

Dear colleagues,

We are seeking your views on revisions to the Bolton In Year Fair Access protocol.

What is the purpose of the protocol?

The protocol is a statutory requirement of the School Admissions Code (2021) and seeks to support pupils, who have been unable to secure a school place through the usual in year admissions route, to find a school place quickly. The protocol must ensure that these pupils are fairly and equally distributed between schools.

Why is the protocol being reviewed?

It is two years since the protocol was last consulted on and agreed in 2022. There is a two-year review requirement within the protocol. A revised protocol will be implemented from September 2024.

What changes have been made to the protocol?

- Some of elements of the protocol have been reordered for clarity.
- 'Section 8: Twice excluded rule and challenging behaviour' has been updated to include the definition of challenging behaviour and give some examples of what challenging behaviour may include. This section also describes how children who have been in or require alternative provision will be managed through the protocol.
- 'Section 9: Operation of Fair Access Panels' has been updated to require IYFA panels to be chaired by a Headteacher.
- 'Section 10: Decision Making process' describes the process to be used by the panel for decision making. This is a new section to the protocol. The protocol describes how schools will be approached and aims to ensure fairness and equality in distributing fair access pupils between schools.
- 'Section 16: Exemptions' is a new section.
- Appendices 1-4 are new and support the new elements in Section 8 and Section 10. This will ensure consistent data is collected from all schools so that the panel have the information they need to decide on each case.

What are the timescales for consultation?

Consultation will take place between Friday 26 April and Friday 24 May 2024

How can I respond to the consultation?

You should email your comments to admissions@bolton.gov.uk, giving your email the subject 'IYFA protocols' by 24 May 2024.

What happens next?

The local authority will consider comments to the consultation and finalise the protocol. The final protocol will be sent to schools in late June/early July and schools will be asked to formally sign agreement to the protocol. The protocol will be implemented from September 2024.



In Year Fair Access Protocol

September 2024

DRAFT



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1. Foreword – Belonging in Bolton

Bolton LA and schools are committed to working in partnership to promote the strategic intent of Belonging in Bolton. The partnership is outcome focused, inclusive, equitable, sustainable and creates acceptance in Bolton's education system and beyond.

The LA and schools have agreed to ensure that every child has a sense of belonging and feels part of a school setting or college community irrespective of background, needs or culture to enable them to achieve positive outcomes. The partnership supports the wellbeing and social, emotional and mental health needs of all young people to enable them to be successful in their place of learning.

Working with partner agencies will ensure there is a systemic approach to working with the families of Bolton's most vulnerable learners to ensure early intervention to meet need (Early Help) and in addition, ensuring that all young people are ready for the next phase of learning and transitions support them in developing a new sense of belonging in their new environment.

Success measures

1. Improved outcomes for all children and young people, especially vulnerable groups.
2. Schools admit children with challenging and diverse needs on an equitable basis.
3. All vulnerable and challenging children access a school place within 20 school days.

2. Introduction

There is a statutory requirement for the Local Authority to have in place a Fair Access Protocol (FAP) which is agreed by the majority of schools in the authority. Once it has been agreed by the majority of schools in its area, all schools* **must** participate in it.

**Throughout this document the term 'school' is used to describe all Bolton community, voluntary controlled, voluntary aided, foundation schools (including Trust Schools), free schools and academies.*

Fair Access Protocols play a key role in helping to keep children safe by ensuring the most vulnerable children can access education as quickly as possible.

Referral to the Fair Access Protocol should be seen as a last resort to secure a school place for a child. Where possible, children should be placed through the normal in-year admissions process in the first instance, so that the amount of time any child is out of school is kept to a minimum.

The Fair Access Protocol should provide a fair and transparent system to ensure that all schools share the collective responsibility of helping the most vulnerable, by admitting their fair share of children being placed via the FAP. This includes supporting those children who have been permanently excluded from other schools and those who display challenging behaviour.

Admission authorities and local authorities must comply with the relevant law, and act in accordance with the provisions of the School Admissions Code (2021). Where the words '**must**' or '**must not**' are used in this document, they represent a mandatory requirement in the Code or legislation.

The Fair Access Protocol operates within the non-statutory guidance in the DFE's Fair Access Protocol: Guidance for school leaders, admission authorities and local authorities (2021).

3. Principles

Whilst the Protocol is procedural, the successful operation of Bolton Council's Fair Access Protocols is largely due to the willingness of all schools to work together with a genuine ethos of collaboration and co-operation to:

- Act with a sense of urgency to minimise a pupil's time out of education.
- Secure appropriate school placements.

- Ensure that schools comply with decisions under the Protocol to admit pupils without delay.
- Ensure that no school, including those with available places, is asked to take a disproportionate number of children who have been placed through the Protocol.

School leaders and the local authority should work together collaboratively, taking into account the needs of the child, the needs of the school, but also Bolton's commitment to inclusion for all. When seeking to secure a place for a child under the Protocol, all schools should be treated in a fair, equitable and consistent manner.

4. Main points

- FAPs 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.
- FAPs must not be used in place of the usual in-year admissions process. A parent can make an application at any time and is entitled to have their preference met wherever possible.
- FAPs must only be used for children that meet the prescribed categories set out in paragraph 3.17 of the School Admissions Code 2021 (also set out in section 7 of this document).
- There is no duty to comply with parental preference when allocating a place through the FAP, but parents' wishes should be considered.
- When seeking to place a child through the FAP, no school (including those with places) should be asked to take a disproportionate number of children who have been permanently excluded from other schools, who are displaying challenging behaviour, or who otherwise are being placed via the FAP.
- Admission authorities must admit children when asked to do so in accordance with the FAP.
- Where a child is refused a place at a school, they do still retain the right to appeal even if offered another school via FAP.
- No school must be required to automatically admit a child via FAP in place of a child permanently excluded from the school.
- The Protocol may require schools to admit pupils above their Published Admission Number (PAN) and ahead of pupils on their waiting list or those awaiting an appeal. Section 2.15 of the School Admissions Code outlines that looked after children, previously looked after children, children with EHCPs and those allocated a place at

the school in accordance with Fair Access Protocols, must take precedence over those on a waiting list.

5. Restrictions

Bolton Council has a responsibility to all children living in Bolton to ensure that they have access to a school place. Bolton Council will work collaboratively with all education providers in and out of Bolton to meet the best interests of the child / young person.

Fair Access Protocols will not apply when considering the admissions of a looked after child (LAC), a previously looked after child (subject to an Adoption Order, a Special Guardianship Order or a Child Arrangements Order) or a child with an Education, Health and Care Plan (EHCP) naming the school in question, as these children must be admitted.

This applies to all schools regardless of status and is outlined in Section 3.12 of the School Admissions Code.

6. Referral to the Fair Access Protocol

FAPs must not be used as a means to circumnavigate the usual in-year admissions process. Parents have the right to apply for any school place at any time and must not be refused the opportunity to make an application.

The School Admissions Code (2021) clearly states that schools must not refuse to admit a child solely because information has not been received from their previous school. It should be remembered that the application form can only include the questions which are relevant for the school to be able to apply their published admissions criteria.

Admission authorities **must** process these applications in accordance with their usual in-year admission procedures. If a place is available, the child must be offered a place unless the school refers into FAP under section 3.10 and 3.11 of the School Admissions Code (2021).

An admission authority **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 a 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.

Where it has been agreed that a child will be placed 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.

The only instance in which a school can refer back to the FAP is if a school asserts that the child has challenging behaviour and section 3.10 and 3.11 of the School Admissions Code (2021) applies.

If the admission authority feels that 3.10 and 3.11 of the School Admissions code 2021 are applicable and the child meets the eligibility for children to be placed through FAP, the application should be referred to the Manager of Pupil and Student Services for consideration under the FAP using the referral form in Appendix 2.

The local authority will then review the case and decide whether the child would be eligible to be placed in school via the FAP.

Where it is decided that a child is to be placed via the FAP, the local authority will notify the parents of this and ensure applications for children who require a school place are considered by the appropriate Fair Access Panel.

7.Children eligible for Fair Access Protocols

FAPs are intended to act as a safety net for the most vulnerable. As such, they may only be used to place the following groups of vulnerable children, where it can be demonstrated that reasonable measures have been taken to secure a place through the usual in-year admission procedures.

