

Birmingham's Fair Access Protocol 2022

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1 BACKGROUND

The new Schools Admissions Code came into force in September 2021 and sets out the basic requirements for a Fair Access Protocol. 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.

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 full¹. 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.

The operation of Fair Access Protocols is outside the arrangements for co-ordination and is triggered when an eligible child has not secured a school place under in-year admission procedures.

All admission authorities must participate in the Fair Access Protocol in order to ensure that unplaced children are allocated a school place quickly. All schools must participate in the Fair Access Protocol, whether they are community or controlled schools, grammar, voluntary aided or foundation schools and academies and free schools. There is no duty for local authorities or admission authorities to comply with parental preference when allocating places through the Fair Access Protocol.

No school, including those with places available, 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 Protocol². 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 (paragraph 3.24 of the School Admissions Appeals Code states that if an application has been refused, despite there being places available, the governing body must present their case for refusal, demonstrating how the admission

¹ Decisions about admitting children under the Protocol can be made by one individual in an admission authority provided that suitable authority has been delegated to that individual. Admission authorities must ensure this process complies with relevant governance requirements.

² The School Admissions Code (2021) defines challenging behaviour as behaviour that would be unlikely to be responsive to the usual range of interventions to help prevent and address pupil misbehaviour or behaviour that is of such severity, frequency, or duration that it is beyond the normal range that schools can tolerate. This behaviour would be expected to significantly interfere with the pupil's /other pupils' education or to jeopardise the right of staff and pupils to a safe and orderly environment.

of the child would prejudice the provision of efficient education or efficient use of resources).

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.

In the event that the majority of schools in an area can no longer support the principles and approach of their local Fair Access Protocol, they should initiate a review with the local authority. A review should be initiated jointly by the respective Head Teacher forums. 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.

2. PRINCIPLES

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

- minimise 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.

We recognise that children being allocated a school place through the Protocol are likely to present with socio-economic challenges. Although there is no duty to comply with parental preference when placing children through the Protocol, 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. Placement will be considered in single sex and/or faith schools where the child has previously attended a single sex school and the parents continue to wish for single sex education, or where parents can demonstrate that they meet the priority criteria for a school of that faith, as long as this is consistent with an equitable distribution of pupils across all schools.

Children who are involved in a managed move are beyond the scope of the Protocol, as they are not without a school place.

3. SCOPE OF THE FAIR ACCESS PROTOCOL

In line with the School Admissions Code (September 2021) this Protocol includes the following children of compulsory school age (Reception to Year 11) who have difficulty securing a school place:

- a) children either subject to a Child in Need Plan or a Child Protection Plan³ 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;
- 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 arrangements⁴;
- 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 circumstances⁵;
- 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;
- m) previously looked after children for whom the local authority has been unable to promptly secure a school place⁶.

Eligibility for the Fair Access Protocol does not limit a parent's right to make an in-year application to any school for their child. Admissions authorities must process these applications in accordance with their usual in-year admission procedures (in line with paragraphs 2.23 – 2.31 of the School Admissions Code (2021)). They must not refuse

³ Child in Need Plans and Child Protection Plans are plans of help and protection to address safeguarding and welfare needs, where a child has been assessed by the local authority as being a child in need under Section 17 of the Children Act 1989 and/or as suffering or likely to suffer significant hardship under Section 47 of the Children Act 1989. See also statutory guidance Working Together to Safeguard Children (2018) (pages 35 and 48-49).

⁴ As evidenced by either a child arrangement order not relating to either birth parent or a special guardianship order.

⁵ It is for the local authority to decide whether a child qualifies to be placed via the Protocol on this basis, based on the circumstances of the case.

