

Fair Access Protocol for Oxfordshire

**Summer Term 2025
and
2026/27 school year**

**(Consulted between 1 November 2024 and
31 December 2024)**

(Determined on 20 January 2025)

Changes since “Determined Fair Access Protocol for Oxfordshire, Summer Term 2024 and 2025/26 academic year”

- Paragraph 1: added “(hereafter called the Protocol)”
- Paragraph 1: punctuation added
- Paragraph 2: amended “School Admissions Code 2021” to “2021 School Admissions Code (hereafter called the Code)”
- Paragraph 2: amended “Fair Access Protocol” to “Protocol”
- Paragraph 2: hyphenated state-funded
- Paragraph 3: amended “Schools Admissions Code 2021” to “Code”
- Paragraph 3: hyphenated state-funded
- Paragraph 3: amended “Fair Access Protocol” to “Protocol”
- Paragraph 4: amended “Fair Access Protocol” to “Protocol”
- Paragraph 4: amended “when deciding a placement.” to “when making a placement decision.”
- Paragraph 5: amended “Department of Education” to “Department for Education (DfE)”
- Paragraph 5: hyphenated state-funded
- Paragraph 5: amended “Fair Access arrangements” to “Protocol”
- Paragraph 5: punctuation added
- Paragraph 5: amended “and that if they refuse to do so they may be directed to do so by the Secretary of State.” to “and that, if they refuse, they may be directed by the Secretary of State.”
- Paragraph 6: amended “the Education and Skills Funding Agency” to “the DfE”
- Paragraph 6: amended “Fair Access Protocol” to “Protocol”
- New Paragraph 7 added
- Paragraph 8 (old 7): hyphenated hard-to-place
- Paragraph 8 (old 7): added “This panel will meet occasionally when required.”
- Paragraph 9 (old 8): hyphenated hard-to-place
- Paragraph 9 (old 8): removed “...who have been...”
- Paragraph 9 (old 8): amended “...permanently excluded...” to “...expelled (permanently excluded)...”
- Paragraph 9 (old 8): added “...and may limit the agenda at meetings to placements in geographical regions.”
- Paragraph 10 (old 9): removed “...who are...”
- Paragraph 10 (old 9): amended “...permanently excluded...” to “...expelled (permanently excluded)...”
- Paragraph 11 (old 10): amended “Fair Access Protocol” to “Protocol”
- Paragraph 11 (old 10): hyphenated state-funded
- Paragraph 11 (old 10): added “...and forms part of the admission arrangements for all state-funded mainstream schools in Oxfordshire.”
- Paragraph 12 (old 11): amended “regarding” to “for”
- Paragraph 12 (old 11): amended “published admission number” to “Published Admission Number (PAN)”
- Paragraph 13 (old 12): amended “Fair Access Panels” to “Panels (see Paragraph 7 above)”
- Old Paragraph 13: deleted (repeats Paragraph 4)
- Paragraph 15: amended “Fair Access Protocol” to “Protocol”
- Paragraph 16: punctuation added.
- Paragraph 19: amended “Fair Access Protocol” to “Protocol”
- Paragraph 20: amended “Fair Access Protocol” to “Protocol”
- Paragraph 20: amended “...to automatically admit another child with challenging behaviour...” to “...to admit another child with challenging behaviour automatically...”
- Paragraph 22: amended “Fair Access Protocol” to “Protocol”
- Paragraph 22 d): amended “...permanently excluded...” to “...expelled (permanently

- excluded)...”
- Paragraph 23: amended “Education Health and Care Plan” to “Education, Health and Care (EHC) Plan”
 - Paragraph 25: added “(EROs)”
 - Paragraph 25: amended “...permanently excluded...” to “...expelled (permanently excluded)...”
 - Paragraph 26: inserted “Council’s”
 - Paragraph 27: amended “...children through the Fair Access Protocol, the Admissions and Transport Service Manager...” to “...a child through the operation of the Protocol, a responsible senior officer of the Council’s Admissions Team...”
 - Amended “Publication and Review” to “Publication and review”
 - Paragraph 29: amended “...conducted through the Oxfordshire County Council Consultation Portal.” to “...published via the Council’s Consultation Portal.”
 - Paragraph 30: amended “...Fair Access Panels.” to “...Panels (see Paragraph 7 above).”
 - Paragraph 31: amended “...Admissions and Transport Services Manager is responsible for undertaking the review, submitting the Protocol for approval to the Director of Children’s Services...” to “...Council’s Admissions Team will be responsible for undertaking the review, arranging for it to be approved/determined by the Director of Children’s Services (DCS) under delegated powers...”
 - Paragraph 31: amended “The Protocol will be agreed by no later than 28th February of each academic year.” to “The Protocol will be determined no later than 28 February of each school year.”
 - **Paragraph 31: date change**
 - Paragraph 32: amended “...Admissions and Transport Services Manager. The Admissions and Transport Services Manager will then undertake a review of the Protocol.” to “...Council’s Admissions Team. The Admissions Team will then undertake a review.”
 - Paragraph 32: amended “...Director of Children’s Services...” to “...DCS...”
 - Paragraph 32: hyphenated hard-to-place
 - Paragraph 33: amended “The Fair Access Protocol will be published on the admissions page of the Oxfordshire public website and once agreed by the Director of Children’s Services, it will form part of the admission arrangements for all state funded mainstream schools in Oxfordshire.” to “The Protocol will be published on the admissions page of the Council’s public website.”
 - Paragraph 34: amended “The County Primary Fair Access Panel is made up of the Admissions and Transport Services Manager (or representative) and two primary head teachers when discussing placements of children who have not been permanently excluded.... Other officers of the Local Authority may attend, as appropriate, to provide information or assistance but these officers will not be voting members of the Panel.” to “When discussing placements of children who have not been expelled (permanently excluded), the members of the County Primary Fair Access Panel are: one representative of the Admissions Team (the Chair); and two primary headteachers who will have no connection with any of the schools concerned. All three will be voting members and will have the right to discuss each case on the agenda. Other officers of the Local Authority may attend, as appropriate, to provide information or assistance but these officers will not be voting members of the Panel. The Chair will have the casting vote in the event of a tied decision.”
 - Paragraph 35 (old 34): amended “An Exclusions and Reintegration Officer will also be part of the Panel when discussing the placement of a permanently excluded child. All four are voting members. Other officers of the Local Authority may attend, as appropriate, to provide information or assistance but these officers will not be voting members of the Panel.” to “When discussing placements of children who have been expelled (permanently excluded), the members of the County Primary Fair Access Panel are: one representative of the Admissions Team (the Chair); and two primary headteachers who will have no connection

with any of the schools concerned; and one ERO for the relevant geographic area who will also convey the parent/pupil voice. All four will be voting members and will have the right to discuss each case on the agenda. Other officers of the Local Authority may attend, as appropriate, to provide information or assistance but these officers will not be voting members of the Panel. The Chair will have the casting vote in the event of a tied decision.”

