

AGENDA MANAGEMENT SHEET

Name of Committee Children, Young People and Families Overview and Scrutiny Committee

Date of Committee 25th April 2007

Report Title In-Year Fair Access Protocol

Summary This report summarises the proposed arrangements for the admission of 'Hard to Place' pupils as required by the DfES.

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Would the recommended decision be contrary to the Budget and Policy Framework? [please identify relevant plan/budget provision] No

Background papers School Admissions Code of Practice

CONSULTATION ALREADY UNDERTAKEN:- Details to be specified

Other Committees

Local Member(s)

Other Elected Members Cllr Helen McCarthy
Cllr Richard Grant
Cllr Jill Dill-Russell
Cllr Katherine King
Cllr John Whitehouse

Cabinet Member For information:
Cllr John Burton

- Other Cabinet Members consulted For information:
Cllr Izzi Seccombe
- Chief Executive
- Legal Richard Freeth – comments incorporated in the report
- Finance
- Other Strategic Directors
- District Councils
- Health Authority
- Police
- Other Bodies/Individuals Michelle McHugh, Scrutiny Officer
Consultation with all primary and secondary schools
Meetings of Area Behaviour Management Panels,
Access & Inclusion Group and Admissions Forum

FINAL DECISION **NO**

SUGGESTED NEXT STEPS:

Details to be specified

- Further consideration by this Committee
- To Council
- To Cabinet
- To an O & S Committee
- To an Area Committee
- Further Consultation County Behaviour Management Panel

Children, Young People and Families Overview and Scrutiny Committee – 25th April 2007

In-Year Fair Access Protocol

Report of the Strategic Director for Children, Young People and Families

Recommendation:

That Members scrutinise the protocol contained in this report and the verbal report which will be given at the meeting.

1. Introduction

- 1.1 Members will be aware that the new School Admissions Code of Practice came into force at the end of February 2007. The County Council and other admission authorities within Warwickshire have a statutory duty to act in accordance with the Code. Under paragraphs 3.14 – 3.18 of the School Admissions Code of Practice, authorities are required to develop a Protocol to deal with the admission of 'hard to place' pupils. These protocols are now to be known as 'In-Year Fair Access Protocols' and a draft is included at paragraph 2 of the report.
- 1.2 Officers have carried out a written consultation exercise with all primary and secondary schools regarding the introduction of a draft protocol. In addition officers have met with members of Area Behaviour Management Panels to discuss how any protocol should be implemented.

2. Warwickshire's In-Year Fair Access Protocol (Draft)

- 2.1 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. Unsurprisingly, the schools that have places available take a high proportion of these admissions. This protocol will enable schools to share these pupils equally. It is important to remember, however, that some schools will inevitably take a higher proportion of 'challenging' pupils due to the nature of their priority area. The

protocol will not change that, but will ensure that most pupils who seek admission during the academic year are admitted to a local school.

Under paragraph 3.15 of the Admissions Code of Practice, all admission authorities (whether they are the local authority or governing bodies) **must** have a Fair Access Protocol in place by September 2007. All admission authorities **must** participate with the protocol. The local authority has developed this protocol with headteachers and the Admissions Forum. In accordance with the Admissions Code of Practice, the protocol **must** be incorporated into the admissions arrangements of all admission authorities within Warwickshire

2.2 Definition of 'hard to place' pupils

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 we are identifying as 'hard to place'. It is also important to remember that the fair access protocol will generally apply only in situations where a school is at or above its planned admission number, although the local authority reserves the right to use its statutory powers of direction where a school refuses to take a pupil where the school is under its planned admission number.

2.3 The categories of pupils to be covered by the protocol are as follows:

- Children of traveller families.
- Children who have been permanently excluded from another school and who are ready for re-integration back into mainstream school.
- Pupils at risk of permanent exclusion, for whom a managed transfer is agreed by both sending and receiving school as the best way forward.
- Children who are looked after by a local authority.
- Refugees, asylum seekers and homeless children.
- Children subject to a child protection plan.
- Children who are known to the police or other agencies.
- Children who have been out of education for longer than one school term (to include those who are not on the roll of a school and those who are but have not attended for longer than one school term).
- Pupils moving into the area in Key Stage 4.
- In accordance with paragraph 3.17 of the Admissions Code of Practice, children, outside the above categories, who move into the area outside the normal admissions round and who may have trouble securing a place.

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.

