

Children and Young People Overview & Scrutiny Committee

12 October 2011

A review of the operation of the Warwickshire Secondary Schools In-Year Fair Access Protocol

Recommendation

- (1) That the Committee considers the report and comments upon the operation of the In-Year Fair Access Protocol

1.0 Introduction

- 1.1 Admission authorities are required to ensure that no school, whether it has places available or not, is asked to admit a disproportionate number of pupils who have been excluded from other schools, have challenging behaviour or are believed likely for other reasons to present additional demands on the receiving school. The aim of the In-Year Fair Access Protocol (IYFAP) is to ensure that such pupils are distributed as fairly as possible across the school system in any area of the county. The protocol applies to all publicly funded secondary schools, including Community, Controlled, Voluntary Aided, Academy, Trust and Foundation Schools, and serves to promote the best interests of all children.
- 1.2 The Education & Inspections Act 2006 introduced a requirement for each local authority to have in place an In-Year Fair Access Protocol (IYFAP) by September 2007. The School Admissions Code, which came into force in February 2010, sets out the responsibilities of admission authorities to devise and operate an agreed In-Year Fair Access Protocol. This includes the requirement to monitor how well their IYFAP is working by referencing it in their annual report to the Schools Adjudicator. A copy of the current secondary schools IYFAP is attached as **Appendix A**.
- 1.3 The code lists the categories of students which must be included as a minimum:
 - Children attending PRUs who need to be reintegrated back into mainstream education
 - Children who have been out of education for longer than one school term
 - 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- Children withdrawn from schools by their family, following fixed-term exclusions and unable to find another place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 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
- Children of UK service personnel and other Crown Servants

1.4 It should be noted that children with a statement of special educational needs are not included on this list given that, under legislation, schools are required to admit the pupil if the school is named in the final statement. Looked After Children are also not included on the above list as there is a requirement for all admission authorities to give priority to Looked After Children in their admission arrangements.

2.0 IYFAP Operation in Academic Years 2009/10 and 2010/2011

2.1 During the first full academic year of the current protocol's operation (2009/2010), there were approximately 23 pupils placed across the county. However, this number should be treated with caution as, before the local authority's admission service became responsible for coordinating all in-year admissions ('casual admissions') during September 2010, it is likely that schools themselves admitted pupils under the IYFAP without these necessarily being recorded.

2.2 More accurate figures have been compiled for the 2010/2011 academic year, which show a total of 94 pupils admitted across the county under the IYFAP. The overwhelming majority of these pupils were admitted at Key Stage 4, particularly in Year 10 (**see Appendix B**).

3.0 Issues Arising

3.1 After two years in operation, a number of questions concerning the current IYFAP have been identified, either by schools or by the local authority's admissions service, as follows:

- 3.1.1 Whether the criteria for inclusion under the IYFAP are too broad, thereby unnecessarily including pupils who ought to be managed under the standard 'casual admission' and appeals arrangements?

- 3.1.2 Whether the present IYFAP serves, albeit unintentionally, to undermine parents' statutory rights to apply for a school of their own preference?
- 3.1.3 Whether there is sufficient clarity around such concepts as 'Managed Move' and 'Fresh Start', and under what circumstances these should be treated as falling under the IYFAP?
- 3.1.4 Whether the current mechanism for crediting schools with admitting a pupil under the IFYAP in order to determine the next in line to take is unduly complex and ought to be replaced with a simpler and more transparent approach?
- 3.1.5 Whether the target of 10 school days in which to place pupils is realistic for all practical purposes?
- 3.1.6 Whether the local authority has been sufficiently robust in challenging schools who fail to observe the IYFAP and admit pupils where appropriate?

4.0 Further Drivers for Change

- 4.1 A number of recent structural changes within the local authority would also indicate that a major review of the secondary school IYFAP is now required. These include:
 - 4.1.1 The process of Academy conversion, which has already resulted in the majority of secondary schools in Warwickshire becoming Academies, and is therefore prompting a new relationship between schools and the local authority.
 - 4.1.2 The proposed closure of the Warwickshire Pupil Referral Unit (PRU) and the associated pilot scheme to devolve funding to the secondary Area Behaviour Partnerships (ABPs) in order that the schools in each area become principally responsible for the management of excluded pupils and pupils at risk of exclusion.
 - 4.1.3 The restructuring of the Education Social Work Service, necessitated by a considerable reduction in budget, which is requiring a fresh approach to the identification, tracking and placement of pupils out of school and, in particular, children missing from education.
 - 4.1.4 Finally, though not least, the recent report by Paul Galland into the local authority's Relationship with Schools, which concluded that the local authority ought to adopt a more coherent and joined-up strategy with regard to vulnerable children.

