

**Report of Admissions Team, School Access Service, Children's Services**

**Report to Challenging and Vulnerable Children Sub Committee**

**Date: 1st November 2011 4pm**

**Subject: Review by the Admissions Team on the impact of the Fair Access Panels on the admission of children during the academic year 2010/11.**

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**Does the report contain information which has been identified as confidential or exempt?**

**Yes** (if exempt, please see the public interest test in section 4)

Relevant section of the report:

In accordance with Access to Information Procedure Rule:

**No**, this report does not contain information identified as confidential or exempt.

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**Is the decision eligible for call-in?**     **Yes**             **No – exempt**             **Not applicable**

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**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 Protocols and renaming them 'Fair Access' and outlining its inclusion with the admissions policy. The DCSF extended the list of categories that had to be included in the Local Authorities protocols; as an Authority we have also included additional categories consulted upon and agreed with schools.

The list from the DCSF is as follows:-

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Children withdrawn from school by their family, following fixed term exclusion and unable to find another place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 whose nearest school is in the Wedge where a preference has not been made but where an offer is required by the Local Authority

The protocols for Secondary transfers split the categories between a 'fast track' system with cases being sent through to school for consideration that require swift action, whilst those cases that are more complex or present a higher level of challenge and require more planning and support are referred straight to a Fair Access Panel. This is in order to ensure that all the information can be sought to safeguard the child and assess for any risk to the pupil, school and the pupils and teachers already in the school. Primary school cases are all 'fast tracked' and a formal Panel is only held if a solution cannot be reached and the child does not have a school place. A copy of the protocol is attached as Appendix A.

### **Fair Access Panels**

Of the 8,555 requests received in 2010/11, 1,706 (20%) met the Fair Access criteria. This is an increase on 2009/10 when there were 797 requests that met the criteria This is an increase of over 200% although comparable to the volume in 2009/10.

Many schools are oversubscribed across the City, and the Fair Access Panels and the local authority, ensure that no child is left without the offer of an accessible school place. That means that panels may prioritise the most vulnerable children, or those who have moved into an area where there are no school places available.

There have not been any further decisions regarding the remodelling of the school Wedges from working within a five wedge model to a 3 area model but there has been an increase in locality working through 'clusters' for other services such as attendance strategy and the re-inclusion officers. Currently, it is still not envisaged that the Panels will reconfigure to match the 3 areas and the Secondary schools strongly wish to continue in the five Wedge format within the strong partnerships they have fostered over the last 4 years.

The Panels are working very effectively and continue to be proactive in seeking managed moves for pupils and other creative solutions for provision for students already in their schools and those joining them through the Panels. However, it is important to remember that it is not always appropriate to facilitate a change of school especially if a young person is already receiving appropriate support at an accessible school. In the case of Year 10 and 11 children it is usual to offer a zero fare bus pass in order to facilitate their continued attendance at their current school to complete their chosen pathway even when a house move has occurred. This is to give the young person the best possible chance of fulfilling their potential.

There have been few changes in the last academic year but there are many proposed changes currently being consulted upon in the School Admissions Code which may impact on how Fair Access will operate and the categories that we can have within the Protocol.

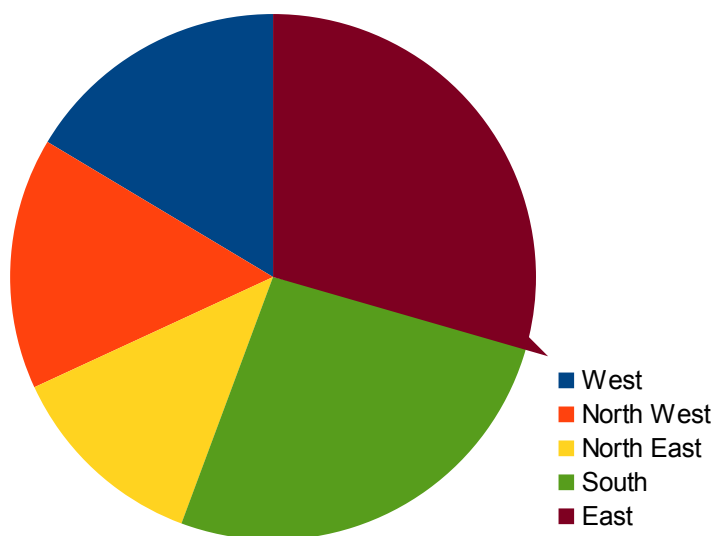
### Secondary Panels

All the schools and academies regardless of their status are part of the protocols. The West, South and North West Panels have Project Directors and the North East Panel covers the responsibilities between the headteachers and the Re-inclusion Officer from the Pupil Planning Team. In the East the Panel nominates a headteacher to undertake many of the key duties including Chairing the Panel, with a vice chair for emergencies and specific meetings.

