

The Warwickshire Secondary School In-Year Fair Access Protocol

Introduction

Admissions Authorities are required by law 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. (A full list of categories of children who fall under the terms of the IYFAP is attached as appendix x). The aim of the protocol 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 publically funded schools, including Community, Controlled, Voluntary Aided, Academy, Trust and Foundation schools.

The School Admissions Code, published in February 2009, 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.

In August 2011 a 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 quarters that the Warwickshire IYFAP in its then current format was not working as effectively as might be.

The revised protocol is set out below.

Key Principles

1. The primary purpose of the IYFAP is to ensure as far as possible a fair and equitable distribution of secondary age pupils arriving in an Area of the county likely to pose additional demands on a receiving school.
2. 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.
3. The local authority will do all in its power to steer parents to the next appropriate school using the IYFAP database (see below). However, even though a pupil may be identified as falling under the terms of the IYFAP, this does not over-ride a parent's fundamental right in law to express a preference for

a place in a school with spaces available in the relevant year group. Under these circumstances schools are obliged to comply with the basic tenet of the School Admissions Code and offer a place or, if a place is not available, offer the opportunity of an appeal via an independent appeal panel.

4. The limited exceptions to the above are as follows:

- a) 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.
- b) Where the school at which a place has been requested requires Special Measures or has been removed from Special Measures within the previous two years.
- c) Where the school concerned has been issued with a Notice to Improve.
- d) Where the school concerned is subject to a Formal warning notice issued by the Local Authority.
- e) Where the school is a Fresh Start school and has been open for less than two years.
- f) Where the school has less than 20% of pupils achieving 5 or more A* - C grades at GCSE including English and Maths.

5. 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.

6. 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.

7. 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 see direction (See appendix x - Powers of Direction).

8. 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.

Operational issues relating to IYFAP

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.

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. 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

4. Identification of pupils subject to the IYFAP will rest principally with the 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 (eg 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.

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.

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.

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 1 - 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 Teaching and Learning Centres 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;
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 2 - 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 3 - 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.