

**Determined Fair Access
Protocol
for
Oxfordshire**

**Term 3
2019/20
and Terms
1 to 3
2020/21**

Introduction

1. The purpose of the Fair Access 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 time any child is out of school is kept to the minimum.
2. The School Admissions Code requires every local authority to have in place a Fair Access Protocol. The Fair Access Protocol for Oxfordshire applies to all state funded mainstream schools in Oxfordshire and is consistent with the requirements set out in paragraphs 3.9 to 3.15 of the Schools Admissions Code 2014, the non-statutory guidance published by the Department of Education in November 2012, the Education (Pupil Registration) (England) Regulations 2006 (as amended in 2016) and the School Standards and Framework Act 1998.
3. The Schools Admissions Code 2014 requires all admission authorities of state funded mainstream schools to participate in the Fair Access Protocol to ensure that unplaced children are allocated a school place quickly. There is no duty for local authorities or admission authorities to comply with parental preference when allocating places through the Fair Access Protocol.
4. The published guidance from the Department of Education 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.
5. When reviewing a request to direct admission to an academy, the Education and Skills Funding Agency will act on behalf of the Secretary of State to consider whether due process has been followed in applying the provisions of the Fair Access Protocol.

Principles

6. The Fair Access Protocol is binding on all state funded mainstream schools in Oxfordshire.
7. The arrangements regarding the admission of students above the published admission number only apply to mainstream state funded schools and not to establishments providing alternative provision or to special schools.

8. When making placements the Fair Access Panels will consider any special circumstances that may apply, including the need to avoid or minimise transport costs.
9. There is no duty to comply with parental preference when allocating places through the Protocol, but the wishes of a child's parents will be considered when making a placement decision.
10. When seeking to place a child under the Protocol, all schools will be treated in a fair, equitable and consistent manner.
11. The Fair Access 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.
12. The process cannot be used to circumvent the normal in-year admissions process and a parent can apply for a place as an in-year admission at any point and is entitled to appeal if a place cannot be made available.
13. 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.
14. 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.
15. The Fair Access 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.
16. The Fair Access Protocol will not be used to require a school to automatically admit another child with challenging behaviour in the place of a child excluded from that school.

Children covered by the Protocol

17. The Fair Access Protocol may be used for the placement of children who fall within the following categories if these pupils are not on a roll of a school and need a place:

- 1) children from the criminal justice system or Pupil Referral Units or alternative provider academy who need to be reintegrated into mainstream education;
- 2) children who have been out of education for two months or more;
- 3) children who have been electively home educated who require school placement because county admissions have been unable to identify a school that will admit them;
- 4) children of Gypsies, Roma, Travelers, refugees and asylum seekers;
- 5) children who are homeless;
- 6) children with unsupportive family backgrounds for whom a place has not been sought;
- 7) children who are carers;
- 8) children with special educational needs, disabilities or medical conditions
- 9) (but without an EHCP);
- 10) permanently excluded children;
- 11) children who have been permanently excluded, an independent review panel directs a governing body to reconsider the exclusion and the governing body decides not to reinstate the child;
- 12) those children whose parents have been unable to find them a place after moving to the area, because of a shortage of places;
- 13) those children who have been refused a place at a school because they are believed by the school concerned to be challenging. Challenging behaviour is defined as:
 - serious criminal behaviour resulting in a conviction or a police caution within the previous two years preceding the request for a school place; and/or,
 - behaviour resulting in a significant number of fixed term exclusions from which it is clear that the child is at serious risk of permanent exclusion within a period of at least one year preceding the request for a school place; and/or,
 - behaviour resulting in a permanent exclusion within the last two years preceding the request for a school place.

Children not covered by the Protocol

18. Different arrangements apply for the placement of looked after children, previously looked after children and children with an Education Health and Care Plan.

