

Bracknell Forest

Fair Access Protocol (FAP)

Context

This Protocol was implemented on 1 September 2021 (amended July 2023) and applies to all state funded schools including academies in Bracknell Forest under the School Admissions Code 2021.

This Protocol describes the principles to be applied and procedures to be followed in relation to the admission of unplaced and vulnerable children and those who have difficulty securing a school place in year are allocated a school place as quickly as possible.

This Protocol applies only to children resident in Bracknell Forest and to Bracknell Forest schools, though it may be applied to children resident in Bracknell Forest seeking a place at a school outside Bracknell Forest if the admitting authority for the school is prepared to accept this and vice versa.

This Protocol does not apply to children whose parents did not secure provision at their preferred schools when starting school, infant to junior or secondary transfers.

Eligibility for the FAP does not limit a parent's right to make an in-year application to any school for their child. Admission authorities must process these applications in accordance with their usual in-year admission procedures. They must not refuse to admit such children on the basis that they may be eligible to be placed via the FAP. The parent will continue to have the right of appeal for any place they have been refused, even if the child has been offered a school place via the FAP.

Referral to the FAP should be seen as the last resort to secure a school place for a child. Where possible, children should be placed in school through the usual in-year admissions process in the first instance.

FAP is designed to ensure every child is able to secure a school place. It is not designed to explore specific support a child may need to settle into such placement or the financial support a school can apply for before a place is offered, or the child starts.

Main principles

The best interests of the child are of paramount importance and should be at the centre of all decisions made.

The FAP will be underpinned by a transparent, collaborative approach, with the best interests of the children at heart and which seeks to:

- minimise the children's time out of education;
- secure appropriate school placements of children;

- secure an equitable distribution of children across all schools;
- ensure that all schools participate and take an equitable share of children irrespective of circumstances;
- ensure that schools are held to account for not complying with decisions under the Protocol to admit children without delay.

It has been agreed that:

- All schools will take part in the protocol as specified in the School Admissions Code including those which are or will become responsible for their own admissions, e.g. voluntary aided schools and academies;
- This Protocol provides 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 via the FAP. This includes supporting those children who have been permanently excluded from other schools and those who display challenging behaviour;
- The LA will, as far as it is possible, not ask a school to admit hard to place pupils in quick succession, especially into year groups that have recently admitted children under this Protocol;
- Formal admission appeals for hard to place pupils are not required before a pupil may be admitted under this Protocol;
- A pupil who has been denied a place at a school by the Independent Appeal Panel may be admitted by that school if it is identified under the terms of this Protocol as being the one to admit the pupil;
- Schools at or above their admission number will also admit a fair share of pupils referred under this Protocol;
- Regulations prescribe those exceptions which are permitted in cases where the infant class size limit applies;
- This Protocol applies only to those children who, by virtue of their circumstances, are likely to find it significantly harder than the average child to settle at school. Such children are likely to place a significantly higher demand on a school's resources and this is why it is important that all the schools share these admissions fairly. This is one of the central aims of this Protocol.

Children eligible for Fair Access Protocol

FAPs are intended to act as a safety net for the most vulnerable. As such, they may **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 admissions¹:

- 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;

¹ For example, where an application has been made to at least one school and this has been refused, or the local authority has confirmed that there are no places available at any school within a reasonable distance

- 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 Protocol in accordance with paragraph 3.10 of The School Admissions Code;
- 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; and
- m) previously looked after children for whom the local authority has been unable to promptly secure a school place.

****Elective Home Education (EHE)***

- *If a child/young person is registered as EHE then the parent has accepted the responsibility for educating their child. If the parent is no longer able to home educate and would like to admit the child back into a Bracknell Forest school, the in-year process will need to be followed to obtain a school place and to be removed from the Elective Home Education register. Until that time they will be considered as being in receipt of education.*

****Child Not Attending School***

- *If a child/young person has an education provision in place but the parent has chosen not to send their child (or the child is refusing to attend) then the school will be required to refer the family to EWO / CME to investigate the child's non-attendance. If the parent wants to transfer their child to an alternative Bracknell Forest school, they will be required to follow the In-year process to obtain a school place.*

Twice excluded rule

As in the normal admissions round, where a school receives an in-year application for a year group that is a normal point of entry (i.e. reception or year 7), they must not refuse to admit the child on the basis of their behaviour, unless the child has been permanently excluded from 2 or more schools, with the most recent exclusion being within the previous 2 years ².

Challenging behaviour

Where an admission authority/school receives an in-year application for a year group that is not the normal point of entry and it does not wish to admit the child because it has good reason to believe that the child may display challenging behaviour (but they have not met the threshold for the twice excluded rule), it may refuse admission and refer the child to the FAP.