- Old Paragraph 35: amalgamated into new Paragraphs 34 and 35.
- Old Paragraph 36: amalgamated into new Paragraphs 34 and 35.
- Paragraph 36 (old 37): amended “If placing a permanently excluded child, the Panel will be quorate if the Admissions and Transport Services Manager, one Exclusion and Reintegration Officer and one headteacher are present. If placing any other child, the Panel will be quorate if the Admissions and Transport Services Manager and one headteacher are present.” to “If placing an expelled (permanently excluded) child, the Panel will be quorate if the Admissions Team representative, one ERO and one headteacher are present. If placing any other child, the Panel will be quorate if the Admissions Team representative and one headteacher are present.”
- Paragraph 38 (old 39): amended “If no decision is made by the Panel, the Admissions and Transport Services Manager will identify a suitable placement.” to “If the Panel fails to reach a decision, a responsible senior officer of the Council’s Admissions Team will identify a suitable placement.”
- Paragraph 39 (old 40): amended “The County Secondary Fair Access Panel is composed of the Admissions and Transport Services Manager (or representative) and 2 headteachers/headteacher representatives. They are all voting members.” to “The members of the County Secondary Fair Access Panel are: one representative of the Admissions Team (the Chair); and two headteachers/headteacher representatives. All three are voting members and will have the right to discuss each case on the agenda. Other officers of the Local Authority may attend, as appropriate, to provide information or assistance but these officers will not be voting members of the Panel. The Chair will have the casting vote in the event of a tied decision.”
- Paragraph 40 (old 42): amended “The Panel will be quorate if the Admissions and Transport Services Manager and one headteacher are present.” to “The Panel will be quorate if the Admissions Team representative and one headteacher are present.”
- Paragraph 41: removed “The Panel is chaired by the Admissions and Transport Services Manager and...”
- Paragraph 42 (old 43): amended “If no decision is made by the Panel, the Admissions and Transport Services Manager will identify a suitable placement.” to “If the Panel fails to reach a decision, a responsible senior officer of the Council’s Admissions Team will identify a suitable placement.”
- Amended “The Locality-Based Panels” to “The Locality-Based Inclusion Panels”
- Paragraph 43 (old 44): amended “For secondary schools, the placement of permanently excluded children is undertaken by locality-based panels. If any area panel ceases to operate, its functions will be taken over by the Admissions and Transport Services Manager and one of the Exclusion and Reintegration Officers.” to “For secondary schools, the placement of expelled (permanently excluded) children is undertaken by locality-based inclusion panels. If any area panel ceases to operate, its functions will be taken over by a responsible senior officer of the Council’s Admissions Team and one of the EROs.”
- Paragraph 44 (old 45): amended “All state funded secondary schools will have a representative on the locality-based panel that serves the relevant secondary school’s area.” to “All state-funded secondary schools will send a representative to the Panel for the relevant geographic area.”
- Paragraph 44 (old 45): inserted “...on behalf of their school...”
- Paragraph 44 (old 45): amended “There will be no voting by proxy.” to “Voting by proxy will not be permitted.”
- Paragraph 45 (old 46): amended “The Admissions and Transport Services Manager (or representative), the Education Inclusion Manager and one Exclusion and Reintegration

Officer will be members of each locality-based panel.” to “The responsible senior officer of the Council’s Admissions Team, the Education Inclusion Manager and one ERO will be members of each Panel.”

- Paragraph 47 (new): inserted
- Paragraph 48: amended “The following schools are represented on the North Locality Panel:” to “Schools represented on each panel are set out at Appendix 1.”
- Paragraph 48: list of schools moved to new Appendix 1.
- Paragraphs 49-51 (old): lists of schools moved to Appendix 1.
- Amended “Referrals to Fair Access Panels (primary and secondary sectors)” to “Referrals to Panels (primary and secondary sectors)”
- Paragraph 49 (old 52): hyphenated state-funded
- Paragraph 50 (old 53): amended “No referrals can be made by parents.” to “Parents are not permitted to make referrals.”
- Paragraph 51 (old 54): amended “As a guide to good practice only, in any academic year, through the Protocol, normally no more than 1 child per year group will be admitted above the Published Admission Number of any primary, infant, or junior school with a PAN of 25 or more. Again, as a guide to good practice, schools with a PAN of less than 25 will normally only be expected to admit 1 child per year group every other year.” to “As a guide to good practice only, during any school year, no more than one child per year group should be admitted above the PAN of any infant, junior or primary school with a PAN of 25 or more through the operation of the Protocol. As a guide to good practice, during every two school years, no more than one child per year group should be admitted above the PAN of any infant, junior or primary school with a PAN of less than 25 through the operation of the Protocol.”
- Paragraph 52 (old 55): amended “In any academic year, as a guide to good practice only, those secondary schools with fewer than 900 pupils on roll in the October 2022 Pupil Census will not normally be expected to admit from a locality-based panel, through the Protocol, more than 2 above the Published Admission Number in each year group in each academic year.” to “As a guide to good practice only, during any school year, no more than two children per year group should be admitted above the PAN of any secondary school with fewer than 900 pupils on roll in the most recent annual pupil census via placements from the locality-based inclusion panels through the operation of the Protocol. Appendix 2 lists secondary schools with fewer than 900 pupils on roll in the most recent annual pupil census.”
- Paragraph 53 (old 57): amended “As a guide to good practice only, those secondary schools with 900 or more pupils on roll in the October 2022 Pupil Census may be expected to admit, in any academic year, up to 3 above the Published Admission Number in each year group.” to “As a guide to good practice only, during any school year, no more than three children per year group should be admitted above the PAN of secondary schools with 900 or more pupils on roll in the most recent annual pupil census via placements from the locality-based inclusion panels through the operation of the Protocol. Secondary schools not listed at Appendix 2 had more than 900 pupils on roll in the most recent annual pupil census.”
- Paragraph 56 (old): list of schools moved to new Appendix 2.
- Amended “Dates of Meetings” to “Arrangement of meetings”
- Paragraph 54 (old 58): amended “Meetings of the Secondary Locality Panels will be agreed by 1st April 2022 with the intention of all meetings being on Tuesday mornings (different weeks in the month).” to “Meetings of the locality-based inclusion panels will be determined annually in the summer term for the following school year. Current practice is for Panel meetings to take place on Tuesday mornings during term-time.”
- Paragraph new 56 (old 60): amended “There are fewer permanent exclusions in the primary sector than in secondary schools and therefore meetings of the County Primary Fair Access Panel will be called as required by the Admissions and Transport Services Manager.” to “There are fewer expulsions (permanent exclusions) in the primary sector than for secondary schools. Therefore, meetings of the County Primary Fair Access Panel will be called as

required by a responsible senior officer of the Council's Admissions Team”

