***Fair Access***

***Protocol (2018 onwards) for Leicester City Secondary Schools***

* ***Draft presented to Full EIP 14.12.18 and with minor amendments was signed off to replace existing FAP and begin piloting from January 2019.***
* ***The initial pilot phase will be from January until the end of the Summer Term 2019***
* ***The FAP review will be led by the Director EIP.***
* ***Amendment to points allocation table February 2019***

**Fair Access Protocol for Leicester secondary schools**

1. **Vision**

1.1 Leicester’s In Year Fair Access Protocol is testament to the excellent and effective partnership work between local schools and the local authority to maximise the life chances and choices for local children and young people. Education should not be in isolation from the wider range of support and services already provided and should be available to meet the needs of all local children, young people and families. N.B. in the rest of the document schools is to be taken as meaning maintained schools and academies.

**2.0 Leicester FAP 2018 Principles**

2.1 As far as possible all pupils should be educated in a mainstream school and this school should preferably be close to home.

2.2 Pupils should be without a school place for the shortest time possible. Behaviour and Attendance Partnership (BAP) schools will work proactively to put pupils on roll quickly.

2.3 Pupils joining a school after the school year has begun will present challenges to a school, some more than others. The additional challenge should be recognised by the FAP system.

2.4 Decisions reached through the FAP are to be binding on both schools and families (except in exceptional circumstances, supported by additional evidence e.g. a CAHMS report advising that a placement would be inadvisable).

2.5 FAP allocations should give pupils the best chance of success.

2.6 All schools will send a member of staff with responsibility for Inclusion to the BAP and will work in partnership to ensure the best outcomes for all pupils.

2.7 The time a pupil spends in the Leicester Partnership School (LPS) should be a minimum and whenever possible the pupil should return to a mainstream school.

2.8 Pupils will make mistakes, some serious and some repeatedly, but BAP schools believe all pupils should be given supported, managed opportunities to get back on track.

**3.0 Introduction**

3.1 The Leicester City Secondary Fair Access Protocol has been revised following extensive consultation with all schools and academies and relevant Local Authority Officers in academic years 2017 -18 and 2018-19 based on a number of themes that arose out of the two consultations. The revised Fair Access Protocol reflects the preferred options indicated by schools and academies. The FAP will be operated through the Leicester City Behaviour and Attendance Partnership (BAP).

3.2 The School Admissions Code requires each local authority to have in place a Fair Access Protocol to which all local schools must adhere.

3.3 Section 3.11 of the School Admission Code states “All admission authorities **must** participate in the Fair Access Protocol in order to ensure that unplaced children are allocated a school place quickly. There is no duty for local authorities or admission authorities to comply with parental preference when allocating places through the Fair Access Protocol”.

1. The aims of the In Year Fair Access Protocol are to:

4.1 Acknowledge the real needs of vulnerable young people who are not on the roll of a school, to ensure that an appropriate placement is identified quickly and pupils/young people are on roll within 10 school days of the panel;

4.2 Fairly share the admission of vulnerable students across all schools (where the panel agree that another mainstream school place should be identified);

4.3 Arrange such admissions openly through a process which has the confidence of all;

4.4 Record the progress and successes of the young people placed through this panel.

**5.0 This protocol reflects the Local Authority responsibility for safeguarding and promoting the welfare of children and young people as well as educational attainment and achievement**

5.1 Section 3.9 of the School Admissions Code states that “*Each local authority* ***must*** *have a Fair Access Protocol, agreed with the majority of schools in its area to ensure that - outside the normal admissions round - unplaced children, especially the most vulnerable, are offered a place at a suitable school as quickly as possible. 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 behaviour.’’*

5.2 Head teachers, governing bodies and MATs have agreed to the aims, principles and procedures of the FAP and give their fullest support.

5.3 In accordance with this protocol, all schools, including MATs, recognise their collective responsibility for **all** pupils/young people and will work collaboratively to manage pupils/young people with challenging behaviour, involving multi-agency support, accessed where appropriate. All members will work together to secure commitment to an inclusive ethos and to reduce exclusions from schools. The School Admissions team and other partners will work closely with schools through the BAP, including the administration of managed moves and reintegration into mainstream school and across alternative provision.

