

# Request for a direction to admit a child to an academy following fair access protocol

A local authority can request that the Secretary of State direct an academy to admit a child where the fair access protocol has failed to secure a school place, using this form. We would expect that the local authority and academy will work together to come to an agreement to ensure the admission of a child. However where a local solution has not been reached and the local authority considers there is a need to seek a direction from the Secretary of State, they should consult with the academy before submitting this direction request.

If your request is about a looked after child or previously looked after child you should use the form [‘Request to direct a looked after child to an academy’](https://www.gov.uk/government/publications/academy-admission-request-form).

This process should be used in conjunction with:

* locally agreed fair access protocols
* the departmental advice on [fair access protocols](https://www.gov.uk/government/publications/school-admissions-code--2)

## The direction process

There is an expectation from the Secretary of State that the local authority and academy will work together and come to an agreement to ensure the admission of a child. A request for the Secretary of State’s direction should only be used if the in-year admissions process and the fair access protocol do not secure the child a place. Where the local authority and academy cannot agree:

* the local authority and the academy must document the case for and against admission
* the local authority must provide evidence that the academy has been consulted, setting out the academy’s reasons for refusal and the local authority’s response.

The DfE will notify the academy when a request is received.

In coming to a decision, the DfE will consider:

* whether the local fair access protocol has been applied appropriately
* the arguments of the academy and local authority
* whether the local authority has considered the arguments for refusal and why it still considers the academy to be the appropriate provision for the child
* whether the academy has been asked to accept a disproportionate number of children under the fair access protocol compared to other schools
* whether it is reasonable for the academy to be required to admit the child having considered all of the relevant circumstances.

The DfE can seek advice from the Schools Adjudicator in reaching a decision. This is set out at paragraph 3.29 of the School Admissions Code and section 25 of the School Standards and Framework Act 1998. The Office of the Schools Adjudicator (OSA) may contact the local authority and the academy regarding this referral.

The DfE will make a decision on the basis of the information provided and meetings will not ordinarily be arranged with the local authority/academy. Any delay to providing your completed form and the additional information listed in [Annex B](#_Annex_B_–) (as applicable) may create unnecessary delay to your request being considered and the DfE returning a decision.

**The DfE’s decision is final and binding.**

## How to request a direction

The local authority should complete this form and submit it and any supporting documentation listed in [Annex B](#_Annex_B_–) using the [DfE Customer Help Portal](https://customerhelpportal.education.gov.uk/).

By submitting this form, the local authority is confirming that they have informed the parent/carer/child as appropriate that the personal data is being shared with DfE and potentially the Schools Adjudicator as part of this request.

## Details about the child to be named in proposed direction

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| --- | --- |
| 1. **Full name** |  |
| 1. **Address (including postcode)** |  |
| 1. **Date of birth (DD/MM/YYYY)** |  |
| 1. **Year group for which a place is required** |  |
| 1. **Name of academy to which the direction is being sought** |  |
| 1. **Is a place being sought outside the normal admissions round (as defined in the School Admissions Code)?** |  |

## Use of Fair Access Protocol

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| 1. **Has a place been sought using the fair access protocol? If not, then why?** |  |
| 1. **Were reasonable measures taken to place the child through the usual in year admissions procedures before seeking to place via the Fair Access Protocol?** |  |
| 1. **Under which category listed under 3.17 of the School Admissions Code was this child considered eligible to be placed by the fair access protocol?** |  |

## Background information about the child

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| 1. **If the child is primary school age, please list the name(s) and address(es) of all schools attended since reception year**   **If the child is secondary school age, please list the name(s) and address(es) of all schools attended since Year 7** |  |
| 1. **Dates of attendance for the most recently attended school** |  |
| 1. **Reason(s) for the child being out of mainstream education (for example: permanent exclusion, family moved, etc.) (if applicable)**   *If permanent exclusion is given as a reason, please ensure the additional information requested in* [*Annex B*](#_Annex_B_–) *is provided alongside this form* |  |
| 1. **Details about assessment of special educational needs, child’s behaviour, attendance (if applicable)**   **Please include if applicable details of any fixed term exclusions; any additional resources / strategies used by the school.**  *Please ensure the additional information requested in* [*Annex B*](#_Annex_B_–) *is provided alongside this form where applicable* |  |
| 1. **Details about child’s educational attainment** |  |
| 1. **Details about all other permanent exclusions within the last five years, including name of school(s), date(s), reason(s) (if applicable)** |  |
| 1. **Length of time out of mainstream education with relevant dates (if applicable)** |  |
| 1. **Details about any alternative education currently being received as arranged by the local authority and including any details about when this provision started – include further detail about what course(s) they are undertaking, location, how many hours and days per week and curriculum (if applicable)** |  |

