



# **FAIR ACCESS PROTOCOL**

**For the admission of children and young people  
to schools and academies  
within the London Borough of Richmond upon Thames**

## Contents

<b>Page</b>	<b>Subject</b>
3	Introduction
4	The Richmond upon Thames context
5	The scope of the Fair Access Protocol
8	Procedures
11	Protocol to ensure schools admit their fair share of hard to place pupils
12	Funding
13	Disputes
14	Contact details
15	Appendix 1: Protocol for managed moves between secondary schools
18	Appendix 2: Protocol for a managed transfer as an alternative to permanent exclusion
19	Managed move request form
20	Appendix 3: In-year admissions to schools and academies within the London Borough of Richmond upon Thames
28	Appendix 4: Protocol to safeguard permanently excluded / managed transfer pupils

## **1. INTRODUCTION**

- 1.1 This document sets out a hard to place pupils protocol to ensure that 'hard to place' pupils are admitted quickly to a mainstream school in order to minimize the number of pupils in Richmond upon Thames who are at risk of underachievement through being out of school.
- 1.2 In November 2004 the then Department for Education and Skills (DfES) issued guidance outlining the expectation that all local authorities should have consulted upon, agreed and implemented a protocol for sharing hard to place secondary aged pupils by September 2005. The impetus for the guidance was the publication of 'Every Child Matters' and the requirement for all local authorities to improve their procedures to ensure that as few children as possible are missing education.
- 1.3 The Secretary of State required the protocol to be agreed by the Admissions Forum prior to implementation. Had a Forum failed to agree a protocol on a voluntary basis, the guidance made it clear that the Secretary of State would consider taking out legislation requiring a Forum to agree a Protocol and, as a last resort, imposing one if agreement could not be reached.
- 1.4 In September/October 2005, the original draft version of this protocol was circulated to all primary and secondary school headteachers in the borough, other professionals and, finally, to Richmond upon Thames Admissions Forum. After amendments suggested by secondary school headteachers and other consultees, the Forum agreed, at its meeting on 4 October 2005, that the draft protocol be adopted with immediate effect.
- 1.5 The Protocol applies to all schools in the borough, including voluntary aided schools.
- 1.6 In the revised School Admissions Code of February 2007, the DfES signalled a requirement for the 'Hard to Place Pupils Protocol to be renamed the 'Fair Access Protocol.

## **2. THE RICHMOND UPON THAMES CONTEXT**

- 2.1 The authority already had well-established working groups and procedures – namely the Permanent Exclusion Panel (PEP) and the Planning and Placement Panel (PPP), both of which were agreed by headteachers and had been in place since September 2003; the Casual Admissions Protocol and the Children Missing Education Protocol – to keep to a minimum the numbers of children who are out of school. This paper pulls all those strands into one protocol.
- 2.2 The PPP decided and named appropriate educational placements and support for a range of vulnerable pupils, including pupils on long fixed-term exclusions, Children Looked After and pupils considering a managed move. The PPP met on a regular, approximately monthly, basis and its membership included a senior management team representative from each of the secondary schools plus representatives from all appropriate local agencies. However, it never had occasion to date to consider placements for primary age pupils. In 2004/2005 the PPP met on nine occasions and considered a total of 47 pupils.
- 2.3 The PEP decided and named an appropriate mainstream school for permanently excluded secondary-age pupils. It met on an ad hoc basis, typically just four times a year. Pupils falling into this category had placements identified by proximity to the home, vacancies in the appropriate age group and the needs of the pupil. Like the PPP, the PEP did not consider placements for primary age pupils. Membership of the PEP was much smaller than that of the PPP, comprising two secondary headteachers, on a rotational basis, and the Head of the Pupil Referral Service (PRS). In 2004/2005 the PEP met four times and considered the placement of nine secondary pupils.
- 2.4 The Casual (now 'In-year') Admissions Protocol was implemented in September 2003 and clarified and standardised the procedures for schools in admitting pupils on a 'casual' basis, i.e. outside the normal admission rounds at Reception and Year 7. Although Richmond Borough schools' methods of processing in-year admissions have improved overall since the protocol has been in place, particularly since the transfer of statutory responsibility for in-year admissions to the LA in September 2010, concerns remain that, occasionally, parents/carers have had to wait for excessively long periods before securing the admission of their children. Schools should continue to admit pupils who apply for an available place under normal admission arrangements. A revised version of the In-year Admissions Protocol is included within Appendix 3 (page 20).
- 2.5 The Children Missing Education Protocol was implemented in September 2004 and established procedures for identifying, referring and tracking (IRT) pupils out of school in Richmond or who are suspected as having moved into Richmond. This protocol was drawn up in response to the DfES's recommendation that all local authorities should adopt effective IRT

procedures as part of their strategy to ensure that as few children as possible are missing education.

