

1 - Panel/Representations & Decision Making	2 - Definitions – e.g. Balance Share/Principle	3 - Impact on/Support for Schools	4 - How schools can share their position	5 - Information used to support placement	6 - Seeking Clarification	7 - Factually inaccurate/Not relevant
<p>2. 'Schools will not represent in person' – Page 13 This ignores that schools may have vital information that will impact the decisions and elongate the process for many pupils. How will the panel seek this information from schools before the panel meets to avoid this?</p>	<p>3.1 The phrase 'balanced share' needs a definition and cannot be accepted by schools without this definition. Same comment x6</p>	<p>A key point is the inconsistency between a right of schools to refuse admission on FAP grounds and this draft document seemingly saying we can't. It is badly written & riddled with inconsistency.</p>	<p>8. There are no details in this documents about how the LA will determine if a school currently has pupils with challenging behaviour. The document states it 'Warwickshire LA will act fairly and transparently' – Page 13. To not include the criteria for determining the school current level of challenging behaviour does not meet this expectation they have set out here for themselves. Please can the full criteria for determining each school's current level of challenging behaviour be set out clearly in the document.</p>	<p>1. Will the LA ensure current school details are available for all pupils at FAP? This is not currently the case as we get secondary pupils with a current school as primary for in year admissions in all years.</p>	<p>I recognise I am new to Warwickshire but I would appreciate clarification for 5.7 (factors for placement and decision making), as I do not understand what considerations are made. Bullet point 3 under additional factors does not make sense to me: Exclusion data from schools (* Where schools have a number of exclusions the panel may consider they have less children with challenging behaviour.</p>	<p>We have had so many pupils with significant high need that we are now not skilled as a staff to secure the quality teaching that we were as the need is so severe that we cannot gain appropriately skilled staff by recruitment or agency.</p>
<p>There is limited reference or description of the centralised meeting that will effectively allocate FAP students</p>	<p>3.3 The phrase 'rational and consistent structure' needs a definition and cannot be accepted by schools without this definition. Same comment x6</p>	<p>4.20 & 4.22 SEND needs and reasonable adjustments are decisions that schools will always make carefully. Schools needs reassurance that their statement of whether or not needs can be met is taken seriously. Schools can give examples of stating that need cannot be met, the child is placed anyway, and then the child's are not met, causing upset when the school had telegraphed the situation in advance. Same comment x4</p>	<p>Appendix D requires schools to submit information to reject on the grounds of challenging behaviour. Similar to the previous point, how do we get this information? Currently schools are at best provided with a list of exclusions and little more. Same comment x5</p>	<p>5. If a pupil is assigned a school place will the school be sent the information that was available to the panel?</p>	<p>3.12 Concern at FAP pupils to be admitted above those on any waiting list. Does this need to go into school admission policy. Concern that parents of those other children will find this unfair and have a right to challenge Same comment x6</p>	
<p>3. Why are schools being refused access to the panel? Who will determine which headteacher is on the panel?</p>	<p>4.4 Point d): The phrased 'deemed suitable' needs a definition. Deemed suitable by what criteria and by whose authority? Same comment x6</p>	<p>4.20 & 4.22 SEND needs and reasonable adjustments are decisions that schools will always make carefully: Schools needs reassurance that their statement of whether or not needs can be met is taken seriously.</p>	<p>Appendix D requires schools to submit information to reject on the grounds of challenging behaviour. Similar to the previous point</p>	<p>6. How will the panel ensure they have all the data (List on pages 15 and 16) before they meet? We often are given incorrect data currently including being asked for appeals panels for pupils who are currently on roll. What systems are being put in place to ensure this is not the case for the information being given to the panel?</p>	<p>3.5 This is unclear: Item states that admission authorities cannot refuse an in year admission application under FAP. This implies that a twice excluded child, for example, cannot be refused under FAP, which contradicts the later part of the document (Directly contradicting 4.16). Same comment x6</p>	
