



# Fair Access Protocol for Schools in Worcestershire

**August 2023**

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# Introduction

The school admissions code places a statutory responsibility on all Local Authorities (LA) to have a Fair Access Protocol (FAP) which all schools in their area comply with, to ensure that all unplaced children, especially the most vulnerable, are offered a suitable school place without unnecessary delay.

## Aims of the Fair Access Protocol

### The protocol is designed to:

- a. Acknowledge the need for vulnerable young people who are seeking a school place to be dealt with quickly and sympathetically
- b. Reduce the time that these pupils spend out of school
- c. Ensure that schools admit pupils including those with challenging educational needs on a fair and equitable basis
- d. Be fair and transparent
- e. Ensure that all schools accept a fair and equitable share of pupils

### The Fair Access Protocol does not apply to:

- a. Looked After Children, as these children **must** be admitted.
- b. Children with Education, Health and Care Plans **must** not be referred to Fair Access Panels, as their admission will be in accordance with the appropriate legislation managed by the SEND and Vulnerable Learners Service.

In most instances parents are able to secure a mainstream school place; however, there are occasions where parents are not successful. This is a situation which is only acceptable where:

- Admitting the child would prejudice the provision of efficient education or the efficient use of resources e.g. the school is full.
- The Governing Body do not wish to admit a child with challenging behaviour in year, even though there are places available. This is **only** appropriate where the school already has a disproportionate number of children with challenging behaviour or previously excluded children.

## Challenging Behaviour

The Code on Admissions sets out that “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 is beyond the normal range that schools can tolerate. We would expect this behaviour to significantly interfere with the pupil’s/other pupil’s education or jeopardise the right of staff and pupils to a safe and orderly environment.”

However, the Code on Admissions also states, “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 [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 \(AAC\) ; \[2019\] AACR 10 - GOV.UK \(www.gov.uk\)](#) 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.”

For the purpose of this document Children with challenging behaviour should meet the definition provided by the Code and in Worcestershire, are defined as follows:

- Those who have engaged in serious criminal behaviour resulting in a conviction or a police caution within the two years preceding the request for a school place;
- Children, admitted to the school who have received a permanent exclusion within the last 2 years;
- Children whose behaviour has resulted in a number of fixed term exclusions within the previous 12 months (or other evidenced in-house alternative intervention in line with the [The SEND Graduated Response | Worcestershire County Council](#) from which it is clear that the child is at serious risk of permanent exclusion.
- In order for a child to be classed as challenging in Worcestershire there must be evidence that the advice of a range of professionals has been sought, in order to support the child. The advice from professionals must have been put in place and despite this, challenging behaviour has continued.

Schools are more likely to have a significantly higher proportion of “children with challenging behaviour or previously permanently excluded children” if the schools socio-economic data in the English Indices of Deprivation indicates a higher level of deprivation than most other schools in the FAAP. The Weighting Grid circulated by the LA, to all FAAPs will identify the schools in that FAAP that have a significant level of children with challenging behaviour, taking into account the definition of challenging behaviour specified above and the English Indices of Deprivation. If this is not the case for a school, a refusal on this basis will not be accepted and the school will be required to admit the child.

## Key Principles

1. The FAP will be triggered when a parent of an eligible 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 usual in-year admission procedures. [School admissions policies | Worcestershire County Council](#)
2. The LA has introduced a co-ordinated approach for all in year admissions via the School Admissions Team.
3. The Protocol may require schools to admit pupils over their PAN and ahead of pupils on their waiting list, unless to do so would breach the class size legislation in KS1.
4. Referrals under this Protocol will not be accepted unless parents 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. The FAP must not be used to circumvent the in-year admissions process; parents are also entitled to appeal against any refusal to admit during this process.
5. Children who are included within the Fair Access Protocol are:

- 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, disabilities or medical conditions, including those returning from MET (but without an Education, Health and Care Plan);
  - 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, including those that are new to the country;
  - j. children who have been refused a school place on the grounds of their challenging behaviour and the school already has a significant number of children with challenging behaviour and the Governors have refused to admit, even though the school has vacancies;
  - 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 most cases use of the Fair Access Protocol should be unnecessary for a previously looked after child. DfE expects the local authority to aim to secure a school place particularly promptly for a previously looked after child and for admission authorities to cooperate with this;
6. Children previously removed from a school to be Electively Home Educated who wish to return to school should be admitted to their previous school and if appropriate a managed move could be instigated.
  7. This Protocol will not apply to children on roll of a Worcestershire school, despite any attendance issues they may have, unless the child has ceased to attend the school and no longer ordinarily resides at a place which is a reasonable distance from the school at which they are registered.
  8. There is an expectation that consideration should be given to parental preference; however, there is no duty placed upon LAs/Fair Access Area Panels (FAAP) to comply with such preference(s) when allocating places under the Fair Access Protocol, but parents' views should be taken into account.
  9. Where it has been agreed that a child will be considered under the Fair Access Protocol, a school place **must** be allocated for that child within 20 school days. Once

they have been allocated a school place via the Fair Access Protocol, arrangements should be made for the child to start at the school as soon as possible.

10. Parents remain responsible for ensuring that their child receives a suitable education. Therefore, should they choose to refuse the school place offered under this Protocol, they will need to secure alternative arrangements for their child's education either by securing another school place through the usual admissions and appeal process or otherwise.
11. If a parent does not make suitable arrangements even though the LA has identified a place through the Fair Access Protocol, the LA may consider an application for a School Attendance Order.
12. 'Managed Moves' are separate to arrangements to those made under the Fair Access Protocol; however, consideration will be given to the number of completed Managed Moves when identifying appropriate schools to admit children through the Protocol. (See Appendix D Managed Move Protocol)
13. All schools **MUST** provide a representative at the meeting. 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. Non-attendance at Fair Access Area Panel (FAAP) meetings will **not** mean that those schools are exempt from participating in the allocation of places either in placement panels or being identified for direction.

## Operation of the Fair Access Protocol in Worcestershire

14. In-year admissions will be co-ordinated by the School Admissions Team. Where they identify that an application meets the criteria for FAP and schools have refused places under the normal in-year admissions process, the case will be referred to FAAP of the child's preferred school/s and also the FAAP where the child resides, if this is different.
15. Placement of secondary aged children is arranged through FAAP which, for geographical reasons, are divided into the following areas:
- 16.

Area/Panel	Schools Represented	Local Alternative Provider/PRU
North East Worcestershire (Redditch and Bromsgrove) Secondary School Panel	North Bromsgrove High School Ridgeway Academy RSA Arrow Vale Saint Augustine's Catholic High School South Bromsgrove High School Trinity High School Tudor Grange Academy, Redditch Waseley Hills High School Woodrush High School	The Forge Secondary Short Stay School (PRU)

<b>Area/Panel</b>	<b>Schools Represented</b>	<b>Local Alternative Provider/PRU</b>
Bromsgrove Middle School Panel	Alvechurch CE Middle School Aston Fields Middle School Catshill Middle School Parkside Middle School St John's CE Academy Middle	The Forge Secondary Short Stay School (PRU)  The Beacon Primary Short Stay School (PRU)
Redditch Middle and Primary School Panel	Astwood Bank Primary Birchensale Middle School Church Hill Middle School Feckenham CE Primary Ridgeway Academy Ipsley CE RSA Academy St Bede's Catholic Middle School Walkwood Church of England Middle School Webheath Primary Woodfield Academy	The Forge Secondary Short Stay School (PRU)  The Beacon Primary Short Stay School (PRU)
Droitwich Middle School Panel	Westacre Middle School Witton Middle School	The Beacon Primary Short Stay School (PRU)  Perryfields Primary (PRU)
North West Worcestershire (Wyre Forest) Secondary School Panel	Baxter College Bewdley High School Hagley Catholic High School Haybridge High School Holy Trinity School King Charles I School Stourport High School Tenbury Ormiston Academy Wolverley CE Secondary School	Continu Plus (Academy) (AP Free School)
South Worcestershire Secondary School Panel	Dyson Perrins CE Academy Hanley Castle High School Pershore High School Prince Henry's High School The Chase School The De Montfort School	Aspire Academy (AP Free School)  Newbridge Short Stay School (Academy)
Worcester City Secondary School Panel	Bishop Perowne CE College Blessed Edward Oldcorne Catholic College Christopher Whitehead Language College Droitwich Spa High School Nunnery Wood High School The Chantry School Tudor Grange Academy, Worcester	Aspire Academy (AP Free School)  Newbridge Short Stay School (Academy)

17. There may be instances where a child resides geographically closer to a school outside of their geographical FAAP. The child will be considered for placement at both their geographical FAAP and the FAAP covered by their nearest schools, where these are different.
18. Where it has been agreed that a child will be considered under the Fair Access Protocol, **a school place must be allocated for that child within 20 school days.** Each FAAP will meet every half term, outside of those meetings placement of a child will be considered by the panels virtually, either by electronic means or telephone conversation. Once a child has been allocated a school place via the Fair Access Protocol, arrangements should be made for the child to start at the school as soon as possible.
19. It is a legal requirement that every child considered under the Fair Access Protocol must be allocated a school place
20. It is acknowledged that in some instances it may not be viable to have specific panels in the Primary Phase. In such cases, where a placement is required, the nearest schools with and without places will be brought together in a meeting, either virtually or in person, within seven days of the request, and will act as a Panel. A LA representative will attend this meeting. Every child brought to one of these meetings **must** be placed.
21. Each Panel must have a Chair and, as a minimum, include representatives from:
  - a) Schools, with the authority to allocate places for their school as set out in their scheme of delegation
  - b) Local Commissioned Alternative Provider(s)
  - c) Local Authority
  - d) Other professionals where appropriate
22. All Panels, including those convened in the Primary Phase, must keep accurate minutes of each meeting and these must be sent within 3 days of each panel meeting, to all invitees.

## Procedure

21. A request to the representatives of the relevant FAAP will be made including the relevant information to enable a decision to be reached.
22. Consideration should be given to the location of each school; however, any placement made through the FAAP will be regarded as the child's designated school. The transport re-designation form will be completed by School Admissions to ensure transport is available.
23. All schools **must** work together collaboratively. When placing a child through Fair Access the Panel **must** have evidence of and regard to the following, when identifying a school to ensure all schools are treated in a fair, equitable and consistent manner.
  - The number of children in the relevant year group
  - Published Admission Numbers
  - Distance from home to school



- Number and percentage of permanently excluded pupils admitted to the school
  - Number and percentage of permanently excluded pupils from the school
  - Number and percentage of Managed Moves admitted to the school
  - Number and percentage of Managed Moves leaving the school
  - Number and percentage of Fair Access admissions
  - Number and percentage of In-Year admissions admitted to the school
  - Number and percentage of In-Year leavers leaving the school
24. The LA will oversee the maintenance of a weighted list in order to identify the schools with the lowest weighting scores, whose turn it may be to admit next. (See Appendix A, 'The Schools Weightings'). Pupils admitted through a 'Managed Move' will also be included on this grid.
25. The Panel **must** identify a school within twenty school days of a referral, to ensure no child is without a school place for a prolonged period of time.
26. The School Admissions Team will notify all parties of the outcome and provide or receive the relevant minutes of the meeting to evidence the decision making process. If placement is made prior to the FAAP meeting, this must be reflected in the minutes of the next FAAP meeting.
27. In line with the current DfE advice, once a school has been identified and agreed by the school and panel, it is expected that the child will be admitted to the identified placement as soon as possible; the expectation is that this is within **seven** calendar days after the agreement to place has been made.
28. Written confirmation of the decision of FAAP, including placements made prior to the FAAP meeting, will be sent to the parent by School Admissions. For the purpose of securing transport, the transport re-designation form will also be completed by the School Admissions Team. The CME officer allocated to the family, will support the child's admission into school. **All children presented to FAP must be allocated a place under the Protocol.** Using the weighting system all placements will be made objectively.
29. If the identified school objects to the decision, the LA will then follow the direction process.

## Alternative Provision

30. Where a child is eligible for placement under Fair Access the LA will consider whether interim Alternative Provision would be suitable to minimise the days lost to education whilst a placement is sought.
31. Schools must not refuse to consider a child for placement under Fair Access on the grounds that a child attends Alternative Provision prior to being placed.