- 2.6 The introduction of the PPP, the increased use of managed moves, and the changing role of the Pupil Referral Service considerably reduced permanent exclusions from the borough's schools, from 49 in 2002/2003 to 22 in 2004/2005. The PEP was effective in directing permanently excluded pupils to appropriate provision, whether it were a mainstream placement or an alternative programme under the umbrella of the PRS. All permanently excluded pupils were offered full-time education within 15 school days of their exclusion. Alternative programmes were increasingly being offered at Key Stage 4 to meet the needs of young people. There are a number of providers including Richmond Tertiary College, local employers for extended work experience and apprenticeships and the Vocational Integrated Programme.
- 2.7 In September 2010, the School Behaviour and Attendance Partnership (SB&AP) was established following the publication of the Guidance on School Behaviour and Attendance Partnerships in March 2010 by the then DCSF. The principles of the Fair Access Protocol are now undertaken by the SB&AP. The SB&AP also has responsibility for the delivery of the Behaviour and Attendance Strategy for the authority, and for monitoring and reporting the progress on achieving the benefits of the strategy's Implementation Plan.
- 2.8 The Fair Access Protocol makes reference to the Pupil Referral Service (PRS). The PRS was deregistered in January 2010 and as of September 2010 the borough no longer has a PRS. The focus, instead, is for all young people to be successful in a mainstream setting whilst acknowledging that some will need additional support through specialist in-school support or off-site educational provision.

### **3. THE SCOPE OF THE FAIR ACCESS PROTOCOL**

3.1 Paragraph 9 of the DfES guidance recommended that some or all of the following categories of pupils should be considered in drawing up a hard to place pupils protocol:

- Children attending pupil referral units who need to be reintegrated back into mainstream education;
- Children who have been out of school for longer than one school term (except where, for whatever reason, the parents have purposely kept their children out of school);
- 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 unable to find another place;
- Children of refugees and asylum seekers not in accommodation centres
- Homeless Children;
- Children with unsupportive 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.

It adds that children with statements of special educational need (SEN) should not be considered by these protocols, as their needs should be considered separately, presumably by each authority's SEN Panel.

3.2 Most of these categories were already included within the scope of the PPP or the PEP, or were dealt with by the intervention of the Education Welfare Service. Those that were not managed in that manner were considered, and in most instances prioritised, through either the normal admission rounds or in accordance with the Casual Admissions Protocol.

3.3 However, it was felt that the hard to place pupils protocol established in Richmond Borough should ensure that the following categories of children be included within the scope of whichever placement panels should be established or altered by the protocol:

- Newly arrived refugees and asylum seekers
- Children Looked After
- Traveller children

3.4 Pupils with statements of SEN continued to be subject to consideration by the authority's SEN Panel.

3.5 The aim of the Richmond protocol has been not just to facilitate speedier admission of hard to place pupils but also to reduce headteachers', school

administrative officers', LA officers' and other agencies' staff's administrative time and paperwork required to meet that primary objective.

- 3.6 The scope of the Fair Access Protocol is covered through the regular operational SB&AP meetings. The protocol to ensure schools admit their fair share of hard to place pupils is managed by the SB&AP or the Pupil Placement Panel (PPP). The PPP replaces the Permanent Exclusion Panel and directs placement for pupils permanently excluded, manage transferred or an In-Year Admission where significant behaviour and/or attendance concerns have been identified.

## 4. PROCEDURES

- 4.1 The Head of Schools Commissioning and the Interim Head of Education and Inclusion Services monitor and track pupils 'out of school' on behalf of the LA. Information on pupils should be provided, as required, by the Education Welfare Service, Education and Inclusion Services, and Admissions Section to the named officers. They determine which pupils meet the criteria for 'hard to place' pupils and are responsible for monitoring and publishing data regarding the admission of these pupils to schools.
- 4.2 In October 2005, the PPP was renamed as the Hard to Place Pupils Panel (HPPP) to take account of all 'hard to place' pupils in the primary and secondary sectors. In February 2007, the HPPP was renamed the Fair Access Panel (FAP), in accordance with DfES wishes. In September 2010 it was agreed that the responsibilities of the FAP would be managed through the SB&AP and the PPP. These panels consider pupil placements for children at risk of permanent exclusion, including those of primary age if requested. The SB&AP continues to support managed moves and monitor referrals to other support agencies. Managed moves are subject to the detailed protocol outlined in Appendix 1 (page 9). All parties have agreed to accept the directions of the SB&AP and PPP. The SB&AP and the PPP respect the principles and processes of the In-year Admissions and Children Missing Education Protocols.
- 4.3 In identifying an appropriate school, the SB&AP and the PPP's prime consideration is the educational needs of the pupil, except for those pupils who have been permanently excluded or whose parents have withdrawn the young person from school following fixed term exclusions. For those pupils, the SB&AP and the PPP balance the individual's educational needs against the needs of the school. The panel is informed of previously placed excluded pupils in each school, has an overview of movement by pupils between schools and takes account of successful admission appeals, placements by the SEN panel, managed moves and current numbers on roll in each academic year. The SB&AP and the PPP also take due note of the following factors:
- any concerns expressed by any involved party about the appropriateness of an educational placement for a particular pupil;
  - location of schools and proximity to the pupil's home address;
  - religious or cultural affiliations;
  - parental preference for a particular school; and
  - any particular ethos or specialist status of the identified school.
- 4.4 The roles of the SB&AP and the PPP are to ensure openness and transparency and ensure all pupils covered by the Protocol are considered. Prior to each meeting, the minutes of the previous meeting, which will contain progress updates on all pupil placements, and the agenda will be circulated to all panel members at least one week before the meeting.

4.5 The SB&AP meets monthly during each academic year.

4.6 Membership of the SB&AP comprises:

- Interim Head of Education and Inclusion Services (chair);
- Exclusion Officer (clerk);
- School Behaviour and Attendance Partnership Consultant;
- The headteacher, or delegated member of the school's Senior Management Team, from each secondary school;
- Headteacher representative from the Primary Schools;
- Head of Newhouse Centre;
- Head of Multi Agency Services for Vulnerable Children;
- Senior Education Caseworker [MAT(VP)];
- Principal or Senior Educational Psychologist;
- Principal or Senior Education Welfare Officer;
- Manager of Targeted Youth Support; and
- A representative from the Child and Adolescent Mental Health Service.

The following are invited to attend as and when appropriate:

- The Head of Schools Commissioning
- The Head of Admissions

4.7 Wherever possible, detailed relevant information on all pupils to be discussed is presented in advance of the SB&AP meeting.

4.8 Any named member of the SB&AP may make a referral.

4.9 For managed moves, schools must follow the procedures as detailed within the protocol. The SB&AP will monitor managed moves and schools that have been named in the managed move process will be able to submit reasons to the SB&AP as to why they should not be required to admit the named pupil.

4.10 At the SB&AP and PPP meetings the placements made over the previous half term will be reviewed and the running record of placements updated. Pupils should normally be admitted to the receiving school within two weeks of the SB&AP or PPP directive.

4.11 The SB&AP's clerk will circulate the 'running record' to SB&AP members after each meeting, and an annual summary report will be produced for the Admissions Forum and the Strategic SB&AP meeting for comment.

4.12 Schools are advised to use the DfES Good Practice Guidance "Managing Pupil Mobility" published in 2003 (DfES/0780/2003) and the local authority's revised guidance on managed moves to ensure that a pupil's induction is as smooth as possible.

4.13 Managed moves for out-borough resident pupils from Richmond schools to schools in their home boroughs are outside the scope of this protocol.

However, Education and Inclusion Services record managed moves and such pupils may be included in the procedures described above at a future date.

4.14 The PPP's proceedings are reported to the SB&AP.

## **5. PROTOCOL TO ENSURE SCHOOLS ADMIT THEIR FAIR SHARE OF HARD TO PLACE PUPILS**

- 5.1 The oversubscription criteria for Richmond upon Thames community schools give priority to children looked after, in line with the DfES's School Admissions Code 2007. This has now been made a legal requirement for all admission authorities. As part of the annual consultation on school admission arrangements for 2007 entry, a proposal was agreed to expand criterion 2 of the current oversubscription criteria for Richmond upon Thames community schools, in order to reflect the implementation and processes of this protocol. The new wording is: "Children in public care and other children who are deemed by the LA's Fair Access Panel to have a particular need that justifies priority."
- 5.2 Each school must admit hard to place pupils as directed by the SB&AP and PPP. Due to the relatively small number of secondary schools in the borough and the past acceptance of directives made by the PPP, a consensual approach for the equitable distribution of placements is used. No school is asked to admit an unfair share of 'hard to place' pupils.
- 5.3 Schools can apply to have pupils who have applied for a school place through the In-Year Admission procedures considered as a 'hard to place' admission if evidence suggests they meet the criteria stated in Section 3 above. Such applications will primarily be for pupils moving to Richmond schools who are resident out-borough although an in-borough placement through an In-Year Admission that meets the criteria will be considered in exceptional circumstances.

## **6. FUNDING**

- 6.1 A pupil who is admitted to a new school through the Fair Access Protocol will have, from the date on roll, the remaining portion of the Age Weighted Pupil Unit (AWPU) formula in that financial year transferred to the new school. All excluded pupils will be offered full-time education from the sixth school day following the headteacher's decision to exclude. An excluded pupil will be placed on roll of the named new school identified by the PPP, even if that pupil is to receive interim educational provision through an Individual Learning Programme.
  
- 6.2 Pupils who are placed by the PPP following a permanent exclusion; a managed transfer after a permanent exclusion but before the governors' hearing; or those who were moved just prior to a permanent exclusion will have a further £2000 withdrawn to support the pupil's future educational placement. The £2000 will follow the pupil to a new mainstream school or to support the Individual Learning Programme.

## **7. DISPUTES**

- 7.1 All schools will be expected to admit pupils who have been duly assigned to their school under the process described in Paragraph 5 above.
- 7.2 If, after the SB&AP or the PPP has considered the case, a school is identified as the one to admit a pupil and it refuses to do so, the LA will refer the matter to the Director of Education, Children's and Cultural Services, who will direct the school to admit the pupil.
- 7.3 Parents have the right to turn down the offer of a place in which case the pupil will be re-referred to the SB&AP or the PPP. If the SB&AP or the PPP still considers the school to be suitable, consideration will be given to imposing a School Attendance Order.