- Children either subject to a Child in Need Plan or a Child Protection Plan, or having had a Child in Need Plan or Child Protection Plan within 12 months at the point of being referred to the protocol;
- Children living in a refuge or in other relevant accommodation at the point of being referred to the protocol;
- Children from the criminal justice system;
- Children in alternative provision who need to be reintegrated into mainstream education or who have been permanently excluded but deemed suitable for mainstream education;
- Children with special educational needs (but without an Education, Health and Care Plan), disabilities or medical conditions;
- Children who are carers;
- Children who are homeless;
- Children in formal kinship care arrangements;
- Children who are Gypsies, Roma, Travellers, refugees and asylum seekers;

- Children who have been refused a school place on the grounds of their challenging behaviour and referred to the FAP in accordance with section 3.10 of the School Admissions Code (2021)¹;
- Children for whom a place has not been sought due to exceptional circumstances;
- 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;
- Previously LAC for whom the local authority has been unable to promptly secure a school place.

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.

8. Twice excluded rule and challenging behaviour

As in the normal admissions round, where a school receives an in-year application for a year group that is a normal point of entry (i.e. reception or year 7), they **must not** refuse to admit the child on the basis of their behaviour, unless the child has been permanently excluded from two or more schools, with the most recent exclusion being within the previous two years

This does not apply to:

- a) Children who were below compulsory school age at the time of permanent exclusion
- b) Children who have been reinstated following a permanent exclusion (or would have been reinstated had it been practicable to do so)
- c) Children whose permanent exclusion has been considered by a review panel, and the review panel has decided to quash a decision not to reinstate them following the exclusion; and
- d) Children with Education, Health and Care Plans naming the school.

¹ Section 3.11 of the School Admissions Code (2021) states that section 3.10 only applies if the school has a particularly high proportion of either children with challenging behaviour or previously permanently excluded pupils 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.

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 (but they have not met the threshold for the twice excluded rule), it may refuse admission and refer the child to the FAP using the referral form in Appendix 2.

Admission authorities may only do this if:

- the school has a particularly high proportion of children with challenging behaviour or previously excluded pupils on roll in comparison to other schools; and
- it believes admitting another child with challenging behaviour would prejudice the provision of efficient education or the efficient use of resources. (Section 3.10 and 3.11, School Admissions Code (2021)).

Where a school wishes to refer a pupil with challenging behaviour into the Fair Access Protocol under section 3.10 and 3.11 of the School Admissions Code (2021), they should do so within 10 school days of the allocation of a place. This is to avoid unnecessary delay and to minimise the amount of time the pupil is out of education.

The School Admissions Code (2021) states behaviour can be described as challenging 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 the pupil's/other pupils' education or jeopardise the right of staff and pupils to a safe and orderly environment.

A child with challenging behaviour may also be disabled as defined in the Equality Act 2010. When considering refusing admission on these grounds, admission authorities must consider their duties under that Act. All schools must have due regard to the need to eliminate discrimination, harassment and victimisation, advance equality of opportunity, and foster good relations in relation to persons who share a relevant protected characteristic and persons who do not share it.

Admission authorities should also consider the effect of the decision of the Upper Tribunal in *C & C v The Governing Body of a School, The Secretary of State for Education (First Interested Party) and The National Autistic Society (Second Interested Party) (SEN)* [2018] UKUT 269 (AAC) about the implications of the Equality Act 2010 when a pupil exhibits a tendency to physical abuse of other persons as a consequence of a disability.

All schools have a duty to make reasonable adjustments for students with disabilities. Schools should be aware that a child who displays challenging behaviour may do so as a result of their disability or unmet needs. Schools must therefore consider whether any

reasonable adjustments can be put in place to support the needs of a particular child when considering whether admission should be refused on the grounds of challenging behaviour.

A combination of following reasons will be used to decide whether a child displays challenging behaviour as defined above. These reasons on their own should not be grounds for considering a child may display challenging behaviour.

- Multiple suspensions over the last 6 months at current or last school, taking into account the reasons for suspension
- Severe absence at current or last school
- Sustained 1:1 support in the last 6 months at current or last school
- Failed managed move from current or last school
- Sustained period in Alternative Provision at the current or last school
- Any other specific behavioural intelligence relevant to the child

Schools will be asked to provide information as defined in the Fair Access Response Proforma (appendix 3) so that a determination can be made by the Fair Access Panel as to whether they meet 3.11 of the School Admissions Code (2021),

Children who are currently in alternative provision or who have been permanently excluded and have been deemed suitable² for mainstream education will be supported by the Education Access Officer to express preferences for a school place through the in-year admissions route. Where schools are at capacity or have already taken a large number of reintegrations or FAP pupils, these cases will be referred into FAP for a decision under 3.17d (School Admissions Code 2021).