2.4 Aims of the Scheme

The scheme is designed to:

- Acknowledge the real need of vulnerable young people who are not on the roll of any school to be dealt with quickly and sympathetically.
- Reduce the time that these 'difficult to place/high need' pupils spend out of school.
- Ensure that schools admit pupils with challenging educational needs on a fair and equal basis and that appropriate support is available.
- Be fair and transparent, and to have the confidence of all schools.
- Be used sparingly. Schools will not be expected to admit a high number of pupils on this exceptional basis. Most admissions will continue using the usual local authority criteria (or those arrangements agreed by the governing bodies of Foundation and Aided schools).

2.5 Main principles

For the scheme to be successful:

- All schools must sign up to the protocol and incorporate reference to the protocol within their admission arrangements.
- Schools will continue to admit pupils who apply for an available place, under the normal admission arrangements.
- Schools cannot refuse to admit a hard to place pupil on the grounds they are full/over-subscribed. If a school is asked to admit a pupil under the scheme, availability is not a factor. These pupils will be given priority for admission over any others on a waiting list or awaiting an appeal. All schools will be expected to admit pupils above their planned admission number in these circumstances.
- Schools must respond immediately to requests for admission so that the admission of the pupil is not unduly delayed to enable the child to be placed on the school roll within 10 school days of notification by the local authority. For 'difficult' admissions, particularly where the pupil has been out of schooling for some time, a phased attendance pattern may be necessary although, unless there are exceptional circumstances, full-time attendance should be in place within four weeks of entry.
- The local authority will take account of any particular concerns about the admission. This may include a previous serious breakdown in the relationship between the school and family or a strong aversion by the family to the religious ethos of the school.

By signing up to the agreement, all schools are agreeing to share collective responsibility so that placements for hard to place pupils are found quickly with minimum disruption to their education and the overall work of the receiving school.

It should be noted that because moves of care placement can occur outside the normal admissions round when many schools are full Members have agreed

arrangements to avoid delays necessitated by the local appeals procedure. Community and Controlled schools are asked to admit, without appeal, looked after children **from within their priority area** even though their admission limit has already been reached or exceeded. An exception to this arrangement would be in an infant or primary school where admission would result in exceeding 30 pupils in an infant class.

2.6 Placement of pupils

A mechanism is being devised to determine where a pupil is accepted as hard to place. This will be established through a predetermined assessment checklist and liaison with headteachers and relevant professionals.

If the pupil is accepted by the local authority as being 'difficult to place/high need', a points-weighted list would be used in order to determine which school's turn it is to admit next. This would need to be devised and agreed by the County Behavioural Management Panel (to be reconstituted) and with headteachers, but could be used to place both permanently excluded pupils and 'difficult to place/high need' pupils as well as identifying opportunities to effect managed transfers between schools.

When a pupil needs to be placed under the scheme, the school at the top of the list for the area in which the pupil lives is approached. When a school admits a pupil under the scheme points are credited to the school and the school moves to a lower position on the list. Schools will therefore not normally be asked to admit two pupils (either permanently excluded or 'difficult to place/high need') in quick succession and are unlikely to be asked to admit more than three or four pupils in any one year. The lists could be issued termly to schools to demonstrate that the protocol is being fairly applied.

- 2.7 The Admissions Forum will have a monitoring role and will be able to assess whether all schools are acting fairly and in accordance with the protocol through regular statistical reports on pupil movements between schools.

When a school is allocated a pupil under this protocol, there is an expectation that the school will admit the pupil as soon as possible and, in any event, within 10 school days of notification by the local authority. The school may make representations to the local authority regarding the admission of the pupil. The local authority, having considered the representations, may issue a direction under the School Standards and Framework Act 1998 to enforce the admission of the pupil and will do so where the child has not been admitted within the 10 school day period referred to above. Any school which wishes to appeal against such a direction may do so to the Office of the Schools Adjudicator (where the governing body is the admission authority) or the Secretary of State (where the governing body is not the admission authority).

2.8 Funding

In the case of 'difficult to place/high need' pupils, many local authorities are making an additional budget allocation, once the child is admitted, to fund any extra support which may be needed. For example, the DfES cites as good

practice a local authority that provides £1,500 for pupils admitted in the autumn term, £1,000 for pupils admitted in the spring term and £500 for pupils admitted in the summer term. Given the Authority's agreed formula for funding schools further consideration will need to be given to the feasibility of any additional funding being made available in this way.

2.9 The views of parents

Wherever possible, parents' views will be considered in the placement of a pupil but they will not override the protocol if the preferred school is unable to admit the pupil. Parents will, however, continue to have a right of appeal to the independent school admissions appeal panel.

