Redbridge

Fair Access Protocol

2018/19
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Section One

Introduction

1.1 The Redbridge Fair Access Protocol

a. This protocol aims to ensure an equitable distribution and prompt means of allocating school places for pupils who have been permanently excluded, are transferring school as a result of a managed move or belong to the exceptional ‘hard to place’ and vulnerable group of pupils.

1.2 Key points

1. The policy takes into account the School Admissions Code 2014 that came into force in December 2014 and requires all Local Authorities to develop an in-year Fair Access Protocol agreed with the majority of schools in its area to ensure that outside of the normal admissions round, unplaced children, especially the most vulnerable, are offered a place at the most suitable provision as quickly as possible.

2. In agreeing a protocol, the local authority must ensure that no school, including those with available places, is asked to take a disproportionate number of children who have been excluded from other schools, or who have challenging behaviours. To this end, in the London Borough of Redbridge, a record of all such admissions generates weighting, allocated by the local authority. This is used to equally and fairly distribute these pupils amongst schools.

3. All admission authorities must participate in their local area’s protocol.

4. The Fair Access Protocol applies to admissions which take place outside the normal admissions round and is triggered when a parent of an eligible child has not secured a place under in-year admissions procedures.

5. In accordance with the School Admissions Code paragraph 3.11 there is no duty to comply with parental preference when allocating places through the Fair Access Protocol.

6. In Redbridge, no own admission authority school may opt out from participation in this protocol which ensures all children, particularly the most vulnerable, are admitted to a suitable school as quickly as possible.

7. In accordance with the School Admissions Code paragraph 3.12, the Fair Access Protocol also applies to cases where a governing body does not wish to admit a child with challenging behaviour outside the normal admissions round, even though places are available. This would normally only be
appropriate where a school has a particularly high proportion of children with challenging behaviour or previously excluded children.

a. If the governing body of a maintained school or an academy does not wish to accept an in-year admission on the grounds of the child having challenging behaviour, they need to write to The Director of Children’s Services (Corporate Director of People) or a senior Local Authority Officer outlining the reasons with their case within seven calendar days of receiving the request to admit through the School Admissions Module (SAM). This provision will not apply to a looked after child, a previously looked after child or a child with a statement of special educational needs/Education Health and Care Plan (EHCP) naming the school in question, as these children must be admitted.

b. A community school cannot refuse to admit a pupil offered a place by its admission authority, the Local Authority. The weighting systems will avoid these schools taking more than their fair share of fair access placements.

c. The Fair Access Protocol applies to all pupils resident in the London Borough of Redbridge. Pupils resident in other boroughs will be covered by their home Local Authority protocols.

Section Two

The Redbridge Context and the Fair Access Protocol

Redbridge schools are successful and popular.

The majority of schools are full in many year groups and there is a constant pressure for school places across the borough.

There is considerable mobility in the population and the LA and schools are under increasing pressure to respond to the demands for increased places.

Redbridge is addressing this pressure by increasing capacity through a number of initiatives including the opening of new temporary classes in existing primary and secondary schools, permanent expansions of existing schools, the addition of new schools, and the extension of the age range of two secondary schools to include primary aged pupils.

2.1 Admission criteria and arrangements made within Redbridge to admit over number

Usually, all children must be admitted in accordance with the agreed oversubscription criteria for the school for which they are being considered.

In the case of community schools, Redbridge is the admission authority and determines the oversubscription criteria.
For own admission schools it is the governing body or trust that is responsible for determining the oversubscription criteria.

When an application is received, if a vacancy is available, the child can only be refused admission in a limited number of exceptional circumstances (School Admissions Code paragraphs 2.7 to 2.9 and 3.12):

2.7 Admission authorities must allocate places on the basis of their determined admission arrangements only, and a decision to offer or refuse admission must not be made by one individual in an admission authority. Where the school is its own admission authority the whole governing body, or an admissions committee established by the governing body, must make such decisions.

2.9 Admission authorities must not refuse to admit a child solely because:

a) They have applied later than other applicants;

b) They are not of the faith of the school in the case of a school designated with a religious character;

c) They followed a different curriculum at their previous school;

d) Information has not been received from their previous school; or

e) they have missed entrance tests for selective places.

