



In Year Fair Access Protocol 2018-2019

1. Introduction

1.1 There is a requirement under the School Admissions Code (3.9) 2012 that all admission authorities must operate an In Year Fair Access (IYFA) scheme. All schools **must** participate in their local authority area's protocol. This is 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.

1.2 The aims of Dorset's 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 hard to place pupils spend out of school,
- 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 behaviours,
- be fair and transparent.

2. Main Principles

2.1 The key principle is any decision and action should be based on the needs of the child rather than the needs of the supporting agencies. This scheme applies to children who live within the Dorset Local Authority (LA) area. The scheme applies to children 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 admission arrangements have no places available in the relevant year groups,
- schools cannot use oversubscription as a reason not to admit a pupil under this policy,
- 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 section 4 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 having regard to other relevant factors including the size of the schools in each of the areas, SEN levels, accessibility to and within the school and budgetary factors,
 - it will be inclusive and emphasis will be given to 'local schools for local children' in accordance with the local authority's school 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, i.e. 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 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 In Year Fair Access Panel (IYFAP) will carefully consider all professional advice available. Information will normally be gathered by Admissions. 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.
- 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 IYFAP.



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

3. Circumstances Leading to an IYFA Referral

- 3.1 Children will be considered by the IYFAP when they have no school place, do not have a Statement of Educational Needs and meet one or more of the criteria below:

(Sections 3.8-3.15 School Admissions Code 2014)

- (i) Children attending 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 two months or more. 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 for whom 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) Children of Gypsies, Roma and 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 but without a statement (if they also meet any of the other criteria and associated conditions),
 - (xiv) Children from the criminal justice system who need to be reintegrated into mainstream education,
 - (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 The Learning Centre Admissions Panel),
 - (xviii) Other children with evidence of particularly challenging behaviour identified by schools and other agencies.
- 3.1.2. Where a governing body does not wish to admit a child with challenging behaviour outside the normal admissions round, even though places are available, it must refer the case to the local authority for action under the IYFA Protocol.
- 3.1.3. There may be exceptions to the criteria listed above which may also require the application to be considered under this protocol.
- 3.2. Learning Centres (PRUs)**
- 3.2.1 Allocation of places for pupils referred to Learning Centres are administered entirely through the Learning Centre Admissions Panel.
- 3.2.2 All children attending 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. Alternative Provision, Exclusions and Admissions Officers will gather appropriate and relevant information for the In Year Fair Access Panel. Parents/carers of children currently attending learning centres who wish for their child to be considered for a mainstream school place should first discuss this with the headteacher of the Learning Centre.
- 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 officers working in Alternative Provision, in accordance with the Framework for Reintegration. Where the relationship has broken down with the previous setting, the case will be taken to the IYFAP who will make a decision on the fresh allocation of a school place based on recommendations from the Learning Centre and/or Alternative Provision Officers.



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 over an academic year or 12 month period, the case will be referred through the IYFA Protocol.

3.6. Year 11 Applicants (Post Autumn Term)

- 3.6.1 Given that schools are entering the final term of examination preparation, 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 The 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 Alternative Provision Strategic Lead for initial placement in a Learning Centre,
 - The Learning Centre will consider the educational programme previously followed and consult with the pupil and parent/carer and, where appropriate, a school to agree the most suitable placement during the rest of the academic year. If placing the pupil outside their normal age group is being considered, please refer to the separate guidance on placing children outside of their normal age group,
 - Where it is considered that a school placement is an option the Alternative Provision Strategic Lead will either;
 - (i) invite the IYFAP to nominate a school to be approached or;
 - (ii) inform the IYFAP 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 will only be subject to the IYFA process if the criteria identified in this protocol are met. Any applications received after the Autumn term, will be considered under the IYFA Protocol.

3.6.4 Chesil & Christchurch 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 When an application is received which meets the criteria set out in 3.1 the following process will be carried out:

- 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 to confirm the applicant meets the criteria. This information will be passed to the panel.
- any school identified on the application form as a preference will be made aware of the submission and invited to provide evidence to the IYFA Panel.

5.2 Upon confirmation of the IYFA criteria being met, cases will be referred to the next available meeting of the IYFA Panel. The Panel meets every three weeks during term time. 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,



- readiness for mainstream school,
 - current pupil numbers,
 - transport implications,
 - which school is best able to meet the pupil's needs,
 - current school profile and previous allocations.
- 5.3 Applications will generally be considered for provision within the local area of the home address. This is to enable a reasonable distribution of children and ensure workable support. It is also to meet the legislative requirements for transport.
- 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 any maintained schools to admit in accordance with the School Admissions Code 2012. Maintained schools may refer the case 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. If an Academy refuses to admit the child, the local authority can ask the Secretary of State to intervene.
- 5.6 Admission Appeal Panels will be briefed about the scheme and advised that the protocol takes precedence over all other admission policies and arrangements. They will also be made aware that pupils can be admitted through this protocol over and above PAN. However, this does not mean other pupils can be offered without causing prejudice.
- 6. Panel Members**
- 6.1 Meetings will be chaired by a lead officer from School Admissions.
- 6.2 The IYFA panels will include representatives from the Special Educational Needs Team and Children in Care Service. A Head Teacher representative will also be included. There should be a minimum of 3 members of the panel present to be quorate.
- 6.3 The Chesil Panel will include all secondary Head Teachers (or a nominated representative).
- 7. Reviews and Assessment of the Protocol and the Outcomes**



- 7.1 Schools who have admitted pupils under the In Year Fair Access protocol will be able to provide feedback on the admissions process, information provided prior to admission and support processes.
- 7.2 The impact of the Panel, together with the effectiveness of operational procedures, will be reviewed annually and reported to the Office of Schools Adjudicator (OSA).