**6.0 Scope of this Protocol**

6.1 The School Admissions Code states that the following groups of children and young people who have not secured a school place through the normal admissions route must be included:

* *Children from the criminal justice system or pupil referral units who need to be reintegrated into mainstream education.*
* *Children who have been out of education for two months or more.*
* *Children of gypsies, Roma, traveller, refugees and asylum seekers.*
* *Children who are homeless.*
* *Children with unsupportive family backgrounds for whom a place has not been sought.*
* *Children who are carers.*
* *Children with special education needs, disabilities or medical conditions but without a statement or education, health and care plan.*

6.2 This list is a minimum requirement and the full scope of the protocol is a local agreement between the majority of schools and the local authority. The following children and young people should also be included in the full scope of Leicester’s Fair Access Protocol; pupils identified through the admissions process:

* *who have received a number of fixed term exclusions and where there is evidence of challenging behaviour from their current or previous school.*
* *Who are or were at risk of permanent exclusion from their current or previous school who have made an application for a place to Admissions.*
* *Who have attended a pupil referral unit in their previous local authority.*
* *Who are known to the police, children and young people services or other services and who have been identified by this service to be vulnerable.*
* *Who are at risk of CSE, self-harming, substance misusing and are believed to be vulnerable by relevant agencies supporting the child*
* *Who havea history of serious attendance problems – defined as 80% or less attendance in the last 12 months and who have been identified by their current or previous school as vulnerable.*
* *For whom the local authority is pursuing a School Attendance Order with parents.*
* *who have been subject to elective home education (EHE) and are identified as vulnerable or the EHE has been deemed unsuitable or where there is evidence of challenging behaviour from their previous school.*
* *Who are new arrivals to the city in year 11 and where there is evidence that they would not be able to transition into a mainstream curriculum.*

6.3 Pupils with EHCP plans would not and should not be placed via BAP. Looked After Children (LAC) should not generally be referred to the FAP as LAC **must** be admitted to a school. However looked after children who are identified as otherwise vulnerable or where there is evidence of challenging behaviour from their previous school may be included for ratification purposes.

6.5 It is recognised that such children (who have EHC Plans or are LAC and who may have challenging behaviour) may bring a comparable degree of challenge to a school’s capacity and resources and this will be reflected in the Leicester City FAP Challenge table. This is for new admissions only and would not include pupils admitted under DSP arrangements.

* 1. The BAP will also administer the process for managed moves. Schools must inform the BAP Executive of any pupil who could benefit from a managed move. The receiving school will be agreed and recorded at the BAP panel meeting and progress reports be provided at every BAP meeting (during the updates section), until the pupil is on roll at the new school, or it is determined that they should remain at their original school.

**7.0 Composition and frequency of the panel**

7.1 The BAP will meet 8 times during the academic year. The membership will be

* **Chair of Panel (EIP Director)**
* **Designated inclusion staff from all mainstream secondary school and academies in Leicester City**
* **Team Leader, School Admissions**
* **Service Manager, Education Welfare Service**
* **Senior Education Psychologist**
* **Representative of the Leicester Partnership School**
* **Youth Offending Service representative**
* **The Children’s Hospital School representative**

7.2 BAP (and the BAP Exec) will be chaired by the Director of the Leicester Secondary Education Improvement Partnership. The EIP will also perform the admin functions for the BAP and BAP Exec and take minutes for meetings.

7.3 BAP Executive: membership consists of

* Chair (Director of the EIP
* volunteer BAP representatives,
* School Admissions,
* EWS, YOS and LPS teams.

7.4 The principal functions of the BAP Exec:

* to test the cases of pupils submitted for consideration **against FAP criteria,** for subsequent BAP meeting and to inform parties of decisions made.
* To determine the number of ‘**challenge table’ points** each pupil would be allocated in the FAP process.
* To agree **BAP agenda**.
* To make decisions on bids for **BAP funding**.
1. **8.0 The BAP process**
	1. Cases will be brought to the BAP Exec for consideration under the FAP by the following
	* Admissions
	* EWS
	* LPS
	* School/LPS