5.0 Conclusion

- 5.1 Although the Warwickshire secondary schools IYFAP is founded on firm principles and has been successful in placing over 100 vulnerable children in its first two years of operation, this experience – along with recent changes in schools and the local authority – suggest it is now an appropriate time to carry out a thorough review of the practical aspects of the protocol in Warwickshire. A first draft of a revised IYFAP is attached as **Appendix 3**.

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Warwickshire County Council's 'In Year Fair Access Protocol' (IYFAP)

1. Protocol Framework:

- 1.1 In line with the School Admissions Code, published by the Department for Children, Schools & Families (DCSF) in February 2009, all admission authorities must operate an In Year Fair Access Protocol.
 - 1.2 Within Warwickshire there continues to be a significant number of pupils who move schools within an academic year. A large proportion of these pupils present challenging educational needs to their new school or academy and, unsurprisingly, the schools or academies with places available, take a high proportion of these admissions.
 - 1.3 This IYFAP will enable schools and academies to share these pupils equally, as it **will apply to all Community, Controlled, Voluntary Aided, Academies, Trust and Foundation schools and Teaching and Learning Centres.** PLEASE NOTE: Selective Schools will only be required to participate in this protocol should a young person meet the entry requirements for the school.
 - 1.4 Admission Authorities must ensure that no school or academy, including those with places available, is asked to take a disproportionate number of children who have been excluded from other schools or academies, have challenging behaviour or who are known to have a history of behavioural problems.
 - 1.5 The agreed IYFAP must include timescales for considering and resolving individual cases.
 - 1.6 An agreed IYFAP must describe who will take part in this process, how children will be allocated, how decisions will be taken and who will be ultimately accountable for them.
 - 1.7 Local Authorities must monitor how well the IYFAP is working by including in their annual reports to the Schools Adjudicator an assessment of their operation and effectiveness and a statement about how many children have been admitted to each school or academy under this scheme.
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2. Definition of children who fall under the IYFAP

- 2.1 Given that admission decisions are open to challenge by parents, either through the courts or elsewhere, it is important to define precisely which groups of pupils are identified as 'Hard to Place'.
- 2.2 Within Warwickshire, Hard to Place children are those of compulsory school age who are listed below and includes children who satisfy the categories specified in

the School Admissions Code, as well as children in a number of stated categories; essentially they include:

- Children attending Teaching and Learning Centres who need to be reintegrated back into mainstream education;
- Children who have been out of education for longer than one school term;
- 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 or academies by their family, following fixed term exclusions and unable to find another place;
- Children of 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;
- Children of Traveller Families;
- 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;
- Children of UK personnel and other Crown Servants;
- Y11 children; and
- Children with English as second language.

2.3 PLEASE NOTE:

- (a) Children who move into Warwickshire, who are on the roll of a school or an academy in another Local Authority will be given the status of 'Without a school place'.
- (b) Children with a Statement of Special Educational Needs are not included on this list given that, under legislation, schools are required to admit the pupil if the school or academy is named in their final statement; and
- (c) Looked After Children are not included on the above list as the Warwickshire County Council already makes provision for them under a different protocol.

3. Main Principles:

- 3.1 Schools and academies will continue to admit children who apply for an available place under the new casual admission arrangements provided that the young person does not fall under the IYFAP.
- 3.2 The Warwickshire County Council will identify all children who fall under the IYFAP upon receipt of an application for a school or academy place and, when

determining where they should be placed, must consider the circumstances of the individual child, in terms of what is best for them, whether they are ready for mainstream school and, if so, which mainstream school or academy will be best able to meet their needs.

