

Secondary schools

In-year fair access and managed move protocol



THE ROYAL BOROUGH OF
KENSINGTON
AND CHELSEA

In Year Fair Access

Background

1. The School Admissions Code requires local authorities to have a Fair Access Protocol in place which ensures that access to education is secured quickly for children who have no school place and that all schools in an area admit their fair share of the most vulnerable children, including those whose behaviour has been challenging. All schools *must*¹ agree and participate in the Fair Access Protocol and will be expected to admit children above their published admissions number if the school is already full.
- 1.2 The Local Authority's (LA) *Admissions and Access to Education Team* would normally be the first point of contact for parents/carers resident in the Royal Borough seeking a school place for their child. In the majority of cases, children will be allocated a school place in accordance with normal in-year admission procedures either in a Royal Borough school, or due to geography, in a neighbouring borough school with vacancies.
- 1.3 In accordance with 3.30(b) of the Code, local authorities *must* produce an annual report on admissions to the Adjudicator which must include an assessment of the effectiveness of Fair Access Protocols and co-ordination in their area, including how many children were admitted to each school under them.
- 1.4 The objective of the Royal Borough of Kensington and Chelsea's Fair Access Protocol is to achieve the best possible outcomes for resident children that are considered hard to place and/or vulnerable.

2. Aims of the Protocol

- 2.1 This Protocol will apply to all secondary school aged children normally resident, or who will be normally resident of Kensington and Chelsea. It is, in effect, a safety net or a last resort process for the minority of children where normal procedures for in-year admissions have failed and the child is considered to be 'hard to place'
- 2.2 The objectives of the Fair Access Protocol are to:
 - Be fair and transparent and have the confidence of all schools;
 - ensure that out of school children identified for a FAP placement are offered education provision appropriate to the child and their needs as quickly as possible;
 - ensure permanently excluded children, and children in alternative provision, return to mainstream school as quickly as possible where it has been assessed by relevant professionals as appropriate;
 - ensure that all schools in the area, including those that may have places available, admit their fair share of children who have had behavioural difficulties.

¹ The word *must* represents mandatory requirements of the Admissions Code

- ensure that children who are more vulnerable to missing education, which may in turn impact from a safeguarding perspective including health and safety, happiness and educational opportunity are placed in a school as quickly as possible.
- 2.3 It is recognised that while some children may be vulnerable, it is not always the case that they will be 'hard to place' in a school and should in most cases be offered a school place in accordance with normal in-year admissions arrangements.
- 2.4 The Kensington and Chelsea Fair Access Protocol covers two broad categories.
 - **External** - Children of statutory secondary age who have been out of education for a minimum of 4 or more weeks from the date of registration for a school place with the LA and where it can be demonstrated that there are no places available at any school within a reasonable distance from their home².
 - **Internal** - Children or young people attending Ormiston Alternative Provision (OAT) who have been assessed by OAT as ready for reintegration back into mainstream education.
- 2.5 Fair Access referrals **cannot** be made to, or considered by the panel for pupils on roll at any other mainstream school. Consideration for an Off-site Direction or Managed Move to Ormiston Academy Trust (OAT) Alternative Provision will apply in cases where it may be necessary for a temporary or permanent managed intervention to manage behaviour, or to prevent further suspensions or a permanent exclusion. Further information **from Para.9.**
- 2.6 Fair Access referrals cannot be made to, or considered by the panel for children that are no longer resident in the area, or that have left the country, even for a short period.
- 2.7 **Pupils removed that Elect to Home Educate (EHE)** - schools will place back on roll any child that previously attended their school where the parent withdrew to home educate. This applies to children resident in both Kensington and Chelsea and Westminster. Only when exceptional circumstances apply, that does not allow the child to return to the school, will the case be referred for a Fair Access placement at an alternative school.