Monitoring of the Protocol

19. The Local Authority is responsible for the fair administration of this Protocol. The Local Authority will work with schools to ensure the Protocol is followed and to quality assure the process.
20. Exclusion and Reintegration Officers will monitor the placements under the Protocol ensuring children are placed on roll and start at the named school in a timely manner. They are also responsible for ensuring record keeping is accurate.
21. If a school refuses to accept the placement of children through the Fair Access Process, the Admissions and Transport Service Manager will seek to resolve such issues through contact and negotiation with the relevant school, service or panel.
22. Any issues regarding the application 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

23. Any changes will be reviewed by schools through a consultation. The annual review of the Protocol will take place for a period of at least 6 weeks between 1 October and 31 January. The proposed document for consultation will be found on the Oxfordshire County Council Consultation Portal.
24. The consultation will be highlighted in Schools News and at the In Year Fair Access Panel meetings.
25. The Admissions and Transport Services Manager will be responsible for undertaking the review, submitting the Protocol for approval to the Director of Children's Services and reporting the outcome to schools and councillors. The Protocol will be agreed by no later than 28th February 2020 and every year subsequently. The next annual review of the Protocol will take place for at least 6 weeks between 1st October 2020 and 31st January 2021.
26. 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, will form part of the admission arrangements for all state funded mainstream schools in Oxfordshire.

Membership of Fair Access Panels for the Secondary Sector

27. For secondary schools the Fair Access Protocol will be applied through Fair Access 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.
28. All state funded secondary schools will have a representative on the Fair Access Panel that serves the relevant secondary school's area. They are all voting members. All school representatives must be empowered to make decisions at the Panel meetings and be able offer places. There will be no voting by proxy.
29. In addition, each Panel will include members of the Local Authority. The Admissions and Transport Services Manager (or representative) and one Exclusion and Reintegration Officer will be part of each Fair Access panel .
30. A representative from alternative provision relating to pupils being discussed at the panel will be a non-voting member of the Fair Access Panel.
31. The Chair of each Fair Access Panel will be a representative of the Local Authority and this will normally be the Education Inclusion Manager and OXSIT Lead Consultant, Learner Engagement Service.
32. If the Local Authority is unable provide an officer to chair any Fair Access Panel, a temporary Chair will be elected for that meeting by the voting members of the Panel.
33. The following schools are represented on the North Fair Access Panel:
 - 1) Wykham Park
 - 2) Futures Institute Banbury (formerly Space Studio Banbury)
 - 3) The Bicester School
 - 4) Blessed George Napier School
 - 5) The Cooper School
 - 6) Heyford Park Free School
 - 7) North Oxfordshire Academy
 - 8) The Warriner School
 - 9) Bicester Technology Studio
 - 10) Whitelands Academy (from September 2020 onwards)
34. The following schools are represented on the West Fair Access Panel:
 - 1) Bartholomew School
 - 2) Burford School

- 3) Carterton Community College
- 4) Chipping Norton School
- 5) Henry Box School
- 6) The Marlborough School
- 7) Wood Green School

35. The following schools are represented on the Central Fair Access Panel:

- 1) Cheney School
- 2) Gosford Hill School
- 3) Matthew Arnold School
- 4) Oxford Spires Academy
- 5) The Cherwell School
- 6) The Oxford Academy
- 7) St Gregory the Great VA Catholic Secondary School
- 8) Wheatley Park School
- 9) The Swan School

36. The following schools are represented on the South Fair Access Panel:

- 1) Didcot Girls' School
- 2) Maiden Erlegh Chiltern Edge
- 3) Faringdon Community College
- 4) Fitzharrys School
- 5) Gillotts School
- 6) Icknield Community College
- 7) John Mason School
- 8) King Alfred's School
- 9) Langtree School
- 10) Larkmead School
- 11) Lord Williams' School
- 12) Wallingford School
- 13) St Birinus School
- 14) University Technical College Oxfordshire
- 15) Aureus School
- 16) Europa School UK

The County Primary Fair Access Panel

37. The County Primary Fair Access Panel is made up of the Admissions and Transport Services Manager, one Exclusions and Reintegration Officer and two primary head teachers and all four are voting members.
38. 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.
39. All those members of the County Primary Fair Access Panel will have the right to discuss each case and, if necessary, vote on a suitable placement.
40. The Chair of the County Primary Fair Access Panel is the Admissions and Transport Services Manager who will have the casting vote in the event of a tied decision.
41. The Panel will be quorate if the Admissions and Transport Services Manager, one Exclusion and Reintegration Officer and one headteacher are present.

