WEST BERKSHIRE FAIR ACCESS PROTOCOL

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1. Introduction

The local authority must have a Fair Access Protocol to ensure that unplaced and vulnerable children, and those who are having difficulty in securing a school place in-year, are allocated a school place as quickly as possible.

The Protocol will be consulted upon and developed in partnership with all schools in West Berkshire. Once the Protocol has been agreed by the majority of schools, all admission authorities must participate in it. Participation includes making available a representative who is authorised to participate in discussions, make decisions on placing children via the Protocol, and admitting pupils when asked to do so in accordance with the Protocol, even when the school is full.

2. Eligibility for the Fair Access Protocol

The Fair Access Protocol is to be used to place the following groups of vulnerable and/or hard to place children, where they are having difficulty securing a school place in-year:

a) Children either subject to a Child in Need Plan or a Child Protection Plan or having had a Child in Need Plan or a Child Protection Plan within 12 months at the point of being referred to the Protocol;

b) Children living in a refuge or in other Relevant Accommodation at the point of being referred to the Protocol;

c) Children from the criminal justice system;

d) Children in alternative provision who need to be reintegrated into mainstream education or who have been permanently excluded but are deemed suitable for mainstream education;

e) Children with special educational needs (but without an Education, Health and Care plan), disabilities or medical conditions;

f) Children who are carers;

g) Children who are homeless;

h) Children in formal kinship care arrangements;

i) Children of, or who are, Gypsies, Roma, Travellers, refugees, and asylum seekers;

j) Children who have been refused a school place on the grounds of their challenging behaviour and referred to the Protocol.

k) Children for whom a place has not been sought due to exceptional circumstances83;

l) children who have been out of education for four or more weeks where it can be demonstrated that there are no places available at any school within a reasonable distance of their home. This does not include circumstances where a suitable place has been offered to a child and this has not been accepted; and

m) Previously looked after children for whom the local authority has been unable to promptly secure a school place.

In most cases use of the Fair Access Protocol should be unnecessary for a previously looked after child. The local authority are expected to aim to secure a school place particularly promptly for a previously looked after child and for admission authorities to cooperate with this. The responsible local authority will consider use of their general powers of direction or asking the Secretary of State to consider a direction to be the most suitable course of action if a school place for a previously looked after child cannot be agreed with an admission authority promptly.

3. Main Points

- FAPs exist to ensure that vulnerable children, and those who are having difficulty securing a school place in-year, are allocated a place as quickly as possible.

- FAPs must not be used in place of the usual in-year admissions process. A parent can make an in-year application at any time and is entitled to have their preference met wherever possible, as well as the opportunity to appeal a decision when a place is not offered.

- Once the FAP is agreed with the majority of schools in the area, all admission authorities must participate in it.

- FAPs must only be used for children that meet the prescribed categories set out in section 2 above.

- There is no duty to comply with parental preference when allocating places through the FAP but parents' wishes will be taken into account.

- When seeking to place a child through the FAP, no school (including those with places available) will be asked to take a disproportionate number of children who have been permanently excluded from other schools, who display challenging behaviour, or who are otherwise being placed via the FAP.

  A data dashboard will record children placed under the Fair Access Protocol and other relevant information so that schools can make judgement on the above. This will include:
  - Children placed without the need for a meeting where schools have agreed to admit above their PAN or POP for an unplaced West Berkshire child.
  - Children placed at a FAP meeting because a place could not be agreed outside of a meeting.
  - Children placed by a PPP meeting (including Fresh Starts). PPP meetings fall under the Fair Access Protocol, more details of which are included in the appendices.
  - The number on roll in each year group in each school.
  - The PAN and POP for each school.
  - A calculation of the percentage of children placed under the protocol.

- Admission authorities must admit children when asked to do so in accordance with the FAP. Where an admission authority fails to comply with the FAP, they may be directed to do so

- If a child is referred to FAP, the parent will be informed that a place will be allocated via the FAP.

