

Surrey County Council

PRIMARY Fair Access Protocol 2020/21

1.	Introduction	
	1.1	This document sets out the Fair Access Protocol which will be operated by Surrey in partnership with primary schools during the academic year 2020/21 .
	1.2	This Protocol should be read alongside the Framework for Surrey's Fair Access Protocol and the Common Principles of Surrey Fair Access Panels, which set the context for Surrey's Fair Access Protocol.
2.	Categories of children	
	2.1	This Protocol includes all the categories that are mandatory under the School Admissions Code (denoted by *).
	2.2	Children to be placed under this Protocol will be those: <ul style="list-style-type: none"> • who live in Surrey; and • who have a legal right to access state funded education; and • who are not already on the roll of a school (although see exception in category a); and • who are seeking a place in Reception to Year 6 outside the normal admissions round; and • who are of statutory school age; and • who fall under one of the categories a) to p) below.
	a)*	<i>Children who were permanently excluded from their last state funded school placement and those attending Pupil Referral Units (PRUs) or Alternative Provision, who are ready to be reintegrated back into mainstream education but into a different school from the one originally attended or children who are still on roll at a school but are attending a PRU or Alternative Provision as an alternative to permanent exclusion;</i>
	b)*	<i>Children returning from the criminal justice system who are registered with the Youth Offending team;</i>
	c)	<i>Children known to the police or other similar agencies, where there has been active involvement or support received from Surrey's Community Incident Action Group (CIAG) within the past six months;</i>
	d)	<i>Children with a history of serious unauthorised attendance problems (below 85%) within the past academic year, as assessed by the attached Inclusion Officer;</i>
	e)	<i>Children withdrawn from school by their parent following fixed term exclusion for persistent breaching of internal behaviour policies in school;</i>
	f)	<i>Children who have applied to return to mainstream schooling after a period of elective home education and whose application for a school place through the normal in year admission process is refused;</i>

	g)*	<p><i>Children who have been out of education for longer than two months where throughout that period:</i></p> <ul style="list-style-type: none"> • <i>they have not been receiving elective home education;</i> • <i>they have been living within the UK; and</i> • <i>they have had a right to access state funded education.</i> <p><i>This two month period will be counted as continuous from the date the child came off roll but will exclude the summer break. Where a child is removed from roll on the last day of a term or half-term, the first day of absence will be deemed to be the first day of the next term or half-term.</i></p>
	h)*	<i>Children of Gypsies, Roma and Travellers;</i>
	i)*	<i>Children of asylum seekers and refugees who have been in the UK for less than two years and need a supported entry to school. The need for a supported entry does not include language support where this is the only support required and must be substantiated by professional evidence. Examples of the type of circumstances that might demonstrate a need for a supported entry are where such a child requires specific emotional or behavioural support by the school as a result of their experiences;</i>
	j)*	<i>Children who are homeless including those who have been placed in temporary housing by Surrey County Council;</i>
	k)*	<i>Children with unsupportive family backgrounds where a place has not been sought and where a referral is made through an outside agency or service who is seeking to support the child;</i>
	l)*	<i>Children who are carers;</i>
	m)*	<i>Children with special educational needs, disabilities or medical conditions (but without an Education, Health & Care Plan), where the need, disability or medical condition has already impacted on the child's attendance or participation at school;</i>
	n)	<i>Children subject to a child protection plan;</i>
	o)	<i>Children of UK service personnel and other Crown Servants, where a change of location ordered by the service leads to a need for a change of school;</i>
	p)	<i>Children who are accommodated in an emergency refuge for victims of domestic violence.</i>
	2.3	Within the definition of this Protocol, categories deemed to be 'challenging' are categories a) to g). The processes for the admission of children are set out in Sections 5 and 6.
3.	Identification of children who meet the criteria for the Protocol	
	3.1	Most children will come to the attention of the Admissions team or the school as part of the in year admission application process.
	3.2	Where an application form is received directly by the Admissions team, they