Referrals to Fair Access Panels (primary and secondary sectors)

42. Referrals for consideration under the Protocol can be made by any state funded mainstream schools in Oxfordshire or by the Local Authority.
43. No referrals can be made by parents.
44. In any academic year, normally no more than 1 child per year group will be admitted through the Protocol above the Published Admission Number of any primary, infant, or junior school with a PAN of 25 or more. Schools with a PAN of less than 25 will normally only be expected to admit 1 child per year group every other year.
45. In any academic year those secondary schools with fewer than 900 pupils on roll in the May 2019 PLASC will not normally be expected to admit more than 2 above the Published Admission Number in each year group through the Protocol.
46. The following secondary and all through schools (for Years 7 to 13) had less than 900 pupils on roll in the May 2019 PLASC:
 - 1) Aureus School
 - 2) Bicester Technology Studio
 - 3) Carterton Community College
 - 4) Europa School UK
 - 5) Fitzharrys School

- 6) Futures Institute Banbury
 - 7) Heyford Park Free School
 - 8) Icknield Community College
 - 9) Langtree School
 - 10) Maiden Erlegh Chiltern Edge School
 - 11) University Technical College Oxfordshire
 - 12) Blessed George Napier Catholic School
 - 13) Gillotts School
 - 14) Gosford Hill School
 - 15) Larkmead School
 - 16) St Birinus School
 - 17) St Gregory the Great Catholic School
 - 18) Wykham Park Academy
47. Those secondary schools with 900 or more pupils on roll in the May 2019 PASC may be expected to admit, in any academic year, up to 3 above the Published Admission Number.
48. These figures are a guide to good practice are and not intended to be a rigid limit.

Dates of Meetings

49. Secondary Fair Access Panel meetings will be agreed by each Panel by 1st April 2020 with the intention of all meetings being on Tuesday mornings (different weeks in the month). Dates will be circulated by the Learner Engagement Service.
50. If dates are changed during the year, the published programme will be amended and reissued.
51. There are fewer permanent exclusions in the primary sector than in secondary schools and therefore meetings of the County Fair Access Panel will be set up as required by the Admissions and Transport Services Manager.

Information to be provided prior to a meeting of the Fair Access Panel for secondary pupils

52. Fair Access Panel referral forms should be sent to the Exclusions and Reintegration Officer following meetings/conversations within schools. The paperwork needs to be with the locality Exclusions and Reintegration Officer at least 6 working days before the meeting. See Appendix 2 "Terms of Reference for the Meeting".

53. Panel members need to read and sign the Information Sharing Protocol (see Appendix 2, Information Sharing Protocol).
54. There is no requirement to complete a referral form for those children who are without a school place unless the admission application form is not provided. These types of referral can only be made by the Local Authority.
55. All members of the Panel will be sent case details and a summary grid of pupils to be placed prior to the meeting of the Fair Access Panel. Paperwork will be sent to panel members at least 3 working days before the meeting.
56. The Exclusion and Reintegration Officers will hold information regarding individual school's vulnerable admissions and 'Ins' and 'outs' of pupils placed through this Fair Access Protocol. Updates will be recorded prior to the meeting and shared with panel members. This document will be available to panel members to inform decision making.
57. If schools accept a vulnerable pupil through the normal in-year admissions process they can formally request that the pupil is classed as a vulnerable admission by completing the relevant form and sending it to the Exclusion and Reintegration Officer. This pupil must meet the criteria set out in the Protocol for a Vulnerable Admission. The Exclusion and Reintegration Officer will update the vulnerable admissions 'Ins' and 'Outs' list.
58. The Exclusion and Reintegration Officer will also bring to each meeting a spreadsheet relating to the school context highlighting information about cohorts of pupils to inform the panel's decision making and voting about placement. Schools will be able to highlight cohorts of concern. This will be shared in the panel meeting to support decision making. Any updates to the data in the spreadsheet should be made to the Education Inclusion Officer before the deadline for the meeting.
59. If a child has been identified prior to the meeting as needing a school place the Fair Access Panel will be provided with information on the distance from the child's home to the each of the 5 nearest secondary schools.

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

60. Meetings of the County Primary Fair Access Panel are solely concerned with identifying school places for children.

61. Prior to any meeting the Admissions Team will identify the nearest 10 primary schools to the home address of each child to be placed. Each of these 10 schools are required to provide information on that school in order to enable the County Primary Fair Access Panel to make a considered decision regarding a suitable placement (please see Appendix 2).
62. Schools have 3 working in which to respond to a request for information.

