



# Fair Access Policy – 2025-26

Children and Young People's Service (2025 – 2026) ( reviewed in June 2025)

## Purpose of Protocol

The purpose of the Fair Access Protocol (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 absolute minimum.

The Protocol reflects the Department for Education (DfE) Guidance “Fair Access Protocols” (August 2021) [Fair access protocols \(publishing.service.gov.uk\)](https://www.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/97422/fair-access-protocols-august-2021.pdf) The Protocol sets out some principles to clarify the expectations on all parties to ensure it can operate effectively. It is aimed at both admission authorities and schools and adheres fully to the School Admissions Code (September 2021) [School admissions code 2021 \(publishing.service.gov.uk\)](https://www.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/97422/school-admissions-code-2021.pdf) in particular paragraphs 3.14 to 3.22 that **requires** the Local Authority (LA) and **all** admission authorities within its administrative boundaries to adhere to a Fair Access Protocol (the Protocol).

This policy also gives regard to the Elective Home Education guidance for Local Authorities and the guidance for parents (April 2019) and also the Children Missing Education statutory guidance (August 2024).

The process may be triggered when a parent of an eligible child or young person has not secured a school place through in-year admission procedures, where a child has been permanently excluded or where an electively home educated pupil is found not to be in receipt of a suitable education.

The Protocol sets out the expectations on the LA and **all** schools to work together swiftly to identify a school place for those children where there is difficulty in finding one who do not already have a school place.

This updated version of the Protocol, developed in partnership with Heads and Principals to ensure that outside the normal admissions rounds, unplaced children and young people, especially the most vulnerable, are offered a place at a suitable local school as quickly as possible. This will be done in a fair and transparent manner and is a process agreed by schools in Stockton. **All schools** (including Academies and Free Schools) must participate, as the Protocol is legally binding on all schools.

In most instances this protocol will be applied to children of secondary school age. It remains relevant for children of primary school age however the numbers of primary aged pupils who meet the requirements of this protocol are expected to be few. However, schools will be expected to continue to admit pupils who apply for an available place, under normal admission arrangements.

## Principles

The Protocol should **not** be used to circumvent the normal in-year admissions process. A parent can apply for a place as an in-year admission at any point and is still entitled to an appeal when a place is not offered even when placed through the Protocol.

Panels will be held regularly to ensure that eligible children and young people secure a school placement as swiftly as possible and at least within the timescales detailed in **Appendix 1**. Schools **must** respond immediately to Panel requests for admission so that the admission of the pupil is not delayed

The Protocol will ensure that no one school, Academy/Free School - including those with available places – is asked to take a disproportionate number of children or young people who have been excluded from other schools, or who have challenging behaviour.

Schools **must not** insist on an appeal hearing being heard before admitting a child or young person.

All Heads & Principals should abide by the decisions and are bound by the provisions of the Protocol, **with no exceptions**. The Panel decisions will be communicated by the Chair.

An application to direct an Academy from the Secretary of State should only be requested as a last resort.

### Stage 1 Assessing Eligibility

It is the expectation that **most** children and young people who are eligible will come to the attention of the Admissions & Transfers team through 'In-year application for a school place or a change of school place' form.

In some instances, pupils may be referred by the Locality Team where a pupil who was electively home educated is no longer in receipt of suitable education. In these circumstances, parents are strongly encouraged to follow the In Year Transfer process.

*These requests will be triaged by the admissions team at the point of contact to identify the following*

- Any safeguarding or welfare concerns
- If the child has an EHCP (therefore placement would be made via the SEND and AP service)
- Whether the child would meet the Fair Access Protocols should a place not be available through In Year Transfer process (not including on time out of education criteria)

The admissions team will contact the parent to explain both the Fair Access process and also the admissions appeal process to ensure the parent understands the process in both routes.

Once it is agreed that a pupil is eligible for admission through Fair Access, parents are informed in writing as to the reasons their child meets the criteria for Fair Access.

Where a pupil who was electively home educated, is no longer in receipt of suitable education and is deemed eligible for the protocol, the Locality team will liaise with the parent.

