



# Fair Access Protocol – Secondary Schools

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## 1. Main Principles

- 1.1 The School Admissions Code (2021) requires each Local Authority (LA) to have a Fair Access Protocol (FAP) in place to ensure that unplaced and vulnerable children, and those who are having difficulty securing a place in-year, are allocated a school place as quickly as possible.
- 1.2 Fair Access Protocols can only be applied to in-year admissions and not to applications at the normal point of entry (Reception or Year 7 transition).
- 1.3 The FAP does not apply to Looked After Children<sup>1</sup> (LAC); Previously Looked After Children (PLAC) and children with an Education, Health and Care Plan (EHCP) which names a particular school or academy. These children **must** be offered places in accordance with the provisions set out in the School Admissions Code.
- 1.4 Parents/ carers have the right to apply for any school at any time and are entitled to have their preference met wherever possible, as well as the opportunity to appeal a decision when their preferences cannot be met. Fair Access Protocols must not be used in place of the normal in-year admissions process.
- 1.5 The Protocol must be developed with all schools in the area, agreed by the majority of schools, and all admission authorities **must** participate. Stockport's Fair Access Protocol has been developed in partnership with Headteachers in Stockport and has been agreed by a majority.
- 1.6 No school – including those with places available – should be asked to take a disproportionate number of children who have been permanently excluded from other school, who display challenging behaviour or who are placed via the Fair Access Protocol.
- 1.7 Where it has been agreed that an application will be considered under the FAP, a school place must be allocated within 20 school days of receipt of the application. Schools should arrange admission as soon as possible, without unnecessary delay. Where a school is asked to admit and fails to comply, they may be directed to do so.
- 1.8 Applications referred under the FAP will be considered at an In-Year Fair Access Panel (IYFAP). Effective IYFAPs have an emphasis on the common goal of ensuring all children referred to be considered via the FAP have access to a suitable school place as quickly as possible.

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<sup>1</sup> In Stockport Looked After Children (LAC) are referred to as Children in our Care. A child who is looked after by a local authority as defined in section 22 of the Children Act 1989 means a child who is subject to a care order (or an interim care order) or who is accommodated by a local authority.



- 1.9 In the event that the majority of schools in an area can no longer support the principles and approach of their local FAP, they should initiate a review with the LA. There should be a clear process for how such a review can be initiated within each FAP. The existing FAP will remain binding on all school in the local area until the point at which a new one is adopted (see section 6).

## 2. Eligible Pupils

- 2.1 Fair Access Protocols may only be used to place vulnerable and/ or hard-to-place pupils who meet the FAP criteria 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 normal in-year admissions procedures. In Stockport, this is quantified as:

- Where an application has been made and the preferred or nearest available school with room has requested that the application be considered under the FAP and evidenced which criteria the application meets **or**
- The LA is not able to offer a place at any school within a reasonable distance (approx. 3 miles)

### 2.2 Fair Access Protocol criteria:

- 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 (as determined by the LA based on the circumstances of the case)
- 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
- 2.3 Upon receipt of an in-year admission, the LA must not refuse to admit the child to a school on the basis that they would be, or they believe they would be, eligible to be placed via the FAP.
- 2.4 The application must be processed in accordance with the usual in year admissions process and the application will be sent to the school requested on the application form. Where a child is going to be refused a place through the normal in-year admissions process, the LA will consider whether the application is eligible to be referred to FAP.
- 2.5 If a school receives an in-year admission and has good reason to believe that a child may display challenging behaviour it may refuse admission and refer to the Fair Access Protocol. This should only happen if the school has a particularly high proportion of either children with challenging behaviour or previously excluded pupils on roll compared to other local schools and it considers that admitting another child with challenging behaviour would cause prejudice to the provision of efficient education and to the efficient use of resources.
- 2.6 A lack of information from a child's previous school(s) cannot delay the normal admissions process, cannot be a reason for refusing a school place and does not constitute a reason to refer an application be considered under the FAP.
- 2.7 **Previously looked after children** should only be referred to be considered under the FAP in exceptional circumstances. Stockport is committed to ensuring both looked after and previously looked after children are prioritised within admissions processes and only for exceptional reason should they be refused a place at a preferred school.
- 2.8 The LA is expected to allocate previously looked after children a school place promptly and for admission authorities to cooperate with this. The LA may consider following processes for direction if a school place for a previously looked after child cannot be agreed with an admission authority promptly.
- 2.9 The FAP does not apply to Looked After Children or children with an Education, Health and Care Plan