⁶ In most cases use of the Fair Access Protocol should be unnecessary for a previously looked after child. We would expect the local authority to aim to secure a school place particularly promptly for a previously looked after child and for admission authorities to cooperate with this. The local authority may consider swift use of their general powers of direction (under paragraphs 3.26-3.28) or asking the Secretary of State to consider a direction (under paragraph 3.29) to be the most suitable course of action if a school place for a previously looked after child cannot be agreed with the admission authority promptly.

to admit such children on the basis that they may be eligible to be placed via the Fair Access Protocol, except where it has good reason to believe that the child may display challenging behaviour, in which circumstances the admission authority may refuse admission and refer the child for placement under the Fair Access Protocol. 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 Fair Access Protocol.

There is no duty for local authorities or admission authorities to comply with parental preference when allocating places through the Fair Access Protocol, but parents' views should be taken into account.

The Fair Access Protocol will seek to place a child in a school that is appropriate to particular needs they may have. The Fair Access Protocol must not require a school automatically to admit a child via the Protocol, in place of a child permanently excluded from the school.

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. Once they have been allocated a school place via the Fair Access Protocol, arrangements should be made for the child to start at the school as soon as possible.

Local Sharing Panels must agree a process to allocate places to children who are referred for placement in between scheduled panel meetings, in order to ensure that these children are allocated a place within 20 school days. This allocation process may include the following procedures:

- the chair convenes a single item meeting to place the child (this could be a virtual meeting);
- decision making authority is delegated between meetings;
- the chair allocates the child to a school who is assessed as the next in line to admit;
- the chair convenes a mini meeting of schools with the lowest scores (this could be a virtual meeting). The students placed between panels are discussed at the next full meeting and credits applied to reflect the placements made.

4. DEFINITION OF CHALLENGING BEHAVIOUR

Where an admission authority does not wish to admit a pupil outside the normal admissions round because it has good reason to believe that the child may display challenging behaviour, it may refuse admission and must refer the child for action under the Fair Access Protocol. Schools may only refuse admission under this provision where they consider that admitting another child with challenging behaviour would prejudice the provision of efficient education or the efficient use of resources.

Challenging behaviour is defined in the School Admissions Code (2021) as:

Behaviour 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 pupil's/other pupils' education or jeopardise the right of staff and pupils to a safe and orderly environment.

Schools will be considered to have a "particularly high proportion of children with challenging behaviour or previously excluded children" if they have a higher percentage of these children across their school than other schools in their network or consortium.

5. OPERATION OF THE PROTOCOL

The Fair Access Protocol applies to children in Birmingham and/or applying for a place at a Birmingham school who are seeking, but are unable to secure, a school place in year who meet the Fair Access criteria defined in section 3.

Fair access referrals must be submitted using the Fair Access referral proforma (Appendix 1). This proforma is designed to provide sufficient, relevant information relating to the child in order to support placement by a Fair Access panel. Where the child has been on roll at a Birmingham school previously, the previous school is expected to supply the child's attainment data, attendance over the last two school years, and exclusion data and/or any individual behaviour or risk reduction plans. Referrals should, wherever possible, include details of any social care involvement and any relevant family background information, given the significant impact of family background on a child's education.

Where a child is referred for reintegration from City of Birmingham School or Alternative Provision, the referral must also be accompanied by a reintegration plan.

Where the child was previously on roll at a school in another area, the School Admissions and Fair Access team will try to obtain the relevant information from the previous school. However, where this is not possible, this must not delay or defer placement decisions in line with the School Admissions Code, paragraph 2.9d, which states that admission authorities must not refuse to admit a child solely because information has not been received from their previous school.

Where a child is newly arrived in the UK, the referring body should try to secure sufficient, relevant information to confirm that the child meets the Fair Access Protocol criteria and to inform appropriate placement. However, schools and panels must not delay admission because information is not available. The referring body should not be discouraged with an approach to the nearest school and an in-year application submitted.

5.1 Children with Challenging Behaviour

If a governing body refers a child with challenging behaviour for placement through the Fair Access Protocol, under paragraph 3.10 of the School Admissions Code, they must provide information using the Referral Form (Appendix 1) to include:

- details of the child's challenging behaviour;
- evidence that the school has a particularly high proportion of children with challenging behaviour or previously excluded children.

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 (School Admissions Code, paragraph 3.13).