8.2 The application process

1. Pupils/young people for whom a school application is recieved outside of the normal cohort process will be treated as in year applications. All in year applications will be made to the local authority Admissions team using an online application form.
2. 8.3 Where a school place cannot be allocated under the normal admission processes, then the case will be referred to BAP for consideration under FAP.
3. 8.4 Y11 new arrivals to the city will be handled under a variant of FAP i.e. the Partnership Roll between August and January 31st. Normal Admission arrangements will be in place for the remainder of the academic year.
4. 8.5 All cases presented to the BAP Exec must have a completed Information Passport, sent through to EIP Admin by a specified date in advance of the meeting.
5. **9.0 The decision-making process**
	1. The following data available at each BAP Exec meeting and at each subsequent BAP meeting:
* The total number of pupils/young people that have been admitted to each school in each year group through the BAP /Admissions or other processes the academic year;
* The details of schools (if any) that have failed to admit;
* Any relevant data on special educational needs of the referred pupils.
* Background information on pupil, provided by the previous school and other relevant agencies with knowledge of the pupil. This would include any known risks in relation to the pupil, such as risk of sexual exploitation, use of drugs, anti-social behaviour etc.
	1. At the BAP meeting: when making the decision as to the appropriate school placement for the pupil/young person, the BAP will take into account:
* the School Admissions Code;
* the number of pupils admitted through the BAP process in the current academic year as reflected by position of school in the Challenge Points Table;
* the number of pupils admitted through the SEND process to each school in the current year.
* the needs of the pupil, where this is known;
* any reasons why the school may not be able to respond to the needs of the pupil;
* the individual context of a school in relation to recently excluded pupil and measures taken to prevent exclusion of pupils/young people already at a school;
* additional considerations may include the location of the pupil’s home, subject aspirations, gender, religion & culture and siblings within the school;
* individual context of a school in relation to requests for an education, health and care plan.
	1. Decisions will be reached through a discussion process and by offering the pupil to schools in turn. The Chair is mandated to take action where this has not proved possible. The Challenge Points table will be used to support decision making in a case where there is no school that offers to take a particular child.
	2. It is important that all schools are asked to admit a balance of pupils/young people under the protocol. The BAP should be mindful of, but not restricted, to the following factors, as well as taking account of professional advice from the referring school and appropriate professionals:
* Specific issues in relation to the individual case;
* Number of placements made by BAP process to individual Schools;
* Geographical proximity;
* Parental Preference.
1. **Implementation of the decisions**

10.1 Decisions regarding placement of pupils/young people under the BAP protocol will be made by the panel, and will be final. Confirmation of the BAP decision will be sent,via email, to the Headteacher of a school, within 48 hours of the BAP meeting.

10.2 FAP allocations for students who do not have a current school place are binding on both schools and families.

* 1. For students not on a school roll admission should take place **within 10 school days** of the school receiving official notification of the decision.
	2. The expectation is that the school will make efforts to contact the family to arrange to put the pupil on roll, even if there is difficulty in making contact with them, or reluctance on the part of the pupil’s family to engage. The minimum reasonable action would be a letter and a back up phone call from the school to the family.
	3. On the 11th day, the school **must** inform the EWS and Admissions if they have failed to admit within the agreed timeframe and give a revised on-roll date. (where there is refusal on the part of a parent to register the child, the EWS will commence the SAO process)
	4. For students who are currently on roll in a school, the place offered at the BAP through the FAP can be accepted or the student can stay at current school.
	5. The offer of a new school place is open for 20 days.
	6. If parents take up the new place offered the student will be enrolled at the new school and removed from roll at the previous school. This is not a managed move and the student will not be able to return to previous school.
	7. If parents decline the offer or do not accept the offer within 20 days then the pupil will stay on roll at current school. Should a further application for a different school place be made within an academic year, it would be referred to BAP and the same FAP allocation would remain in effect. (ref Legal?)
	8. For applications for students, in year 11, currently on roll in a city or county school, the first response to an in year application or referral to FAP will be a stay at current provision letter. It is the belief that this offers the best support and likely outcomes for a young person in this key year.
	9. The Department for Education recognises that admission of a young person through the BAP process could potentially take the School above the planned admission number for that year group.

**11.0 The possible outcomes from FAP; for those pupils referred to BAP, who have a city residence address but are without a school place.**

* 1. For a pupil referred by Admissions – with some prior knowledge of the pupils past history. The potential outcomes are
* Allocation to BAP mainstream school or
* Allocation to Children’s Hospital School or
* Allocation to the LPS (for ex county school P Ex pupils)
	1. For a pupil initially allocated to a school by Admissions; referral to BAP being via a school which has uncovered information subsequently about a pupil allocated to the school as a normal admission. The outcomes would be
* The school continues to admit and receives Challenge Points (+ additional incentivised points for doing so) or
* the pupil is referred to the BAP Exec and then BAP for placement in a different school (with appropriate Challenge Points)
	1. For pupils referred by the EWS as the result of EHE programme being deemed unsuitable, the outcome would be
* Return to previous school (at least in first instance). The school will receive challenge table points for being out of school for two or more months.

N.B. Schools will send a letter to parents/carers considering beginning EHE, asking them to consider the action carefully and also informing them of the outcome should the EHE be deemed unsuitable. Parents should be offered a 10 day ‘cooling off’ period to reconsider their decision.