## **8. CONTACT DETAILS**

8.1 For further information, please contact:

- Velia Hartland, Interim Head of Education and Inclusion Services, 020 8891 7700, [v.hartland@richmond.gov.uk](mailto:v.hartland@richmond.gov.uk).
- Matthew Paul, Head of Schools Commissioning, 020 8891 7588, [m.paul@richmond.gov.uk](mailto:m.paul@richmond.gov.uk).

## **APPENDIX 1: PROTOCOL FOR MANAGED MOVES BETWEEN SECONDARY SCHOOLS**

### **1. Introduction**

- 1.1 In certain limited circumstances it may be appropriate to move a young person to another school or alternative provision to reduce the risk of disaffection and exclusion. Such moves must be processed within the procedures outlined in this protocol in order that schools are in no doubt as to who is responsible for the young person at any time during the process.

Managed moves can only be requested with the agreement of the young person's parent and the receiving school. Requests for managed moves will not be considered without the signed agreement of the parent.

- 1.2 All requests for managed moves between schools will be monitored by the SB&AP. Managed moves are appropriate for young people where it is felt that a fresh start, with an opportunity to develop new relationships, is likely to have a positive impact upon the young person's behaviour and progress.

### **2. Principles**

The following principles underpin all requests for managed moves:

- A managed move request will normally be initiated by the pupil's current (home) school or the parent at a Pastoral Support Programme meeting and in the presence of a member Education and Inclusion Services.
- It is essential that the full agreement of the parent is obtained. The ascertainable views of the pupil to voluntarily undertake a move to another (receiving) school must also be considered.
- The headteacher of the home school must speak to the headteacher of the host school in order to ascertain that the proposed managed move is a viable option.
- It is the collective expectation of both schools and the LA that a managed move is a supportive early intervention strategy.
- All schools agree to act in line with this protocol and will adhere to its requirements, particularly with reference to time-scales and the provision of appropriately detailed pupil information.
- Managed moves will last for an initial trial period of six weeks unless terminated earlier with the agreement of all parties. A date will be set, no longer than one term after the move commenced, for a formal review of the managed move at which time a final decision will be made as to whether the move will then become permanent.

- The home school will retain the pupil on its admission register throughout the managed move period. The receiving school will keep a record of the pupil's attendance.

### 3. Procedures

- The school will inform Education and Inclusion Services of the possibility of a managed move being requested and invite a member of the team to be present at a school based meeting where the option will be discussed with the parent and pupil.
- If it is agreed that a managed move is appropriate, written consent will be obtained from the parent (*Appendix A*). Parents will be informed that there is no guarantee that the request will be approved, that it is a matter for the proposed receiving school.
- If parental consent is forthcoming the headteacher of the home school will then speak to the headteacher of the host school to discuss the viability of the proposed managed move.
- Once the managed move has been agreed in principle between headteachers, the home school will be required to send the receiving school all relevant paperwork plus additional supporting information as required, including a fully completed CAF (Common Assessment Framework.)
- The SB&AP is to be kept updated if the managed move has been agreed or declined.
- If the request is agreed a meeting with the receiving school will be arranged without delay. A member of Education and Inclusion Services will also attend, together with the parents and pupil. The Education and Inclusion Services will explain how the trial period will operate. The pupil will remain on the home school's register at this stage.
- Pupils should normally be admitted to the receiving school within two weeks of the managed move being agreed. Education and Inclusion Services and/or Targeted Youth Support will support the pupil, parent and school until the pupil is settled in the placement.
- Education and Inclusion Services and/or Targeted Youth Support will organise school based meetings and monitor progress through an Individual Reintegration Plan. The plan will clarify:
  - the start date for the trial period of the move;
  - any agreed attendance arrangements, for example, if the pupil attends a college or work experience placement;

- the length of the move and the date set for the final review meeting;
  - the arrangements for reporting and recording the pupil's attendance record: this will be kept on the home school's register, using the code for receiving education off-site, so long as the child is actually in attendance when required, absences which are not approved must be recorded as 'unauthorised'; and
  - any other issues needing clarification such as transport, learning support, involvement of LA officers and other professionals.
- In exceptional circumstances, if the receiving school wants to end the initial trial before the six-week period is completed, the headteacher should, firstly, consult with Education and Inclusion Services and the home school headteacher before confirming this in writing to the parent specifying the date from which the pupil must return to their home school.
  - At the formal review meeting a decision must be made to determine whether the pupil will return to their home school or be admitted to the host school on a permanent basis. An extension of the agreed period will only be appropriate in unusual circumstances such as long-term absence through illness and, if so, must be again confirmed in writing as before.
  - On the agreed date, the pupil will be removed from the admission register of the home school and added to the admission register of the host school. Any remaining school records should then be transferred. Once this has happened the host school cannot remove the pupil except by permanent exclusion or a further referral to the SB&AP.

#### **4. Relevant documentation**

This protocol should be considered in conjunction with the:

- Fair Access Protocol; and the
- Protocol for in-year admissions to London Borough of Richmond upon Thames schools.