There have not been any changes to the protocols since 2009, however with the major changes being consulted upon by the DfE as part of the new School Admissions Code we may have to reassess the format and process of how cases are identified and referred to Panel. When the outcome and date of implementation has been released we will consult with schools on how we can manage the new legislation to ensure children are safeguarded as much as possible within the legislation.

Admissions continue to work with Panels to encourage increased cross wedge working. It is important to note that the Catholic schools have continued to be an integral part of the Panels and any delays experienced previously due to their own internal Panels has dissipated due to the decisions being made by the Panel members at the Local Authority's Panel. Academies have also continued to work well within the Panels.

Below shows the comparison of places offered by each Wedge 2010/2011



## West

In 2007/8 the West considered 73 cases, in 2008/9 they considered 91 cases and in 2009/10 they considered 134 cases. In 2010/11 130 cases were considered for transfer and 87 of these were granted with others being given the right of appeal as they are already in provision or have another offer from another Panel.

The numbers in the West have not been subject to increase, we believe, due to the fact that until recently all schools were community schools and therefore the Local Authority were dealing with the entire volume of applications for all schools within the area prior to In Year Co-ordination. The introduction of In Year Co-ordination, therefore has not affected the volume of the West Panel

All the schools continue to take a 'fair share' of children but there continues to be a high demand on two specific schools in the area. To help alleviate this issue other schools offer places.

The Panel continues to have a monthly offshoot meeting of the schools Inclusion Leaders to discuss provision, identify primary school children who may benefit from a Yr7 transition programme and they use the meeting to disseminate best practice and plan new and integrated provisions. The AIP also continues to support the Secondary provisions such as the Day 6 cover and the WILZ project which facilitates reintegration between the PRU and schools or can help provide respite from a challenging student for a short period.



## North West

The North West considered 73 cases in 2007/8, 80 cases in 2008/9 and 137 in 2009/10. In 2010/11 169 were considered for transfer and 83 of these were granted with others being given the right of appeal as they are already in provision or have another offer from another Panel.

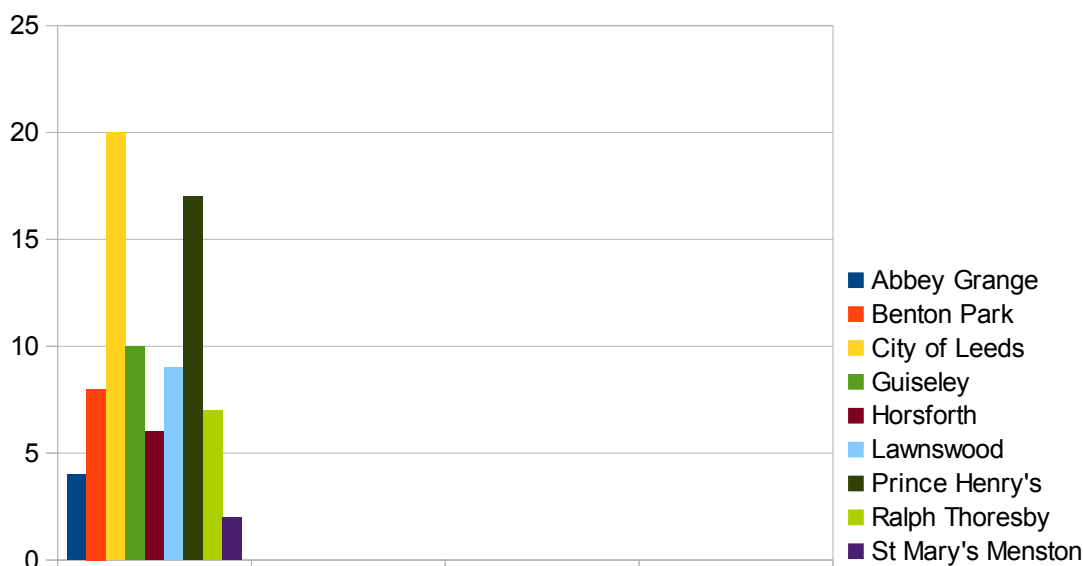
The numbers of Fair Access applications continue to increase in most of the Wedges due to the In Year Co-ordinated Scheme which has resulted in the Local Authority being able to assess all the applications for all the schools and refer them through the appropriate route for placement.