		will assess the information on the in year application form and will categorise children as meeting the Protocol if from that information they appear to meet the criteria.
	3.3	<p>Where an application form is received directly by an own admission authority school, they will assess the information on the in year form. If they believe that the child meets the criteria of the Protocol, they will consider whether they are still able to admit the child:</p> <ul style="list-style-type: none"> • If they are able to admit the child, the school will notify the Admissions team of the application and the offer and the reasons why they believe the child meets the Protocol. The Admissions team will then consider whether the admission should be logged as a Fair Access placement. • If the school is unable to offer a place, the school will refer it to the Admissions team to be considered under the Protocol. The school must also advise the parent that they are unable to offer a place and inform them of their right of appeal. <p>All such referrals will be made within 5 school days of the application being received.</p>
	3.4	Most children who are permanently excluded from a Surrey school and those who are ready for reintegration to a mainstream school from a Surrey Pupil Referral Unit (PRU) or other Alternative Provision will be identified by the Area Inclusion Manager / Head of PRU. The Area Inclusion Manager / Head of PRU will consider whether a managed placement might be arranged directly with a school or whether the processes set out in sections 5 and 6 should be followed.
	3.5	However, it is inevitable that some cases will be unidentifiable from the in year application form. There may also be some cases of recently excluded children who have moved from another local authority, where the child's previous school history is not known to Surrey. If a school identifies that a child should be categorised as meeting the criteria for the Protocol after admission, they will notify the Admissions team so that the placement might be recorded.
	3.6	Some cases may also come to light where there is evidence that might suggest that, although not subject to an Education, Health & Care Plan (EHCP), the child is not suitable for mainstream schooling. It is anticipated that these cases will be few, but any such cases will be referred to the area Education Psychology team by the Area Inclusion Manager for review before determining the most appropriate placement for the child.
4.	The number of Fair Access placements that each school will be expected to admit	
	4.1	By their nature, the number of primary aged children falling within one of the Fair Access categories will be low each year. As such, where there is a need for a school to admit over their Published Admission Number (PAN), schools will generally only be asked to admit a maximum of one child for each class of 30 within their published intake, up to a maximum of three placements during any one year.
	4.2	However, schools must adhere to Infant Class Size legislation. If the year of

		entry is Reception, Year 1 or Year 2 and a school already has class sizes of 30, a child will only be admitted if they can be considered to be an excepted child (see Appendix 1).
5.	Process for admission – categories a) to g)	
5.1	Children who fall within categories a) to g) in paragraph 2.2 are considered to be the most challenging with regard to admissions. Section 10 of this Protocol sets out the funding available for category a).	
5.2	Where a placement panel does not exist, children falling within categories a) to g) will be placed in accordance with the processes set out in Section 6.	
5.3	<p>Where a placement panel does exist, children falling within categories a) to g) will be referred as follows:</p> <ul style="list-style-type: none"> • children already in a Surrey PRU or alternative provision will be referred directly to the area panel by the Area Inclusion Manager / Head of PRU once the child is ready for reintegration to another mainstream school; • children who are already known to Surrey and who are recently excluded will be referred to a PRU by the Area Inclusion Manager; • all other children will be referred by the Admissions team to the Access To Education (A2E) team through the Area Inclusion Manager. 	
5.4	In the event that there is a Key Stage 1 fair access pupil to be placed in an area where a panel exists but where most schools are full and Infant Class Size legislation will apply, the Area Inclusion Manager may decide to consult the Headteachers of those schools who have a vacancy and then facilitate one of those schools to admit, instead of convening a full panel.	
5.5	<p>On receipt of referrals in A2E, the Area Inclusion Manager will arrange for:</p> <ul style="list-style-type: none"> • the child's assessment to be completed; • a risk assessment to be carried out on the suitability of the home or alternative venues for home tuition; • short term interim teaching/mentoring to be set up in the light of assessment/other available information. 	
5.6	In the event that the A2E team cannot immediately accommodate a child, the Admissions team will follow the process in Section 6 in allocating a school.	
5.7	After a maximum target time of 6 weeks with the A2E team, the Area Inclusion Manager will collate reports from tutors/mentors which will be submitted to the next area panel. The Area Inclusion Manager will also send copies of the referral paperwork to the Admissions team.	
5.8	Where appropriate, the Area Inclusion Manager will try to mediate a school placement ahead of the panel meeting, based on the circumstances of the case and the conditions set out in this Protocol.	
5.9	The Area Inclusion Manager and/or a representative from the Admissions team and/or a representative from A2E, as appropriate, will attend the panel	