5.2 In-Year Applications

Under Birmingham's published admissions arrangements, parents/carers of children seeking a school place in-year are expected to apply directly to schools. In the event that a school receives a direct application from a child who they have good reason to believe may display challenging behaviour, the school may either choose to admit directly or refer to the Local Authority School Admissions and Fair Access Team.

5.3 Direct Admission by Schools of Children who meet Fair Access Criteria

All schools are encouraged to admit children who apply to them directly and meet one or more of the Fair Access criteria where they are able to do so. When a school directly admits a child who meets the criteria, the school should notify the local authority, via the schools' portal, at the same time as admission, and specify which of the Fair Access criteria the child has met. The school will then be credited with admitting a Fair Access Protocol child and this will be taken into consideration in future Fair Access/Local Sharing Panel decisions.

5.4 Referrals by Schools of Children who Apply In-Year for a School Place

Where a school has good reason to believe that a child who applies in-year may display challenging behaviour and is not in a position to admit the child, the school must refer the child directly to the local authority School Admissions and Fair Access team for placement by the appropriate Fair Access panel.

Schools are expected to provide as much as information as possible on the referral form.

Where a school is deemed to have unlawfully refused admission of a child who does not meet the threshold for challenging behaviour, the local authority will intervene via the governing body or admissions authority as appropriate, referring to the Office of the Schools Adjudicator or Secretary of State if necessary.

5.5 Non-School Referrals under Fair Access

A range of services may make referrals for placement to the City or Local panels for children who meet the Fair Access criteria; these include the Youth Offending Team, the Elective Home Education Service, the Gypsy Roma Traveller team, City of Birmingham School, providers of Alternative Provision, and Birmingham's Children's Trust.

Where a parent /carer contacts the Council directly for advice on finding a school place, in the event they are identified as meeting the Fair Access criteria, they may be referred directly to the School Admissions and Fair Access team to complete an in-year application and referral for placement through the Fair Access process.

Fair Access decisions will be made by the City or Local Sharing Panels. All Fair Access panels will take into consideration:

- fair and equitable distribution of these children across schools, using transparent data to support decision making;
- placing children within a reasonable distance from home to support good attendance and recognising that children allocated through the Protocol are likely to present with other socio-economic challenges;
- keeping siblings together wherever possible;
- meeting faith needs, wherever possible;
- avoiding multiple placements at one time in one school in one year group wherever possible;
- exceptional circumstances in individual schools that would exempt the school from being considered by the panel for one or more Fair Access placements.

5.6 Exceptional Circumstances in Schools

All schools are in scope for admitting children placed through Fair Access. However, there may be exceptional circumstances when a Fair Access panel may consider information provided by a school to justify exemption from a fair access placement.

Schools will be offered the opportunity to provide information to Fair Access panels where they feel that there are exceptional circumstances that would mean the admission of a Fair Access child to the year group in question would be of significant detriment to that year group, to the school as a whole or to the child. This information is to be provided on the School Exceptional Circumstances pro-forma (Appendix 2) and will only be considered valid for a maximum period of six weeks.

6. OPERATION OF THE FAIR ACCESS PROTOCOL AT PRIMARY PHASE

Fair Access panel arrangements differ for primary and secondary age children.

At Primary Phase, all Fair Access referrals will be considered by a City Fair Access Panel that will meet fortnightly with dates set in advance for the whole school year.

The City Fair Access Panel (primary) will be chaired by the Head of Service, School Admissions, Attendance, Exclusions and Pupil Tracking and will include representatives from the BCC School Admissions and Fair Access team, representatives from City of Birmingham School and representatives from other BCC education and children's services as appropriate. Two Primary Head Teacher representatives will be invited to attend every meeting to observe and engage in the process and ensure that the Protocol is being applied in an objective, equitable and fair way. Head Teacher representation will be coordinated through the Chair of the Primary Head Teachers' Forum.

