

Review of the Secondary Fair Access Protocol

Consultation May 2021 – Summary of Responses and Next Steps

A consultation on the future working arrangements for the Secondary Fair Access Panel (FAP) was launched on 7th May following consultations with all schools at the FAP meeting of 31st March 2021. There were responses representing 10 of the 13 secondary schools that constitute the Fair Access Process received by the deadline of 26th May. A mix of views was received regarding the proposals and those proposed for implementation received support from the majority. This paper summarises the level of agreement for each proposal and the proposed next steps for consultation at the FAP meeting of 8th December.

Alongside this work we are also focusing on school sufficiency and preventative work on exclusions so that FAP is used minimally which is our overriding ambition.

1. 'Pods'

Proposal 1 – we introduce three localised pods involving groups of schools in local cluster areas.

Next Steps

It is proposed that we don't adopt the 'POD' model as there wasn't a majority in favour of this. Further details are included with the response to Proposal 2 below.

2. In-Year Admissions

Proposal 2 – we introduce a pod based mechanism to allocated unplaced young people into schools where all of the schools applied for are full and the young person doesn't score against the Hard to Place criteria.

Next Steps

Whilst there is support for the POD model from 4 schools, there isn't a majority in favour. Concerns in particular centre around the fairness of distribution across the borough as a whole with some areas having greater mobility. Also concerns around the pods cutting across admission criteria for some schools. The objections to this model come in particular from the schools in the south of the borough where there is greater mobility.

It is proposed therefore, that we don't adopt the Pod model, that as currently, all in year admissions are initially signposted to schools with vacancies and only where it is not possible to allocate a school to a young person that the case is referred to the Fair Access Panel.

It is a requirement of the new Admissions Code for September 2021 that schools share details of vacancies in year groups with the admissions team:

"...the admission authorities for all schools in the area must provide the local authority with details of the number of places available at their schools whenever this information is requested, to assist a parent seeking a school place. Such details should be provided no later than two school days following receipt of a request from the local authority."

Where a school has vacancies, it must then offer a place:

“With the exception of designated grammar schools, all maintained schools, and academies, including schools designated with a religious character, that have places available must offer a place to every child who has applied for one, without condition or the use of any oversubscription criteria, unless admitting the child would prejudice the efficient provision of education or use of resources. For example, admission authorities must not refuse to admit a child solely because:

- a) they have applied later than other applicants;
- b) they are not of the faith of the school in the case of a school designated with a religious character;
- c) they have followed a different curriculum at their previous school; or
- d) information has not been received from their previous school.”

It is also recognised that the role of the Pupil Place Planning is critical in ensuring that places are available where needed.

3. Elective Home Education

Proposal 3 – young people returning from Elective Home Education go back to and on roll with the school they came out of. If this is inappropriate, for example for safeguarding reasons, they should be placed through the Pod Inclusion Panel in the same way as an In-year Admission.

Next Steps

There is agreement that young people returning from EHE go back on roll in the school they came out of and that these wouldn't count as Hard to Place.

It is proposed that the process is managed 'automatically' by the LA rather than going through the FAP. If there is a strong parental preference for a new school, then this could either be arranged as a Managed Move by the original school or the case could be heard at the Fair Access Panel.

4. Managed Moves

Proposal 4 – we implement a model with 3 levels of Managed Move. Managed moves could count as Hard to Place and could be recognised in any tariff or quota system.

Next Steps

There is not a majority in favour of formalising Managed Moves and making this part of the FAP Process or any point based scoring system.

It is recognised that Managed Moves can be effective in some cases, for example for respite or safeguarding reasons.

It is therefore proposed that Managed Moves are not part of the formal FAP process. It would therefore not be appropriate for Managed Moves to be part of any point scoring system. Any managed moves between schools would therefore be brokered on an individual or 'private' basis either within the trust or with local schools. These private arrangements would probably be made on the basis of reciprocal agreements so that there is an inherent fairness in the system.

5. Hard to Place – identifying young people as Hard to Place

Proposal 5 – We retain a system for scoring the vulnerabilities of young people and therefore determining whether they are Hard to Place. Comments on the appropriateness of criteria included would be welcomed.

Next Steps

There is a clear majority in favour of retaining the points based system for scoring vulnerabilities and therefore whether a young person is Hard to Place.

6. Hard to Place – school tariff system

Key Factors - Examples of school demographic data which could be used:

Factor	Score
Free School Meals	Percentage of FSM (Ever 6)
EAL	Percentage of EAL
SEND (weighted)	Percentage of YP with an EHCP x 10
CiC* (weighted)	Percentage of CiC x 20

* Percentage of CiC not available from school census so would need to be school reported.

Other secondary factors that could be considered include:

Factor	Score
Ofsted Status	Eg Outstanding 0; Good 10; RI 20; Inadequate 30
Prior Attainment of students on entry	?
Mobility factor~	Percentage of (Joiners+Leavers) x10

~ We don't currently hold accurate enough data to include this as a factor.

