist/alternative provision may provide a more suitable solution
- Whether to consider assistance with transport, normally limited to provision for attending school beyond reasonable walking distance
- Where appropriate, what support for transition could be provided
- Any doubts about a pupil's suitability for mainstream education and whether an opportunity for further assessment should be considered

7. School Admission Appeals

The allocation of a place in accordance with the Fair Access Protocol does not override a parent's right to appeal against refusal of a place at any school for which they have applied. A parent can apply for a place as an in-year admission at any point and is entitled to an appeal when a place is not offered.

8. Monitoring and Review

The monitoring and review of the protocol's effectiveness will be the responsibility of the York Schools and Academies Board who will receive an annual report on those pupils who have been through the Partnership within the previous 12 months.

Part B A protocol for allocating pupils a place at a City of York school outside of the normal admissions round

1 Pupils who are covered by this part of the protocol:

- a. pupils who have moved into the City of York Council area;
- b. pupils who are currently in a maintained York secondary school or academy and whose parent/carers are requesting another maintained York secondary school or academy;
- c. pupils who reside outside the City of York Council area who parent/carers are requesting a place in a City of York maintained school or academy;
- d. pupils not covered by Part A of this protocol.

2 Key Principles:

- a. in year requests received may be processed if the required start date at a new school is within 20 school days. The only exception to the 20 school day rule are service families where we can allocate places upon receipt of a posting order, or in the case of service family rebase, a marching out order, within 30 school days;
- b. to co-ordinate all admission requests, ensuring parent/carers have one place where they can access for all information and advice;
- c. to allow the York School and Academies Board to have access to all the relevant information on in-year admissions, allowing them to monitor the fairness and equity of all secondary schools admissions policies and processes in the City of York Council area;
- d. to enable good and timely co-ordination of admission requests and to allow the scope to seek managed moves for pupils that schools/academies believe would thrive in a new placement.

3 Application Process and Allocation of Places

- a. The parent/carers should complete an online application for a school place and this should be forwarded to the City of York Council School Services team;
- b. The City of York Council in consultation with the other school admission authorities within York, will where possible try to meet one of the parent/carers preferences. Before making any decision,

consideration will be given to the number of pupils in the year group within the parent/carers' preferred schools; which schools are accessible or are within a reasonable distance of the home address, taking into account transport links to the school; and which of the preferred schools have places;

- c. The admissions authority for each secondary school/academy considers each application in line with its own admissions policy and either allocates a place or arranges for the City of York School Services Team to send a letter/email to the parent/carer refusing a place and advising them of the right of appeal;
- d. The City of York Council is responsible for ensuring that all pupils of secondary school age are allocated a school place or alternative education provision so those schools which are their own admission authorities need to advise the School Services team when they allocate a pupil a place or when they refuse a pupil a place;
- e. If a parent/carer wants to change their child's school other than because of a change of address, it would be expected that the parent/carer had discussed the possible move with the child's current school before submitting an application.

Contact details for correspondence

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