



Oldham Local Authority and Oldham Association of Secondary Heads and Principals (OASHP)

Secondary Fair Access Protocol

Revised Version: June 2026

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1 Why is a Fair Access Protocol Required?

All admission authorities must have in place a fair access protocol under the School Standards and Framework Act 1998 agreed with the majority of schools in its area to ensure that – outside the normal admission protocols – unplaced children, especially the most vulnerable, are offered a place at a suitable school as quickly as possible *where they are having difficulty in securing a school place in-year, and it can be demonstrated that reasonable measures have been taken to secure a place through the usual in-year admission procedures*. This includes admitting children to schools that are already full. The fair access protocol is triggered when an eligible child has not secured a place under in-year admission procedures. There is no duty for admission authorities to comply with parental preference when allocating places through the fair access protocol.

2 Purpose of the Fair Access Protocol (FAP)

- 2.1 This Protocol is designed to facilitate the school placement of young people **not on the roll of a school** who are having difficulty in securing a school place in-year, and it can be demonstrated that reasonable measures have been taken to secure a place through the usual in-year admission procedures, live in the borough of Oldham **and** who fall into one of the categories mentioned in section five. For the purpose of this protocol, Oldham Secondary Schools include all academies, free schools, trust, foundation, voluntary aided schools, UTCs and multi academy trusts.
- 2.2 For **most** pupils, in-year admissions will be a standard procedure; therefore, the application of this protocol will not be necessary.
- 2.3 Children with an Education Health and Care Plan who meet the criteria will be admitted under the usual SEN Code of Practice procedures and therefore not allocated school places under the protocol. The school named in the Plan must arrange admission.
- 2.4 Where a pupil is admitted who already had a place on the roll of an Oldham mainstream school or academy, but is felt to require a significant amount of support, schools can ask for a Fair Access credit. This would be categorised as a 'Hard to Place' transfer. Please see **the Hard to Place Protocol** for further details.
- 2.5 Children Looked After (CLA) will not be included in the Fair Access protocol and these children must be admitted and must always be admitted to the preferred school/academy requested by the parent/carer.

This applies to all schools regardless of status. Local authorities are expected to secure a school place promptly for such children and for admission authorities to cooperate with this. In recognition of the challenges for schools in admitting Children Looked After (LAC) the school should notify the local authority when the child is placed on roll and the relevant credit will be applied and looked at when considering fair access placements.

3. Aims of the Scheme

The Fair Access Protocol is designed to:

- 3.1 Be fair and transparent.
- 3.2 Acknowledge the needs of vulnerable young people who are not on the roll of any school to be dealt with quickly and sympathetically
- 3.3 Reduce the time that these children and young people spend out of school

- 3.4 The individual needs of each pupil will be taken into account alongside the needs of each school.
- 3.5 Pupils who fall within the definitions of this protocol are at risk of spending a significant length of time out of school, which should be reduced by the scheme.
- 3.6 Pupils falling within the Fair Access categories will be admitted to schools on an equitable basis

4 Main Principles

- 4.1 In order for the scheme to be successful it is essential that all maintained schools, free schools, UTCs and academies will take part, even if they are responsible for their own admissions.
- 4.2 Schools will continue to admit all pupils falling outside this protocol who apply for an available place, under normal admission arrangements.
- 4.3 Oversubscription in any year group/school should not be cited as a reason for exemption from this protocol. Where there is a broad consensus that any given school represents the best placement for a Fair Access pupil, the school must admit regardless of oversubscription as per the School Admissions Code
- 4.4 Pupils under this protocol will be given priority for admission over any others awaiting an appeal for admission or those on a waiting list.
- 4.5 Schools must respond promptly to requests for admission so that the admission of all pupils is effected within a period of 20 school days (maximum) from the date of the request. An offer letter to parents will be sent when the school has been notified.
- 4.6 The Secondary Fair Access Panel may take account of any particularly exceptional circumstances regarding the admission, provided this is supported by written evidence. The Fair Access Panel will consider all reconsideration requests from schools at the Fair Access panel meeting.
- 4.7 In identifying the most appropriate school, the LA Inclusion Service will take into account the following factors; parental preference (where possible, however this will be a low priority), geographical proximity, the circumstances and needs of the pupil, the circumstances and needs of the receiving school and the number of pupils already placed at the school under the 'Fair Access' protocol.

