

# Fair Access Protocol

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## Background and Introduction

The Education & Inspections Act 2006 introduced a requirement for each local authority to have in place a Fair Access Protocol (FAP). This Protocol is agreed by the majority of schools in the area and is there to ensure that, outside the normal admissions round, the most vulnerable children, are offered a place at a suitable school as quickly as possible and that the appropriate provision is put in place to ensure the needs of the children are met.

The Protocol also ensures that no school is asked to take a disproportionate number of children who have been excluded from their previous school or who have challenging behaviour. This is an important factor to consider as to overstretch a school and its resources would be detrimental to both the child being placed and the children currently at the school.

The School Admissions Code 2021, point 3.17, sets out the criteria to be used when considering applications under the Fair Access Protocol

- a) Children either subject to a Child In Need Plan or a Child Protection Plan 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.
- c) Children from the criminal justice system.
- 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 EHCP), 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 this 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 from 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.

The Fair Access Protocol is only intended to deal with exceptional circumstances and is **not** appropriate in the following circumstances:

- Children who are Looked After
- Children who have an Education Health & Care Plan (EHCP)
- Children moving into the county
- Children seeking to transfer school for personal/academic reasons

- Children who have been offered a place elsewhere but whose parents have declined that offer.

Parents **do not** have the right to request a Fair Access placement, even if the child meets the criteria for placement under the Protocol.

The Protocol will be reviewed annually as part of the annual consultation of admission arrangements for Cambridgeshire.

## **Section 1 - Key Principles of the Protocol**

- 1.1 As outlined in the School Admission Code (section 3.10), the Fair Access Protocol sits outside of the normal admissions process and therefore:
- Schools cannot cite oversubscription as a reason not to admit a child who meets the criteria for placement under the Protocol. The school is, therefore, able to exceed their Published Admission Number (PAN) in order to offer a place for such pupils.
  - Formal admission appeals for hard to place children are not required before a pupil may be admitted under the Protocol and further, a pupil who has been denied a place at a school by the Independent Appeal Panel may still be admitted by that school, if it is identified under the terms of the Protocol, as being the most appropriate school for the child.
  - Children who meet the criteria for placement under the Protocol must be given priority for admission above other pupils who may be on the school's waiting list.
  - The parent retains the statutory right of appeal against the decision of their preferred school, to refuse their child a school place.
  - The parent retains the right to submit an in-year application for a place at an alternative school(s).
- 1.2 No school, including those with available places, should be asked to take a disproportionate number of children who have been excluded from other schools, who have challenging behaviour or who are placed via the Protocol. Fair Access Protocols must also set out how the needs of children who have been permanently excluded, and children for whom mainstream education is not yet possible, will be met.
- 1.2 There is no duty for local authorities or admission authorities to comply with parental preference when allocating places through the Fair Access Protocol, but their views must be taken into account. Consideration should always be given to:
- a. Home to school journey distance and whether or not it would be appropriate for the pupil to attend a school within or outside their immediate locality.
  - b. Representations made by the family regarding their preferred schools.
  - c. Representations made in advance by preferred schools as to the reason why it might not be appropriate for the child to be offered a place.
- 1.3 Decisions will be based on as comprehensive an understanding as possible of a child's needs and of the particular circumstances of the school or schools which might be approached with a view to offering the child a place. The aim being to seek to ensure the move to the new school will be successful.
- 1.4 This will include, where it is felt appropriate, the Authority convening a multi-agency meeting to which school representatives will be invited to agree how the child, family and the school at which a place will be offered can best be supported to ensure as smooth a transition as possible to that school.

- 1.5 All admission authorities recognise their collective responsibility for all pupils and will work collaboratively and with a sense of urgency to manage the admission of pupils referred through the Fair Access Protocol, involving multi-agency support, accessed where appropriate.
- 1.6 All admission authorities must participate fully in the operation of the Protocol. This includes making available a representative who is authorised to participate in discussions, make decisions on placing children via the Protocol and admitting pupils when asked to do so in accordance with the Protocol, even when the school is full. Decisions about admitting children under the Protocol can be made by one individual in an admission authority, provided that suitable authority has been delegated to that individual. The Local Authority will provide admission authorities with reasonable notice and information as to how and when discussions around the placement of children via the Protocol, will take place.
- 1.7 No school is automatically asked/approached to take another child with challenging behaviour, in the place of a child permanently excluded from the school. (Point 3.20 of the School Admissions Code.)
- 1.8 A child must be allocated a school place via the Protocol, within 20 school days. (Point 3.21 of the School Admissions Code.)
- 1.9 There is an effective process and decision-making framework for cases involving children who are or have been on roll at schools in neighbouring Authorities as a result of parental preference decisions.