- Paragraph 57 (old 61): inserted “...during term-times.”
- Amended “Information to be provided prior to a meeting of a Locality Fair Access Panel Meetings” to “Information to be provided prior to a meeting of a locality-based Panel meeting”
- Paragraph 58 (old 62): amended “Fair Access Panel referral forms should be sent to the Exclusions and Reintegration Officer following meetings/conversations within schools. The referral paperwork needs to be with the locality Exclusions and Reintegration Officer at least 6 working days before the meeting (please see Appendix 2 “Terms of Reference for the Meeting”).” to “Referral forms should be sent to the email address on the form following meetings/conversations within schools and/or with the relevant ERO. The referral paperwork needs to be with the locality ERO at least six working days before the meeting. Further guidance is available at Appendix 4.”
- Paragraph 59 (old 63): amended “(see Appendix 2, Information Sharing Protocol).” to “(see Appendix 4) annually.”
- Paragraph 60 (old 64): amended “If a child has been identified, prior to the meeting, as needing a school place the Fair Access Panel will...” to “If a child has been identified for placement prior to the meeting, the Panel will...”
- Paragraph 60 (old 64): amended “...published admission numbers.” to “PANs.”
- Amended “Information to be provided prior to a meeting of the County Primary Fair Access Panel for primary pupils” to “Information to be provided prior to a meeting of the County Primary Fair Access Panel”
- Paragraph 63 (old 67): amended “If a child has been identified, prior to the meeting, as needing a school place the Fair Access Panel will...” to “If a child has been identified for placement prior to the meeting, the Panel will...”
- Paragraph 64 (old 68): amended “...cleared with the Admissions and Transport Services Manager prior to a referral being considered at the relevant Fair Access Panel.” to “...approved by a responsible senior officer of the Council's Admissions Team prior to a referral being considered at the relevant Panel.”
- Paragraph 65 (old 69): amended “...agreement by the Admissions and Transport Services Manager or nominated representative.” to “...approval of the responsible senior officer of the Council's Admissions Team.”
- Amended “Considering placements at a Fair Access Locality Panel” to “Considering placements at the locality-based inclusion Panels”
- Paragraph 66 (old 70): amended “A Locality Panel will...” to “A panel will...”
- Paragraph 67 (old 71): amended “If a Panel is unable to decide on the most suitable placement for a child and that child is without a school place there will be a vote. All school representatives are voting members. There needs to be a majority vote by 1. If there is tied vote the Chair will have the casting, and therefore, deciding vote.” to “If no member of the Panel makes an offer on behalf of their school and the Panel is, therefore, unable to decide on the most suitable placement for a child without a school place, there will be a vote. The vote is settled by simple majority. If the vote is tied the Chair will have the casting vote.”
- Paragraph 68 (old 71): amend “However, if there is no school identified at the meeting the Admissions and Transport Services Manager will identify a suitable school and notify that school of the need to admit the child.” to “If no vote takes place or the Panel fails to reach a decision after a vote, a responsible senior officer of the Council's Admissions Team will, working with the ERO for the relevant geographic area, identify a suitable placement.”
- Paragraph 69 (old 72): amend “...At times this means pupils need to be considered at Panel who are not from one of the schools in this area....” to “...At times this means pupils need to be considered by a Panel although they live outside the geographic area for that Panel....”
- Paragraph 69 (old 72): amend “...the LA may direct a sending school to attend a different panel meeting to present a case...” to “the Admissions Team and/or Exclusion and Reintegration Team may invite the child's current/previous school to attend a different panel meeting to present a case....”

- Paragraph 69 (old 72): amend "...maybe convened to address a particular issue in an area that affect schools across borders...." to "...may be called to address a particular issue in an area that affects schools across multiple Panels...."
- Paragraph 70 (old 72): amend "The Alternative provider..." to "The alternative provider..."
- Paragraph 70 (old 72): hyphenated decision-making
- Paragraph 71 (old 74): amend "...relevant Locality Panel..." to "...relevant Panel..."
- Paragraph 75 (old): deleted (repeats Paragraph 68 (new) and Paragraph 71b (old))
- Paragraph 72 (old 77): amend "The Admissions Team of the Local Authority is responsible for recording the decisions/outcomes of the County Primary Fair Access Panel and the County Secondary Fair Access Panel." to "The Council's Admissions Team is responsible for recording the decisions/outcomes of the County Primary Fair Access Panel and the County Secondary Fair Access Panel."
- Paragraph 73 (old 76): amend "The Local Authority is responsible for recording the outcomes of the meetings of the four Locality-based panels." to "The Council's Exclusion and Reintegration Team is responsible for making a record of the proceedings of the four locality-based inclusion panels as well as outcomes and decisions and will provide minutes of the meeting within 7 working days to all members of that Panel"
- Paragraph 74 (old 78): amend "...relating to the Panel." to "...relating to all Panels."
- Paragraph 76 (old 80): amend "...leaving schools under the Fair Access Protocol in the area covered by each Fair Access Panel...." to "...leaving schools under the Protocol in the area covered by each locality-based inclusion Panel...."
- Paragraph 76 (old 80): amend "...If required all the Exclusion and Reintegration Officers will provide this data to the Admissions and Transport Services Manager for inclusion in the Local Authority Report to the Schools Adjudicator." to "...The EROs will provide this data to the Admissions Team, as required, for inclusion in the Local Authority Report to the Schools Adjudicator."
- Paragraph 77 (old 82): amend "...at the meeting." to "...at the Panel."
- Paragraph 78 (old 81): amend "...to confirm of panel decisions the agreement to offer a place under the Fair Access Protocol and then offer the place." to "...about the decision to offer a place together with the expected start date. The school/schools will have 7 calendar days to respond to this notification."
- Paragraph 79 (old 83): amend "If a place can be offered the Admissions Team will write to inform the parents. The letter offering a place will specify a start date. This start date will either be the prospective start date agreed at the Fair Access Panel or 5 working days from the date of the letter offering a place." to "If the school/schools respond/s positively or does/do not respond within 7 calendar days, the Admissions Team will send an official offer to the parent. The letter offering a place will specify a start date. This start date will either be the prospective start date agreed at the Panel or 5 school days from the date of the letter offering a place. If free transport was approved by the responsible senior officer of the Council's Admissions Team, this will be included in the official offer to parent."
- Paragraph 80 (old 84): amend "Parents will be asked to confirm or reject acceptance of the place by responding to the Admissions Team rather than directly to the offered school." to "The parent will be asked to accept or reject the school offer by responding to the Admissions Team. If free transport was offered, the parent will be asked to accept or reject this transport offer as well."
- Paragraph 81 (old 85): amend "Parents have..." to "The parent will have..."
- Paragraph 81 (old 85): amend "If parents fail..." to "If the parent fails..."
- Paragraph 81 (old 85): amend "...the family refer the case, as appropriate, to the Children Missing Education or Attendance and Engagement for further action." to "...the family. Referrals will be made to appropriate services within the Council as necessary (e.g. Children Missing Education Team and/or Attendance and Engagement Team) for further action."
- Paragraph 82 (old 86): amend "...through the panel will be taken on roll from the date specified in the letter from the Admission Team offering a place, or, in the case of own

admission authority schools, offering a place on behalf of the Governors/Directors.” to “...via a Panel will be taken on roll from the date specified in the official offer to parent from the Admissions Team.”

