

# Warwickshire County Council In-Year Admissions Process

## 2020/2021 Academic Year

### Terms

The term '**school**', in this document, refers to maintained schools, and academy and free schools. It does not relate to special schools or private (fee-paying) schools, as these schools have their own admission processes.

The term '**parent**', in this document, refers to biological parents, all those with Parental Responsibility, and other person with primary care for a child.

The term '**own admission authority**' school, in this document, refers to state schools for whom the local authority is not the admissions authority, including; Academies; Voluntary Aided; Trust; and Foundation schools. The admission authority for such schools is the governing body or the academy trust.

The term '**infant**' school, in this document, refers to any admission authority school which admits children at the beginning of the Reception year until the end of Year 2.

The term '**junior**' school, in this document, refers to any admission authority school which admits children at the beginning of Year 3 until the end of Year 6.

The term '**primary**' school, in this document, refers to any admission authority school which admits children at the beginning of the Reception year until the end of Year 6.

The term '**secondary**' school, in this document, refers to any admission authority school which admits children at the beginning of Year 7 until (at least) the end of Year 11.

### Introduction

The School Admissions Code no longer requires local authorities to coordinate in-year applications for school places. In-year applications are those relevant to when a parent wishes to move their child from one school to another outside of the normal admissions round, for example, because of a house move.

Warwickshire County Council does, however, still coordinate in-year applications for all community and voluntary controlled schools, and the vast majority of own admission authority schools, such as academies. At the time of writing, only the following schools are not part of Warwickshire's In-Year Admissions Scheme:

- All Saints Bedworth C of E Primary School
- Southam St James C of E (VA) Primary School
- St Lawrence C of E (VA) Primary School (Napton)
- St Nicolas C Of E Academy (Nuneaton)

- Studley St Mary's C of E Junior School
- Rugby Free Primary School
- Etone College
- North Leamington School
- Rugby Free Secondary School
- The Queen Elizabeth Academy

Warwickshire residents wishing to apply for a place at the above schools should contact them directly. Non-Warwickshire residents should instead contact the local authority in which they live to establish the in-year admissions process in relation to their home authority.

In-year admissions also apply where parents would like to move their child from Year 2 in a Primary School into Year 3 of a different Primary school. This is because Year 3 is not the normal point of entry for primary schools.

However, a change of school from Year 2 in an Infant school to Year 3 in a Junior school is classed as a normal point of entry – or 'transfer round' - and these applications must follow the coordinated admissions process, which is explained in the Warwickshire County Council admission arrangements for the relevant entry year.

## The application process

Families must follow the in-year admissions process by completing a Change of School application form for their child.

This process allows parents to:

- Name up to six schools on the application form, in their order of preference
- Rank their preferred schools in the order they would like their child to be offered a place (parents should name their most preferred school(s) as their first/highest preference on the application).
- Give reasons for each preference.
- Give details of any siblings who will also be attending one of the preferred schools at the point of admission of the child for whom a place is being applied.  
*Some own admission authority schools will also consider sibling links where the sibling attends the preferred school at the time of application, rather than time of admission of the child for whom the application is being made.*
- Give details of any parent who is a staff member at the school which has been named as a preference, in line with the oversubscription for some own admission authority schools.

- Indicate if the child has an Education, Health and Care Plan
- Provide details of the child's faith
- Confirm if the child falls within the classification of 'Looked After'\* or 'Previously Looked After'\*\*, in line with paragraph 1.7 of the School Admissions Code (2014).

*\*'Looked After' refers to a child who is currently under the care of the Local Authority (eg: in foster care under a full or interim care order).*

*\*\*'Previously Looked After' refers to a child who was looked after (as outlined above), but ceased to be so because they were adopted straight after leaving care, or they became subject to a child arrangements order – including a residency order - or special guardianship order.*

The Change of School application form consists of 3 sections: Sections A and C, which must be completed by the parent / carer , and Section B, which should be completed by the child's current, or previous, school.

Completion of Section B will help to ensure that discussions have taken place between the child's current, or previous, school and the parent(s) regarding any outstanding issues.

It may delay the processing of the application if Section B of the application form has not been completed.

Copies of the Change of School application form are available on the Warwickshire County Council website and from Warwickshire's Admissions Service.

