



St. Helens Council

**CHILDREN AND YOUNG PEOPLE'S SERVICES**

# **FAIR ACCESS PROTOCOL**

**(including protocol for Managed Transfers)**

## Contents

Page Number	<b>Fair Access Protocol</b>
3	Aims of the Protocol Main Principles
4	Children Covered by Protocol
5	Placement Procedure
6	Timescale for the Admission of a Pupil Refusal to Admit
	<b>Protocol for Managed Transfers</b>
7	Main Principles
8	Criteria for a Managed Transfer How Managed Transfers will be Allocated
9	Procedure for Managed Transfers
10	Timescale Refusal to Admit Complex Managed Transfers Funding
11	Additional Support Monitoring
12	Managed Transfer Request Form
17	Secondary Fair Access Panel – Terms of Reference
19	Primary Fair Access Panel – Terms of Reference

# ST HELENS FAIR ACCESS PROTOCOL

## Introduction

The Local Authority is required to have a Fair Access Protocol in order to ensure that:

- access to education is secured quickly for children who have no school place and;
- all schools and academies admit their fair share of children with challenging behaviour.

This includes admitting children above the published admission number to schools that are already full.

This protocol has been written in accordance with the School Admissions Code and has been endorsed by the Admissions Forum. It is regularly reviewed in order to ensure that it underpins the best interests of young people and the partnership of all participants.

**It is a mandatory requirement imposed by the School Admissions Code that all schools including Trust schools and Academies must participate in their Local Authority's Fair Access Protocol.**

## Aims of the Protocol

The Protocol is designed to:

- be fair and transparent and have the confidence of all schools;
- acknowledge the real need of vulnerable young people to be dealt with quickly and sympathetically thereby reduce the time that they spend out of school;
- ensure that schools admit pupils with challenging educational needs on an equitable basis; and
- reflect the particular status of voluntary aided schools, while ensuring that they play their part.

## Main Principles

- **All** schools in St Helens will take part.
- Schools cannot cite oversubscription as a reason for not admitting a pupil under this protocol.
- Children covered by the Fair Access Protocol will be given priority over any others on a waiting list or awaiting appeal.

- **Schools must respond immediately to requests so that the admission of the pupil is not delayed. For schools which are their own admissions authority, Headteachers and Governors are asked to agree a procedure which enables decisions to be made in the requisite timescale.**
- The Local Authority will take account of any genuine concerns about the admission, for example a previous serious breakdown in the relationship between the school and the family, or a strong aversion by the family to the religious ethos of a school.
- Wherever possible, parents' views will be considered, but will not override the protocol if the preferred school is unable to take the pupil.
- Wherever possible, pupils with a religious affiliation should be matched to a suitable school, but this should not override the protocol if the school is unable to take the pupil, or if the pupil identified for the school does not have that affiliation.

### **Children Covered by the Protocol**

The following prescribed categories of children (Appendix 3 point 8 of the School Admissions Code) are included in the protocol:

- children in public care;
- children attending PRUs who need to be reintegrated back into mainstream education\*;
- children who have been out of education for longer than one school term\*\* e.g. refusal to accept an offered school place;
- children whose parents have clearly demonstrated that they have been unable to find them a place after moving to the area, because of a shortage of places;
- children withdrawn from schools by their family, and unable to find another place following fixed term exclusions;
- children of refugees and asylum seekers;
- homeless children;
- children with unsupportive family backgrounds, where a place has not been sought;
- children known to the police or other agencies, where it can be shown that their circumstances place them at risk;
- children without a school place and with a history of serious attendance problems\*\* e.g. new to the area and not registered at a school;
- traveller children;
- children who are carers;

- children with special educational needs (but without a statement);
- children with disabilities;
- children with medical conditions where it can be demonstrated that their medical need will be better addressed by a new school, or where they have not been attending a school because of their medical condition. The Protocol does not cover any circumstances where it can be demonstrated that a pupil's medical condition is being adequately catered for by their existing school (or allocated high school, in the case of a Year 6 pupil);
- children returning from the criminal justice system; and
- children of UK service personnel and other Crown Servants e.g. a member of HM Forces or other persons employed by the Crown whose posting has changed beyond their control.