- 3.3 Schools and academies cannot refuse to admit a child falling under the IYFAP on the grounds they are full/over-subscribed. If a school or academy is asked to admit a pupil under the IYFAP, the availability of a place is not a factor, as All schools and academies will be expected to admit pupils above their planned admission number in compliance with the IYFAP.
 - 3.4 However, the application of the IYFAP should avoid an inflexible approach that could result in schools or academies being routinely expected to admit the next child in line without any consideration of other factors.
 - 3.5 Children falling under the IYFAP will be given priority for admission over any other children on a waiting list or awaiting an appeal.
 - 3.5 Schools and academies must respond immediately to requests under the IYFAP so that the admission of a child is not unduly delayed and to enable the child to be placed on the school or academies roll within 10 school days of notification by Warwickshire County Council.
 - 3.6 For 'difficult' admissions, particularly where the pupil has been out of school for some time, a phased attendance pattern may be necessary, although full time attendance should be in place within 4 weeks of entry, unless there are exceptional circumstances.
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4. Procedure for the Placement of Pupils:

- 4.1 The placement of Warwickshire children, falling under the IYFAP, will be managed by the Principal Admissions Officer, following consultation with the relevant Area Behaviour Partnership.
- 4.2 Area Behaviour Partnerships are attended by headteachers or other senior staff from relevant schools, representatives from the Early Intervention Service, Youth Offending Service, the Teaching and Learning Centre and the relevant Area Schools and Communities Officer. This function of this partnership is to monitor children causing concern within a relevant area and to place those children falling under the IYFAP. The majority of children will be placed via Area Behaviour Partnerships, which the Principal Admissions Officer or another Senior Officer will attend.
- 4.3 Each of the Area Behaviour Partnerships should hold their own operational guidance and some use the IYFAP database to identify the next school or academy due to take a child.
- 4.4 The IYFAP database consists of system that ranks the children being considered in order of priority by assigning points to the following factors:
 - The size of the school or academy;
 - The amount of children receiving free school meals in each year group;

- The amount of children on the school or academy roll that are in the care of a local authority;
 - The amount of children a school or academy has excluded across an academic year;
 - The amount of children on the school or academy roll in Super Output Areas (Those children whose postcode falls within an area identified as deprived).
 - The number of children admitted under Warwickshire County Council's Managed Move Protocol;
 - The number of children already admitted under the IYFAP.
- 4.5 Point weightings are given to each of the above factors and enter a formula, which gives a total point score for each year group by school or academy.
- 4.6 Each Area Behaviour Partnership will ensure that it has procedures that enables children to be allocated a place at a school or academy at their area meetings and between meetings.
- 4.7 A core of members from each of the Area Behaviour Partnerships are required to be available to meet in between area meetings, if children require placements that cannot be resolved under a particular area's IYFAP arrangements.
- 4.6 Any child's case presented at an Area Behaviour Partnership or to an identified school or academy in between area meetings should include an attendance report from the previous school, details regarding fixed term exclusions, levels of special educational needs, other agency support or involvement and some educational background.
- 4.7 The Admissions Forum will have a monitoring roll and will have the power to assess whether all schools and academies are acting fairly and in accordance with the IYFAP, through regular statistical reports on pupil movements between schools.
- 4.8 Wherever possible, parents' views will be considered in the placement of a child, but they will not override the IYFAP if their preferred school or academy is unable to admit their child or is not instructed to admit them under the IYFAP. Parent and carers will, however, continue to have a right of appeal to the Independent Appeal Panel.
- 4.6 Any child falling under the IYFAP should be placed within 10 school days.

5. Timetable for the Placement of Pupils:

Stage:	Description of Activity:	School Day(s):
1	Receive school admissions application for child;	-
2	Determine whether the child falls under the IYFAP: <ul style="list-style-type: none"> • If they do, continue to the next stage of the IYFAP; • If they do not, application considered under the school's 	Day 1

	usual admission arrangements.	
3	Previous Educational achievements and other relevant data are requested by the Admissions Service. Previous schools/academies are expected to provide this data within 5 working days.	Day 1
4	Principal Admissions Officer refers matter to the chair of relevant Area Behaviour Partnership.	Day 2
5	The Chair of the Area Behaviour Partnership considers the child's case and: <ul style="list-style-type: none"> • allocates a place at an appropriate school or academy and matter moves on to stage 7 of the IYFAP; or • refers the child's case to core of members from each of the Area Behaviour Partnerships for a decision and matter moves to stage 5. 	Day 5
6	A core of members from each of the Area Behaviour Partnerships considers the child's case and: <ul style="list-style-type: none"> • allocates a place at an appropriate school or academy and matter moves on to stage 7 of the IYFAP; or • refers the child's case back to Warwickshire County Council and matter moves to stage 6. 	Day 7
7	Warwickshire County Council to consider the child's case and allocate a place at an appropriate school or academy, directing the child's admission under section 96 of the School Standards & Framework Act 1998, as necessary.	Day 8
8	Principal Admissions Officer to inform the parent or carer of the school or academy at which their child has been allocated a place.	Day 10