Children requiring a place who have been permanently excluded and who are not yet deemed suitable³ for mainstream education will be supported by the Education Access Officer into an alternative provision placement. The local authority will support this placement until such a time where the child is deemed suitable for mainstream education and then the above process will be followed.

Children who have previously been in school-commissioned alternative provision as their last or current placement will have a mainstream school place identified. If further alternative provision is required, the expectation is that the school will fund the alternative

² The local authority and the alternative provision provider will discuss and determine when the child is suitable to reintegrate back into mainstream education.

³ The local authority and the previous education provider will discuss and determine whether the child is suitable for mainstream education at that point

provision placement, with support from the local authority to source and commission an appropriate placement.

9. Operation of Fair Access Panels

Bolton Council will arrange Fair Access Panel meetings to take place no more than 20 school days apart accommodating school terms and school holidays.

The panel will consist of:

Primary Panel	Secondary Panel
Headteacher Representatives from each of the Primary clusters	All Headteachers
Deputy Director/AD Inclusive Learning and Education	Deputy Director/AD Inclusive Learning and Education
Head of Inclusion	Head of Inclusion
Education Access Officer	Education Access Officer
Head of Pupil and Student Services (Admissions)	Head of Pupil and Student Services (Admissions)

And other officers as deemed appropriate.

Where the school representative attending the Fair Access Panel is not the Headteacher, the representative is expected to have the autonomy to act on behalf of the Headteacher.

Where a case to be discussed involves consideration of cross local authority border placements, representatives from neighbouring authorities should be included in the FAP meeting.

The Panel will be chaired by a Headteacher and only Headteachers (or their designated representative) have voting rights. At the start of each academic year, the panel will nominate and elect a chair and vice-chair.

To be quorate at least five headteachers (or their designated representative) must be in attendance. The panel can be convened in person or virtually.

A clerk provided by the local authority will minute each panel (see section 13: Record Keeping)

10. Decision making process

Pupil and Student Services will first try to place pupils through the usual in year admissions route. Unplaced children will be those who have been unable to secure a preference or alternative offer (i.e. refused a place) at a suitable school within a reasonable distance (see appendix 1) due to schools being at capacity. Where this route has been unsuccessful, the Fair Access Panel will consider all cases that the local authority has confirmed meet the Fair Access eligibility criteria (see section 7)

Once an application is identified as Fair Access, Pupil and Student Services will co-ordinate administration of this protocol for all cases except those pupils who have been permanently excluded which will be co-ordinated by the Education Access Officer (see section 8)

Pupil and Student Services will consult with preference schools (maximum 3) and the next nearest schools to the home to a total of six schools (secondary) and 10 schools (primary) for consideration. This may have to extend beyond the nearest schools to ensure fairness and equity of placements where schools in particular areas are experiencing high demand for fair access placements. This may equally be the case for Reception and KS1 placements where infant class size legislation applies. Where necessary, Section 2.16e of the School Admissions Code may be applied in infant class size cases.

No school will be expected to take a disproportionate number of children who have been permanently excluded from other schools, who display challenging behaviour, or other pupils who are placed via the protocol. The local authority will provide data at every Fair Access Panel indicating how many children each school has admitted under the protocol. Disproportionate will be based on the percentage of FAP pupils at a school. This will account for variances in the size and capacity of different schools.

These 6 (secondary) or 10 (primary) schools will be asked to complete the Fair Access Response proforma (appendix 3). This should be returned within 5 school days to avoid a delay in the process. Schools may offer, in writing, an acceptance if the school is willing to offer the child a place or provide data and extenuating circumstances which constitute a refusal for not being able to accept a pupil into the school or into a given year group. If a

school can offer a place over number at this stage, the admission will still be considered a FAP admission, and the school will be credited accordingly.

Where refusals are received the Fair Access Response proforma will collect consistent contextual information for each school to assist the panel with their decision making.