### The Scope of the Protocol

In line with the School Admission Code 2021 (September 2021) the following categories of children should be considered within the scope of this Protocol, who are of compulsory school age who have difficulty securing a school place:

- children either subject to a **Child in Need Plan or a Child Protection Plan** at the point of being referred to the Protocol or having had a **Child in Need Plan or Child Protection Plan within the last 12 months** at the point of being referred to the Protocol;
- children living in a **refuge or in relevant accommodation** at the point of being referred to the Protocol;
- children in **formal kinship care arrangements**;
- children **previously looked after** where the Local Authority has been unable to promptly secure a place;
- children from the **criminal justice system**;
- children in **Alternative Provision** who need to be reintegrated into mainstream education or have been **permanently excluded** but are deemed suitable for **mainstream** education;
- children with **special educational needs (\*1)** (but **without an Education, Health and Care plan**), disabilities or medical conditions;

- children who are **carers**;
- children who are **homeless**;
- children of, or who are, **Gypsies, Roma, Travellers, refugees and asylum seekers**;
- children who have been **refused a school place on the grounds of their challenging behaviour (\*2) and referred to the Protocol in accordance with paragraph 3.10 of the Code**;
- children for whom a **place has not been sought due to exceptional circumstances (\*3)**
- children who have been out of education for **four or more weeks where it can be demonstrated that there are no places available at any school within a reasonable distance of their home. This does not include circumstances where a suitable (\*4) place has been offered to a child and this has not been accepted.**

\*1 – it is not acceptable in law to refuse a school place through the in-year transfer process due to a child having SEN, being disabled or having a medical condition. The Children and Families Act 2014 places a duty on maintained schools and academies to make arrangements to support pupils with medical conditions. All schools have duties under the Equality Act 2010 towards individual disabled children and young people. All schools and academies are expected to make reasonable adjustments to meet a child's needs.

\*2 – *challenging behaviour* (whilst having due regard to \*1) will, in Stockton refer to children who have had a previous PEX, multiple suspensions over a prolonged period (more than 2 terms) despite multi agency support and intervention from current school, periods of involvement with AP (such as the PRU/PDC), more than one period of direction off site that has been unsuccessful.

\*3 - *exceptional circumstances* in Stockton relates to extreme circumstances that have affected the family that were unforeseen (could not have been planned). To meet this criterion at the point of triage it will be agreed by the LA and at least 2 Headteachers (Primary for a Secondary, and vice versa) to avoid bias.

\*4 – a suitable school is one where the education or training provided is suitable having regard to the age, ability and aptitudes of the learner

This provision will **not** apply to children and young people who:

- Are a Looked After Child, either in Stockton or other LA;
- Are adopted; or became subject to a child arrangement order or special guardianship order;
- Have an Education Health & Care Plan (EHCP) naming the school in question.

As the law requires that children and young people in any or all of these categories **must** be admitted.

The LA has a duty to ensure sufficient school places for all children in its area. Where this is not the case and whilst the LA is actively engaged in correcting the situation, a small number of children and young people who have been refused admission to all schools after moving to the area because the schools are up to their Published Admission Number may have to be referred to Panel.

### **Stage 2 Designating an appropriate school**

A decision must be made and a placement secured for any child or young person considered to meet Fair Access status by the relevant LA Officer, and whose case is presented. Fair Access Passports will be created for every pupil who is placed through this process (see appendix 2).

Schools must work together to ensure a fair distribution of 'hard to place' children and young people in each school. Responsibility is shared equally amongst admission authorities to ensure a place is allocated. These children and

young people should be given priority for admission over others on a waiting list or awaiting an appeal. In Stockton it has been agreed through consultation with schools and the LA that there will be a 'Fair Access priority list' which takes into account the number of Fair Access admissions a school has taken which will ensure that the process is fair and equitable. (See flow chart in appendix 1)

### **Stage 3 Fair Access pupil reintegration procedure**

Once the LA Officers have identified a school and decisions on a placement made, the school admissions team/Locality team will send a formal notification to the school and the decision will be communicated in writing to the parent / carer. Admission should then be without delay. Schools **must** then contact the parent to arrange admission and notify the LA of the admissions date which should be within 5 working days of the notification.

### **Stage 4 Dispute Resolution**

In the event a decision has been taken and the named school refuses access, they will be expected to provide a **written response** to requests to admit a child under the Protocol within **seven** calendar days. For those schools still maintained by the LA, we will inform the Governing Body of the school of its intention to direct – this will be escalated to the Assistant Director for Education. All schools **must** state reasons why they do not accept the Fair Access decision in writing to the Assistant Director for Education within **five days**. If no agreement can be made with the school, then the LA will inform school of its intention to direct by the Director of Children's Services. The governing body of the school can appeal by referring the case to the Schools Adjudicator within **fifteen** calendar days of the LA's decision to direct. Similarly, it is expected that an Academy will also agree a starting date for the child or set out its reasons for refusal in writing to the LA within **seven** calendar days. If an Academy has not agreed a start date for the child, the Panel will also refer to the Assistant Director for Education to resolve in the first instance. If no agreement can be made then the LA will inform the Academy Trust that it plans to apply for a direction from the Secretary of State via the Education Funding Agency who acts on their behalf.