For each referral, the School Admissions team will compile centrally held information into a scoring grid to inform and support the panel to make decisions (Appendix 3). Fair access decisions will be based in the first instance on ensuring all schools take a fair share of pupils and the number admitted through Fair Access over the past two terms plus the current term will count as the most significant factor when building up a scoring grid for allocation.

The scoring grid for each child will include the six nearest schools to the child's home address. Scoring grids will include the following data:

- published admission number for the year group/numbers on roll in the year group;
- distance from the home address in metres;
- Ofsted rating;
- Number of children previously admitted via the In-Year process

Where schools in particular areas are experiencing higher demand for in-year Fair Access placements, scoring grids may extend beyond the six nearest schools to the child's home address in order to ensure fairness and equity of placements.

Decisions on every Fair Access case will be made at each meeting and will be reported to the Fair Access Board (see Section 9).

7. OPERATION OF THE FAIR ACCESS PROTOCOL AT SECONDARY PHASE

There will be two types of panel operating Fair Access at secondary phase:

The secondary local sharing panels, (referred to below as LSPs) will meet to consider cases of challenging behaviour together with children from the criminal justice system, children referred from City of Birmingham School or Alternative Provision who need to be reintegrated into mainstream education, and, by exception, complex cases referred by the City panel.

The LSPs alongside the above Fair Access activity, will also consider managed moves, although these fall outside of the scope of the Fair Access Protocol.

The secondary Local Sharing Panels would normally consider the more complex cases including but not limited to categories 3,4 and 10 (Section 3).

The City Panel will consider all other cases.

7.1 Local Sharing Panels (Secondary)

Every school admitting secondary age pupils is expected to participate in the local Fair Access panel convened for their area network of schools. This includes Alternative Provision Free Schools, Grammar Schools, Studio Schools, University Technical Colleges and All-Through Schools.

Designated grammar schools are permitted to select their entire intake on the basis of high academic ability. They do not have to fill all their places if applicants have not reached the required standard. A grammar school, or a school which selects wholly by aptitude, may nonetheless be considered as a potential Fair Access Protocol placement for a child, if it is one of the closest 6 schools to the home address and:

- the child has achieved a satisfactory score in the school's test, which should take place in accordance with the school's published admission arrangements and be arranged in time for a decision on allocation to be taken within the statutory timescale; OR
- the child's previous school was a selective grammar school or had admitted that pupil based on an aptitude test which qualified the pupil for priority for admission under the previous school's admission arrangements, meaning that a test may not be required; OR
- there is other evidence from the child's previous school that the child's levels of attainment, or relevant aptitude, indicates that they have an ability/aptitude level that is consistent with the relevant cohort in a selective school, meaning that a test may not be required.

The decision on whether or not a selective test is required rests with the representative of the school being considered for placement, but any test must be arranged so that the result is available and a decision can be made within the 20 school day deadline.

Children without school places who meet the criteria for challenging behaviour (see Section 4) will be considered at each local Fair Access panel, together with children from the criminal justice system, City of Birmingham School or Alternative Provision who need to be reintegrated into mainstream education. Normally, children will be referred to the school network in which they live, using the postcode calculator.

However, when a student has attended a Birmingham school within the last 12 months and still lives within a reasonable distance of that school, they will be referred to the network in which the previous school is located.

All schools within a network will be expected to send a representative to their nominated local Fair Access panel. The representative must have the authority to agree placement in their school. Representatives from City of Birmingham School must also attend. Local Sharing Panels will be supported by a member of staff from the School Admissions and Fair Access Team, who will record placement decisions and report to the Fair Access Board and all networks. Panels may make decisions to place children in schools that do not send a representative to the panel meeting.

All schools, whether or not they are formal members of a secondary LSP, will be expected to admit their fair share of pupils that meet the related LSP cohort criteria as described above (Section 7.1). In circumstances where a school is not a formal member of a Local Sharing Panel for Fair Access functions, the Council will allocate cases to the school after considering the proximity of the child's home address and will use the appropriate mechanisms to ensure the equitable distribution of Fair Access pupils amongst schools in the relevant geographical area.

