



London Borough
of Hounslow

FAIR ACCESS PROTOCOL

September 2024

1. Introduction and the law

All Local Authorities in England must comply with the legislative Code on Admissions in the exercise and discharge of local authority functions in relation to admissions under the School Standards and Framework Act (SSFA) 1998. The SSFA and relevant regulations confers a number of duties which require the Local Authority (LA) to carry out different functions at different times of the admissions cycle.

The current Code for School Admissions came into force in September 2021. This Code imposes mandatory requirements and includes guidelines, setting out aims, objectives, and other matters in relation to the discharge of functions relating to school admissions by the bodies listed below:

- Local authorities
- Admission authorities of maintained schools
- Academies and Academy Trusts (this includes maintained schools converted to academies and free schools)
- Governing bodies
- Schools Adjudicators
- Admission Appeal Panels

These bodies have a statutory duty to act in accordance with the relevant provisions of the Code. The Local Authority has the duty to provide suitable education or otherwise for all children of compulsory school age resident in the borough. Academies are required by their funding agreement to comply with the Code and the law relating to admissions, though the Secretary of State has the power to vary this requirement where there is a demonstrable need.

The School Admissions Code (3.14) states each local authority must have a Fair Access Protocol, the protocol must be consulted upon and developed in partnership with all schools in its area. Once the protocol has been agreed by the majority of schools in its area, all admissions authorities must participate in it. To ensure that unplaced and vulnerable children, and those who are having difficulty in securing a school place via the in-year process, are allocated a school place as quickly as possible.

In agreeing a protocol, 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 permanently excluded from other schools, who display challenging behaviour, or who are placed via the protocol. The protocol must set out how the needs of children who have been permanently excluded, and children for whom mainstream education is not yet possible, will be met.

There is no duty for local authorities or admission authorities to comply with parental preference when allocating places through the Fair Access Protocol, but parents' wishes should be taken into account. In order to support schools and officers in complying with these mandatory requirements the LB Hounslow develops and manages the required local protocols and procedures.

The operation of Fair Access Protocols is outside the arrangements of coordinated normal admission rounds and is triggered when a parent of an eligible child has not secured a school place under in-year admission procedures. The protocol must describe the circumstances in which it will be applied and set out how decisions about admissions of vulnerable, hard to place, and pupils with challenging behaviour will be made.

The Department for Education states that 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 at any point and is entitled to an appeal when a place is not offered.

It will also be used to ensure that schools do not admit a disproportionate number of hard to place vulnerable pupils or pupils with challenging behaviour.

This protocol has been formulated to ensure its compliance with the School Admissions Code and Equality Act 2010. It seeks to ensure that there is no discrimination against pupils, parents or carers because of their sex, race, disability, religion or belief and sexual orientation or pupils who are pregnant or undergoing gender reassignment. The exception to the discrimination provisions for schools that existed under previous legislation is admissions to single-sex schools.

All LA officers and school staff must adhere to this protocol. Internal and external auditors may complete monitoring exercises on an ad hoc basis to ensure full compliance, fairness, and transparency.

2. Consultation and review

This protocol is developed in consultation with the LB Hounslow School Admission Forum and reviewed annually in the summer term to ensure compliance with statutory and local requirements. Where statutory changes are required, these will be applied in accordance with legislations which maybe outside our normal timeframe for change.

The Hounslow Education Partnership Board (HEP) are consulted on the recommendation of the School's Admissions Forum. The protocols will be reviewed annually in the summer term and any changes will come into force in September for the start of the new school year unless statutory changes are required before this date.

3. Publication

This protocol will be published:

- On London Borough of Hounslow website (school admissions)
- Via links from the websites of all academies and schools located within Hounslow

Copies are available on request:

- By email from exclusions@hounslow.gov.uk

4. Scope

The law does not allow the Fair Access Protocol to be applied to the coordinated arrangements for the normal points of entry/transition, which are:

- Reception
- Infant to junior transition
- Primary to secondary transition
- Transition to an Atypical school (schools who admit outside the normal points of standard school transition points (Studio Schools and University Technical Colleges).

