

## Leeds Local Authority Fair Access Protocol September 2009

### **Background**

The DCSF published a revised School Admission Code which came into force on 10 February 2009. The revised Code required the Local Authority to establish a new Fair Access Protocol with clear information on how decisions are made, the timeframes parents can expect, and to include an extended list of categories of young people.

All schools and academies in Leeds must participate in the local protocol which will have the following aims:-

- To ensure that no undersubscribed schools will admit a greater proportion of children with a **recent** history of challenging behaviour than other schools.
- To ensure that no school will be asked to take a disproportionate number of children who have been excluded from other schools, or who have challenging behaviour or who are known to have a history of behavioural problems
- That unplaced children, especially the most vulnerable, must be offered places at a suitable school as quickly as possible, including above the published admission number
- To ensure that every child who cannot reasonably access their current educational provision or who does not have educational provision provided by the Local Authority or a neighbouring Authority is, where possible, offered a place in line with one of their preferences. Where this is not possible, then an alternative offer must be made within reasonable travelling distance of the child, usually by the Fair Access Panel where the child is living. A child must not have to appeal in order to be offered any place.

### **Membership of the Fair Access Panels**

The Secondary Panels consist of the Project Directors or Chair of the Fair Access Panel, Headteachers, or their representatives, and Education Leeds officers. Other Leeds City Council officers or agencies working with families may also be invited to attend to contribute to specific cases that they are involved with.

The Primary Panels meet as and when required and the membership consists of the Project Director or a Cluster Co-ordinator, Education Leeds officers and the Headteachers of the preferred school plus any other headteachers that Education Leeds feel are relevant to the discussion. Other Leeds City Council officers or agencies working with families may also be invited to attend to contribute to the specific cases that they are involved with.

In all cases the attendance of the Project Director or Chair of the Fair Access Panel, a member of the Pupil Planning Team and a member of the Admissions Team will make the meeting quorate and decisions will be made if a Fair Access Panel fail to meet in a timely manner.



## **Accountability**

The school nominated will be accountable for the child once a school place has been agreed at the meeting. Meetings will be held monthly or as near as possible accommodating school terms and school holidays. Minutes will be kept as a record of each meeting.

## **Timelines**

Every case where a child is not on the roll of a school or other educational provision, will be resolved by the child being on the roll of an educational provider within a maximum of 30 school days of the application being received by the Admissions Team, unless there are documented and agreed reasons between the Local Authority, Project Director and Fair Access Panel as to why it is not in the child's best interest for this not to happen.

In line with School Admissions Code 2009 (1.49) the Local Authority **must** notify the school of the date by which the child is to be admitted and on the school roll.

## **Decision Making**

The decision as to which school will be offered to a child will be taken by the Fair Access Panel as a whole and no individual will make the decision.

***Every child who resides within the Fair Access Panel Wedge must be made an offer of educational provision or the Local Authority will offer a place at a school within the Wedge.***

*No child will go to appeal without the offer of educational provision.*

## **Allocation**

Children who fall into the following categories will have their cases dealt with in the following way:-

**Children without a school place and with a history of serious attendance problems**

**Children of UK Service personnel and other Crown Servants**

**Children in vulnerable accommodation or homeless**

**Children who are carers**

Cases that include background, and do not indicate any other Fair Access category, will be allocated a school place in line with parental preference, availability of places, and proportion of children already allocated through the Protocol. Schools will be given a 10 day start date. Cases without background will have a 20 day start date to allow additional time for background to be received. In all cases any serious concerns that a school has regarding the admission of a child must be raised within 5 days with the Fair Access Manager in the Admissions Team.

