Fair Access Protocol 2026/2027
Coventry City Council Fair Access Protocol
Primary Schools

1. Principles of the protocol

The successful operation of Coventry City Council's Fair Access Protocol (FAP) is due to the willingness of all schools to work alongside the Local Authority (LA) with a genuine ethos of collaboration and co-operation to:

- accept collective responsibility for the vulnerable children living in the city and their right to education.
- act with a sense of urgency to minimise a pupil's time out of education – allocating appropriate school places to vulnerable children within 20 school days of them being identified as FAP.
- ensure all schools engage in the FAP and there is a fair allocation of vulnerable children across schools in the city.
- work together restoratively in an open and honest way, offering constructive support and challenge to each other.

Our schools work together collaboratively, taking into account the needs of the child, the needs of the school alongside the Local Authority and its commitment to inclusion for all. When securing a place for a child through the agreed Protocol, all schools and pupils are treated in a fair, equitable and consistent manner.

2. Purpose of the protocol

i. The purpose of Coventry City Council's Fair Access Protocol (FAP) for Primary Schools is to ensure that outside the normal admissions round unplaced children, especially the most vulnerable, are offered a place at a suitable school as quickly as possible.

ii. The word "unplaced" in this paragraph is intended to mean where a child does not have a secured school place – this would usually refer to a child who has no school place, and no offer of a school place. For the purpose of this protocol this refers to in-year admissions.

iii. This Protocol does not apply to Children in Care (CIC) or pupils with a statement of special educational needs or Education, Health and Care Plan (EHCP).

iv. Fair Access Protocols should not be used as a means to circumvent the normal in-year admissions process. A parent can apply for a place as an in-year admission for their child at any time, to any school, outside the normal admissions round and is entitled to an appeal when a place is not offered. The Protocol will include vulnerable children who are already placed within a school setting.

3. Summary

i. The School Admissions Code September 2021 requires each local authority to have in place a FAP agreed with the majority of schools in its area. The requirement is supplemented by further advice from the Department for Education (DfE) 'Fair Access Protocols Guidance for school leaders, admission authorities and local authorities' published in August 2021. This sets out some principles to clarify the expectations on all state funded schools (including academies and free schools etc.) as well as all other admission authorities to ensure that FAP's operate effectively at a local level.

1. Placed includes those students where a place has been allocated but the parent/carer is refusing the place, where a place has been offered but it has not been taken up and where the child is on roll but they are not attending.

ii. The FAP panel will meet once a month and is composed of a permanent panel of Head teachers, two Headteachers on a rotational basis, Special Educational Needs and Disability (SEND), Youth Justice Service (YJS), Police representatives and will be chaired by the Lead for Education Engagement and Violence Reduction (Education Engagement Team) Manager.

iii. The Protocol also seeks to ensure that no school - including those with available places - is asked to take a disproportionate number of children excluded from other schools, or who have challenging behaviour, or who are placed via the Protocol.

iv. All schools are bound by the provisions of the Protocol without exception. The decision of the panel is final. Where an admission authority has failed to admit a child in accordance with FAP, they may be directed to do so. The LA has the power to direct the governing body of a maintained school for which they are not the admission authority. For academies the LA can ask the Secretary of State for Education to intervene.

v. In the event the majority of schools no longer support the principles and approach of the local FAP (for example, if they believe it is not operating fairly or effectively), they may request that it is reviewed. The mechanism for invoking a review will be managed via the Primary Headteachers Steering group. The existing FAP will remain binding on all schools in the area until a new one is adopted.

vi. There is no duty for local authorities or admission authorities to comply with parental preference when allocating places through the FAP, but parents' wishes should be taken into account in line with the FAP guidance and School Admissions Code 2021.

4. The context and statutory guidance

i. The FAP for Coventry City Council has been written in accordance with the School Admissions Code (2021), and the DfE's departmental advice of August 2021. It has also been written in partnership with representatives from local schools.

ii. The FAP is triggered when an eligible pupil has not secured a school place through normal in-year admission procedures.

iii. 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. The twice excluded rule does not apply to children who were below compulsory school age at the time of the exclusion, children who have been re-instated following a permanent exclusion (or would have been had it been practicable to do so), 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 children with Education, Health and Care Plans naming the school.

iv. Children allocated a place under the FAP will have a higher priority than those children already on the school's waiting list.

5. Who will the protocol cover?

What is the difference between in-year admissions and FAP?

In-year admissions relate to all admissions to school from Year Reception to Year 11 which are not covered by the reception or secondary transfer schemes. In most cases the admissions process is straightforward. The parent applies for a place in a school where there is a vacancy, and the child is admitted to school.