Transport Costs

63. Possible placements that depend upon the provision of free transport will need to be cleared with the Admissions and Transport Services Manager prior to a referral being considered at the relevant Fair Access Panel.
64. No additional expenditure on taxi transport will be accepted without prior agreement by the Admissions and Transport Services Manager or his nominated representative

Considering placements of children of secondary age

65. The Fair Access Panel will consider previous admissions, group dynamics and transport implications before deciding a placement. They will consider advice from external agencies when appropriate (eg. Police, Health, Social Care).
66. 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. 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.
67. Whilst we operate 4 panels, all school representatives need to consider support for all pupils across Oxfordshire. At times this means pupils need to be considered at panel who are not from one of the schools in this area. 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 LA may direct a sending school to attend a different panel meeting to present a case. In very rare cases an extraordinary meeting maybe convened to address a particular issue in an area that affect schools across borders. This may be done through SKYPE if needed.

68. The Alternative provider will ensure that information about pupils informs decision making about the most appropriate placement.
69. Non-attendance at one or more meetings of the relevant Fair Access Panel will not preclude the school/schools concerned from being required to admit a pupil who needs to be placed under the Protocol.
70. If there is no school identified for a child by a panel, and there is still a need to place the child, the Admissions and Transport Services Manager will identify a suitable school. Having done this the Admissions and Transport Services Manager will notify that school of the need to admit the child and if the school refuses to admit the child he will then request a direction to admit from the Secretary of State or, in the case of a maintained school, direct admission.

Recording

71. The Learner Engagement Service is responsible for working with the clerk to ensure accurate minutes are taken at each Fair Access Panel for children of secondary school age.
72. The Admissions Team is responsible for recording the decisions of the Primary Fair Access Panel.
73. The LA is responsible for quality assurance of the paper work relating to the panel.
74. The chair of the meeting will work with the clerk to ensure paper work relating to that meeting is accurate and shared in a timely and safe manner.
75. 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 Fair Access Protocol in the area covered by each Fair Access Panel. 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.

Offers

76. After each meeting the Admissions Team will write to the relevant school/schools to confirm the agreement to offer a place under the Fair Access Protocol. This will normally be 2 days after the meeting.

76. Whenever possible, a prospective start date will be agreed at the meeting.
77. Schools must respond in writing within 7 calendar days.
78. 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 10 working days from the date the letter is sent out.
79. 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.
80. Parents have 7 calendar days to respond to the offer of a place. If parents fail 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. The Admissions Team will in these circumstances refer the case, as appropriate, to the Children Missing Education lead or the attendance team for further action.
78. Pupils placed 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. A school may agree an earlier start date with the parents once the parent has responded to the Admissions Team (if the placement has been accepted). If a 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 through the Fair Access process will be the school named on the School Attendance Order.
79. When a child is added to the school roll, they will automatically be added to the attendance register.
80. 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.

81. Children with attendance problems, or those for whom English is an additional language, will not, as a result of these attendance issues or language difficulties, be considered “challenging” under the Fair Access Protocol.
82. No child will be refused admission because that child has special educational needs since to do so would be unlawful.
83. In exceptional circumstances when a governing body receives a request for a place outside the normal admissions round and does not wish to admit the child with challenging behaviour, the case must be referred to the Admissions Team for action under the Fair Access Protocol. However, this will normally only be appropriate where the school can provide evidence that it has a particularly high proportion of children with challenging behaviour or previously excluded children.
84. In the case of secondary schools, the UTC and studio schools the evidence presented must be accepted by a majority of voting members at a meeting of the Fair Access Panel. Where the Fair Access Panel accepts that the child should not be admitted to a school under this provision it will arrange an alternative placement which will normally be in another mainstream school. However, no other school will be offered through the Protocol if the child concerned does not live within Oxfordshire.
86. If any of the Fair Access Panels (secondary phase) cease to meet, until this is resolved, the functions of the Panel will be undertaken by the Admissions and Transport Services Manager assisted by an Exclusion and Reintegration Officer.
87. If a place has been refused on 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 School Admissions Appeal Code.
88. Paragraph 3.12 of the School Admissions Code 2014 makes it clear that governing bodies cannot refuse to admit looked after children, previously looked after children and children with an Educational, Health and Care Plan naming the relevant school and refer the cases for consideration under the Fair Access Protocol. The School Admissions Code 2014 specifically states that children falling within these groups must be admitted.

Directions

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

89. Requesting the Secretary of State to direct an academy to admit a child will only occur when a local resolution cannot be found.
90. If the Secretary of State is asked to direct an academy to admit a child the request will be made by the Admissions and Transport Services Manager on behalf of the Local Authority.
91. The Education and Skills Funding Agency acts on behalf of the Secretary of State in considering whether due process has been followed in applying the provisions of the Fair Access Protocol.
92. In requesting a direction from the Secretary of State, the Local Authority will need to provide evidence that the provisions of the Fair Access 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.
93. When seeking a direction from the Secretary of State the Local Authority will use the template provided by the Education and Skills Funding Agency.
94. On receipt of a request to direct, the Education and Skills Funding Agency 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 Education and Skills Funding Agency can be expected to give an academy 7 calendar days to respond.
95. When the Secretary of State is asked to consider a direction, the non-statutory guidance makes it clear that he can be expected to make a decision on the basis of the papers provided, taking into account:
 - 1) whether the local Fair Access Protocol has been applied appropriately;
 - 2) the arguments advanced by the relevant academy and the Local Authority;
 - 3) whether the Local Authority has considered the arguments for refusal;
 - 4) the Local Authority's reasons for still considering the placement to be the appropriate;
 - 5) whether the establishment has been asked to accept a disproportionate number of children under the Fair Access Protocol compared to other local schools.

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

96. 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.
97. 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.
98. If the child concerned has been refused entry to, or permanently excluded from, every appropriate school within a suitable distance the Admissions and Transport Services Manager will then write to the school to inform the Governors and Head of the intention to direct admission.
99. The Governing body may appeal by referring the case to the Schools Adjudicator. The Governors have 15 calendar days within which to refer the case
100. If the Schools Adjudicator does not uphold the direction the Adjudicator may direct admission to an alternative school.
101. 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.

Community and Voluntary Controlled Schools

102. Oxfordshire County Council is the admission authority for community and voluntary controlled schools in Oxfordshire. Therefore, there is no direction process and if the 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.

Queries

103. Queries regarding the operation of the Protocol should be directed to the Admissions and Transport Services Manager at:

Admissions and Transport Services Manager
County Hall
New Road
Oxford OX1 1ND

Email: neil.darlington@oxfordshire.gov.uk

104. The non-statutory guidance on Fair Access Protocols can be obtained at:

<http://dfe.gov.uk/aboutdfe/advice/f00217650/fair-access-protocols-advice>

Appendix 1 Naming a school for looked after children, previously looked after children and children with an Education Health and Care Plan

Appendix 2 County Primary Fair Access Panel Proforma

Appendix 3 Data Sharing Protocol to Support Fair Access Panel Meetings

Looked after children, previously looked after children and children with an Education Health and Care Plan. Naming a school.

1. Requests for places for looked after children, previously looked after children and children with an Education Health and Care Plan **will not** be referred to the Fair Access Panels.
2. In accordance with legal requirements children who have an Education Health and Care Plan¹ that names a school **will 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 it** in the Education Health and Care 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 Fair Access process.
4. Similarly children who are looked after² by a local authority within the meaning of section 22 of the Children Act 1989 at the time of their application, and previously looked after children, **will always** be admitted.³ The term “previously looked after children” refers only to children who were looked after but ceased to be so because they were adopted (or became subject to a child arrangements order⁴ or special guardianship order⁵). **Placements of looked after and previously looked after children are not dealt with through the Fair Access process.**

¹ 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.

² A 'looked after child' is a child who is (a) in the care of a local authority, or (b) being provided with accommodation by a local authority in the exercise of their social services functions (see the definition in Section 22(1) of the Children Act 1989) at the time of making an application to a school.

³ This group includes children who were adopted under the Adoption Act 1976 (see section 12 adoption orders) and children who were adopted under the Adoption and Children Act 2002 (see section 46 adoption orders).

⁴ Under the provisions of s.14 of the Children and Families Act 2014, which amend section 8 of the Children Act 1989, residence orders have now been replaced by child arrangements orders.

⁵ Section 14A of the Children Act 1989 defines a 'special guardianship order' as an order appointing one or more individuals to be a child's special guardian (or special guardians).