IYFAP Placements for Academic Year 2010/11

	Total	Year 7	Year 8	Year 9	Year 10	Year 11
Central Area	30	2	2	6	17	3
Southern Area	14	1	3	1	7	2
North/Nuneaton & Bedworth Area	26	0	4	6	11	5
Eastern Area	24	3	3	2	10	6
Whole of the County	94	6	12	15	45	16

PROPOSED RE-DRAFT

The Warwickshire Secondary School In-Year Fair Access Protocol

1. Introduction

- 1.1** Fair Access protocols exist to ensure that access to education is secured quickly for children who have no school place but for whom a place at a mainstream school or alternative provision is appropriate and to ensure that all schools in an area admit their fair share of children with **challenging behaviour**, including children excluded from other schools, or are believed likely for other reasons to present additional demands on the receiving school. (A full list of categories of children who fall under the terms of the IYFAP is attached as Appendix A). The protocol applies to all publically funded secondary schools, including Community, Controlled, Voluntary Aided, Academy, Trust and Foundation Schools, and serves to promote the best interests of all children.
- 1.2** The School Admissions Code, revised edition came into force on 10 February 2010. sets out the responsibilities of admission authorities to devise and operate an agreed In-Year Fair Access Protocol. This includes the requirement to monitor how well their IYFAP is working by including in their annual report to the Schools Adjudicator an assessment of operational effectiveness together with details of how many children have been admitted to each school under the terms of the protocol. In Warwickshire an annual report is also submitted to the Warwickshire Admissions Forum.
- 1.3** In August 2011 an initial internal review of the Warwickshire In-Year Fair Access Protocol was conducted in response to a number of factors including:
- (a) the changing relationship between the Local Authority and secondary schools resulting from the Academy conversions.
 - (b) the introduction of new arrangements for the management of permanent exclusions.
 - (c) concerns expressed in a number of Area Behaviour Partnerships that the Warwickshire IYFAP in its then current format was not working as effectively as might be.

2. Key Principles

- 2.1** The primary purpose of the IYFAP is to ensure the amount of time children spend out of education is kept to a minimum. It is also intended to ensure that all maintained schools and Academies in an area take a fair share of children with challenging behaviour. As far as possible a fair and equitable distribution of secondary age pupils seeking a school place

(other than at age of transfer) in an Area of the county, likely to pose additional demands on a receiving school.

- 2.1** It will be the responsibility of the Local Authority to identify and secure a placement for all such pupils falling under the terms of the IYFAP.
- 2.3** The Local Authority will do all it can to accommodate parental preference or, where necessary, use the IYFAP database (see below) to identify the next appropriate school. However, even though a pupil may be identified as falling under the terms of the IYFAP, this does not override a parent's fundamental right in law to express a preference for a place in a school. Under these circumstances schools are obliged to comply with the basic tenet of the School Admissions Code and offer a place where one is available in the relevant year group or, if a place is not available, offer the opportunity of an appeal via an independent appeal panel. If the application has been refused despite there being places available, the school must present their case for refusal at an appeal demonstrating how admission of the child would cause prejudice to the school.
- 2.4** Schools will not be obliged to offer a place, even where one exists in the relevant age group, where the child has been permanently excluded from two or more schools – in such cases the requirement to comply with parental preference is removed for a period of 2 years from the date when the last exclusion took place. Parents do still have a right of appeal however.
- 2.5** Under certain circumstances schools may furthermore not be obliged to admit IYFAP pupils where:
- (a) the school at which a place has been requested requires Special Measures or has been removed from Special Measures within the previous two years.
 - (b) the school concerned has been issued with a Notice to Improve.
 - (c) the school concerned is subject to a Formal Warning Notice issued by the Local Authority.
 - (d) the school is a Fresh Start school and has been open for less than two years.
 - (e) the school has less than 20% of pupils achieving 5 or more A* - C grades at GCSE including English and Maths.
- 2.6** Where a school is requested by the Local Authority to admit a pupil under the terms of the IYFAP, the availability of places in the relevant year group ceases to become a barrier to admission, with all schools expected to offer places above their planned admission number under these circumstances. Such pupils will be given priority for admission over any other child on a waiting list or awaiting appeal.
- 2.7** In order that the admission of a pupil subject to IYFAP is not unduly delayed, schools are expected to respond promptly to requests for

admission so as to allow such pupils to be placed within 15 school days of being identified under the protocol.