4. Processes

Process 1: Children in I-College and children excluded from West Berkshire Schools

Will be placed between schools and I-college using the PPP process described in **Appendix 1.**

Note: Where an application is received for a child who currently attends a PRU outside of West Berkshire or who has been permanently excluded from a school outside of West Berkshire – Dr Michelle Sancho, Principal EP and Service Manager will determine if the child will be placed by PPP or if the application should be processed in the normal way.

Process 2: vulnerable and/or hard to place children

- The closest school to the child's home address will normally be expected to admit the child and will be contacted by the LA although the parent's reasons for applying will also be considered.
- The LA will record all children placed in this way.
- Where the closest school has already admitted above PAN or POP and the data dashboard shows they have already admitted a higher percentage of fair access cases, the school may decide that they are unable to offer. If this is the case the admissions team will contact other nearby schools with the information for consideration.
- Unless the child meets one of the specified criteria in section 2, a place cannot be offered without regard to school waiting lists.
- If no school within a reasonable distance agree to offer a place through the informal process a FAP meeting will be arranged.

5. Challenging behaviour

Definition

Behaviour can be described as challenging where it would be unlikely to be responsive to the usual range of interventions to help prevent and address pupil misbehaviour **or** it is of such severity, frequency, or duration that it is beyond the normal range that schools can tolerate. We would expect this behaviour to significantly interfere with the pupil's/other pupils' education or jeopardise the right of staff and pupils to a safe and orderly environment.

A child with challenging behaviour may also be disabled as defined in the Equality Act 2010. When considering refusing admission on these grounds, admission authorities must consider their duties under that Act. Admission authorities should also consider the effect of the decision

of the Upper Tribunal in C & C v The Governing Body of a School, The Secretary of State for Education (First Interested Party) and The National Autistic Society (Second Interested Party) (SEN) [2018] UKUT 269 (AAC) about the implications of the Equality Act 2010 when a pupil exhibits a tendency to physical abuse of other persons as a consequence of a disability.

Refusal of a child with challenging behaviour when there is a space

Where an admission authority receives an in-year application for a year group that is not the normal point of entry (not, reception, year 3 in Junior schools and year 7) and it does not wish to admit the child because it has good reason to believe that the child may display challenging behaviour, it may refuse admission and refer the child to the Fair Access Panel.

The following reasons on their own should not be grounds for considering that a child may display challenging behaviour:

- **poor attendance elsewhere;**
- **a defined number of suspensions, without consideration of the grounds on which they were made;**
- **special educational needs; or**
- **having a disability.**

An admission authority should only rely on the above provision if it has a particularly high proportion of either children with challenging behaviour or previously permanently excluded pupils (a child who has been placed in the school via the Fresh Start Process who was at risk of exclusion will count as a permanent exclusion) on roll compared to other local schools and it considers that admitting another child with challenging behaviour would prejudice the provision of efficient education or the efficient use of resources.

The above provision cannot be used to refuse admission to looked after children, previously looked after children; and children who have Education, Health and Care Plans naming the school in question.

Admission authorities **must not** refuse to admit a child thought to be potentially disruptive, or likely to exhibit challenging behaviour, on the grounds that the child is first to be assessed for special educational needs.

Process of refusing on the grounds of challenging behaviour

1. Where an admission authority refuses on the grounds of challenging behaviour, Notification must be sent to the parent within 15 school days of receipt of the application with the explanation for the decision. The Admissions Manager will decide if the case is to be taken to a FAP meeting. This would normally only be appropriate if the child is an unplaced West Berkshire child. The applicant still has the right to appeal.
2. The refusal notification sent to the parent will explain the dynamics of the relevant cohort including details of previously excluded pupils (this will include children placed

under a Fresh Start who were at risk of permanent exclusion) and pupils with challenging behaviour. The letter will also explain the schools reasons for believing that the child has challenging behaviour. This is important because a parent may submit an appeal against the decision.