5. Proposals to place children with an Education Health and Care 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 Education Health and Care Plan process and any consultation is carried out by the relevant SEN officer.
6. Looked after children and previously looked after children will be placed promptly through the in-year admission arrangements. If this is not possible, or when a school placement needs to be arranged as an emergency measure, a formal consultation will take place with the school identified as the best placement for the pupil. This will be done without reference to a Fair Access Panel.
7. In the case of 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 respond within 7 school days. This is not part of the Fair Access process.
8. Once a place has been offered to a looked after child, or previously 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.
9. If a looked after child, or previously 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 Admissions and Transport Services Manager 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 be request a direction from the Education and Skills Funding Agency (which in these matters acts on behalf of the Secretary of State). This lies outside the Fair Access process.

10. The Local Authority is the admission authority for community and voluntary controlled schools. Therefore, for these schools, places would normally be made available for looked after or previously 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 Fair Access process.

County Primary Fair Access Panel Proforma

This form is for completion by identified schools prior to a meeting the County Primary Fair Access Panel. The information will be used to identify the most appropriate placement of a hard to place child. Information on the 10 nearest schools, as well as the reason for the referral, will also be made available to the to the Panel.

Table 1. Place Availability

	Spaces	PAN
Reception		
Year 1		
Year 2		
Year 3		
Year 4		
Year 5		
Year 6		

Table 2. School Organisation

Class	R	Yr 1	Yr 2	Yr 3	Yr 4	Yr 5	Yr 6	Total
A								
B								
C								
D								
E								
F								
G								
TOTAL								

Table 3. Special Educational Needs by Year group

Year Group	SEN Support	EHC Plan and need	Total SEN
Rec			
1			
2			
3			
4			
5			
6			

TOTAL			
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Please indicate the main presenting needs of those with EHCPs in the relevant year group

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Table 4. EAL Numbers

Year Group	Number of children on roll	Number of children identified as EAL	Percentage of children identified as EAL
Rec			
1			
2			
3			
4			
5			
6			
TOTAL			

Please state the current OFSTED rating and add any specific comments from the Ofsted report relating to behaviour management.

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Table 5. Previous IYFAP Placements within your school

	Date	Notes
Reception		
Year 1		
Year 2		
Year 3		
Year 4		
Year 5		

Year 6		
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Please explain what difficulties may be caused to the school/year group/class if another child were to be admitted to the relevant year group.

Name of the person completing the report _____

Position held within the school _____

Date of completion of the report _____

Data Sharing Protocol to Support Fair Access Panel Meetings

Key principles

1. The Schools Admissions Code 2014 requires all admission authorities of state funded mainstream schools to participate in the Fair Access Protocol to ensure that unplaced children are allocated a school place quickly. The purpose of the Fair Access 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 Fair Access panels will report, as necessary, to a more strategic group (Learner Engagement Board tbc) to identify themes or issues that cause barriers to education provision.
3. The IYFAP panel may include representatives from the following:
 - Any Oxfordshire County Council agency
 - Thames Valley Police
 - Oxfordshire Secondary Schools
 - Alternative Providers
 - And any parties that are invited to engage in the In Year Fair Access Protocol
4. This data sharing protocol seeks commitment to a framework to ensure secure and appropriate sharing of information and data by agencies operating within the IYFAP panels.
5. The analysis and evaluation of educational data is central to the IYFAP 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.
6. The data to be provided by Oxfordshire County Council may include and relate to (but not necessarily be limited to):
 - 1) Attainment
 - 2) Attendance
 - 3) Exclusions
 - 4) SEN
 - 5) Health
 - 6) Behaviour/conduct

7. Data will be provided in various formats as agencies may use different recording databases, but will only be shared with those members of the IYFAP panel who need the data to perform their professional duties.
8. All members of the IYFAP panel agree to share activities carried out by members of the IYFAP panel to ensure all young people have access to a quality education provision; and to monitor the impact of the panel.
9. All recipients of data shared under this protocol are required to use it in a professional manner, to promote:
 - 1) Full-time education for all children
 - 2) Mutual support
 - 3) The improvement of outcomes for children and young adults
10. This protocol expressly excludes the use of shared data to:
 - 1) Discriminate against a child or establishment
 - 2) Provide the data to any third party
11. 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.
12. 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