This will include, where it is felt appropriate, the Authority convening a cross-border liaison meeting to which representatives from the neighbouring Authority, the school at which the child is on roll/has been on roll and Cambridgeshire schools which might be approached to take the child, with a view to reaching agreement on the best educational solution for the child in question.

## **Section 2 - Legislation and linked policies**

- 2.1 Admission Authorities, Schools, Adjudicators, Appeals Panels, Local Authorities and Maintained Schools must comply with the **School Admissions Code** and the **School Admission Appeals Code**. Academies are required to comply with these codes as part of their Funding Agreements with the Secretary of State.
- 2.2 Other Local Authority linked policies are:

Cambridgeshire County Council's coordinated schemes of admission for Infant, Primary, Junior, Secondary and Academies (including free schools, and university technical colleges).

Cambridgeshire Behaviour and Attendance Improvement Partnership (BAIP) Funding and Service Level Agreement (SLA) 2021-2022. The BAIP work to try to prevent the requirement of 'Education Other than at School' and to ensure that if required, it is of high quality.

### Section 3 - Home to School Transport Assistance

- 3.1 The Home to School Travel Assistance Policy applies to placements made under the Protocol. The Local Authority is required to provide free transport for all pupils of compulsory school age (5 to 16) to their *nearest suitable*\* school, when it is 2 miles or more (for primary age children) or 3 miles or more (for secondary age children).
- \*This is determined by the Authority as the nearest school with places available, that provides education appropriate to the age, ability and aptitude of the child and considering any SEN the child may have.
- 3.2 Where the parents express a preference for their child to attend a school that is not the school designated by the Local Authority, and a place is offered, the parents will be responsible for making and funding the travel arrangements to and from that school.
- 3.3 In line with the requirements of the Education Act 2006, the Local Authority will provide free transport for all young people of secondary school age living in low income families **if** they are eligible for free school meals or their parents are in receipt of the maximum Working Tax Credit, to one of their three nearest schools, more than 2 miles away but no more than 6 miles; and the nearest suitable school preferred on the grounds of religion or belief, more than 2 miles away but no more than 15 miles.
- 3.4 Where transport assistance is agreed it will be provided at the beginning and the end of the school day, to and from the child's home address only. It will not be made available to enable the child to attend before and after school clubs or revision sessions. Should a child move house after a managed move or fair access placement has been agreed, a review will be undertaken of the previously agreed transport arrangements which may conclude that the parent will resume responsibility for this transport.
- 3.5 The type of transport assistance provided will depend on the services already operating within the area. Travel options include a travel pass on an existing public/Council contract service, the offer of parental mileage, or a personal transport budget (to assist families in making their own arrangements). The Local Authority will determine the most appropriate means of transport on a case-by-case basis

The Home to School Transport Policy can be viewed at  
[www.cambridgeshire.gov.uk/education/transport](http://www.cambridgeshire.gov.uk/education/transport)

### Section 4 - Challenging Behaviour

- 4.1 Admission authorities **must not** refuse to admit a child on behavioural grounds in the normal admissions round, or at any point in the normal year of entry.
- 4.2 Where an admission authority does not wish to admit a child because it has good reason to believe the child may display challenging behaviour, it may refuse admission and refer the child for placement under the Fair Access Protocol (point 3.10 of the School Admissions Code), This provision should only be used if the admission authority has a particularly high proportion of children either with challenging behaviour or previously permanently excluded pupils on roll compared to other local schools and it considers that admitting another child with challenging behaviour would prejudice the provision of efficient education or the efficient use of resources. (Point 3.11 of the School Admissions Code.)











































**Previous schools attended (including those outside of Cambridgeshire) if known:**

Name		To		From	
Name		To		From	
Name		To		From	

**Concerns**

Incidents in school that have given rise to concern:

Other (Please specify):

Total number of Exclusions this Academic Year:

**Strategies**

Please briefly outline what positive strategies have been used to support the inclusion of this pupil prior to the Managed Move request and any sanctions that have been used:

Any issues that may affect the success of a Managed Move at any school. Please give reasons:

**Academic Ability – Teacher Assessments**

Please comment upon the pupil's progress in the following subjects with reference to National Curriculum attainment levels. Please also give a general comment.