2.8 Where a school fails to reasonably comply with a Local Authority request to admit a pupil under the IYFAP within the required timescale, the Local Authority reserves the right to direct the school to admit or in the case of an Academy to refer the matter to the appropriate body in order to seek direction (see Appendix 3 – Powers of Direction).

2.9 Where a child returns to live in an Area, having previously attended a local school, the child's previous school will be expected to re-admit them under the terms of the IYFAP unless there is a parental preference otherwise.

3. Operational issues relating to IYFAP

3.1 The IYFAP database will be maintained by the Local Authority, employing a points system to acknowledge where schools have admitted pupils under the protocol and to calculate which school in an Area is next to receive a pupil in any particular age group.

3.2 Point weightings will be allocated to each of the factors below in order to assist with placements under the IYFAP:

- ❖ number of pupils on roll at the school
- ❖ number of pupils receiving free school meals, per year group
- ❖ number of pupils in care of the Local Authority
- ❖ number of pupils permanently excluded during the academic year
- ❖ number of pupils living in super output areas of highest deprivation (top 10%?)
- ❖ number of pupils previously admitted in the academic year under an agreed Managed Move
- ❖ number of pupils previously admitted in the academic year under the IYFAP

3.3 Schools will be credited with points for each child admitted under the terms of the IYFAP and the school's place in the priority ranking order recalculated in order to ensure an equitable distribution of pupils under the protocol. This will include situations where a pupil identified as falling under IYFAP is admitted in-year:

- ❖ by the usual in-year admissions or appeals arrangements as a result of a place being available in the parent's preferred school
- ❖ by means of the Area Behaviour Partnership in the case of a permanently excluded pupil
- ❖ by means of a Managed Move
- ❖ by use of the IYFAP

3.4 Identification of pupils subject to the IYFAP will rest principally with the Local Authority Admissions Service by means of the standard in-year

application form. Where necessary, consideration will be given as to whether or not a mainstream placement is appropriate. However, where a child falling under the IYFAP is admitted to a school by other means (e.g. a Managed Move) it will be the responsibility of the school to inform the IYFAP officer in order that this may be recorded and credited to the school.

- 3.5** The Local Authority IYFAP officer will be responsible for all administrative aspects of the IYFAP including production and dissemination of necessary pupil information to schools in support of requests for placement, and liaison with parents, headteachers and other agencies where appropriate.
- 3.6** A Local Authority Education Planning Officer will attend and support the Area Behaviour Partnership and, where necessary, assist with the placement of those pupils presenting a particular challenge.
- 3.7** The Local Authority will produce termly and annual reports to each of the Area Behaviour Partnerships (ABPs) in order to monitor the performance of the IYFAP locally.

Appendix A - Children falling under the terms of the Warwickshire secondary school IYFAP

The vast majority of pupils who move schools during the academic year will be admitted under Warwickshire's normal (in-year) admission arrangements.

Children falling under the IYFAP are those of compulsory school age identified as falling into one of the categories below:

1. Children attending PRU's who need to be reintegrated back into mainstream education;
2. Children who have been out of education for longer than one school term;
3. Children whose parents have been unable to find them a place after moving to the area; because of a shortage of places
4. Children withdrawn from schools or academies by their family and unable to find another school place;
5. Children of refugees and asylum seekers;
6. Homeless children;
7. Children with unsupportive family backgrounds where a school place has not been sought;
8. Children known to the police or other agencies such as the Youth Justice Service;
9. Children without a school place and with a history of serious attendance problems (this is defined in Warwickshire as an attendance figure below 80% for the current academic year);
10. Children of Traveller Families;
11. Children who are carers;

- 12. Children with special educational needs but without a statement;
- 13. Children with disabilities or medical conditions;
- 14. Children returning from the criminal justice system;
- 15. Children of UK service personnel and other Crown Servants;

