Appendix 5

Fair Access Protocol for Haringey Schools from March 2027

Introduction

1. The School Admissions Code, September 2021, ('the Code') requires local authorities to have in place a fair access protocol which all local schools and Academies must adhere to.

2. Its aims are to:

   - acknowledge the real needs of vulnerable young people who are not on the roll of a school and to ensure that an appropriate placement is identified quickly and pupils are on roll within 15 days of the panel

   - seek to find an alternative placement or support for those on roll of a school where it can be demonstrated that they are at risk of permanent exclusion

   - fairly share the admission of vulnerable students across all schools and Academies (where the panel agree that another mainstream school place should be identified)

   - arrange such admissions openly through a process which has the confidence of all

   - record the progress and successes of the young people placed through this panel

This protocol reflects the LA's responsibility for safeguarding and promoting the welfare of children and young people as well as educational attainment

3. It is essential to the success of fair access that all headteachers and governing bodies agree to the aims, principles and procedures and give their fullest support.

4. All schools recognise their collective responsibility for all pupils and accountability for some and will work collaboratively to manage pupils with challenging behaviour, involving multi-agency support, accessed where appropriate. All members will work together to secure commitment to the inclusion agenda and to reduce exclusions from schools.

Students within the scope of this scheme

5. The admission to school of the following students falls within the scope of this scheme:

a. children either subject to a Child in Need Plan or a Child Protection Plan[1] or having had a Child in Need Plan or a Child Protection Plan within 12 months at the point of being referred to the fair access panel;

b. children living in a refuge or in other Relevant Accommodation at the point of being referred to the fair access panel;

c. children from the criminal justice system

d. children in alternative provision who need to be reintegrated into mainstream education or who have been permanently excluded but are deemed suitable for mainstream education;

e. children with special educational needs (but without an education, health and care plan), disabilities or medical conditions;

f. children who are carers;

g. children who are homeless;

h. children in formal kinship care arrangements[2]

i. children of, or who are, Gypsies, Roma, Travelers, refugees and asylum seekers;

j. children who have been refused a school place on the grounds of their challenging Behaviour and referred to the FAP in accordance with paragraph 3.10 of the Code;

k. children for whom a place has not been sought due to exceptional circumstances;[3]

l. children who have been out of education for 4 or more weeks where it can be demonstrated that there are no places available at any school within a reasonable distance of their home. This does not include circumstances where a suitable place has been offered to a child and this has not been accepted; and

m. previously looked after children for whom the local authority has been unable to promptly secure a school place.[4]

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[1] Child in Need Plans and Child Protection Plans are plans of help and protection to address safeguarding and welfare needs, where a child has been assessed by the local authority as being a child in need under Section 17 of the Children Act 1989 and/or as suffering or likely to suffer significant hardship under Section 47 of the Children Act 1989. See also statutory guidance Working Together to Safeguard Children (2018) (pages 35 and 48 to 49). Where a local authority is advised that a child who has moved into the local authority had a Child in Need Plan or Child Protection Plan previously and meets the criteria outlined, this information may need to be checked with the previous local authority

[2] As evidenced by either a child arrangements order not relating to either birth parent or a special guardianship order.

[3] It is for the local authority to decide whether a child qualifies to be placed via the FAP on this basis, based on the circumstances of the case.

[4] In most cases use of the Fair Access Protocol should be unnecessary for a previously looked after child. We would expect the local authority to aim to secure a school place particularly promptly for a previously looked after child and for admission authorities to cooperate with this. The local authority may consider swift use of their general powers of direction (under paragraphs 3.26-3.28) or asking the Secretary of State to consider a direction (under paragraph 3.29) to be the most suitable course of action if a school place for a previously looked after child cannot be agreed with an admission authority promptly.

Managed moves & EHCPs

6. The fair access panel does not administer the process for managed moves, however, schools may use it as a forum to discuss and liaise with other education providers regarding possible managed moves.

7. Outside the panel, all schools must inform the School Admissions Service of any pupil who they are going to refer for a managed move, so an accurate record of school attendance and managed moves currently in progress can be maintained by the local authority. Schools must also inform the School Admissions Service of the outcome of a managed move, i.e. when a pupil moves permanently to their new school or that it is determined that they should remain at their original school.

8. There are dedicated arrangements for children with Education, Health and Care plans and this protocol does not override those arrangements. However, it has been agreed that pupils who are placed through those arrangements will be noted by the fair access panel (see later section).

Composition and frequency of the panel

Secondary

9. A panel, consisting of a minimum of 3 secondary Headteachers (or their designated representative), will meet once a month (or as necessary) to ensure prompt and fair allocation of young people to schools. Headteachers will be notified of their designated meetings at the beginning of the academic year.

10. The Head of Admissions or another designated local authority officer will chair the panel.

11. In the event that the placement decision is not unanimous, the designated Headteachers will decide by a majority vote

12. Where a young person is known to a particular service or agency, an officer with knowledge of that young person will be invited to the panel, or a short-written statement may be submitted.

13. The membership of the panel can include as necessary, a representative of children's social care, educational psychology service, youth offending service, children missing education, children in care (CIC), the police and any other relevant professional supporting a case.

Primary

14. A panel, consisting of no less than three primary Headteachers (or their designated representative), will meet once a half term, (or as necessary) to ensure prompt and fair allocation of young people to schools.

15. The Head of Admissions or another designated local authority officer will chair the panel.

16. Where a young person is known to a particular service or agency, an officer with knowledge of that young person will be invited to the panel, or a short-written statement may be submitted.

The decision-making process

17. Cases will be brought to the panel by the Haringey Admissions Service which will be the point of referral. The cases must be submitted under one of the categories given in paragraph 5 above and the child must be without a school place.