To assist decision making, the School Admissions and Fair Access team will provide each local Fair Access panel with information on placements from the City Fair Access Panel. In addition to the referral and Fair Access credit data, LSPs will also be able to consider contextual information held in their network and information provided by schools on exceptional circumstances to inform placement decisions.

Placement at a school must be decided at the Local Sharing Panel meeting. In the most exceptional cases where there is evidence of extreme aggression or violence, drugs or weapons being brought into school, integration into another school may not be appropriate. In these cases, panels must progress a decision for the pupil to be admitted to a school, potentially pending a decision by the school regarding an appropriate placement in alternative provision. Where possible and appropriate, Fair Access referrals may be admitted directly by Alternative Provision Free Schools within the network itself and /or City of Birmingham School.

7.2 City Fair Access Panel (Secondary)

The City Fair Access Panel (Secondary) will be chaired by the Head of Service, School Admissions, Attendance, Exclusions and Pupil Tracking or his deputy and will include

representatives from the BCC School Admissions and Fair Access team, representatives from City of Birmingham School and representatives from other BCC education and children's services as appropriate. Two secondary head teacher and Local Fair Access panel representatives will be invited to attend every meeting to oversee the decision-making process and ensure that the Protocol is being applied in an objective, equitable and fair way. Head teacher and local panel representation will be coordinated through the Chair of the Secondary Head Teachers' Forum.

For each referral, the School Admissions and Fair Access team will compile centrally held information into a scoring grid to inform and support the panel to make decisions. Fair Access decisions will be based in the first instance on ensuring all schools take a fair share of pupils and the number admitted through Fair Access over the past 2 terms plus the current term will count as the most significant factor when building up a scoring grid for allocation.

The scoring grid for each child will include the six nearest schools to the child's home address. Scoring grids will include the following data:

- published admission number for the year group / number on roll in the year group;
- distance from the home address in metres;
- Ofsted rating;
- number of children previously admitted via the In-Year process.

Details of the referral will be sent to each of the six nearest schools in advance of the panel meeting. If any of these six schools believes that the admission of the child would prejudice the efficient provision of education or use of resources they are invited to submit details of these exceptional circumstances to the School Admissions and Fair Access team using the Exceptional Circumstances Submission Form which is included as appendix 2 to this document. Designated grammar schools are permitted to select their entire intake on the basis of high academic ability. They do not have to fill all their places if applicants have not reached the required standard. A grammar school, or a school which selects wholly by aptitude, may nonetheless be considered as a potential Fair Access Protocol placement for a child, if it is one of the closest 6 schools to the home address and:

- the child has achieved a satisfactory score in the school's test, which should take place in accordance with the school's published admission arrangements and be arranged in time for a decision on allocation to be taken within the statutory timescale; OR
- the child's previous school was a selective grammar school or had admitted that pupil based on an aptitude test which qualified the pupil for priority for admission under the previous school's admission arrangements, meaning that a test may not be required; OR
- there is other evidence from the child's previous school that the child's levels of attainment, or relevant aptitude, indicates that they have an ability/aptitude

level that is consistent with the relevant cohort in a selective school, meaning that a test may not be required.

The decision on whether or not a selective test is required rests with the representative of the school being considered for placement, but any test must be arranged so that the result is available and a decision can be made within the 20 school day deadline.

Where schools in particular areas are experiencing higher demand for in-year Fair Access placements, scoring grids may extend beyond the six nearest schools in order to ensure fairness and equity of placements.

Decisions on every case will be made at each meeting and will be reported to local Fair Access panels and the Fair Access Governance Board.

8. DECISION MAKING

Decisions on each case must be made at either the City or Local Sharing Panel meetings. Decisions will be binding on all parties and schools will be accountable for complying with the decisions of the panels, meeting with parent/carers at the first appropriate admission meeting and arrangements should be made for the child to start at the school as soon as possible. Placement will be confirmed by the Fair Access Team who will record each placement decision, provide administrative support to panels where necessary and provide termly statistics on placements by all panels and schools.

