

# City of York

## Fair Access Protocol

### 2023/24 School Year

September 2023



Introduction	3
Part A A protocol for considering the admission of hard to place pupils to a school within the City of York Council area	4
Part B A protocol for allocating pupils a place at a City of York school outside of the normal admissions round	15
Contact details for correspondence	18

## Introduction

- 1 This protocol complies with and operates within the City of York In Year Coordinated Admissions Scheme for all schools in the City of York Council local authority area.
- 2 This protocol complies with the Department for Education School Admissions Code 2021 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 either a place in reception year.
- 5 The protocol is split into two parts. **Part A** covers the admission of unplaced ‘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 and they cannot be placed in a setting within a reasonable distance from their home.
- 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 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 2021 requires there to be a Fair Access Protocol in operation in every local authority area and for all schools to be part of this.

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

- 1. The following pupils are covered by Part A of this protocol if unplaced by normal admissions:**
  - 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 with special educational needs (but without an Education, Health and Care plan), disabilities or medical conditions;
  - e. children who are carers;
  - f. children who are homeless;
  - g. children in formal kinship care arrangements
  - h. children of, or who are, Gypsies, Roma, Travellers, refugees, and asylum seekers;
  - i. children who have been refused a school place on the grounds of their challenging behaviour and referred to the Protocol in accordance with the School's Admission Code 2021;
  - j. children for whom a place has not been sought due to exceptional circumstances;
  - k. 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
  - l. previously looked after children for whom the local authority has been unable to promptly secure a school place.

**The following students will always be considered by Fair Access protocols for placement in schools:**

- a. children in a PRU/alternative provision who need to be reintegrated into mainstream education or who have been permanently excluded but are deemed suitable for mainstream education by the Local Authority
- b. pupils attending a City of York school who have met threshold levels of consideration (see paragraphs 2 & 3)
- c. pupils who have attended a school outside of the City of York Council area who has met the same thresholds to those set out in paragraphs 2 & 3
- d. Pupils who are currently Electively Home Educated

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.

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 6 & year 11 pupils may be more problematic because of national tests, this factor is not, in itself, a reason 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.

**A child/young person may be brought for a full place at mainstream or a dual registered place alongside the PRU as deemed fit by the Local Authority unless the child/young person had had two permanent exclusions in the last three years.**

or

- Evidence of a long term graduated response by the school including the use of school commissioned Alternative Provision
- Repeated amount of suspensions 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 plan do review cycle (MSP or equivalent) 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.
- An Early Help Assessment (EHA) should be in place where there are relevant social care issues with suitable engagement with outside agencies unless the case is held at CIN or CPP level
- The case has met appropriate levels of intervention as document in the City of York graduated response for SEMH

### **3. Threshold levels for consideration of move through Fair Access through attendance concerns:**

Evidence from a Hospital Consultant or Child, Adolescent Mental Health Service (CAMHS) Doctor confirming the pupil/student cannot be in a mainstream school environment will mean support from the Home Tuition team

Further to this, Fair Access will consider requests for support where there is:

- Evidence of a long term approach within the local Graduated Responses for attendance are demonstrated by the school including the use of school commissioned Alternative Provision
- 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
- Appropriate support has been sought from the School Attendance Adviser with relevant action taken
- A plan/do/review cycle (MSP or equivalent) 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 areas or staff as an intervention.
- An EHA should be in place where there are relevant Social care issues with suitable engagement with outside agencies unless the case is held at CIN or CPP level
- Fair Access will not place students in the PRU setting for Attendance reasons but will consider requests for change of mainstream setting

#### **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 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 requirement 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 Fair Access Meeting**

Referred fair access cases will be discussed at the Fair Access Meeting. By agreeing to adopt the protocol, it is established that the Fair Access Meeting will consider and resolve all fair access cases.

The Secondary Fair Access Meetings comprise all Secondary schools and academies in the City of York area. The panel will have an independent Chair.

The Primary Fair Access Meetings comprise of all Primary Schools and academies in identified clusters. The panel will have an independent Chair.

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

### **i. The Secondary Panel**

- Headteacher or senior representative from each of the Secondary schools within the locally based secondary admissions area.
- Headteacher or representatives of Alternative Education Provider(s)
- The independent Chair
- Representative from the City of York Council School Admissions Team
- Relevant multi agency representation to support the discussions and meeting outcomes

**ii Primary Panel**

- Headteacher or senior representative from each of the Primary schools within the locally based primary admissions area.
- Headteacher or representatives of Alternative Education Provider(s)
- The independent Chair
- Representative from the City of York Council School Admissions Team
- Relevant multi agency representation to support the discussions and meeting outcomes

### **iii Procedures**

- Fair Access Meeting members will receive referrals for school places from those categories of pupils set out in paragraph 2.
- Use their best endeavours to ensure children resident in their area receive appropriate 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 school and a relevant start date in response to a request for placement at a school in the City of York Council area. Alternatively the meeting may decide that the pupil remains at their current school
- Each school/ academy will have one vote at any meeting. 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.

#### **iv 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
- Parents/Carers and pupil's views, but they will not override the decision of the meeting if the preferred school is not allocated
- Whether good quality alternative provision may provide a more suitable solution
- Whether to consider assistance with transport, normally limited to provision for attending school beyond 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. Timescales for admission decisions**

- When a parent makes an application for a maintained and or an academy place, the decision to decline and refer to the Fair Access Process must be made by the relevant admissions authority within 15 school days of the application being accepted by CYC. The parent/carers can appeal this refusal.
- Once the case has been referred to the Fair Access Process, a decision regarding allocation must be made within 20 school days of referral to the Fair Access Process. This decision will almost always be made in a scheduled Fair Access meeting but there may be a necessity for an additional meeting if timescales cannot be reasonably met.

## **8. 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.

## **9. Monitoring and Review**

The monitoring and review of the protocol's effectiveness will be the responsibility of the York Schools and Academies Board

## **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.** to ensure that no pupil is without the offer of a school place within 20 school days of submitting an application for a school place;
- 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 application for a school place either online or by paper form 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 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

School Services  
City of York Council  
West Offices,  
Station Rise,  
York YO1 6GA  
01904 551554  
[education@york.gov.uk](mailto:education@york.gov.uk)