This information will be for the year group concerned and the whole school:

- Number on roll
- Number admitted since the start of the current academic year
- Number and % of Looked After Children
- Number and % of pupils with an EHCP
- Number and % of pupils in receipt of pupil premium
- Number and % of pupils in receipt of free school meals
- Number and % of pupils on an Early Help plan
- Number and % of pupils on a Child Protection or Child in Need plan
- Number of pupils with at least one suspension
- Number of pupils attending the school who are in alternative provision or attending another setting on an 'off site' direction
- Number of pupils attending the school from another school on an 'off site' direction
- Number of pupils with identified SEMH issues (at the last census)
- % Attendance

School will also be able to indicate any other information they deem relevant.

The local authority will also provide the following information:

- Straight line distance and walking distance from home to school for each of the 6 (secondary) or 10 (primary) schools
- Public transport/walking arrangements to each of the 6 (secondary) or 10 (primary) schools
- Ofsted category of each of the 6 (secondary) or 10 (primary) schools

When considering each individual case, the panel will take into account:

- Parental preference – although this will not be the overriding factor in determining a school place

- The distance and travel arrangements from the pupil's home address
- Any previous serious breakdown in relationship between the school and the pupil/family
- Where the family do not agree with the religious ethos of the school
- The data and information relating to pupils placed as well as the school context, so no school is requested to admit numbers of children disproportionately
- Factual extenuating circumstances that are put forward by possible receiving schools
- Other professional evidence/advice received from external groups /agencies

An individual discussion on each case will be facilitated by the Chair of the Fair Access Panel. The panel will first agree that the application for consideration meets the Fair Access Protocol. Following discussion, the panel will identify a school to admit the pupil. The panel will then vote on this proposal with the number of votes for and against and any abstentions being recorded in the minutes. The headteacher of the school who is the subject of the vote, or in the case of primary schools is the cluster representative for that school, will be required to abstain from that vote. A school will be decided on a majority vote for the proposal. One of the listed 6 or 10 schools must be identified to admit the pupil.

All discussions and decisions will be clearly recorded, and a detailed rationale provided for the chosen school above the other schools considered. This is to enable the local authority to take steps to formally direct a school to comply with the panel's decision or refer the matter to the Secretary of State to consider in the case of an academy. Any determination on a direction will include consideration as to whether due process has been followed in applying the provisions of the Fair Access Protocol.

Once a school place has been identified, Pupil and Student Services will inform the receiving school of the decision in writing (via email).

The receiving school will have 10 days to contact the parent/carer. The school must meet with the parent/carer of the pupil and agree a start date as soon as possible after the decision. In exceptional circumstances where this is not possible, records of actions taken to facilitate this meeting should be submitted to the Local Authority as soon as possible. Where a school has not agreed a start date for the child within the appropriate timescale, the Local Authority may escalate the case for intervention to secure admittance.

In all cases, the Local Authority will relay the outcome of the Fair Access Panel in writing to the parent/carer of the young person as soon as possible and within five working days of the panel.

Under regulation 12 of the Education (Pupil Registration) (England) Regulations 2006 as amended, schools are required to notify the Local Authority within five days when a pupil's

name is added to the admission register at a non-standard transition point. The process for notifying the Local Authority is via the School Admissions Portal, by marking the allocation as 'Accepted'. The LA Admissions Team will also regularly check that pupils allocated a place have gone on roll and follow up with schools any outstanding admissions. Pupils who are not on roll within a reasonable amount of time will be referred to the Children Missing Education Team for monitoring whilst the school arranges admission.

11. Sibling considerations

To promote attendance and attainment, where applications are considered at Fair Access Panels for siblings, every effort will be made to place the siblings together. Where year group restrictions cause prejudice to a family, all reasonable and accessible schools in each relevant area will be taken into consideration.

12. Safeguarding

There is a collective responsibility to ensure the safeguarding of all young people and we must work together to protect them and act in their best interests.

Once it has been agreed either in advance of a Panel or at a Fair Access Panel that a child should attend a named school, that school is accountable for the young person and is responsible for securing attendance as quickly as possible, particularly where the child is out of school.

When a school place has been allocated but the parent(s) have not taken up the offer or contacted the school within a reasonable time, the school should provide the Local Authority with details of the reasonable enquiries made (including phone calls, emails, letters and home visits to the family).

The Local Authority will investigate further and may pursue a School Attendance Order where necessary and the place at the agreed school should remain available to the young person throughout this process.

