



Sandwell
Metropolitan Borough Council

SECONDARY FAIR ACCESS PROTOCOL

2025-2026

FINAL

PART 1

General Introduction

The Sandwell Local Authority Fair Access Protocol operates through a collaborative ethos between schools and the Local Authority to ensure vulnerable children access education swiftly and fairly. All schools commit to accepting collective responsibility and working cooperatively to reduce time out of education and support vulnerable students effectively.

2. Definitions

Term	Definition	Reference
Challenging Behaviour	The DFE set out the definition for the term challenging behaviour as that which can be evidenced via school intervention records a child would be unlikely to be a 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.	School admissions code 2021 3:10 ref 76

3. Legal Framework and links

Title	Brief Explanation	Link
School Admissions Code	To ensure that school admissions in England are fair, clear, and transparent. It sets out mandatory rules that all state-funded schools, admission authorities, and local authorities must follow when allocating school places. The code aims to promote equal opportunities for all children, prevent unfair practices, and support parents in understanding how the admissions process works.	School admissions code 2021
Fair Access Protocol Advice	The purpose of this document is to provide guidance to local authorities and school admission authorities on implementing fair access protocols to ensure that unplaced and	Fair access protocols: advice for local authorities and

Title	Brief Explanation	Link
	vulnerable children are admitted to suitable schools promptly and equitably.	school admission authorities
Suspension and Permanent Exclusion Guidance	This guidance sets out the legal duties and responsibilities for headteachers, governing bodies, and local authorities in relation to the suspension and permanent exclusion of pupils from maintained schools, academies, and pupil referral units (PRUs) in England. It also provides information on related processes, including pupil movement following exclusion, to ensure decisions are lawful, fair, and support the best interests of all pupils. The guidance aims to promote consistent practice and uphold pupils' right to an education.	Suspension and permanent exclusion guidance

Principles, Purpose, and Aims of the Fair Access Protocol

Principles of the Protocol

- Accept collective responsibility for vulnerable children's right to education.
- Act urgently to allocate appropriate school places within 20 school days of identification.
- Ensure fair allocation of vulnerable children through full engagement of all schools.
- Work restoratively with openness, support, and challenge.

Purpose of the Protocol

- Ensure unplaced vulnerable children are offered a suitable school place as quickly as possible outside normal admissions round.
- Applies to children without a secured school place or offer, excluding Children We Care For (formerly known as Looked After Children) or Previously Looked After Children and those with Statements of SEN or EHCP.
- Not intended to circumvent normal in-year admissions, where parents may apply and appeal.
- Covers vulnerable children already placed in school settings needing placement adjustments.

Aims for a Successful Panel

- Meet needs of young people not on any school roll effectively.
- Provide transparency through data on admissions, reintegration's, exclusions levy usage, and placement outcomes.
- Respect parental preference where possible but prioritise fairness and collective responsibility.
- Use evidence from agencies to support decision-making.
- Ensure all schools participate and accept panel decisions, including when absent.
- Support parents' rights of appeal with relevant data.

- Address cases where pupils have been withdrawn or taken off roll, with expectation the last school re-admits unless exceptional circumstances exist.
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Who the Protocol Covers & Difference Between In-Year Admissions and FAP

- **In-Year Admissions** cover straightforward school admissions outside the normal admission rounds.
 - Admission authorities cannot refuse admission on behavioural grounds in the normal admission year except in specified circumstances.
 - **Fair Access Protocol (FAP)** applies only to vulnerable or hard-to-place children who struggle to secure a place through normal in-year admission procedures after reasonable attempts.
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Fair Access Panels and Membership

Sandwell has two Fair Access Panels:

North Panel

- George Salter Academy
- Gospel Oak School
- Phoenix Collegiate
- Q3 Academy GB
- Stuart Bathurst
- Wodensborough Ormiston Academy
- Wood Green Academy
- Shireland Biomedical UTC
- Shireland CBSO Academy
- Q3 Tipton
- West Bromwich Collegiate

South Panel

- Bristnall Hall Academy
- Holly Lodge
- Oldbury Academy
- Ormiston Forge Academy
- Ormiston Sandwell Community Academy
- Perryfields Academy
- St Michael's C of E
- Sandwell Academy
- Shireland Collegiate
- Q3 Langley
- Windsor Olympus Academy

Other agencies such as Police, Youth Services, Social Workers, Schools Attendance Support Service, and Admissions Services are routinely invited to attend.