Pupils can be placed in either a mainstream school or Alternative Provisions, depending on the circumstances of each pupil.

This protocol seeks to ensure that, outside the normal admissions round, unplaced children, especially the most vulnerable, are offered a school place as quickly as possible. The protocol, therefore, provides for the efficient processing of applications and identification of children who may be particularly vulnerable. Such vulnerability may be due to a child having missed a significant period of formal schooling or having had difficulties in their previous school setting which have not been satisfactorily resolved. Where, for example, a child has unresolved issues in relation to challenging behaviour, the Local Authority, through the exercise of this protocol, will take steps to offer a suitable education setting and to avoid allocating a disproportionate number of previously excluded children, or those with challenging behaviour, to any Hounslow school.

Looked After Children and previously looked after are not included under Fair Access. They are placed in accordance with Hounslow's Protocol for the processing of in year admissions.

Children with an Education Health and Care Plan (EHCP) are not included under Fair Access, as their admissions are dealt with under separate arrangements in accordance with the SEN Code of Practice.

5. Pupils for consideration under this protocol

Where a child or young person of statutory school age living in the London Borough of Hounslow is unplaced and has not secured a place through the normal in-year admissions process and meets the criteria below they will be allocated a place by the Fair Access Panel ('the Panel') under the Fair Access Protocol. The panel will be administered by the Local Authority.

These are mandatory and set by the Department of Education's School Admissions Code – September 2021:

- a) Children either subject to a Child in Need Plan or a Child Protection Plan 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
- i) Children of, or who are, Gypsies, Roma, Travellers, refugees, and asylum seekers.
- j) Children who have been refused a school place on the grounds of their challenging behaviour and referred to the Fair Access Panel in accordance with paragraph 3.10 of the Admissions Code
- k) Children for whom a place has not been sought due to exceptional circumstances.
- 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.

6. Identification of pupils for consideration under Fair Access

The majority of children will be placed by the School Admissions team as part of the in-year admission application process. The Fair Access Protocol may only be used to place the groups listed in Section 5 where they are having difficulty in securing a school place via the in-year process.

- Where an admission authority receives an in-year application for a year group that is not the normal point of entry and does not wish to admit the child because it has good reason to believe they may display challenging behaviour, it may refuse admission and refer the child through this Protocol, only if:

- The school has a particularly high proportion of children either with challenging behaviour or previously excluded pupils on roll in comparison to other local schools; and
 - It believes that admitting another child with challenging behaviour would prejudice the provision of efficient education or the efficient use of resources.
- Children who are resident in the London Borough of Hounslow and have been permanently excluded and those who are ready for reintegration to a mainstream school from Woodbridge Park Education Service (WPES) or other alternative provision.
 - Children who have been withdrawn to Elective Home Education (EHE), there is no evidence of a suitable education being received and have been referred to the Children Missing Education (CME) Officer by the EHE Team. If following the referral to CME there is still no evidence of a suitable education and the family have not submitted an in-year application.
 - Children moving into the London Borough of Hounslow and have been attending Alternative Provision in their previous local authority (known as a PRU-PRU transfer)
 - If, during the admission process, information is received by the named school that may warrant the pupil being considered under Fair Access, admission may be deferred under 3.10 of the Admissions Code pending discussion at the next Fair Access Panel.
 - In some instances, a school may wish to admit a pupil but refer the case to the Fair Access Panel for possible recognition of the admission in Fair Access figures.
 - The Principal of the Virtual College requests Alternative Provision for a Looked After Child as it is not in their best interest to be placed in a mainstream provision.

7. Fair Access Panel (FAP)

The Fair Access Panel is the Local Authority's recognised body for considering the placement of 'hard to place', vulnerable children, and those with challenging behaviour which includes those identified as Fair Access under this protocol, as set out above.

