

BRIEFING	TO:	Local Admissions Forum
	DATE:	1 February 2024
	LEAD OFFICER:	Sarah Whitby Sarah.whitby@rotherham.gov.uk
	TITLE:	Fair Access Protocol review
1. Background		
1.1	Fair Access Protocols exist to ensure that vulnerable children, and those who are having difficulty securing a school place in-year, are allocated a place as quickly as possible. Every local authority must have a Fair Access Protocol in place. Once it is agreed with the majority of schools in its area, all admission authorities must participate in it. The School Admissions Code 2021 and associated non-statutory guidance Fair Access Protocols, August 2021 , set out the duties of the Local Authority and Admissions Authorities in respect of Fair Access.	
1.2	Rotherham's Fair Access Protocol was revised and agreed in September 2021. There are 2 protocols in place, one for secondary admissions and one for primary. All Rotherham schools participate fully in the Fair Access Protocol with a clear shared understanding of the rationale for placements being made through this route.	
2. Key Issues		
2.1	Rotherham's Fair Access Protocol was consulted upon prior to the publication of the associated non statutory guidance outlining the intended operation of Fair Access Protocols. The non statutory guidance clarifies that the appeals process is separate from the FAP and <i>'The fact that an appeal has been lodged for a child is not a reason to delay the FAP process.'</i> The current Protocol in operation in Rotherham requires that, if lodged, an appeal is heard prior to referral to the FAP.	
2.2	The Protocol needs to be reviewed to ensure that best practice of regular review is met, but more importantly to ensure that timely outcomes are secured for vulnerable children in borough who are out of school.	
2.3	The current Protocol provides for a 2 step decision making process, this can mean that children are discussed in multiple forums prior to a final decision being made whilst they remain out of school. Pupils are first discussed at a Pupil Management Group (PMG), comprised of school leaders from a designated local group of schools who can agree to offer a placement at this point. Where agreement cannot be reached a binding decision is made at a further meeting by a Strategic panel, comprised of Local Authority representation and school leaders representing only 3 of the borough's academy trusts.	
2.4	Feedback from some school leaders has questioned the rationale for the decision making process and advocated for a fairer and more transparent route to decision making. Through local conversations it appears that in some instances the PMG is not always meeting local desire and need to work in partnership for all schools, as some schools do not sit alongside their closest neighbours and are in fact some distance from the other schools in their PMG.	

2.5	There are key proposals to consult and agree upon in order to ensure that both PMG and FAP can function effectively for all children and schools in Rotherham. Key issues it is proposed to consult upon in determining a revised Protocol are outlined below:	
PMG	For PMG to become a local forum focussed on finding solutions for young people who are at risk of exclusion or require a fresh start in a new school via a Managed Move. For this to happen effectively it is necessary to consider and re-establish the geographical boundaries of the PMG groups to ensure they can be highly effective and mutually supportive.	
FAP	For there to be a single point of decision making for children identified as requiring placement through FAP. This will minimise time out of education for children requiring a school place and will make more effective use of time and resource.	
Placement requests	For all placements requests to be supported by relevant information, with a common referral form for placement led by the needs of young people and schools.	
Transparency of decision making	To consider representation at FAP as a single point of decision making. Consultation with schools will determine a preferred model from the LA as a decision maker, maintaining strategic FAP as it currently operates, moving to a model where all schools have representation or one where each trust, or school where they are not part of a MAT, is represented.	
Equitable decision making	It is proposed that the Protocol is supported by robust data available at each decision point from the LA, including FAP allocations, numbers of children on roll and number of In Year admissions. This is available as schools communicate this information to RMBC already via electronic transfer.	
Interface with the appeals process	For the Protocol to be reviewed in line with DfE guidance to ensure that, following an unsuccessful application, children are referred to FAP and a school place identified, without any expectation that parents make further applications or exercise their right of appeal (although they maintain a right to do so should they wish).	
Timeliness	Move to a cycle of 3 weekly meetings in order that the requirement to identify a school place within 20 days for all children referred to FAP is met.	

3. Key Actions and Timelines

3.1	End February 2024	Conversations have been held with regional neighbours to understand how best the appeals/ FAP interface can be supported in the Rotherham context
	w/b 4 March 2024	Period of informal consultation with school leaders via a series of briefings
	15 April-19 May 2024	Formal period of consultation with school leaders on a revised FAP
	13 June 2024	Final agreement and ratification from LAF
	July 2024	Planning period with school leaders to make any changes to existing PMG/ FAP membership
	September 2024	New FAP is in operation

4. Recommendations

4.1	That LAF agree to a formal review of the Fair Access Protocol with associated consultation as outlined in this briefing paper.
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That LAF agree, as the designated decision maker, to receive the final revised Protocol for ratification at the meeting on 13 June 2024.