		at which placement decisions are to be taken.
5.10		Panels are expected to consider the case of each child and to agree a placement at the most suitable school within the area of the panel.
5.11		For own admission authority schools, the Headteacher or delegated representative at the panel should not need to seek prior or subsequent authorisation from their governing body to admit a fair access child. This is because when a child is placed in accordance with the Fair Access Protocol, the admission authority for that school should admit the child.
5.12		In considering cases, Panels will have regard to: <ul style="list-style-type: none"> • parental preference (the parent/carer can still submit an appeal and so it is helpful to demonstrate that this has been considered); • the schools in the area that they might wish to protect from admitting a challenging child (such as a school which has a particularly high proportion of children with challenging behaviour or previously excluded children; a school in special measures or recently come out of them; or a school which is otherwise in need of support); • any genuine concerns about the admission by either the parent/carer or the school; • a view of the parent/carer about the religious ethos of a school; • distance, availability of transport and travelling times.
5.13		Where a child has been removed from school for elective home education and then wants to return to school to the same phase of education, that child will normally be expected to be admitted to their original school unless there are compelling reasons why that would not be possible or appropriate.
5.14		In considering cases, Panels may also wish to have regard to the number of Looked After Children (LAC) and EHCP children within each school and the number and frequency of previous Fair Access placements within the academic year and within each year group.
5.15		Decisions on placement will be notified to the Admissions team for formal notification to the parent/carer, with a copy also being sent to the school and Area Inclusion Manager, who will in turn share it with the attached Inclusion Officer.
5.16		Immediately after the Panel has made its placement decision the receiving school will contact the parent/carer and make arrangements for the child to go on roll within five school days of the placement being agreed and for a start date within five school days of going on roll. Support for the admission process may be available from the Inclusion Officer and if required, reintegration support may also be available from the A2E team for the child's first two weeks in school.
5.17		The Admissions team will continue to monitor the placement to ensure that the child is placed on roll and the satisfactory completion of 12 weeks. The reintegration of children returning to mainstream school from a PRU may be managed over a period longer than 12 weeks, at the decision of the Area Inclusion Manager.

5.18	A placement will be considered to have broken down within 12 weeks if the child's behaviour would ordinarily warrant permanent exclusion. In such cases the Area Inclusion Manager will determine whether or not the placement should be considered to have broken down. Where a placement is considered to have broken down, the Area Inclusion Manager will work with the school to identify a solution which might include the school referring the child for alternative provision or placement at an alternative school.
5.19	Subsequent Panel meetings will review any placements made to ensure that the children in the partnership area are in receipt of full time education.
5.20	If for any reason a Panel is unable to resolve a placement, a placement will then be allocated to the child by the Admissions team.
6.	Process for admission – categories h) to p); and categories a) to g) where no panel process exists
6.1	Children who fall within one of the categories h) to p) will be referred directly to one of the parent/carer's preferred schools by the Admissions team, in liaison with the Area Inclusion Manager.
6.2	Children who fall within one of the categories a) to g) in an area where no panel process exists will be referred directly to one of the parent/carer's preferred schools by the Admissions team, in liaison with the Area Inclusion Manager.
6.3	A school might not be expected to admit a child if: <ul style="list-style-type: none"> • the school is in special measures, has recently come out of them or is otherwise assessed by the local authority as needing support (such an assessment will be carried out by the Admissions team in liaison with the local authority); or • the school has no vacancies and the school has already its quota of children under the Protocol within the academic year; or • to admit an extra child would breach Infant class size legislation; or • there are reasons why a school would not be an appropriate placement for the child.
6.4	If for these reasons it is not possible to place the child within one of the parent/carer's preferred schools, the Admissions team, in liaison with the Area Inclusion Manager, will seek to place the child in the nearest and most suitable school taking into account the circumstances described in paragraph 6.3 and, in addition, the following points: <ul style="list-style-type: none"> • schools with vacancies; • any genuine concerns about the admission by either the parent/carer or the school; • a view of the parent/carer about the religious ethos of a school; • the percentage of LAC and EHCP children within each school and the number and frequency of previous Fair Access placements within the academic year and within each year group; • distance, availability of transport and travelling times.