\*These children will be dealt with under the Managed Transfer Protocol. **If any other child in the categories listed above meets the criteria for a managed move they also will be dealt with under the Managed Transfer Protocol** (Appendix A).

\*\*These children will be dealt with under the 'revised statutory guidance for local authorities in England to identify children not receiving a suitable education' issued January 2009.

**All other in year transfers will be processed under the primary and secondary co-ordinated admissions schemes.**

### **Placement Procedure**

**Where no school place is available within a reasonable distance of a pupil's home**, the Senior Assistant Director – Performance and Strategy - CYPS will allocate a place at a school even if the admission number for the relevant year group has been reached. A reasonable distance will be defined as two miles for primary and three miles for secondary using the shortest walking route measured by the Local Authority using a GIS system which is based on Ordnance Survey data.

In making a decision to allocate a place, the Local Authority will consider:

- parental preference;
- infant class size legislation (primary schools only);
- alternative places available;
- existing over-crowding in schools in the appropriate year;
- existing over-crowding in the whole school; and
- ease of access to the school from the pupil's house.

### **Timescale for the Admission of a Pupil**

Pupil to be admitted to receiving school no later than 15 schools days after the parents' transfer request has been received by the Admissions Section.

### **Refusal to Admit**

If a school is identified as the one to admit a child and they wish to appeal against the Local Authority's decision, they may refer the matter to the relevant Fair Access Panel. If the appeal is refused by the panel the school must proceed with the admission of the child. If the school does not comply with the panel's decision, the Local Authority may refer the matter to the Secretary of State (in the case of a Community or Voluntary Controlled school or Academy) or it may direct the school to admit the pupil (in the case of a Voluntary Aided or Trust school). If the direction to admit the child cannot be resolved locally the Local Authority reserves the right to refer the matter to the Secretary of State. Therefore, any difficulties or delay in securing the identified placement of any pupil will be brought to the attention of the Director of Children and Young People's Services who will make a decision about the most appropriate response.

**PROTOCOL FOR MANAGED TRANSFERS****Introduction**

This protocol has been designed to ensure that, as far as possible, pupils with a troubled background are supported appropriately into their new school and that school is similarly offered support in acknowledgement of the difficulties that the pupil may present.

**Main Principles**

All schools must adhere strictly to the requirements of this protocol, particularly with reference to the **timescale** and in the **provision of appropriately detailed pupil information**.

The Local Authority recognises that admission to voluntary aided schools is the responsibility of the Governing Body. Therefore, for schools which are their own admissions authority, Headteachers and Governors are asked to agree a procedure which enables decisions to be made in the requisite timescale.

The Local Authority will seek to avoid placing two or more children from the same predecessor school into the receiving school where it is known that there is a shared history of misbehaviour.

The expected circumstances that will trigger a managed transfer (and in each case proof will be sought that all available alternatives have been explored) are as follows:

- A situation where the original school in St. Helens has exhausted all available procedures, and can demonstrate that this is the case i.e. a managed transfer is the last resort.
- A situation where the original school is outside St. Helens and the pupil is a St Helens resident
- A serious incident, where the pupil's future at their original school has become untenable
- A breakdown in the relationship between the original school and the pupil's family
- Genuine movement of home into the Borough of St. Helens, for a pupil who has demonstrable needs

**However, all parties recognise that particular measures may be necessary for pupils who might pose a real danger to the safety of any school community.**

*It is clear that in most cases outcomes are much better if schools retain their own pupils and seek to resolve difficulties in conjunction with the services provided by the Local Authority.*

## **Pupils with Statements or in receipt of Enhanced School Action Plus Funding of more than 15hrs**

A student on Enhanced Action Plus funding who is being considered for a transfer as a result of a prolonged behavioural issue or an incident which may under normal circumstances have triggered a managed move, must be identified at a review meeting held at the current school. Those invited to the meeting should include all involved agencies, the relevant Inclusion Officer and the parents or carers of the child. All actions taken to address the issues should be presented and may include IBPs, PSP, IEP's or any other plan. If a PSP is in place this document should be finalised as a result of the meeting. All involved agencies should present a report on the advice given and actions taken and the impact of these. The Inclusion Officer should ensure that all possible actions have been explored before accepting that a transfer is necessary. Parents should agree to the transfer and be given a choice of available/appropriate schools. They should then complete an in year transfer form and name up to three schools in order of preference. Minutes of the meeting must be taken by the school representative and sent to the Inclusion Officer.