3. Key principles of Fair Access

- the protocol will apply to Kensington and Chelsea residents only.³
- that all schools engage and participate in the process and ensure that their published admission arrangements include fair access.
- that all schools send a senior school representative to each meeting. Where not possible, to inform the LA prior to the meeting of any comments they wish to be made known on any of the cases.
- that all schools to be considered for a nominated placement whether a representative in

² Reasonable distance as defined in the DfE 'Home to school travel and transport guidance' is a distance from home to school no further than 3 miles as calculated as a short walking route, or a public transport journey that does not exceed 75 minutes each way.

³ With the exception of 2.7 which applies to children resident in both WCC and RBKC.

attendance at the Panel meeting or not.

- that decisions to be made take account of the number of times a school has been nominated to admit a case, and to ensure, as far as reasonably practical, that no school is asked to admit a disproportionate number of Fair Access placements; and, that all decisions are binding on the nominated school and the parent/young person.

4. Threshold for a Fair Access Placement

- 4.1 As outlined in para. 2.4, referrals are made for a Fair Access placement in accordance with either the External or Internal category.
- 4.2 **External** - *Children who have been out of education for 4 or more weeks from the date of registration for a school place with the LA.*
- 4.3 To meet the above threshold for referral, the parent /carer must evidence that applications have been made to at least **one** school that has known vacancies and admission to that school has been refused. *The Admissions and Access to Education Team* will provide parent/carers with details of schools that can be applied to. No case will be referred for a fair access placement where schools with vacancies have not been applied for.
- 4.4 **Internal** - *Children attending Alternative Provision (OAT) who have been assessed by OAT as ready for reintegration back into mainstream education.*
- 4.5 To meet the threshold for referral, senior OAT staff will determine the readiness of a return to mainstream education in liaison with the parent/carers and child. Following assessment, the case will be summarised and presented at FAP in the same format as external cases.
- 4.6 Referrals for a Fair Access placement **will not** be considered under the following headings:
 - **Children that are categorised as Look After Children (LAC)** *must* be admitted to the identified school as a priority outside of the normal admission round. The Virtual School lead on this process.
 - **Children with an Education, Health and Care Plan** *must* be admitted to the named school as a priority outside of the normal admissions round. The SEN team lead on this process.
 - **Children removed from school by the parent/carers to Elect to Home Educate (EHE).** Parents must take full responsibility for their child's education if they choose to remove from a school roll to home educate. Under the existing protocol, Kensington and Chelsea and Westminster schools will take children back onto the school roll where home education is not successful. However, for cases where the child was not attending a Kensington and Chelsea school, and where a child has been withdrawn to home educate, and this has not been successful, or the parent/carers decides they are not able to proceed with home education, the LA will not consider taking the case forward for a Fair Access placement until a two month period had passed since removing the child from school to home educate, or following the first home assessment. The LA would expect to see evidence that the parent/carers had sought re-admission to the school that the child was previously attending, and/or applied for at least one school with known availability, but have been refused a place (the Admissions Team can provide information on school vacancies).

5. Referral Process

- 5.1 Referrals for a Fair Access placement are determined by senior officers in the *Admissions and Access to Education Team* on behalf of the LA and are broadly represented as outlined in paragraph 2.4.
- 5.2 The following process will apply:
- Cases are agreed for Fair Access placement by senior officers in the *Admissions and Access to Education Team*.
 - All case information obtained is summarised for secure circulation to Panel members. The Panel membership and Terms of Reference are outlined in **Appendix A**.
 - Cases are circulated whenever possible at least five days before the scheduled meeting (see also **Para 5.3**).
 - Each school will return 'expression of interests' against cases prior to the scheduled meeting.
 - The LA's nominated Fair Access officer will keep a record of interest against each case to present at the scheduled meeting. Interest expressed will inform the final placement decision making process.
 - No school is to make contact with families prior to the scheduled meeting.
- 5.3 In order to ensure a school place is allocated within 20 school days from when senior officers have agreed to consider a case or cases for Fair Access, it may be necessary to consult with schools in advance of the next scheduled meeting in order to secure a confirmed place within the statutory deadline.
- 5.4 For exceptional cases where the Local Authority determine it necessary to secure a place at either Ormiston Latimer Academy or Ormiston Beachcroft Academy urgently, these will be considered fast-track fair access cases and referred directly to the Ormiston Academy Trust (OAT) for immediate placement outside the normal meetings schedule.

