



In Year Fair Access Policy

1. Introduction

- 1.1 All admission authorities must operate an (In Year) Fair Access (IYFA) scheme and all schools must participate in their local authority's area's protocol to ensure that the aims are achieved.
- 1.2 The aims of this scheme are to:--
- ensure that the needs of vulnerable young people who are not on the roll of any school are dealt with quickly and sympathetically,
 - reduce the time that difficult to place pupils spend out of school,
 - ensure that all schools admit their fair share (and that undersubscribed schools do not admit a greater proportion) of children with challenging behaviour,
 - be fair and transparent.

2. Main Principles

- 2.1 That any decisions and action be based on the needs of the student rather than the needs of the supporting agencies. This scheme applies to children who live within the Dorset Local Authority (LA) area who have not been placed in a school under the standard in year admission procedure and where difficulty in accessing education would render the child vulnerable. As part of the scheme:--
- all schools must participate, including those that under normal admissions arrangements have no places available in the relevant year groups (schools cannot use oversubscription as a reason not to admit a pupil under the scheme),
 - the LA has in place a process which identifies all those who meet the protocol,
 - schools will not be expected to admit applicants on a turn taking process without consideration of other factors,
 - schools will not be asked to take a disproportionate number of pupils from within each of the area groupings referred to in paragraph 4.3 below,
 - there are no limits to the number of pupils schools will be required to admit under this protocol; places will be allocated in a proportionally balanced way which also has regard to other relevant factors including the size of the schools in each of the areas, SEN levels, accessibility to and within the school, budgetary factors etc.,

- it will be inclusive and emphasis will be given to 'local schools for local children' in accordance with the admissions policy,
- those who meet the protocol will still have the same rights as other applicants in expressing preferences and having the right of appeal in the event of a refusal,
- those who meet the protocol will be given priority for admission over any others on a waiting list or awaiting appeal,
- Should it not be possible to offer a child a place at any school following the normal admission and appeal process, ie the child is therefore without a school place, the panel will need to identify a place and the nominated school should not refuse to admit the child, despite the outcome of the appeal,
- the LA will take account of any genuine concerns about the admission, for example a previous serious breakdown in the relationship between the school and the family, or a strong aversion or desire by the family to the religious ethos of the school, parents' views will be considered, but will not override the protocol if the preferred school is not considered the most appropriate allocation,
- upon notification of a placement, schools (or other educational settings) must respond immediately to the request so that the admission of the pupil is not unduly delayed.

2.2 Schools, education welfare and other agencies will continue to work with families and students as appropriate to support continuity of education where possible and if this has entirely broken down to provide advice and recommendations to support the panel in making a decision.

2.3 In all cases the IYFA panel will carefully consider all professional advice available duly gathered by admissions and/or COOSS/Exclusions Officer. Where it is considered appropriate by professionals a mainstream school place will be offered. However, the panel where professional advice fully supports and/or advises, can allocate a place at a Learning Centre or alternative appropriate educational setting. It must be noted that parents cannot apply directly for a place at a learning centre or alternative educational setting as this must be a professional referral.

2.4 In all cases, with the exception of twice excluded pupils, there is a right of appeal to an independent panel against a decision to refuse or decline a place as made by the In Year Fair Access panel.

2.5 A home Local Authority should contact a neighbouring Authority to help secure a place where appropriate and therefore applications which meet another LA protocol will automatically be considered through this protocol.

3. What is an IYFA applicant?

- 3.1 The following criteria (with conditions) applies to;
- **children who have no school place** but where a place in a mainstream school or alternative provision is appropriate and who meet one or any of the criteria below:-

(Sections 3.43 – 3.47 and Appendix 3 of the Code of Practice)

- (i) Dorset Children attending Dorset Learning Centres who need to be reintegrated back into mainstream education, (it is expected that unless there has been a complete breakdown in relationships between all parties, the child will be reintegrated back to the previous school),
- (ii) Children who have been out of education (recognised school setting) for longer than one school term (this will not apply to children who had originally been offered a place at a school through the normal admissions process and not attended (with the intention of trying to secure a place at another (preferred) school under this protocol),
- (iii) Children whose parents have been unable to find them a place after moving to the area, because of a shortage of places (if the only available alternative schools exceed the LA's policy on acceptable travelling times – 45 minutes for primary schools and 75 minutes for secondary schools),
- (iv) Children withdrawn from schools by their family, following fixed term exclusions and unable to find another place (alternative schools may not be considered unless cases have the support of other relevant Children's Services agencies),
- (v) Children of refugees and asylum seekers,
- (vi) Homeless children (if they also meet any of the other criteria and associated conditions),
- (vii) Children with unsupportive family backgrounds, where a place has not been sought (with the support of other relevant Children's Services agencies),
- (viii) Children known to the police or other agencies (and may also meet any of the other criteria and associated conditions),
- (xiv) Children without a school place and with a history of serious attendance problems (less than 80% attendance record over a period of one whole school year and continuing),
- (x) Traveller children (if they also meet any of the other criteria and associated conditions),
- (xi) Children who are registered carers (if they also meet any of the other criteria and associated conditions),
- (xii) Children with special education needs but without a statement (if they also meet any of the other criteria and associated conditions),

- (xiii) Children with disabilities or medical conditions (if they also meet any of the other criteria and associated conditions),
- (xiv) Children returning from the criminal justice system,
- (xv) Children of UK Service personnel and other Crown Servants (if they also meet any of the other criteria and associated conditions),
- (xvi) Year 11 applications (for places up to the end of the Autumn Term and if they also meet any of the other criteria and associated conditions),
- (xvii) Children permanently excluded from other schools (this will be administered by COOSS),
- (xviii) Other children with evidence of particularly challenging behaviour identified by schools and other agencies.

3.2. Learning Centres (PRUs)

3.2.1 Allocation of places for pupils referred to Learning Centres are administered entirely through COOSS.

3.2.2 All children attending short stay units/alternative education settings (Learning Centres) who have not been permanently excluded twice but where the parent applies for a mainstream place will automatically meet the In Year Fair Access Protocol. COOSS/Exclusions Officer will gather appropriate and relevant information for the In Year Fair Access Panel. It is expected that parents who are not happy with the alternative placement provision in Dorset will inform the Learning Centre and discuss the issues, which may involve the mainstream school, to see if issues can be resolved before making application for an alternative placement

3.3. Pupils Attending Learning Centres (PRUs) Identified as Ready for re- integration

3.3.1 Reintegration to a mainstream setting following provision at a Learning Centre will be assessed and administered by COOSS in accordance with the Framework for Reintegration. Where the relationship has broken down with the previous setting the case will be taken to the In Year Fair Access Panel who will make a decision on the fresh allocation of a school place based on recommendations from the Learning Centre and/or COOSS.

3.4. Permanently Excluded Pupils

3.4.1 A pupil who has received 2 permanent exclusions will be referred to a Learning Centre. If there are unusual or extenuating circumstances identified by the exclusions officer the case may be referred under 3.4.2 below.

3.4.2 If a pupil has been permanently excluded from one school (including independent settings) or referred by the Exclusions

Officer (3.4.1) the application will be administered by the exclusions officer. If it is deemed appropriate for the child to be allocated a mainstream place the allocation will be considered by the panel bearing in mind recommendations, following information gathering by the exclusions officer. The exclusions officer will support the integration into school.

3.5. Fixed term exclusions of 15 or more days secondary age / 5 days primary age in one school year

If a pupil has fixed term exclusions amounting to 15 days or more for secondary age pupils or 5 days or more for primary age pupils covering an academic year or 12 month period the case will be referred through the In Year Fair Access Protocol. The application will be administered by the School Admissions Team entirely through the In Year Fair Access Protocol. The allocation will be considered by the panel bearing in mind recommendations, following information gathering by the COOSS service through Mrs Day. The COOSS through the Exclusions Officer will support the integration into school.

3.6. Year 11 Applicants (Post Autumn Term)

3.6.1 Given that schools are entering the final term of traditional teaching with everything geared towards exams, placing a student directly into a mainstream school setting may not benefit any of the parties involved. Learning Centres are able to gauge the pupil's needs and, if necessary, arrange a more suitable programme during these last weeks of statutory education.

3.6.2 Following process will apply to Year 11 applications for families moving from outside of Dorset or within Dorset where attendance at the current school would no longer be viable due to distance/transport for a place after the Autumn Term.

- Applicants will be referred to the Head of COOSS for initial placement in a Learning Centre,
- The Learning Centre will consider the level of educational standard obtained and consult with the student, other family members and, where appropriate, a school to agree the most suitable placement during the rest of the academic year (this may include backyearing if considered the most suitable option, although parents cannot 'demand' backyearing; that ultimately is a decision for the school),
- Where it is considered that a school placement is an option the Head of COOS will either;
 - (i) invite the IYFA Panel to nominate a school to be approached or;
 - (ii) inform the IYFA Panel for record purposes where an approach has already been made to a school.

- Where it is considered that a school placement is not an option, the Learning Centre will provide support as deemed appropriate within the resources that are available.

3.6.3 In cases where a child attends a Dorset School in year 11 but the family wishes to apply for an alternative school in the Autumn term this will be treated as a normal application and only be subject to IYFA criteria as identified in this protocol. For applications post Autumn term the matter will be considered under the In Year Fair Access Protocol.

3.6.4 Chesil Panel Only: The panel will consider all year 11 applications in order to consider the most suitable provision in the best interests of the child.

4. The protocol does not cover:--

- children in care who are covered by a separate policy,
- children who do not fall into any of the categories identified in 3.1 above,
- children whose families deliberately keep them out of school or purposely endeavour to meet a criterion in the hope of improving their chances of getting a place at their preferred school through the scheme. In these cases the existing school or the school that was initially offered would still apply,
- children with a statement of educational needs as they are considered separately.

5. How does the protocol work?

5.1 Upon receipt of an application form or other relevant information which identifies or other forms of referral;

- a request for background information on the applicant will be sent to the existing/previous school. Upon receipt of that information an assessment will be made as to confirm the applicant meets the criteria and this information will be passed to the panel

5.2 Upon confirmation of IYFA criteria being met, cases will be referred to a meeting of the IYFA Panel which will meet on a regular basis (at least monthly). The Panel, which will comprise representatives from the LA and schools (identified head teachers), will consider the circumstances of the individual applicant, in terms of:--

- preference,
- whether they are ready for mainstream school,
- current pupil numbers,
- transport implications,

- what is best for them, and
 - if so, which one is best able to meet their needs.
- 5.3 To enable a reasonable distribution of pupils/students and ensure workable support and transport within legislative guidelines applications through this protocol will generally be considered within the locality areas for schools.
- 5.4 Upon determination, the nominated school will be invited to admit the applicant who will be required to be on the school roll within 15 days of notification unless in the interim period the applicant is assessed by the School as requiring additional support which is not readily available. Where additional support is required the applicant will be required to be on roll of the nominated school within 3 – 6 weeks of notification.
- 5.5 In the event of a refusal to accept an admission the LA will direct the school to admit in accordance with this scheme. The governing bodies of voluntary aided and foundation schools may refer a direction to the Schools Adjudicator who will determine which school is to admit the pupil/student. In the case of a refusal by a governing body of a community and voluntary controlled school the LA may refer the case to the Secretary of State.
- 5.6 Admission Appeals panels will be briefed about the scheme and advised that the protocol takes precedence over all other admission policies and arrangements and to bear in mind pupils can be admitted through this protocol over and above PAN, but that this does not mean other pupils can be offered without causing prejudice.

6. Panel Members

- 6.1 Meetings will be chaired by The School Admissions Manager.
- 6.2 With the exception of cases considered in the Chesil Partnership the panel will be made up from a manager from each of the following services:- Education Social Work Attendance Service (ESWAS), Special Educational Needs Team, Ethnic Minority and Traveller Achievement Service (EMTAS), Children in Care Service, A Head Teacher representative. A representative from each team should be sent where possible and there should be a minimum of 3 members of the panel to be quorate.
- 6.3 The Chesil Panel will consist of all secondary Head Teachers (or a nominated representative), the Locality Manager, COOSS representation, Education Psychologist and ESWAS representatives.

7. Justification

- The Code of Practice on School Admissions requires local authorities to operate an In Year Fair Access Protocol.

8. Reviews and Assessment of the Protocol and the Outcomes

- 8.1 Schools who have admitted pupils under the In Year Fair Access protocol will be asked to provide feedback on the admissions process, information provided prior to admission and support processes. They will be asked to provide an assessment of the success of the allocation by providing data as gathered to identify IYFA applicants and a brief report on the outcomes for the student after two terms of attendance.
- 8.2 The Head Teacher Representative Groups (DASH, DAMSH, PHA) to provide a brief report to the Local Admissions Forum at their Spring Term meeting as to the impact of the Protocol and its remit.