Admissions will process the in year application (a decision letter will not be sent to the parents/carers until a date for the admission meeting has been agreed). The Inclusion Officer for the agreed school should make contact with that school and provide all documentation which will include all related SEN paperwork, any medical reports, Education Psychology reports, plans, pupil log, attendance data, information related to any serious incidents, all external agency involvement, progress measures, school reports and the minutes and reports from the initial meeting.

The new school will have 5 school days to digest the information supplied. Should the information not be of a satisfactory nature or in the event that the school feels unable to meet the needs of the student, the school will liaise with their Inclusion Officer providing evidence to support this claim. (This would not, however, be appropriate for pupils with Statements of SEN.) If the Inclusion Officer believes that the school has grounds for an appeal they will refer the case to the Fair Access Panel for consideration.

Parents, all involved agencies, the current school and the Inclusion Officer should be invited to the meeting which must be arranged within ten school days. The meeting will be chaired by the Inclusion Officer and minutes taken by a representative of the receiving school. The purpose of the meeting will be to agree a transition plan between the two schools which is likely to bring about sustainable and effective plans for the successful integration of the student. The student remains the responsibility of the current school until such time as any necessary resources have been put in place. This must, however, take no longer than a maximum of six school weeks. If there has been a serious one off incident that would ordinarily result in permanent exclusion it will still be the responsibility of the current school to manage the pupil's education.

Failure to act within the timescale detailed above will result in school(s) being referred to the Fair Access Panel for action.



## Criteria for a Managed Transfer

The definition of a managed transfer would be a pupil who transfers from one school to another, other than at the normal point of entry, and meets one or more of the following criteria:

1. permanently excluded from another school or previously dealt with as a managed transfer. *Where a pupil has been permanently excluded twice the requirement to comply with parental preference is removed. In such cases the Local Authority will advise the parents on the options available;*
2. registered on the SEN Code of Practice for behavioural difficulties for at least one term i.e. School Action Plus;
3. in receipt of a current Pastoral Support Plan that has been in place for at least 16 weeks and is judged to be failing;
4. fixed term exclusions - including days spent in an inclusion base shared by other schools - totalling a minimum of 20 days within the last 6 months (of a school year(s)) or following a placement in a PRU where the staff in the PRU believe that a return to mainstream is appropriate.
5. pupil at risk of permanent exclusion. In certain exceptional circumstances, where it might be appropriate for the headteacher to consider permanently excluding a child for a one off very serious offence and that child does not meet criteria 1 to 4.

## How Managed Transfers will be Allocated

**Secondary** schools will be required to admit 2 managed transfers per year group even if they have reached their published admission number. Once a school has reached its quota, it will only be required to take additional managed transfers if there have been managed transfers out. For example, if a school has not had any managed transfers in the relevant year group but had 1 out it will be required to admit 3 managed transfers in that year group.

**Primary** schools will be required to admit 1 managed transfer per year group even if they have reached their published admission number. Once a school has reached its quota, it will only be required to take additional managed transfers if there have been managed transfers out. For example, if a school has not had any managed transfers in the relevant year group but had 1 out it will be required to admit up to 2 managed transfers in that year group.

## Procedure for Managed Transfers

Schools have a legal responsibility to make suitable full time educational provision available to a pupil from the 6<sup>th</sup> school day of any period of fixed period exclusion of 6 school days or longer. Therefore, suitable full time educational provision **must** always continue to be provided from at least the 6<sup>th</sup> school day following the identification of a Managed Transfer. **Important: pupils must not be removed from roll until an admission date for the receiving school has been agreed.**

### Step 1 – Identification of a Managed Transfer

A pupil will be identified as a managed transfer if:

- parents submit an application to transfer their child to another school and the child is identified as meeting the managed transfer criteria from the information request form sent by the Admissions Section to the pupil's current school.

- a managed transfer request form has been submitted by a St Helens school to the Admissions Section and it can clearly be established from the information on the form that the pupil meets the requisite criteria. To ascertain this the Pupil Support Officer will contact the donor school and go through a check list with them. This will happen when the school has obtained the agreement of the parent (see below) to a managed transfer i.e. to prevent permanent exclusion.