- Paragraph 82 (old 86): amend “...If a parent...” to “...If the parent...”
- Paragraph 82 (old 86): amend “...through the Fair Access process...” to “...via the Protocol...”
- Paragraph 85 (old 89): amend “...or those for whom English is an additional language...” to “or those categorised with English as an Additional Language (EAL).”
- Paragraph 85 (old 89): amend “...under the Fair Access Protocol.” to “...under the Protocol.”
- Paragraph 86 (old 90): amend “No child will be refused admission because that child has special educational needs since to do so would be unlawful.” to “It would be unlawful to refuse to admit a child because the school assesses that the child has special educational needs.”
- Paragraph 87 (old 91): amend “...and refer the child to the County Secondary Fair Access Panel or County Primary Fair Access Panel...” to “...and refer the child to the relevant County Fair Access Panel (primary or secondary).”
- Paragraph 90 (old 94): amend “The School Admissions Code 2021...” to “The Code...”
- Paragraph 90 (old 94): amend “...refuse an in-year applicant admission...” to “...refuse admission to an in-year applicant...”
- Paragraph 90 (old 94): amend “...or previously permanently excluded pupils...” to “...or previously expelled (permanently excluded) pupils...”
- Paragraph 91 (old 95): amend “...on the grounds set out in paragraphs 91, 92 and 94, the County Primary Fair Access Panel will consider referrals of those of primary school age, and the County Secondary Fair Access Panel will consider cases of pupils of secondary school age...” to “...invoking Paragraph 3.10 of the Code, the relevant County Fair Access Panels (primary or secondary) will consider referrals...”
- Paragraph 91 (old 95): amend “...accepted by a Fair Access Panel...” to “...accepted by a Panel...”
- Paragraph 92 (old 96): amend “If the Fair Access Panel accepts...” to “If the Panel accepts...”
- Paragraph 92 (old 96): amend “...to the requested school the...” to “...to the requested school and the child is out of education, the”
- Paragraph 92 (old 96): amend “...through the Protocol if the child concerned does ...” to “...via the Protocol of the child being considered does...”
- Paragraph 93 (old 97): amend “...in the School Admissions Appeal Code.” to “...in the 2022 School Admission Appeals Code (Appeals Code).”
- Paragraph 94 (old 98) amend “The School Admissions Code 2021 specifically...” to “The Code specifically...”
- Paragraph 94 (old 98) amend “...those with an EHCP naming the school...” to “...those with an EHC Plan naming the school...”
- Paragraph 95 (old 99): amend “In addition, the School Admissions Code 2021...” to “In addition, the Code...”
- Paragraph 96 (old 114): amend “Oxfordshire County Council is...” to “The Council is...”
- Paragraph 96 (old 114): amend “...no direction process and if Oxfordshire County Council, the admission authority of a community or voluntary controlled school, decides...” to “...no direction process. If the Council (as admission authority of a community or voluntary controlled school) decides...”
- Paragraph 96 (old 114): add “...and adding their name to the register on the date specified by the Council.”
- Amend “The process for directing a maintained school for which the Local Authority is not the admission authority when the school concerned refuses to accept a child” to “The process for directing a maintained school for which Oxfordshire County Council is not the admission authority when the school concerned refuses to accept a child”
- Paragraph 99 (old 110): amend “...or permanently excluded...” to “...or expelled (permanently

excluded)...”

- Paragraph 99 (old 110): amend “...the Admissions and Transport Services Manager will then write to the school to inform the Governors and Head...” to “...the responsible senior officer of the Council’s Admissions Team will write to the school to inform the governors/headteacher...”
- Paragraph 100 (old 111): amend “The Governing body may...” to “The governors/headteacher may...”
- Paragraph 100 (old 111): amend “The Governors have 15 ...” to “The governors/headteacher have 15...”
- Paragraph 104 (old 102): amend “...the request will be made by the Admissions and Transport Services Manager...” to “...the request will be made by a responsible senior officer of the Council’s Admissions Team”
- Paragraph 105 (old 103): amend “The Education and Skills Funding Agency acts...” to “The DfE acts...”
- Paragraph 105 (old 103): amend “...the provisions of the Fair Access Protocol.” to “...the provisions of the Protocol.”
- Paragraph 106 (old 104): amend “...the provisions of the Fair Access Protocol...” to “...the provisions of the Protocol...”
- Paragraph 107 (old 105): amend “...template provided by the Education and Skills Funding Agency.” to “...template provided by the DfE.”
- Paragraph 108 (old 106): amend “...a request to direct, the Education and Skills Funding Agency will...” to “...a request to direct, the DfE will...”
- Paragraph 108 (old 106): amend “...The Education and Skills Funding Agency can be expected...” to “...The DfE can be expected...”
- Paragraph 110 (old 115): amend “Queries regarding...” to “Queries about...”
- Paragraph 110 (old 115): amend “Admissions and Transport Services Manager ...” to “Admissions Team...”
- Paragraph 110 (old 115): amend “neil.darlington@oxfordshire.gov.uk” to “admissions.schools@oxfordshire.gov.uk”
- Appendix 1 (new): member schools of each locality-based inclusion Panel (from old Paragraphs 48-51)
- Appendix 1 (old): renumbered to Appendix 3
- Amend “Appendix 1 – Naming a school for Children We Care For (Looked After children), and children with an Education Health and Care Plan” to “Appendix 3 – Naming a school for Children We Care For (Looked After children) and children with an Education, Health and Care (EHC) Plan.”
- Appendix 2 (new): schools that have fewer than 900 at the most recent annual census (from old Paragraph 56)
- Appendix 2 (old): renumbered to Appendix 4
- Appendix 4, Paragraph 1: amend “The Schools Admissions Code 2021...” to “The 2021 School Admissions Code...”
- Appendix 4, Paragraph 1: hyphenated state-funded
- Appendix 4, Paragraph 1: amend “...The purpose of the Fair Access Protocol is...” to “...The purpose of the Protocol is...”
- Appendix 4, Paragraph 1: punctuation amended
- Appendix 4, Paragraph 2: amend “...Any other parties that are invited to engage in the In Year Fair Access Protocol.” to “...Any other parties that are invited to engage in the Protocol.”
- Appendix 4, Paragraph 3: amend “...within the Locality Panels.” to “within the locality-based inclusion Panels.”
- Appendix 4, Paragraph 4: amend “...central to the Locality Panel process...” to “...central to the Panel process...”
- Appendix 4, Paragraph 5: numbering amended to bullets
- Appendix 4, Paragraph 6: amend “...those members of the IYFAP panel...” to “...those

members of the Panel...”

- Appendix 4, Paragraph 7: amend “All members of the Locality Panel...” to “All members of the Panel...”
- Appendix 4, Paragraph 7: amend “...by members of the Locality Panel...” to “...by members of the Panel...”
- Appendix 4, Paragraph 7: amend “...the impact of the panel.” to “...the impact of the Panel.”
- Appendix 4, Paragraph 8: numbering amended to bullets

Introduction

1. The purpose of the Fair Access Protocol (hereafter called the Protocol) is to ensure that, outside the normal admissions round, vulnerable children and those who are having difficulty securing a school place are allocated a school place as quickly as possible.
2. The 2021 School Admissions Code (hereafter called the Code) requires every local authority to have a Protocol in place. The Protocol for Oxfordshire applies to all state-funded mainstream schools in Oxfordshire and is consistent with the requirements of the Code, the non-statutory guidance published by the Department of Education in August 2021, the Equality Act 2010 and the School Standards and Framework Act 1998.
3. The Code requires all admission authorities of state-funded mainstream schools to participate in the Protocol to ensure that unplaced children are allocated a school place quickly.
4. There is no duty for local authorities or admission authorities to comply with parental preference when allocating places through the Protocol, but a parent's wishes should be considered when making a placement decision.
5. The published guidance from the Department for Education (DfE) sets out a clear expectation from the Secretary of State that all state-funded mainstream schools and local authorities should work together to identify a school place for those children who have had difficulty finding one. The guidance is also clear that admission authorities must admit children when asked to do so under the Protocol and that, if they refuse, they may be directed by the Secretary of State.
6. When reviewing a request to direct admission to an academy, the DfE will act on behalf of the Secretary of State to consider whether due process has been followed in applying the provisions of the Protocol.
7. In Oxfordshire, six Panels operate:
 - County Primary Fair Access Panel
 - County Secondary Fair Access Panel
 - Locality-based Fair Access (Inclusion) Panel – Central
 - Locality-based Fair Access (Inclusion) Panel – North
 - Locality-based Fair Access (Inclusion) Panel – South
 - Locality-based Fair Access (Inclusion) Panel – West
8. The County Primary Fair Access Panel is responsible for the placement of vulnerable/hard-to-place children of primary school age. This panel will meet occasionally when required.
9. The County Secondary Fair Access Panel is responsible for the placement of hard-to place children of secondary school age, other than those expelled (permanently excluded) from school. This panel will, if required, meet on a weekly or fortnightly basis and may limit the agenda at meetings to placements in geographical regions.
10. The four locality-based panels are responsible for inclusion work and the placement of expelled (permanently excluded) students of secondary school age.