The Fair Access Panel membership includes:

- Head of Access to Education (Chair)
- Hounslow Education Partnership Director
- Access to Education Team Leader
- Children Missing Education Officer
- Development Lead SEN & AP Pathways Commissioning
- Head of Woodbridge Park Education Service
- Principal Educational Psychologist

- Headteachers 2 x Primary and 2 Secondary on a rotation basis
- Operational Manager of the Youth Justice Team
- The Adolescent Team, Team Manager / Early Help
- Principal Hounslow Virtual College LAC
- Police Officer School's Team

All Hounslow schools will share the admission of children who have not secured a place through the in-year process or have been assessed as ready for reintegration by Woodbridge Park Education Service (WPES). A child allocated through the FAP must be prioritised above all other applicants that may be on a school's waiting list and must not be refused admission.

The Panel meets fortnightly (on Wednesdays) during term time. The Fair Access Officer will provide background information for each child to be considered by the Panel, this will be circulated securely prior to the meeting to be read in advance.

In case of the need for an emergency placement that cannot await the next sitting of the Fair Access Panel, it will be possible for a Chair's Action to consider the case and ratified at the next Fair Access Panel meeting.

In all cases the LA's duty to safeguard the child is paramount. Children out of school may be at risk; with the Admissions Team, Early Intervention Service and other relevant representatives of the LA must do their utmost to ensure that children are not out of school for extended periods of time.

8. Operating principles for successful application of this protocol

- All schools are required to comply with this protocol.
- All schools located in Hounslow share a collective responsibility with the LA to ensure swift admission to a suitable school or alternative provision for all children of compulsory school age who are resident in Hounslow who do not have a school place or who otherwise match the criteria for consideration, as described above.
- No school, including those with available places, is required to take a disproportionate number of children who have been excluded from other schools, or who have challenging behaviour.
- FAP discussions and decisions should reflect a fair and transparent balance between finding a place quickly and finding a place that is appropriate for the child.
- It is recognised that the LA has a duty to provide suitable education for its residents of compulsory school age for whom an application is submitted, irrespective of the location of a child's current education provider.
- All fair access placement decisions should consider the needs of the child and those of the community of any proposed school.
- When choosing suitable placements for pupils under this protocol, due consideration should be given to the additional challenges faced by schools who have been identified by Ofsted as being 'inadequate' or 'requiring improvement', where that has led to a 'notice to improve' or a school has been in special measures within the preceding 12 months.
- Headteachers, or their representatives, making submissions regarding Fair Access cases should provide full and current information to enable the FAP to make its decisions effectively.

- The named school will admit the pupil within a maximum 10 school days from formal notification of the Fair Access Panel's decision and will contact the family to arrange an admission meeting that may or may not require the attendance of the family.
- Schools will not cite oversubscription as a reason for not admitting pupils legitimately placed under the protocol.
- Pupils who are legitimately placed by the FAP will be given priority for admissions over others on a waiting list who may currently have a higher waiting list position. Placements using the Fair Access protocol are outside of the waiting list rules.
- Schools cannot insist that an admission appeal be heard before a pupil is admitted under the protocol.
- Due regard will be given to the Infant Class Size regulations, noting that there are some circumstances where a child may be admitted into an infant class which is full as an 'excepted pupil'.
- FAP decisions cannot override the statutory right of parents to express a preference/make an application for a particular school, nor their right of an independent appeal where a place at such a school is refused.
- The protocol applies to pupils who are identified as hard to place from Reception through to Year 11.
- The educational needs of the pupil will be the prime factor in deciding a placement, but every effort will be made to ensure that practical issues regarding travel, including arrangements regarding siblings are considered.
- If the parent/carer rejects the school or alternative provision offered to the child, they will still have the right to appeal for a place at the preferred school(s). The appeal panel will be informed that places have been allocated according to the criteria of the Fair Access Protocol which *must* be considered.
- Any out of borough in year applicants who meet the criteria in Section 5 will be referred to their home local authority by the In-Year Admissions Team. In these cases, parents will be advised of their right to appeal against this decision.