## Complaints

32. Where a parent has concerns about the LA's policies/procedures or an individual officer they will be advised to follow the LA's complaints procedure.

33. Where a parent has concerns about a school they will be advised to follow the school's complaints procedure.

## Monitoring and Review

34. The monitoring and review of this Protocol, and the effectiveness of each Fair Access Area Panel in exercising their responsibilities within the Protocol, will be undertaken termly by the Chairs of FAAP Meeting representatives. This meeting is attended by:
- a. The Chairs of each Fair Access Area Panel
  - b. Local Authority Representatives
35. The Protocol will be consulted on with all schools as part of the statutory consultation process on admission arrangements, and approved by the Cabinet of the County Council/Cabinet Member with Responsibility as part of the determination on admission arrangements.
36. The Protocol will be published on Worcestershire County Council Website

## Useful Contacts

**NB Please do not send emails containing sensitive information through the email addresses below. All documents which detail personal, confidential or restricted information should be uploaded to the relevant Fair Access Sharepoint site or sent securely via the Children's Services Portal marked for the attention of the recipient.**

Name and Title	Email Address	Contact Telephone Number
<b>Tracey Wilson</b> School Admissions Manager	<a href="mailto:twilson@worcschildrenfirst.org.uk">twilson@worcschildrenfirst.org.uk</a>	01905 843033
<b>Sarah Flanagan</b> Learner Engagement Team Lead	<a href="mailto:sflanagan@worcschildrenfirst.org.uk">sflanagan@worcschildrenfirst.org.uk</a>	01905 844750
<b>SEND helpline</b>	<a href="mailto:SEN-RGS@worcschildrenfirst.org.uk">SEN-RGS@worcschildrenfirst.org.uk</a>	01905 845579
<b>Neil Morris</b> Headteacher Christopher Whitehead Language College <b>Worcester City FAAP Chair</b>	<a href="mailto:n.morris@cwlc.email">n.morris@cwlc.email</a>	01905 423906

Name and Title	Email Address	Contact Telephone Number
<b>Mat Rash</b> Vice Principal Arrow Vale School Matchborough Way Redditch Worcestershire B98 0GF <b>North East FAAP Chair</b>	<a href="mailto:mrash@arrowvaleacademy.co.uk">mrash@arrowvaleacademy.co.uk</a>	01527 526800
<b>Adrian McLean</b> <b>Wyre Forest FAAP Chair</b>	<a href="mailto:amclean@saet.co.uk">amclean@saet.co.uk</a>	
<b>Ruth Allen</b> Headteacher The De Montfort School <b>South West FAAP Chair</b>	<a href="mailto:rallen@tdms.worcs.sch.uk">rallen@tdms.worcs.sch.uk</a>	01386 442060
<b>Michael Williams</b> Asst Principal Ipsley CofE Middle School <b>Redditch Middle &amp; Primary FAAP Chair</b>	<a href="mailto:mwilliams@ipsleyacademy.co.uk">mwilliams@ipsleyacademy.co.uk</a>	01527 525725
<b>David Snell</b> Head Teacher Alvechurch Middle School <b>Bromsgrove Middle FAAP Chair</b>	<a href="mailto:dsnell@alvechurch.worcs.sch.uk">dsnell@alvechurch.worcs.sch.uk</a>	0121 445 1033
<b>Droitwich Middle FAAP</b> Tracey Wilson <b>Chair</b>	<a href="mailto:twilson@worcschildrenfirst.org.uk">twilson@worcschildrenfirst.org.uk</a>	01905 844 111
<b>Sara Devo</b> Headteacher ContinU+ Academy AP Free School <b>AP FAAP Chair</b>	<a href="mailto:sd263@cpa.worcs.sch.uk">sd263@cpa.worcs.sch.uk</a>	0793 655 3325 01562 822463
<b>Daniel Smith</b> Headteacher The Forge PRU	<a href="mailto:dsmith@theforge.worcs.sch.uk">dsmith@theforge.worcs.sch.uk</a>	01527 597936
<b>Ian Enwright</b> Head Teacher Newbridge Short Stay School	<a href="mailto:ian.enwright@clpt.co.uk">ian.enwright@clpt.co.uk</a>	01905 763580

