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Ref Fair Access Protocol 2008/9

Review

# REPORT TO LEEDS ADMISSION FORUM – Challenging Children’s Sub Committee

Date 15<sup>th</sup> September 2009

Venue: Civic Hall

Time: 4.30pm

Review by the Admissions Team on the impact of the AMB Fair Access Panels on the admissions of children in its second year of implementation and the consultation on changes in 2009/10.

## **Background**

The In Year Fair Access Protocols were introduced in September 2007 in accordance with the School Admissions Code. The Code outlined the basic requirements of a Fair Access Protocol in that it should include all children who applied outside the normal round of admission who may have difficulty in securing a school place other than children with a Statement of Special Educational Need. These children are exempt due to the legislation already in place to enable them to attend the school that is named in their statement.

From February 2009 a new School Admissions Code introduced further legislation and guidance strengthening the Fair Access Protocols and its inclusion with the admissions policy. The DCSF extended its list of categories that had to be included in the Local Authorities protocols. Education Leeds had already voluntarily included most of these categories e.g. Travellers, Asylum Seekers and Refugees.

The list from the DCSF is as follows and is a minimum:-

- **Children returning to mainstream from a pupil referral unit**
- **Children who have been out of education for more than a term (Children Missing Education)**
- **Children whose parents have been unable to find them a place after moving to the area, because of a shortage of places within a reasonable distance**
- **Children withdrawn from school by their family, following fixed term exclusion and unable to find another place**
- **Asylum Seekers and Refugees (ASR)**
- **Children in vulnerable accommodation or homeless**
- **Children with unsupportive family backgrounds where a place has not been sought (Attendance Orders)**
- **Children known to the police or other agencies**
- **Children without a school place and with a history of serious attendance problems**
- **Traveller Children**
- **Children who are carers**
- **Children On School Action Plus or special needs that require a specific support**

- **Children with disabilities or medical conditions**
- **Children returning from the criminal justice system**
- **Children of UK Service personnel and other Crown Servants**

The following categories have been agreed locally for inclusion into the protocol:-

- **Looked After Children (LAC)**
- **Unaccompanied Asylum Seeker Children (UASC)**
- **Children whose behaviour is causing concern or who are at risk of being permanently excluded**
- **Children returning from Elective Home Education**
- **Permanently excluded children**
- **Children who reside in the Wedge where a preference has not been made but where an offer is required by the Local Authority**

In order to fulfil the requirements contained in the School Admissions Code from 10<sup>th</sup> February 2009, Education Leeds consulted on a new protocol with Headteachers, Project Directors and officers for implementation in April 2009. The new protocols split the categories between a 'fastrack' system with cases being sent through to school for consideration who were considered 'low tariff' whilst 'high tariff' cases are referred straight to a Fair Access Panel in the case of Secondary Admissions. The current protocol introduced in April 2009 is attached as **Appendix A**.

Whilst there is one city wide protocol procedures can vary slightly between each Wedge due to the differing caseloads. It is important therefore that we look at the protocol on an area basis as well as city wide. The implementation of the Protocol also differs in the Primary and Secondary sectors.

### **Primary**

The implementation of the protocol across the primary sector has generally taken a fast track approach unless a school is facing particular difficulties in admitting a child. Where schools have felt unable to take a child a Panel has been convened with neighbouring schools, and the schools of parental preference, to agree an appropriate placement. If the parent is unhappy with the offer that has been made they are given the right of appeal for any preference school they were refused.

The Panels were planned originally to 'piggy back' the F band funding panel which exists in each Wedge where a time and venue already exists and an educational psychologist is already in attendance with the Project Director and two primary schools on a rota basis. As the requirement for Fair Access Panels has been few and far between this method has proved effective. The roll out was gradual over the first year with the North East and North West being the early adopters. The West introduced it towards the end of 07/08 and it was introduced into the South at the beginning of the last academic year. Despite efforts by officers to establish the model in the East this has not been possible, due in part, to the lack of a project director.