<p>5.1 The proposed panels read as allocation only, without any consideration of the child and the most suitable placement. Schools input seems side-lined. There is limited reference or description of the centralised meeting that will effectively allocate FAP students. The make-up of this group should be clear. The whole concept of it being dictated centrally with token SWEP representation is unacceptable. Same comment x6</p>	<p>5.2 States that no school will be asked to take a disproportionate number of Pex / disruptive students. This process needs definition and clear criteria, and cannot be accepted by schools without this definition. Same comment x7</p>	<p>7. 'The school makes arrangements to enrol the child within 10 school days' – Page 17 What is the process if the school cannot get in contact or the parents refuses the place? We can not accept a child on roll that we have never seen. This is not safeguarding the child. What support will be put in place from WCC to ensure the pupil arrives at the school? The current process shows the punitive route that will be applied to schools who refuse pupils but does not show the support the LA will put in place for schools who are trying to accept pupils but can not engage the family. Please can this be included in the protocol and the flowchart in Appendix A.</p>	<p>Appendix D requires schools to submit information to reject on the grounds of challenging behaviour. Similar to the previous point</p>	<p>5.7 The information the panel will use to determine whether the student exhibits "Challenging Behaviour" is extensive, how will this be gathered? Application forms come in with scant detail, schools are not required to include behaviour data.</p>	<p>3.7 Bullet point 4 states that a twice excluded pupils can be refused on behavioural grounds. I have a serious concern that this can enable pupils who have breached safeguarding with their behaviour (for example sexual assault) may not have reached the twice excluded threshold, but should not be placed in certain settings if there is a risk of creating further victims through repeat behaviour. Sadly, this has happened in Warwickshire in recent years and must be prevented in the future. (see also point 4.14) Same</p>	
<p>Furthermore, Grammar Schools are currently not taking their fair share of students because there is no independent testing process in place. I'm sure there are plenty of students within Warwickshire who are without a school place who's attainment potential means they would thrive in a grammar school environment. Even students with social issues and behaviour issues should be considered by grammar schools if they are able to meet the standards of entry.</p>	<p>5.5 Mentions 'managed moves'. Schools need guidance on the current definition of managed moves and off-site direction and this cannot be accepted by schools without this definition. Same comment x6</p>	<p>7.1 The time frame for placing students on roll is too short; the best integrations often take time to plan. Schools need time to try and match up exam boards at KS4, place in intervention groups etc.</p>		<p>5.7 The information the panel will seek to determine whether the student exhibits "Challenging Behaviour" is extensive, how will this be gathered? Application forms come in with scant detail, schools are not required to include behaviour data.</p>	<p>4. 'Where schools have a number of exclusions the panel may consider they have less children with challenging behaviour' – Page 16. Is this not the opposite? If a school has more exclusions it implies they have more challenging behaviour. Please can the full criteria for determining each school's current level of challenging behaviour be set out clearly in the FAP document.</p>	
<p>It is not clear in this document whether the panel will be aware of any students placed via SEND (those with an EHCP that name the school) that pose significant challenges. Schools can find their resources stretched by students being placed from two sources in addition to the regular in year admissions. Same comment x6</p>	<p>I'm unclear about what a 'balanced share of children with challenging behaviour' means specifically.</p>	<p>A key objection is the inconsistency between a right of schools to refuse admission on FAP grounds and this draft document seemingly saying we can't. It is badly written as it holds inconsistent statements. Same comment x3</p>		<p>4.16. Directly contradicts 3.5 (see above) Same comment x6</p>		