### Parental Consent

Parents should never be pressured into removing their child from the school under threat of a permanent exclusion. Therefore, if a school has initiated the managed transfer because the pupil is at risk of permanent exclusion then it is essential that the full agreement of parents be obtained. The ascertainable views of the pupil to voluntarily undertake a transfer to another school or to alternative provision must also be considered. Both pupil and parents should be alerted to the likely outcomes if permanent exclusion occurs at the new school.

If parents agree that a transfer is appropriate, written consent must be obtained on Part B of the Managed Transfer Request Form (Appendix B). The school should complete the rest of the form and return it to the Admissions Section the same day as the parents sign the form.

### Step 2 – Identification of Receiving School

A copy of the managed transfer request form will be sent to the Pupil Support Officer who will be informed of which schools have available managed transfer places. Throughout the process the Local Authority will only offer factual information to parents e.g. transport arrangements.

The Pupil Support Officer will arrange home visit with parent and pupil, the managed transfer procedure will be explained and parents will be asked to complete a Preference Form indicating their choice of school.

Upon receipt of the preference form, the Admissions Section will forward the managed transfer paperwork with a covering letter to the parents preferred school. The school will be expected to raise any objections to the transfer within 5 school days. Parents will normally receive a written response to their application within **10 school days**.

### Step 3 – Managed Transfer Meeting

If no objections are received from the nominated school by the due date, the Pupil Support Officer will liaise with the receiving school and a managed transfer meeting should be arranged within **5 school days**. The headteacher or their representative will be present along with the Pupil Support Officer, the parent(s) and the pupil. In certain instances it may be appropriate for other agencies to be invited to the meeting.

### Step 4 – Admission of Pupil

The pupil must be admitted within **5 schools days** of the successful managed transfer meeting.

### Timescale

**The total timescale for a managed transfer pupil to be admitted to the receiving school is 20 school days (from the date parent submitted preference form) as set out in the procedure detailed in this protocol.** This allows sufficient time for

the collection and dissemination of information from the pupil's previous school and for support mechanisms to be put in place in readiness for the pupil's admission to the school. There may be instances when this timescale is not achievable, however, if any party is found to be delaying the process unnecessarily then the matter will be referred to Senior Assistant Director Performance and Strategy.

To ensure that this timescale is met for SEN pupils, who are in receipt of one to one support, the Local Authority will prioritise the placements of the HLTAs who have been appointed to support managed transfer pupils.

### **Refusal to Admit**

If a school is identified as the one to admit a child and refuses to do so, the Local Authority may refer the matter to the Secretary of State (in the case of a Community or Voluntary Controlled school or Academy) or it may direct the school to admit the pupil (in the case of a Voluntary Aided or Trust school). If the direction to admit the child cannot be resolved locally the Local Authority reserves the right to refer the matter to the Secretary of State. Therefore, any difficulties or delay in securing the identified placement of any pupil will be brought to the attention of the Director of Children and Young People's Services who will make a decision about the most appropriate response.

### **Complex Managed Transfers**

In the vast majority of cases, a managed transfer will be dealt with in line with the procedure detailed in this protocol. However, there may be issues that come to light regarding a particular transfer that require further consideration. These exceptional complex managed transfers will be referred to either the Primary or Secondary Fair Access Panel for a decision. The terms of reference for both panels are attached at Appendix C.

### **Funding**

**Primary Schools:** for each pupil admitted as a managed transfer a school shall receive £1600. This will be credited to their budget within 6 weeks of admission. The school retains this money provided the pupil remains in the school for a minimum of six months. However, if the pupil leaves the school to transfer to another school in St Helens within six months of admission then £1600 will be taken back, except where the move is due to a change of address and it is not reasonable to expect the pupil to travel to previous school.

**Secondary Schools:** £1600 funding will be allocated to a central pool. This would then be used to fund any managed transfers that are subsequently referred for alternative provision by the receiving school.

In addition, the Local Authority will transfer the Age Weighted Pupil Unit (AWPU) to the receiving school when the pupil is admitted as a managed transfer. The Authority believes that this will encourage schools to reconsider whether a pupil should leave as a managed transfer and also help the receiving school to provide appropriate support.