The project directors play an important and valuable role in the swift reintegration of vulnerable and challenging primary children. In most Wedges, wherever there may be a difficulty the Project Director has been able to work in partnership with the Fair Access Manager and with the schools and the parents to enable a solution to be found. This has not been possible in the East and some children have found themselves out of school for longer than is desirable. It has also impacted on children who may require a managed move from one school to another and children in the Primary PRU who may require placement into a school. Currently several Cluster co-ordinators have responsibility in the East but this is so far proving significantly less effective than the arrangement in other wedges.

The data recording for Primary was only set up partway through the last academic year and therefore the data is not as complete as it will be for the forthcoming year. As with secondary the recording takes account of the children a school has taken through the Protocol. The data is attached as **Appendix B**.

The data for the academic year 2009/10 will be more comprehensive and give a more complete reflection of how many children each school are taking that meet the fair access criteria.

### **Conclusion**

Primary Panels are becoming increasingly frequent, almost a weekly occurrence. For the first week of this term five Primary Panels sat, two in South which considered two cases and three in North West. There is already three planned to be heard imminently. The protocols are in place across the whole City and have worked well, but with an increase in demand by schools for the Panels to sit, this has placed a great strain on officer time and it is becoming increasingly difficult to ensure cases get heard quickly. The primary schools have been very receptive to the protocols and the idea of schools taking their 'fair share' and things have gone from strength to strength but there are two main issues that have come to light. Not all schools attend Panels when they have been invited so an allocation of a school place may be made without being able to take into account all circumstances being faced by those schools. Secondly, schools that are target schools for persistent absence feel that this should be reason enough for them not to admit a child with absence issues. Whilst we can take this into account, many schools in Leeds fall within this category and it is, therefore, impractical to refuse a child solely on this basis.

### **Recommendations**

Whilst ever the East continue without a project director more involvement and support from the cluster coordinators is required to ensure the swift and effective placement of primary children. Discussion with the North East to ensure support is in place for Primary Panels while their project director post remains vacant.

In order to accurately record the number of children schools take who meet a Fair Access Criteria, schools should ensure that they do not admit children, other than those with a statement, through any other route than the Admissions Team. For Aided and Foundation schools, when they admit children directly who do meet one of the criteria to ensure that the Fair Access Manager is informed so that adequate records can be kept.

### **Secondary**

As each Wedge works slightly differently within the same protocols, the protocols have been reviewed on a Wedge basis. The figures given are those referred through Admissions, Pupil Planning Team or from a Pupil Referral Unit. For 2008/9 all referrals were requested to come through Admissions but this was difficult to achieve due to changes in staffing in other areas, we have again requested this action and a protocol has been written by the Pupil Planning Team so it is envisaged that the data should be more comprehensive and accurate throughout the year and at the yearly review.

The Wedges have not yet had the opportunity to review the full year data although some Wedges have reviewed the data with corresponding names in April. This data will be sent out for review to the Fair Access Panels after the Challenging Children Sub-Committee and the Admissions Team will report back on any changes that have been made at the next meeting.

The new protocol, introduced in April 2009 included a major change to close a loophole in the procedures. This was to ensure that every child who did not have school place was offered one by the Panel, or if the Panel could not make a decision then the Local Authority would do so and instruct a school and if necessary, direct a school. Between April and July last year there were Panels who

were unable to make decisions on seven cases and asked the Local Authority to do so resulting in seven instructions. Five in the West, two in the North West and one in the East. Of these seven instructions one led to a direction letter.

The issues experienced in the previous year where parents were preferencing schools in more than one wedge, or in a wedge other than the one in which they live, have been resolved unless parents continuously change their minds or keep moving addresses. Specifically the issues arose where one wedge would decline to offer a place until they had heard the outcome of another wedge panel meeting. Cases are heard simultaneously at Panels so that they do not have to wait for the outcome of each Panel.

