



## **Fair Access Protocol 2015**

### **Background**

It is mandatory that all local authorities have a Fair Access Protocol. The Fair Access Protocol ensures that unplaced children, especially the most vulnerable, are offered a place at a suitable school as quickly as possible.

All admission authorities must participate in the Fair Access Protocol.

### **Aims of the protocol**

- to be fair and transparent and have the confidence of all schools
- reduce the time that vulnerable children spend out of school
- ensure that vulnerable children are admitted to Wigan schools on an equitable basis

### **When will the Fair Access Protocol be used?**

The protocol will be used where a school place has not been secured through for a child through the normal in year transfer process.

The following children are included in the protocol:

- children who have moved into the area and there are no available places within a reasonable distance of their home;
- children from the criminal justice system or Pupil Referral Units who need to be reintegrated into mainstream education;
- children known to the police or other agencies, where it can be shown that their circumstances place them at risk;
- children with challenging behaviour who would meet the criteria for a supported transfer (secondary only);
- children who have been out of education for two months or more;
- children of Gypsies, Roma, Travellers, refugees and asylum seekers;
- children who are homeless;
- children with unsupportive family back grounds for whom a place has not been sought;
- children who are carers;

- children with special educational needs, disabilities or medical conditions (but without a statement);
- children of service UK service personnel relocating to the area;

In making a decision to allocate a place, the Director for Children and Families will consider amongst other factors:

- parental preference;
- alternative places available;
- distance between alternative places available for siblings living at the same address as part of the same family unit (primary only);
- existing over-crowding in schools in the relevant age group;
- the number of children already allocated a place at the school using the protocol;
- existing over-crowding in the whole school;
- ease of access to the school from the pupil's home.

**Notes:**

1. A reasonable distance is 3 miles for secondary age children and 2 miles for primary age children. The distance is measured as shortest suitable walking route using a geographical information system 'GIS' which is based on ordnance survey.
2. In some cases the LA may deem some children not ready for mainstream schooling where appropriate professional advice / evidence supports this. In such cases the LA may secure alternative provision at an alternative provision centre while the appropriate assessments are undertaken to determine where the pupil should be placed that can most suitably meet that child's needs. Any pupils that integrate back into mainstream school following a period in an alternative provision centre (unless this was a PSP place) will be credited to the school's fair access numbers.
2. Arrangements for secondary supported transfers between schools (as detailed in the Supported Transfer Protocol) will remain in place and will be monitored closely by the local authority to ensure that schools do not export or import disproportionate numbers of challenging/difficult pupils and that the children are not being moved rather than having their needs assessed and met.
3. Under 3.12 of School Admissions Code, where a governing body does not wish to admit a child with challenging behaviour outside the normal admissions round, even though there are places available, it must refer the case to the local authority for action under the Fair Access Protocol. This will normally only be appropriate where a school has a particularly high proportion of children with challenging behaviour or previously excluded children. Evidence is required. This will not apply to a looked after child, a previously looked after child or a child with a statement of special educational needs naming the school in question, as these children must be admitted.
4. Where a child cannot be offered a place at a preferred school, parents will be made aware of their right of appeal to an independent appeal panel.