Admission authorities must not refuse to admit a child on behavioural grounds in the normal admissions round or at any point in the normal year of entry (except for where paragraph 3.8 of the School Admissions Code applies) – Year Reception and Year 3 in the case of a junior school.

In other cases, there may be extenuating circumstances as to why the child's admission should be treated as an exception and the child placed in a school via the FAP. FAP **may only be used** to place vulnerable and/or hard-to-place children, where they are having difficulty in 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.

i. All applicants for a school place are required to complete and submit an in-year Common Application Form via the LA's admission website. The Admissions Team will send application forms to the Education Engagement Team where the current school has confirmed the pupil needs to be considered under the Fair Access Protocol on receipt of the Request to Transfer report or where information on the application form meets fair access criteria.

ii. All applications will be considered for their preferred schools in order of preference. Where an application is referred to a school the school may agree to admit the child, or the Local Governing Body may refuse to admit a child with challenging behaviour even if they have places available. In those circumstances the Local Governing Body MUST refer the matter for consideration under the FAP. The Admissions Team will then process the application in accordance with the FAP.

iii. When a child is refused a place at a school the parents retain the right to appeal for a place at the school.

iv. The groups of children and young people placed via the Protocol are in many cases likely to be vulnerable. If after admission, a school identifies that a child presents issues of concern, they should initiate an Early Help Assessment.

The group of vulnerable and/or hard-to-place children include:

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 in accordance with paragraph 3.10 of the Admissions Code.
k) Children for whom a place has not been sought due to exceptional circumstances.
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.
m) Previously Children in Care for whom the local authority has been unable to promptly secure a school place.

6. Definition of challenging behaviour

The DFE set out the definition for the term challenging behaviour as that which can be evidenced via school intervention records a child 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 or other pupils' education or jeopardise the right of staff and pupils to a safe and orderly environment.

It is important to recognise that support for children with specific presenting behaviours, who have been identified as at risk of disengagement (experiencing SEMH) difficulties will be influenced by the following factors:

- The persistency over time of the behaviour/concern
- The frequency/duration/intensity of the behaviour/concern
- The impact on the child's educational progress and achievement
- Impact of the child's educational opportunities and academic success
- The impact on the child's mental emotional and physical well being

Evidence of in-school targeted support will include whole school evidence-based programmes and interventions. For the purposes of consistency for FAP thresholds, the following interventions should be recorded and evidenced for consideration of children displaying challenging behaviour:

- Nurture groups/classes
- Support programmes
- Learning mentors, Trained Tas
- Family workers
- In-school counselling
- Anger management
- External specialist support (CAMHS, EP, SEMHL & CCT assessment, advice and direct input, External Counselling, Early Help, specialist assessment and intervention through the KEYS programme)
- Extra staffing required to support the child

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

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

7. Overview of process

i. An in-year common application form is submitted to the local authority Admissions Team and is identified as falling into one of the categories of children listed above, based on the information on the application form or as identified by the current school.

ii. When a school receives the 'Request to transfer' report from School Admissions they must advise Education Engagement Team immediately if they believe one of the students requesting to leave their school meets the FAP criteria.

iii. Where an application is received, and the current school has stated the pupil meets the criteria for FAP, but the schools requested on the application are all full the pupil is added

to the waiting list. Should a space then become available at one of the requested schools, the receiving school will have the option to refer to FAP at that point.

iv. Where an application is received, and one or more of the schools requested has a space, and the current school or application form states the pupil meets the criteria for FAP the application will be referred to Education Engagement Team.

v. If the current school does not believe that the application is a challenging admission, but the receiving/allocated school believes they do, the receiving/allocated school can ask for them to be added to the agenda for the panel to decide.

vi. Where possible schools should refer an application to FAP within two weeks of receiving the allocation from School Admissions.

vii. This process applies to all schools, including those which are full in the appropriate year group.

viii. The application for a school place will be referred to the Primary FAP.

ix. Education Engagement Team will confirm whether a student is open/closed referral to the YJS team. This provides panel members with up to date, accurate intelligence prior to the FAP meeting.

x. The panel will first determine whether the application does indeed fall under the Protocol. If the application does not clearly fall into one of the above, then the application will return to the in-year admissions process as a standard admission.

xi. If the panel agree the application does fall under the protocol Coventry City Council will administer the Protocol by providing the panel with the number of pupils on roll at each primary school and details of the five nearest mainstream schools by shortest distance from the home address, who have not taken via this process over the last twelve calendar months.

xii. Education Engagement Team will then send a letter to the five nearest schools with details of the pupil's previous educational history, contact details and other relevant information, for example, other agencies supporting the family, for the school's consideration.

xiii. All schools must respond to requests to admit a pupil under the FAP indicating their ability to meet the needs of the pupil within 5 school days of the first approach being made/receipt of letter. If the LA, do not receive a response they will consider this as acceptance to admit.

