

ROYAL BOROUGH OF KENSINGTON AND CHELSEA and HAMMERSMITH AND FULHAM

FAIR ACCESS PROTOCOL - REVISED TERMS OF REFERENCE

**Background**

- 1.1 The School Admissions Code (updated February 2012) 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 with challenging behaviour.
- 1.2 All schools and academies *must*<sup>1</sup> 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. Fair Access placements are considered outside of an individual school's admission criteria and *must* take priority above applicants on a waiting list (if there is one in operation).
- 1.3 There is no duty for local authorities or admission authorities to comply with parental preference when allocating places through the Fair Access Protocol, however consideration is given to parental preference in cases where the circumstances of the case eliminate particular schools.

**Objectives**

- 2.1 The Protocol will apply to all children normally resident, or who will be normally resident, in Hammersmith and Fulham or the Royal Borough of Kensington & Chelsea where normal procedures for in-year admissions have failed and the child is considered to be 'hard to place'. The statutory duty on the home LA is to ensure suitable<sup>2</sup> education provision is provided to its resident children. A child will not be considered for a Fair Access placement if a school has been identified through the normal in-year procedures but refused by the parent/carer.

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<sup>1</sup> The word *must* represents mandatory requirements of the Admissions Code

<sup>2</sup> The definition of 'suitable education' is efficient full-time education suitable to a child's age, ability and aptitude.

The aims are:

- to be fair and transparent and have the confidence of schools;
- to ensure that out of school children are offered appropriate educational provision best suited for the child and their needs within the agreed timescale (para.8.9);
- to ensure excluded children return to mainstream school within the agreed timescale (para.8.9) and where it has been assessed as appropriate;
- to ensure that all schools in the area, including those that may have places available and those that do not, admit their fair share of children who have behavioural difficulties;
- To ensure that no school is asked to take an excessive or unreasonable number of students in relation to the nature of the students concerned;
- to ensure that children who are more vulnerable to missing education, which may in turn impact in their welfare, health and safety, happiness and educational opportunity are placed in a school within the agreed timescales (para.8.9).

### **Membership and role of the Panel**

The role of the Panel is to have regard to the principles and aims of the Fair Access Protocol.

- 3.1 All secondary schools must participate, including Academies and Free Schools and be represented by the Headteacher/Principal. Other member of the school leadership team are only to attend in absence in exceptional circumstances and must be delegated the authority to make decisions at the panel meeting.
- 3.2 Attendance of Local Authority officers as follows (not all need to be present and will be dependent on the cases being considered at each meeting):
  - Head of Commissioning, Vulnerable Children
  - Head of Tri-borough School Admissions
  - Head of ACE
- 3.3 The Panel will invite anyone representing significant interests in a case, as and when considered appropriate, to be available to report on and be questioned about the case. Such additional representatives will not participate in making the final decision regarding placements.

## **Panel meetings**

- 4.1 To meet regularly, a minimum of twice each term for approximately 1 ½ hours depending on the number of cases to be considered.
- 4.2 Meetings to be scheduled just before other Head's meetings if possible.
- 4.3 To be chaired and clerked by a LA representative who will also agree the students to be discussed.
- 4.4 To ensure that as much detailed information as is available is circulated to Heads in good time before the meetings using a secure means of exchange.
- 4.5 In addition to considering placements at each meeting, the panel will report on the following:
  - Total admissions as a result of in-year Fair Access
  - Total number of integrations from TBAP to mainstream
  - To review progress of all student placements agreed at previous meeting.
  - Details of all straight-forward In-Year admissions for schools located within the bi-borough area.

## **Conduct of Panel Members**

- 5.1 Panel members will necessarily acquire information that has not been made public. Panel members should never disclose or use confidential information for the personal advantage of themselves or of anyone known to them, or to the disadvantage of the Panel or anyone else.

## **Declaration of Interests**

- 6.1 Members of the Panel shall declare an interest in any individually referred case.
- 6.2 In considering the declaration of any interest a Panel member should apply the following test: would a member of the public, knowing the facts of the situation, reasonably think that the member might be influenced by the interest?
- 6.3 Any member with an interest shall withdraw from any discussion of the proposal concerned and should not be present in any room where discussion and decisions are taking place, on request of the remaining Panel members. Any member remaining is expected to take a neutral role in discussions and decision making.

## **Quorum**

- 7.1 It is expected that all Heads (or on occasions Senior Leadership Team member with delegated authority to admit pupils) attend each meeting. All decisions shall be reached by a negotiated consensus sought among the panel members present at the

meeting. All decisions are binding on the school/Academy, including those not represented at the meeting. Further meetings and/or further information may be required to achieve consensus.

### **Decisions of the Panel**

- 8.1 The Panel shall decide appropriately for each case referred and schools must agree to abide by the decisions of the panel.
- 8.2 If the Panel agrees to a placement for a student at a school that is not represented at the meeting, this decision is binding and the school must admit them.
- 8.3 Placements are made over and above the normal admission criteria for each school and take priority above any students on a waiting list.
- 8.4 The provision of the Fair Access will not apply to a looked after child, previously looked after child or a child with a statement of special education needs naming the school in question. These children are managed through a separate process.
- 8.5 Placements are made irrespective of number on roll unless it is considered by the Panel that admitting the student in question would seriously prejudice the provision of efficient education or the efficient use of resources.
- 8.6 For particularly challenging cases, the Panel to give consideration to dual registration with Tri-borough Alternative Provision (TBAP) or a full-time placement with a scheduled review for reintegration into a maintained mainstream school.
- 8.7 For Year 11 placements, and where it has been considered appropriate, the Panel may give consideration to full-time alternative provision which may include the FE sector.
- 8.8 If a Voluntary Aided, Foundation or Trust school is identified as the one to admit and refuses to do so, the Council is expected to direct the school to admit the pupil, if recommended by the Panel. In the case of a community school or Academy, the local authority can ask the Secretary of State<sup>3</sup> to intervene.
- 8.9 Decisions of the Panel will be issued by an LA Officer to the school/Academy within 3 days of the Fair Access meeting. The communication will inform the decision, the expectation that a placement meeting be arranged within 5 school days and that the child is placed on roll within 10 school days.

### **Considerations to be made by the Panel**

- 9.1 Balance to be struck between finding a place quickly and finding a place which is appropriate for the child.

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<sup>3</sup> *The Secretary of State has the power under an Academy's Funding Agreement to direct the Academy to admit a child, and can seek advice from the Adjudicator in reaching a decision.*

- 9.2 No school will be asked to take an excessive or unreasonable number of students excluded from other schools.