In the event that a school fails to adhere to a panel decision this will be referred to the admissions authority and may be escalated to the Office of the Schools Adjudicator or Secretary of State as appropriate.

Parents whose children are being considered under Fair Access retain the right to appeal for school places of preference where they have applied in-year to a school and not been successful in securing a place. Admissions to schools determined under Fair Access should not be delayed in the event that a parent or carer decides to pursue an appeal for a different preferred school. The information considered by the Fair Access panel may be used to support school statements for an appeal hearing.

9. GOVERNANCE

Two headteacher representatives from the relevant phase will be invited to attend each meeting of the Citywide panel in order to observe the operation of the panel, and to contribute to the decision making process.

The operation of Birmingham's Fair Access Protocol will be overseen by a Fair Access Governance Board, including nominated representatives from primary and secondary schools, City of Birmingham School, the Looked After Children in Education Team, the Catholic and Church of England Dioceses and asylum seekers and refugee groups. The board will meet termly to oversee the operation of the Protocol at both primary and secondary phases. The board will receive information on schools' attendance at panel

meetings, the number of cases considered under each Fair Access category, the number of children placed and the length of time between referral and placement. The board will also review processes including the design of scoring grids as part of a cycle of continuous improvement.

The board will oversee schools' compliance with Fair Access and where necessary will refer schools causing concern to appropriate accountable bodies, including the Office of the Schools Adjudicator and the Secretary of State to direct admission.

APPENDIX 1

LOCAL AUTHORITY FAIR ACCESS REFERRAL FORM

Please complete this form **in full** to enable the panel to select the most suitable and appropriate placement for the pupil

Section 1	
Date of panel:	Referring School/Organisation/Person:
Section 2 – Pupil Details	
Pupil's Name:	Male/Female:
DOB:	Year Group:
Address:	
1. Name of Parent/Carer:	Telephone: Mobile:
2. Name of Parent/Carer:	Telephone: Mobile:
Siblings:	Interpreter needed: Yes <input type="checkbox"/> No <input type="checkbox"/>
	Home Language:
Ethnicity:	UPN:
Religion:	ULC:
Looked After Child? Yes <input type="checkbox"/> No <input type="checkbox"/>	
Child In Need? Yes <input type="checkbox"/> No <input type="checkbox"/>	Free School Meals: Yes <input type="checkbox"/> No <input type="checkbox"/>
Most recent/previous schools attended:	

SEN Information (please complete as fully as possible)	
Emotional/Behavioural/Social	
Not on COP <input type="checkbox"/>	SEN Support <input type="checkbox"/> EHCP initiated <input type="checkbox"/> EHCP <input type="checkbox"/>
Cognition/Learning	
Not on COP <input type="checkbox"/>	SEN Support <input type="checkbox"/> EHCP initiated <input type="checkbox"/> EHCP <input type="checkbox"/>
Communication/Interaction	
Not on COP <input type="checkbox"/>	SEN Support <input type="checkbox"/> EHCP initiated <input type="checkbox"/> EHCP <input type="checkbox"/>
Is the pupil on the SEN Register?	Yes <input type="checkbox"/> No <input type="checkbox"/>
Is the pupil under statutory assessment for an EHCP? Date started:	
Does the pupil have a final EHCP date issued? Date issued:	
Does the pupil have a behaviour support plan?	
Section 3 – Fair Access Criteria	
Fair Access Criteria met: please tick all criteria that apply and provide details of supporting evidence where possible:	
Category	Tick
a	Children either subject to a Child in Need Plan (CINP) or a Child Protection Plan (CPP) or a CINP or CPP 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 under the FAP
c	Children in the criminal justice system
d	Children in alternative provision who need to be re-integrated into mainstream education or who have been permanently excluded but are not deemed suitable for mainstream education
e	Children with special education needs (but without an Education Health and Care plan), disabilities or medical condition
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 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 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;	
m	Previously looked after children for whom the local authority has been unable to promptly secure a school place	
Supporting Evidence:		
<p>Section 4: Please complete this section for any pupil who has been in attendance at a Birmingham school or where information has been made available from a previous school outside of Birmingham.</p> <p>For pupils arriving without having relevant historical information, please go to section 3</p>		
<p>Attendance (last two years, including any records and progress reports. For any long periods of absence please state reasons. If other agencies have been involved, please include details in the agency involvement section)</p>		
<p>Behaviour (including any fixed term or permanent exclusion information, individual behaviour plan and/or risk reduction plan)</p>		
<p>Academic information (please include as much detail as possible, SATs results if appropriate)</p> <p>Please comment in which subjects and/or activities the pupil has shown a positive interest or achievement:</p>		