Outer North West schools continue to provide support to the inner schools by offering places to students who have not preferenced them, to try and reduce the demand in inner city schools. However, in many circumstances the family have refused the offer due to the distance involved in travelling even though they qualify for zero fare bus passes, they may also have gone on to win appeals for more local schools. The bar chart shows a disparity between the schools with regards to the number of children taken by each school. There are several reasons for this:-

- due to the number of children on roll City of Leeds are inclined to offer places for many of the children who live locally to the school,
- geographically some of the schools are difficult for children to commute to and therefore another school has to be offered

Lawnswood have been supported whilst they have been in the Ofsted category of Special Measures and have had limited ability to support children who fall into the categories of behaviour and attendance. However Lawnswood have, where it is felt appropriate, taken children who have previously been at their school even though these issues may be present. Lawnswood had a further inspection at the end of the academic year and have attained a 'satisfactory' Ofsted report. They are therefore fully participating in the Protocols this year

The North West have opened a new Wedge provision at Headingley Stadium in partnership with Leeds Metropolitan University, this opened in the summer term and currently has a very small number of children accessing the provision. It is envisaged that this provision will increase in capacity to offer intervention and respite for schools that identify young people in their school who would benefit from such a provision.

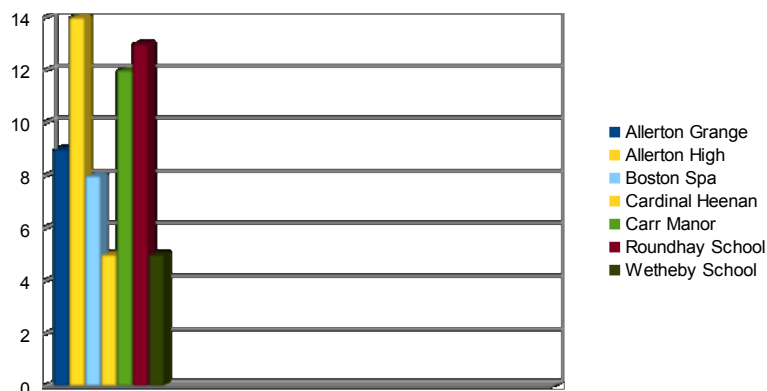


### North East

The North East heard 79 cases in 2007/8, 94 cases in 2008/9 and 110 in 2009/10. In 2010/11 169 were considered for transfer and 66 of these were granted with others being given the right of appeal as they are already in provision or have another offer from another Panel. There have also been issues with the geographical nature of the Wedge with regards to offering parents places in the outer schools who live in the inner areas.

The majority of the applications for this Wedge in 2010/11 have revolved around 2 or 3 schools that are already oversubscribed, and many do not reside within the local area and are already in a local school. The partnership working between the schools in this Wedge has culminated in a new KS3 provision being provided through a Service Level Agreement with North East SILC and a range of provision and interventions are available through this to support the strategies that the schools implement individually. This has affected the number of offers made as many requests are not granted and schools try to find another way forward with parents through the provisions available and managed moves.

The Panel has started a monthly offshoot meeting of the schools Inclusion Leaders to discuss provision, identify primary school children who may benefit from a Yr7 transition programme and they also use the meeting to disseminate best practice and plan new and integrated provisions.



## South

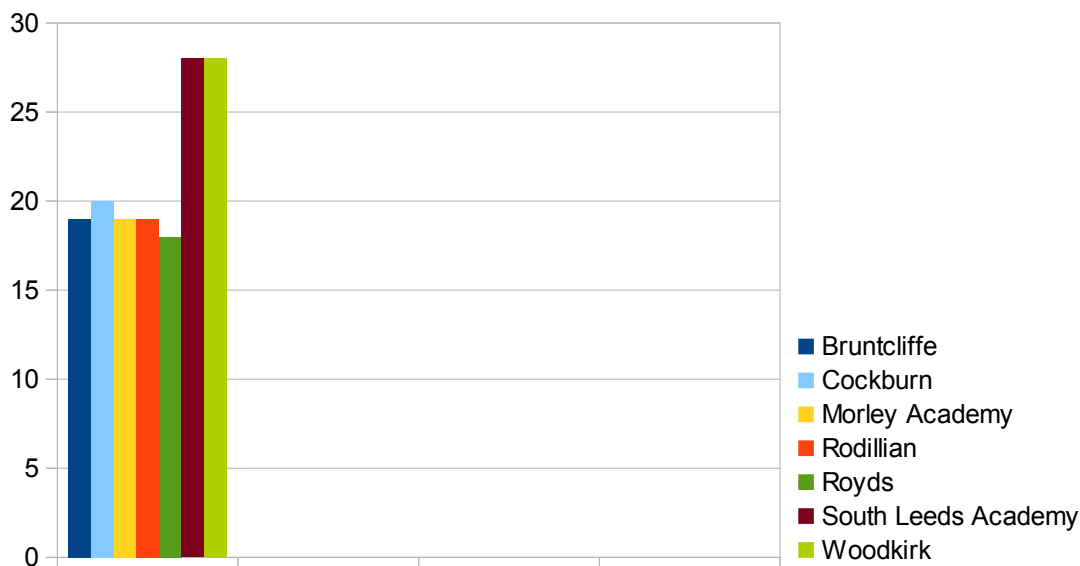
The South Panel considered 122 cases in 2007/8 with an increase to 162 in 2008/9; this has increased in 2009/10 to 204. In 2010/11 227 were considered for transfer and 143 of these were granted with others being given the right of appeal as they are already in provision or have another offer from another Panel

The South Wedge is one of the two Panels with the highest number of cases and there are very few places available as the majority of the schools in the area are full across most of the year groups. There are very few schools with vacancies and this has added pressure for schools to operate under, in addition to having issues with persistent absence and GCSE results.

One of the reasons that the Wedge continues to have so many applications is due to the 'mobility' issues in the area. This area of Leeds contains some of the highest levels of deprivation and linked to this has one of the highest levels of mobility in the City due to the availability of social housing and other issues such as domestic violence, anti social behaviour and a number of Social Care facilities. This has impacted on the number of children two of the schools has continued to accept as they are within their local community and it has been agreed with the schools the most appropriate placement for those cases.

From January 2011 the South took responsibility for the South Teaching and Learning Centre, as a pilot, renaming the provision Southway with the Local Authority delegating part of the PRU budget to the South schools to run the pilot. It is being used as a dual registration centre for Yr7 -11 accessible for all the South schools and academies as long as they remain part of the Area Inclusion Partnership. They also take responsibility for all the permanently excluded South

children as well as offering intervention and respite to students in the South schools. The funding and staffing has been devolved from the Local Authority to the Governing Body at Rodillian who are legally responsible for the Centre. As the provision is not registered as a 'Short Stay School' or 'Pupil Referral Unit' all children on site have to be dual registered with a mainstream school.

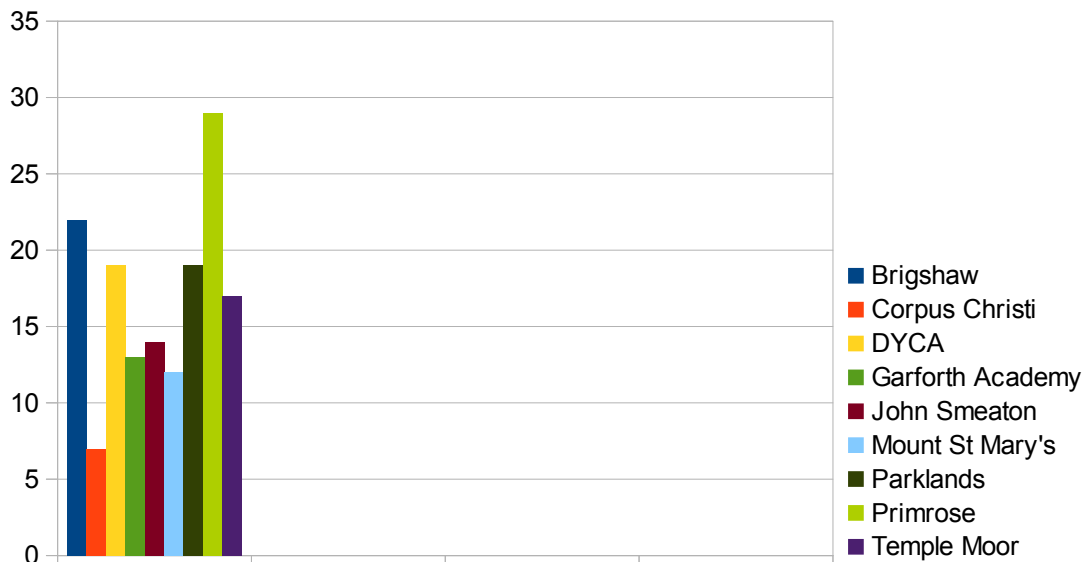


### East

The East considered 149 cases in 2007/8, 200 cases in 2008/9 and 212 in 2009/10. In 2010/11 255 were considered for transfer and 152 of these were granted with others being given the right of appeal as they are already in provision or have another offer from another Panel.