13. Record keeping

The Local Authority will provide a clerk to take detailed, accurate minutes as a record of each Fair Access Panel meeting. All discussions and decisions will be clearly recorded and a detailed rationale provided for the chosen school above the other schools considered. This is to enable the local authority to take steps to formally direct a school to comply with the panel's decision or refer the matter to the Secretary of State to consider in the case of an academy. Minutes will be distributed as soon as possible, but at least 5 school days before the next Fair Access Panel in order to allow schools and professionals to collate relevant updates.

Panel members should advise of any anomalies recorded in the minutes within five school days of distribution. After such time, the minutes will be considered an accurate record of the meeting.

Schools, the Chair of the Fair Access Panel and the Local Authority should all keep a record of the outcomes of the meetings, including reasons for refusal submitted by schools.

14. Interaction with the appeals process

The appeals process is independent from the FAP. Where a child has been referred to the FAP, their parents retain the right to make further in-year applications and appeal against a refusal of a school place as normal.

Admission authorities should be aware that where they refuse a child a school place and subsequently refer them to the FAP, they may later be required to admit that child if an appeal is upheld. This would still be the case when an alternative school is offered to the child via FAP. In all circumstances, the decision of an appeal panel is binding and must be complied with. The fact that an appeal has been lodged for a child is not a reason to delay the FAP process.

15. The Power of Direction

Admission authorities must admit children when asked to do so in accordance with the FAP, including where the school is operating a waiting list. Where an admission authority has failed to admit a child in accordance with the FAP, they may be directed to do so.

A local authority has the power to direct the governing body of a maintained school for which they are not the admission authority to admit a child in their area even when the school is full (Section 3.23 to 3.25 of the School Admissions Code (2021)).

Where a local authority considers that an academy will best meet the needs of any child, it can ask the Secretary of State to intervene – the Secretary of State has the power to direct the admission of any child to any academy under the academy’s funding agreement (School Admissions Code (2021)).

Prior to any direction, the refusal will be considered by the Director of Children’s Services who will determine whether a direction to admit will be pursued. The local authority will consult with the school or academy, and the parent/carer, prior to any direction being made.

16.Exemptions

All Bolton schools **must** participate in the FAP – this is a legal requirement. The only circumstances where referrals will not be made for FAP pupils are:

1. Where the pupil was previously excluded from a school, they will not be referred back to the same school
2. Where a school is in the Ofsted ‘inadequate’ category – the length of exemption would be determined by the FAP panel.
3. Where there is a serious recent or ongoing complaint/legal issue with the child or family in relation to a particular school or member of staff at a particular school
4. Where there has been a police investigation of a serious nature involving a pupil or member of staff at a particular school

17.Reviewing the Protocol

As a matter of process, the protocol will be reviewed every two years or more frequently as legislative changes require.

In the event that the majority of schools (more than half of mainstream Bolton schools) in an area can no longer support the principles and approach of the local FAP, they can initiate a review with the local authority. This can be done in writing (including email) to the Director of Children’s Services stating the reasons why they can no longer support the protocol.

The existing Fair Access Protocol will remain binding on all schools until the point at which a new one is adopted.

Appendix 1: Defining reasonable school offers

Where we are unable to offer a place at one of your preferred schools and your child does not currently attend a school in Bolton, we will offer an alternative school place at the nearest school to your home address. Wherever possible, this will be a reasonable offer of a school place.

How do we define reasonable?

The word 'reasonable' is used several times throughout admissions legislation in relation to in-year fair access, infant class size legislation and admission appeals. There is no clear definition of the word 'reasonable' in law, rather it is a standard that holds that each person owes a duty to behave as a reasonable person would under the same or similar circumstances.

In relation to school admissions purposes this means that the offer of a school within a reasonable distance for in year fair access and infant class size purpose must be determined on a case-by-case basis. To ensure consistency in decision making, the following factors will be considered when determining the 'reasonableness' of a school offer.

