

Cabinet

14 July 2022

Updated Fair Access Protocol

Recommendation

That Cabinet agrees the Warwickshire County Council Fair Access Protocol for Mainstream Primary and Secondary Schools as set out in Appendix B.

1. Executive Summary

- 1.1 Every local authority must have a Fair Access Protocol (FAP), agreed with the majority of schools in its area, in which all schools including Academies must participate. The purpose of the FAP is to ensure that – outside the normal admissions rounds – unplaced children, especially the most vulnerable, are offered a school place as quickly as possible, so that the amount of time any child is out of education is kept to a minimum. The local authority must 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. In September 2021 the new School Admissions Code came into force and this new FAP brings the local authority into line with the new Code.
- 1.2 One of the principal changes included within the new Admissions Code 2021 is clarification of when a school can refuse to offer a place to a child when the school has the capacity to admit additional pupils. This is now only permitted if the child exhibits ‘challenging behaviour’ as defined by the Code. The Code describes challenging behaviour as behaviour which ‘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/other pupils’ education or jeopardise the right of staff and pupils to a safe and orderly environment’.
- 1.3 The new Admissions Code 2021 also imposes timeframes under which admission authorities must process in-year applications. Admission authorities, or the local authority if it is co-ordinating the admissions authority’s in-year admissions, should respond to a parent/carer’s application within 10 school days but MUST respond within 15 school days. Once a child has been identified as falling under the FAP they MUST be placed within 20 school days.

- 1.4 The procedure of placing children through Fair Access Panels remains the same as in the current protocol, however it has been necessary to ensure that the Council's FAP is compliant with the Admissions Code 2021.

2. Financial Implications

- 2.1 There are not expected to be any cost implications as a result of introducing the changes to the new Admissions Code into the local authorities Fair Access Protocol beyond those already planned for within the Education Services budget. The FAP is designed to access mainstream education where appropriate, however, if a child initially requires a period of time in Alternative Provision (usually for Permanently Excluded children), this will be organised through the Ethical Inclusion Partnership (EIP) and monitored. Within 6 weeks, in most cases, children will then be referred back to the panels for placement into a school.

3. Environmental Implications

None

4. Supporting Information

- 4.1 The existing Fair Access Protocol is not being altered other than to ensure that it is compliant with the Admissions Code 2021. The FAP attached to this report has been considered by Legal Services, who have confirmed that what is reflected is now compliant with the Admissions Code 2021.
- 4.2 The Council has engaged schools and they are aware of the need to make changes to the FAP to ensure it is Code compliant.
- 4.3 If the new FAP is approved, further work will be done with schools to ensure they understand the requirements of the FAP, what responsibilities it places on them and how it relates to in-year school Admission processes.

5. Timescales associated with the decision and next steps

- 5.1 If Cabinet approve the document, full implementation will commence in September 2022 at the start of the new academic year 2022/23.

Appendices

Appendix A – Compliant Fair Access Protocol for Mainstream Primary & Secondary schools

Appendix B- Consultation responses from schools on alternative version to existing Fair Access Protocol.
Appendix C – Equality Impact Assessment/Analysis (EqIA)

Background Papers

None.

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The report was circulated to the following members prior to publication:

Local Member(s):

Other members: