



Fair Access Protocol 2022/2023
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 admit their fair share of vulnerable children
- 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.

1. 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. This Protocol does not apply to Looked after Children (LAC) or pupils who have a statement of special educational needs or Education, Health and Care Plan (EHCP).
- iii. 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.

2. 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.
- ii. The FAP panel will meet once a month and will compose of Head teachers (on a rotational basis), Special Educational Needs and Disability (SEND), Youth Offending Service (YOS), Police representatives and will be chaired by the Attendance and Children Missing Education (A&CME) 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 who have been 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 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 Head Teacher's 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.

3. 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 under 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.

4. 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 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.

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 determine, based on the details supplied within the application, whether the child's application can be processed under the in-year admission policy or should be considered under the FAP. The Admissions Team will also contact the school with places available to confirm the referral to FAP with the option to offer a place via standard process should they disagree with the FAP referral. When a school receives the 'leavers report' from Admissions they must advise A&CME immediately if they believe one of the pupils requesting to leave their school meets the FAP criteria below.
- 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 governing body may refuse to admit a child with challenging behaviour even if they have places available. In those circumstances the 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, or contact Family Hubs to help 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 looked after children for whom the local authority has been unable to promptly secure a school place.

In some cases the Local Authority may deem some children not ready for mainstream schooling where appropriate professional advice / evidence supports this. In such cases the Local Authority may secure alternative provision at an alternative provision centre while the appropriate assessments are undertaken to determine where the pupil should be placed that can most suitably meet that child's needs. Any pupils that integrate back into mainstream school following a period in an alternative provision centre will be credited to the school's Fair Access numbers.

5. 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, Inclusion Service, External Counselling, Early Help, Specialist assessment and intervention through the KEYS/KEYS+ programme)

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

NB: Challenging Behaviour (3.9 of the School Admissions Code 2021) is not a legitimate reason for refusing to admit any child who is seeking a place in Reception or Year 7 at any point during the year except where a child has been permanently excluded twice (3.8 of the School Admissions Code 2021)

6. 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 provided on the application form. The process at Appendix 3 will apply in every case.
- ii. When a school receives the 'leavers report' from Admissions they must advise A&CME immediately if they believe one of the students requesting to leave their school meets the FAP criteria.
- iii. This process applies to all schools, including those which are full in the appropriate year group.
- iv. The application for a school place will be referred to the Primary FAP.
- v. A&CME will confirm whether a student is open/closed referral to the YOS team. This provides panel members with up to date, accurate intelligence prior to the FAP meeting.
- vi. 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.
- vii. If the panel agree the application falls under the Protocol, then 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 will be approached. A&CME will 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.
- viii. All schools must respond to requests to admit a pupil under the FAP indicating whether they agree to admit or not within 5 school days. If the LA do not receive a response they will consider this as an acceptance to admit.

ix. When placing a pupil A&CME will consider:

- Parental preference (LA to consider parental views)
- Distance to school from home address¹.
- Places in the year group (schools can admit above PAN if required except in infant classes).
- Number of LAC children 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

x. A&CME will allocate a school after taking into consideration the factors listed above and will send a letter to the allocated school. It is expected that the school will agree a start date for the pupil within 5 school days of the school being allocated.

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.

7. 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 Attendance and Children Missing Education 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. A&CME 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, an application for direction will be made to the Education & Skills Funding Agency.
- 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 any place they have been refused, even if the child has been offered a school place via the FAP.

8. 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 mikaela.carrasco@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

A&CME	Attendance and Children Missing Education
DFE	Department for Education
EHCP	Education Health and Care Plan
FAP	Fair Access Protocol
LA	Local Authority
LAC	Looked After Child
PAN	Published Admission Number
SEMH	Social, Emotional and Mental Health
SEND	Special Education Needs and Disability
YOS	Youth Offending Service

APPENDIX 2: Relevant legislation relating 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>