#### **5. Contacts**

Any queries in relation to this protocol should be directed to: Velia Hartland, Interim Head of Education and Inclusion Services, 020 8891 7700; [v.hartland@richmond.gov.uk](mailto:v.hartland@richmond.gov.uk).

## **APPENDIX 2: PROTOCOL FOR A MANAGED TRANSFER AS AN ALTERNATIVE TO PERMANENT EXCLUSION**

### **1. Introduction**

- 1.1 A managed transfer is a local agreement which can be discussed with parents as an alternative to a permanent exclusion. A managed transfer will only be agreed with the consent of both the excluding school and the parents.
- 1.2 The outcome for a young person is the same as for a permanent exclusion: alternative educational provision is directed by the Pupil Placement Panel.

### **2 Procedure**

- 2.1 The headteacher will arrange a managed transfer meeting in consultation with Education and Inclusion Services. The parent and pupil must attend. At the meeting, the headteacher will outline the seriousness of the situation and that a permanent exclusion is being considered. A managed transfer, as an alternative to a permanent exclusion, may be proposed.
- 2.2 The parents will have the opportunity to discuss the types of alternative education programmes available for their child.
- 2.3 A parent has the right to insist that the school permanently excludes their child. This protects their legal rights to appeal and allows them to challenge the decision to remove their child from the school.

### **3. Confirmation**

- 3.1 The school will write a letter to the parent confirming that, as an alternative to a permanent exclusion, a managed transfer has been agreed. The letter will contain the following wording:

*You have the right to insist that the school permanently excludes (pupil's name) rather than arrange a managed transfer. This protects your legal rights to appeal and allows a challenge to the decision to remove your child from (name of school). Please sign and return a copy of this letter to confirm your decision to accept a managed transfer.*

- 3.2 A copy of the signed letter will be placed in the pupil's school file and sent to the Interim Head of Education and Inclusion Services.

### **4. Contact**

Any queries in relation to this protocol should be directed to: Velia Hartland, Interim Head of Education and Inclusion Services, 020 8891 7700; [v.hartland@richmond.gov.uk](mailto:v.hartland@richmond.gov.uk).



## MANAGED MOVE REQUEST

To be completed by the <b>'home'</b> school and parent. Please enter pupil's details:	
Home school:	
Surname:	
Forename:	
Name of Parent(s) / Carer(s):	
Address:	
Home telephone number: Mobile telephone number: Parent work number:	
Gender:	Male / Female
Date of birth:	
Year group:	
CAF:	Yes / No
SEN stage:	School Action                      Yes / No School Action Plus                Yes / No
Reason for requesting a Managed Move:	
Has the pupil any recognised disability or medical need?	
Please briefly outline the student's levels of attainment at KS2/KS3/KS4, including details of syllabus and options if appropriate:	
Attendance – current %:	previous year%:
Has this pupil been referred to any other agencies?    Yes/No If yes, provide details:	
NAME OF PERSON COMPLETING FORM & DESIGNATED POST:	Date:
SIGNATURE OF PARENT(S)/CARER(S):	Date:

## **APPENDIX 3: IN-YEAR ADMISSIONS TO SCHOOLS WITHIN THE LONDON BOROUGH OF RICHMOND UPON THAMES**

### **1. Introduction**

- 1.1 In light of the statutory duty for Local Authorities (LAs) to coordinate school admissions for all year-groups, this paper aims to clarify local arrangements for 'in-year' admissions, i.e. those made outside the normal Reception and Year 7 admission rounds.

### **2. The legal position regarding in-year admissions**

- 2.1 Under Schedule 2 of the [School Admissions \(Co-ordination of Admission Arrangements\) \(England\) Regulations 2008](#), local authorities are required to formulate a scheme to coordinate in-year admissions. Applications by residents of the home LA (see below) must apply through their home LA and be able to express up to at least three preferences.
- 2.2 The School Standards and Framework Act 1998 (SSFA) makes it clear that admission authorities cannot refuse to admit a child to a year-group in which there are vacancies unless the child in question: has been permanently excluded from two or more schools and at least one of the exclusions took place after 1 September 1997 (section 87) or has a statement of special educational needs that specifies another school as the placement school.
- 2.3 Where schools refuse to comply with an LA's direction for a child to be admitted under Sections 96/97 of the School Standards and Framework Act or to admit a child offered a place by the LA as the admissions authority, the matter may be referred to the Secretary of State for determination under that section or a direction under section 496 of the Education Act 1996 respectively. The Authority has not invoked the powers of direction in recent years and aims not to do so in the future. Direction would only be used as an absolute last resort, in a child's best interests.
- 2.4 The Education (Admission of Looked After Children) (England) Regulations 2006, bestow upon LAs the power to direct admission of a looked after child into any maintained school, whether in its administrative area or not, where it is considered that it will best meet the child's needs. Before invoking this power, the LA must consult with the school in question.

### **3. Interviewing**

- 3.1 The School Admissions Code states, in paragraph 1.52, that:

Section 88A of the SSFA 1998 prohibits the interviewing of parents and/or children as a method for deciding whether a child is to be offered a place at

a school. Interviews **must not** form part of the admissions process and admission authorities **must not** use either face-to-face interviews or interviews by telephone or other means.