<b>Simon Stevenson</b> Headteacher Aspire Academy AP Free School	<a href="mailto:sstevenson@TheAspireAcademy.onmicrosoft.com">sstevenson@TheAspireAcademy.onmicrosoft.com</a>	01905 455422
<b>Lesley Hatton</b> Headteacher The Beacon PRU	<a href="mailto:office@thebeacon.worcs.sch.uk">office@thebeacon.worcs.sch.uk</a>	01527 514068
<b>Peter Hines</b> Headteacher Perryfields PRU	<a href="mailto:office@perryfields.worcs.sch.uk">office@perryfields.worcs.sch.uk</a>	01905 427011
<b>Kuldip Berdesha</b> Head Teacher Unity Academy	<a href="mailto:Office-uny@riverscofe.co.uk">Office-uny@riverscofe.co.uk</a>	01562 215194
<b>Here2Help</b> Worcestershire	<a href="https://www.worcestershire.gov.uk/community-services-directory">https://www.worcestershire.gov.uk/community-services-directory</a>	01905 822666
<b>CAMHS</b>	<a href="mailto:WHCNHS.CAMHS-SPA@nhs.net">WHCNHS.CAMHS-SPA@nhs.net</a>	01905 681087 (Internal Extension: 51087)
<b>Education Transport Team</b>	<a href="mailto:KRoberts2@worcestershire.gov.uk">KRoberts2@worcestershire.gov.uk</a>	01905 728891
<b>Education Finance</b> Rob Phillips	<a href="mailto:RPhillips2@worcestershire.gov.uk">RPhillips2@worcestershire.gov.uk</a>	01905 846252

# Appendix A – Weightings Grid

## Principles

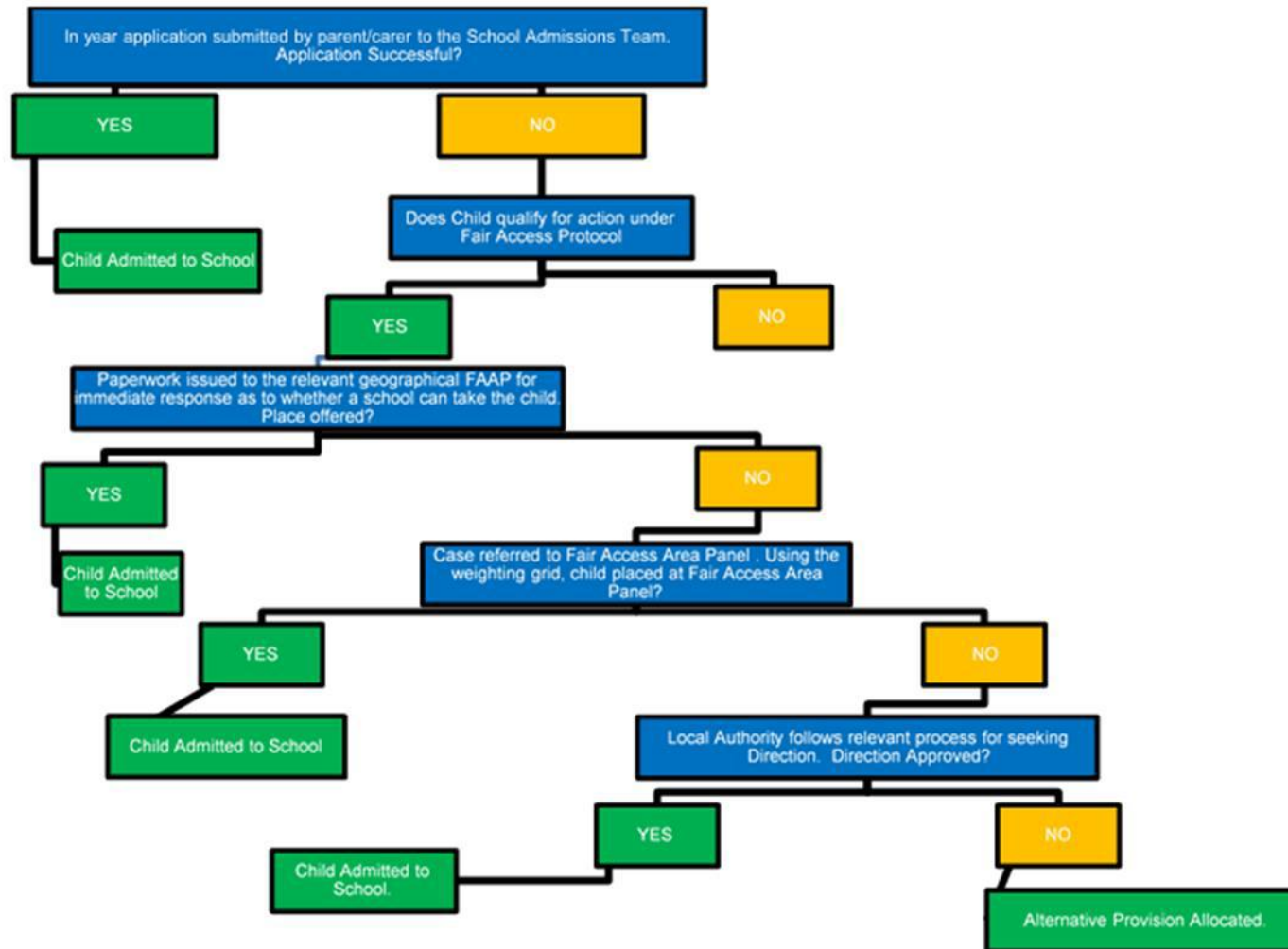
To ensure that all schools accept a fair and equitable share of pupils. All placements will be made fairly and objectively. The list will be open and transparent in its operation so that comparisons between schools is easily made and the admission, permanent exclusion and transfer of pupils can easily be tracked. The weightings will enhance the priority of very vulnerable groups of children.

## How the Weightings will work

1. The Grid will be a spreadsheet identifying all of the schools in the FAAP area.
2. There will be rows to track pupils coming 'IN – Permanent Exclusions' and pupils 'IN - FAP' i.e. these will be permanently excluded and other pupils admitted under FAP by the school.
3. Permanently excluded pupils will attract triple weighting (3 points). Other FAP pupils will attract single weighting (1 point)
4. Rows will also track 'Permanent Exclusions - OUT' which will attract a weighting factor (-3 points) to the school score unless, they have previously attempted a managed move for the child, the child was admitted to the school through the FAP Process in which case (-1 point) will be attracted. Transfers OUT of FAP pupils will attract a weighting of (-1 point).
5. The spreadsheet will also maintain rows that record the number of 'Managed Moves' involving each school in the FAAP area. These pupils will attract a single weighting (+1 point for the receiving school and +1 point for the transfer out school), which will be added to the weighted score for each school to give a total weighting.
6. The spreadsheet will also maintain rows that record the number of 'In-Year Admissions' involving each school in the FAAP area. These pupils will attract a single weighting (+1 point for the receiving school and -1 point for the transfer out school), which will be added to the weighted score for each school to give a total weighting.
7. The difference between the 'IN' and the 'OUT' columns will give a weighted score for the school. The schools with the lowest or most negative weighted score will be deemed the next most likely schools to admit a pupil.
8. The spreadsheet will show the number of students in each year group and the percentage of students taken in that year through FAP.
9. The spreadsheet will also give an overall score for the each FAAP area, so that comparison can be made across Worcestershire. This will be presented to Chairs of FAAP at the termly meetings to be able to assess the overall impact of the protocol.

## Upkeep and use of the Weightings Grid

1. The Local Authority will maintain copies of the weightings and will ensure they are updated before each FAAP meeting.
2. The weightings will be used by each FAAP to inform their decision making about the school indicated to admit a pupil.
3. Pupils will remain on the weighting grid until they leave the roll of the school, e.g. permanently excluded, complete their Year 11 studies or move to a new school etc.

