

IN YEAR FAIR ACCESS PROTOCOL WITHIN THE WANDSWORTH IMPROVING BEHAVIOUR AND ATTENDANCE PARTNERSHIP (WIBP)

Introduction

It is a statutory requirement set out in the Schools Admission Code that all schools and Academies participate in their local authority’s protocol, including admitting children above the published admission number to schools that already full if those children meet the relevant criteria. However, no school, including those with places available, should be asked to take an excessive or unreasonable number of pupils who have been excluded from other schools.

Furthermore, admission appeal panels should not view the fact that the protocol has obliged a school to admit over its admission number as an indication that it can do so in the normal admission round.

The purpose of the In Year Fair Access Protocol is to:

- ensure access to education is secured quickly for children with no school place; and to
- ensure that all schools in an area admit a fair share of children with challenging behaviour.

The schools within the WIBP have agreed to adopt the principles of the In Year Fair Access Protocol as detailed above and the process for implementing that protocol as detailed in the sections below. The Protocol for Managed Transfers has also been agreed by the Partnership as part of its In Year Fair Access arrangements.

The In Year Fair Access Protocol applies to Wandsworth resident pupils only.

If pupils applying to Wandsworth schools from another LA are deemed by the school to be hard to place then Wandsworth schools will refer back to the home borough to implement their own In Year Fair Access Protocol.

Circumstances in which the protocol would apply

This protocol will only be applied in exceptional circumstances where the circumstances of the child, or the school, or both, mean that the normal admissions process cannot ensure that the child will be admitted to a suitable school as quickly as possible.

Children included in the protocol

- a) children either subject to a Child in Need Plan or a Child Protection Plan⁸¹ or having had a Child in Need Plan or a Child Protection Plan within 12 months at the point of being referred to the Protocol;
- b) children living in a refuge or in other Relevant Accommodation at the point of being referred to the Protocol;
- c) children from the criminal justice system who need to be reintegrated into mainstream education;

- d) children in alternative provision who need to be reintegrated into mainstream education or who have been permanently excluded but are deemed suitable for mainstream education;
- e) children with special educational needs (but without an Education, Health and Care plan), disabilities or medical conditions;
- f) children who are carers;
- g) children who are homeless;
- h) children in formal kinship care arrangements;
- i) children of, or who are, Gypsies, Roma, Travellers, refugees, and asylum seekers;
- j) children who have been refused a school place on the grounds of their challenging behaviour and referred to the Protocol in accordance with paragraph 3.10 of the Admissions Code;
- k) children for whom a place has not been sought due to exceptional circumstances;
- l) children who have been out of education for four or more weeks where it can be demonstrated that there are no places available at any school within a reasonable distance of their home. This does not include circumstances where a suitable place has been offered to a child and this has not been accepted;
- m) previously looked after children for whom the local authority has been unable to promptly secure a school place
- n) children who have been out of education for two months or more or with a history of significant attendance problems;
- o) Children who are out of school for legitimate reasons i.e. moved into the area but are hard to place because of their educational history e.g. three or more fixed term exclusions in the previous year

In Year Admissions

In the first instance the wider In Year Application Process is followed. Parents apply to the LA stating their preferred school. The LA maintains vacancy information and refers applications to preferred schools with vacancies. Admissions are also discussed at the Pupil Placement Group.

Eligibility for the Fair Access Protocol does not limit a parent's right to make an in-year application to any school for their child. Admission authorities must process these applications in accordance with their usual in-year admission procedures. They must not refuse to admit such children on the basis that they may be eligible to be placed via the Fair Access Protocol. The parent will continue to have the right of appeal for any place they have been refused, even if the child has been offered a school place via the Fair Access Protocol.

Where a pupil cannot be placed under the normal route outlined above and the LA considers that the agreed criteria for In Year Fair Access apply the following procedure will be implemented.

Children home educated or educated otherwise.

Children who have left a Wandsworth school to be home educated or educated otherwise but wish to return to mainstream education within 12 weeks should be readmitted to their previous school.

Where the time period exceeds 12 weeks, cases should be considered on an individual basis.

Mechanism for placement

The Local Authority will work in the first instance directly with schools to place pupils identified under the protocol. Pupil Services will undertake to seek prior school information on all applicants who are Wandsworth residents (only Wandsworth residents are eligible for placement under this protocol).

The Educational Welfare Service (EWS) will contact schools to negotiate placement of pupils identified under this protocol (except pupils re-integrating from the PRU). For a small minority of pupils identified under the protocol and who are not ready for mainstream school the EWS will refer directly to the PRU.

When the Local Authority cannot reach agreement with a school to place a pupil under the terms of the protocol, the case will be referred to the Operational Group of the Wandsworth Improving Behaviour and Attendance Partnership (WIBP) who will identify a school for the pupil to be placed in using the process outlined below. Schools that have previously referred a pupil to the LA under the protocol, may still be required to admit that child.

The names and background information of pupils requiring placement under the protocol where initial approaches to school(s) have been unsuccessful will be circulated to the Operational Group prior to their meeting.

The Operational group of the WIBP when considering placement of pupils under this protocol will also take into account the current position on the numbers of:

- pupils successfully placed under this protocol by the Local Authority without recourse to the Operational Group;
- managed moves to and from each school;
- re-integrations from the Pupil Referral Unit (PRU);
- casual admissions to each school during the last term; and
- consideration will be given to risk factors associated with individual cases

Places allocated under the In Year Fair Access Protocol are not required to comply with parental preference. If the parent of the pupil refuses/declines to send their child to the allocated school the parent will be considered to be failing in their duty to ensure that their child is receiving a full-time education and this will be referred to the Educational Welfare Service.

Schools taking pupils under this protocol will expect any existing support for the pupil to continue after placement at the school, for example, it is expected that pupils working

with the Youth Offending Team (YOT) when placed under this protocol will continue to receive the support of the YOT and schools will work with the YOT to make the placement successful.

Re-integration of individual pupils from the PRU will continue under the present system and will not be considered at the Operational Group as existing systems between the PRU and schools within the WIBP work well.

How the implementation of the protocol will be monitored

A report detailing pupils placed as a result of the protocol will be submitted to the WIBP termly Operational Group on a regular basis. The Head of Pupil Services will prepare a summary report for consideration by head teachers, which will enable the head teachers within the WIBP to monitor progress across the partnership.

Review of the protocol

The protocol was reviewed in July 2023 to evaluate the effectiveness of the protocol in meeting its three key purposes:

- ensuring access to education is secured quickly for children with no school place;
- ensuring that all schools in an area admit their fair share of children with challenging behaviour; and
- ensure that pupils placed under the protocol are supported and successful.