- Free transport support is only provided after 2 miles walking distance for up to 8-year-olds and up to 3 miles for 8–16-year-olds. This doesn't mean that school places over this distance cannot be offered, but that the local authority must give consideration to distance and supporting travel where these distances are exceeded.
- Good practice suggests that primary aged children should not spend more than 45 minutes travelling to get to school. This increases to 75 minutes for secondary aged pupils.
- Complexity of a journey may need to be considered, such as multiple bus changes and waits between buses.
- Secondary school pupils are likely to be lone travellers and therefore elements such as SEN may have an impact on the child's ability to complete a complex journey.
- Primary aged pupils will be accompanied by an adult and therefore the total journey time travelling daily for that adult may need to be considered as a factor in reasonableness.
- Where the family comprises of a sibling group, overall travel time and impact on the family of siblings being sent to separate schools should be considered using the above points.

The above factors are considered together on an individual case basis and a decision is made on whether the offer is reasonable. Where no reasonable offer can be made, then the local authority will utilise the fair access protocol to place children.



Appendix 2: Referral into Fair Access Protocol due to challenging behaviour

If you wish to refer a pupil into the Fair Access Protocol on the basis that child has challenging behaviour, please complete the following information and return to admissions@bolton.gov.uk.

Name of school referring into Protocol:	
Name of person completing form:	
Position:	
Contact details:	
Date form completed:	

Pupil Information

Name of Pupil:	NCY:	Current school/provision:
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	Yes	No	Details
Has the pupil received any suspension over the last 6 months in their current or last school? Please give reasons if known			
Has the pupil had persistent absence or low attendance at their last school?			
Has the pupil received sustained 1:1 support in the last 6 months at their current or last school?			
Did the pupil have a failed managed move whilst at their current or last school?			
Has the pupil had a sustained period in alternative provision at their current or last school?			



Any other specific behavioural intelligence relating to the child.

Who provided the above information on the pupil?

Name:

Position:

Contact details:

School name (if provided by a school):

School information:

		Year group of pupil:	Whole school:
1	Number of pupils on roll		
2	Number of pupils admitted since the start of the current academic year (in year admissions)		
3	Number of Looked After Children		
4	Number of pupils with an Education Health and Care Plan (EHCP) or currently under assessment for an EHCP		
5	Number of pupils in receipt of pupil premium (and percentage of cohort)		
6	Number of pupils in receipt of Free School meals (and percentage of cohort)		
7	Number of pupils on an Early Help Plan		
8	Number of pupils currently on a Child Protection or Child in Need Plan		
9	Number of pupils with at least one suspension		
10	Number of pupils attending your school in alternative provision or attending another setting on an 'off-site' direction		

11	Number of pupils attending your school on an 'off-site' direction		
12	Number of pupils with identified SEMH issues (at last census)		
13	% attendance		
14	Any other information or comments that the school would like the Fair Access Panel to consider:		



Appendix 3: Fair Access Admission response proforma

The following proforma has been created so that general information regarding the school's circumstances can be taken into consideration by the Fair Access Panel when naming a mainstream school to admit a child under the Fair Access Protocol.

Name of Pupil:	NCY:	Current school/provision:
Reason for being referred to the Fair Access Panel:		
Any additional relevant information on the pupil:		

Name of school approached:	
Name of person completing form:	
Position:	
Contact details:	
Date form completed:	

Action taken:

Please tick:

<input type="checkbox"/>	We are willing to admit the child and will arrange admission as soon as is possible
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<input type="checkbox"/>	We are unable to admit the child and wish for the following information to be considered by the Fair Access Panel when considering the school to be allocated to this pupil:
--------------------------	--

School information:

(to be completed if the school is not admitting the child)

		Year group of pupil:	Whole school:
1	Number of pupils on roll		



2	Number of pupils admitted since the start of the current academic year (in year admissions)		
3	Number of Looked After Children		
4	Number of pupils with an Education Health and Care Plan (EHCP) or currently under assessment for an EHCP		
5	Number of pupils in receipt of pupil premium (and percentage of cohort)		
6	Number of pupils in receipt of Free School meals (and percentage of cohort)		
7	Number of pupils on an Early Help Plan		
8	Number of pupils currently on a Child Protection or Child in Need Plan		
9	Number of pupils with at least one suspension		
10	Number of pupils attending your school in alternative provision or attending another setting on an 'off-site' direction		
11	Number of pupils attending your school on an 'off-site' direction		
12	Number of pupils with identified SEMH issues (at last census)		
13	% attendance		
14	Any other information or comments that the school would like the Fair Access Panel to consider:		



Appendix 4: Response summary table



Response summary
table - primary.xlsx



Response summary
table - secondary.xlsx