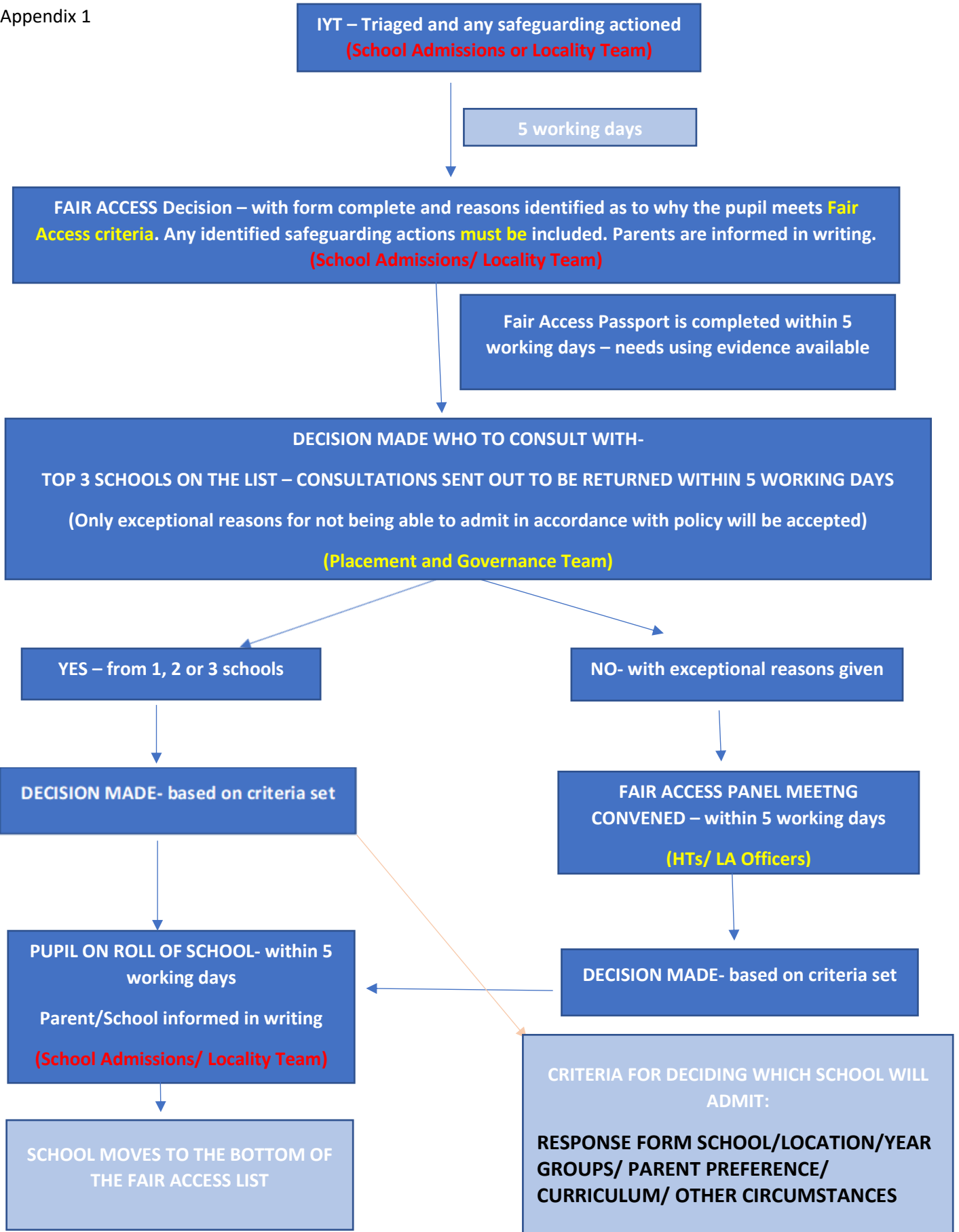
### **Placement of pupils across borders through the Fair Access protocol**

Stockton-on- Tees is committed to work in partnership with other Local Authorities who border the borough. Following consultation with neighbouring Local Authorities it is agreed that Stockton on Tees will not consult to place CYP through Fair Access protocols in other Local Authority schools.