Roles & Responsibilities

Local Authority

- Revise and produce the protocol with schools.
- Arrange and prepare Fair Access meetings and agendas.
- Invite agencies and present data to support decision-making.
- Work collaboratively with schools on hard-to-place cases.
- Keep accurate records and report to stakeholders.
- Advocate for young people's rights if needed.
- Provide development sessions for representatives.
- Manage the Permanent Exclusion levy and ensure alternative provision suitability.

Schools, Academies & UTCs

- Fully participate in the protocol.
- Ensure representatives are trained, empowered, and prepared for Panels.
- Provide deputies if usual representatives cannot attend.
- Accept placements allocated, including when absent from Panels.
- Submit cases for Panel inclusion in writing, with relevant evidence.
- Identify and table cases meeting Fair Access Criteria that have been admitted via normal admissions for inclusion counting.
- Abide by Panel decisions.

Sandwell Community School (PRU)

- Attend Panels and update on pupil progress.
- Liaise with schools, parents, and agencies regarding placements.
- Support transitions back to mainstream education.
- Provide detailed exit reports.
- Invoice schools for preventative placements.

Outside Agencies

- Share information to assist appropriate placement allocation.

Allocating School Placements via Fair Access Panels

Decisions on placements are made by:

1. Consensus
2. Unanimous vote
3. Two-thirds vote
4. Independent Chair's final decision
5. **Only in exceptional circumstances will cases be deferred. If deferred, the child will be placed at the next Panel under the Chair's direction if necessary.**
6. Use of exclusions levy to place children in alternative provision if a mainstream place is unsuitable.

The Chair's placement decision is final and must be honoured by all schools.

If schools cannot contact families after three attempts, cases return to Panel for referral to the Children Missing Education Team.

Fair Access Criteria

A child may be referred to the Fair Access Protocol if they meet any of the following:

- A. Subject to or previously subject to Child in Need or Child Protection Plans within 12 months.
- B. Living in refuges or other relevant accommodation.
- C. Involved with the criminal justice system.
- D. In alternative provision needing reintegration or permanently excluded but suitable for mainstream.
- E. Have special educational needs (without EHCP), disabilities, or medical conditions. *
- F. Are young carers.
- G. Are homeless.
- H. In formal kinship care arrangements.
- I. Are Gypsies, Roma, Travellers, refugees, or asylum seekers.
- J. Refused a place due to challenging behaviour and referred under the School Admissions Code. *
- K. No place sought due to exceptional circumstances.
- L. Out of education for 4+ weeks with no available places within reasonable distance (excluding refused offers).
- M. Previously looked after children for whom a place has not been promptly secured.

*The panel defines children with challenging behaviour or SEND as those needing external agency involvement (e.g., EP, Inclusion Support, CAMHS).

Electively Home Educated Children Returning

14. 1 When a child who has been electively home educated (EHE) seeks to return to a mainstream school, the Fair Access Protocol ensures a consistent and fair approach. This process considers the child's best interests, previous school engagement, and any exceptional circumstances. It also takes into account the increasing number of EHE decisions in Sandwell and the resulting pressures on schools and the local education system.

Relevant aspects of DfE framework that applies:	
3.18 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. Admission authorities must process these applications in accordance with their usual in-year admission procedures (as set out in paragraphs 2.23-2.31). They must not refuse to admit such children on the basis that they may be eligible to be placed via 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.	Schools Admissions Code (para 3.18)
3.10 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 (Ref76), it may refuse admission(Ref77) and refer the child to the Fair Access Protocol(Ref78).	Schools Admissions Code (para 3.8)
2.11 Where a place is available for a child at more than one school, the home local authority must ensure, so far as is reasonably practicable, that the child is offered a place at whichever of these schools is their highest preference. If the local authority is unable to offer a place at one of the parents' preferred schools it must, if there are places available, offer a place at another school	Schools Admissions Code (para 2.11)

14.2 Standard process for EHE returning based on above legislation:

- Application for in-year admission is received and processed in normal way.
- LA team will carry out visit to support information gathering and present this to the school.
- If school has places child will be able to start in-line with Schools Admissions Code.