9. Managed Moves

Managed Moves do not form part of the Fair Access Protocol and there is no role for the local authority in the process.

Guidance on managed moves, what they are and how they should be used has been updated in the 'Suspension and Permanent Exclusion from maintained schools, academies and pupil referral units in England, including pupil movement' August 2024 (paragraphs 48-52).

It is recognised that the Fair Access Panel considers the movement of pupil's who are managed moves and the wider implications for schools when considering pupil placements under the Fair Access Protocol.

10. Fair Access documentation/evidence

In all cases, the Access to Education Team Leader will collate the paperwork to be reviewed by the Fair Access Panel members, this will be circulated on the Monday

before each Panel meeting. Occasionally, some paperwork may be sent out the next day. Paperwork shared at each meeting is confidential and must not be shared with anyone except for colleagues who are attending each meeting.

11. Outcomes

The possible outcomes available to the Panels for pupils under Fair Access are:

- Placement at a named mainstream school under standard admissions (not recognised by the panel as Fair Access)
- Placement at a named mainstream school as a statutory Fair Access placement
- Dual registration with a mainstream school and alternative provision
- Full-time placement in alternative provision with a scheduled review for re-integration into a named mainstream school
- Full-time alternative provision
- Rejection where insufficient in-school additional support has been provided.

Following a decision by the FAP a formal notification letter will be sent to the named school. If no challenge is received, the placement will be confirmed to the family 5 school days after the named school has been notified, as FAP meetings are held fortnightly, this will happen in between meetings and the Panel will be updated at the next meeting. The named school must arrange for an admission interview and start date within 10 days. The paperwork must be sent securely to the named provision.

If a challenge is received, the placement will be reviewed at the next FAP meeting. If the pupil is out of provision, the challenge may be reviewed as a Chair's Action and ratified at the next FAP meeting.

Schools must notify the Admissions Team via the starter/leaver process of the start date in each case confirming that the child is on roll.

If the family does not engage with the named education provision, the Children Missing Education Officer will support the named school/alternative provision.

If a School Attendance Order (SAO) is required this will be referred to the Child Missing Education Officer, the school identified by the Fair Access Panel will remain the designated school.

12. Refusals to admit

Where a school is identified by the Admissions Team as part of the normal In-Year admission process, and where such a school believes that the pupil meets one or more of the criteria set out in Section 6 above, the school may refer the case to the Fair Access Panel, setting out why the case should be discussed under Fair Access procedures by the Panel. However, if the Panel disagrees with the reasons for referral, or determines through exercise of this protocol that the school which brought the referral is the most appropriate setting for the pupil, the originally proposed allocation may be upheld.

If information obtained by the named school, which was not available or was not supplied by the family, current or previous school, has resulted in the named school being misled, a referral can be made to the Fair Access Panel. This means if a child is offered a place at a school under the normal admission arrangements or via the Fair Access Panel and it is subsequently found that the offer had been based on fraudulent or deliberately misleading information, and if the child has not yet been admitted to the new school, the matter can be referred to the Fair Access Panel for consideration under Fair Access procedures.

In the event of a school refusing to accept the decision of the Fair Access Panel the Local Authority can direct or instruct the school to admit. The governing bodies of schools which are their own admissions authority may refer a direction to the Schools Adjudicator who will determine which school is to admit the child. For Academies, the LA will apply for a direction to the ESFA (until March 2025) and thereafter to the DfE when the functions of the ESFA are transferred to the DfE.

13. Monitoring and record keeping

- The Access to Education Team Leader is responsible for establishing and maintaining a clear and transparent log of placements to underpin the fairness of the decision-making process.
- Fair Access statistics will be shared with Headteachers, Hounslow's School Admission Forum and Hounslow Education Partnership (HEP) at the end of the Academic Year to monitor the performance and effectiveness of the protocol.