There are still issues around placing children who do not live within the Wedge that they are preferencing or 'cross wedge' preferencing, especially in areas of high mobility and caseload. Parents are advised by Admissions, in advance, the difficulties around preferencing outside the Wedge in which they live so they are aware of all the issues and the possible outcomes. They are also encouraged to preference at least one local school. It is currently the responsibility of the Wedge in which the child lives to make an offer of a school place if they do not have accessible educational provision. If a parent has not preferred a school in this Wedge there can be a delay in receiving an offer as we would have to wait for the outcome of all preferences before going to the Panel in which they live for an offer of a school place. Admissions are encouraging Panel to consider cross wedge allocation and this is facilitated by the mediation of Project Directors where they are in post.

It is important to note that the Catholic schools have been an integral part of the Panels but there can be some delay as they also hold their own internal Panels. This can mean a delay when a case is heard at a Wedge Panel and then has to wait for the internal catholic hearing before it is decided which catholic school will be offered. It is also difficult to gain feedback from those responsible within the school for the internal panel. The figures presented include the information that we have but may not give a full picture of the number of children that the catholic schools have accepted due to movement between themselves or direct admissions and therefore may be subject to change. The Admissions Team will continue to work closely with the catholic schools to minimise delays in the forthcoming year and to optimise communication.

### **Current Consultation**

In order to ensure the procedures are working well and schools are happy with their implementation a review group met at the end of last year and from this a consultation paper has been drafted which has been to the Area Inclusion Partnership and will now go to the Fair Access Panels and schools for feedback. It is consulting on how cases are recorded and schools given credit for taking children through Appeals if they have refused to take them through Panel. It also asks for feedback on which Wedge should make an offer for a child if it has not been possible to meet parental preference. The proposal also includes a new level of decision making. If a Panel are unable to make an offer of a school place currently the Local Authority makes a decision based on the information available. The proposal suggests a Moderation Panel be held, quickly, where a Fair Access Panel have failed to reach a decision, to make the offer of a school place. This would have representation from the Wedges concerned and will help to ensure that the most appropriate allocation of a place is facilitated.

The consultation document is attached as **Appendix C**.

### **West**

In 2007/8 the West considered 73 cases and placed 67% or 49 children. In 2008/9 the West considered 91 cases and placed 60 cases or 66%. Of the cases that were not given a place at Fair Access Panel one of the following other outcomes have occurred:-

- Returned to the school in Leeds they were on roll at
- Won an appeal for a school
- Lost an appeal and returned to the school in Leeds they were on roll at
- Given the right of appeal and told to contact their own Local Authority
- Placed in a Leeds Pupil Referral Unit
- Parents have withdrawn the request
- Placed by another Fair Access Panel

The influence of the Project Director in this Wedge has contributed significantly in working with the schools to find alternative solutions to exclusions, and mediating and negotiating in the allocation of some more complex cases. Working in partnership with the Project Director has ensured that the schools and Education Leeds have continued to have a productive and rewarding relationship and that is based on respect and trust. This Wedge has had monthly meetings without fail regardless of the number of cases and have an agreement that if a school is absent from the meeting, allocation will be made in absence. The Project Director and the Fair Access Manager continue to work together to place primary children through Primary Panels, which currently in the West are infrequent.

There are several issues arising in the West for the forthcoming year. Firstly, Swallow Hill School has opened severely oversubscribed in every year group (between 60-110 children per year). Whilst the school have made their intentions clear, to take children through the Panel and have already done so at the first Panel this year, they will be unable to take the number of children that West Leeds and Wortley took in combination last year (17).

Leeds West Academy are currently considering children from the Fair Access Panel in the context of their funding agreement, however, they did take one case at the last Panel. Currently they are also unable to access any of the alternative provision provided by the West partnership as they have chosen to withdraw their funding. As an Academy they are now responsible for their own admissions and appeals.

