

**TITLE OF REPORT: Fair Access Process- Funding and Educational Psychologist Support**

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### **Purpose of report**

1. To bring to the attention of the School Forum the potential gap in funding and Educational Psychology provision which is linked to the Fair Access process.
2. To invite School Forums to consider the proposal to address the potential gap in funding and provision.

### **Background**

3. Every local authority is required to have in place a Fair Access Protocol (Schools Admissions Code 2021 article 3.14), developed in partnership and agreed with the majority of its schools, in which all schools (including Academies) must participate since it is binding on all schools (Schools Admission Code 2021 article 3.15).
4. The purpose of Fair Access Protocols is to ensure that, outside the normal admissions round, unplaced and vulnerable children and those finding it difficult to secure a school place in-year are allocated a school place as quickly as possible.
5. For the vast majority of children, the protocol will not be necessary or relevant; it is intended to be used where there are particular difficulties in securing a school place. This protocol does not apply to children or young people with an Education, Health and Care Plan, as there are other processes in place to secure an educational placement for these children/young people.
6. From a school/academy perspective the purpose of these protocols is to establish a fair and transparent system, which ensures that all schools/academies admit their fair share of these unplaced and vulnerable children.
7. From a child's perspective the purpose of the protocol is to ensure that access to education is secured quickly.
8. Although as a local authority we would always seek to ensure that parental choice is acted upon, there is no duty for local authorities to comply with parental preference when allocating places through the Fair Access Protocol (School Admission Code 2021 3.19)

## Secondary Fair Access Process

9. The Secondary Fair Access Protocols have been in place in Gateshead since October 2007, when all secondary Headteachers, a representative of the then PRU and local authority officers signed up to the Fair Access Protocols and Memorandum of Understanding.
10. Since the first panel meeting in February 2008, Gateshead has implemented its Secondary Fair Access Protocols through a panel process which runs regularly through out the academic year. The panel consists of an independent chair, Headteachers, Pastoral Deputies and relevant local authority officers. At the behest of Headteachers, in June 2010 the Fair Access Panel and the Educated other than at School (EOTAS) panel merged to become the Pupil Placement Panel (PPP). Following each panel, minutes are sent to all panel members and secondary schools/academies outlining the panel's decision. A further report on the Fair Access process is provided to panel members and secondary school Headteachers on an annual basis.
11. The Fair Access Protocol has been reviewed on a regular basis over the last several years, most recently during the 2020/2021 academic year due to the planned introduction of a revised Schools Admission Code 2021 which came into effect in September 2021. The Protocols have subsequently been updated and streamlined in light of these decisions.
12. Secondary Headteachers also agreed to contribute an agreed amount of funding to be held centrally in the Education Support Service budget and allocated through the Pupil Placement Panel. Written into the Protocols these funds; commonly referred to as 'Secondary funding', are used to 'top up' the cost of alternative provision; pay for interpreting services for meetings in school, translation of documents, support for EPS and any other work that the panel deems would be an appropriate use of this funding. These funds are monitored via budget meetings between finance and the Service Manager for the Education Support Service, with information in the form of a spreadsheet available each term to Pupil Placement Panel and updates provided by the Education Support Service manager to Gateshead Secondary Leaders Group.
13. These funds are carried over year on year until such times as the funds are used, at which point a request is made to the secondary Headteachers who continue to agree to contribute additional funds, most recently (June 2021) the secondary Headteachers agreed to contribute £2,000 per school to top up the funds.
14. Over the last five years there have been over in excess of 900 referrals made to the panel with over two-thirds of these placed into secondary schools/academies.
15. The Fair Access Team was created to provide transition support for the secondary Fair Access process. Consisting of the Fair Access Senior Officer and three Education Support Officers who provide support to the mechanisms that underpin this Protocol.

## Primary Fair Access Process

16. Originally, the local authority, working with 6 primary school Headteachers developed the Primary Fair Access Protocols. As part of the consultation with schools/academies on the process, there was representation made to GAPH, Talking Heads and School Improvement Clusters to discuss the implementation of the Protocols. During 2020/2021 Head Teachers from Fair Access who represent School Improvement Clusters were asked to take part in a review of this Protocol due to the revised Schools Admission Code 2021 which came into effect in September 2021. The Protocols have subsequently been updated and streamlined in light of the decisions made at this review.
17. The Protocol sets out the aims, objectives and the operational details of the Primary Fair Access process. Whereas the principles, aims and objectives are similar to the secondary protocols, operationally the primary protocols reflect the different challenges faced by primary schools e.g. locality, access, school context etc. As part of the original working group a decision to place children into schools via a panel similar to the secondary Pupil Placement Panel was agreed.
18. It has historically been agreed that Headteacher representation on the panel should consist, wherever possible, of a Headteacher from each of the School Improvement Clusters.
19. Transition support when placing a child in a new school has been a corner stone of the Fair Access process. It is recognised by all that moving a child from one school to another and/or a child moving into a school from out of borough or out of the country can present challenges. As with secondary placements, short term transition support will be provided via the Education Support Service under the Fair Access process.
20. Additionally all primary schools have agreed to allocate an amount of funding to be held centrally by the Education Support Service but to be administrated by the Fair Access Panel. Criteria for the use of these funds could include: use of a interpreter to support meetings in school, translation of documents, counselling support, or any other support deemed appropriate by the Panel.
21. Over the last five years there have been over in excess of 700 referrals made to Fair Access Panel. In 2020/2021 over 90% of these were placed within one of our schools/academies.