The AWPU funding will be reclaimed on a pro rata basis calculated on a fifty two week year. For example, if a pupil transfers to another school at the start of the summer term, the Authority will reclaim a full year's worth of funding from the previous school and allocate it to the new school. If a pupil leaves after the pupil head count day in the January SLASC the school will have to return the funds for January to March and the full year's funding that will be allocated in April for the following financial year.

Key Stage 4 – funding for alternative provision: where a pupil is transferred during the secondary phase and is subsequently referred for alternative provision this shall be funded by the central pool for secondary managed transfers and the AWPU funding which the pupil's current school has been allocated.

Secondary permanent exclusions: If a pupil is permanently excluded. Local authorities have a statutory duty to remove, with effect from the "relevant date", the proportion of the AWPU remaining in the financial year from the school's budget share (as determined in the current Exclusions Guidance). The money deducted from the school is then transferred to the school that receives the excluded pupil or it can be used to pay for alternative provision for that pupil.

However, in St Helens it has been agreed with all secondary headteachers that where a school permanently excludes a pupil a sum equivalent to twice the full year's AWPU shall be reclaimed from the previous school and passed to the receiving school as an additional resource.

### **Additional Support**

The multi-professional Area Team Managers (including BEST) will be asked to provide appropriate support as soon as possible after the pupil is admitted.

#### Assistance with Transport

Managed transfer pupils who have to travel more than 3 miles to their proposed school will be entitled to a free public service bus pass, issued by the Authority. If the distance is less than 3 miles, a request for assistance will have to be made to the Transport Review Panel.

### **Monitoring**

In order to ensure that all schools are fully aware of the number of managed transfers and to raise awareness of any issues: the Admission Forum, headteachers and governing bodies will receive an annual report. This way the system will remain transparent and ensure that every school plays its part in addressing the needs of that small minority of pupils who do not settle easily into the education system. In addition to the above, the Local Authority will collect data from receiving schools to help identify any issues of concern or good practice that can be shared amongst schools.

**MANAGED TRANSFER REQUEST**

**PART A** - To be completed by the 'home' school

***Pupil's Personal Details*** (please complete in **BLOCK CAPITALS**)

Surname: \_\_\_\_\_

Forename(s): \_\_\_\_\_

Male/Female: \_\_\_\_\_

Date of Birth:                    /                    / \_\_\_\_\_

Year Group: \_\_\_\_\_

Is this a "Looked After Child":                    Yes/No

SEN Stage:                    School Action / School Action Plus /Enhanced Action Plus/ Statement  
(Please circle)

Number of hours support allocated via SEN funding: \_\_\_\_\_ hrs

If stated, date of the statutory interim review and name of LEA Officer attending:

Permanent Home Address: \_\_\_\_\_

Parent(s)/Carers Name(s): \_\_\_\_\_

Father: \_\_\_\_\_

Mother: \_\_\_\_\_

Carer: \_\_\_\_\_

Telephone Number(s):                    Home: \_\_\_\_\_

Mobile: \_\_\_\_\_

Work: \_\_\_\_\_

Previous Schools Attended: \_\_\_\_\_ From \_\_\_\_\_ To \_\_\_\_\_

\_\_\_\_\_ From \_\_\_\_\_ To \_\_\_\_\_

\_\_\_\_\_ From \_\_\_\_\_ To \_\_\_\_\_

Current School \_\_\_\_\_

Completed by \_\_\_\_\_

**PART B** – To be completed by the parent(s).

Please tick the appropriate boxes below:-

Does your child receive Free School Meals?		Yes <input type="checkbox"/>	No <input type="checkbox"/>
<b>Ethnic Information (please tick)</b>			
<b>White</b>	<b>Mixed</b>	<b>Asian or Asian British</b>	
British	<input type="checkbox"/> White and Black Caribbean	<input type="checkbox"/> Indian	<input type="checkbox"/>
Irish	<input type="checkbox"/> White and Black African	<input type="checkbox"/> Pakistani	<input type="checkbox"/>
Traveller of Irish Heritage	<input type="checkbox"/> White and Asian	<input type="checkbox"/> Bangladeshi	<input type="checkbox"/>
Gypsy/Roma	<input type="checkbox"/>		
Any other White background	<input type="checkbox"/> Any other mixed background	<input type="checkbox"/> Any other Asian background	<input type="checkbox"/>
<b>Black or Black British</b>	<b>Chinese or other ethnic group</b>		
Caribbean	<input type="checkbox"/> Chinese		<input type="checkbox"/>
African	<input type="checkbox"/> Any other		<input type="checkbox"/>
Any other Black background	<input type="checkbox"/>		