xiv. When placing a pupil, the Education Engagement Team will consider:

- Parental preference (LA to consider parental views)
- Distance to school from home address[1].
- Places in the year group (schools can admit above PAN if required except in infant classes).
- Number of children looked after in the year group
- % of EHCP and SEN in the year group
- Sibling links if appropriate.
- Association with other links in the area.
- Consideration of all other schools in the local area
- FAP allocation within the last twelve calendar months

xv. The Education Engagement Team will allocate a school after taking into consideration the factors listed above and will send a letter to the allocated school with details of the pupils educational history, contact details and other relevant information if available, for example other agencies supporting the family, for schools' consideration. The panel will ratify the allocation at the following months meeting.

xvi. Schools will then arrange an admission meeting directly with the parent/carer and The Key /Keys Specialist Practitioner.

xvii. It is expected that a school will agree a start date for the pupil within 5 school days or set out its reasons for refusal in writing to the LA within that 5 school days after receipt of the first approach. All schools must accept and enrol pupils placed via the Protocol, within the agreed time frames set out.

[1] A reasonable distance from home is three miles for a secondary aged child and two miles for a primary aged child. The distance is measured as the shortest walking route using Coventry City Council's Capita system.

8. Retrospective FAP

i. Should schools admit a pupil on their roll and subsequent information comes to light which means the pupil could be a challenging admission then schools can refer for a retrospective FAP consideration.

ii. Retrospective referrals must be made within 20 weeks of the child being put on the school roll.

iii. Schools can refer students in Year Reception and Year 3 for Easter Green Junior School to be considered as retrospective FAP. The child would remain on the roll of the allocated school but would allow access to the support offered by the Keys Specialist Practitioner.

iv. Schools will not be able to refer a pupil for retrospective FAP consideration after a permanent exclusion has taken place.

v. Retrospective consideration is an acknowledgement that although the school have admitted a pupil they are a challenging admission, and the school would benefit from the support provided by the Keys Specialist Practitioner.

9. Refusal to Admit Children and Direction to Admit

i. Where a governing body does not wish to admit a pupil with challenging behaviour outside the normal admissions round, even though places are available, it must refer the case to the LA for action under the FAP. This will normally only be appropriate where a school has a particularly high proportion of children with challenging behaviour or previously excluded children.

ii. If the situation above applies, the case must be referred to the manager of the Education Engagement Team for consideration. The manager will only consider requests not to admit, even though places are available, when the school also provides clear evidence of the:

- Particularly high proportion of children with challenging behaviour, and/or,
- Particularly high proportion of previously excluded children, and/or
- Implications of the admission of an additional pupil with challenging behaviour

iii. Once a school has referred a pupil for refusal to accept on roll, the following process will apply. The Education Engagement Team will liaise with the LA's legal team to discuss the case and approaches made to date. Where the LA are the admissions authority, for example a Community School, schools will be told to admit, if the governors refuse then they will refer to the School Adjudicator. If a school is an Academy, the LA 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 School's Adjudicator in reaching a decision.

iv. Eligibility for the FAP does not limit a parent's right to make an in-year application to any school for their child. Parents will continue to have the right of appeal for anyplace they have been refused, even if the child has been offered a school place via the FAP.

10. Children at risk of permanent exclusion

Primary FAP panel previously considered referrals for pupils in key stage 2 who are at risk of permanent exclusion for therapeutic intervention. This support option is still available but is now offered through The Key Intervention as a specialist higher needs pathway. These cases are no longer considered at the FAP panel.

The ultimate purpose of the Key's specialist higher needs pathway is to build children's resilience, and support schools to build capacity to meet the needs of the pupil through a reintegration support plan. All requests for a placement at The Key intervention must be made by school and be presented at The Key Panel.

Headteachers must gain parental consent prior to submitting a Key Intervention request. For further information about the Key Intervention, Headteachers should contact Dawn.Neale@coventry.gov.uk. Only requests that demonstrate having followed the behaviour pathway will be considered for a specialist
pathway Key placement. The Key Intervention cannot legally accept referrals for a child who has an Education Health and Care Plan.

Appendix 1: Acronyms

DFE	Department for Education
EHCP	Education Health and Care Plan
FAP	Fair Access Protocol
LA	Local Authority
CIC	Children in Care
SEMHL	Social, Emotional, Mental Health and Learning Team
SEND	Special Educational Needs and Disability
SLT	Senior Leadership Team
YJS	Youth Justice Service

Appendix 2: Relevant legislation related to Fair Access

DfE 'Fair Access Protocols: Principles and Process', published August 2021: https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/1012993/FAP_Guidance.pdf

DfE 'School Admissions Code', published September 2021: https://www.gov.uk/government/publications/school-admissions-code--2