Previous intervention/Support:

Section 4 - Agency involvement (Contact names and numbers, past and present)

Agency	Contact Name	Telephone
CAMHS		
City of Birmingham School (COBS)		
Communication and Autism Team		
Education Psychologist		
Family Support Worker		
Gang intervention		
Physical Difficulty Outreach		
Police		
Pupil and School Support (PSS)		
Sensory Support		
Sexual Harmful Behaviour Team		
Social Care/Early Intervention Team		
Youth Offending Team (YOT)		
Other (please clarify)		

Early Help Plan: Yes No

Initiated: Yes No

Telephone:

Lead Practitioner:

Organisation:

Relevant Personal or Home Circumstances (Parental involvement, family structure, LACES, Foster Care, Children's Home, Child Protection, recent bereavement. Sensitive information should not be shared at this stage unless it is essential for the panel to know)

Additional Information (Detailed picture of pupil, including positive attributes, any medical diagnosis, concerning behaviour with parties outside school, impact on peer group, interests and hobbies, membership of groups/clubs)

Gang related issues: Yes No

Section 5 - Risk Assessment and Safeguarding questionnaire

		0	1	2	3	4	5
0 = Unlikely 1 = Improbable 2 = Small Possibility 3 = Possible 4 = Probable 5 = Certain	Theft						
	Truancy						
	Absconding						
	Substance Misuse						
	Alcohol Misuse						
	Damage to property						
	Arson						
	Weapon related incident						
	Physical aggression towards peers						
	Physical aggression towards adults						
	Verbal aggression towards peers						
	Verbal aggression towards adults						
	Threatening behaviour towards peers						
	Threatening behaviour towards staff						
	Bullying peers						
Persistent defiance							

	Persistent refusal to follow instructions					
	Sexual inappropriate behaviour towards others					
	Dangerous behaviour in the environment					
	Confidential child protection – information available on request	Yes		No		
Safeguarding Questionnaire						
Does the child appear to be:	Yes	No	Not sure	Evidence/Comments		
Healthy?						
Safe from harm?						
Learning and developing?						
Free from crime or antisocial behaviour?						
Free from the impact of poverty or worklessness?						
Benefit type:						
Section 6 – Signature of Referrer/Counter checked by:						
Name: Position: Email address: Date Counter signatory / Checked by: Name: Position: Email address: Date:						

APPENDIX 2

FAIR ACCESS REQUEST

EXCEPTIONAL SCHOOL CIRCUMSTANCES SUBMISSION

All schools are required to participate in admissions through the local authority Fair Access Protocol.

Under exceptional circumstances, a school may wish a Fair Access panel to consider exemption from admissions into one or more year groups in particular. Simply being full is not considered a sufficient reason to constitute an exceptional circumstance.

Schools wishing to be considered for exemption are asked to complete the additional information below for panel to consider. Information is required across year groups for which special consideration is required.

- | | |
|--|--|
| <ol style="list-style-type: none"> 1 PAN for the relevant year group 2 Number of pupils on roll in every year group 3 Number currently over PAN in each year group (please enter zero if not currently over PAN/CAN) 4 Number of pupils admitted into each year group through Fair Access in the current accounting period 5 Give details of any exceptionally, rare or unusual circumstances | |
|--|--|

Thank you for your responses. These factors will be considered by the relevant Fair Access panel as part of the placement process.