

# Primary and secondary in year admissions incorporating the Fair Access Protocol

## General guidance

1. The School Admissions Code requires local authorities to ensure children have access to a suitable school or education provision.
2. Children starting school for the first time, or transferring at seven and 11 are admitted to schools in line with the primary or secondary schemes coordinated by Milton Keynes Council in partnership with community, voluntary controlled, voluntary aided and foundation schools and academies. All local authorities have a statutory responsibility as follows:
  - 2.1 From September 2010 to co-ordinate admissions to primary and secondary schools outside the normal admissions round (known as 'in year').
  - 2.2 To have a Fair Access Protocol in place, which all schools must agree to work within, to ensure that vulnerable and hard to place children are provided with a school place within a reasonable time.
3. This document sets out the arrangements agreed for primary and secondary age children, including the council's Fair Access Protocol for vulnerable groups.

### **In year admission to primary and secondary schools, including academies**

4. The Milton Keynes Council coordinated scheme for admissions outside the normal transfer round came into effect in September 2010.
5. All applications will be processed by the School Admissions and Transport Team working in partnership with schools and other local authorities.
6. Parents and carers who are moving to Milton Keynes from an address in England and want to apply for a school place in Milton Keynes before they move will be advised to apply through their current local authority who will then liaise with Milton Keynes Council.
7. Parents and carers moving to or who have arrived in Milton Keynes from outside England will be advised to apply to the council direct, which can be done before any move. The following documentation is required prior to processing any application:
  - 7.1 Confirmation that the house purchase is legally binding (in other words, they have already exchanged and completed and are living in their new home) or a formal lease agreement

## 7.2 Council tax bill for new property.

8. Proof that parent/s, carer/s and child/ren are allowed to live in the UK is also required. The School Admissions and Transport Team will need to see passports/visas and the child/ren's birth certificate/s.
9. Parents and carers moving within Milton Keynes are required to inform Milton Keynes Council of their anticipated new address and proposed date of move. Confirmation of their new address (as set out in paragraph 7) will be required prior to processing any application.
10. Parents and carers applying for a place for their child at a secondary school also need to provide a copy of their child benefit statement as proof that their child is resident at the address on the application form.
11. Where children are already attending a school in Milton Keynes and the reason for changing schools is not as a result of an address move, parents and carers will be required to provide the reasons for this request. If this is due to difficulties at the child's current school it is expected that parents and carers will have tried to resolve these with the school. The council will seek reassurance from the school that all attempts to find a resolution have been exhausted.
12. The council aims to offer a school place within 15 working days, not including school holiday and training days, following receipt of an in year application form. This may be delayed in line with any anticipated move date. The furthest ahead a place will be offered is one half term. It is unlikely that a place would be offered to children not resident in England.
13. Where a first preference school is not over subscribed the council would process the application immediately and send an offer letter. Second or third preferences will not ordinarily be processed in these circumstances.
14. Where the first preference school is over subscribed but the second or third preference school has a place available the application will be processed as above. The council will still process the application for the higher preference school(s) to ensure the child is appropriately placed on any waiting list (where one exists). However this should not delay the offer of a place.
15. Where the first, second and third preference schools are oversubscribed the council will ask all three admissions authorities to apply their oversubscription criteria and state their priority order should places become available. In order to best manage the workflow the council may process applications in batches.
16. If it is not possible to offer a place at the first, second or third preference school parents and carers will then be offered a place at an alternative school. Parents and carers also have the right to appeal against any decision not to offer a place at any of their preferences.

17. In many cases community, voluntary aided, foundation schools and academies will also contact families direct when an allocation has been made. Alternatively parents and carers will be given the contact numbers for the allocated school
18. The School Admissions Code makes it clear schools are responsible for informing the local authority of the number of children on roll and number of places available in each year group together with waiting list details, where one exists.

## **Fair Access Protocol**

19. The council's Fair Access Protocol covers three areas:
  - 19.1 Managed moves
  - 19.2 Arrangements for permanently excluded children
  - 19.3 Admission arrangements for vulnerable or hard to place children
20. Children with statements of special educational needs would not normally be considered within these arrangements.
21. The principles underpinning the Milton Keynes Fair Access Protocol are:
  - 21.1 Every child has the right to be educated
  - 21.2 Children should be placed in school quickly
  - 21.3 Schools have a shared responsibility for all children
  - 21.4 Schools must agree, fully participate and work within the protocol
  - 21.5 Vulnerable or hard to place children should be given priority for admission over others on a waiting list or awaiting an appeal
  - 21.6 Schools should work together and support each other in ensuring a fair distribution of hard to place children
  - 21.7 No school should be full to a permanently excluded or hard to place child where that school is the designated school based on the protocols
  - 21.8 Schools cannot cite oversubscription as a reason for not admitting a child under the Fair Access Protocol
  - 21.9 Schools should not insist on an appeal being heard before admitting a child under the protocol

### **Managed moves**

22. A managed move is an agreed arrangement between the child, parents or carers and two schools. A managed move will be agreed for some children who are at risk of permanent exclusion and for whom the school believe that all support mechanisms to improve behaviour have been exhausted.
23. There may be reasons other than a child's poor behaviour which mean that a managed move has been requested, for example a pupil experiencing problems as a result of bullying. It must be demonstrated that the proposed move is in the best interests of the pupil.