6.5	In such circumstances a school may be asked to admit a child above PAN in excess of the limit stipulated in paragraph 4.1 but taking into account paragraph 4.2.
6.6	Where a child has been removed from school for elective home education and then wants to return to school to the same phase of education, that child will normally be expected to be admitted to their original school unless there are compelling reasons why that would not be possible or appropriate.
6.7	Where a panel exists in an area and a child falling under categories h) to p) cannot be placed within three weeks, the Admissions team reserves the right to refer the case to the panel for consideration.
6.8	The Admissions team will liaise with the school before notifying a parent/carer of the placement.
6.9	Once agreement has been reached, the Admissions team will send notification to the parent/carer, with a copy also being sent to the school and the Area Inclusion Manager who will in turn share it with the attached Inclusion Officer.
6.10	The receiving school will contact the parent/carer and make arrangements for the child to go on roll within 5 school days of the placement being agreed with the Admissions team and for a start date within 5 school days of going on roll.
6.11	The Admissions team will continue to monitor the placement to ensure that the child is placed on roll and the satisfactory completion of 12 weeks. The reintegration of children returning to mainstream school from a PRU may be managed over a period longer than 12 weeks, at the decision of the Area Inclusion Manager.
6.12	A placement will be considered to have broken down within 12 weeks if the child's behaviour would ordinarily warrant permanent exclusion. In such cases the Area Inclusion Manager will determine whether or not the placement should be considered to have broken down. Where a placement is considered to have broken down, the Admissions team will liaise with the Area Inclusion Manager in order to identify an alternative placement as quickly as possible.
7.	Consideration of why a school may not admit a fair access child
7.1	<p>If a school does not wish to admit a child who falls within one of the Fair Access categories outside the normal admission round, it will refer the case to the Admissions team setting out the reasons why they do not feel they can place the child within five school days. However an exception is only likely to be made if:</p> <ul style="list-style-type: none"> • the school is in special measures, has recently come out of them or is otherwise assessed by the local authority as needing support (such an assessment will be carried out by the Admissions team in liaison with the local authority); or • the school has no vacancies and also the school has already admitted its quota of children under the Protocol within the academic year, as

		<p>set out in Section 4; or</p> <ul style="list-style-type: none"> • to admit an extra child would breach infant class size legislation; or • there are compelling reasons why a school would not be an appropriate placement for the child. <p>While community and voluntary controlled schools may refer cases back to the local authority for consideration under the Protocol, it will be the local authority as admission authority for the school which will decide whether a place should be offered at that school.</p>
8.	Establishing which Panel is responsible for considering placements under categories a) to g) where a panel process exists	
	8.1	The purpose of the Protocol is to ensure that unplaced children, especially the most vulnerable, are offered a place at a suitable school as quickly as possible.
	8.2	<p>The most suitable school for some children could be a school that is close to the child's home. Advantages of a placement close to the child's home address are as follows:</p> <ul style="list-style-type: none"> • there are likely to be fewer transport issues or costs; • if the school is nearer there are likely to be fewer barriers which prevent the child from attending; • there may be better parental support and participation; • the child will be better placed to participate in extracurricular activities; • the child is more likely to develop friendship groups from his/her local community; • it is less likely that appeals for other schools will be upheld; • it establishes a clear and transparent way for referrals to be made.
	8.3	<p>However there are also advantages of placing a child within the area where they were previously at school, and such placements can lead to a more informed and considered process which in turn can lead to a successful and supported placement:</p> <ul style="list-style-type: none"> • the previous school can comment on the child's behavioural and educational history at the panel; • support services may already be familiar and be supporting the child; • it ensures collegiate working between schools in the same area which in turn improves shared approaches to managing behaviour and attendance; • it establishes a culture of shared problem solving of individual cases within the same area; • schools can challenge the poor practice of other schools within the same area and this may in turn reduce the number of hard to place cases.
	8.4	For the purpose of this Protocol, children who have previously attended a school within Surrey will be referred to the panel in which the child was previously at school. This will encourage collaborative working between schools.
	8.5	However, any child who has not previously attended a school within Surrey