Please also give a general comment.

KS 1/2/3 (see KS4 separately)

Key Stage Level

Subject	NC Level	Teacher Assessment/comment
English		
Maths		
Science		
ICT		
Overall Estimate and other appropriate information		

**KS4 Only**

GSCSE etc. currently being undertaken by the pupil. Please list subjects and include details of examination board/syllabus etc.

<b>GCSE</b>	<b>BOARD</b>	<b>CURRENT LEVEL</b>	<b>PREDICTED LEVEL</b>

Current assessment of performance – please indicate most recent assessment results, for example modular tests and portfolio assessments

**Agency Involvement**

Please indicate if the following agencies are involved with the Student

Social Care	Yes / No	Contact:
CAMHS	Yes / No	Contact:
YOS	Yes / No	Contact:
Early Help District	Yes / No	Contact:
Health	Yes / No	Contact:
Other	Yes / No	Contact:

**Headteacher Signature**

**Print Name** \_\_\_\_\_ **Date** \_\_\_\_\_

Education Inclusion Officer/SEND Services signature

**Print Name** \_\_\_\_\_ **Date** \_\_\_\_\_

**Part B – To be filled in by the Student’s parent/carer**

I have attended a review meeting of my child’s progress and agree that a Managed Move to an alternative school is my preference option. I would like to express a preference for the following school. I understand that my preference will not necessarily be met.

Preferred alternative school:

**Parent/Carer Signature** \_\_\_\_\_ **Date** \_\_\_\_\_

**Parent/Carer Signature** \_\_\_\_\_ **Date** \_\_\_\_\_

**Student Signature** \_\_\_\_\_ **Date** \_\_\_\_\_

**Travel Arrangements to allocated school**

Travel assistance will be considered to the school, determined by the Local Authority, to be the nearest suitable school.

Should you choose for your child to attend an alternative school/a school further away, you will be responsible for making and funding those transport arrangements.

If transport is approved, the Local Authority will determine the most appropriate type of travel arrangement. This may include a travel pass for bus/rail or personal transport budget (to assist families in making their own arrangements or securing their own taxi). **Assistance by taxi is only considered in exceptional circumstances and agreed by the budget holder.**

**Section 4. This section to be completed by Education Inclusion Officer/SEND Services and Headteacher of receiving school**

Name of receiving School: \_\_\_\_\_ Contact details: \_\_\_\_\_

Headteacher:	Agreed start date for pupil:
School contact person:	
Date of meeting to agree planning and start date for Managed Move:	
<b>Headteacher's signature</b>	<b>Date:</b>
Education Inclusion Officer/SEND Services signature	<b>Date:</b>

**Appendix A completed and attached**

**Yes / No**

**Intervention Checklist to evidence support before request for Managed Move**

Intervention	Date completed	Comments
Strengths and difficulties questionnaire		
Social and communication descriptors		
Dyslexia assessment		
Counselling		
Educational Psychologist		
CAMH		
EHA		
Speech and language assessment		
PSP Reports		
Amended timetable		
Discussion with Education Inclusion Officer/SEND Services		
Working with external agencies		

Initial Managed Move Meeting Agenda

Attendees:

- Education Inclusion Officer/SEND Services School staff from receiving school
- School staff from referring school
- Parent
- Carer
- Student
- Other agencies e.g. CAMH, YPW, Family Worker

Agenda

- Introductions
  
- Explanation of Managed Move by Education Inclusion Officer/SEND Services
- Student view
  
- Parent view
  
- Referring school view
  
- Expectation of receiving school
  
- Practicalities – transport, school uniform, support to be put in place
  
- Review dates agreed

**Managed Move Initial Meeting Form**

Name of Student		Year:
Lead Staff for Original School		EIO:
Lead Staff for Receiving School		EIO:
Other Professionals involved (E.g. YPW, School Nurse, CAMH, CASUS)		

PSP and/or EHA (Y/N & state which)		Lead Professional:	
Date of next PSP/TAF Review			

Present at Meeting:	Date:
Name	Role

Student's Strengths (Subjects, extra-curricular etc.)	
Contribution from Student	
Contribution from	

Original School	
Contribution from Parent/Carer	
Contribution from Education Inclusion Officer/SEND Services (if relevant)	
Strategies/Interventions discussed to support Move (list all strategies)	
Person Responsible	

Any Concerns (from student, parent/carer or School)	What can be done to support/resolve	Person responsible
Uniform to be provided by:		
Transport arrangements:		