Principles

11. Once determined the Protocol is binding on all state-funded mainstream schools in Oxfordshire and forms part of the admission arrangements for all state-funded mainstream schools in Oxfordshire.
12. The arrangements for the admission of students above the Published Admission Number (PAN) only apply to mainstream state-funded schools and not to establishments providing alternative provision or to special schools.
13. When making placements, the Panels (see Paragraph 7 above) will consider any special circumstances that may apply, including the need to avoid or minimise transport costs.
14. When seeking to place a child under the Protocol, all schools will be treated in a fair, equitable and consistent manner.
15. The Protocol only applies when a child is unplaced and is not on the roll of a mainstream school. Children may be on a short-term placement in alternative provision paid for by the Local Authority.
16. The process cannot be used to circumvent the normal in-year admissions process and a parent can, at any point, make an in-year application for a place and, if a place is refused, a parent has a right of appeal.
17. An application to the Secretary of State to direct a child's admission to a specific school will only be made as a last resort.
18. Any child without a school place is the responsibility of the Local Authority up until the point at which they are taken on roll at a school.
19. The Protocol cannot be applied to admissions made through the normal admissions round for primary, junior or secondary schools and cannot be used where this would involve contravening the regulations on the size of infant classes.
20. The Protocol will not be used to require a school to admit another child with challenging behaviour automatically in the place of a child excluded from that school.
21. Decisions on the placement of children will be made in accordance with this Protocol.

Children covered by the Protocol

22. The Protocol may only be used for the placement of children who fall within the following categories, if these students are not on a roll of a school and need a school place:
 - a) children either subject to a Child in Need Plan or a Child Protection Plan¹ or having had a Child in Need Plan or a Child Protection Plan within 12 months at the point of

¹ Child in Need Plans and Child Protection Plans are plans of help and protection to address safeguarding and welfare needs, where a child has been assessed by the local authority as being a child in need under Section 17 of the Children Act 1989 and/or as suffering or likely to suffer significant hardship under Section 47 of the Children Act 1989. See also statutory guidance Working Together to Safeguard Children (2018) (pages 35 and 48 to 49). Where a local authority is advised that a child who has moved into the local authority had a Child in Need Plan or Child Protection Plan previously and meets the criteria outlined, this information may need to be checked with the previous local authority

being referred to the Fair Access arrangement.

- b) children living in a refuge or in other Relevant Accommodation at the point of being referred to Fair Access arrangements.
- c) children from the criminal justice system.
- d) children in alternative provision who need to be reintegrated into mainstream education or who have been expelled (permanently excluded) but are deemed suitable for mainstream education.
- e) children with special educational needs (but without an education, health and care plan), disabilities or medical conditions.
- f) children who are carers.
- g) children who are homeless.
- h) children in formal kinship care arrangements².
- i) children of, or who are, Gypsies, Roma, Travellers, refugees and asylum seekers.
- j) children who have been refused a school place on the grounds of their challenging behaviour and referred to the Protocol in accordance with paragraph 3.10 of the Code.
- k) children for whom a place has not been sought due to exceptional circumstances³.
- l) children who have been out of education for 4 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.
- m) previously looked after children for whom the local authority has been unable to promptly secure a school place⁴.

Children not covered by the Protocol

23. Different arrangements apply for the placement of Children We Care For (Looked After children) and children with an Education, Health and Care (EHC) Plan. These students should not be placed through the Protocol.

Monitoring of the Protocol

24. The Local Authority is responsible for the fair administration of this Protocol.
25. Exclusion and Reintegration Officers (EROs) will monitor the placements of expelled

² As evidenced by either a child arrangements order not relating to either birth parent or a special guardianship order.

³ It is for the Local Authority to decide whether a child qualifies to be placed via the Protocol on this basis, based on the circumstances of the case.

⁴ The Code is clear that, in most cases, use of the Protocol should be unnecessary for a previously looked after child. The Local Authority is expected to secure a school place promptly for such children and for admission authorities to cooperate with this. The Code requires the Local Authority to consider swift use of its general powers of direction for maintained schools or to consider asking the Secretary of State to consider issuing a direction (as set out in paragraphs 3.26 to 3.29 of the Code) where a school place for a previously looked after child cannot be agreed with an admission authority promptly.

(permanently excluded) children under the Protocol and ensure these children are placed on roll and start at the named school in a timely manner.

26. The Council's Admissions Team will keep a record of the placement of children under the Protocol.
27. If a school refuses to accept the placement of a child through the operation of the Protocol, a responsible senior officer of the Council's Admissions Team will seek to resolve the issue through contact and negotiation with the relevant school.
28. Any issues regarding the operation of the Protocol, for example a school or schools failing to follow the Protocol, will be identified in the annual report to the Schools Adjudicator.

Publication and review

29. The annual review of the Protocol will take place for a period of at least 6 weeks between 1 October and 31 January of each school year. The consultation will be published via the Council's Consultation Portal.
30. The consultation will be highlighted in Schools News and at the meetings of the Panels (see Paragraph 7 above).
31. The Council's Admissions Team will be responsible for undertaking the review, arranging for it to be approved/determined by the Director of Children's Services (DCS) under delegated powers and reporting the outcome to schools and councillors. The Protocol will be determined no later than 28 February of each school year. The next annual review of the Protocol will take place for at least 6 weeks between 1 October 2027 and 31 January 2028.
32. If most schools in Oxfordshire request an earlier review of the Protocol the request must be made in writing to the Council's Admissions Team. The Admissions Team will then undertake a review. An earlier review may also be called by the DCS, if there is evidence that vulnerable/hard-to-place children are not being placed in a timely manner.
33. The Protocol will be published on the admissions page of the Council's public website.

The County Primary Fair Access Panel

34. When discussing placements of children who have not been expelled (permanently excluded), the members of the County Primary Fair Access Panel are:
 - one representative of the Admissions Team (the Chair); and
 - two primary headteachers who will have no connection with any of the schools concernedAll three will be voting members and will have the right to discuss each case on the agenda. Other officers of the Local Authority may attend, as appropriate, to provide information or assistance but these officers will not be voting members of the Panel. The Chair will have the casting vote in the event of a tied decision.
35. When discussing placements of children who have been expelled (permanently excluded), the members of the County Primary Fair Access Panel are:
 - one representative of the Admissions Team (the Chair); and
 - two primary headteachers who will have no connection with any of the schools concerned;and

- one ERO for the relevant geographic area who will also convey the parent/pupil voice

All four will be voting members and will have the right to discuss each case on the agenda. Other officers of the Local Authority may attend, as appropriate, to provide information or assistance but these officers will not be voting members of the Panel. The Chair will have the casting vote in the event of a tied decision.

36. If placing an expelled (permanently excluded) child, the Panel will be quorate if the Admissions Team representative, one ERO and one headteacher are present. If placing any other child, the Panel will be quorate if the Admissions Team representative and one headteacher are present.
37. A member of the Admissions Team will take notes of the meeting.
38. If the Panel fails to reach a decision, a responsible senior officer of the Council's Admissions Team will identify a suitable placement.

The County Secondary Fair Access Panel

39. The members of the County Secondary Fair Access Panel are:
 - one representative of the Admissions Team (the Chair); and
 - two headteachers/headteacher representatives.

All three are voting members and will have the right to discuss each case on the agenda. Other officers of the Local Authority may attend, as appropriate, to provide information or assistance but these officers will not be voting members of the Panel. The Chair will have the casting vote in the event of a tied decision.
40. The Panel will be quorate if the Admissions Team representative and one headteacher are present.
41. A member of the Admissions Team will take notes of the meeting.
42. If the Panel fails to reach a decision, a responsible senior officer of the Council's Admissions Team will identify a suitable placement.

The Locality-Based Inclusion Panels

43. For secondary schools, the placement of expelled (permanently excluded) children is undertaken by locality-based inclusion panels. If any area panel ceases to operate, its functions will be taken over by a responsible senior officer of the Council's Admissions Team and one of the EROs.
44. All state-funded secondary schools will send a representative to the Panel for the relevant geographic area. They are all voting members. All school representatives must be empowered to make decisions at the Panel meetings on behalf of their school and be able offer places. Voting by proxy will not be permitted.
45. The responsible senior officer of the Council's Admissions Team, the Education Inclusion Manager and one ERO will be members of each Panel. Each Panel will normally be chaired by an officer of the Local Authority.
46. A representative from an alternative provider relating to pupils being discussed at the panel, will be a non-voting member of the Panel.

47. Other officers of the Local Authority may attend as well as other representatives (e.g. Police, Health Authority), as appropriate, to provide information or assistance but these officers will not be voting members of the Panel.
48. Schools represented on each panel are set out at Appendix 1.

Referrals to Panels (primary and secondary sectors)

49. Referrals for consideration under the Protocol can be made by any state-funded mainstream school in Oxfordshire or by the Local Authority.
50. Parents are not permitted to make referrals.
51. As a guide to good practice only, during any school year, no more than one child per year group should be admitted above the PAN of any infant, junior or primary school with a PAN of 25 or more through the operation of the Protocol. As a guide to good practice, during every two school years, no more than one child per year group should be admitted above the PAN of any infant, junior or primary school with a PAN of less than 25 through the operation of the Protocol.
52. As a guide to good practice only, during any school year, no more than two children per year group should be admitted above the PAN of any secondary school with fewer than 900 pupils on roll in the most recent annual pupil census via placements from the locality-based inclusion panels through the operation of the Protocol. Appendix 2 lists secondary schools with fewer than 900 pupils on roll in the most recent annual pupil census.
53. As a guide to good practice only, during any school year, no more than three children per year group should be admitted above the PAN of secondary schools with 900 or more pupils on roll in the most recent annual pupil census via placements from the locality-based inclusion panels through the operation of the Protocol. Secondary schools not listed at Appendix 2 had more than 900 pupils on roll in the most recent annual pupil census.

Arrangement of meetings

54. Meetings of the locality-based inclusion panels will be determined annually in the summer term for the following school year. Current practice is for Panel meetings to take place on Tuesday mornings during term-time. Dates will be circulated by the Exclusion and Re-integration Team. Meetings may be conducted remotely or in person.
55. If dates are changed during the year, the published programme will be amended and reissued.
56. There are fewer expulsions (permanent exclusions) in the primary sector than for secondary schools. Therefore, meetings of the County Primary Fair Access Panel will be called as required by a responsible senior officer of the Council's Admissions Team. Meetings will normally be conducted remotely.
57. The County Secondary Fair Access Panel can be expected to work on a weekly or fortnightly basis during term-times. Meetings will normally be conducted remotely.

Information to be provided prior to a meeting of a locality-based Panel meeting

58. Referral forms should be sent to the email address on the form following meetings/conversations within schools and/or with the relevant ERO. The referral paperwork needs to be with the locality ERO at least six working days before the meeting. Further guidance is available at Appendix 4.
59. Panel members need to read and sign the Information Sharing Protocol (see Appendix 4) annually.
60. If a child has been identified for placement prior to the meeting, the Panel will be provided with key comparative data on the 5 nearest secondary schools regarding such matters as home to school distances, special needs, numbers on roll and PANs. This information will follow a standard format and is referred to as the "Scorecard".
61. Prior to the meeting, all members of the Panel will be sent the "Scorecard", case details and a grid of students to be discussed.

Information to be provided prior to a meeting of the County Primary Fair Access Panel

62. Meetings of the County Primary Fair Access Panel are solely concerned with identifying school places for hard-to-place children.
63. If a child has been identified for placement prior to the meeting, the Panel will be provided comparative data on the 10 nearest primary schools to the student's home address. This information will follow a standard format and is referred to as the "Scorecard".

Transport costs

64. Possible placements that depend upon the provision of free transport will need to be approved by a responsible senior officer of the Council's Admissions Team prior to a referral being considered at the relevant Panel.
65. No additional expenditure on taxi transport will be accepted without prior approval of the responsible senior officer of the Council's Admissions Team.

Considering placements at the locality-based inclusion Panels

66. A Panel will consider previous admissions, group dynamics and transport implications before deciding a placement. Advice from external agencies will be considered when appropriate (e.g., Police, Health, Social Care).
67. If no member of the Panel makes an offer on behalf of their school and the Panel is, therefore, unable to decide on the most suitable placement for a child without a school place, there will be a vote. The vote is settled by simple majority. If the vote is tied the Chair will have the casting vote.
68. If no vote takes place or the Panel fails to reach a decision after a vote, a responsible senior officer of the Council's Admissions Team will, working with the ERO for the relevant

geographic area, identify a suitable placement.

69. All school representatives need to consider support for all pupils across Oxfordshire. At times this means pupils need to be considered by a Panel although they live outside the geographic area for that Panel. Panel members will focus on the best provision for the pupil regardless of their location, working to ensure the pupil is placed quickly. In order to facilitate this, the Admissions Team and/or Exclusion and Reintegration Team may invite the child's current/previous school to attend a different panel meeting to present a case. In very rare cases an extraordinary meeting may be called to address a particular issue in an area that affects schools across multiple Panels. This may be done through virtual means if needed.
70. The alternative provider will ensure that information about students informs decision-making about the most appropriate placement.
71. Non-attendance at one or more meetings of the relevant Panel will not preclude the school/schools concerned from being required to admit a pupil who needs to be placed under the Protocol.

Recording

72. The Council's Admissions Team is responsible for recording the decisions/outcomes of the County Primary Fair Access Panel and the County Secondary Fair Access Panel.
73. The Council's Exclusion and Reintegration Team is responsible for making a record of the proceedings of the four locality-based inclusion panels as well as outcomes and decisions and will provide minutes of the meeting within 7 working days to all members of that Panel.
74. The Local Authority is responsible for quality assurance of the paperwork relating to all Panels.
75. The Chair of the panel will work with the clerk/note taker to ensure paperwork relating to the meeting is accurate and is shared in a timely and safe manner.
76. The Learner Engagement Service will keep a register of those considered for a Fair Access placement (whether the move is agreed or not) and of those admitted and leaving schools under the Protocol in the area covered by each locality-based inclusion Panel. The EROs will provide this data to the Admissions Team, as required, for inclusion in the Local Authority Report to the Schools Adjudicator.