### **3. The Process**

**To accommodate the above requirements:**

- 3.1 The School Places, Admissions and Transport Team will send in-year applications to the school that they are intending to allocate the child to.
- 3.2 The school will be given 5 school days to inform the School Places, Admissions and Transport Team if they believe that the application meets the threshold to be considered under the FAP and would cause prejudice to the provision of efficient education and to the efficient use of resources (see 2.5 and Section 4).
- 3.3 The School Places, Admissions and Transport Team will request information from a child's previous school, who will be given 3 days to provide this information. If the information is not received by the 5<sup>th</sup> day (see 3.2) the application will be processed as normal, and a place will be allocated for the child. Admission authorities **must not** refuse to admit a child solely because information has not been received from their previous school.
- 3.4 IYFAPs will take place every 10 school days. All dates will be made available to IYFAP members at the start of each academic year.
- 3.5 Applicants will be informed that their application is to be discussed at the next IYFAP and why it has been referred for consideration under the FAP.
- 3.6 All secondary schools in Stockport must participate, as well as a School Admissions Officer from the LA.
- 3.7 Participation includes making available a representative for the school (usually the Headteacher) who is authorised to participate in discussions, make decisions on placing children, and admitting pupils when asked to do so, even when the school is full.
- 3.8 The panel will be chaired by a Headteacher, agreed at the start of each academic year.
- 3.9 A summary of fair access admissions for the previous 3 consecutive terms will be provided at each IYFAP.
- 3.10 An agenda will be made available to attendees 3 days prior to the IYFAP. Each meeting will be split into three key areas:

<b>1</b>	Confirmation of start dates and concerns raised from applications discussed at previous IYFAPs
<b>2</b>	New in-year applications referred under FAP <ul style="list-style-type: none"> <li>• Pupils who meet the FAP criteria (excluding category J)</li> <li>• Pupils that schools have indicated they wish to refuse under category J ahead of the IYFAP</li> </ul>
<b>3</b>	After all Fair Access referrals have been discussed, the meeting will be handed over to the Education Welfare Service representative.

**Referring an application for consideration under the FAP:**

- 3.11 When an application is referred to be considered under the FAP, it will be triaged by a Senior Admissions Officer, 4 school days prior to each IYFAP. The deadline for all referrals is 12pm on the Friday preceding the week of the IYFAP.
- 3.12 They will review the application alongside the request for referral (where appropriate) to determine whether the application meets the FAP criteria. Referring to FAP is not an indication that a school intends to refuse the application, unless they are refusing it under category J.
- 3.13 If an application is determined to meet the FAP criteria, the application and any accompanying information (such as, but not limited to, attainment, behaviour and exclusions records, referrals and SEN support plans) will be added to the next available IYFAP agenda.
- 3.14 If an application is determined by a Senior Admissions Officer to not meet the FAP criteria, the referring school will be notified, and an outcome letter will be sent to the applicant. If an offer of a school place is made, this is binding and the application cannot be referred under the FAP again, in light of any new information. Schools will be expected to arrange admission promptly, without unnecessary delay.
- 3.15 Schools may request for pupils to be retrospectively added to their FAP admissions figures in cases where new information has been made available after an offer has been made.

**Considering each case:**

- 3.16 Schools will be treated in a fair, equitable and consistent manner. This means that no school – including those with places available – is asked to take a disproportionate number of children who have been permanently excluded from other schools, who display challenging behaviour, or who are otherwise being placed via the FAP. How the LA determines 'disproportionate' is defined below:
- A summary of FAP admissions<sup>2</sup> will be held for three consecutive terms for all secondary schools in Stockport. Once confirmed a pupil allocated via the FAP has been placed on roll, they will be added to the summary.
  - Each school will be given a percentage of FAP admissions versus their overall pupils on roll. Should a school go beyond 2% of their overall Published Admission Number or have the highest percentage for three terms in a row, the school would be considered as having taken a disproportionate number of pupils and will not be required to admit any more pupils until this is no longer the case.

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<sup>2</sup> Children admitted who are Gypsies, Roma, Travellers, Refugees or Asylum Seekers will not be included in the FAP admissions summary. They will be recorded separately to ensure that no school is asked to admit a disproportionate number of these admissions.

3.17 The Panel should seek to place children in a school that is appropriate to any particular needs they may have and a school that they are able to feasibly travel to.

3.18 The FAP must not require a school a school to automatically admit a child via the FAP, in place of a child being permanently excluded from the school.