**Parents'/Carers' Signature:**

I have attended a review meeting of my child's progress and agree that a managed transfer to an alternative school or provision is my preferred option. I will contact the Admissions Section regarding which schools may have available places under the Managed Transfer Protocol.

Parent's Signature: \_\_\_\_\_ Date: \_\_\_\_/\_\_\_\_/20  
Parent's Signature: \_\_\_\_\_ Date: \_\_\_\_/\_\_\_\_/20  
Carer's Signature: \_\_\_\_\_ Date: \_\_\_\_/\_\_\_\_/20

Please return the completed form to:

Children and Young People's Services, Admissions Section, Atlas House, Corporation Street, St. Helens, Merseyside, WA9 1LD Telephone 01744 671035

**MANAGED TRANSFER**

*Pupil Information*

Student \_\_\_\_\_ Date of Birth \_\_\_\_\_  
Home School \_\_\_\_\_ Date of Request \_\_\_\_\_  
Year Group \_\_\_\_\_

**Incidents in school that have given rise to concern:**

- |                                                          |                                                             |
|----------------------------------------------------------|-------------------------------------------------------------|
| <input type="checkbox"/> Physical assault against pupil  | <input type="checkbox"/> Verbal abuse/threatening behaviour |
| <input type="checkbox"/> Physical assault against adult  | <input type="checkbox"/> Verbal abuse/threatening behaviour |
| <input type="checkbox"/> Bullying                        | <input type="checkbox"/> Racist abuse                       |
| <input type="checkbox"/> Sexual misconduct               | <input type="checkbox"/> Drug and alcohol related           |
| <input type="checkbox"/> Damage                          | <input type="checkbox"/> Theft                              |
| <input type="checkbox"/> Persistent disruptive behaviour | <input type="checkbox"/> Other (Please Specify)             |

**Is the student at:**

- |                                        |                                                              |
|----------------------------------------|--------------------------------------------------------------|
| <input type="checkbox"/> School Action | <input type="checkbox"/> School Action Plus or Enhanced Plus |
|----------------------------------------|--------------------------------------------------------------|

*Is the student the subject of a statement or in receipt of Enhanced Action Plus funding?*

**Additional Information:**

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Attendance \_\_\_\_\_ Actual \_\_\_\_\_ Authorised \_\_\_\_\_

Please attach recent certificate of attendance.

Please briefly outline what support mechanisms have been put in place by the school. (If a PSP has been put in place please attach a copy.)

--

School contact : \_\_\_\_\_

**Academic Ability:**

Please comment upon the student's progress in the following subjects with reference to national Curriculum attainment levels.

<b>Subject</b>	<b>NC levels</b>	<b>Teacher Assessment</b>
• English		
• Maths		
• Science		

**KS4 (if applicable):**

GCSEs / GNVQs currently being undertaken by the pupil. Please include details of syllabus and options.

--

Current assessment of performance – please indicate most recent assessment results, for example, modular tests and portfolio assessments.

--



**Agency Involvement:**

Please indicate if the following agencies are involved with the student.