Monitoring and Evaluation will include:

- The exclusion rates – in particular the exclusion of vulnerable groups
- The numbers of pupils reintegrating successfully back into mainstream
- Finance and monitoring of placements will be managed by the Placement and Monitoring officer.

14. Figures and statistics

The Access to Education Team Leader will maintain Fair Access information. Figures and statistics will be tabled at each meeting and will be reviewed on an annual basis at the end of the academic year, and from time to time during the year.

15. Financial Matters

Fair Access admissions do not attract any additional funding. Where the FAP determines that a child cannot be admitted to a mainstream school, and names an Alternative Provision, the panel will determine whether the placement is funded by High Needs or by the HEP.

Where schools are asked to accept children above their admission number these will be funded according to Hounslow's pupil-based formula. When a child is excluded from a maintained school, the remaining portion of that child's AWPU (age-weighted pupil unit) may be recovered from the school and passed to the admitting school. For Academies, they may recover the AWPU direct from the

excluding school. These arrangements apply to children up to and including year 11.

16. Annual Review of Protocol

The Fair Access Protocol will be reviewed by the Local Authority and will form part of the annual statutory consultation process on Admission arrangements.

In accordance with 3.23(b) of the Code, local authorities must produce an annual report on admissions to the Adjudicator, which must include an assessment of the effectiveness of Fair Access Protocols and co-ordination in their area, including how many children were admitted to each school under them.

Fair Access Panel Proforma



**London Borough
of Hounslow**

Children's, Housing & Adults' Services
Fair Access Pupil Referral Form

| | | | | | | | | | |
|-----------------------------------------------------------------|------------------------------|-------------------------------------------------------------|----------------------------------------------------------------------------------------|------------------------------|------------------------------|------------------------------------------------------------------------------------------|--------------------------------------|------------------------------------|--|
| Pupil Details: CONFIDENTIAL | | | | | | | | | |
| Existing school: | | | | | | | | | |
| Forename: | | | | | Surname: | | | | |
| Address: | | | | | | | Post code: | | |
| Parent/Carer Name: | | | | | | | | | |
| Contact Telephone Number: | | | Home: | | | Mobile: | | | |
| DOB: | | Year group: | | UPN: | | M: <input type="checkbox"/> | | F: <input type="checkbox"/> | |
| Fair Access Category: (please tick appropriate category) | | | | | | | | | |
| (a) <input type="checkbox"/> | (b) <input type="checkbox"/> | (c) <input type="checkbox"/> | (d) <input type="checkbox"/> | (e) <input type="checkbox"/> | (f) <input type="checkbox"/> | (g) <input type="checkbox"/> | (h) <input type="checkbox"/> | | |
| (i) <input type="checkbox"/> | (j) <input type="checkbox"/> | (k) <input type="checkbox"/> | (l) <input type="checkbox"/> | (m) <input type="checkbox"/> | | | | | |
| Religion (if known): | | | | | Home Language: | | | | |
| EAL stage: | | | Looked After Child: Yes <input type="checkbox"/> No <input type="checkbox"/> | | | Social Care Involved: Yes <input type="checkbox"/> No <input type="checkbox"/> | | | |
| SEN Stage: <input type="checkbox"/> | | EHCP: <input type="checkbox"/> (under assessment) | | | | | YOS: <input type="checkbox"/> | | |
| Information Required: | | | | | | | | | |
| Stated School Preference: | | | | | | | | | |
| Previous School History: (including dates) | | | | | | From: | | To: | |
| | | | | | | From: | | To: | |
| Date last in school: | | | | | | | | | |
| Academic Attainment: | | | | | | | | | |
| Attendance Summary: | | | | | | | | | |
| Suspensions: | | | | | | | | | |
| Permanent Exclusions: | | | | | | | | | |

Reason for Referral:**Parents Comments:****Pupils Comments:****Schools Comments:****Any Other Relevant Information:**

Reported Compiled by:

Signed: _____

Date