



# Understanding the Fair Access Protocol



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# What is Fair Access?

The Fair Access Protocol is designed to ensure that vulnerable children, and those having difficulty securing a school place, are allocated a school place as quickly as possible.



# Who's it for?



children from the criminal justice system

previously looked after children for whom the local authority has been unable to promptly secure a school place

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

children for whom a place has not been sought due to exceptional circumstances



children with special educational needs (but without an Education, Health and Care plan), disabilities, medical conditions, SEMH or poor behaviour

children who are carers

children who have been refused a school place on the grounds of their challenging behaviour and referred to the Protocol

children in formal kinship care arrangements (as evidenced by either child arrangements order not relating to either birth parent or a special guardianship order).

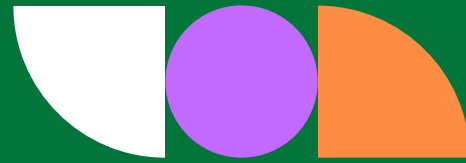


Children either subject to a Child in Need Plan or a Child Protection Plan or having had a Child in Need Plan or a Child Protection Plan within 12 months at the point of being referred to the Protocol

children of, or who are, Gypsies, Roma, Travellers, refugees, and asylum seekers

children in alternative provision who need to be reintegrated into mainstream education or who have been permanently excluded but are deemed suitable for mainstream education

children living in a refuge or in other Relevant Accommodation at the point of being referred to the Protocol



The Fair Access Protocol supports children who have been permanently excluded and for whom mainstream education is not yet possible. In Leicestershire the following agreements are in place for these children:

**Primary aged children:**

Oakfield Short Stay School provides short term placements to children of primary age who have been permanently excluded from school. The school have SEND specialists and adopt a trauma informed approach to supporting children and their families on the journey back into mainstream education or preparation for specialist education.

**Secondary aged children:**

The Leicestershire Secondary Education and Inclusion Partnerships (SEIPs) operate locally based part time provision, providing programme management for young people of secondary school age who are at risk of permanent exclusion or have been excluded from their school. For further information please contact: <https://www.oakfield.leics.sch.uk/>  
<https://www.leicsseips.org/>

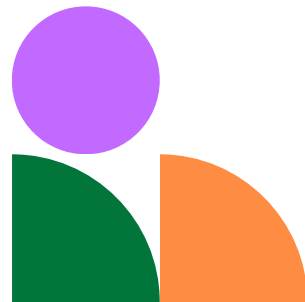
# Making a referral under the Fair Access Protocol

A referral should be the last resort to secure a school place for a child. Where possible children should be placed in school through the usual in-year admissions process. Before making a referral check that your child meets the following criteria:



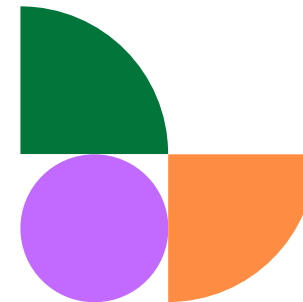
**1**

The child falls under one of the groups of vulnerable and/or hard to place children set out on page 3



**2**

That the child is having difficulty in securing a school place in-year.  
and

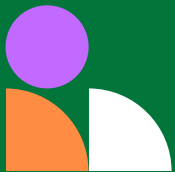


**3**

it can be demonstrated that reasonable measures have been taken to secure a place through the usual in-year admission procedures

# Low level and high level concerns

Where children qualify under the FAP but concerns are low-level, the referring school will be approached by the Admissions Service, and the application will be discussed. A decision will be made as to whether the application will be referred to the SEIP or the Primary partnership.



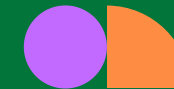
Where children qualify under FAP and the concerns are high level referrals will be made by the Admissions Service to:

- primary: the Local authority run Fair Access Panel will meet to discuss cases.
  - secondary: the case will be referred to the area SEIP who will convene a panel to discuss cases.
- The decision of the panel is binding on all parties; this includes schools and parents.



In the case of primary Fair Access, the Local Authority will aim to convene a panel to place the child within 15 school days.

In the case of secondary Fair Access, the LA will aim to refer fair access cases to the relevant area partnership within 2 school days. A panel meeting to discuss the child's case will be held within 15 school days of receipt of the referral. Where an application meets a fair access trigger the relevant SEIP or primary partnership will convene an extraordinary meeting to ensure they comply with the timescales set out in the code.



# Process for Primary Children

Children are referred for Fair Access by a professional who is aware that the child has no school place and has been out of education for four or more weeks or if they meet one of the other criteria as set out in para 3.17 of the School Admissions Code 2021. Where it is accepted that a child's admission should be considered under the Fair Access Protocol, a place must be allocated within 20 school days.

Parental Request Received

Admissions Service considers whether FAP is appropriate.

Referral made to Primary FAP Panel within 2 school days.

FAP Panel considers referral within 14 school days, will nominate an appropriate school(s).  
School(s) wishing to refuse under the FAP must submit evidence at least 2 days prior to the meeting.

Identified school has 7 school days to confirm whether they will accept the child onto their roll\*\*.

SEIP co-ordinator confirms outcome of Panel decision to parent and copies the LA in for information.

Child is placed on roll within 20 school days of original referral.

# Process for Secondary Children

Children are referred for Fair Access by a professional who is aware that the child has no school place and has been out of education for four or more weeks or if they meet one of the other criteria as set out in para 3.17 of the School Admissions Code 2021. Where it is accepted that a child's admission should be considered under the Fair Access Protocol, a place must be allocated within 20 school days.

Parental Request Received

Admissions Service considers whether FAP is appropriate.

Referral made to Primary FAP Panel within 2 school days.

SEIP considers referral within 14 school days, notifying schools of requests. Schools wishing to refuse under the FAP must submit evidence at least 2 days prior to the meeting.

Identified school has 7 school days to confirm whether they will accept the child onto their roll\*\*.

SEIP co-ordinator confirms outcome of Panel decision to parent and copies the LA in for information.

Child is placed on roll within 20 school days of original referral.