3.12 Where a governing body does not wish to admit a child 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. This will normally only be appropriate where a school has a particularly high proportion of children with challenging behaviour or previously excluded children. The use of this provision will depend on local circumstances and must be described in the local authority’s Fair Access Protocol. This provision will not apply to a looked after child, a previously looked after child or a child with a statement of special educational needs or Education Health and Care Plan naming the school in question, as these children must be admitted.

If a school is full to its agreed admission number and there are places in other schools, admission will be refused and a child’s name can be added to a waiting list and, as vacancies arise, places will be allocated from these lists in accordance with the oversubscription criteria.

Parents have a statutory right to appeal against the refusal to admit; the independent appeal panels can over-rule the admission authority’s decision and require the child to be admitted over the admission number.

In Redbridge there are frequent occasions when all schools are full in a particular year group and there is no vacant place to offer to a child who requires placement.
These children will be considered under the Over-allocation policy which is part of the Fair Access Protocol.

2.2 Over-allocation policy

To ensure every child’s educational needs are met, an over-allocation policy is agreed that allocates the child to the nearest, least oversubscribed as follows:

**Primary Schools**

For in-year admissions, where no school place is available at a suitable maintained school within a reasonable travelling distance of a child’s home, a place will be offered at the school which is least oversubscribed, taking the usual class size as 30 pupils. If there is more than one such school, a place will be offered at the nearest school to the child’s home.

The following notes apply:

i. A school is full in the appropriate age group, if the number of pupils is equal to or greater than the admission number for that age group, as determined by the authority.

ii. For these purposes a place is available to a child if the child is a registered pupil at a school and is entitled to remain on the school register; or if the child has been offered a place at a school and that offer has not been withdrawn; or if the child would be offered a place at that school if the parents sought such a place.

iii. ‘Reasonable travelling distance’ means:

<table>
<thead>
<tr>
<th>Band</th>
<th>Distance (Note: All distances by the shortest walking distance)</th>
<th>How journey can be reasonably achieved</th>
</tr>
</thead>
<tbody>
<tr>
<td>Band 1</td>
<td>Up to 1.5 miles</td>
<td>By walking</td>
</tr>
<tr>
<td>Band 2</td>
<td>Over 1.5 miles and up to 3 miles</td>
<td>By 1 or 2 bus/tube/British Rail (BR) journeys</td>
</tr>
<tr>
<td>Band 3</td>
<td>Over 3 miles and up to 5 miles</td>
<td>By 1 bus/tube/BR journey</td>
</tr>
<tr>
<td>Band 4</td>
<td>Over 5 miles</td>
<td>No such journey is reasonable, except if chosen by parents</td>
</tr>
</tbody>
</table>

iv. Where possible, consideration will be given to placing siblings at the same school or a school near where their sibling has been placed or over-allocate them to the same school.
Secondary Schools –

Where no school place is available at a suitable maintained school within a reasonable travelling distance of the child’s home, a place will be offered at the school that is least oversubscribed. The oversubscription will take account of the percentage by which each original admission number is exceeded. If there is more than one such school, a place will be offered at the nearest school to the child’s home.

The following notes apply:

i. A school is full in the appropriate age group, if the number of pupils is equal to or greater than the admission number for that age group, as determined by the authority.

ii. For these purposes a place is available to a child if the child is a registered pupil at a school and is entitled to remain on the school register; or if the child has been offered a place at a school and that offer has not been withdrawn; or if the child would be offered a place at that school if the parents sought such a place.

iii. ‘Reasonable travelling distance’ means:

<table>
<thead>
<tr>
<th>Band 1</th>
<th>Up to 3 miles</th>
<th>By walking</th>
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</thead>
<tbody>
<tr>
<td>Band 2</td>
<td>Over 3 miles and up to 7 miles</td>
<td>By 1 or 2 bus/tube/British Rail (BR) journeys</td>
</tr>
<tr>
<td>Band 3</td>
<td>Over 7 miles and up to 10 miles</td>
<td>By 1 bus/tube/BR journey</td>
</tr>
<tr>
<td>Band 4</td>
<td>Over 10 miles</td>
<td>No such journey is reasonable, except if chosen by parents</td>
</tr>
</tbody>
</table>

iv. Where possible, consideration will be given to placing siblings at the same school or a school near where their sibling has been placed or over-allocate them to the same school.