6. Decision making process

- 6.1 Extensive negotiation is not part of the decision-making process. The choices offered will be limited and because of the limited places available across Kensington and Chelsea schools, there may indeed be no choice at all. As far **as is reasonably practical**, and in no priority order, the following will be taken into account by the Panel when identifying the appropriate school in which to allocate a place to the child.
- Parental preference including religious or cultural affiliations.
 - Distance from home to school.
 - The number on roll of considered school(s), whether the schools has exceeded its Published Admissions Number in the relevant age group, by how many and reasons why.
 - How many children have been placed at each school under the Fair Access Protocol.
 - Whether the school has a clear and identifiable reason why it cannot meet the child's needs.

- The opinion of professionals who may be involved that is supported by compelling evidence.
- Expressions of interest submitted by schools.

7. Refusal of agreed placement

- 7.1 It is the legal responsibility of the parent/carer to ensure the child in their care receives suitable education provision. If the parent/carer rejects the school or alternative provision offered to the child, they will still have the right to appeal for a place at the preferred school(s). The appeal panel will be informed of the fair access process and placement decision. *The Admissions and Access to Education Team* will manage the case as a Child Missing Education (CME) and consider school attendance proceedings.
- 7.2 It is the legal responsibility of the LA to ensure that its resident statutory school age children are in receipt of a suitable full-time education or otherwise (elective home education). Where the above para 7.1 applies, and it is evident that the parent /carer has not made alternative arrangements for their child within 20 school days following the notification of the named FAP placement, the LA will initiate school attendance proceedings.
- 7.3 Any case that requires a school to be named in a School Attendance Order (SAO) will be categorised as a Fair Access placement if the child is placed on the school roll.
- 7.4 All Fair Access decisions are binding on the nominated school and child. However, in the unlikely event that a school refuses to admit a child under the protocol, the local authority may formally direct a maintained school to admit the child, or in the case of an academy the case may be referred to the Secretary of State. The LA will refer to guidance issued by the DfE for such referrals.

8. Fair Access funding

- 8.1 All Fair Access placements will receive £1k funding in addition to the associated AWPU (age-weighted pupil unit). Payment will be made once the child is confirmed as on the school roll.

Managed Moves and Off-Site Directions

9. Off-Site Directions

- 9.1 An Off-Site Direction is a **temporary** intervention and should only be used as a way to improve future behaviour and not as a sanction or punishment for past misconduct. Off-site directions should only be used where in school interventions and/or outreach have been unsuccessful or are deemed inappropriate and should only be used to arrange a temporary stay in an alternative school or OAT.
- 9.2 There must be a written and signed agreement between parent/carer, current school, receiving school/OAT for the pupil to attend another education setting to improve their behaviour.
- 9.3 Off-site Directions will be either of the following:
- **A time limited move to another school.** Whilst the LA is not involved in these arrangements, it is supportive of its objective. Each school through the headteacher will have its own relationships with other schools both within RBKC or in neighbouring boroughs that may be part of the same Academy Trust or Diocese to enable Off-Site Directions. A proposed maximum period of time should be discussed and agreed upon as part of the planning including alternative options that will need to be considered once the time limit has been reached, including a move on a permanent basis, if this is considered to be in the best interest of the pupil. Regular reviews and progress reports **must** be undertaken. The pupil will need to be dual registered.
 - **A time limited managed intervention arranged by OAT Alternative Provision** provided by Kensington & Chelsea Education Centre (KCEC) for Kensington & Chelsea residents, and Westminster Education Centre (WEC) for Westminster residents. The expectation is for the pupil to return to the referring school and will need to be dual registered.
- 9.4 For both the above, the length of time a pupil spends in another mainstream school or OAT alternative provision will depend on what best supports the pupil's needs, their engagement, including attendance, and potential improvement in behaviour.
- 9.5 All schools are required to notify the LA of all Off-site Directions for monitoring and tracking purposes. The LA's Fair Access Officer will keep a record and share at each Heads Collaborative meeting.