18. The Panel will be administered by the Haringey Admissions Service which will provide data for the current and previous school year (figures to be based on actual figures where fair access pupils have been admitted).

19. The following data will be provided at each panel:

- The number of pupils on roll at each school in each year group
- The number of vacancies at each school in each year group
- The number of pupils that have been admitted to each school in each year group through the 'normal' in year admissions process since the last panel
- The number of pupils that have been admitted to each school in each year group through the fair access admissions process since the last panel
- The total number of pupils that have been admitted to each school in each year group through the fair access admissions process in the last academic year and the number of schools or Academies (if any) that have failed to admit
- Background/ pupil history/ information, where available and where consent has been confirmed
- The number of students with an Education Health and Care Plan (EHCP) allocated over number through the SEN procedures.

20. The placement panel for children in care (CIC) will continue to determine the most appropriate placement for each young person and their case will be presented for the panel to ratify. In order to ensure that CIC are admitted to school quickly, they will be placed before the panel and it will not be possible for these cases to be brought back to the panel for reconsideration.

21. When making the decision as to appropriate school placement for the child, the panel will take into account:

- preferences made and views of parents/carers and the view of the pupil (including religious affiliation)

- the admissions criteria
- the published admission number and number of forms of entry so placements can be made proportional to the number of forms of entry
- the number of students admitted through the fair access panel in the previous and current academic year
- the needs of the student, where this is known
- any capacity/capability reasons why the school may not be able to respond to the needs of the student
- the individual context of a school in relation to recently excluded students
- whether the applicant has previously attended a Haringey school.
- it will be the presumption that wherever possible pupils will return to a school if they have previously been on roll there.

22. In addition to the factors above each child will be allocated a set number of points under the below system, based on the likely complexity of support which the admitting school will need to put in place. The combined points of the children admitted to each school via fair access will be monitored, and when considering the equitable allocation of children the panel will take into account the proportion of complex cases which each school has already admitted.

Fair Access Points System	
Weighting	**Case Factors**
3 points	Permanent exclusion and/or Youth Offending Service involvement
2 points	More than one suspension, a managed move, or other significant concerns (as agreed by panel)
1 point	All other allocations

23. In cases where a child does not return to their previous Haringey school, that school will have the value of one child debited from their comparative fair access statistics, to reflect the loss of that child from the school's roll.

- This debit will apply regardless of whether the child was originally admitted to that school via the fair access protocol.
- In cases where the child is being re-integrated into mainstream school from an alternative provision, and the child was previously permanently excluded or it is otherwise considered to be in the best interests of the child not to return to their previous school, this debit will not be applied.

- In cases where the child previously attended more than one Haringey school the debit will be applied solely to the school which the child most recently attended.

24. **Note:** Where a school has admitted pupils above its admission number in error, these additional pupils will not count and cannot be offset against fair access referrals.

25. Where an alternative educational placement is determined most suitable to meet the needs of a young person, this provision will be identified in principle by the Inclusion multi-agency service via a referral to the HAPIP panel (Haringey Alternative Provision Inclusion Panel).

26. Decisions will be reached by consensus, whenever possible, with the chair mandated to take appropriate action where this has not proved possible.

Implementation of the decisions

27. Decisions regarding placement of students under the fair access protocol will be made by the panel, and will be final.

28. Admission must take place within **15** school days of the school receiving notification of the decision.

29. In exceptional circumstances, the allocated school may request that the panel reconsider their decision at the next meeting. This will only be possible where the school has prior knowledge of the specific young person which was not known to the panel at the time of decision, which makes the placement inappropriate. This request must be made in writing to the Chair within **5** school days of the school receiving notification of the decision. The formal offer letter will be sent on the 6th day.

30. The Department for Education recognises that admission of a young person via fair access could potentially take the school above the planned admission number for that year group.

31. It is recognised that there is usually little available information about the young people who are being admitted in-year to school. The School Admissions Service will try to acquire as much educational information as practical to accompany in-year admissions to assist smooth integration to the school.

Risk assessments

32. Risk assessments will be undertaken as necessary by the referring body.

Relationship with appeals

33. Where young people are admitted to a school above the planned admission number in any year group under the protocol, this should not prejudice the provision of efficient education or the efficient use of resources of the school.

34. Appeal panels will be made aware of the conditions of the scheme, and that the admission of an additional student under this scheme is different from a school voluntarily exceeding its admission limit. Panels will also be made aware that any decision made to allow appeals will place further pressure on the school's resources.

35. A school placement made through the FAP shall not remove a parent/carer's right to appeal for a school place elsewhere.

Monitoring the operation of the Protocol

36. The School Admissions Service will undertake scheduled checks and monitor admission dates and pupil days.

37. The anonymised details of all decisions will be made available to the Director and Lead Member to demonstrate that the Protocol is being effective.

38. This will include any school or Academy that has not taken a pupil on roll within 15 days of the decision being notified.

39. Details of any school or Academy who has not taken a pupil on roll within 15 days of the decision will also be available at the next fair access meeting.

40. On day 16 the Head of Admissions will contact in writing the Headteacher of any school or Academy that has failed to admit within the agreed timeframe to request an on-roll date.

41. If the school or Academy fails to provide an on-roll date, within agreed timescales, then the direction process will apply as set out in the School Admissions Code and in accordance with the Department for Education advice: “Fair Access Protocols Guidance for school leaders, admission authorities and local authorities” August 2021.

42. The protocol will be reviewed on an annual basis by the Local Authority, in conjunction with Headteachers or their designated representatives, in order to assess its effectiveness in ensuring that unplaced children are being allocated places at schools or in alternative educational provision on an equitable basis.