A guide to the Change of School application process is also available to parents, carers and any other organisations who are interested in the process. Copies of this guidance can be found on the County Council website, or hard copies can be requested through the Admissions Service. A further guide is also available specifically for schools, by request through the Admissions Service.

Once the Change of School form is completed it should be returned to the Admissions Service at Warwickshire County Council.

## **Definition of Home Address**

Where the child normally resides during the school week and where they sleep for at least 50% of the week.

If arrangements are such that a child resides at two addresses for equal amounts of time, then parents must decide which address to use for admissions purposes. Failure to agree on the address to use on the child's application for a school will result in Warwickshire County Council using a random number generator to determine which application to process.

Addresses involved in child-minding arrangements, whether with professional child-minders, friends or relatives, are excluded.

Where a school place is offered on the basis of an address which is subsequently found to be different from the address where the child ordinarily resides, that place may be withdrawn. Cases will be assessed on an individual basis and in discussion with any schools named on the application which are their own admission authority.

There is an expectation that the child will be resident at the address used to allocate a place on a long-term basis. Short-term house moves purely to secure a school place may be considered fraudulent or intentionally misleading and, in such circumstances, the place may be withdrawn.

Where a child's address changes after a school offer has been made, the Local Authority (acting on behalf of the school, in some cases) may request an explanation for the house move and documentary evidence that the child is resident at the new property. The Admissions Service operates a thorough and robust address checking process and home visits are also carried out through this process.

## Evidence of Home Address

As part of the application process, two documents which confirm the child's home address **must** be submitted with the Change of School application form.

The first document should be a copy of either;

- a full, signed copy of a current tenancy agreement, **or**,
- a copy of a letter from the solicitor confirming that there has been an exchange of contracts or a copy of the completion letter from the solicitor

The second document should be a copy of one of the following:

- Utility bill (electricity, gas, water or landline phone), *dated within the last 3 months*
- Council tax bill for the current financial year
- Housing benefit letter, *dated within the last 3 months*
- Universal Credit award notice letter, *dated within the last 3 months*

Copies of documents are required – **do not send originals as these documents will not be returned**.

If you have any difficulty in submitting any of the documents stated above then please contact the Admissions Service, who can advise you further.

## Children of split parent families

The Admissions Service will not become involved in disputes between parents, or parties, regarding applications for school places.

As part of the disclaimer found in Section C of the Change of School application, it is expected that all parties with parental responsibility of the child will be aware of the application being made and will agree to all the information disclosed within, including the schools named as preferences on that application.

Where parents, or other parties with parental responsibility for the child, do not agree that an in-year application should be made for the child (in order for them to change school during the academic year), then the parent or party who does not agree should contact the Admissions Service, in writing, to confirm this. In such cases, the application will not be processed further, where possible.

If the application has already been processed and a school place offered, then the local authority and the school at which the place has been offered will honour the place. If any person with parental responsibility wishes to dispute the application or school place offered further then they must seek their own, independent legal advice, which may then lead to a court order being made. The local authority will obey any such court order that is then provided.

Where it is agreed that an in-year application should be made, but the home address and/or the school preferences to name on an application cannot be agreed to, the Admissions Service will contact both parents to inform them of the situation and to request that they confirm between themselves, and to the local authority, which application and school preferences to take forward. This may require the involvement of the courts, where necessary.

Where two different Change of School applications are submitted by each parent, stating different addresses and/or school choices, and the child spends 50% of their time with each parent, the local authority will use a random number generator to determine which application to process.

This draw will be carried out by two officers of the Admissions Service in the presence of a local authority solicitor. The result of the draw will be recorded and countersigned at the time by all parties involved and both parents will be notified of the outcome in writing. All other applications will then be disregarded.

## **Applications from overseas residents**

### ***UK Military families/Crown Servants***

For families of UK Service Personnel with a confirmed posting to within the county, or crown servants returning from overseas to live in the county, admission authorities:

- **Must** allocate a place in advance of the family arriving in the area\*, provided the application is accompanied by an official letter that declares a relocation date and a Unit postal address or quartering area address when considering the application against their oversubscription criteria. This must include accepting a Unit postal address or quartering area address for a service child.

*\*The child must then start at the school allocated within the academic year for which the offer relates. For example, a Year 8 place offered in October 2019 must be*

*taken up by the end of the academic year in July 2020, otherwise a new application will need to be submitted and processed for the child.*

- **Must** ensure that arrangements in their area support the Government's commitment to removing disadvantage for service children. Arrangements must be appropriate for the area and be described in the local authority's composite prospectus.
- **Must not** refuse a service child a place because the family does not currently live in the area, or cannot provide documentary evidence of residence at a particular property
- **Must not** reserve blocks of places for these children.

The application will follow the in-year admissions process in all other respects, as outlined in this document.

### ***Families moving to, or back to, the UK (Non-Military)***

There is no legal requirement to process applications from other families coming from overseas who are not yet resident within UK, except as set out above.

Applications from overseas families in all other cases will therefore only be processed in line with the coordinated scheme once the family, including the child for whom the application is being made, can show evidence that they will be residing in Warwickshire imminently. Proof of residence may be requested at any time during the application process and the application will only be processed once sufficient documentation, that confirms a Warwickshire address, has been provided to the Admissions Service.

For schools where Warwickshire County Council is the admission authority there is also an expectation that the child and applicant will reside at the address used to allocate a place on a long-term basis. Short-term house moves purely to secure a school place may be considered fraudulent or intentionally misleading and, in such circumstances, the place may be withdrawn, even when the child has started at the school concerned. Other admission authorities have similar provisions in their own admission arrangements. Please contact individual schools for further information on this.

### **How the offer of a place is determined**

Upon receipt of a completed Change of School application form the Admissions Service will send it to the school listed as the first preference on the application form. Schools should inform the Admissions Service within **two school days\*** if they are able to offer a place. If the first preference school is able to offer a place then the parents will be notified in writing and no further consideration will be given to any remaining preferences.

Where the first preference school is not able to offer a place then the relevant oversubscription criteria will be used to determine the child's place on the school's waiting list.

Further preferences named on the application will then be considered in order, using the

same process as outlined above. It is the intention of the local authority to process a Change of School application within **10 school days\***.

*\*Please be aware that, at busy periods of the school year, the application may take longer to process. Particularly busy periods for both the local authority and schools include the last 4 weeks of the academic year, in June/July, and the first 2 weeks of the new academic year in September. In-year applications submitted at these times of the year are likely to take longer than 10 school days to process.*

*Also, due to the requirement for individual schools to be involved in the in-year admissions process, applications are unlikely to be processed during school holidays. This will, therefore, have an impact on the length of time an application is with the local authority and/or school before a place can be offered or refused. For example, in-year applications cannot be processed during the 6 week summer holidays, so any Change of School applications submitted at the end of July are unlikely to be processed until the beginning of September.*

### **Over-subscription criteria (Community and Voluntary Controlled Schools)**

For community and voluntary controlled schools, the Admissions Service will apply the oversubscription criteria. This will be taken from one of the following documents, depending on the year group for which admission is being sought:

- Applications for places into Year 1, Year 2, Year 3, Year 4, Year 5 and Year 6 - at a Warwickshire Community or Voluntary Controlled Primary, Infant or Junior School - will utilise the over-subscription criteria as laid out in the document entitled, **'Warwickshire County Council Oversubscription Criteria for Community and Voluntary Controlled Primary, Infant and Junior Schools - 2020/2021 Academic Year'**.

The above will also apply to in-year applications for places into Reception, but only where the application is made **after** 31 August 2020.

- Applications for places into Year 8, Year 9, Year 10 and Year 11 - at a Warwickshire Community or Voluntary Controlled Secondary School - will utilise the over-subscription criteria as laid out in the document entitled, **'Warwickshire County Council Oversubscription Criteria for LA Maintained Secondary Schools – 2020/2021 Academic Year'**.

The above will also apply to in-year applications for places into Year 7, but only where the application is made **after** 31 August 2020.

### **Over-subscription criteria (Own Admission Authority Schools)**

Where it has been agreed that the Admissions Service will carry out the in-year application process for own admission authority schools, it is the admission authority's responsibility to

determine the over-subscription criteria to allocate to each application. The over-subscription criteria can be viewed by the school via the School Admissions Module.

Other own admission authority schools are responsible for assigning their own oversubscription criteria.

Own admission authority schools will have their own set of determined admission arrangements for the relevant academic year, which should outline the over-subscription criteria to follow in relation to in-year applications.

## **Refusal of an offer**

Where the first preference school is not able to offer a place then the second preference school will be sent the application and the process repeated, and so on, until a place can be offered at one of the schools named on the application, or all preferences have been exhausted.

Should it not be possible to offer a place at **any** of the preferences named on the application, and the applicant does not want their child to remain at their current school, then a place will be allocated at the next nearest school with availability (this could be either a community or voluntary controlled school maintained by Warwickshire or an own admission authority school which has a space, including voluntary aided schools and academies). The next nearest school with availability will be identified based on distance calculated by a straight line measurement.

Where a school preference is considered and a place is not offered to the applicant, the parent's legal right to appeal is triggered. Applicants will be informed of this in their written notification of refusal of a place at the preferred school(s).

## **Appeals**

Parents will be informed of their statutory right of appeal when they receive the outcome of their application. Parents can appeal for any school preference where they have received a refusal. Parents cannot, however, appeal for a place at a school listed as a lower preference than the school place offered. This is because the place will not have been considered and the application for that school preference will have been automatically withdrawn.

Appeals for places at Community and Voluntary Controlled Schools can be lodged on the Warwickshire County Council website. For own admission authority schools, such as academies and voluntary aided schools, parents should contact the school directly for details of the appeals process. A list of these schools is available on the Warwickshire County Council website.

## **Waiting Lists**

Children will be automatically added to the waiting lists of all Warwickshire community and voluntary controlled schools listed as a higher preference than the school at which a place is

allocated. Waiting lists for all community and voluntary controlled schools will be held by the Admissions Service.

Waiting lists will then be cleared at the end of each subsequent term (Spring and Summer) and parents must contact the Admissions Service to confirm their continued interest in the schools applied for in order to remain on the waiting list for a school.

Failure to make contact with the Admissions Service, to confirm continued interest in a place at a particular school, by the beginning of both the Spring term and the Summer term (2021), will result in the child being removed from the relevant waiting lists. A new Change of School application will then need to be made if the family would like to maintain their interest in obtaining a place at a different school for their child.

For other admission authorities – eg: academies and voluntary aided schools - parents should contact the school for details of their waiting list policy. For the majority of these schools, the waiting list will continue to be held by the local authority, but in some cases there will be no waiting list held at all after 31<sup>st</sup> December 2020.

## **Distance**

Distance will be calculated by a straight line measurement from the address point location coordinate of the applicant's home address (as set by Ordnance Survey) to the centre point ('centroid') of the school in question. The centroid is a pre-determined point set by Warwickshire County Council and all distances are subject to changes which may occur with updates of mapping data.

## **Timescales**

Warwickshire County Council aims to process all in-year applications within ten school days.

However, applications may take longer to process in certain circumstances, for example:

- Where the application names more than one school – as each school preference will need to be considered individually
- Where the application names one, or more, Grammar Schools - as the child's academic ability will need to be assessed and compared to the relevant cohort
- Where it is determined that the child's application should be considered through the 'Fair Access Protocol' – as this process is carried out separately to the normal admissions process

Once a place is offered parents have ten working days to accept the place. Parents must accept the place by contacting the Admissions Service. If a place is not accepted within this period then the offer may be withdrawn.

Places must normally be taken up (ie: the child must start at the school) within twenty

school days of the place being offered. The only exception to this is where the place offered is for the following academic year, when the place should be taken up at the start of the academic year.

Where applications are not completed in full, the applicant will be notified and the application will not be processed any further.

## **Applying for a Year 3 place at a primary school, starting in September 2020**

There is **no requirement** for parents to make an application for a Year 3 place at the primary school which their child is currently attending in Year 2, if they wish for them to remain at that same school. The child will automatically transfer from Year 2 at that school into Year 3 in September 2020.

However, if a parent who currently has a child in Year 2 at a primary school wishes to make an application for a different primary school, for entry into Year 3 in September 2020, then they must follow the in-year admissions process, as outlined in this document. This is also the case where a child currently in Year 2 at an infant school wishes to make an application for a Year 3 place at a primary school, for entry in September 2020.