10. Managed Moves

10.1 A Managed Move is a transfer to either another school or an intervention placement at Ormiston Academy Trust (OAT) alternative provision (Beachcroft or Latimer). As with temporary moves, written and signed agreement must be obtained from the parent/carer. The pupil must be removed from the current school and added to the roll of the receiving school or OAT alternative provision

10.2 Managed moves may be used in the following situations:

- a) As an alternative to permanent exclusion
Or
- b) Where there has been a breakdown in relationships within school which makes day to day working difficult or compromises health and safety.

10.3 A Managed Move will be either of the following:

A Managed Move to another school should be offered as part of a planned intervention. The original school should be able to evidence that appropriate initial intervention has been carried out, including, where relevant, multi-agency support, or any statutory assessments were done or explored prior to a Managed Move. As with temporary Off-Site Directions, arrangements are made between schools with no LA involvement in the process other than notifying the LA's Fair Access Officer of the move.

A Managed Move intervention placement to OAT (Beachcroft or Latimer) is in most cases the last resort prior to a permanent exclusion. Permanent exclusion is a last resort, so when a Headteacher has sufficient grounds to consider permanently excluding a pupil, s/he will have first considered all other options or strategies available from within the school's resources, and the relevant LA professional services, such as Early Help, Social Care, YOT. All these measures may not be possible in the case of a very serious one-off incident.

The process in place for a school to make a Managed Move referral to OAT Alternative Provision is set out in **APPENDIX B**.

11. As with Fair Access placements, all Managed Moves are to be recorded for the purpose of monitoring the mobility of vulnerable children. Schools will provide the details to the LA's Fair Access Officer prior to each meeting.

Membership and Terms of Reference for the Fair Access Panel

Membership

The Headteacher/Principal of all Kensington and Chelsea Secondary Schools, Senior OAT staff together with key LA Officers will be deemed as members of the Fair Access Panel. A minimum of at least **two school representatives** to be present in order that the meetings be quorate.

The Chair and Vice-Chair of the FAP will be a Headteacher and is nominated annually.

A nominated officer from the LA's School Standards Service will be the Clerk to the meeting.

Terms of Reference

The Fair Access Panel forms part of the wider *Kensington and Chelsea Heads Collaborative*. Fair Access is a scheduled agenda item at each twice termly meeting.

- The Panel will be used as a forum for updates between the Local Authority and schools on the development of partnership work in relation to behaviour, attendance, and exclusion and to agree outstanding placements.

The LA Secondary Fair Access Officer will:

- present the cases at each meeting that have previously been circulated and address any question that may arise.
- make schools aware of historical placements made across all schools by reference to the 'placement sheet' to inform appropriate decisions.
- note the placement decisions to follow up with each named school within 3 days following the meeting.
- provide up-to-date data on placements from the previous meeting.
- update on any other matters pertinent to the remit of the Admissions and Access to Education Service.

Managed Move process to Ormiston Academies Trust (OAT) Alternative Provision

(Beachcroft and Latimer sites)

1. Introduction

The key objective of a systematic approach to a Managed Move intervention placement to Ormiston (OAT) is to promote a consistent, fair and transparent process that protects the rights of parents/carers and, offers a realistic alternative to permanent exclusion, and is in the best interests of the pupil. It is not however, intended to discourage Headteachers from making their own arrangements for a Managed Move, which could be to and from schools in and outside of Kensington and Chelsea.

Permanent exclusion is a last resort for schools, therefore when a Headteacher has sufficient grounds to consider permanently excluding a pupil, s/he will have first explored all other options within the school's resources and other agencies, such as: Early Help, Social Care, YOT, CAMHS, SEND, Senior Advisor for Inclusion in the School Standards Team and the Educational Psychology service. All these measures should be evidenced when a referral is made for a managed intervention move to OAT.

All the above-mentioned measures may not be possible in the case of a very serious one-off incident which will be considered when a referral is submitted.