3.19 Decisions on the placement of children should include:

- The preferred school(s)
- The needs of the child in question
- Schools within a reasonable distance of the child's home address (approx. 3 miles)
- The number of children admitted or pending admissions that have been agreed via the FAP
- The prejudice to the provision of efficient education and to the efficient use of resources that would be caused by the admission of a child in these circumstances<sup>3</sup>

3.20 Admission authorities must not refuse to admit a child thought to be potentially disruptive or likely to exhibit challenging behaviour, on the grounds that the child is first to be assessed for special educational needs.

3.21 Challenging behaviour cannot be used to refuse admission to look after children, previously looked after children and children who have Education, Health and Care Plans naming the school in question.

3.22 There is no duty for admission authorities to comply with parental preference when allocating places through the FAP, but parents/ carers views should be considered.

3.23 In the event that the panel cannot agree which school should be allocated and the child requires a school place, panel members will be expected to challenge each other, with guidance from the Chair and LA representatives. The panel should take into account information including, but not limited to, fair access admissions data and information provided by the schools in advance of and during the meeting. **All allocations will be completed before the meeting closes.**

3.24 At the completion of each IYFAP, the allocated schools will receive confirmation of the pupils allocated and the applicants will receive outcome letters from the School Places, Admissions and Transport Team within 2 school days.

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<sup>3</sup> Data provided by schools prior to and during each IYFAP should be used by the panel, the Chair and LA representatives to assess the degree of prejudice.



- 3.25 Each IYFAP will be minuted by an officer from the LA and decisions made will be recorded and made available to panel members should they request it.
- 3.26 Where an application has been considered under the FAP, applicants must receive an outcome within 20 school days. If an offer of a school place is made, the allocated school must make arrangements for the child to start as soon as possible.
- 3.27 Where an applicant is refused a place at one of their preferred schools, they will be given the right to appeal this decision. For any appeals lodged, an officer from the LA will present the school's case as to why admission has been refused and why the admission of the child in question would cause prejudice to the provision of efficient education and to the efficient use of resources.

## 4. Refusing pupils who display challenging behaviour

- 4.1 Challenging 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 it is beyond the normal range that the 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.
- 4.2 In Stockport, challenging behaviour can be quantified as pupils who have received two or more suspensions **and** there is evidence that:
- There have been repeated incidents of disruptive behaviour which has significantly impacted on other pupil's education **or**
  - Infringed on the wellbeing and safety of pupils and staff
- 4.3 The following reasons on their own should not be 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
  - Having a disability or special educational needs
  - Lack of information from a previous school
- 4.4 Pupils who display challenging behaviour (as described above) but have not received two or more suspensions may still be refused admission and referred to be considered under the FAP by the schools' admission authority. Schools who intend to refuse on the grounds of challenging behaviour may only do so if





- The school has a particularly high proportion of children with challenging behaviour or previously excluded pupils on roll in comparison to other schools  
**and**
- It believes admitting another pupil with challenging behaviour would cause prejudice to the provision of efficient education and to the efficient use of resources

- 4.5 To demonstrate this, schools must provide evidence using the proforma (see appendix 2). They should send this to the admissions team along with the referral under the FAP, within 5 school days of receipt of the application from the admissions team. If this is not provided within the timeframe or the evidence provided does not demonstrate either of the above, the school will be required to admit the pupil.
- 4.6 Upon receipt of satisfactory evidence, the application will then be considered at the next IYFAP. The panel will be provided with the evidence submitted by the school and other preferred schools (if any) may be required to provide similar evidence in order to assist the panel in its decision making. Any other preferred schools will be notified that the application is being considered under the FAP, 4 school days prior to the IYFAP.

## **5. Powers of direction**

- 5.1 Admission authorities must admit children when asked to do so in accordance with the FAP, including where the school is operating with a waiting list. When they fail to do so, they may be directed to do so.
- 5.2 The LA, as the employer of the Headteachers of maintained schools, will take action to ensure that schools maintained by the LA are directed to admit pupils without unnecessary delay.
- 5.3 LA's have the power to direct a Governing Body of a maintained school for which they are not the admission authority to admit a child in their area, even when the school is full.
- 5.4 Where an academy has been determined to best meet the needs of a child and a place has been allocated, the school is expected to start the child without unnecessary delay. If they refuse to do so, the LA can ask the Secretary of State to intervene. The Secretary of State has the power to direct an academy, under the academy's funding agreement, to admit a child.

