

**Southwark Children's and Adults' Services - Education  
Supporting Vulnerable Learners - Primary Schools  
Fair Access Protocol**

The following information clarifies for Southwark Primary Schools, the policy and process for ensuring vulnerable young learners receive the best possible education in a school setting. It describes the process for 'Fair Access Placement' which is a statutory duty for the Local Authority and for all schools.

**1. Fair Access Protocol**

- The Local Authority has a statutory duty to implement a 'Fair Access Protocol' which must be agreed to and implemented by all primary schools
- Southwark's 'Fair Access Protocol' ensures that, outside the normal admissions process, unplaced children, especially the most vulnerable, are secured a school place quickly and are supported sufficiently in order for them to receive the best possible educational provision Southwark can offer
- Promote inclusion and ensure all schools have a good balance of children

**2. The Statutory duty for Local Authorities states:-**

- I. All young people should receive suitable high quality education under Section 13, Education Act 1996
- II. A 'Fair Access Protocol' is in place and implemented by all schools for the admission of young people who are hard to place
- III. 'Fair Access' placements must be transparent, fair and equitable. Undersubscribed schools must not be required to admit a higher number of challenging pupils than oversubscribed schools. Notwithstanding this, schools may be required to admit young people above their published admission number where they are already full
- IV. All admission authorities must comply with this protocol. Should any of the admission authorities within Southwark fail to agree to adhere to the protocol on a voluntary basis, the Secretary of State has the power to impose a protocol on them. The Local Authority has the power to

instruct and/or take action for a school to admit under 'Fair Access' should this become necessary

### **3. Definition of 'Hard to Place' Pupils**

- This protocol applies to children who are genuinely 'hard to place' which can be for a range of reasons. These may include new arrivals to the borough where their local school(s) are full; children seeking a place after some absence from school for various reasons and/or those who exhibit behaviour/learning issues that cannot be placed through alternative facilitation
- In Southwark, 'Hard to Place' primary aged pupils tend to be SEND (often arriving from overseas or other parts of the UK) – without an EHCP/statement and new arrival year 6 pupils at the time of the SATS
- The requirements for a place under 'Fair Access' generally presents in the first instance to the 'School Admissions Team' whose responsibility it is to identify a suitable school and facilitate the admission
- Pupils allocated a placement through 'Fair Access' are those who meet the Southwark 'Fair Access' criteria and are not on the roll of a school
- There may however, be exceptions - for example, when the child is on the roll of a school but not attending and is professionally agreed, would benefit from a fresh start. Schools would refer these cases to the LA, requesting a 'Fair Access' placement be considered
- The 'Fair Access Protocol' is about each school taking a fair share of these placements and schools that are their own admission authority must participate equally in the protocol
- Undersubscribed schools will not be expected to take more than a fair share of 'Fair Access' pupils and in the interest of 'fairness' schools that are full in a relevant year group maybe required to exceed their 'PAN' when admitting a 'Fair Access' pupil
- Schools can not cite 'oversubscription' as reason not to take a child that has been decided through 'Fair Access' however, schools will only be expected to admit over their 'PAN' in exceptional circumstances and when it is deemed not to prejudice provision of efficient education and resources
- 'Fair Access' allocations are to take priority over waiting lists and any pending admission appeal hearings
- Before requesting a school to admit under the 'Fair Access Protocol' the following will be considered: the needs of the child and family

circumstances; location in relation to home address; available places in the area; parental preference – for example a faith school (in cases where the family meet the faith criteria); the class profile which would include the number of pupils currently on roll; the number of 'Fair Access' admissions the school has taken over the course of an academic year

- All 'Fair Access' admissions must be transparent to all schools. This information will be tabled and discussed when deciding which schools are to admit a 'Fair Access' pupil along with any emerging issues
- Issues in relation to 'Fair Access' panel allocations should be brought to the attention of the Head of Pupil Access who will work with Headteachers to resolve in a positive manner

#### **4. Pupils categorised as 'Hard to Place'.**

The current 'Admissions Code of Practice states the following: The list of children to be included in a 'Fair Access Protocol' 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

- Children attending Pupil Referral Units who need to be reintegrated back onto mainstream education;
- Children who have been out of education for longer than one school term;
- Children whose parents have been unable to find them a place after moving to the area because of a shortage of places;
- Children withdrawn from schools by their family, following fixed term exclusions and who are unable to find another place;
- Children of refugees and asylum seekers;
- Homeless children;
- Children with challenging family backgrounds where a place has not been sought;
- Children known to the police or other agencies;
- Children without a school place and with a history of serious attendance problems;
- Traveller children;
- Children who are carers;
- Children with special education needs (but without a statement;)
- Children with disabilities or medical conditions;
- Children returning from the criminal justice system;
- Children of UK service personnel and other Crown servants.

#### **5. Principles and additional support**

- Normal arrangements for the admission of children for available school places will apply to most pupils in Southwark through the relevant coordinated or in year admissions procedure
- Schools should supply the 'School Admissions Team' with details of vacancies and admissions data on a regular basis. Specific schools will be asked for relevant data before a 'Fair Access Panel' meets
- The placement of children under the 'Fair Access Protocol' is the responsibility of the Local Authority
- Placements of pupils under 'Fair Access' should take account of any genuine concerns about the admission, for example, a previous serious breakdown in the relationship between the school and the family, or a strong aversion to or desire for the religious ethos of a school
- The purpose of the 'Fair Access Protocol' is to place children identified as 'Hard to Place' quickly (within 20 school days - maximum) and will aim to place children equitably across all Southwark Primary Schools
- All agreed timescales for considering and resolving individual placements of pupils in this protocol must be adhered to maximum placement time being 20 school days
- Pupils placed under the 'Fair Access' must be given priority for admission over others on a waiting list or awaiting an appeal
- Whilst it is essential that children who have no school place are found one quickly, admission may be deferred to the start of a school term where appropriate and agreed to do so