3. For schools where the LA are the admission authority, schools must inform the admissions team if there are any year groups that they would consider to have a disproportionate number of previously excluded or challenging children or children placed through the FAP and therefore couldn't admit another challenging child. The LA as the admission authority will decide if a refusal can be made in the specific year group referring to the data dashboard.

6. Fresh Starts

- Fresh Starts are a therapeutic intervention strategy to address challenging behaviour. Fresh Starts may also be needed as a result of a breakdown with peers or with the school community.
- Fresh Starts may be used as supportive alternative to exclusion
- Fresh Starts are deemed as suitable intervention for Key Stages 3 and 4
- Fresh Starts are negotiated between relevant Heads and ratified at PPP, – see **appendix A**, through the Fair Access Protocol.
- A Fresh Start referral, see **appendix C**, should be submitted by the PPP deadline.

7. Fair Access Panel meetings

2 types of Fair Access Panel meetings

1. **PPP** meetings described in **appendix A** and;

2. **FAP** meetings which will be called when required for other unplaced children where it has not been possible to allocate through the normal process.

FAP meeting attendees

Attendees at each meeting to consist of:

For Primary:

- The Chair (a school representative nominated by the Service Manager, Avril Allenby)
- The Clerk.
- 4 core school representatives (0n rotation, nominated by the clerk)
- For each individual child's case discussed by the panel, a representative from the 3 closest schools to the child's home address will be required to attend.
- A representative will also be required from the child's preferred schools and the current school (if within West Berks).

For Secondary:

- The Chair (a school representative nominated by the Service Manager, Avril Allenby)
- The Clerk.

- All Secondary Heads or representatives will discuss each case.
- School Admissions Manager
- Exclusions Officer
- Invited representatives who may already be involved in the pupil's case

FAP meeting structure

- Cases are heard when required.
- Meetings will take place using the most appropriate facility which will normally be Zoom.
- Meetings will be clerked by a Local Authority representative.
- The data dashboard will be available and up to date.
- Representatives will be given 10 school days' notice.
- All members of the panel will be sent an agenda and agreed case details prior to the meeting.
- In advance of the meeting, where appropriate, the 6 closest schools (if there are 6 schools within a reasonable distance) to the child's home address will be asked to explain if they have any significant reasons why they cannot admit another child above their admission number. This will need to be a written submission for consideration in the meeting.
- A decision on the school to be allocated will always be made.
- The Local Authority will have no voting rights.
- Chair to have deciding vote if needed.
- The clerk will produce outcome sheets and notify school, parents and other agencies of the outcome.

FAP considerations

The needs of the child in question:

Children eligible to be placed via FAPs are often vulnerable and may have additional needs that require support. Before making placement decisions, consideration should be given as to whether a child has any particular needs and which school might best be able to meet and support those needs.

The views of the school/s concerned:

All schools should be treated in a fair, equitable and consistent manner. This means that no school – including those with places available – is asked to take a disproportionate number of children who have been permanently excluded from other schools, who display challenging behaviour, or who are otherwise being placed via the FAP.

Where a school expresses compelling reasons for not being able to admit a child via the FAP, for example due to health and safety reasons, this should be taken into consideration before a decision is made to place a child in that school.

Parental preference:

There is no duty for local authorities or admission authorities to comply with parental preference when allocating places through the FAP but parents' views should be taken into account. Information from a parent can provide valuable context that may help those involved in the FAP process determine whether a particular school place is appropriate for a child, and any particular needs they may have.

Procedure for referral to the Fair Access Panel meeting

- In most cases children who are without a school place should be offered a place without the need for a meeting to be called as explained in section 2 on page 4.

  If a place cannot be agreed outside of a meeting then a meeting will be called. First, the relevant person (normally a school admissions officer) will complete the appropriate referral form on page 14 and send to the School Admissions Manager.

  The School Admissions Manager will call a meeting as described above under the title of Fair Access Meeting Structure on page 7.