Where a school has places and seeks to rely on paragraph 3.10 of the School Admissions Code to refer a child to FAP, they must be able to demonstrate both of the below:

- The school has a particularly high proportion of either children with challenging behaviour or previously permanently excluded pupils on roll compared to other local schools and it considers that admitting another child with challenging behaviour would prejudice the provision of efficient education or the efficient use of resources. And,
- that the case meets the School Admissions Code definition of challenging behaviour below:

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 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.

The following reasons on their own should not be grounds for considering that a child may display challenging behaviour:

- poor attendance elsewhere;
- a defined number of suspensions, without consideration of the grounds on which they were made;
- special educational needs; or
- having a disability.

² The twice excluded rule does not apply to the following children: children who were below compulsory school age at the time of the exclusion; children who have been reinstated following a permanent exclusion (or would have been reinstated had it been practicable to do so); children whose permanent exclusion has been considered by a review panel, and the panel has decided to quash a decision not to reinstate them following the exclusion; and children with education, health and care plans naming the school

FAP Processes & Procedures

Referral to FAP

- The School Admissions Team will process *all* in year applications received in line with parental preference and work to ensure all children are admitted as required. All applications will be processed in line with the School Admissions Code.
- The Admission Authority/School should work to admit every child where they have places and the child must be admitted within 5 school days of receipt of the application or referred back to School Admissions for referral to FAP for consideration.
- The Admission Authority/School must consider all formal in year applications submitted and must not refuse to admit a pupil unless to do so would prejudice the provision of efficient education and efficient use of resources in the school. In the exceptional circumstance that a school, who has an available place, feel the admission of an individual pupil would prejudice the efficient delivery of education and efficient use of resources and that pupil meets one of the prescribed categories, the admission authority/school are required to first consider the information in the *Challenging behaviour* section of this protocol, and then should they be able to provide the relevant evidence, inform the School Admissions Team by submitting a FAP referral for consideration by FAP.
- Where a school wishes to refer a child for consideration under the FAP the school should complete the FAP Referral form and return it to the School Admissions Team. The school should ensure it is fully completed with all relevant information attached.
- The School Admissions Team will inform parents that their application has been referred to FAP for review and their offer may no longer stand.
- The School Admissions Team will pass the FAP referral to the FAP Integration Officer for review.

Review of referral through FAP

- The FAP Integration Officer will review the referral and make a decision as to whether the application meets the criteria and if all necessary paperwork is submitted.
 - If the application does not meet the Protocol the school and School Admissions Team will be informed and the child must be admitted as a matter of urgency in the usual way.
 - If the application does meet the Protocol and has been accepted then the FAP Integration Officer will contact the parent, School Admissions Team and the school and discuss the situation. The Officer will also contact the current/previous school to gather all relevant information.
- Where it has been agreed that a child will be considered under the FAP,

- a school place must be allocated for that child within **20 school days**.
- Once the child has been allocated a school place via the FAP, arrangements should be made for the child to start at the school as soon as possible.
- Although there is no duty to comply with parental preference when placing a child through the FAP, every effort will be made to allocate a place within a reasonable distance of a child's home to support good attendance and education achievement.
- The Integration Officer will work with all departments and teams (including but not limited to, Children's Social Care, Early Help, Education Welfare Service, Youth Justice Team) in order to obtain all relevant information regarding the child.
- The FAP Integration Officer will also contact the child's previous school (and, if necessary, previous agencies involved) in order to request background information that may be of assistance to the decision-making process.
- The FAP Integration Officer will record their decision-making process and possible further discussions.

Decision making on placement

If a move is deemed to be appropriate for the child then the FAP Integration Officer will nominate a school for that child based on:

- The needs of the child in question
- Parental preference
- The number of hard to place pupils that the school has recently admitted to ensure that there is as even distribution of these pupils as possible across all schools
- The number of permanently excluded children that each school has admitted during that academic year
- The context of each school's circumstances, evidenced as necessary
- The distance of the proposed school from the address where the child is resident³.

The FAP Integration Officer will:

- contact the nominated school and that school should respond within **2 school days** to avoid delay in the process.
- share all relevant information with that school to facilitate the integration and admission of the child. If the school has concerns over the admission of the child they will raise them with the FAP Integration Officer and evidence them where necessary.
- discuss the details of an appropriate support package with the school. Where appropriate, this may include the application of additional

³ The FAP will prioritise placing the child at a school that is within statutory school walking distance of the child's home address. The receiving school will ideally be the closest school to the child's home address that is eligible to receive a child under the FAP. However, if none of the schools within statutory school walking distance are eligible to admit a child under the FAP a place may be offered which is further away. In such cases, the child may be eligible for home to school transport (see Bracknell Forest School Transport Policy)

funding within the limits of available resources to contribute towards costs incurred as part of integration process.