## Consultation with the parent/guardian

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| 1. **Has the parent/guardian been consulted on the decision to seek a direction to this academy, and if so, what was their view? If not, please explain why**   **Summarise any responses from the parent**  **If the child has expressed a view, please also summarise it here**  *Please ensure the additional information requested in* [*Annex B*](#_Annex_B_–) *is provided alongside this form* |  |

## Local authority’s case for choosing the academy named in this direction request and consultation with that academy

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| 1. **Summarise your consultation with the academy prior to the direction being sought** |  |
| 1. **Details of other schools considered by the local authority or by the fair access protocol panel and summarise why these were not chosen**   *Please ensure the additional information requested in* [*Annex*](#_Annex_B_–) *A is provided in this form* |  |
| 1. **Explain why the academy is considered the appropriate placement for the child** |  |
| 1. **Summarise the academy’s response, including the reasons for refusal** |  |
| 1. **Explain why the local authority still regards the named academy as the appropriate provision for the child, taking into account the academy’s argument for refusal – provide further detail/evidence if needed** |  |
| 1. **What reintegration package has been offered to the child/academy? (if applicable)** |  |
| 1. **Is there any other information which the local authority considers relevant?** |  |

## Your details

|  |  |
| --- | --- |
| **Name** |  |
| **Position** |  |
| **Local authority** |  |
| **Email address** |  |
| **Telephone number** |  |
| **Primary contact for this request** |  |
| **Additional local authority contact** |  |

| Legal notice  Information on the Department’s use of personal information is available at: [Personal information charter - Department for Education - GOV.UK (www.gov.uk)](https://www.gov.uk/government/organisations/department-for-education/about/personal-information-charter) |
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| Annex A – local background information |

In order to help us to consider whether the academy named in this direction request has been asked to accept a disproportionate number of children under the fair access protocol compared to other schools, please provide the following information in the table below (add further rows as necessary):

Please list all schools which the local authority considers are within a reasonable distance of the child’s home.

Please provide accurate home to school distance and list schools in the following order:

1. Academy for which a direction is being sought
2. All other alternative schools within a reasonable distance

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| --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- |
| Name of school(s) | Distance from home | Is public transport available? (Y/N) | Category of school | Original published admission number (PAN) for the year group in question | Total number of pupils on roll (whole school) | Total number of pupils in the year group in question | FAP admissions made in current academic year | FAP admissions made in last academic year | FAP admissions made in previous to last academic year | FAP admissions agreed for current academic year for the year group the child is to be admitted to | FAP admissions agreed for previous 2 academic years for the year group the child is to be admitted to |
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## Annex B – Checklist for providing supporting information with your request for a direction

The DfE will make a decision on the basis of the information provided and meetings will not ordinarily be arranged with the local authority/academy. In addition to your completed form please provide the following information, where applicable. Any delay to providing your completed form and the additional information listed below (as applicable) may create unnecessary delay to your request being considered and the DfE returning a decision.

**Please tick the applicable boxes to confirm where you have provided the supplementary information with your form:**

**Fair access protocol details:**

Copy of the local fair access protocol

Minutes of the meeting(s) where this child was discussed

A record of the panel’s decision

A list of schools represented at the meeting

Documentation from any applications made by the parent and, if relevant, information about the outcome of any appeals

**Background information about the child:**

Any behaviour logs

Copies of any relevant professional reports (e.g. relating to special educational needs or behaviour)

Full documentation relating to any permanent exclusion, including:

Governing board/trust ratifying exclusion

Details of any appeals against permanent exclusion

Any assessment made prior to exclusion such as:

Educational psychologist report

Records of incidents prior to exclusion

Full information on the needs of the child

**Consultation with the parent/guardian:**

Copies of any letters sent to the parent/guardian and/or any evidence of consultation with the parent/guardian prior to the local authority’s decision to request a direction

**Consultation with the academy**

Supporting information detailing the full consultation with the academy asking it to admit the child, including:

Copies of correspondence between the local authority and the academy

Evidence that the trust has been informed of the intention to request a direction

Notes of any relevant meetings

Other (please specify)

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**Other supporting information which would be useful includes:**

Chronology of all relevant events of case from the point at which local authority became aware of the child up to request for a direction

Evidence that all other local suitable schools have refused a place

**Any further communication with:**

The parent/guardian

Previous schools

**Any further information which the local authority thinks will support their request (please specify)**

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