

Report to: Lead Member for Education and Inclusion, Special Educational Needs and Disability

Date: 7 July 2025

By: Director of Children's Services

Title of report: East Sussex Fair Access Protocol 2025

Purpose of report: Update on Fair Access Protocol consultation and adoption from September 2025

RECOMMENDATION:

The Lead Member is recommended to approve the East Sussex Fair Access Protocol 2025 as set out at Appendix 1, to be adopted from 1 September 2025 following agreement and endorsement from the majority of East Sussex schools.

1. Background

1.1 The Fair Access Protocol ('the Protocol' or FAP) aims to ensure that all children and young people in East Sussex have equitable access to educational opportunities, particularly those who are most vulnerable. It will be used to place children who have been unable to secure a place through the usual In Year Admission process.

1.2 The FAP is designed to provide fair access to schools for children who may be disadvantaged due to various factors, including socio-economic status, children who are electively home educated (whose elective home education (EHE) has been deemed unsuitable) and now seeking to return to school, or previous exclusions.

1.3 The protocol emphasises the importance of partnerships among schools, local authorities, and organisations to facilitate timely and effective placements for children in need.

1.4 It is important to ensure that the framework for identifying children who fall within the categories set out within the protocol aligns with the School Admissions Code 2021 and the Local Authority's statutory duties under the Education Act 1996, particularly in relation to placing children in schools in a fair and non-discriminatory manner.

1.5 The Protocol was last reviewed in 2021 and adopted from November 2021. The Protocol states that the Protocol will be reviewed every 5 years. However, an early review was requested by a number of schools and the Secondary Board. Following review, the new Protocol will replace the current 2021 East Sussex FAP.

2. Supporting information

2.1 East Sussex County Council as the Local Authority, has worked closely with school leaders and stakeholders across this academic year to provide opportunities to discuss all areas and mechanisms within the Protocol and to develop a new FAP reflective of the local area's needs and challenges.

They include:

- Setting up and developing a FAP working party (established in October 2024) with stakeholders from area groups, primary schools, Trust leads, local authority officers and external advisers.
- Facilitating Area Group (AG) (Secondary) and Team Around the Education Improvement Partnership (EIP) (Primary) discussions in October 2024 and February 2025, to discuss and develop further key elements of the FAP including proposed local agreements.
- Presentations to the Primary and Secondary Boards in November 2024 and March 2025.
- Setting up and chairing an extraordinary meeting with AG chairs and EIP Executives held in February 2025.

2.2 A consultation period of the draft FAP ran from 28 March 2025 to 16 May 2025. The draft FAP was then updated following feedback from school leaders. A consultation summary document (Appendix 2) is appended to this report. The Local Authority received some additional feedback after the consultation had closed from a small number of academy principals; there has been direct dialogue with these school leaders on the points raised. 17 responses were received to the consultation. Feedback was largely positive with some useful suggestions, some of which have been incorporated into the final document.

2.3 The draft East Sussex FAP was shared for final approval, in early June 2025 and was signed off by the Primary and Secondary board on the 24 June 2025.

2.4 The new FAP introduces a Fair Access Panel for Primary and Secondary with an independent chair appointed. This will ensure there is transparency and a collegiate approach with all headteacher/principals and allowing for representatives from each geographical area to be part of panel discussions monthly. Other changes are chiefly to update terminology and clarify responsibilities following the restructure of teams involved.

2.5 The protocol is in accordance with:

- Education Act 1996
- School Standards and Framework Act 1998
- School Admissions Code 2021 and School Admission Appeals Code 2022
- Children Act 1989/2004

3. Conclusion and reasons for recommendations

3.1 In conclusion, the Fair Access Protocol represents a key commitment by East Sussex County Council and schools to uphold the right to education for all children, fostering an inclusive community, where every student can thrive.

3.2 The anticipated outcomes of the Fair Access Protocol include improved educational attainment for vulnerable students, increased school retention rates, and an inclusive school environment across East Sussex. Regular stakeholder feedback will be sought through the FAP panels, will be integral to ensuring its effectiveness.

3.3 Feedback from the consultation was overwhelmingly positive with 89% of respondents supportive of adopting the new Fair Access Protocol from 1 September 2025.

3.4 The new Protocol will provide a clear framework for school leaders and ensure that the most vulnerable children can be guaranteed a school place within a clear timeframe that meets statutory requirements as set out in the Admissions Code of Practice, 2021. The Lead Member is therefore recommended to approve the East Sussex Fair Access Protocol as set out at Appendix 1, to be adopted from 1 September 2025.

CAROLYN FAIR

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LOCAL MEMBERS

All

BACKGROUND DOCUMENTS

None