Through this over-allocation policy the majority of in-year applicants are allocated a secondary school place. Requests to admit will be made through allocation on SAM. If a child is not admitted by an own admission authority school, admission will be directed.
Where over-allocation is necessary to Year 11, this may only take place until the autumn half term (effectively 31 October). After 31 October, Year 11 admissions may be made to the alternative provision provided by the Council for children arriving in the borough.

2.3 Pupils with Special Educational Needs and Placement

Pupils with special educational needs but without statements/EHCPs must be treated in at least the same way as all other applicants, but protocols must include arrangements for ensuring that, where there is prior need for particular support or for reasonable adjustments to be made for pupils with special educational needs or disabilities, such pupils are placed quickly. Pupils with statements of special educational needs/EHCPs that name a school and who arrive outside the normal admission round must be admitted to the school, even if the school is full.

2.4 Children Looked After and Placement

Where a local authority requests an admission authority to admit a child in care, the governing body should admit the child to the school at any specified time during the year, even if the school is full. If necessary, the local authority will direct admission and the governing body must admit unless the Schools Adjudicator or, in the case of Academies the Secretary of State, upholds an appeal from the admission authority within the statutory deadline.

2.5 Hard to Place/Vulnerable groups and Placement through the Redbridge Inclusion Panel

Some children have additional personal circumstances that would cause them to be classified as “vulnerable” or hard to place. Information on these circumstances is rarely provided to the School Admissions Service.

These applicants will continue to be considered through the over-allocation policy but information on the numbers thus allocated to participating schools will be considered as a factor in the weighting system, which is maintained by the Redbridge Inclusion Panel. The point of the weighting system is to share more vulnerable pupils amongst all schools.

In some instances, those schools allocated higher numbers of over-allocation policy children are those already experiencing higher mobility and the ensuing pressures will be recognised by the Redbridge Inclusion Panel in the placement of young people out of EOTAS via weighting allocation. The mechanism for the placing of pupils who are not ready for mainstream schooling is the Redbridge Inclusion Panel, which places pupils in alternative provision when appropriate.
The following are the 15 categories of vulnerable or hard to place pupils:

1. Children from the criminal justice system or Pupil Referral Units (PRUs) who need to be reintegrated back into mainstream.

2. Children who have been out of education for two months or more.


5. Children withdrawn from their schools by their family following fixed term exclusions and unable to find another place.


7. Children with unsupportive family backgrounds where a place has not been sought.

8. Children known to the police or other agencies.

9. Children without a school place and with a history of serious attendance problems.

10. Children who are carers.

11. Children with special educational needs, disabilities or medical conditions (but without a statement).


13. Children of Service personnel.


15. Children who have moved into Redbridge but cannot get a school place as no vacancies are available.
Section Three

Principles - how the Fair Access Protocol operates in relation to hard to place or vulnerable groups

All schools must participate in the Fair Access Protocol in order to play their role in the equal distribution of vulnerable children. Any new admission authorities will be expected to play a full part in the partnership.

The protocol will be managed in an open and fair way. To this end, data about exclusions, managed moves between schools and the over-allocation policy will be shared with all schools on a monthly basis at the Redbridge Inclusion Panel and included in a weighting chart.

Schools will be expected to respond promptly and within 10 school days to any request for admission under the Fair Access Protocol so there is no undue delay.

The Head teacher, and governors of schools which are their own admission authorities, are asked to agree a procedure where the Head teacher, in consultation with the Chair of Governors, is empowered to make immediate decisions about a placement under the Fair Access Protocol.

In situations where a Fair Access Protocol placement cannot be agreed with a governing body, Redbridge will follow the guidance on powers of direction in the School Admissions Code paragraphs 3.16 to 3.22.

Section Four

What does the School Admission Service do in relation to the Fair Access Protocol?

1. Allocates in-year admissions using the over-allocation policy.

2. If the governing body of a school does not wish to admit a pupil due to behaviour issues, they need to provide a written case setting out their reasons and the number of challenging pupils in the year group for this to be assessed and potentially agreed by the Senior Management of Children’s Services. The School Admissions Service will alert the Behaviour and Inclusion Team if a school’s case has been agreed not to admit a vulnerable, hard to place pupil.

3. Provides data about over-allocation and pupil places in schools one week before each Redbridge Inclusion Panel meeting to the Behaviour and Inclusion team and to schools at the Redbridge Inclusion Panel meeting. This data is used so that accurate weighting can be allocated to each school on a monthly basis.
Section Five

What does the Behaviour and Inclusion Team do in relation to the Fair Access Protocol?