Offers

77. Whenever possible, a prospective start date will be agreed at the Panel.
78. After each meeting, the Admissions Team will notify the relevant school/schools about the decision to offer a place together with the expected start date. The school/schools will have 7 calendar days to respond to this notification.
79. If the school/schools respond/s positively or does/do not respond within 7 calendar days, the Admissions Team will send an official offer to the parent. The letter offering a place will specify a start date. This start date will either be the prospective start date agreed at the Panel or 5 school days from the date of the letter offering a place. If free transport was approved by the responsible senior officer of the Council's Admissions Team, this will be included in the official

offer to parent.

80. The parent will be asked to accept or reject the school offer by responding to the Admissions Team. If free transport was offered, the parent will be asked to accept or reject this transport offer as well.
81. The parent will have 7 calendar days to respond to the offer of a place. If the parent fails to respond in writing, or to make direct contact with the school, the Admissions Team will need to be informed by the school. The Admissions Team will ensure every effort has been made to contact the family. Referrals will be made to appropriate services within the Council as necessary (e.g. Children Missing Education Team and/or Attendance and Engagement Team) for further action.
82. Pupils placed via a Panel will be taken on roll from the date specified in the official offer to parent from the Admissions Team. A school may agree an earlier start date with the parent once the parent has responded to the Admissions Team (if the placement has been accepted). If the parent refuses to accept the offer of a place there may be a need to issue a School Attendance Order. If a School Attendance Order needs to be issued the school offered via this Protocol will be the school named in the School Attendance Order.
83. When a child is added to the school roll, they will automatically be added to the attendance register.
84. On the day the pupil is expected to arrive at school, the Attendance Register should be marked in the normal way. If a pupil fails to appear and no explanation is provided, then an "N" should be used. This is only a temporary code and therefore should only be used until the reason for absence is confirmed by the parent. If no reason is given by the child's parent, the code should be changed to an unauthorised absence.
85. Children with attendance problems, or those categorised with English as an Additional Language (EAL), will not, as a result of these attendance issues or language difficulties, be considered "challenging" under the Protocol.
86. It would be unlawful to refuse to admit a child because the school assesses that the child has special educational needs.

Fair Access Referrals under paragraph 3.10 of the Code

87. Where an admission authority receives an in-year application for a year group and it does not wish to admit the child because it has good reason to believe that the child may display challenging behaviour, it may refuse admission and refer the child to the relevant County Fair Access Panel (primary or secondary). However, the Code is clear that 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."
88. In this context the Code defines challenging behaviour as follows:

"For the purposes of this Code, 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.”

89. The DfE does not consider the following reasons as valid grounds for considering that a child may display challenging behaviour:
- poor attendance at a previous school; or
 - a defined number of suspensions/fixed term exclusions, without consideration of the grounds on which these suspensions were made; or
 - special educational needs; or
 - having a disability.
90. The Code is clear that a school may only refuse admission to an in-year applicant on grounds of challenging behaviour if it has a particularly high proportion of either children with challenging behaviour or previously expelled (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.
91. If a school refuses admission to an in-year applicant invoking Paragraph 3.10 of the Code, the relevant County Fair Access Panels (primary or secondary) will consider referrals. Referrals of this kind will normally only be appropriate, and will only be accepted by a Panel, if the school can provide evidence that it has a particularly high proportion of children with challenging behaviour or of previously excluded children.
92. If the Panel accepts that the child should not be admitted to the requested school and the child is out of education, the Panel will identify an alternative placement which will normally be another mainstream school. However, no other school will be offered via the Protocol if the child being considered does not live in Oxfordshire.
93. If a place has been refused on the grounds of the child's challenging behaviour, the parent will have a right of appeal to an independent admission appeal panel. The appeal process will take place within the timescales set out in the 2022 School Admission Appeals Code (Appeals Code).
94. The Code specifically states that looked after children (Children We Care For), previously looked after children and those with an EHC Plan naming the school, must not be refused admission on grounds of challenging behaviour:
- “The provision in paragraph 3.10 cannot be used to refuse admission to looked after children, previously looked after children; and children who have Education, Health and Care Plans naming the school in question.”
95. In addition, the Code is explicit that it is simply unlawful to refuse a child a school place on the grounds that they should first be assessed for special educational needs.

Directions

Community and Voluntary Controlled Schools in Oxfordshire

96. The Council is the admission authority for community and voluntary controlled schools in Oxfordshire. Therefore, there is no direction process. If the Council (as admission authority of a community or voluntary controlled school) decides to admit a child to one of these schools, that school has no lawful basis for refusing to place that child on roll and adding their name to the register on the date specified by the Council.

The process for directing a maintained school for which Oxfordshire County Council is not the admission authority when the school concerned refuses to accept a child

97. Directing a maintained school to admit a child following a decision made under the Protocol will only occur where a local resolution cannot be found.
98. Initially a letter will be sent from the Admissions Team stating that a place needs to be made available following a decision under the Protocol. Any maintained school approached in this way must respond to the Local Authority within 7 calendar days.
99. If the child concerned has been refused entry to, or expelled (permanently excluded) from, every appropriate school within a suitable distance the responsible senior officer of the Council's Admissions Team will write to the school to inform the governors/headteacher of the intention to direct admission.
100. The governors/headteacher may appeal by referring the case to the Schools Adjudicator. The governors/headteacher have 15 calendar days within which to refer the case.
101. If the Schools Adjudicator does not uphold the direction the Adjudicator may direct admission to an alternative school.
102. If the Schools Adjudicator upholds the direction, the child must be admitted to the school. The school will then need to agree a start date with the child's parents.

The process for requesting the Secretary of State to direct an Academy to admit a child

103. Requesting the Secretary of State to direct an academy to admit a child will only occur when a local resolution cannot be found.
104. If the Secretary of State is asked to direct an academy to admit a child the request will be made by a responsible senior officer of the Council's Admissions Team on behalf of the Local Authority.
105. The DfE acts on behalf of the Secretary of State in considering whether due process has been followed in applying the provisions of the Protocol.
106. In requesting a direction from the Secretary of State, the Local Authority will need to provide evidence that the provisions of the Protocol have been applied in a fair and appropriate manner. The Local Authority must also set out the relevant academy's reasons for refusal

(assuming these have been given) and the Local Authority's response.

107. When seeking a direction from the Secretary of State the Local Authority will use the template provided by the DfE.
108. On receipt of a request to direct, the DfE will inform the relevant academy that it has received a request for a direction and ask the relevant academy for any evidence that has been supplied that shows the process has not been properly applied. The DfE can be expected to give an academy 7 calendar days to respond.
109. The Secretary of State can be expected to consider the following when a direction has been requested:
 - whether the local Fair Access Protocol has been applied appropriately; and
 - the arguments advanced by the relevant academy and the Local Authority; and
 - whether the Local Authority has considered the arguments for refusal; and
 - whether the Local Authority's reasons for still considering the placement are appropriate; and
 - whether the academy has been asked to accept a disproportionate number of children under the Fair Access Protocol compared to other local schools.