In-year applications for Year 3 places at primary schools, for entry in September 2020, can be submitted from Monday 8<sup>th</sup> June 2020. Places will then be offered **from** 19<sup>th</sup> June 2020.

Where the child attends Year 2 in an infant or primary school, and the family wish to make an application for a Year 3 place at a Warwickshire **junior school**, for entry in September 2020, then the coordinated admissions process must be followed. Please see the document entitled, '**Warwickshire County Council - Reception and Junior (Year 3) Coordinated Admissions Scheme – 2020 entry**' for further information about this process.

## **Warwickshire residents applying for a place at schools outside of Warwickshire**

Warwickshire residents wishing to apply for a place at a school outside of Warwickshire should contact the relevant admission authority for that school for advice about their individual application process. For example, parents wanting to apply for a place at a Coventry school should contact Coventry School Admissions Service **and** the school concerned directly for further advice, as the school may operate their own in-year admissions process.

Parents may then be directed to apply for schools in other authorities through Warwickshire County Council's In-Year admissions process, in which case, the above process should be followed.

## **Non-Warwickshire residents applying for a place at a Warwickshire school**

Non-Warwickshire residents wishing to apply for a place at a Warwickshire school should, in the first instance, contact their local authority and the school concerned to establish the application process. Parents may then be directed to apply using Warwickshire County Council's In-Year admissions process, in which case, the above process should be followed.

## **Children educated outside of their chronological year group**

As required by the School Admissions Code, Warwickshire County Council operates an application process for the transfer of pupils to the next key stage, as appropriate, and an in-year application process.

In some cases, children will not follow the chronological process for their age group. This may be due to a medical issue which has caused the child to miss a significant amount of time in school, or a special educational need, in which case the parent may request that they be educated in the year group below. Other children may already be educated outside of their chronological year group and it may be appropriate for this arrangement to continue.

Families following the in-year admissions process, who wish to request that their child be educated out of year group at a new school, should read '**Guidance and Policy relating to the education of children outside of their chronological year group**' and complete the relevant request form, which can be found online at: [www.warwickshire.gov.uk/admissions](http://www.warwickshire.gov.uk/admissions)

The completed request form should be sent with the completed Change of School application.

Request forms will not be processed unless approval has been given from the schools concerned, as noted on the specific request form. An agreement for a child to be educated out of year group is **not** a guarantee of a school offer.

Requests for a child to be educated outside of their chronological year group will not be agreed if the only reason is that a place cannot be offered at one of the preferred schools.

## **Fair Access Protocol**

Some applications may need to be considered under Warwickshire County Council's 'Fair Access Protocol' (FAP). This will apply to some children when it has not been possible to secure a school place for them through the normal in-year admissions process.

If your child's application is being considered under the FAP then you will be notified of this as soon as possible after submitting your application.

Further information on the FAP can be found in the appendices at the end of this document, as well as online at: [www.warwickshire.gov.uk/changingschools](http://www.warwickshire.gov.uk/changingschools)

## Home-to-School Transport Assistance

An offer of a school place does not necessarily mean that home-to-school transport assistance will be automatically provided to the child.

Applications for home-to-school transport assistance – usually in the form of a free bus pass – are assessed in line with the relevant Transport Policy. The criteria set out in that policy is different to the criteria and policy which is followed in relation to the school admissions process, and the time of making an application for transport assistance can also have an impact on the outcome, as this will not necessarily correlate with the school admissions process.

If transport assistance has been approved, but an alternative school can be offered from a waiting list, then this assistance may be stopped if the place from the waiting list is not taken up. Where transport assistance is requested in the case of a child who has been given an ‘unplaced’ school offer, such cases will be considered on an individual basis.

It is important that parents consider their child’s transport options to and from school when making an application for school places. Where families are not eligible for home-to-school transport assistance then it is the legal responsibility of the parent / carer to ensure that the child gets to and from school each day, not the local authority.

Where a child is eligible for home-to-school transport assistance then this responsibility does rest on the local authority. Applications for transport assistance are processed and considered in line with the relevant Transport Policy, using specific criteria.