#### **4. Home-school agreements**

- 4.1 The School Admissions Code states, in paragraph 1.55, that: “Admission to a school **must not** be conditional on parents signing a home–school agreement, under section 111 of the SSFA 1998.”

#### **5. Appeals**

- 5.1 The School Admissions Code makes it clear, in paragraph 17 of Appendix 1, that schools cannot refuse entry to children who are offered places on appeal:

Admission authorities must admit a child whose parents have won an appeal. If the admission authority wants to challenge the decision of the appeal panel, it may seek judicial review. The Secretary of State has no jurisdiction over the decisions of appeal panels.

That wording applies to all maintained schools and to academies.

#### **6. Protocol for in-year admissions to London Borough of Richmond upon Thames schools**

##### **A. Initial enquiries.**

1. Any parent/carer who enquires as to availability of places, either to the LA or direct to schools, will be informed of the number of places available within the relevant year-group, without the parent first being required to disclose the child’s details.
2. Any parent/carer making an enquiry to the LA as to a suitable school for their child, will be informed of the schools at which there are places in the appropriate year-group.
3. If the parent makes the enquiry direct to a school, the school shall inform them that they should contact their home LA’s Admissions Team and complete a Common Application Form (CAF).
4. In the event that a pupil has a statement of SEN naming a particular school, the LA will normally arrange for that school to admit the child or make a direction to that effect via the SEN panel.

##### **B. Applications**

1. Applications for children resident in Richmond upon Thames LA will be made on Richmond upon Thames LA’s Common Application Form (see Schedule 1). This will include all the fields and information specified in Schedule 1 to this Protocol. These will be supplemented by any additional fields and information which are deemed necessary by Richmond upon

Thames LA to enable the admission authorities in the LA area to apply their published oversubscription criteria.

2. Applications for children living elsewhere in England will be referred to their Home LA to be considered under their Home LA's scheme, unless evidence of an imminent move is provided, and this is agreed by both LAs.
3. Applications for children living outside of England will be considered in accordance with Richmond upon Thames LA's protocol for dealing with applicants from abroad, i.e. they must provide proof of their intention to move/return to a local address at a particular time. (See paragraph 10.)
4. Richmond upon Thames LA will not use supplementary forms for its community schools; however, all the admission authority schools within Richmond upon Thames LA will use supplementary forms where the information available through the Common Application Form is insufficient for consideration of the application against the published oversubscription criteria. Where supplementary forms are used by the admissions authorities within Richmond upon Thames LA, the LA will seek to ensure that these only collect information which is required by the published oversubscription criteria, in accordance with paragraph 1.83 of the School Admissions Code.
5. Where supplementary forms are used by admission authority schools within Richmond upon Thames, they will be available from the schools concerned and on Richmond upon Thames LA's website, and should be returned to the schools direct. Any supplementary forms must advise parents that they must also complete their Home LA's Common Application Form.
6. Where an admission authority in Richmond upon Thames LA receives a supplementary form, it will not consider it to be a valid application until the parent has also listed the school on their Home LA's Common Application Form, in accordance with paragraph 3.7 of the School Admissions Code, and that form has subsequently been received by the Home LA.
7. Applicants living within the area of Richmond upon Thames LA will be able to express a preference for a maximum of three maintained primary/secondary schools or Academies within and/or outside the Home LA. Richmond upon Thames LA will accept any preference received from a Home LA for a maintained school or academy in its area.
8. The order of preference given on the Common Application Form will not be revealed to a school within the area of Richmond upon Thames LA, in accordance with paragraph 1.76 of the School Admissions Code. However, where a parent of a child resident in Richmond upon Thames LA expresses a preference for schools in the area of another LA, the order of preference for that LA's schools will be revealed to that LA in order that it can determine the highest ranked preference in cases where a child is eligible for a place at more than one school in that LA's area.

9. Richmond upon Thames LA undertakes to carry out address verification against Council records for each application made by a resident within Richmond upon Thames LA and will seek further evidence if the applicant's name cannot be found. Where Richmond upon Thames LA is not satisfied as to the validity of an address of an applicant whose preference has been sent to a maintaining LA, it will advise the maintaining LA as soon as it becomes apparent.
10. Richmond upon Thames LA will seek relevant documentary evidence in any of the following address-related scenarios:
  - Where a child's parents have an equal shared care arrangement, the address of the parent who claims child benefit in respect of the child being claimed for will be used in order to process the application;
  - Where applicants move during the application process, proof of completion of purchase or a signed tenancy agreement will be sought;
  - Where applicants are living abroad on a temporary work contract but intend to return to the local area before the date that the child would be admitted to the school, the following documents will be requested: written confirmation of the date that, and the address to which, the applicants intend to return; a copy of the work contract or letter from the employer to show the date that the employment abroad will cease; and proof that the applicants maintain, or intend to buy or rent, a local property to which they will return.
11. Richmond upon Thames LA will check the status of any applicant who is a 'Looked After' child and provide evidence to the maintaining LA in respect of a preference for a school not in Richmond upon Thames LA's area as soon as it is received.
12. Richmond upon Thames LA will advise a maintaining LA of the reason for any preference expressed for a school not in Richmond upon Thames LA's area, in respect of a resident child, and will forward any supporting documentation to the maintaining LA as soon as it is received.