Queries

110. Queries about the operation of the Protocol should be directed to:

Admissions Team
County Hall
New Road
Oxford
OX1 1ND

Email: admissions.schools@oxfordshire.gov.uk

Appendix 1 – Membership of the locality-based inclusion Panels

1. The following schools are represented at the Central Panel:

- Cheney School
- The Cherwell School
- Gosford Hill School
- Greyfriars Catholic School
- Matthew Arnold School
- The Oxford Academy
- Oxford Spires Academy
- The Swan School
- Wheatley Park School

2. The following schools are represented at the North Panel:

- The Bicester School
- Blessed George Napier Catholic School
- The Cooper School
- Futures Institute Banbury
- Heyford Park School
- North Oxfordshire Academy
- The Warriner School
- Whitelands Academy
- Wykham Park

3. The following schools are represented at the South Panel:

- Aureus School
- Didcot Girls' School
- Europa School UK
- Faringdon Community College
- Fitzharrys School
- Gillotts School
- Icknield Community College
- John Mason School
- King Alfred's School
- Langtree School
- Larkmead School
- Lord Williams's School
- Maiden Erlegh Chiltern Edge
- St Birinus School
- St John's CofE Academy
- UTC (University Technical College) Oxfordshire
- Wallingford School

4. The following schools are represented at the West Panel:
- Bartholomew School
 - Burford School
 - Carterton Community College
 - Chipping Norton School
 - The Henry Box School
 - The Marlborough Church of England School
 - Wood Green School

Appendix 2 – Secondary schools with fewer than 900 pupils on roll at the most recent annual census

The secondary schools listed below had fewer than 900 pupils on roll at the most recent annual census:

- Aureus School
- Carterton Community College
- Europa School UK (secondary phase)
- Futures Institute Banbury
- Gosford Hill School
- Greyfriars Catholic School
- Heyford Park School (secondary phase)
- Icknield Community College
- Langtree School
- Maiden Erlegh Chiltern Edge School
- St John's CofE Academy (secondary phase)
- UTC (University Technical College) Oxfordshire
- Whitelands Academy
- Wykham Park

Appendix 3 – Naming a school for Children We Care For (Looked After children) and children with an Education, Health and Care (EHC) Plan.

1. Requests for places for Children We Care For (Looked After children), and children with an EHC Plan **will not** be referred to the Panels.
2. In accordance with legal requirements, children who have an EHC Plan⁵ that names a school **must** be admitted to that school.
3. Oxfordshire County Council may direct own admission authority schools, including academies, to admit a child to a school by **naming the school** in the EHC Plan. This is the case even if the school concerned is in the administrative area of a different Local Authority. This is not part of the Protocol.
4. Proposals to place children with an EHC Plan at a school outside the normal admissions round will be the subject of a formal consultation with the relevant school. Following the consultation, if the responsible Local Authority decides a place is still required it will be made available by the school concerned. This is part of the EHC Plan process and any consultation is carried out by the relevant SEN Officer.
5. In the case of Children We Care For (Looked After children) for whom Oxfordshire County Council is responsible, the Virtual School will approach the Admissions Team to check the availability of school places and to establish the distance from the child's placement to local schools. The social worker will then contact the Virtual School for advice on the provision available at the schools being considered. After considering the advice received the social worker will complete an application form for a school place and submit the form to the Admissions Team. The Admissions Team will then write to the school to request a place. The school will then be expected to respond within 7 calendar days. This is not part of the Protocol.
6. Once a place has been offered to a Child We Care For (Looked After child and the place has been formally accepted (or the child is already on roll) it is open to the school concerned to raise issues such as requests for funding with the Virtual School.
7. If a Child We Care For (Looked After child) is refused a place by an own admission authority school as part of the normal in-year admission process the Local Authority will consider the reasons given by the school. If a place is still needed, the responsible senior officer of the Council's Admissions Team will carry out a formal consultation on the proposed admission. The formal consultation will last for 7 calendar days from the date of the letter opening the consultation. The Local Authority will then consider the response. If the relevant school is unwilling to offer a place the Local Authority may direct admission to an own admission authority maintained school (voluntary aided or foundation schools), or in the case of academies and free schools, it may request the Secretary of State to direct admission. This lies outside the Protocol.
8. The Local Authority is the admission authority for community and voluntary controlled schools. Therefore, for these schools, places would normally be made available for Children We Care For (Looked After children) through the in-year admissions process. Where difficulties arise, the Local Authority will formally consult with the school for a period of 7 calendar days. At the end of this period the Local Authority will then decide whether to place the child on the roll of the school. This also lies outside the Protocol.

⁵ An Education, Health and Care plan is a plan made by the local authority under Section 37 of the Children and Families Act 2014 specifying the special education provision required for that child.

Appendix 4 – Data Sharing Protocol to Support Fair Access Panel Meetings

Key Principles

1. The 2021 School Admissions Code requires all admission authorities of state-funded mainstream schools to participate in the Fair Access Protocol to ensure that vulnerable/unplaced children are allocated a school place quickly. The purpose of the Protocol is to ensure that, outside the normal admissions round, unplaced children, especially the most vulnerable, are found and offered a place quickly, so that the amount of time any child is out of school is kept to the minimum. The Panel meeting brings together key partners, stakeholders and providers to achieve this.
2. The Locality Panel may include representatives from the following:
 - Any Oxfordshire County Council agency; and
 - Thames Valley Police; and
 - Oxfordshire secondary schools; and
 - Alternative providers; and
 - Any other parties invited to engage in the Protocol.
3. This data sharing protocol seeks commitment to a framework to ensure secure and appropriate sharing of information and data by agencies operating within the locality-based inclusion Panels.
4. The analysis and evaluation of educational data is central to the Panel process and the responsible sharing of data and information provides the basis for involvement to ensure young people do not miss out on education.
5. The data to be provided by Oxfordshire County Council may include and relate to (but not necessarily be limited to):
 - Attainment; and
 - Attendance; and
 - Exclusions; and
 - SEN; and
 - Health; and
 - Behaviour/conduct
6. Data will be provided in various formats as agencies may use different recording databases but will only be shared with those members of the Panel who need the data to perform their professional duties.
7. All members of the Panel agree to share activities carried out by members of the Panel to ensure all young people have access to quality education provision; and to monitor the impact of the Panel.
8. All recipients of data shared under this protocol are required to use it in a professional manner, to promote:
 - Full-time education for all children; and
 - Mutual support; and
 - The improvement of outcomes for children and young adults.

9. This protocol expressly excludes the use of shared data to:
 - Discriminate against a child or establishment; and
 - Provide the data to any third party.
10. All data recipients are required to ensure the data they use, download, store or print is appropriately protected and in line with policy. This includes, where necessary, the encryption of data, its secure storage and disposal.
11. Breach of these protocols by any signatory will be investigated and future access may be denied.

Agreement: We the undersigned do hereby agree to implement the terms and conditions of this Protocol.

Organisation	Name	Signature

Determined

Paragraph 1.49 of the 2021 School Admissions Code requires Admission Authorities (and/or the Local Authority) to determine Admission Arrangements by 28 February each year regardless of whether a consultation has taken place.

Objections to these arrangements and rules can be made to the Office of the Schools Adjudicator by 15 May in the determination year.

www.gov.uk/guidance/schools-adjudicator-make-an-objection-appeal-or-referral#objections-to-and-referrals-about-determined-school-admission-arrangements

20/01/2025

Date



**Lisa Lyons, Director of Children's
Services**

Signature