		will be referred to the panel for the geographical area in which the child lives.
	8.6	Where a panel is satisfied that a placement in a neighbouring area would be in the best interests of the child or other children, then in those cases the panel Chair will liaise with the neighbouring panel Chair where that neighbouring area also operates a panel process, to negotiate a placement in the neighbouring area.
9.	Out of area applications	
	9.1	Occasionally applications will be received from children who live outside Surrey but who otherwise meet the criteria for placement under this Protocol.
	9.2	As these children do not meet Surrey's Fair Access Protocol, schools should consider these applications in accordance with normal in year processes.
	9.3	However, if the child falls within categories a) to g) of paragraph 2.2 of this Protocol and the preferred school is unable to offer a place - either because it has no vacancies or because it is in special measures, has recently come out of them or has been otherwise assessed by the local authority as needing support - the application will be referred back to the child's home local authority to effect an alternative placement.
10.	Funding	
	10.1	Permanently excluded children admitted to mainstream schools under the Protocol will be funded as follows:
	a)	When a child is permanently excluded from a school at any time in the local authority's financial year, the school's budget is reduced by the annual value of pupil led funding attracted by a pupil of the same age and characteristics multiplied by $1/52$ x the number of weeks from the date of permanent exclusion to the end of the local authority's financial year (except for Year 2s excluded from an infant school during the summer term or Year 6s excluded from a junior or primary school during the summer term for which a separate calculation applies).
	b)	Where a previously permanently excluded child is admitted to another school, the receiving school's budget is increased by the annual value of pupil led funding for a pupil of the same age and characteristics multiplied by $1/52$ x the number of weeks from the date of re-admission to the end of the local authority's financial year (except for Year 2s excluded from an infant school during the summer term or Year 6s excluded from a junior or primary school during the summer term for which a separate calculation applies).
	c)	Pupil led funding includes the basic entitlement rate; plus deprivation, low prior attainment and EAL funding where the pupil is eligible for such funding. A further adjustment is made where the pupil generated pupil premium for the school.
	10.2	Panels are expected to take into account the distance and journey times when considering the most suitable placement. Subject to the maximum

		walking distance appropriate to the child's age being breached, transport will normally be arranged for the most appropriate public transport route. Where there are other suitable modes of transport but a taxi is deemed appropriate to support integration, this will only be funded for one term, and beyond that the child would be expected to travel on an alternative mode of transport to school. Where there are exceptional circumstances the parent/carer could request that the taxi provision is extended, and this would be considered as a transport case review by senior officers in the Admissions team.	
	10.3	Funding arrangements within this Protocol will be reviewed subject to the outcomes of any changes to the funding of schools by the Department for Education or decisions made by Schools Forum to vary funding to schools.	
11.	Data		
	11.1	A log of all placements made through the Fair Access Protocol will be maintained by the Admissions team.	
12.	Process for Primary children		
Category of Child		Support team	Panel
a) Permanently excluded children or children attending a PRU/Alternative Provision who are ready for re-integration to another mainstream school or where a child is still on roll at a school but is attending a PRU or Alternative Provision as an alternative to permanent exclusion		<ul style="list-style-type: none"> • Area Inclusion Manager • Alternative Provision provider • Dual Registration arrangements 	Yes
b) Children returning from the criminal justice system who are registered with the Youth Offending team		<ul style="list-style-type: none"> • Admissions • Surrey Family Services 	Yes
c) Children known to the police or other similar agencies, where there has been active involvement or support received from Surrey's Community Incident Action Group (CIAG) within the past six months		<ul style="list-style-type: none"> • Admissions • Surrey Family Services 	Yes
d) Children with a history of serious unauthorised attendance problems (below 85%) within the past academic year, as assessed by the attached Education Welfare Officer		<ul style="list-style-type: none"> • Admissions • Inclusion Officer 	Yes
e) Children withdrawn from school by their parent following fixed term exclusion for persistent breaching of internal behaviour policies in school		<ul style="list-style-type: none"> • Admissions • Area Lead for Specialist Teachers for Inclusive Practice (STIPS) • Area Inclusion Manager 	Yes
f) Children who have applied to return to mainstream schooling after a period of elective home education and whose		<ul style="list-style-type: none"> • Admissions • Inclusion Officer 	Yes