24. For secondary school aged children managed moves will be co-ordinated by secondary schools and the academy. They will be monitored and evaluated by the Milton Keynes Behaviour Partnership reporting to the Milton Keynes Secondary Headteachers Group in order to inform the policy and procedures including criteria.
25. Managed moves may also be arranged for primary aged children.

### **Permanently excluded children**

26. For secondary aged children the Milton Keynes Behaviour Partnership aims to reduce the number of permanent exclusions from secondary schools. The managed moves policy contributes to achieving this aim by providing a positive opportunity for children at risk of exclusion.
27. If, following a managed move, the child's behaviour does not improve then another managed move is unlikely to be appropriate. Any permanent exclusion would be viewed as final. In other circumstances a child may be permanently excluded without recourse to the managed move protocol as a result of a significant incident.
28. It is possible for a permanently excluded child to transfer immediately to another school. In most cases the excluding school would complete a referral to the Milton Keynes Behaviour Partnership who will ensure that the child is provided with education six days after their exclusion in line with statutory requirements.
29. Secondary aged permanently excluded children are usually educated at a Personal Education Centre. The child's action plan will set out the arrangements including, where appropriate, for reintegration to another secondary school.
30. For primary aged pupils the local authority will make provision using the Primary Pupil Referral Unit (PRU) based at Romans Field School, PRU tuition or by admission directly into another mainstream school. As part of the child's plan, a school will be identified where a reintegration programme can begin. The child will remain on the roll of the alternative provider until he or she starts full-time at his or her new school.
31. If a child has been permanently excluded from two schools there is no automatic right to a mainstream school place.

### **Vulnerable or hard to place children**

32. There are a number of children at any given time who are unable to gain admission to school and who are classified as vulnerable or hard to place.
33. Local authorities must in partnership with schools ensure education is provided for these children as soon as possible.
34. Children who fall into one or more of the following categories can be considered under the Fair Access Protocol:

- 34.1 Children attending PRUs who need to be reintegrated back into mainstream education
- 34.2 Children who have been out of education for longer than one school term
- 34.3 Children whose parents or carers have been unable to find them a place after moving to the area because of a shortage of places
- 34.4 Children withdrawn from schools by their family following fixed term exclusions and unable to find another place
- 34.5 Children of refugees and asylum seekers
- 34.6 Homeless children
- 34.7 Children with unsupportive family backgrounds where a place has not been sought
- 34.8 Children known to the police or other agencies
- 35.9 Children without a school place and with a history of serious attendance problems
- 34.10 Traveller children
- 34.11 Children who are carers
- 34.12 Children with special education needs (but without a statement)
- 34.13 Children with disabilities or medical conditions
- 34.14 Children returning from the criminal justice
- 34.15 Children of UK service personnel and other Crown Servants

### **Considering children under the Fair Access Protocol**

- 35. Parents and carers should complete the council's primary or secondary in year application form and provide any documents which may be requested.
- 36. The council will process the application. If it is not possible to provide a place under that process then additional information may be sought from the parent or previous school to determine whether the applicant should be considered as hard to place.
- 37. If it is agreed that the criteria is met and the application should be considered under the Fair Access Protocol then the council will consult with the parent or carer of the child and the governing body of the school where a place is being requested. If governors refuse this request then a formal notice of the local authority's intention to direct the school to admit may be issued to the school.
- 38. The school then has 15 days to agree the request or refer the matter to the Schools Adjudicator who is independent of the council. The direction would be issued at the end of that period or once any referral to the Schools Adjudicator has been considered.
- 39. If an academy refuses to admit a child under the Fair Access Protocol a similar process would be followed. The local authority would refer the matter to the Secretary of State for consideration.
- 40. Following the decision, either made through consultation or by direction, that the child has a school place he or she should be admitted within 10 school days. The admission date should be notified to the council.

## **Review of the Fair Access Protocol**

41. The Schools Admissions Forum will review the operation of the Fair Access Protocol and may make recommendations to the local authority.
42. The Milton Keynes Behaviour Partnership is invited to review the Fair Access Protocol, making any recommendations to the local authority and the admissions forum to consider.
43. Information for schools and for parents and carers is available on the council's website: [www.milton-keynes.gov.uk/schooladmissions](http://www.milton-keynes.gov.uk/schooladmissions)