- Where a school has refused to admit an unplaced child on the grounds of challenging behaviour, it is the schools responsibility to make the case that they have a disproportionate number of challenging children already in the school and present their reasons for believing the child has challenging behaviour.

  The school must ensure that they send all relevant information, including referral form 2 on page 16 to the School Admissions Manager

- It is the responsibility of the referring school/team to ensure all documents are sent.

8. Monitoring of the Fair Access Protocol

Monitoring of the Fair Access Protocol

- The Local Authority will maintain a summary of the scale of in-year admissions on a school by school basis, including where schools have agreed to admit above their admission number for unplaced children without the case being referred to a meeting. This will be used to establish whether some schools are taking a disproportionate number of previously excluded pupils or others considered to be vulnerable. This data will be available at every panel meeting and readily available to schools.
- Annually in advance of a new academic year, the Local Authority will ask schools for opinion on the effectiveness of the protocol that is not covered by the PPP process. When required the LA will set up a meeting with the Primary and Secondary School representatives.

Monitoring of Secondary Pupil Placement Panel

- The Local Authority will maintain a summary of the scale of in-year admissions on a school by school basis, and this will be used to establish whether some schools are taking a disproportionate number of previously excluded pupils or others considered to be vulnerable. This will help analyse types of pupils that are hard to place in the area. This data will be available at every panel meeting and readily available to schools.

- To ensure that a complete picture of how schools are working with the Local Authority to share vulnerable pupils is recorded, in-year admissions will include those pupils that could be considered to have been referred to the PPP, but were not, due to admission under the normal admission arrangements. This will assist the PPP when considering cases and ensure that admissions to schools are equitable.
- There will be an Annual PPP Review meeting open to all PPP representatives to review the effectiveness of the Protocol. This will be led by the Exclusions Officer and PPP Chair.

Monitoring of the Primary Pupil Placement Panel:

- The Local Authority clerk will maintain a summary of the scale of Primary PPP allocated places and this will be used to establish whether some schools are taking a disproportionate number of previously excluded pupils or others considered to be vulnerable. This will help analyse types of pupils that are hard to place in the area. This data will be available at every panel meeting and readily available to schools.
- The Therapeutic Thinking Lead will maintain records of the agreed financial packages, issue impact assessment documents to schools and collate impact data, which will be used to inform the Transition Panels future decisions.
- There will be an Annual Transition Funding Panel meeting, to the review of effectiveness of the practices and processes adopted by the panel. All Headteachers will have the opportunity to contribute and offer feedback. This will be led by the Principal Educational Psychologist.

Appendices

Appendix A – West Berkshire Pupil Placement Panel.

INTRODUCTION

The School Admissions Code requires all local authorities to have a Fair Access Protocol (the 'Protocol'), agreed with the majority of primary and secondary schools (including Academies) in its area. The Fair Access Protocol is overseen by the Admissions department.

The Protocol must include how the Local Authority will transfer pupils between mainstream and Alternative Provision

The Pupil Placement Panel oversees the transition and reintegration of pupils between iCollege, the West Berkshire alternative provision, and mainstream schools.

PURPOSE OF PRIMARY PPP

- Placing previously excluded pupils, who have spent a short intervention period at iCollege, into a mainstream school or a longer term placement at iCollege
- Placing pupils who are unable to access mainstream into a longer term placement at iCollege
- Reintegrating pupils from iCollege back into mainstream
- To liaise with Headteacher of potential receiving school and agree an appropriately funded and time specific, package of support.
- Through regular communication with iCollege, maintain an up to date understanding of individual pupil needs and readiness for transition to mainstream

PURPOSE OF SECONDARY PPP

- Placing previously excluded pupils, who have spent a short intervention period at iCollege, into a mainstream school or a longer term placement at iCollege
- Placing pupils who are unable to access mainstream into a longer term placement at iCollege
- Reintegrating pupils from iCollege back into mainstream
- Support and challenge
- Agreeing managed moves, Fresh Starts, between mainstreams settings