### **C. Processing by Richmond upon Thames LA**

13. Applicants with children resident within Richmond upon Thames LA must complete and return the Common Application Form to Richmond upon Thames LA.
14. An application for a child resident outside of Richmond upon Thames LA will not be considered until a Common Application Form has been fully completed and returned to the Home LA.
15. Where an application is not fully completed, Richmond upon Thames LA will not treat the application as valid until all information is received.

16. Acting as Home LA, Richmond upon Thames LA will check the address details given on Common Application Forms against Council records and, in liaison with the Council's Audit Section, will seek further evidence where there are discrepancies.
17. Richmond upon Thames LA will aim to share fully completed application data with other LAs, where it relates to preferences for schools in that LA, or with admission authority schools in its own area, within **5 working days** of the application being fully completed. Richmond upon Thames LA will aim to share evidence relating to reasons for preferences with maintaining LAs or admission authority schools by the same date.
18. Where the LA has access to the Pan London Support Site, application data will be exchanged through the document exchange. Richmond upon Thames LA will use the DfE's 'Schools to Schools' (S2S) secure file transfer website to forward data and supporting information to LAs that do not have access to the Pan London Support Site.
19. Where, acting as a Home LA, this LA requests background information from a previous school before a place is offered, it will pass any information so obtained to a maintaining LA or admission authority school with whom it has shared application data, as soon as this is received.
20. For children who at their current or previous school have an attendance rate below 90% without good reason or any behavioural issues that relevant professionals judge to be significant, applications for places in schools and academies in Richmond upon Thames LA will be considered by Richmond upon Thames LA's Behaviour and Attendance Panel, so that appropriate support can be provided.
21. Where an application for a place at a school or academy within Richmond upon Thames is refused due to oversubscription, Richmond upon Thames LA and/or the school or academy will notify the applicant of their right of appeal.

#### **D. Processing by schools and academies in Richmond upon Thames**

22. Where Richmond upon Thames LA passes details of an applicant to an admission authority school within its area, the school shall convene its Admissions Committee as soon as possible and notify Richmond upon Thames LA within **9 school days** whether a place can be offered.
23. Where the application is made within a school holiday period, the admission authority school will aim to convene its Admissions Committee within a reasonable timescale. If at all possible, each school shall provide a point of contact for Richmond upon Thames LA's School Admissions Team during school holidays so as to minimise that the amount of time that children go without school places.

24. Each school and academy within the borough will update the numbers on roll in each of its year-groups **at least once a week**. This will be done via the Schools Extranet.
25. Each school and academy within Richmond upon Thames LA's area will maintain a waiting-list in ranked order for each year-group that is oversubscribed, and will, if possible, share that list with Richmond upon Thames LA in order to minimise the need for communications.

#### **E. Making offers**

26. Richmond upon Thames LA will aim to share the outcome of an application for one of the schools in its area with the Home LA or the school concerned within **10 school days** of receiving the data. (Where it is clear to Richmond upon Thames LA that no vacancy exists for the child, Richmond upon Thames LA will inform the Home LA as soon as possible after receipt of the application data).
27. If it has not been possible to make a decision within **10 school days**, Richmond upon Thames LA undertakes to send details of the outcome of an application for one of the schools in its area to the Home LA or the school concerned as soon as a decision is made, but within at least **20 school days** of receiving the application data.
28. Where it is clear that no vacancy exists at an admission authority school or academy applied for in its area, Richmond upon Thames LA will still pass application data to the school or academy concerned so that the child's name can be added to the waiting-list and the right of appeal be given to the parent/carer.
29. Where it has not been possible to share the outcome of an application for any school within **10 working days** of receiving the data, Richmond upon Thames LA understands that the Home LA may send an outcome letter advising the parent that a decision has not yet been made in respect of Richmond upon Thames LA's school.
30. Acting as Home LA, Richmond upon Thames LA will eliminate all but the highest-ranked offer where an applicant has more than one potential offer across maintaining LAs submitting information within **10 working days**, and, where it has been informed by a maintaining LA that a place is available, will advise that LA whether or not the place is required.
31. Acting as Home LA, Richmond upon Thames LA will inform each applicant within its area of their highest offer of a school place and, where relevant, the reasons why higher preferences were not offered, including, if outcomes are not yet known, whether they were for schools in Richmond upon Thames or in other LAs.

32. Where it has not received an outcome of an application for a school within another maintaining LA which is a higher preference than the school offered, Richmond upon Thames LA, as Home LA, will manage that application by liaising with the maintaining LA and the applicant, as appropriate, until an outcome can be sent in respect of each higher preference school named on the Common Application Form.
33. Acting as Home LA, Richmond upon Thames LA will satisfy itself that each applicant's date of birth is correct by requesting that the applicants submit short birth certificates or other proof with their acceptance of an offer.
34. Where a parent moves from one Home LA to another after submitting an application, the previous Home LA will pass responsibility to the new Home LA who, once they are satisfied that the applicant has moved, will accept responsibility for the applicant.
35. Where an application for a place at a school or academy within Richmond upon Thames is refused due to oversubscription, Richmond upon Thames LA and/or the school or academy will notify the applicant of their right of appeal within **5 school days**.
36. Where an appeal for an admission authority school is successful, the clerk to the appeal panel will notify the home local authority's school admissions team.