Appendix B - Time-scale for placement of pupils under the Warwickshire secondary school IYFAP

Day	Officer	Action
1.	IYFAP Officer	Initial assessment of whether the application falls under the IYFAP or normal admission arrangements. (Fifteen day timescale starts once a child has been identified as falling under the IYFAP).
2 – 4.	IYFAP Officer	Gathers any information missing from the application form. Reviews the IYFAP database to identify appropriate school to approach if parental preference cannot be met. Contact is made with the Chair of the relevant ABP and Education Planning Officer to make them aware of the application.
5.	IYFAP Officer	Approach is made to school requested by parent / carer. School allowed two days to consider application.
6.		
7.	IYFAP Officer Education Planning Officer	If places are available at the preferred choice of school, then the expectation is that the school will agree to a place being offered. Parents are then notified and arrangements are made for the child to join the school as soon as possible. If the parents preferred choice of school does not have places, and is not willing (or able) to offer a place over their PAN, then the next school due to take under the IYFAP is approached. School allowed two days to consider application.
8.		

9.	<p>IYFAP Officer</p> <p>Education Planning Officer / Chair of Behaviour Partnership</p> <p>Head of Access and Organisation</p> <p>Education Planning Officer</p>	<p>If the school in question agrees to admit then parents are notified and arrangements are made for the child to join the school as soon as possible.</p> <p>If the school in question refuses to admit, the Education Planning Officer and the Chair of the ABP will consider the reasons for the school's refusal. The Education Planning Officer will then make a recommendation to the Chair of the ABP / Head of Access and Organisation as to whether the child should be admitted.</p> <p>If the case for refusal is not considered sufficiently strong, then the school will be directed by the Local Authority to admit the pupil under Section 96 of the School Standards and Framework Act. If the school refusing to admit is an Academy, then the matter will be referred to the YPLA who have the responsibility to direct admissions to Academies.</p> <p>If it is felt that the school should not accept the child then the next school from the IYFAP database is approached. The school is provided with information on the child and allowed two days for consideration.</p>
10.		
11.	<i>As above</i>	<i>Deadline for school identified as second to take under IYFAP to admit. Process as of day nine applies.</i>
12.		
13.	<i>As above</i>	<i>Deadline for school identified as third to take under IYFAP to admit. Process as of day nine applies.</i>
14.		
15.		Maximum time allowed for any child to be found a suitable educational place or for direction process to have commenced.

Appendix C - Powers of Direction

The aim of the IYFAP is that in all cases, children will be admitted within 15 days of them being identified as falling under the protocol, and that they will be admitted to the appropriate school. This will either be the parents preferred choice of school (if places are available) or the school identified by the Local Authority as appropriate. Where a school or academy, after discussion with the Local Authority, refuses to admit a child, then the Local Authority refers the right to direct the school or to seek direction. The appropriate processes and relevant legal framework are set out below.

Community or Voluntary Controlled Schools

Governing bodies of community and voluntary controlled schools must implement any decision made by the local authority relating to admission of children.

Where the governing body of a community or voluntary controlled school refuses to admit a child, and the matter cannot be resolved locally, the matter will be referred to the Secretary of State.

Foundation or Voluntary Aided Schools

Local Authority's can direct the governing body of a foundation or voluntary aided school in its area to admit a child where, in relation to every school within a reasonable distance from the child's home, the child has been refused admission or has been permanently excluded. Such a direction must only specify a school within a reasonable distance from the child's home, and one from which the child has not been permanently excluded.

Governing Bodies 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 within 15 days of receiving a notice to that effect. The Adjudicator then determines which school is to be required to admit the child. If the local authority is the admission authority for the school identified by the Adjudicator, they must admit the child. In any other case, the governing body of the school named in the direction must admit the child.

Academies

Where a local authority considers that a particular Academy will best meet the needs of the child, they can ask them to admit that child even when the Academy is full. A consensus will be reached locally in the large majority of cases, but if the Academy disagrees with the local authority's reasoning and refuses to admit the child, the case can be referred to the Secretary of State. In such cases, the Secretary of State may direct an Academy to admit, and can seek advice from the Adjudicator in reaching his decision. In providing such advice, the Schools Adjudicator will consider the case in the same way as for maintained schools.

? Review date?