Information on applying for transport assistance, and the criteria used when assessing applications, can be found on the Warwickshire website at:  
**[www.warwickshire.gov.uk/schooltravel](http://www.warwickshire.gov.uk/schooltravel)**

***An Equality Impact Assessment/Analysis on  
this policy was undertaken on:***

***January 2019***

***It will be reviewed in January 2021.***

## **Appendix 1**

### **What is the 'Fair Access Protocol' (FAP)?**

The School Admissions Code 2014, issued under section 84 School Standards and Framework Act 1998, requires each local authority to have in place a Fair Access Protocol (FAP) agreed with the majority of schools in its area. The requirement is supplemented by further advice from the Department for Education (DFE) 'Fair Access Protocols: Principles and Process' published in November 2012. This sets out some principles to clarify the expectations on all state funded schools (including academies and free schools etc) as well as all other admission authorities to ensure that FAP's operate effectively at a local level.

The purpose of the Protocol is to ensure that – outside the normal admissions round - unplaced children, especially the most vulnerable, are offered a place at a suitable school as quickly as possible. The Protocol also seeks to ensure that no school - including those with available places - is asked to take a disproportionate number of children who have been excluded from other schools, or who have challenging behaviour.

Fair Access Protocols should not be used as a means to circumvent the normal in year admissions process. A parent can apply for a place as an in year admission for their child at any time, to any school outside the normal admissions round and is entitled to an appeal when a place is not offered.

All admission authorities **must** participate in the Fair Access Protocol in order to ensure that unplaced children are allocated a school place quickly. There is no duty for local authorities or admission authorities to comply with parental preference when allocating places through the Fair Access Protocol.

## **Appendix 2**

### **Primary Fair Access Protocol – The Process**

- Once an in year admissions application has been identified as having the potential to fall under the Protocol a clear process (attached at Annex A) will be consistently followed.
- This process applies to all schools, including those which are full in the appropriate year group:
- The application will be referred to the Primary Fair Access Panel. The Panel will meet at the end of each month, will compose of EIS representatives, Manager for Fair Access and In Year, Area Managers for ACE, Manager for CME and will be chaired by the Manager of Pupil Services.
- The Panel will first determine whether the application does indeed fall under the Protocol. If the application does not clearly fall into one of the above then the application will return to the in-year admissions process.
- If it is agreed that the application falls under the Protocol then the nearest mainstream school by straight line from the front of the home address to the front entrance of the school will be identified. If this school has not taken a child in this key stage via the Protocol in this academic year, this school will be identified to admit the child. The only exception to this will be if the child has already attended that school and the Panel agrees that there is evidence that it is not appropriate for the child to return, in which case the next nearest school will be allocated. Safe walking routes will be considered where appropriate
- If the school identified to admit has already admitted a child to the relevant key stage via the Protocol this academic year, the next nearest school will be identified. This school will then be required to admit the child unless this school has also admitted a child under the Protocol in this key stage this academic year. If this does not result in an admission then the process will continue to identify the next nearest school until a school is found which has not admitted a child in the given key stage under the Protocol this academic year. The use of academic years is for reporting processes, schools that have taken a child spanning over the summer term will be considered as having accepted a child.
- All schools are bound by the provisions of the Protocol without exception. The decision of the panel is final, if challenged this may result in referral to the Schools Adjudicator for direction, if a maintained school, the LA will direct the Governing Body.
- Once a decision is made, the school will be expected to admit the child to a full time place within 10 working days. Please note the child must be placed on roll however, work with EIS may continue until the placement has settled.

## **Appendix 3**

### **Primary Fair Access Protocol – Assessing eligibility**

Assessing eligibility of children to be considered under this Protocol In line with the School Admissions Code children of compulsory school age will be considered within the scope of the Protocol if they are judged by the council or a school which is its own admissions authority to be likely to have difficulty in securing a school place. In WCC this means that a child meeting one or more of the following categories will be considered eligible:

1. Children who are in the Criminal Justice system and/or Pupil Referral Units (including Alternative Provision) who need to be reintegrated into mainstream education (statutory)
2. Children who have been out of education for two months or more (statutory)
3. Children of Gypsy, Roma, Traveller communities, refugees and asylum seekers (statutory)
4. Children who are homeless (statutory)
5. Children with unsupportive family backgrounds from whom a place has not been sought (statutory)
6. Children who are carers (statutory)
7. Children with special educational needs, disabilities or a medical condition (but without a statement) where there is professional evidence to support this (statutory)
8. Children referred by schools under paragraph 3.12 of the School Admissions Code which states, “where a governing body does not wish to admit a child with challenging behaviour outside the normal admissions round, even though places are available, it must refer the case to the local authority for action under the Fair Access Protocol. This will normally only be appropriate when a school has a particularly high proportion of children with challenging behaviour or previously excluded children” where this can be robustly evidenced (statutory).
9. Children of UK service personnel (UK Armed Forces) (local)
10. Children who have a persistent record (below 80% for each of two consecutive terms) of absence at the current or last school (local)

## Appendix 4

### Secondary Fair Access Protocol

#### The Process:

The Fair Access Protocol's aim is to ensure every pupil residing within Warwickshire, eligible to be placed via the protocol, has access to the most appropriate education provision within a timely manner, thus avoiding time out of education. Once a pupil is identified as requiring a placement by use of the protocol, the process timeline will be followed as set out in appendix 2. **Parental preference does not need to be considered.**

The local authority **must** ensure that no school – including those with available places - is asked to take a disproportionate number of children who have been excluded from other schools, or who have challenging behaviour.' (Disproportionate number will be assessed by the use of the points system. WCC will administer the protocol in a fair and transparent way by taking account of the % of pupils on roll with challenging behaviours as agreed by the weightings agreed by the steering group) It is anticipated that no school will be asked to accept two pupils from the FAP within the same academic year within a 6 week period) **(SA Code 3.9)**

'When seeking to place a pupil under the Fair Access Protocol, all schools should be treated in a fair, equitable and consistent manner.' **(DFE Guidance Nov 12)**

'All schools should work together collaboratively, taking into account the needs of the pupil and those of the school.' **(DFE Guidance Nov 12)**

'To ensure that outside the normal admissions round – unplaced children, especially the most vulnerable, are offered a place at a suitable school quickly, to ensure the amount of time any pupil is out of school is kept to a minimum. The use of the word unplaced within WCC protocol will also cover children already on roll at a school but who are experiencing difficulties finding a new school, if the managed move system is not appropriate, relations may have broken down or a house move is the reason coupled with behaviour issues. **All schools are expected to respond to requests by the local authority to admit a pupil under the Fair Access Protocol within 7 days, 5 of which include school days. This is a response to state their intentions not a start date for pupils.** **(DFE Guidance Nov 12)**

All details of the pupil's previous history, contact details etc will be made available and passed to the identified school within the protocol letter sent to the identified school for their consideration. Schools must open dialogue with admissions/Fair Access regarding their ability to meet the needs of the pupil within 2 school days of the first approach being made/ receipt of letter. **It is expected that a school will agree a starting date for the pupil within 5 school days or set out its reasons for refusal in writing to the local authority within that 5 school days after receipt of the first approach.**

All schools must accept and enrol, pupils placed via the protocol, within the agreed timeframes set out. Additional funding requirements for pupils placed via the protocol are to be met by the school or accessed via Area Behaviour Partnerships. Additional funds will only be identified if a school is able to demonstrate the needs of the pupil in question exceed the funds available within the school's budget. It is expected that the school has utilised all of its support

mechanisms within school and engaged external partnerships as per the usual ABP procedure. Factors taken into account in identifying the most appropriate education provision will include:

- *distance from home address,*
- *year group,*
- *pupil's previous history,*
- *available transport (including public transport links),*
- *the points system showing the ranked order of schools within the local area,*
- *local associations such as peer groups,*
- *previous association with a particular school.*

### **The difference between In Year Admissions and Fair Access Protocol?**

In Year Admissions ( see appendix 1) relate to all admissions to school from reception to Year 11 which are not covered by the reception or secondary transfer schemes. In most cases the admissions process is straightforward. The parent arrives in the area, applies for a place in a school where there is a vacancy and the child is admitted to school. It may also be a parent wishing to change schools with no house move.