Proposal 6 – we introduce a school tariff system for Hard to Place students and Managed Moves this could include the Key Factors included in the tables above. We would welcome responses to consider which other factors could be included, either from the table of Secondary Factors above or new proposals.

Next Steps

There is a clear majority in support of a school based tariff system which generates a league table.

It is proposed, following the responses, that we include the 4 factors in the first table above. At this stage, we don't have enough information to include mobility or prior attainment factors, however, these could be added in future when we review the operation of this protocol. (To clarify, we know the numbers of Children in Care to Telford and Wrekin that we have placed in schools, it's the Children in Care to other authorities which they have placed in your schools that we don't necessarily know about.)

Any child who scores against the Hard to Place criteria and is allocated to a school would count against the school's tariff up to a maximum of 15. So it wouldn't just be 15 points added, this could be 5 or 10 points. This would then reflect the number of young people schools are receiving with some difficulties but would otherwise be below threshold. To facilitate this, there would be a simple feedback form so that when a school receives an in year application, they can tick the relevant boxes to indicate evidence that the young person meets that criterion.

It is proposed that the allocation process happens centrally within the LA in batches prior to FAP meetings. The advantage of the batch process is that where there are several young people to allocate, they can be allocated to schools of preference or nearby schools at or near the top of the list, rather than allocating one at a time to the top school on the list. The outcome of the allocation process can then be shared at FAP.

We will share some modelling of this process to make this clearer.

7. Hard to Place – alternative systems

Proposal 7 – instead of a tariff based system, we use either a quota system or a banded quota system.

Next Steps

There isn't support for a quota or band system, it is proposed that the tariff system as above will be adopted.

8. Hard to Place – localised systems

Proposal 8 – we introduce a localised Hard to Place system using either Pods or north/south (please specify your preference).

Next Steps

There isn't support for a localised system, we will run a borough wide system.

9. Hard to Place – straight on roll

Proposal 9 – all Hard to Place students go straight on roll in their new school.

Next Steps

There are a majority of schools that support the idea of all Hard to Place young people going straight on roll in their allocated school.

It is recognised that the support to help reintegrate these young people is an important part of the process and therefore we need to consider further how to reshape this support both from the LA but also sharing best practice across schools.

10. Fair Access Panel

Proposal 10 – The Fair Access Panel meets every 2 weeks, with an Independent Chair, to manage the Level 3 Managed Moves and the placement of Hard to Place Young People.

Next Steps

To summarise some of the above next steps and the role of FAP:

- FAP would not be involved in Managed Moves
- FAP would be the arbiters of the Fair Access Process, however, the allocations would happen prior to the meeting using the tariff system described.
- EHE would go straight back to their previous schools so would not normally come to FAP except in exceptional circumstances
- FAP would continue to allocate additional support eg through the PRUs.

Considering these next steps and the responses above, the following would be appropriate:

- FAP meets on a 3 weekly basis (the reason for 3 weeks is that where there is a request for a PRU place this could be allocated with the 15 days before a PDC where a child has been issued with a Permanent Exclusion).
- An independent chair is appointed (there would need to be a small contribution from each school to cover the cost of this independent chair).

- As the allocations of Hard to Place young people happen outside of the meeting with the FAP panel ratifying these, there wouldn't be a need for all schools to attend the panel, just representatives. For example, this could be – 1 CAT rep; 1 LCT rep; 1 other academies rep; 1 maintained schools rep.

11. FAP Governance Board

Proposal 11 – We introduce a FAP Governance Board which meets Termly and reviews the operation of the Fair Access Panel.

Next Steps

Whilst there is support for this proposal, the role of FAP as described in the next steps for Proposal 11 has changed since the original proposal and has therefore become more like this governance board for the Hard to Place process.

It is therefore proposed that on an ongoing basis, FAP is the governance board for the Hard to Place process and that termly reports on the operation of FAP (including the additional support) goes to the Strategic Partnership.

12. Zero Permanent Exclusion

Proposal 12 – We introduce an agreement for no permanent exclusions across the borough or in pilot schools.

Next Steps

Responses to this proposal from schools reflect an ambition to move towards minimal permanent exclusions. We consider our collective work to maximise a philosophy of minimal permanent exclusions across the borough.

This agenda needs to be picked up in the 'Developing a commissioning model of AP' Task and Finish Group where there will be an opportunity to consider the bigger picture around funding models and how schools can be 'rewarded' for non-exclusion.

Timeframe for Implementation

8th December – Consultation and determination on the proposed next steps contained within this document.

By 4th January 2022 – publication of new FAP Protocol (depending on the outcome of the above meeting)

12th January – deadline for schools to confirm they accept the new protocol

19th January – first FAP under the new protocol