* 1. For pupils referred by the EWS – Child missing from education; outcomes
* Allocation to BAP School or
* Possibly an SAO if parent/carer refuses to register the child
	1. For pupils referred by the LPS who have had one permanent exclusion, but who judged ready to return to school place by the LPS / BAP Exec. All first time permanently excluded pupils will be offered another school place, providing they meet the LPS and BAP Exec criteria for return to mainstream .
* Allocation to BAP School. All Schools agree to take one pupil from LPSper year.
	1. For pupils referred by school – possibly in conjunction with the LPS , to prevent permanent exclusion or to seek a fresh start for other reasons.
* Seeking a managed move to another BAP school
1. **Risk assessments**

12.1 Risk assessments will be undertaken as necessary by the referring school; risk assessment forms are required as part of the BAP Referral Form.

1. **Relationship between LPS and FAP for permanently excluded pupils.**

13.1 All pupils who are permanently excluded for the first time will be allocated a place at the LPS, including those with a city address, excluded by county schools. The LA will discharge the duty to provide a suitable school place in this way.

* 1. Refusal by the parent to register the child at LPS should be challenged using the usual school attendance processes. The excluding school coding the pupil’s register as unauthorised absence to the point the child is registered at LPS (the pupil would have guest status only at LPS) or to the point of removal from roll at the end of the exclusion process.
	2. A pupil placed at the LPS as a result of a permanent exclusion is deemed to have been provided with a suitable school place and so parents /carers cannot make an application for a mainstream school place through FAP processes without the support of the LPS.
	3. Where a parent continues to refuse to register the pupil at LPS, the pupil will become subject of an SAO naming LPS.
	4. Pupils who then do not attend the LPS will become subject of an SAO.
	5. Pupils placed with the LPS by a school can become eligible for a place in a BAP school through the FAP process if the school and the LPS judge that the pupil is ready to do so.
	6. For a first time permanently excluded pupil, the expected length of stay at the LPS will be determined, within the first 10 days of the time in the LPS; following observation by LPS and discussion with excluding school. Pupils (and families) will be informed of the expectations and issued a contract for improvement in behaviour. If that contract is met during the time at LPS, pupil will become eligible for FAP placement in BAP mainstream school.
	7. Towards the end of a satisfactorily completed contract period the LPS can bring the pupil to FAP for allocation of a new school. The allocated school can them work with the LPS, pupil and family on a successful transition.
	8. The move to a mainstream school will initially be on a managed move basis. The managed move trial period to be set at 6 weeks (except in exceptional circumstances). Schools will treat LPS managed move students as new admissions and work with LPS to an agreed MM plan with LPS support, if appropriate, and for students to be given the same access to a graduated response via the normal PSP/behaviour support systems which operate within the school.
	9. As part of the protocol, the LPS may present cases of children who have been deemed ready for re-integration back into mainstream school. ‘Readiness for school’ assessments will have been undertaken by the LPS. The LPS Headteacher will present cases to the BAP Exec for consideration. Only if BAP Exec are satisfied that the pupil is ready will the pupil be added to BAP agenda.
	10. All first time permanently excluded pupils will be offered another school place, providing they meet the LPS requirements. All schools may be expected to take one pupil from the LPS in an academic year.
	11. The success of school /LPS partnership relies on the quality of the readiness for school judgement and the preparedness of the school to make the transition successful.
	12. Receiving schools would be expected to work with the allocated pupil to integrate them back into mainstream for (at least) the full six week managed move trial period. It is recognised by the schools that such pupils may have challenges reintegrating into a mainstream school and may need additional support to do so successfully.
	13. These cases will be presented using the same scoring and allocation process as other students. It is important that schools and the LPS have a common understanding around a pupil’s readiness to start school reintegration and the kind of support that will be needed to seek to ensure a smooth transition back into mainstream school.
	14. There will be additional Challenge Points allocated to a school that successfully places an LPS pupil on Roll.
1. **Relationship with appeals**

14.1 A school placement made through BAP shall not remove a parent/carer’s right to appeal for a school place elsewhere. Parents will be guided to the process of appeals if necessary.

* 1. Appeal panels will be made aware of the conditions of the FAP, and that the admission of an additional pupil/young person under this protocol is different from a school voluntarily exceeding its admission limit. Appeal Panels will also be made aware that any decision made to allow appeals will place further pressure on the school’s resources.
1. **Monitoring the operation of the Protocol**

15.1 The EIP will keep a record of the dates of meetings and allocations made. It will also record the date that an allocated pupil is put on to a school roll.

* 1. An Annual (or more often if requested) report to the EIP will be prepared by EIP staff on FAP and managed moves.
	2. An anonymous version of the details of all decisions will be made available to the Director, Learning and Inclusion to demonstrate that the BAP Protocol is being effective. This will include any school that has not taken a pupil on roll within 10 days of the decision being notified.