## Funding

22. Shortly after the panels were created it was agreed to transfer the AWPU and other funding elements following the move of a child from one school/academy in the local area to another. This is undertaken according to a formula, agreed by school forum. This is a recoupment based on census information taking into account the point at which the child was admitted to roll and calculated on a weekly basis, starting from September. It includes all the elements of the mainstream school funding formula and pupil premium if the child is eligible.

23. More recently, due the Schools Admission Code 2021 (2.28 3.18), children who may have historically been allocated a school placement through Fair Access Panel may now be allocated a school place via in-year admissions process. This may impact negatively upon those schools with surplus places who may not be able to re-direct an in-year admission request to Fair Access Panel. The financial support offered via placement through Fair Access Panel will therefore not be available to these schools and may place them and the child at a disadvantage.
24. It was felt at the time, that the outcome of a referral to this panel would help to inform the decisions of the Fair Access Panel as to the appropriateness of a mainstream school placement, or the need for an Education, Health and Care Plan.
25. Placing children with significant special educational needs into a school/academy for an assessment of their special needs and a subsequent Education, Health and Care Plan does have an impact on the support provided by the Educational Psychology Service, as schools will have already prioritised their existing children. Special Educational Needs can potentially be prohibitive, when asking a school/academy to consider a child with significant needs; however it also needs to be recognised that a child may need to be in a mainstream setting in order to undertake an assessment of their special educational needs and their ability to function/manage in a mainstream setting.
26. In order to address this issue the Headteachers on the Fair Access Panel requested a discussion with the Schools Forum regarding the possibility of the de-delegation of funds to employ an educational psychologist, who would belong to the Educational Psychology Service but who would receive their workload directly from the Fair Access Panel. This would allow for children placed in a school/academy with special educational needs to undergo an assessment, without this placement having an impact on a school/academy existing allocated EP time. This was agreed as appropriate in 2014.
27. More recently, due to changes in Schools Admission Code 2021 (2.28 3.18), children who may have historically been allocated a school placement through Fair Access Panel may be allocated a school place via in-year admission process. This may impact negatively upon those schools with surplus places who may not be able to re-direct an in-year admission request to Fair Access Panel. The Educational Psychology support available via placement through Fair Access Panel will therefore not be available to these schools and may place them and the child at a disadvantage.

## **Proposal**

28. That Fair Access and Pupil Placement Panel may consider representations from schools with regards to children that they have received via in-year admission process, who may have historically been allocated a school place through either Panel to access the transfer of funding in accordance with the established agreement. This representation must be made in a timely manner to both Panels with convincing evidence for consideration to be

given to the transfer of these funds. This would support equitability and fairness to our schools.

29. That Fair Access Panel may consider representations from schools with regards to children that they have received into school via in-year admission, who present with significant need and who may have historically been allocated a school place through Fair Access. This representation must be made in a timely manner to Fair Access Panel with convincing evidence for consideration to be given for Educational Psychology support via the Fair Access Panel to be allocated. This would support equitability and fairness to our schools and the inclusion agenda.

## **Risks**

30. Schools with surplus places admit children through in-year admissions who may have historically been eligible for placement through Fair Access, and appropriate funding is not allocated. This may have an impact on the attendance and attainment of both the individual child and whole school population.
31. That schools/academies with surplus places admit children through in-year admissions who may have historically been eligible for placement through Fair Access that have needs that will take priority over their existing children in terms of educational psychology time who are currently prioritised by the school. Resulting in children who have special educational needs remaining in a mainstream setting where their needs may not being met.

## **Recommendations**

32. That School Forum consider the proposals.

## **For the following reason(s):**

To ensure that all children and young people in Gateshead receive an education that is suitable and appropriate to their needs and abilities.

To enable Primary schools to receive the support to accurately identify the needs of children and implement support strategies as/when appropriate.