#### **F. Post-offer**

37. Richmond upon Thames LA will request that resident parents accept or decline the offer of a place within 14 days.
38. Where a parent does not respond within this timeframe, Richmond upon Thames LA will make every reasonable effort to contact the parent to find out whether or not s/he wish to accept the place, and if it is for an out-borough school, will liaise with the maintaining LA, who will in turn liaise with the school. Only where the parent fails to respond, and Richmond upon Thames LA can demonstrate that every reasonable effort has been made to contact the parent, will the offer of a place be withdrawn on behalf of the admission authority concerned.
39. Where a parent resident in Richmond upon Thames LA accepts or declines a place in a school maintained by another LA, Richmond upon Thames LA will forward the information to the maintaining LA as soon as it is received.
40. Richmond upon Thames LA will aim to inform the Home LA whether a child offered a place at a school in its area has been placed on roll at the school within **5 working days** of being placed on roll.

41. Richmond upon Thames LA will notify the Home LA of any appeals that are upheld for schools within Richmond upon Thames.

## **G. Waiting-Lists**

42. Where admission authority schools in Richmond upon Thames have any year-groups that are full, they will maintain waiting-lists, wholly in accordance with their published oversubscription criteria, for those year-groups. Richmond upon Thames LA's Admissions Section will do likewise for all community schools within the borough.
43. Applicants will only be placed on the waiting-lists for schools in Richmond upon Thames LA (acting as the maintaining LA) at the request of the Home LA.
44. Where a place is available to be offered from the waiting-list to a child resident in another LA, Richmond upon Thames LA will advise the Home LA so that it will formally communicate the offer of the place.
45. Where Richmond upon Thames LA is informed that another LA is able to offer a place from the waiting-list to one of its residents, it will send the outcome letter to the applicant.
46. All waiting-list offers to be made in respect of schools and academies within Richmond upon Thames LA shall be communicated by Richmond upon Thames LA as the Home LA, or, where it is acting as the maintaining LA, shall be communicated by Richmond upon Thames LA to the Home LA who will then communicate the offer to the applicant.

## **H. Contacts**

47. Any queries in relation to this protocol should be directed to: Matthew Paul, Head of Schools Commissioning, 020 8891 7588, [m.paul@richmond.gov.uk](mailto:m.paul@richmond.gov.uk);

## **APPENDIX 4: A PROTOCOL TO SAFEGUARD PERMANENTLY EXCLUDED / MANAGED TRANSFER PUPILS**

This document sets out a protocol to best support young people who are permanently excluded from school.

### **1. The scope of the protocol**

The protocol will cover:

- all in-borough residents attending a Richmond school who are permanently excluded; and
- all young people, irrelevant of their residency, who are subject to a managed transfer from a Richmond school to another Richmond school as an alternative to permanent exclusion.

### **2. Procedures**

All secondary in-borough residents permanently excluded from school are directed to their next educational placement through the Pupil Placement Panel (PPP). Likewise all young people who are subject to a managed transfer as an alternative to permanent exclusion are directed to their next placement through the PPP.

The PPP is organised by Education and Inclusion Services within 10 school days of the permanent exclusion or a decision being taken to manage transfer a young person as an alternative to permanent exclusion.

The PPP has the agreement of all secondary headteachers in the borough. A directive to offer a place to a young person from the PPP is accepted without question by all secondary schools.

In the unusual circumstances of there being no CAF a multi agency planning meeting will be organised by Education and Inclusion Services for each young person directed to a new placement by the PPP and any primary aged permanently excluded pupil. If a CAF is available then the Lead professional will call a Team Around the Child (TAC) meeting.

All invited professionals must attend the multi agency / TAC meeting. Those invited will include:

- a key member of staff from the excluding school;
- a key member of staff at the receiving school;
- a representative from Specialist Children's Services and/or a representative from the Targeted Youth Services; and
- a representative from any other agency who has had involvement with the young person.

Education and Inclusion Services or the Lead Professional will call, and chair, the meeting within 5 school days of the PPP or the decision to permanently exclude being upheld.

The purpose of the meeting will be to ensure that all professionals involved with a young person can share relevant information. The Lead Professional will be confirmed.

The Lead Professional will have responsibility to ensure that:

- there is an agreed CAF Delivery Plan with actions and agency responsibilities recorded;
- effective monitoring and reviewing of the Delivery Plan takes place to make certain that all professionals carry out the agreed actions; and
- the Delivery Plan includes the Individual Reintegration Plan that will be implemented by Education and Inclusion Services.

### **3. Review**

The protocol will be reviewed as and when required by new legislation, guidance or local circumstances.

### **4. Contact**

For further information please contact:

Velia Hartland, Interim Head of Education and Inclusion Services, 020 8891 7700,  
v.hartland@richmond.gov.uk