3. Consultation with Area Behaviour Management Panels

3.1 The Assistant Head of Service, SEN and Inclusion, has attended the following meetings in order to seek the views of headteachers and other colleagues:

- Access and Inclusion Group
- Secondary Headteachers and Primary Behaviour Management Panels
- Admissions Forum.

3.2 A verbal report will be presented to Members at the meeting. However a summary of questions raised by members of the Area Behaviour Management Panels is attached at **Appendix A**. Comments from Members will be included in the protocol which will then be considered finally by the County Behaviour Management Panel prior to the document being formalised by Cabinet.

4. Recommendation

Members are asked to scrutinise the protocol contained in this report and the verbal report which will be given at the meeting.

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Strategic Director for Children,
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16th April 2007

Summary of comments and feedback from schools re Hard to Place Protocol (In-Year Fair Access) and Managed Transfer document

Issue	Comment
<p>Local Press and Media coverage The circulation of information needs to be better managed and controlled. Misleading information is damaging.</p>	<p>Antony Hopker will co-ordinate workshop style sessions to ensure that accurate information is provided for the media.</p>
<p>Managed Moves are already happening</p>	<p>It has been acknowledged that Managed Moves are part of existing best practice in some areas of the County.</p>
<p>How can the £20,000 be spent? The Panel would appreciate a “list” of options and the costs. Can a Panel use the money to employ a co-ordinator for KS4 Alternative Curriculum? £20,000 will not be enough – what happens when the money runs out? This Panel would not want to manage the £20,000 – would want the LA to manage the money? What is the capacity within services to meet the increased demand if Panels are looking to purchase more support? Do all Panels who have £20,000 deal with a similar number of pupils at risk of exclusion?</p>	<p>The County Behaviour Panel will consider the options available. The initial investment will have to demonstrate a positive outcome if any additional funding is to be made available during the year, or in future years. Services are aware of the increased demand and, as a traded service, LABSS, for example, could increase their capacity to support if funding were available.</p>
<p>This Panel welcomes the LA’s proposals – the documents are seen as a positive way forward.</p>	
<p>The Managed Transfer process needs to take account of the combinations of needs of pupils who are reintegrated.</p>	<p>The process needs to be monitored at an individual school level and across the LA.</p>
<p>Concerns that primary schools will be expected to admit pupils above PAN – how can this be managed safely? We would find it difficult to admit 3 or 4 pupils per year. Also, £1,500 for a full year is very little if the pupil needs 1:1 support or a behaviour programme.</p>	<p>In reality, an individual primary school would not be expected to take more than one pupil during a school year. The maximum infant class size of 30 will prohibit placement in such situations.</p>
<p>Information that is made available about individual pupils varies from school to school.</p>	<p>A working group will look at the information that needs to accompany any approach being made to a school.</p>
<p>There is already a resource implication in the PRU in terms of accepting new pupils.</p>	<p>Pupils who are ready for reintegration need to have school places to create capacity within the PRU.</p>

Issue	Comment
What will be the function of the Behaviour Panels in the future – cannot determine who should attend until the function has been agreed.	For discussion by the County Behaviour Panel.
What happens if, as an outcome of a Managed Move, the parent's preference is for a return to the original school?	Individual discussion with headteacher required.
There seem to be various initiatives – managed moves, enhanced support network, children in need meetings, family group conferencing – it is difficult to make sense of them as individual procedures and difficult to see how they link with one another. Will there be common paperwork?	This issue will be picked up by the SEN Forum and Lead Officers for the Behaviour Strategy.
Autonomy of individual headteachers must not be lost with the implementation of Hard to Place Protocol.	LA will work with headteachers but they are not the Admissions Authority.
Patterns of exclusion and reintegration need to be examined across the County.	We can look at ways of making this information available.
How will the paperwork and other administrative tasks be managed for the Panels?	To be discussed at the County Behaviour Panel.
Under the Hard to Place Protocol, what would be the transport arrangements for a pupil whose school is no longer the nearest? Does this school then become the designated school, with transport?	Yes, and transport will be considered in line with Policy.
Is it legal for a school to refuse admission of some pupils but admit others under the Hard to Place Protocol?	Yes.
Are Trust schools, Foundation schools and Denominational schools covered by the Hard to Place Protocol?	Yes, the LA requires all schools to sign up to Protocol.
Can the LA produce a table of in-year admissions for all secondary schools on a regular basis?	The LA will be able to with the Hard to Place Protocol in place.
Will the Hard to Place Protocol be sympathetic to pressures in individual schools, e.g. particularly difficult year group, staffing difficulties.	Yes, where necessary.