

In year admissions and Fair Access Protocol:
Response to consultation held March – April 2013

1. Summary of responses

- 64 mainstream schools responded (56%) which constitutes the required majority (nurseries and special schools not included)
- All responses supported the In year admission arrangements and Fair Access Protocol. There were no negative responses
- 100% of schools expressing a view said Yes to a Panel
- A majority expressed a preference for separate primary and secondary panels
- A majority expressed a preference for meetings of 1.1.5 hours in duration and a frequency of approximately every 3 weeks (meetings will be scheduled for the academic year)
- A majority of primary schools expressed a preference for membership from each Learning Community on a flexible basis
- A majority of secondary schools expressed a preference for membership on a fixed annual basis. The sub group of school leaders and officers advises that membership be extended to assistant /deputy heads to enable more schools to participate in this process.
- 12 primary heads expressed a preference to be a panel member (see separate list)
- 6+1 reserve secondary heads expressed a preference to be a panel member
- 5 head teachers (3 primary and 2 secondary) made specific comments for further consideration which are answered below

2. Issues raised /LA initial responses

- Concern about going over 30 in KS1 classes due to issues of space and resources. Concern over the placement of children requiring additional support within an already stretched situation. Agree with the principles but need to look at reducing the impact on the school by allocating additional support. Net capacity issues will be considered. School funding remains under review and recommendations for high needs support, particularly in early years, are in progress. With regard to infant class size legislation, excepted pupils do not require an extra teacher to be funded by the school or the LA and they remain excepted for the remainder of the Key Stage, which is a new addition to the Admissions Code.

- At the moment there is not an equitable distribution of our more challenging admissions particularly where schools have spare places in every year group. Proximity to another LA exacerbates the problem. **The proforma and application of the Protocol seeks to address this and impact will be kept under regular review. Fair Access Protocols apply according to the home LA (i.e. not the host LA). We can obtain other LA Protocols, monitor requests and raise issues at the Region Admissions Officers' meeting.**
- The LA needs to have some kind of database tracking this situation by school and by year group. **The Proforma is a starting point and two heads have suggested a points system. This was discussed further at the sub group of heads and officers on 19th June but it was agreed that, at this stage, the panel process should be embedded before a further layer is created. We are currently in the process of transferring to a new central database within Admissions and we have requested further development on specific report functions. Once we are clear what fields and reports we can utilise, we can decide if further stand- alone databases are required to maintain the school profile data.**
- Parental preference and the reasons for expressing a preference has been an issue. There is some evidence that colleagues in other schools or sometimes LA colleagues encourage movement and name specific schools. Can we be very clear: under no circumstances should any of us suggest to any parent that another named school is more appropriate for their daughter/son. **The LA will monitor any circumstances brought to our attention.**
- 'A decision to offer or refuse admission must not be made by one individual'. Governance involvement. It is unrealistic to convene for every student mid-year. Needs to be delegated to the Principal/ Head Teacher and the appropriate member of the SLT. Also, How will this be monitored? **The Admissions Code 2012 paragraph 2.7 states clearly that a decision 'must not be made by one individual in an admission authority. Where a school is its own admission authority the whole governing body, or an admissions committee established by the Governing Body, must make such decisions.'** In the LA, decisions are made by a minimum of 2 and for complex cases 3 officers. This is a new Code requirement and we shall raise the issue at our Regional Admissions Officers' meeting to share concerns and any good practice. We could ask schools who are their own admissions authority to declare that a decision (to offer a place or an objection) has been taken by the relevant committee. Governing Bodies will be responsible for ensuring that

the statutory requirements of the Code are adhered to.

- Re. admissions taking place at the beginning of a term'. In practice unrealistic. Normal admissions take place at the start of the autumn term. For in year admissions, agreement would be reached and then a start date confirmed which would be the start of a new term if there was no urgency or earlier as per the exceptions listed.
- Re. the Flow Chart. We think that there needs to be another link from the admissions meeting box to the 'school raising objections.' The CAF often contains little information and it always requires additional information from the previous school AND information provided by the carers and student during the meeting in school. This then lends itself towards making an objection or not. It is difficult to object solely on the basis of the CAF. It should be noted that any parent can request an in year transfer for their child at any time and that there is a presumption that parental preference will be met unless exceptional circumstances can be evidenced. The Admissions Code is clear what cannot be taken into account when offering a place i.e. the Code does not require substantial information to be included / disclosed. However, the CAF does say that if a place has been offered and further information comes to light which could render the original CAF misleading, then the offer can be withdrawn. The Fair Access route is in recognition of ensuring a fair and proportionate distribution of children with challenging behaviour.
- Following an admission meeting between the school and the parents and agreed start date, attendance should be recorded from this agreed date and guidance from the LA's Education Welfare Service must be followed thereafter. What happens if a child doesn't turn up? It is unfair for schools, particularly in areas where chaotic lives often mean children don't turn up, to have responsibility for a child they have only met once. The flow diagram should explain this.
- Will this Protocol and Panel be used as access to provisions such as the Thorogate Enhanced Resource Unit. The definition of vulnerable children does not reference children excluded but not yet placed on roll with another school or children who are currently on less than full time education - both of these cases may not be attending a PRU. The intention would be to consider px children not on a school roll via this Panel, if agreement with another school has not already been reached. Advice on reintegration packages of support could also be given. The subgroup of officers and school leaders agreed that a proposal will be put forward to Schools Forum in connection with resources for reintegration.

There have also been suggestions as part of the sebd work stream activity that consultant heads or learning communities may consider resolving locally? Concern has been expressed that, due to the increasing number of in year transfer requests and potential admissions referrals to the Fair Access Panels, there will not be time to consider early intervention placement requests to all the PRU provisions. This can be considered further as the agenda develops.

- When a decision is binding, e.g. Stage 2 of the protocol box in bottom right, in what way is it binding? What happens if the school refuses? What happens if the parent refuses?

The Code requires that the majority of schools agree and thereafter all must abide by the Fair Access Protocol. It is hoped that a fair and transparent process will evidence which school is most suitable for a child to be fair to all involved. If a school refuses then the stipulations of Direction as set out in the Code would be followed (see attached). The Secretary of State/ Adjudicator would be provided with details of the agreed Protocol in place and the details and recommendations in the individual cases considered.

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