Section 5 and how the panel will be managed. Although no system will lead to everyone being totally happy I feel that by not having a representative from each school present that the individual child is not being put at the centre. For a placement to be successful it is not just about getting a young person into a school/any school but about trying to ensure they are put into the best school for them. Headteachers know the young people and their context and the context of each year group in their school really well and these factors MUST be taken into account to maximise the chance of success. Therefore I oppose running a panel with one Headteacher present and no further representation. It will lead to more appeals (not good for the young person or the system), likely to lead to more PEx as the placements are less likely to be successful if they have been placed in a school environment that is not the right one for them (not good for the young person or the system). It will also lead to schools being less inclined to work with the LA when a process is moving towards being 'done to' rather than being 'involved in' this appears to go against the approach that the leadership within the LA are spending a lot of time trying to break. There is limited reference or description of the centralised meeting that will effectively allocate FAP students **Same comment x4**

I'm unclear about whether the document defines what locally constitutes a 'disproportionate number of children'.

I put forward the need for a balanced distribution of children with challenging behaviour among schools, with an emphasis on where provision is rated more strongly, through performance tables and Ofsted evaluation, to maintain fairness.

I'm unclear how the protocol defines the process / criteria for determining whether 'an academy will best meet the needs of any child'.

I struggle to evaluate how effectively the FAP addresses the needs of underperforming schools and high-need communities.

There is limited reference/description of the centralised meeting that will effectively allocate FAP students regardless of the views of the school concerned. The make-up of this QANGO should be clear. The whole concept of it being dictated centrally with token SWEP representation is unacceptable.

I'm keen to stress the importance of considering the diverse challenges faced by schools in Warwickshire, including variation in quality and areas of poverty. I would wish for more flexibility in applying FAP principles, considering the capacity and unique challenges of each school, focusing on supporting underperforming schools and high-need communities in Warwickshire. It is not clear in this document whether the panel will be aware of any students placed via SEND (those with an EHCP that name the school) that pose significant challenges. Schools can find their resources stretched by students being placed from two sources in addition to the regular in year admissions.

Whilst I agree with the points system being removed, I am opposed to the idea that a panel will make a decision without representation from all schools being at each meeting. Whilst there is an appeals process included, this will lead to more bureaucracy and workload for leaders. The idea of making FAP every two weeks is not needed and it should remain monthly. Headteacher should either attend the FAP panel or send a representative who is empowered to make decisions. All headteacher should work together to ensure that they provide a values led decision making process in consultation with an LA representative. The LA should share better information about each student and ensure that schools have this to make informed decisions as a group. Having worked in Rushcliffe in Nottinghamshire previously this worked and the LA were very supportive of helping to place students with additional needs by providing emergency HLN funding to aid transition, or even sourcing EOTAS provision

It is unacceptable for students to be admitted with incomplete background information. You wouldn't get a bank account or passport if information was missing; why should this be any different? Schools don't have a full picture of what they are dealing with or time/resource to direct support from the off.

Secondary Schools are significantly affected by this protocol, and need to be assured that due weight is given to secondary objections to the consultation as there are fewer secondary schools than primaries being consulted. **Same comment v3**

4.32 & 4.34 directly contradict each other **Same comment x6**

5.5.2 Mentions evaluating the success of the placements but there is no mention of how this is to be done. Putting a student on roll is the start of the process not the end, there should be some evaluation but by what criteria? **Same comment v6**

5.5.2 Mentions evaluating the success of the placements but there is no mention of how this is to be done. Putting a student on roll is the start of the process not the end, there should be some evaluation of the progress of the placement with stated criteria.

9. 'Where schools have accepted a placement from a managed move they will be credited as such' and later 'The school from which the child originated will have an exit debit' – Page 20. These statements imply that there is currently a scoring system of some description but there are no details of the criteria. Please can the full criteria for determining each school's current level of challenging behaviour be set out clearly in the FAP document.

DFE Admission Code point 3.21 states 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, but the FAP draft states 10 days which is an unnecessarily short turn round time. Further details on the protection around Grammar Schools - Paragraph 2.28 of The School Admissions Code 2021 clearly states that with the exception of designated grammar schools

The 3 day turnarounds are unreasonable & don't allow sufficient time to sort the information required for a successful start.

The LA need to be far more proactive at ensuring successful transition. Funding needs to be redirected to this area, particularly around providing high quality alternative provision. The turnaround schedules are unreasonable and don't allow sufficient time to sort the info required for a successful start. **Same comment x5**

There is inconsistency between a right of schools to refuse admission on FAP grounds & this document seemingly saying we can't. It is badly written & riddled with inconsistency.