Unlike the South there is some flexibility with available school places within the Wedge but the Panel still struggles to deal with the high volumes that they experience. The issues of mobility and deprivation that exist in the South also exist in the East and furthermore centre on social housing, anti social behaviour and domestic violence as well as having a number of Social Care facilities. This usually centres around one school within the area, as the bar chart shows. Whilst schools within the Wedge make offers to help alleviate the pressure on the school, this is not always successful due to the geographical area or bus routes but mainly as parents want their children to attend local schools.

The Panel continue to find creative solutions for young people who live in the East who require educational provision and work increasingly effectively. For some of the most complex and vulnerable cases immediate integration into mainstream school may not be the appropriate solution but as each school deals with its own inclusion and the schools do not have shared facilities there are currently no other alternatives for pupils with the exception of any informal partnerships where schools may offer each other respite in individual cases. This is something that needs addressing so that East schools can have a wider menu of pathways and provision for those students, for whom it is more appropriate, without using their individual school budgets on expensive outside providers.



### Conclusion

The Panels continue to work effectively but in different ways to address the issues that they believe will help them be more inclusive and exclude less and they are all universally of the opinion that each Wedge requires its own facilities for assessment, dual registration and alternative provision. However they continue to be at differing stages. Funding is delegated to the AIP for them to use as they see fit and the South has received additional funds for the pilot scheme, Southway.

The volume of transfer requests continue to increase, as do those who fall to the Fair Access Protocol, however the increase this year was exceptional.

The way in which the Protocol is operated in Leeds requires a significant amount of time and administrative resource to operate and the schools commit a significant amount of time each month to ensuring appropriate offers are made and that vulnerable young people have a successful transition process into their schools. However, due to the exceptional rise in transfer requests and therefore Fair Access cases the Admissions Team has met with the Project Directors to discuss a way forward as the Team cannot continue to provide the in depth and time consuming administrative support that Panels currently receive.

Currently three of the Wedges are providing some support through their Re-inclusion Officers but this is not a long-term solution. This will be re-assessed when the new Admissions Code is published in line with the Team's statutory obligations at that time.

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 B. The Panels have been given the data on a regular basis and are asked to raise any discrepancies prior to it being tabled at the sub-committee meeting. The abbreviations used are in Appendix C.



## **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, as outlined in the Protocol (Appendix A). Where schools have felt unable to take a child and the Local Authority believe their reasons for refusal are accepted, a Panel is convened with neighbouring schools, and the schools of parental preference, to agree an appropriate offer. 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.

Since the recruitment of a Fair Access Officer whose key role is to facilitate Primary Fair Access cases, the number of cases that have resulted in a Primary Panel being convened has dropped from 1 or 2 a week to no more than one a month on average. In cases where it is decided that a move to an alternative school is not appropriate the right of appeal is conveyed to the parent without the delay of a Panel. The impact that the Panels had on Headteachers time was felt by them to be unsustainable and it is felt that the system that we now have optimises Headteacher involvement and leads to a much quicker outcome for the child and family.

The data of school placement is attached as Appendix B. This shows the number of children placed in each primary school by Wedge in 2010/11. We are only able to compare this data to 2009/10 as it was not recorded prior to last year. It is clear from the data that mobility is reflected within certain areas of the City in the number of children that certain schools admit to their school. Whilst some schools are taking more children than others this is due to the location of the schools and families and the schools are happy to admit the number of Fair Access cases that are recorded as this is the nature of the families living in the local area of the school. Wherever possible, alternative school places have been sought to help alleviate the mobility issues felt by certain schools.

In 2009/10 there were 625 primary school children who were placed through Fair Access in 2009/10. In 2010/11 there were 756 categorised as Fair Access, of those 670 (89%) were placed in a new school.

## **Conclusion**

Since the recruitment of a dedicated Fair Access Officer for Primary it is clear that the process has been streamlined it is felt that the process for Primary ensures that applications are dealt with as quickly as possible for an outcome to be achieved without the need for a Headteacher Panel. With the rapidly rising birth rate, and a need to comply with the infant class size legislation, this has become more complex and resource intensive and we feel that this will continue to require a dedicated resource.

As we look forward to the forthcoming year it is important that we continue to assess the processes and procedures of Fair Access to ensure that we continue to safeguard children.

The recommendation from last year's report continues to be key and we have kept schools informed of the government consultation as well as changes with the Local Authority processes.

## Recommendations

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

To consult with Headteachers and Project Directors on the forthcoming changes within the new Schools Admissions Code and any changes that may be required to ensure that the Protocol remains effective.

To consult with Headteachers and Project Directors to agree a more efficient and streamlined process with the Admissions Team taking into account austerity measures and any changes in the current Wedge working across the City.