application for a school place through the normal in year admission process is refused	<ul style="list-style-type: none"> • Area Inclusion Manager 	
g) Children who have been out of education, including elective home education, for longer than two months excluding the summer break (see para. 2.2g for further definition of this) where throughout that period: <ul style="list-style-type: none"> • they have been living within the UK; and • they have had a right to access state funded education. 	<ul style="list-style-type: none"> • Admissions • Area Inclusion Manager 	Yes
h) Children of Gypsies, Roma and Travellers	<ul style="list-style-type: none"> • Admissions • Race, Equality & Minority Achievement team 	No
i) Children of asylum seekers and refugees who have been in the UK less than two years and need a supported entry to school	<ul style="list-style-type: none"> • Admissions • Children's Services 	No
j) Children who are homeless including those who have been placed in temporary housing by Surrey County Council	<ul style="list-style-type: none"> • Admissions • Children's Services 	No
k) Children with unsupportive family backgrounds where a place has not been sought and where a referral is made through an outside agency or service who is seeking to support the child	<ul style="list-style-type: none"> • Admissions • Inclusion Officer 	No
l) Children who are carers	<ul style="list-style-type: none"> • Admissions • Young Carers • Children's Services 	No
m) Children with special educational needs, disabilities or medical conditions (but without an Education, Health & Care Plan), where the need, disability or medical condition has already impacted on the child's attendance or participation at school	<ul style="list-style-type: none"> • Admissions • Area Inclusion Manager 	No
n) Children subject to a child protection plan	<ul style="list-style-type: none"> • Admissions • Children's Services 	No
o) Children of UK service personnel and Crown servants where a change of location ordered by the service leads to a need for a change of school	<ul style="list-style-type: none"> • Admissions 	No
p) Children who are accommodated in an emergency refuge for victims of domestic violence	<ul style="list-style-type: none"> • Admissions • Children's Services 	No

Exceptions to the Infant Class Size Limit – 2020/21

Section 1 of the SSFA 1998 limits the size of an infant class (i.e. a class in which the majority of children will reach the age of five, six or seven during the school year) to 30 pupils per school teacher.

However, the School Admissions (Infant Class Sizes) (England) Regulations 2012 permit children to be admitted as exceptions to the infant class size limit. These children will remain an 'excepted pupil' for the time they are in an infant class or until the class numbers fall back to the current infant class size limit. The excepted children are:

- a) children admitted outside the normal admissions round with statements of special educational needs specifying a school;
- b) looked after children and previously looked after children admitted outside the normal admissions round;
- c) children admitted, after initial allocation of places, because of a procedural error made by the admission authority or local authority in the original application process;
- d) children admitted after an independent appeals panel upholds an appeal;
- e) children who move into the area outside the normal admissions round for whom there is no other available school within reasonable distance;
- f) children of UK service personnel admitted outside the normal admissions round;
- g) children whose twin or sibling from a multiple birth is admitted otherwise than as an excepted pupil;
- h) children with special educational needs who are normally taught in a special educational needs unit attached to the school, or registered at a special school, who attend some infant classes within the mainstream school.

Flow chart for processing cases under Primary Fair Access Protocol