5. Compliance with statutory regulations

- 5.1 There is no duty for local authorities or admission authorities to comply with parental preference when allocating places through the Fair Access Protocol.
- 5.2 The School Admission Appeals Code states that the allocation of a place in accordance with a Fair Access Protocol does not override a parent's right to appeal against the refusal of a place at any school for which they have applied. If an application has been refused despite there being places available, the admission authority must present their case for refusal, demonstrating how admission of the child in question would prejudice the provision of efficient education or efficient use of resources. When considering such an appeal, in addition to considering the appellant's argument for their child to be admitted, the panel must take account of the requirements set out in the local authority's Fair Access Protocol. The panel must then carefully consider whether the presenting officer has clearly proven that admission of the child would be prejudicial to the school or other children in attendance at the school

6. In what circumstances will the Protocol be used?

The 'Fair Access' Protocol is intended to apply to children who are **not on the roll of a school** where they are having difficulty in securing a school place in-year, and it can be demonstrated

that reasonable measures have been taken to secure a place through the usual in-year admission procedures and who also fall into one of the following categories.

Children from the criminal justice system	SEC	Mandatory Criteria
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.	REIN	
Children who have been out of education for four or more weeks – this does not include circumstances where a suitable place has been offered to a child and that this has not been accepted	OUT	
Children that are previously Looked After for whom the local authority has been unable to promptly secure a place.	PCLA	
Children of Gypsies, Roma, Travellers	GRT	
Children who are refugees and asylum seekers	REF/ASY	
Children living in a refuge or in other Relevant Accommodation at the point of being referred to the Protocol	RA	
Children who are homeless	HOM	
Children who are subject to a Child in Need Plan	CIN	
Children who are on a Child Protection Plan	CP	
Children who have been subject to a Child in Need Plan within 12 months at the point of being referred to the Protocol	PCIN	
Children who have been are on a Child Protection Plan within 12 months at the point of being referred to the Protocol	PCP	
Children who are carers	CAR	
Children with special educational needs, disabilities or medical conditions (but without an Education, Health and Care Plan)	SEN	
Children in formal kinship care arrangements	KIN	
Children who have been refused a school place on the grounds of their challenging behaviour and referred to the Protocol in accordance with paragraph 3.1o of the Admissions Code	REC	
Children who are returning from Electively Home Education (EHE)	EHE	
Children for whom a place has not been sought due to exceptional circumstances (it is for the LA to decide whether a child qualifies to be placed via the FA Protocol based on the circumstances of the case)	EXC	

*EHE pupils must return to their previous school unless there is an exceptional circumstance and another school is deemed more suitable.

7. Process

- 7.1 Identification of a pupil under this protocol will be based upon evidence received from the parent/transferring school/receiving school/LA services/NHS as applied to the definitions

above and that reasonable measures have been taken to secure a place through the usual in-year admission procedures

- 7.2 Once a pupil has been classified the Local Authority (LA) will initiate the protocol.
- 7.3 The initial contact between the LA and a school regarding the placement of a pupil under the protocol will be through the Inclusion Service. In some exceptional circumstances cases may be taken to the Secondary Fair Access Panel for placement. Most cases will be allocated directly by the LA.
- 7.4 Pupils will be allocated to schools in an equitable and transparent manner.
- 7.5 Should schools wish to challenge a placement made they must provide written evidence via a reconsideration form to be presented at the next Secondary Fair Access Panel. Written reconsiderations must be submitted within 10 school days of an allocation from the LA. Reconsiderations will only be considered once in exceptional circumstances based on unequivocal evidence that the school is not in a position to accept a child. The decision of the panel is final.
- 7.6 For pupils who are not initially identified, but who are subsequently found to fall within the definition following receipt of information, the protocol will be applied. The receiving school should continue to progress the admission, which will subsequently be added to the monitoring sheet, schools need to inform the LA immediately if this is the case.
- 7.7 Pupils returning from extended absence who fall into the protocol will be reallocated their previous school unless there are exceptional school based circumstances.
- 7.8 Any child that has been offered a school place as a standard transfer or under the definitions of the Fair Access Protocol but subsequently refuses that place, a School Attendance Order may be issued naming the school or academy

8. Monitoring and Evaluation

8.1 Fair Access Panel

The **Secondary** fair access admissions panel consists of;

- Director of Education, Skills & Early Years (Chair)
- 3 representative headteachers (headteacher to send a deputy if unable to attend)
- A representative from Kingsland School
- A representative from SEND Team
- A representative from the Educational Psychologist team
- Oldham Inclusion Team Manager
- A senior officer from the Inclusion Team
- Clerk to the panel
- For other children, a representative from Children's Social Care

The secondary Fair Access Panel will meet virtually or in person every 4 weeks in term time or as often as and when required to support timely pupil placements.

Secondary Headteachers are invited to observe if they wish and/or volunteer to become part of a pool of headteachers to serve on the panel.

- 8.2 The Secondary Fair Access Panel will discuss any complex cases which remain unallocated and also all reconsiderations submitted by schools. Alongside this all reintegration's from Kingsland School (PRU) will be allocated via the panel. The decision of the fair access panel is final and all schools should adhere to the decisions made.

9. Funding and Additional Support

- 9.1 The remainder of the pupil's element 1 and pupil premium funding will be paid to all schools receiving a permanently excluded pupil through Kingsland School.
- 9.2 A pupil moving to live in Oldham who has been permanently excluded from his/her previous school, and not yet re-integrated into mainstream, will be placed initially at Kingsland School. A supported re-integration into mainstream when appropriate would be managed through the Fair Access protocol.

10. Compliance with the Protocol

- 10.1 Any system for placing this group of pupils will only succeed if all schools agree to accept the protocol and adhere to it. It is in the interests of all parties for the issue to be referred to the Secondary Fair Access Panel to be resolved.
- 10.2 In the unlikely event of a school unreasonably delaying or refusing to accept the decision of the Fair Access Panel then the local authority has to act timeously in the interest of the child/young person. In such circumstances the Head of Education Support Services will direct the admission authority of any school refusing or delaying the admission of fair access pupils. In the case of academies and free schools, in the first instance, the matter will be referred to the Director of Education, Skill & Early Years who will consider a referral to the Secretary of State if deemed necessary. It is anticipated that schools will work collaboratively to support and participate in the work and decisions set out by the Fair Access Committee based on the principles that the needs of the child are always foremost in any decision or action taken.

Timeline (in school days) for fair access admissions

Parent/carers make school transfer request. A transfer form must be completed for transfer to progress.	Day 1
LA analyse information from transfer form. If deemed a 'standard' transfer the application goes through the standard admissions procedures. If deemed a Fair Access transfer case the application is dealt with by the Inclusion Service.	Day 5
Officer dealing with transfer may need to get more detailed background on the child/family from the services/agencies involved with them and the child's previous school	Day 6-10
Once all information has been collated, Inclusion Service will check the current fair access caseload for each school and allocate the child a school place. All this information is then sent in full to the school/academy the child has been allocated.	Day 10
School/academy meets with parents and arranges admission. If the school/academy want to ask the Secondary Fair Access Panel to reconsider the placement this needs to be done within 10 school days of receiving the request. If there are any issues around the admission the Inclusion Service must be informed ASAP for example lack of engagement from the child's family with information on what forms of	Day 10 - 20

communication have been unsuccessful.	
Child starts attending at the school/academy (child admitted). Child name entered on Attendance Register. Complete and upload the admissions notification webform online.	

Timelines: DfE recommendations

It is expected that all parties will act with a sense of urgency to identify a school place for any child who has had difficulty securing one or who falls under the IYFA Protocol. The FAP will act to ensure that schools are held to account for the timeliness of their admissions in line with the IYFA Protocol and must ensure that children are enrolled within the timescales below. Every effort must be made to keep the time out of education to a minimum. Schools agree not to advise parents to:

Remove their child from school and find another school

Remove their child from the roll of the school and Electively Home Educate (EHE)

All schools, including Academies, are expected to respond to requests by the FAP to admit a child under Fair Access Protocols with the aim of securing a place at a suitable school or academy as quickly as possible and although 20 school days is the maximum stated in this protocol our intention is to act as quickly as possible.

In compliance with the Pupil Registration Regulations the Local Authority must notify the school/academy of the date by which the child is to be admitted and on the school roll.