- Education Psychology Service      Contact \_\_\_\_\_
- Education Welfare Service      Contact \_\_\_\_\_
- Social Services      Contact \_\_\_\_\_
- Inclusion Support Service  
(ie BEST or PRS)      Contact \_\_\_\_\_
- CAMHS      Contact \_\_\_\_\_
- Y.O.S.      Contact \_\_\_\_\_
- Healthy Schools Team      Contact \_\_\_\_\_
- Other (please specify)      Contact \_\_\_\_\_

**Alternative Provision (to be completed for Year 9 transfers submitted in the second half of the summer term, Year 10 and Year 11 transfers only):**

Has Alternative Provision been offered to the pupil?      Yes       No

If no, please confirm whether it was for one of the following reasons:

Parents were not in agreement

Not considered appropriate for pupil's needs   
*(please explain in more detail)*

-----  
-----  
-----  
-----  
-----  
-----  
-----

Head Teacher's Signature: \_\_\_\_\_ Print Name: \_\_\_\_\_

**Date**    /    /20

**SECONDARY FAIR ACCESS PANEL  
TERMS OF REFERENCE**

The Fair Access Panel has been established to consider:

- appeals from schools who have been identified as the receiving school for a child who falls under one of the categories of the Fair Access Protocol or;
- exceptional complex Secondary Managed Transfers that have been referred by the receiving school after discussion with the Pupil Support Officer.

**1. Terms of reference**

To consider whether the Protocol has been applied fairly.

To consider and identify for each case:

- Placement in an identified maintained mainstream school;
- Whether a referral to Multi Agency Provision Panel for alternative provision should be made;
- Whether a referral to a PRU should be made before the admission of a pupil to the new school;
- Referral to Provision Agreement Panel when concerns are raised about the additional needs of a pupil being met in another mainstream school;

**2. Membership**

There are two types of members: Local Authority Members and School Members.

The membership is made up as follows:

<b>Local Authority Members</b>	<b>Appointed by</b>	<b>Voting Rights</b>
Lead Advisor/Officer Vulnerable Groups	Local Authority	Vote on any case
*Head of Behaviour Improvement	Local Authority	Vote on any case
Senior Assistant Director Performance and Strategy**	Local Authority	Vote on any case
Pupil Support Officer	Local Authority	No voting rights
Admissions and Places Officer	Local Authority	No voting rights
<b>School Members</b>		
Catholic Secondary Headteacher	ASH	Vote on any case
Community Secondary Headteacher	ASH	Vote on any case
Substitute Catholic Secondary Headteacher (where there is a conflict of interest)	ASH	Vote on any case
Substitute Community Secondary Headteacher (where there is a conflict of interest)	ASH	Vote on any case

\* in attendance when the case is a managed transfer \*\* in attendance when the case is an appeal is for a FAP child who is not a managed transfer

**3. Terms of Office**

The term of office for members shall be four years subject to their remaining eligible. A member may resign at any time and is required to leave if he or she ceases to be eligible in the capacity in which he or she has been nominated.

**4. Alternate Members**

Any member of the Panel may nominate an alternate member to attend and vote at meetings of the Panel in his/her absence provided they fall into the same category as the member.

**5. Appointment of Chair**

The Chair of the Panel shall be a school member and appointed by ASH.

## **6. Secretary to the Panel**

The Secretary to the Panel shall be the Pupil Support Officer.

## **7. Ad hoc Representatives**

The Panel may request the Secretary to invite anyone representing significant interests in a case to the meeting, as and when considered appropriate, to be available to report on and be questioned about the case but be excluded when a decision is made.

## **8. Quorum**

The quorum for the Panel shall be at least 1 Local Authority member (with voting rights) and the 2 secondary headteacher representatives.

## **9. Voting**

A decision shall be reached by consensus. In cases where there is no overall majority the Chair shall have the casting vote. Where the case involves a school for which the school member is headteacher the appropriate substitute headteacher will be invited to attend with voting rights for that case only.

## **10. Decisions of the Panel**

A decision letter will be sent by the Secretary to the schools concerned. The letter will give full details of how the Panel has reached its decision. If the receiving school refuses to admit the child the matter will then be referred to the Director of Children and Young People's Services who will make a decision about the most appropriate response.

If the decision of the Panel differs from the preferences named by the parents/carers officers will meet with the parents/carers to discuss other options. However, this does not override the parents right to a place in their preferred school if it has not reached its published admission number or their right to an independent appeal if the year group is full.

## **11. Notice of meetings**

The Secretary will ensure that meetings of the Panel are convened by giving a minimum of 7 days' notice in advance of the meetings, with a full schedule outlining cases which have been referred to the Panel.

## **12. Frequency of meetings**

The Panel will normally meet four times during the school year. However, there may be occasions when an urgent meeting needs to be convened.