14.3 Where EHE application is made and there are no school places available at requested school:

- School will be able to refuse place based on being at or above PAN.
- Application referred back to LA Admissions for next nearest available school.
- Where school with places receives application, they will either admit or if they have available places but believe the child presents with Challenging Behaviour follow section 14.4.

14.4 Where the school believes the child presents with Challenging Behaviour:

- School requests for case to be heard at FAP, along with evidence of Challenging Behaviour.
- School presents case at FAP to demonstrate criteria of Challenging Behaviour is met.
- If child is EHE from Sandwell school in previous 12 months, they will be returned to original school.
- If Child is EHE from Sandwell school exceeding 12 months or out of borough they will be discussed and placed by FAP or under chairs direction. There will be an automatic right of 6 week (with 6 week extension) paid placement at AP Provision using the PEX levy should the school choose to take this.

Year 11 Admissions

15.1 The following procedures have been agreed with Sandwell’s Fair Access Partnerships to support equitable and transparent year 11 pupil admissions across all schools and academies.

15.2 Up to the October Census Date:

Schools and academies should continue to admit pupils via standard admissions procedures. As previously agreed, all settings will uphold the principle of “looking after our own,” particularly in the second half of Year 9 and throughout Key Stage 4.

15.3 After the October Census Date:

Schools and academies are strongly encouraged to admit pupils where possible, particularly where this supports the safeguarding and welfare of the young person. Pupils admitted before the January Census will count towards performance data, while those admitted after may not be included. However, schools are permitted to include any achievements for these pupils in their own reporting, if they choose to do so. Where a pupil is taken onto roll after the October Census, Levy funding may be used to cover exam entry costs and other necessary expenditures to support the student’s successful completion of their Key Stage 4 qualifications.

15.4 After the January Census Date:

Where a school has a place available, normal admissions processes will apply. Schools will be expected to enter pupils for examinations where appropriate. Levy funding may be used to cover exam entry costs and other necessary expenditures to support the student’s successful completion of their Key Stage 4 qualifications.

15.5 Hard to Place Pupils (HTP):

Pupils identified as *Hard to Place*—for example, those with a history of significant behaviour concerns, social care involvement, or multiple previous school moves—are automatically eligible for discussion under Section 17 of the protocol (Intervention Support using Levy). Where a pupil’s records reflect such concerns, this designation can be confirmed without the need for further justification.

16. OSD/Managed Moves

16.1 An *Off Site Direction (OSD)* is a formal agreement between two schools, initiated with the consent of parents/carers and the young person, to offer a pupil a fresh start in a new setting. It is used as an early intervention strategy to prevent permanent exclusion and to support pupils in successfully re-engaging with education in a different environment. A trial period is agreed between the schools, during which the pupil remains dual registered, with the intention of transferring to the new school permanently if the placement is successful.

16.2 It is important to distinguish an *Off Site Direction* from a *respite placement*. Respite placements are informal, short-term arrangements that schools may agree between themselves to provide temporary support or a change of environment for a pupil. These arrangements are not intended to result in a permanent transfer and remain outside the formal OSD/MM process.

16.3 The Fair Access Panel (FAP) recognises that many schools already have strong partnerships and engage in effective informal collaboration to support pupils, including through respite placements. This good practice is valued and encouraged.

16.4 To ensure consistency in recording and fairness in the allocation of point scores, FAP will only register a Managed Move for points purposes once the move has been successful and the pupil has been taken onto the roll of the receiving school following the agreed trial period.

16.5 Schools may continue to request support from the panel to facilitate Off Site Directions/Managed Moves. These requests should be submitted at least one week prior to the FAP meeting for inclusion on the agenda. In line with the rest of this section, any MM will only be recorded for points purposes once the receiving school confirms the pupil has been taken onto roll.