

Fair Access Protocol Update

Wards All

Service: School Admissions and Appeals Team, Access Service

Portfolio: Councillor Statham

1. Aim

The aim of this report is to provide the Education Scrutiny and Overview Committee with an update on the Primary and Secondary Fair Access Protocols that Walsall utilise.

2. Recommendations

That the Education Overview and Scrutiny Committee considers the contents of this report and decides whether any further information or updates are required

3. Report detail

A parent can apply for a place for their child at any school at any time. All applications must be processed by the relevant admission authority in accordance with the School Admissions Code 2021.

When applications are made outside the normal admissions they are considered in-year applications. Where it can be demonstrated that reasonable measures have been taken to secure a school place through the usual in-year admissions process and this has not been successful, or where a school place has not been sought due to exceptional circumstances, a child may be eligible for referral to the Fair Access Protocol (FAP).

The purpose of a FAP is to ensure that vulnerable children, and those who are having difficulty in securing a school place in-year, are allocated a school place as quickly as possible, minimising the time the child is out of school.

Every local authority must have a FAP in place. Once it has been agreed by most schools in its area, all admission authorities must participate in it. FAPs should provide a fair and transparent system to ensure that all schools share the collective responsibility of helping the most vulnerable, by admitting their fair share of children being placed.

The FAP can only be used to place the following categories of children, where a child is 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 in-year admissions process:

- 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 FAP;
- b) children living in a refuge or in other Relevant Accommodation at the point of being referred to the FAP;

- 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 FAP in accordance with paragraph 3.10 of the Code.
- k) children for whom a place has not been sought due to exceptional circumstances.
- l) children who have been out of education for 4 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.

Walsall has updated its existing Fair Access Protocols – Appendix A and B for the new academic year 2022/23. These protocols will be shared with Primary and Secondary head teachers at the start of Autumn Term 2022 and will immediately be used as the guidance on how to place children.

3.1 FAP data

During the 2021/22 academic year, there were 146 pupils allocated to schools via the Primary FAP and 202 pupils allocated to schools via the Secondary FAP. The breakdown of allocations by main reason are below.

Primary School FAP		
FAP Category (main reason for allocation reported) Children will fall into more than one category but the majority come to FAP as parent has been unable to secure a secondary school place - regardless of additional characteristics.		Total number allocated a school place via FAP
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 FAP.	1
B	Children living in a refuge or in other Relevant Accommodation at the point of being referred to the FAP.	0
C	Children from the criminal justice system children in alternative provision who need	0

	to be reintegrated into mainstream education or who have been permanently excluded but are deemed suitable for mainstream education.	
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.	0
E	Children with special educational needs (but without an education, health, and care plan), disabilities or medical conditions.	3
F	Children who are carers.	0
G	Children who are homeless.	0
H	Children in formal kinship care arrangements.	2
I	Children of, or who are, Gypsies, Roma, Travellers, refugees, and asylum seekers.	0
J	Children who have been refused a school place on the grounds of their challenging behaviour and referred to the FAP in accordance with paragraph 3.10 of the Code.	0
K	Children for whom a place has not been sought due to exceptional circumstances.	1
L	Children who have been out of education for 4 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.	139

Secondary School FAP		
FAP Category (main reason for allocation reported) Children will fall into more than one category but the majority come to FAP as parent has been unable to secure a secondary school place - regardless of additional characteristics.		Total number allocated a school place via FAP
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 FAP.	0
B	Children living in a refuge or in other Relevant Accommodation at the point of being referred to the FAP.	0
C	Children from the criminal justice system children in alternative provision who need to be reintegrated into mainstream education or who have been permanently	0

	excluded but are deemed suitable for mainstream education.	
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.	0
E	Children with special educational needs (but without an education, health, and care plan), disabilities or medical conditions.	1
F	Children who are carers.	0
G	Children who are homeless.	0
H	Children in formal kinship care arrangements.	3
I	Children of, or who are, Gypsies, Roma, Travellers, refugees, and asylum seekers.	3
J	Children who have been refused a school place on the grounds of their challenging behaviour and referred to the FAP in accordance with paragraph 3.10 of the Code.	0
K	Children for whom a place has not been sought due to exceptional circumstances.	0
L	Children who have been out of education for 4 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.	195
M	Previously looked after children for whom the local authority has been unable to promptly secure a school place.	0

4. Financial information

There are no financial issues about the Fair Access Protocol.

5. Reducing Inequalities

In relation to the Marmot principles the most relevant principles in line with the Fair Access Protocol is to enable all children and young people to maximise their capabilities and meet their needs and improve educational outcomes.

6. Decide

The Committee may decide to note the current position and request further information or assurance in respect of the progress of the Fair Access Protocol.

7. Respond

Any recommendations made by the Committee will be assessed against the Access and Inclusion planned work and performance board programmes.

8. Review

The work of the School Admissions and Appeals team is subject to constant monitoring and assessment via the Children's Services Performance Board process.

Background papers

Fair Access Protocols (2021)

Contact Officer(s)

Alex Groom – Admissions & Education Sufficiency Manager

Rob Thomas – Head of Access

✉ alex.groom@walsall.gov.uk

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✉ rob.thomas@walsall.gov.uk