



City of London

Fair Access Protocol

1) AIMS

- 1.1) Section 3.14 of the School Admissions Code that was published in 2021 by the Department for education makes it a requirement for local authorities to implement a Fair Access Protocol (FAP). Section 3.14 of the School Admissions code states:

Each local authority must have a Fair Access Protocol to ensure that unplaced and vulnerable children, and those who are having difficulty in securing a school place in-year, are allocated a school place as quickly as possible.

- 1.2) City's FAP aims to meet the mandatory requirements of the School Admissions Code.

- 1.3) Section 3.15 of the School Admissions Code states:

the Protocol must be consulted upon and developed in partnership with all schools in its area. Once the Protocol has been agreed by the majority of schools in its area, all admission authorities must participate in it. 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. Local authorities must provide admission authorities with reasonable notice and information as to how and when discussions around the placement of children via the Protocol will take place.

- 1.4) In agreeing a FAP, the City of London Corporation (City) must ensure that no school should be asked to take a disproportionate number of children who have been permanently excluded from other schools, who display challenging behaviour, or who are placed via the FAP. The FAP 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.

2) General

- 2.1) As there are no maintained secondary schools in the City, the FAP only relates to primary school aged children.

- 2.2) A parent can apply for a place at any time, to any school, at any age group outside the normal admission round. The majority of children will be admitted placed on the waiting list in accordance with the school's published oversubscription criteria.

- 2.3) In accordance with paragraph 3.10 of the School Admissions Code, where an admission authority 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, it may refuse admission and refer the child to the FAP.

- 2.4) The governing body should only rely on the provision in paragraph 3.10 of the School Admissions Code if it has a particularly high proportion of either children with

challenging behaviour or previously permanently excluded children 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.

- 2.5) The provision in paragraph 3.10 of the School Admissions Code cannot be used to refuse admission to looked after children, previously looked after children; and children who have Education, Health and Care Plans naming the school in question.
- 2.6) There is no duty for local authorities or admission authorities to comply with parental preference when allocating places through the FAP, but parents' views should be taken into account.
- 2.7) The FAP should seek to place a child in a school that is appropriate to any particular needs they may have. The FAP must not require The Aldgate School to automatically to admit a child via the FAP, in place of a child permanently excluded from the school.
- 2.8) The governing body 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.
- 2.9) Due to the limited number of places available at The Aldgate School the City will be limiting the number of children who can be placed under this FAP. Children who are not resident in the City, who meet the definition of vulnerable and/or hard to place children, as defined in section 4, will be referred back to their home LA if The Aldgate School refuses to admit. The child to be considered under their home LA's FAP policy.
- 2.10) The governors at The Aldgate School will not be asked to admit a disproportionate number of children with challenging behaviour. An example of this is when a child has allocated a place under the FAP, it will be unreasonable to allocate another child under FAP in the same year group
- 2.11) In all cases, the applicant will be notified and informed of their right to appeal to an independent appeal panel against the decision.

3) PRINCIPLES

- 3.1) Cases relating to the FAP will be considered by the FAP panel, who will meet on a case by case basis.
- 3.2) The City will work with the families of unplaced secondary school children who meet the categories listed in section 4 below on a case by case basis in order to ensure the young person receives appropriate education.

- 3.3) 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 they have been allocated a school place via the FAP, arrangements should be made for the child to start at the school as soon as possible.
- 3.4) The FAP panel will take into account genuine concerns from The Aldgate School about admission (e.g. previous serious breakdown of relationship or local issues that will have an impact on the school / family / child).

4) SCOPE: vulnerable and/or hard to place children

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 admissions process:

- 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 behaviour¹ and referred to the Protocol in accordance with paragraph 3.10 of the School Admissions Code;

¹ Child's behaviour to significantly interfere with the child's/other children's education or jeopardise the right of staff and pupils to a safe and orderly environment.

k) children for whom a place has not been sought due to exceptional circumstances²;

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.

5) PROCESS

5.1) The circumstances of individual children will be considered on a case by case basis in terms of:

- a) what is best for them;
- b) whether they are ready for mainstream schooling and if so;
- c) if The Aldgate School will be best able to meet their needs;

5.2) The allocation of children through the FAP is decided by a panel, as a minimum this will comprise of the Headteacher of The Aldgate School, a member of the City's Community and Children's Services Senior Leadership Team and a member from the Education and Early Years Team.

5.3) School summaries and previous schooling background history will be requested for any applicant who is being considered under the FAP. Using this information, the Education and Early Years' Service will decide whether the case meets the FAP criteria and if it should be forwarded to FAP Panel for consideration.

5.4) Where The Aldgate School considers that a child falls, or may fall, into any such categories listed on section 4, the school should notify the City of this. The City will then decide whether the child would be eligible to be placed in school via the FAP.

5.5) The FAP Panel will meet on a case by case basis and generally decisions will be made at the meeting following receipt of the application.

5.6) Where the FAP panel will request further information, the panel meeting will be rescheduled or, for urgent cases (e.g. where a child is without provision), Chair's Action will be implemented (i.e. without re-referral to the FAP Panel). The FAP Panel (or, where relevant, Chair) decisions will be implemented within no more than school 20 days.

5.7) The FAP panel will decide which provision is the most appropriate to meet the child's needs (e.g. mainstream school, alternative provision or Pupil Referral Unit).

5.8) The FAP panel's decisions will be final and binding. If the FAP panel decides the best place for the child is The Aldgate School, the school must admit the child. The FAP

² It is for the City to decide whether a child qualifies to be placed via the Protocol on this basis, based on the circumstances of the case.

will adhere to the infant class size legislation, when placing infant children unless one of the legal exceptions apply. The school is expected to take a maximum of 1 over numbers in any year group at School Key Stage 2 even if the class is full.

6) ADDITIONAL RESOURCING

- 6.1) To provide additional short-term support for the child to ensure successful transition and integration to a new school.
- 6.2) To ensure that funding Age-Weighted Pupil Unit follows the child in a situation of permanent exclusion.
- 6.3) The funding is to supplement money already delegated to schools within school budgets to support children with additional needs.
- 6.4) Normal new arrivals or admissions will not be eligible for fair access funding.
- 6.5) For permanently excluded children, The Aldgate School will receive £3000.
- 6.6) For other Fair Access children admitted via the other vulnerable criterions, an allocation of £1000 will be considered on an individual basis as additional funding may not always be required.

7) Exclusion

- 7.1) Where The Aldgate School permanently excludes a City child and the exclusion is upheld the pro-rata Age-Weighted Pupil Unit will be deducted from The Aldgate School backdated to day 6 of the exclusion to the end of the financial year. The City will look at existing resources and will try and place the child in another school or provide alternative education. The aim is for permanently excluded children to be offered a fresh start opportunity at a new mainstream school as quickly as possible.
- 7.2) The balance of the Age-Weighted Pupil Unit then transfers to the next receiving school regardless of where the school is.
- 7.3) Where a child is reinstated or the exclusion is reduced to a fixed term exclusion (i.e. the child returns to The Aldgate School), the school will be charged the pro-rata Age-Weighted Pupil Unit from day 6 of the exclusion to the date of reinstatement. This funding is used to make full-time education provision from day 6 by the Pupil Referral Unit.