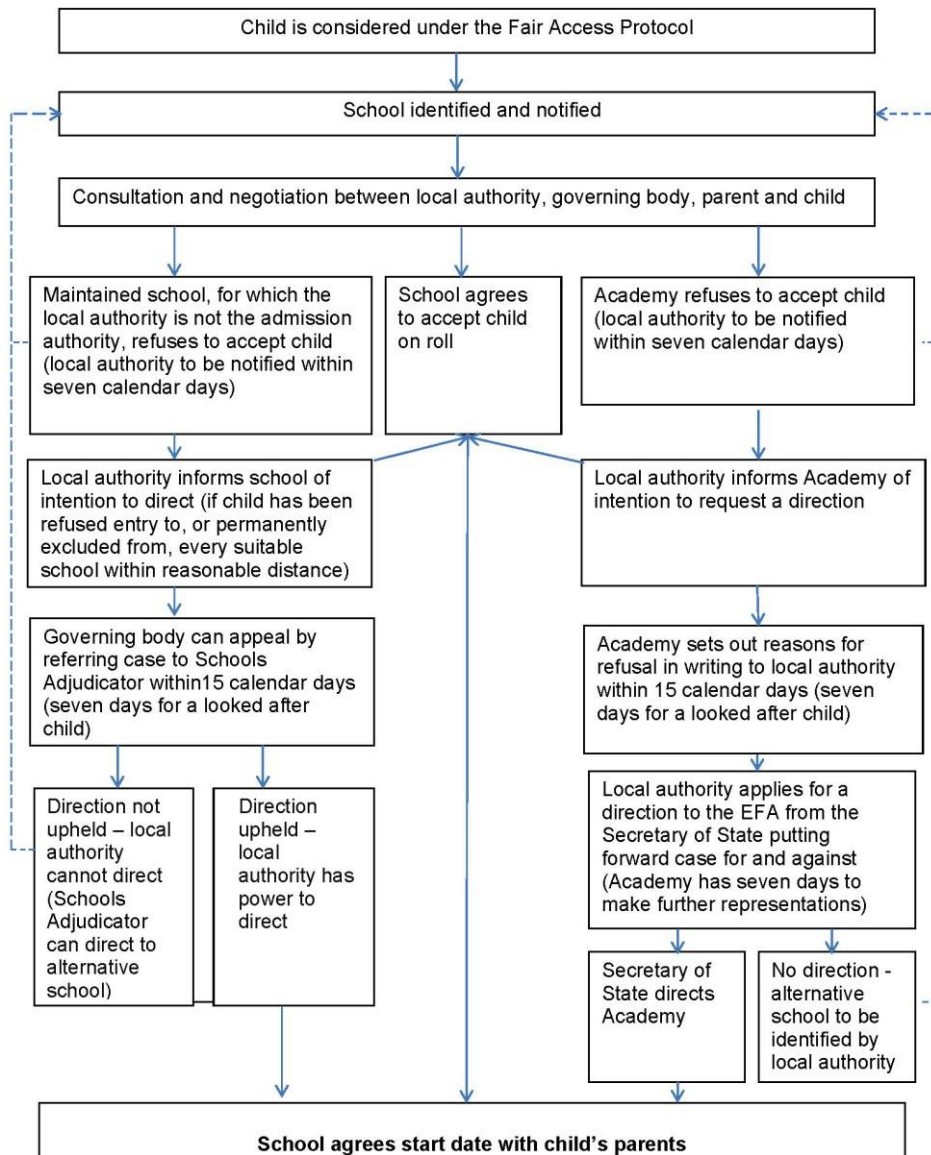


# Direction Process for LA and non-LA Maintained Schools Community and Voluntary Controlled Schools

In the case of Community and Voluntary Controlled Schools the Local Authority is the admission authority for those schools, there is therefore **no** Direction Process. The Local Authority issues the Governing Body with an **“Instruction to admit”** in relation to a specific child. The Governing Body must then take steps to admit the child, there is no appeal against this decision for a CO or VC Governing Body.

## Academy, Foundation, Free and Voluntary Aided Schools

Directions flow chart (overview of process)



\* Note: A community or voluntary controlled school cannot refuse to admit a pupil if requested by its own admissions authority.



## Other useful resources

[Advice, guidance and support to help inclusion in education |](#)

[Worcestershire County Council](#)

[Apply for a school place | Worcestershire County Council](#)

[School admissions policies | Worcestershire County Council](#)

[School Admissions Code](#)