- discuss the allocation of an outreach worker for the child to support with transition into school (secondary schools only)
- keep a record of each placement decision
- will support the child and the school **for a term** following placement. This will include, but not limited to, attendance at review meetings to discuss progress and further support if needed.

If the nominated school has agreed to the request or has been directed to admit the child, they will:

- arrange an initial meeting at the earliest opportunity to involve (at least) the child, the parent(s)/carer(s). Other professionals may also be included, being mindful of the need to balance the need for their attendance against the creation of a situation which the child may find overwhelming.
- arrange subsequent review meetings to involve the child (if appropriate), the parent(s)/carer(s), the FAP Integration Officer and any other professionals involved with the child as necessary.
- apply for funding if this is needed as part of the integration process, using the FAP funding request form (see appendix).

Children placed under the FAP must be placed on roll and admitted to the school in the first instance, where their needs can be assessed, before seeking appropriate support from the relevant agencies.

FAP Panel

- **Composition**

The Panel meets on a monthly basis. The Panel will be chaired by the Head of Service or a designate. Best practice would be for the panel to consist of two mainstream primary school headteachers; a primary special school headteacher; two mainstream secondary school headteachers; a secondary special school headteacher; and the PRU headteacher; the FAP Integration Officer and a School Admissions representative. However, at each Panel meeting there may be a need for representatives from various agencies that have been involved with a child. This could be, but not limited to, professionals from Early Help, Children Social Care, Youth Offending Service, Educational Psychology.

- **Role and Responsibility of Panel**

The main role of the Panel will be to have an overview of the process and journey for each child following their referral. Any headteacher (apart from the PRU Headteacher) on the Panel will step out of the meeting where their school is involved in any discussions. The Panel will ensure due process has been followed and will consider safeguarding arrangements to place the child's wellbeing at the centre of all decision making.

With complex FAP referrals or where a school has failed to admit a child in accordance with FAP, the FAP Integration Officer will present these cases to the Panel for discussion and decision making.

The Panel will challenge those schools not fully participating in the Protocol and where necessary direct the school to admit or advise the ESFA of non-compliance and request to admit.

The panel will also scrutinize funding requests by schools for children placed under the FAP and review any request for transport arrangements.

Directions

- An admission authority/school must admit a child when asked to do so in accordance with the FAP, including where the school is operating a waiting list.
- Where an admission authority/school has failed to admit a child in accordance with the FAP, they may be directed to do so.
- A local authority has the power to direct the 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.
- Where a local authority considers that an academy will best meet the needs of the child, it can ask the Secretary of State to intervene – the Secretary of State has the power to direct the admission of any child to any academy under the academy's funding agreement.

Funding

Schools admitting in year pupils living in Bracknell Forest at the time of placement and admitted under the FAP may receive financial support of up to £1000, regardless of when in the academic year the pupil is placed on roll.

Funding will be approved according to need. Funding may be forfeited if a pupil withdraws within 12 school weeks of the placement being made. Where funding has already been paid, the local authority may seek to recover monies from future payments.

Requests for funding need to be submitted using the FAP funding request form. Requests will be reviewed monthly by the Fair Access Panel.

Payment will only be made once the placement has lasted four weeks or more, in line with the following timescales:

- placements made in the autumn term which have lasted four weeks or more by the end of that term – payments will be made at the start of the subsequent Spring Term
- placements made up to the end of the Spring Term - which have lasted four weeks or more by this point - payment will be made by the end of the Spring Term remaining payments will be made in the summer term.

Payment will be made to the school via journal transfer.

In all cases a proportion of the funding will be reclaimed if the child subsequently

leaves the school.

Following completion of the support through FAP (a term following placement) if the school require additional funding it can apply for this through the Short Term Intervention (SIF) panel.

Fair Access Protocols must also set out how the needs of children who have been permanently excluded, and children for whom mainstream education is not yet possible, will be met.

Permanently excluded pupils

- The school is required to inform the Local Authority as soon as possible and within 2 days of permanently excluding a pupil. The School will need to complete the PEX notification form and PEX FAP referral and email this to the FAP Integration Officer and SEMH.Inclusion-Team@bracknell-forest.gov.uk
- All children who are permanently excluded will be referred by the FAP Integration Officer to the Pupil Referral Service for Day 6 provision.
- Following the GBDC meeting or in the case of an appeal, after the IRP, the FAP Integration Officer will prepare and implement a plan for the education provision for the child and discuss this with the FAP Panel.