## **13. Records of meetings**

- a) the Secretary to the Panel will keep a written record of each meeting
- b) the names of the members present at a meeting must be recorded with the minutes of the meeting
- c) the Chair must sign written minutes of a meeting at the next meeting to confirm that they are accurate

## PRIMARY FAIR ACCESS PANEL TERMS OF REFERENCE

The Fair Access Panel has been established to consider:

- appeals from schools who have been identified as the receiving school for a child who falls under one of the categories of the Fair Access Protocol or;
- exceptional complex Primary Managed Transfers that have been referred by the receiving school after discussion with the Pupil Support Officer.

### 1. Terms of reference

To consider whether the Protocol has been applied fairly.

To consider and identify for each case:

- Placement in an identified maintained mainstream school;
- Whether a referral to Multi Agency Provision Panel for alternative provision should be made;
- Whether a referral to a PRU should be made before the admission of a pupil to the new school;
- Referral to Provision Agreement Panel when concerns are raised about the additional needs of a pupil being met in another mainstream school;

### 2. Membership

There are two types of members: Local Authority Members and School Members. The membership is made up as follows:

Local Authority Members	Appointed by	Voting Rights
Lead Advisor/Officer Vulnerable Groups	Local Authority	Vote on any case
Head of Behaviour Improvement*	Local Authority	Vote on any case
Senior Assistant Director Performance and Strategy**	Local Authority	Vote on any case
Pupil Support Officer	Local Authority	No voting rights
Admissions and Places Officer	Local Authority	No voting rights
<b>School Members</b>		
Voluntary Aided Primary Headteacher	PASH	Vote on any case
Community Primary Headteacher	PASH	Vote on any case
Substitute Voluntary Aided Primary Headteacher	PASH	Vote on any case where there is a conflict of interest
Substitute Community Primary Headteacher	PASH	Vote on any case where there is a conflict of interest

\* in attendance when the case is a managed transfer \*\* in attendance when the case is an appeal is for a FAP child who is not a managed transfer

### 3. Terms of Office

The term of office for members shall be four years subject to their remaining eligible. A member may resign at any time and is required to leave if he or she ceases to be eligible in the capacity in which he or she has been nominated.

### 4. Alternate Members

Any member of the Panel may nominate an alternate member to attend and vote at meetings of the Panel in his/her absence provided they fall into the same category as the member.

## **5. Appointment of Chair**

The Chair of the Panel shall be a school member and appointed by PASH.

## **6. Secretary to the Panel**

The Secretary to the Panel shall be the Pupil Support Officer.

## **7. Ad hoc Representatives**

The Panel may request the Secretary to invite anyone representing significant interests in a case to the meeting, as and when considered appropriate, to be available to report on and be questioned about the case but be excluded when a decision is made.

## **8. Quorum**

The quorum for the Panel shall be at least 1 Local Authority member (with voting rights) and the 2 primary headteacher representatives.

## **9. Voting**

A decision shall be reached by consensus. In cases where there is no overall majority the Chair shall have the casting vote. Where the case involves a school for which the school member is headteacher the appropriate substitute headteacher will be invited to attend with voting rights for that case only.

## **10. Decisions of the Panel**

A decision letter will be sent by the Secretary to the schools concerned. The letter will give full details of how the Panel has reached its decision. If the receiving school refuses to admit the child the matter will then be referred to the Director of Children and Young People's Services who will make a decision about the most appropriate response.

If the decision of the Panel differs from the preferences named by the parents/carers officers will meet with the parents/carers to discuss other options. However, this does not override the parents right to a place in their preferred school if it has not reached its published admission number or their right to an independent appeal if the year group is full.

## **11. Notice of meetings**

The Secretary will ensure that meetings of the Panel are convened by giving a minimum of 7 days' notice in advance of the meetings, with a full schedule outlining cases which have been referred to the Panel.

## **12. Frequency of meetings**

The Panel will normally meet four times during the school year. However, there may be occasions when an urgent meeting needs to be convened.

## **13. Records of meetings**

- a) the Secretary to the Panel will keep a written record of each meeting
- b) the names of the members present at a meeting must be recorded with the minutes of the meeting
- c) the Chair must sign written minutes of a meeting at the next meeting to confirm that they are accurate