



# FAIR ACCESS POLICY

September 2015



## **FAIR ACCESS PROTOCOL**

Educational opportunities for some pupils are put at risk because they are regarded as hard to place and they experience delays in admission to school, their placement breaks down shortly after admission, or they find themselves unable to access a school place. A suitable school place should be found quickly and within 20 school days and the pupil on roll within 25 days. It is also important that no school should be asked to take an excessive or unreasonable number of such pupils and that support services are aligned around a new fair access admission so that the placement is successful.

All school admitting authorities are under a duty to comply with the Admissions Code of Practice 2013 and the SEN Code of Practice. The LA has a duty to ensure that there are sufficient places in the area and has a responsibility to both pupils and schools to ensure that the placement is given the best chance to succeed.

This protocol applies to all pupils with additional learning needs (but without a Statement) who attend primary and secondary schools in Torfaen, including voluntary aided and foundation schools.

In the case of Looked After Children (LAC), there is a Torfaen Protocol which should be followed as LAC pupils have specific entitlements to access a school placement from The Education (Admission of Looked after Children) (Wales) Regulations 2009. (Please refer to appendix b)

### **The Aims of the Protocol**

- a. Outside the normal admissions round, unplaced pupils, especially the most vulnerable, are allocated a school place quickly
- b. To ensure that the needs of vulnerable young people who are not on the roll of any school are dealt with quickly and sympathetically;
- c. To ensure that the admission of fair access pupils is supported so that the placement succeeds;
- d. To ensure that there is openness and fairness in the process;
- e. To ensure that there is an agreement to admit to a school a pupil covered by this protocol within twenty school days of an application being made.
- f. It is the expectation that the current school (if pupil in question attends a Torfaen School) have followed all existing guidance and processes in relation to any pupil who experiences any Social, Emotional and Behavioural Difficulties. (Please refer to appendix a, students with BESD)

### **Definition of Fair Access pupils.**

- a. Pupils from the criminal justice system who need to be re-included into mainstream education
- b. Pupils who have been out of education for half a term or more
- c. Pupils who were permanently excluded from their last maintained school placement and in the interim have attended the PRU but who are now ready for re-inclusion to a mainstream school.
- d. Pupils who access a PRU placement but who are now ready to be re-included back into mainstream education. Some of these pupils will still be on the roll of their previous school with the intention that they will return back there, but some parents may wish for their pupils to attend an alternative mainstream school.
- e. Pupils withdrawn from school by their family, following fixed term exclusions.
- f. Pupils who have moved into the area without a school destination.
- g. Pupils who have been Home Educated but wish to access a Local Authority mainstream school.
- h. Parental requests for placement changes for pupils who are on the code of practice for Behaviour, Emotional and Social Difficulties (BESD) (See Appendix A)

Other pupils requiring a school place will continue to be placed in accordance with the usual admission procedures.

### **Arrangements for Pupils with a Statement of ALN**

Pupils with a statement of ALN are not covered by the protocol, as their needs must be considered separately and admissions arranged by the LA's ALN Team using the SEN Code of Practice. There is a clear expectation within the Education Act 1996 that pupils with statements of special educational needs will be included in mainstream schools.

The LA must ensure that a child is educated in a mainstream school unless that is Incompatible with the efficient education of other children.

*(See Section 316, Education Act 1996)*

### **How the Protocol will operate**

Parental preference will initially determine where the request for admission is made.

In the case of Fair Access Pupils transferring between schools in Torfaen and in accordance with normal transfer procedures, schools will provide the LA's Admissions Team with full information on the pupil, within 5 school days to enable admission to be arranged.

Where Fair Access Pupils move into Torfaen from schools outside the LA area, the LA's Admission Team will gather information from previous schools/LA as above.

Prior to the admission of any Fair Access pupil, an identification of need will be carried out by the LA to determine the appropriate educational placement, taking account of parental preference, and determine the support and intervention strategies that can be offered to the pupil in order to maximise the chances of successful admission.

It is recommended that the hosting school seek advice from the centres of excellence and implement suggested strategies in their own school.

Where the identification of need concludes that a Fair Access pupil should be admitted to school, the LA will support the receiving school to draw up an integration plan.

### **Availability of Places**

In deciding whether places are available for Fair Access Pupils, all Admission Authorities must follow their admissions arrangements and the Admissions Code in deciding whether a place is available. If a parent is refused a place at their preferred school they will be informed of the right of appeal.

Fair Access Pupils are expected to meet the selective or denominational requirements for admission where these are required.

Provided there is space in the relevant year group schools will admit Fair Access Pupils.

### **Monitoring arrangements**

- a. The LA will retain a record of every Fair Access pupil admitted via the LA Admissions Team.
- b. Foundation and VA schools should notify the LA of the admittance of any Fair Access pupil, as defined in the Protocol
- c. The LA will report to the Admissions Forum at every meeting

- d. The LA will put in place monitoring and support arrangements following the admission of all Fair Access pupils.