KEY PRINCIPLES

- The decision of the PPP is final. Schools cannot submit further evidence once a decision is reached.
- **All** schools and Academies will participate fully with the Protocol and admit pupils who are hard to place.
- When seeking to place a pupil under the Protocol, all schools will be treated in a fair, equitable and consistent manner.
- There are two Pupil Placement Panels – one for primary aged pupils and one for secondary

- Schools cannot say they are oversubscribed if they are asked to admit a pupil under the Protocol, and eligible pupils will be given priority for admission over any others on a waiting list or awaiting appeal.

PUPILS ELIGIBLE FOR PPP

- pupils without a school place with evidence of special educational needs, disabilities or medical conditions, but without an EHCP or for whom, an EHC needs assessment has not been initiated who are looking for a place at iCollege
- previously expelled pupils being placed in a mainstream school
- previously expelled pupils being placed in a longer term provision at iCollege
- pupils with challenging behaviour being placed from mainstream into iCollege
- pupils from iCollege being placed back into mainstream
- pupils currently at a PRU looking for an in year out of county admission to iCollege
- pupils who have been EHE for more than 12 weeks looking for a place in iCollege
- pupils currently accessing medical home education, unable to return to mainstream and looking for a place at iCollege
- pupils looking to move from one mainstream to another through a Fresh Start

PUPIL PLACEMENT PANEL STRUCTURE

- The meeting will be clerked by a Local Authority representative who will also have placement data available at every meeting showing trends and fair access.
- A pre meeting is held with the clerk and chair prior to the PPP meeting.
- All members of the panel will be sent an agenda and agreed case details prior to the meeting.
- There will be up to nine meetings a year.
- Meeting dates and venues will be prepared for the whole academic year and circulated to panel members.
- The Local Authority representative will produce outcome sheets and notify school, parents and other agencies of the outcome.
- The Local Authority will have no voting rights.
- Chair to have deciding vote if needed.
- Chair to record clear actions
- The Local Authority representative will ensure admissions and finance are aware of outcomes

PUPIL PLACEMENT PANEL - CONSIDERATIONS

- The panels will identify the school that should admit the pupil, or iCollege, if appropriate, and decisions apply to all schools, including Academies, Free Schools, Foundation Schools and Voluntary Aided schools.
- Panels will consider the following (this list is not exhaustive):
- Genuine concerns about the admission, e.g. a previous serious breakdown in relationship between the school and the family, or a strong aversion to, or desire for, the religious ethos of the school.
- Parents/Carers and pupils' views, but they will not override the decision of the Panel if the preferred school is unable to take the pupil.
- Where schools reach a limit in any year group – whether to provide a placement in another mainstream school or to exceed the limit.

- Whether good quality alternative provision provides a longer term solution for pupils who cannot tolerate a mainstream environment.

- Whether to assist with transport assistance, normally limited to provision for attending schools beyond walking distance (the Local Authority's home to school transport policy must be considered).
- Where appropriate, a financial package of support could be provided from the Pupil Placement Budget for use of additional support including E.P. Assessments, counselling services and one to one support

SECONDARY PPP MEMBERS CONSIST OF:

- Chair who will be nominated by the Principal Educational Psychologist.
- Headteacher of iCollege.
- All secondary Headteachers.
- LA Representative
- Invited representatives who may already be involved in the pupil's case

PRIMARY PPP MEMBERS CONSIST OF:

- Chair who will be the Principal Educational Psychologist.
- Head of School Improvement
- Therapeutic Thinking Lead
- iCollege representative
- Finance representative
- Primary Heads Association representative as needed
- Primary Heads as needed
- Head of Admissions as needed
- Clerk to record minutes and clear actions

FINANCIAL ARRANGEMENT

- Where a pupil is excluded, the expelling school will pass the remainder of 'age-weighted pupil unit' ('AWPU') for the financial year back to the Local Authority. Money will be passed to the receiving school when admitted, or used for alternative provision if it is decided not to place the pupil in a school.