1. Ensures via the Redbridge Inclusion Panel that mainstream places are secured for all pupils on the hard to place/vulnerable list if there has been difficulty in placing these pupils in school via in-year admission procedures. This will involve working with the school to avoid the school being directed by the Local Authority or the Secretary of State (in the case of an academy).

2. Administers and runs the Redbridge Inclusion Panel (see Terms of reference in Appendix A) and carries out all related work.

3. Maintains and regularly updates the weighted list and ensures that hard to place and vulnerable pupils are equally and fairly shared by schools. It also distributes the updated list to schools on a monthly basis at Panel meeting.

Section Six

Monitoring

The Authority must provide an assessment of the operation of the Fair Access Protocol; its effectiveness; how well it worked and the numbers of children admitted to each school, in its annual report to the Schools Adjudicator.

The use of the Fair Access Protocol will be monitored termly and data will be provided to all Head teachers.
Appendix 1

Redbridge Inclusion Panel Terms of Reference

The role of the Redbridge Inclusion Panel

All referrals of pupils into the EOTAS provision are made via the multi-agency Redbridge Inclusion Panel which is run by the local authority and is chaired by the elected school representative on an annual basis. The Social Inclusion Manager for the LA provides advice and administrative support to the Chair.

The panel will:

- Ensure a single point of entry for pupils into an EOTAS placement. Consequently, no pupil will be placed into any part of the EOTAS provision without first being referred to the Redbridge Inclusion Panel.
- Consider and identify the placement of pupils in EOTAS provision and give consideration to the following: the appropriateness of the referral, the anticipated timescale for the provision, the funding arrangement and multi-agency support required.
- Agree managed moves between schools
- Ensure that mainstream school places are secured in schools for hard to place pupils in EOTAS, who are resident in the London Borough of Redbridge and to administer the requirements of the Fair Access Protocol in relation to these pupils.
- Monitor the placement and reintegration of all pupils into mainstream schools through the use of managed moves between schools and supported managed moves between schools.
- Have an overview of case histories of pupils in EOTAS, the nature of and reasons for the allocated provision, the timeline of the programmes and their effectiveness in terms of the academic achievement and personal development of these pupils.
- Monitor funding arrangements
- Share data

Time scale:

All placements agreed at panel meetings under the Fair Access Protocol will be implemented by Redbridge and schools within four working weeks with an additional 5 working days if parental consent needs to be secured for a placement.
Funding

Funding will be in accordance with the “Protocol for the Recovery of the Funding from Schools that Permanently Exclude and Charging Schools for Other Pupil Referral Placements” agreed by the Redbridge Schools’ Forum 07 February 2012 which is available on the Redbridge website at www.redbridge.gov.uk following the links under Schools Forum

Membership of the Panel

The panel consists of:

Chair: School Headteacher or representative
Administrator: Social Inclusion Officer
Head of New Rush Hall Group
Head of the Redbridge Tuition Service
Head of Home Tuition
Head of The Constance Bridgeman Centre
Head teachers or senior staff with delegated powers from all secondary schools in the London Borough of Redbridge
Team Leader for Secondary Admissions, Admissions & Awards
Senior Team Manager – Special Educational Needs
Head of Virtual School for Looked After Children
Education Psychologist – EOTAS
Education Welfare Service representative
Vulnerable Children’s Officer
Youth Offending and Targeted Prevention Service Operations Manager
Youth Offending and Targeted Prevention Service education Liaison Worker
Specialist Practitioner (School Health)
EOTAS Social Care representative
Home Tuition Co-ordinator
Early Intervention Team Manager
YOS Education practitioner and case manager
The panel will meet 12 times per calendar year during term time. Dates will be set one year in advance.

The agenda and supporting papers will be securely sent out to all members electronically at least three working days ahead of the panel date. Papers will be made available on the day.

The panel aims to achieve a consensus when making recommendations with the Chair reserving the right to make a final decision where a consensus is not reached.

**Evaluation**

- The success of managed moves and supported managed moves.
- Exclusion rates – in particular the exclusion of vulnerable groups.
- Numbers of pupils reintegrating into mainstream.
- Educational attainment and other outcomes for pupils both in EOTAS provision and following reintegration.
- Attendance at EOTAS provisions.