### **North West**

The North West considered 73 cases in 2007/8 and placed 44% or 32 children. In 2008/9 they considered 80 and placed 52 or 65%. All other cases have been dealt with in the ways outlined above. The North West Panel has worked increasingly well in partnership with the local authority to place children quickly. Following the revised Protocol in April 2009 there have been two instructions in this Wedge both of which were complied with and directions have not been necessary. Once again this year both Guiseley and Benton Park have both offered places to parents to try and reduce the demand at Ralph Thoresby and Lawnswood but have been turned down due to the distance involved in travelling.

The input from the Project Director in this Wedge has been invaluable in ensuring that a representative from each school, who is empowered to make decisions, comes to each meeting. If a representative is not able to attend the Project Director will approach the school, if necessary, after the meeting. The Wedge was an early adopter of the Primary protocols due to the input of the Project Director and the Admissions Team and Fair Access Manager have been able to forge a very close working partnership with the Project Director to affect challenge where necessary.

### **North East**

The North East placed 58% or 46 of the 79 cases presented in 2007/8. In 2008/9 the Panel placed 54 children or 57% of 94 cases. The Panel has an excellent working relationship and ethos of trust between themselves and many children have successfully managed moves without transfer requests

being required. Cardinal Heenan now attends the Wedge Panel making a positive impact on the working of the group and the streamlined placement of children.

The partnership working with the schools and the Admission Team in this Wedge has been significantly strengthened. This has happened through hard work and understanding and working with the Project Director to build relationships of trust that may not have existed in the past. Without the input from the Project Director the regular monthly meetings would not have achieved the positive and creative outcomes possible in many cases.

The North East Wedge was the first to adopt the primary protocols. Previously the structure used was slightly different to the one described earlier. Due to a change in the Area Management Board structure in this Wedge they will also adopt the same structure as all the other Wedges.

The North East no longer has a Project Director and as this occurred at the end of the last academic year it is too early to say how this will impact on the Wedge.

### **South**

The South Wedge is one of the most difficult of the five Wedges for several reasons. All of the schools in the area are full across all year groups. There are very few schools with any vacancies. Therefore the vulnerable and challenging children are typically being taken by all schools, over their admission limits and on top of in year appeals that they have lost, due to being full. This is an added pressure for these schools to operate under, as well as being target schools for attendance and GCSE results.

Another issue experienced more in the South and East than the other Wedges is 'mobility'. These two areas of Leeds have some of the highest areas of deprivation and linked to this the highest levels of mobility in the City. The South has a high turnover of families which is disruptive for school cohesion as well as social cohesion. Added to these issues of deprivation and cohesion in the South is racial friction within pockets of south Leeds and in south Leeds schools which can permeate into how parents perceive schools and ultimately how they preference schools.

South Leeds High School was in an Ofsted category and through the Action Plan agreed with the local authority was not required to take any children that fell to the protocols. However, the school requested, and the authority agreed, that they would be allowed to consider applicants who had previously attended the school or who were Unaccompanied Asylum Seekers. The Head also felt in certain other cases he was able to offer a place and the school took 21 children through the protocols last year. As South Leeds Academy the school have added their funding to the partnership and will be fully involved in the Fair Access Protocols and the alternative provision that is provided with the joint funding. In addition in a meeting with the principal at the end of the academic year it was agreed that the Admissions Team would continue to administer their admissions for the forthcoming year. They will, however, be responsible for presenting their own appeals.

The South wedge have tried to be very innovative in their solutions for KS4 children moving into the City or who require alternative provision and the Fair Access Panel has funded and part funded many places in various provisions. They have now set up an excellent facility based at Rodillian School after consultation with the governors and headteacher is was agreed that all Unaccompanied Asylum Seekers residing in the South would be enrolled at Rodillian in the first instance and taught a programme of English there. It is hoped that other schools will also take these children on roll in the future but they will be taught at Rodillian in the first instance before joining their own school.

The South Panel placed 54% or 66 young people of the 122 cases that were considered by them in the academic year 2007/8. In 2008/9 the Panel considered 162 cases and offered gave places to 87 young people or 54%.