## **Traveller Children**

**Asylum Seekers and Refugees (ASR)**

**Looked After Children (LAC)**

**Unaccompanied Asylum Seeker Children (UASC)**

**Children On School Action Plus or special needs that require a specific support**

**Children with disabilities or medical conditions**



Cases that include background, and do not indicate any other Fair Access category, will be allocated a school place in line with parental preference and proportion of children already allocated through the Protocol. Schools will be given a 10 day start date. Cases without background will have a 20 day start date to allow additional time for background to be received. In all cases any serious concerns that a school has regarding the admission of a child must be raised within 5 days with the Fair Access Manager in the Admissions Team.

If there are justifiable reasons as to why a particular school is unable to agree to the request e.g. the school is in special measures, the school has taken a large number of children through the protocols or a large number in a particular category then the Fair Access Manager will look at alternative parental preferences or refer the case to the Fair Access Panel in agreement with the Project Director.

### **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**

Where parental preference cannot be met, the Local Authority will make a decision as to whether or not the nearest alternative school that they can offer is 'reasonable' based on the available public transport and distance.

E.g. If a parent living in Boston Spa requested a place at Wetherby but the school was full and Boston Spa had places this would be considered reasonable.

If a parent living near Cockburn wanted a place at Morley, Bruntcliffe or Woodkirk and the nearest school that could be offered was South Leeds this would be considered reasonable.

If the nearest school that could be offered was City of Leeds this would be considered reasonable if it was an easy route by public transport, as the parent had been happy for their child to travel to be educated. The parent may, however, qualify for assistance with travel costs.

Where there is no school with available places within a reasonable distance, then the local authority will allocate a place above the admission number of the nearest suitable school, taking into account numbers on roll, and the number of children schools have taken through the protocol.

In the case of primary school we will make an offer of a school within 2 miles of the home address.

### **The following categories will go directly to the first available Fair Access Panel:-**

**Children whose behaviour is causing concern or who are at risk of being permanently excluded**

**Children who have been out of education for more than a term (Children Missing Education)**

**Children returning from Elective Home Education**



**Children with unsupportive family backgrounds where a place has not been sought (Attendance Orders)**  
**Children known to the police or other agencies**  
**Children returning from the criminal justice system**  
**Permanently excluded children**  
**Children returning to mainstream from a pupil referral unit**  
**Children withdrawn from school by their family, following fixed term exclusion and unable to find another place**  
**Children who reside in the Wedge where a preference has not been made but where an offer is required by the Local Authority**

These cases will be discussed at Fair Access Panel and the outcome recorded in the minutes which will then be agreed as a correct record of the proceedings **5 school days after distribution**. Schools, Project Directors or Chair of the Fair Access Panel and the Local Authority should all keep a record of the outcomes of the meetings to avoid any disputes.

Each case will be discussed individually and the decision will be made, by the Fair Access Panel as to what they believe is in the child's best interests taking parental preference into consideration.

Where applications are received for siblings, if any applications meet the protocols then all sibling applications will be considered by the Panel at the same time.

The decision made by the Fair Access Panel will be relayed in writing to the parent/carer and the school will contact the family to facilitate a speedy reintegration.

Where a child is to be offered a school the school must meet with the parent/carer and start the reintegration of the child no later than 10 school days after the Fair Access Panel meeting.

Where a school wishes to take the papers away for them to seek further information and consideration an answer must be provided to the Fair Access Manager within 5 school days. Should the school feel unable to offer a place they must provide in writing clear reasons for the refusal.

If it is necessary to hold a multi agency meeting before a decision can be made the school must do so within 10 school days.

Where the Fair Access Panel is unable to meet parental preference but the child is not on the roll of a school and resides within the Wedge the Fair Access Panel must make an offer of educational provision or the Local Authority will do so based on parental preference and the number of children taken by schools under the protocols within the Wedge.

The Admissions Team or Pupil Planning Team will inform parents of the progress of their case until a start date at an educational provision has been agreed. It is then the responsibility of the educational provider to liaise with the parent/carer.

**Every child must be on the roll of an educational provision within 30 school days of the transfer request being received by the Admissions Team.**