Arrangements for first day (including date and start time)	
Staff contact for student/parent (from Receiving School)	

Actions	Person responsible	Timescale
Signature		Date
Original School:		
Receiving School:		
Student:		
Parent/Carer:		
Education Inclusion Officer/SEND Services		

Date of first Managed Move Review

**Managed Move Review Form**

Name of Student		Year:
Date of next PSP/TAF Review (if relevant)		
Present at Review:	Date:	Week No:
Name	Role	
Update from Receiving School (Including successes/improvements/progress etc)		
Student's Voice (What's going well? What are they enjoying? Anything they're finding difficult?)		
Contribution from Parent/Carer		
Contribution from EIO (if relevant)		

Strategies/Interventions currently in place to support Move (list all strategies)		
Additional Strategies /Interventions agreed (if above isn't working)		
What's in place to promote Positive Behaviour	Successful (Y/N)	If No, what else can be done
Any Concerns (from student, parent/carer &/or School)	What can be done to support/resolve	Person responsible
Actions	Person responsible	Timescale

Date of next Managed Move Review:

Signature	Date
Original School:	
Receiving School:	
Student:	
Parent/Carer:	
Education Inclusion Officer/SEND Services:	

### APPROVED TRANSFER

An Approved Transfer is a move between schools agreed by the relevant professional services within the Authority as being the only appropriate course of action for a child, given the exceptional circumstances of the situation.

The request for an Approved Transfer can be submitted by the school, the Locality Team (LT) officer involved with the child/family, any other professional working with the child/family, the Admission Officer managing the application or the parent/carer.

To be deemed an Approved Transfer, the application must meet the following criteria and evidence provided by the officer/party making the referral request:

- parents/carers and school staff have exhausted the strategies available to resolve any difficulties the child is experiencing in the current school;
- support from the LT has been sought and strategies available have been exhausted;
- the assessment of the professionals working with the child is that they would benefit from a move to another school, i.e. the child is unlikely to encounter the same difficulties in the new school; and
- the child has not been permanently excluded, is not at risk of permanent exclusion and has not been the subject of a Managed Move.

The case will need to be referred to the Policy & Operations Manager: Education Appeals & Fair Access (Clerk to the Panel) to check that all the criteria have been met and supporting evidence provided. The Officer will then log the case and add it to the agenda for the next available meeting of the Fair Access Panel.

If a place is available at the parent/carer's preferred school and the Panel agree to approve the transfer, the school will be approached with the view of securing agreement to the offer of a school place.

If it is not possible to meet the parent's preference, the parent will be notified of this, together with their right of appeal against that decision, and asked to consider whether they would want to pursue the option of a securing a place at another school.

Assistance with travel costs will only be considered to the school, determined by the Local Authority, to be the nearest suitable school and that school is beyond the statutory walking distance, in line the Local Authority's Home to School Travel Assistance Policy. Should a parent/carer choose for their child to attend an alternative school/a school further away, they will be responsible for making and funding those transport arrangements.

The Local Authority will determine the most appropriate type of travel arrangement. This may include a travel pass for bus/rail or personal transport budget (to assist families in making their own arrangements). Assistance by taxi is only considered in exceptional circumstances and agreed by the budget holder.

## **REQUESTS FOR TRANSFERS IN CASES OF ALLEGED BULLYING**

When a parent/carer alleges that their child has been bullied at school, it may be because they feel that the school has not dealt with the matter to their satisfaction and may refuse to send their child to the school, whilst seeking a place at an alternative school.

A deadlock situation can occur when the parent feels that the school has not done enough to deal with the alleged bullying, and therefore will keep the child out of school, whilst the school feels that it has done all that is reasonable to address the issue. In this situation the school will decline to authorise the absence and should at this stage (if they have not already done so) refer the case to the Local Authority Attendance Service.

### **School Attendance Orders (SAO)**

The Local Authority is obliged to take enforcement measures where it is established that there is no suitable education in place for a child of statutory age, and issue a School Attendance Order (Section 437, Education Act 1996).

In most cases, the situation is often resolved by the Children Missing in Education Officer who liaises with these identified families to find a solution, prior to any order. However, a number of cases do require the Local Authority to issue a School Attendance Order.

Where a School Attendance Order is deemed appropriate, the child's case will be referred to Fair Access, to determine appropriate the school placement. In determining the appropriate school placement, the Panel will consider the nearest schools to the home address and their current numbers in the year group. A school will be identified and the admission will be logged as part of the Management Information Data.