Managed Moves should not be used for pupils subject to EHCPs. Please contact the SEN Service for agreement to proceed with plans for a change of school.

2. Process of Referral to OAT

Following verbal agreement between OAT and the referring school for a Managed Move Referral to either Beachcroft or Latimer, and parent/carer agreement has been obtained, the **OAT Learner Transfer Referral Form** and **LA Reasonable Enquiry Checks form (REC)** must be completed and submitted by the referring school to the LA at: mm_notifications@rbkc.gov.uk

The LA will carry out Reasonable Enquiry Checks (REC) of the referral to be satisfied that the Managed Move decision is in the best interest of the child. This REC will be undertaken by a minimum of one senior officer with decision making authority, and where available, one other officer with delegated responsibility for Managed Moves referrals within 24 hours of the submission to the above inbox (Monday to Friday, term-time). Managed Move process map shown in **Appendix C**.

Designated Officers:

Assistant Director SEN, Admissions and Educational Psychology Service (or designated senior Officer with decision making authority)
Senior Lead Adviser (School Inclusion)

Head of Admissions and Access to Education (or designated senior Officer with decision making authority)
Exclusions, Suspensions and Fair Access Officer

3. Placement decision

In all cases, the referring school will have an initial discussion with senior staff at OAT to obtain verbal agreement to the referral and agree a provision enrolment date.

Further to the verbal agreement, it is the responsibility of the referring school to ensure both the OAT Learner Transfer Form, and the LA Reasonable Enquiry Checks Form is completed and submitted to the LA to undertake the Reasonable Enquiry Checks. It must be evident that all reasonable efforts have been exhausted prior to the decision to permanently move the child to OAT to prevent a permanent exclusion.

The lead LA Officer undertaking the Reasonable Enquiry Checks will notify the referring school as soon possible, but within 24 hours, once the process has been completed. At this point the school will need to submit both the OAT Learner Transfer Form and the Reasonable Enquiry Checks form to OAT.

OAT will contact the referring school to notify that the Reasonable Enquiry Checks has been completed and the school should write to the parent/carers confirming the move and reminding the family that the child will not be able to return to the school at any time in the future. It is expected that Kensington & Chelsea residents are placed on the roll of Latimer and Westminster residents on the roll of Beachcroft. Where there are exceptional circumstances, such as gang affiliation that mean an area needs to be avoided for health and safety reasons, a placement may be agreed at the alternative site.

Where a Managed Move referral is not agreed by OAT, which will be at the verbal discussion point, the school will need to consider other options as previously set out, such as Off-Site Direction. Ultimately the decision whether to permanently exclude rests with the Headteacher.

The LA will raise any concerns directly with the referring school concerning lack of evidence for Managed Move referrals. It will not prevent a move proceeding unless there are extenuating circumstances that will be detrimental to the child.

4. Re-integration

As set out in **paragraph 4.4** of the Fair Access arrangements, the process of re-integrations from OAT back to a mainstream school is managed through the mechanisms of the Fair Access Protocol. OAT will provide the Fair Access Officer with a completed Fair Access placement request form at least one week prior to the scheduled Heads meeting. Readiness for re-integration will be determined by OAT, in liaison with the parent/carers/child and other relevant professionals.

5. Monitoring and tracking

All permanent Managed Moves to another school and Managed Move interventions to OAT will be recorded and shared at each Heads meeting to allow for oversight and scrutiny where appropriate.

6. Funding

OAT is block funded by the Council to deliver an agreed number of places per year, agreed and reviewed through Schools Forum. This funding is supplemented by schools at a cost agreed through the Heads Collaborative (£11,500 in 2024/5). The LA funding of places is authorised through the REC process.

The Fair Access and Managed Move Protocol is reviewed on a regular basis, and when Central Government Guidance is issued. This policy takes account of:

[Fair access protocols: advice for local authorities and school admission authorities
\(publishing.service.gov.uk\)](https://publishing.service.gov.uk)

<https://www.gov.uk/government/publications/school-exclusion>

Managed Move to OAT process map