16.0 Challenge Points to be awarded to schools.

|  |  |  |
| --- | --- | --- |
| Category | Category of pupil (as listed in Appendix 3 of the School Admissions Code; the final category is a local addition) | **Points** |
|  | Returning from the criminal justice system | **50** |
| A i | Children known to the Youth Offending Service or police, returning from the criminal justice system (\*20 for current / 10 within past 12 months) | **\*20****\*10** |
| ii | Plus children up to 5 days exclusion | **5** |
| iii | Plus children with more than 5 days exclusion | **10** |
| B | Children referred by LPS who have been permanently excluded for the first time | **40** |
| C | Children who have been accessing LPS provision F/T Children who have been accessing LPS provision P/T  | **10****5** |
| D | Children who have been out of education for two months or more | **5** |
| E | Children of Gypsies, Roma, Travellers, refugees and asylum seekers | **2** |
| F | Children who are homeless | **3** |
| G | Children with unsupportive family backgrounds for whom a place has not been sought | **3** |
| H | Children who are carers | **2** |
| I | Children with special educational needs, disabilities or medical conditions (but without a statement or Education, Health and Care Plan) | **Up to 5** |
| J | Students known to the CAMHS, Early Help, Children in Need or Domestic Violence teams or where there is significant other social care involvement. (within 12 months) | **5** |
| K | FAP case originally presented as normal admission that allocated school agrees to keep on roll  | **5** |
| L | FAP case, parental 1st or 2nd choice school agrees to take  | **5** |
| M | Child with EHCP admitted in academic year | **5** |
| N | LAC admitted within academic year  | **5** |
| O | Children with SAO | **2** |
| P | Admission above PAN or starting point in Academic Year (5 points per 5% increase in size of year group) | **5** |
| Q | BAP Managed move - KS3\* | **5** |
| R | BAP Managed move - KS4\* | **8** |
| S | Permanent exclusion | **-30** |

1. **Operation of BAP Meetings**

17.1 FAP pupils will be dealt with before Managed Moves. Managed Moves are brought by schools seeking a fresh start for particular pupils, to seek a school preprared to offer the pupil a trial, which if successful would lead to an offer of a permanent place.

* 1. FAP pupils will be listed (as far as possible) in chronological order of application being identified by a service as requiring a placement via FAP.
	2. Parental choices will be noted and incentivised i.e. if a school takes FAP pupil as a 1st or 2nd choice, they would receive additional points (if taken before table placed allocation).
	3. Information available on each case will be presented in turn and discussed by BAP members.
	4. In the meeting, after the pupil’s history and context have been discussed, parental choice will be identified as schools are asked to consider offering a place to a pupil.
	5. If those schools are not able to offer a place, it will be opened out to all schools to offer.
	6. If no suitable offer is made a place will be allocated using the challenge table and applying a ‘best fit’ consideration. All pupils without an offer from a school will be considered together and schools allocated by a combination of ‘best fit’ factors. These may include,
* Distance from home address to school and transport practicalities.
* Views of parent (first choice/ expressed choice (2nd or 3rd)/ not chosen)
* Views of school – previous history with pupil? no specific opposition/ some concerns about suitability of that school for that child/ compelling reason not to allocate etc
	1. N.B. This will be done looking at those schools who have not accepted a pupil at the meeting initially; and only those who are at the top of the table. Thus, if there are 6 pupils unplaced, it will only be the 6 schools at the top of the table, after those who have already agreed to accept a pupil at the meeting, who would be considered. Inreality, it may involve more than 6 if there are particular reasons why some pupils cannot be placed in some schools.
	2. All schools should remain until the placement of FAP pupils is completed. FAP placements will be completed before meeting moves on to consider Managed Move requests.

|  |  |
| --- | --- |
| school  | meeting out come  |
| A |   |
| B | Accepted as parental 2nd choice |
| C | Accepted as parental 1st choice |
| D |   |
| E |   |
| F | Accepted when opened to all schools |
| G |   |
| H | Accepted as parental 1st choice |
| I |   |
| J | Accepted when opened to all schools |
| K | Accepted as parental 2nd choice |
| L |   |
| M |   |
| N |   |
| O |   |
| P |   |
| Q |   |

17.10 In the above scenario, if there were 6 pupils remaining they would be allocated to schools, A, D, E, G, I and L by a best fit of geographical proximity (and other factors )to home address. Unless there were exceptional reasons why this should not happen.

* 1. Allocations will be confirmed by Admissions team within three working days, and pupils should be on the school roll by 10 days after notification.

**18.0 BAP Review**

18.1 The protocol will be reviewed on an annual basis by the Head teachers, in conjunction with Local Authority.