## 6. Fair Access Protocol Review

- 6.1 The FAP will be reviewed each year at the end of the summer term, along any changes in statutory legislation and any concerns that have been raised by involved parties.
- 6.2 If any parties involved with the FAP feel that it is no longer fair or viable, they should submit their concerns in writing to the LA.
- 6.3 In the event that the majority of schools are of the view that they can no longer support the principles and approach of the FAP or should a change to the fundamental principles and process be proposed, the Headteachers of all secondary schools in Stockport will be consulted and invited to express their views.
- 6.4 The existing Fair Access Protocol will remain binding on all schools in the local area until the point at which a new one is adopted.



## APPENDIX 1

### In Year Fair Access Panel Timetable 2024/ 25

Panel Date	Referral deadline (12pm)
<b>Autumn Term</b>	
Thursday 12 <sup>th</sup> September 2024	Friday 6 <sup>th</sup> September 2024
Thursday 26 <sup>th</sup> September 2024	Friday 19 <sup>th</sup> September 2024
Thursday 10 <sup>th</sup> October 2024	Friday 3 <sup>rd</sup> October 2024
Thursday 31 <sup>st</sup> October 2024	Friday 18 <sup>th</sup> October 2024
Thursday 14 <sup>th</sup> November 2024	Friday 8 <sup>th</sup> November 2024
Thursday 28 <sup>th</sup> November 2024	Friday 22 <sup>nd</sup> November 2024
Thursday 12 <sup>th</sup> December 2024	Friday 5 <sup>th</sup> December 2024
<b>Spring Term</b>	
Thursday 9 <sup>th</sup> January 2025	Friday 19 <sup>th</sup> December 2024
Thursday 23 <sup>rd</sup> January 2025	Friday 17 <sup>th</sup> January 2025
Thursday 6 <sup>th</sup> February 2025	Friday 29 <sup>th</sup> January 2025
Thursday 27 <sup>th</sup> February 2025	Friday 14 <sup>th</sup> February 2025
Thursday 13 <sup>th</sup> March 2025	Friday 7 <sup>th</sup> March 2025
Thursday 27 <sup>th</sup> March 2025	Friday 21 <sup>st</sup> March 2025
Thursday 10 <sup>th</sup> April 2025	Friday 3 <sup>rd</sup> April 2025
<b>Summer Term</b>	
Thursday 8 <sup>th</sup> May 2025	Friday 2 <sup>nd</sup> May 2025
Thursday 22 <sup>nd</sup> May 2025	Friday 16 <sup>th</sup> May 2025
Thursday 12 <sup>th</sup> June 2025	Friday 6 <sup>th</sup> June 2025
Thursday 26 <sup>th</sup> June 2025	Friday 19 <sup>th</sup> June 2025
Thursday 10 <sup>th</sup> July 2025	Friday 4 <sup>th</sup> July 2024



## APPENDIX 2

### Fair Access Protocol Proforma

The purpose of the Fair Access Protocol (FAP) proforma is to allow schools to detail why believe an application should be considered under the FAP and to provide information specific to their school to demonstrate to the Fair Access Panel why the admission of a further child in these circumstances would cause prejudice to the provision of efficient education and to the efficient use of resources. **Please send the completed form to [admissions.support@stockport.gov.uk](mailto:admissions.support@stockport.gov.uk)**

<b>Name of Pupil:</b>		<b>NCY:</b>	
<b>Current School:</b>		<b>FAP category:</b>	
<b>Reason for referral:</b>	<i>You must provide a <b>clear</b> and <b>concise</b> explanation of why you feel this application meets the threshold for the FAP category you have indicated above.</i>		

Please provide the totals for each year group below.

Pupils identified as having SEMH issues		Pupils who are looked after or were previously looked after		Pupils in receipt of SEN Support		Pupils with EHCPs	
Year 7		Year 7		Year 7		Year 7	
Year 8		Year 8		Year 8		Year 8	
Year 9		Year 9		Year 9		Year 9	
Year 10		Year 10		Year 10		Year 10	
Year 11		Year 11		Year 11		Year 11	
Pupils on targeted behavioural programmes		Pupils who are under CP, CIN or TAC		Pupils at risk of suspension		Pupils with more than 2 suspensions in this academic year	
Year 7		Year 7		Year 7		Year 7	
Year 8		Year 8		Year 8		Year 8	
Year 9		Year 9		Year 9		Year 9	
Year 10		Year 10		Year 10		Year 10	
Year 11		Year 11		Year 11		Year 11	



**Please use the box below to provide any additional information that you feel is important for the Fair Access Panel to consider.**

### **Declaration**

I can confirm that the headteacher has considered the application for the above-named pupil and that the information provided on this form is correct and complete to the best of my knowledge:

Name of School:	
Name and job title of person completing this form:	
Date form completed:	



## APPENDIX 3

### Fair Access Protocol Flow Chart