In other cases there may be extenuating circumstances as to why the child's admission should be treated as an exception and the child placed in a school via the Fair Access Protocol. The circumstances can include;

- a newly arrived child who was not previously permanently excluded but who was attending a Pupil Referral Unit (PRU) possibly in another area
- a newly arrived child who had previously attended two or more Warwickshire primary or secondary schools whose school history shows they have attended a number of different schools.
- a newly arrived child whose parent/carer states that the child has medical or educational needs but does not have a statement of special educational need (All information will be explored to determine the best possible route for admission. WCC officers may refer to the Headteacher Protocol Steering Group members for advice.)
- a newly arrived child who has not previously attended a mainstream school or who has not attended a mainstream school for more than 1 school term (possible home educated or persistent non-attender)

All applicants are required to complete an In Year Common Application Form and return the forms direct to the Local Authority. The Admissions team will determine, based on the details supplied within the application, whether the child qualifies for admission under the normal In Year process or via the Fair Access Protocol. All pupils must complete a Common Application Form.

However, all applications will be considered for their preferred schools in order. If an application is deemed to fit the criteria for placement under the Fair Access protocol, see chart 1, a school may refer the case back to the Local Authority and refuse admission, even if they have places available. Parents retain the right to appeal this decision. However, the Admissions Team will then process the application via the protocol and identify the next school that is able to accept a protocol placement. It may be a school will accept a pupil even though they are not next on the points system to be considered, in which case they will be given the points for the child as if placed via the protocol.

The groups of children and young people placed via the protocol are in many cases likely to be vulnerable. If after admission, a school identifies that a child presents issues of concern, they should initiate the Common Assessment Framework (CAF).

- vii) The list of children to be included in a FAP is to be agreed with the majority of schools in the area but **must** as a minimum, include the following children of compulsory school age who have difficulty securing a school place: each of these categories is weighted as agreed by the steering group. **SA Code 2014, 3.15 –**

DRAFT

## Appendix 5

### Secondary Fair Access Protocol

#### Eligibility:

a) children from the criminal justice system or Pupil Referral Units who need to be reintegrated into mainstream education;	1	50
b) children who have been out of education for two months or more; ( <i>not to include children taken off roll with no education provision identified. In these circumstances the local authority will challenge the school and refer to the EFA if necessary</i> )	6	30
c) children of Gypsies, Roma, Travellers, refugees and asylum seekers;	2	50
d) children who are homeless;	10	20
e) children with unsupportive family backgrounds for whom a place has not been sought;	9	20
f) children who are carers; and	12	20
g) children with special educational needs, disabilities or medical conditions (but without a statement/Education Health care plan).	3	50

#### **In addition to the minimum requirements listed in the SA Code 2014, Warwickshire's protocol includes the following:**

h) children whose parents have been unable to find a place after moving to the area, due to a shortage of places or refusal by local schools to admit; ( <i>if this process has taken more than 7 days the LA will identify a school and approach via the protocol</i> )	15	10
i) children known to other professional agencies who may present as 'vulnerable' but with no obvious behavioural problems; ( <i>this could include persistent non-attenders, victims of bullying who may already be on a school roll</i> )	14	10
j) children who, following an overturn of an exclusion review, have no school place;	4	40
k) Year 11 pre January census who are finding it difficult to secure a place quickly, over 7 days;	7	30
l) Year 11 post January census who are finding it	8	20

difficult to secure a place quickly, over 7 days;		
m) children presenting with significant behavioural problems, who have not previously been permanently excluded, nor necessarily known to other agencies and any child who has returned to the area, including those who had left the country, and who were previously attending a Warwickshire school within the same academic year or within one term. The expectation is that these children will be referred to their previous school if the child is living in the same area and that the school either readmits the child or makes arrangements for a managed move locally	5	40
n) children with known behavioural problems, who have transferred between two or more Warwickshire secondary schools and who have not been permanently excluded. This may be due to parents withdrawing a pupil to avoid exclusion, or parents moving pupils to avoid other professional teams becoming involved. We reserve the right to refer cases to other professional bodies within Warwickshire and beyond where we feel it is in the interest of the child's welfare.	11	20
o) children who have been removed by their parents from a school roll to be educated 'otherwise' and are now seeking another school place. The expectation is that these children will be referred to their previous school and that school either readmits the child or makes arrangements for a managed move. It is hoped to reduce the amount of parents removing their child to avoid sanctions. However we must be aware this clause can only be applied if there are known behavioural issues documented.	13	10