Many of the children who were presented to the Panel already had a school in Leeds or in the South of Leeds but wanted to move. Unless there were genuine reasons for the move it was refused and given the right of appeal and any appeals that were won are not reflected in the statistics. Some of the cases were dealt with as managed moves between the schools as the Panel felt that it was possible that a move may breakdown and the school should be given the opportunity to return the young person to their home school if the young person was not successfully integrated. These cases are also not reflected within the statistics.

The South has struggled with the needs of the young people that they have been asked to place who have fallen into two categories in the main: School Action Plus and Children Missing Education. It has been difficult in many cases to ascertain exactly what involvement in education these young people have had as many of them are new to Leeds.

In previous years the Panel used St. Luke's, a church run project, to re-engage those young people who had been out of education for some time. This project has now been disbanded. The South Harbour Project has also been used but does not have enough places to offer the Panel for the number of cases that they are seeing. It has become increasingly difficult to secure places from schools if a project or short term alternative project has not been available for these young people to engage with before being reintegrated back into mainstream school. A new project called 'Involve' has been found and works for some children but is expensive.

The schools are willing to act as exit schools but are looking for a project or provision where young people can be assessed, can work on their attendance issues without impacting directly in the first instance on the schools, especially those who are target schools.

The input from the Project Director has been instrumental in finding available provisions and working with schools to affect a positive outcome for young people. Without the Project Director the Pupil Planning Team and Admissions Team would not have been able to have placed as many cases successfully or have been able to find some of the creative solutions or ways forward that have enabled schools to ultimately take children on roll.

## **East**

The East continues to have no Project Director which presents issues for the Fair Access Manager and Pupil Planning Team Officer. Unfortunately this does lead to issues around timely placement and finding suitable alternative provision for the most complex cases, however it is expected that the East wedge will soon be advertising such a post. This will be a welcome addition in supporting the successful placement of young people in the area.

The East placed 68% (101) of the 149 cases presented to them in 2007/8. In 2008/9 they considered 200 and placed 63% (125). Unlike the South they do have some flexibility in available school places within the Wedge to better deal with the placement of the high volumes that they experience.

There has been no one person who has an overview across the Wedge, or one person who can move things forwards. This has been most noticeable where creative solutions are required for cases. Some of the most complex and vulnerable cases were sent to appeal until April which was a less appropriate place for a decision to be made than the Panel.

Whilst the East Wedge has been very successful in placing cases over the last two years much of this has been with significant input from both Admissions and Pupil Planning Team. A Project Director will be able to help schools find local solutions to the issues that they are experiencing and help maintain vulnerable and challenging children within their schools or within their Wedge. A Project Director will also be able to strengthen the relationship with the other Wedges to promote cross wedge working and possible allocation of cases.

The East Panel still feel that there needs to be a Wedge based PRU which is under their control which can be used for dual registration, assessment and Permanent Exclusion.

## **Conclusion**

The Wedges are all agreed in their view that they need dual registration and assessment provision. There are issues where young people may be asked to attend provision without being on the roll of a school.

If more provision is accessible fewer cases will go to the Appeal Panel, or remain CME/EHE for an unnecessary length of time. Young people will be assessed and be provided with targeted, individual provision.

More language support is required for schools that have very few EAL students as this can be a barrier to accessing school were economic migrants or asylum seekers haven't traditionally been able to access places.

All wedges would benefit from having a Project Director to move the agenda forward.

The number of children taken by each secondary school and the category that they primarily fall into (some may fall into more than one category) are attached as **Appendix D**.

## **Recommendations**

To continue to improve access and admission for some of our most vulnerable and challenging young people we are proposing the following:-

To continue the consultation on changes to the current Fair Access Protocols

To send the attached figures to the next Fair Access Panels for schools to review and report to the next Sub-Committee any changes

To continue to work with the Fair Access Panels who do not have a Project Director to find solutions to issues that exist due to this issue.

To continue to work with schools to realign resources in order to facilitate multi agency assessment of needs and individualised learning programmes.

To continue to work with schools to resolve any issues that exist around not putting a young person on roll which is a health and safety and safeguarding issue.