- Similar funding will be arranged for pupils not permanently excluded when transferring between West Berkshire schools when considered appropriate by either panel.

- Top-up funding for both short term dual-roll (in-reach) and long term single-roll (permanent provision) iCollege placements made through PPP to be funded by initiating school and West Berkshire, subject to the current % split financial arrangement agreed by Schools Forum.

PUPIL PLACEMENT BUDGET

A financial resource has been created to support the movement of pupils, back into mainstream or between mainstream schools, and to assist with reintegration. This may be

accessed for short term assistance which may include an Education Psychology assessment, one to one support, counselling or catch up tutoring. This budget is held by

PROCEDURE FOR REFERRAL TO THE PUPIL PLACEMENT PANEL

- Referral Form to be completed (Appendix C) and forwarded to the designated officer supporting the PPP meeting. Referrals can be made by the Headteacher of a school or alternative provision, an Education Welfare Officer, Elective Home Education lead, a School Admissions Officer, a Social Worker and/or a professional supporting a pupil who does not have a school place.

- Additional information with the referral form helps to ensure a placing in the best interest of the pupil. Additional information could include but not limited to:
    - Latest school report;
    - Behaviour log;
    - Record of academic levels;
    - Statements from other agencies involved;
    - Professional reports e.g. Educational Psychologist, Speech and Language Therapist etc.;
    - If expelled – expulsion documentation;
    - Record of behaviour intervention and strategies used.

- Prior to submission, the referral form should be reviewed with parents. Parents' school preferences and reasons should be obtained and the school should verify that parents agree to the referral.

- The completed form needs to be with the Exclusions Officer at least five working days before the pre-meeting. These dates will be identified and shared for the whole academic year. Late referrals will be considered at the discretion of the Exclusion Officer.

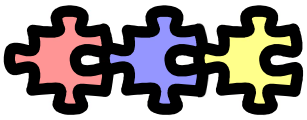
- A pre-meeting will be held with the Exclusions Officer and PPP chair five days prior to PPP to review cases and paper work.

OUTCOME OF PANELS

Pupil Placement Panel decision

- Placement at an identified mainstream school; This may be immediate (within 10 school days) or as part of a longer term reintegration plan
- Dual registration with a mainstream school and alternative provision;
- Full-time single registration at an alternative provision.
- Agreed Fresh Start at another mainstream school
- Decisions will be provided in writing to relevant school(s) and others involved, including parents or carers. This will include any financial implications.
- Admission to and registration with the identified provision will be within ten working days from receipt of the outcome of the PPP meeting in writing. This will be monitored by the Local Authority officer.
- A case will only be referred to a later PPP in exceptional circumstances. This does not include where a pupil is not on a school roll.

Appendix B - Fair Access Panel referral forms



FAP Meeting Referral Form

This form is for the referral of vulnerable and/or hard to place children, where they are having difficulty securing a school place in-year, and it can be demonstrated that reasonable measures have been taken to secure a place through the usual in-year admission procedures)

Details of referral									
Name of referrer:									
Team:									
Contact Information:									
Reason for referral:									
Child's details									
Pupil's First name:					Pupil's Last Name:				
Year Group:		Gender:		DoB:		LAC:	Y/N	Previously LAC:	Y/N
SEN Status			UPN if known:				Pupil Premium:		Y/N
Parent/Carer/Applicant details									
Parents/Carers Names:									
Address:					Contact Details: Home Tel: Mobile: Email Address:				
School Preferences									
Preference rank	School name			Reason for application					
1									
2									

3		
4		

The 6 closest schools (as the crow flies)

School name	Admission Number or POP	Number on Roll	Distance to schools (straight line)

Information the parent/carer would like taken into consideration

This might include but is not limited to:

- Child's health
- Parents health
- Travelling to school
- Reasons for not wanting to attend a specific school (reasons not to be included are a school's perceived popularity or success. A reason that could be used is a child or family member linked to the school that would create challenges if a place is offered there.

Information:

Appendix C – PPP Referral Paperwork

West Berkshire

Pupil Placement Panel (PPP)

Fresh Start cases for Academic Year 2021/22

Fresh Starts fall under the Fair Access Panel and therefore while agreed outside of this meeting between relevant Heads are ratified in PPP.

School Name:								
Pupil's First name:			Pupil's Last Name:					
Year Group:		M / F:		DoB:		Child In Care:	Y/N	SEN status:	
Previously been to PPP? Date? Outcome?			UPN:			Pupil Premium:	Yes / No	
Attendance Current year to date:		%	Total Attendance 2019/20:		%			
SEN/ Diagnosis?:			Parents/Carers Names:					
Address:			Contact Details: Home Tel: Mobile: Email Address:					
Parent/Carer Agreement to Fresh Start:	Yes / No		Pupil Agreement to Fresh Start:		Yes / No			
Instigating school:			Proposed Host school:					
Date Fresh Start to start			Date Fresh Start to end					

Appendix D – Twice permanently excluded children

3.8 Where a child has been permanently excluded from two or more schools there is no need for an admission authority to comply with parental preference for a period of two years from the last exclusion (Section 87 of the SSFA 1998). The twice excluded rule does not apply to the following children:

a) children who were below compulsory school age at the time of the permanent exclusion;

b) children who have been reinstated following a permanent exclusion (or would have been reinstated had it been practicable to do so);

c) children whose permanent exclusion has been considered by a review panel, and the review panel has decided to quash a decision not to reinstate them following the exclusion; and

d) children with Education, Health and Care Plans naming the school.

Appendix E – Infant Class Size Legislation

2.16 Infant classes (those where the majority of children will reach the age of 5, 6 or 7 during the school year) **must not** contain more than 30 pupils with a single school teacher. Additional children may be admitted under limited exceptional circumstances. 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 Education, Health and Care Plans specifying the 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

APPENDIX F – Process for Requesting Direction of an Academy from the Secretary of State

Where a local authority considers that an Academy will best meet the needs of any child, it can ask the Academy to admit that child but has no power to direct it to do so. The local authority and the Academy will usually come to an agreement, but if the Academy refuses to admit the child, the local authority can ask the Secretary of State to intervene. The Secretary of State has the power under an Academy's Funding Agreement to direct the Academy to admit a child, and can seek advice from the Adjudicator in reaching a decision.

APPENDIX G – Process for Directing a Maintained School for which the Local Authority is not the Admission Authority

A local authority has the power to direct the governing body of a maintained school for which they are not the admission authority to admit a child in their area even when the school is full. The local authority can only make such a direction in respect of a child in the local authority's area who has been refused entry to, or has been permanently excluded from, every suitable school within a reasonable distance. The local authority **must** choose a school that is a reasonable distance from the child's home and from which the child is not permanently excluded. It **must not** choose a sixth-form that selects by ability unless the child meets the selection requirements, or a school that would have to take measures to avoid breaking the rules on infant class sizes if those measures would prejudice the provision of efficient education or the efficient use of resources.

Before deciding to give a direction, the local authority **must** consult the governing body of the school, the parent of the child and the child if they are over compulsory school age. If, following consultation, the local authority decides to direct, it **must** inform the governing body and head teacher of the school. The governing body can appeal by referring the case to the Schools Adjudicator within 15 days. If it does this, the governing body **must** tell the local authority. The local authority **must not** make a direction until the 15 days have passed and the case has not been referred.

If the case is referred to the Adjudicator, the Adjudicator may either uphold the direction or determine that another maintained school **must** admit the child. The Adjudicator's decision is binding. The Adjudicator **must not** direct a school to admit a child if this would require the school to take measures to avoid breaking the rules on infant class sizes and those measures would prejudice