### **Review of the Protocol**

The Protocol will be reviewed annually and if necessary, revised and will be redistributed to schools.

Appendix 1



Appendix 2



# Pupil Passport

Please note the information in this form aims to provide a holistic view of the pupil based on the information received and sought from the previous school and/or family

PUPIL INFORMATION			
Legal surname		Legal forename/s	
Preferred surname		Preferred forename	
Address		Postcode	
Date of Birth		Gender	
Ethnicity		Religion	
First Language		NC Year Group	
UPN		ULN	
SEN (K/EHCP-Need)		Pupil premium	
Fair Access Criteria <i>(based on National Criteria)</i>		Medical Information (if necessary)	

PARENT/CARER DETAILS			
Parent/carer		Relationship to pupil	

School History <i>(including whether in or out of Borough)</i>	Dates	Reason for leaving	Date last seen in the most recent school setting
1.			
2.			
3.			



<b>OVERVIEW OF PUPIL</b>	
<p><b>Sources of information which have informed this overview:</b>  <i>(Please note that if the pupil has come from a placement outside of Stockton or has not received education for a prolonged period of time, the information in this section may be limited)</i></p> <ul style="list-style-type: none"> <li>•</li> <li>•</li> <li>•</li> </ul>	
<p><b>Local Authority Chronology</b> <i>(to include key events which would be useful for the new school to know – to the best of our knowledge):</i></p>	<p><b>School Chronology</b> <i>(to include key events which would be useful for the new school to know – to the best of our knowledge):</i></p>
<ul style="list-style-type: none"> <li>•</li> <li>•</li> <li>•</li> </ul>	<ul style="list-style-type: none"> <li>•</li> <li>•</li> <li>•</li> </ul>
<p><b>Things ***** is good at:</b></p>	<p><b>Things ***** needs support with:</b></p>
<p><b>*****'s achievements so far:</b></p>	<p><b>Other things to know about ***** are:</b></p>
<p><b>*****'s aspirations for the future are:</b></p>	<p><b>*****'s academic attainment so far:</b></p>

**Support given to \*\*\*\*\* at your school – (to include reasonable adjustments and interventions)**



	<b>Support given/ Reasonable adjustments</b>	<b>Impact of support</b>
School Based Support/ Reasonable Adjustments/ Interventions		

<b>EXTERNAL AGENCIES WHO HAVE GIVEN ***** SUPPORT OR WHO WILL BE ABLE TO SUPPORT AT YOUR SCHOOL</b>			
<b>Agency</b>	<b>Support offered/ accessed/ declined</b> <i>(Please include what support was accepted and accessed and also what support may have been offered but was declined either by the pupil and/or the parent)</i>	<b>Impact of support</b>	<b>Additional Support that will be delivered</b>
<b>TASS</b>			
<b>SEND Service</b>			
<b>Locality Team</b>			
<b>AP and SEMH Team</b>			
<b>Virtual School</b>			
<b>Education Improvement Service</b>			
<b>Educational Psychology Service (either LA or independent)</b>			
<b>Adolescent Service</b>			
<b>Family Hubs</b>			



<b>Family Support Team</b>			
<b>Family Group Conferencing</b>			
<b>Family Action</b>			
<b>Children's Social care</b>			
<b>Targeted Youth Support</b>			
<b>Youth Justice</b>			
<b>CHUB</b>			
<b>Careers Service</b>			
<b>CAMHS</b>			
<b>Speech and language therapist</b>			
<b>GP/ Specialist doctor</b>			
<b>Other (please state) eg 3<sup>rd</sup> sector support</b>			



**FAIR ACCESS**  
**Placement Consultation Response Form**

Details of the Child / Young Person:	
<b>Name:</b>	
<b>DOB:</b>	
<b>School consulted</b>	

Tick	Offer of a placement (Please indicate as applicable)
<input type="checkbox"/>	<b>I have no objections</b> and are willing to offer a place to this pupil under the Fair Access Protocol.
<input type="checkbox"/>	<b>I have objections</b> and we are unable to offer a place to this pupil for one of the following reasons (please tick one and provide details):
<input type="checkbox"/>	<p><b><u>Exceptional Reasons</u></b></p> <p>Please provide further details of the exceptional reason you are unable to offer a place to this pupil:</p>
<input type="checkbox"/>	<p><b><u>Other Concerns</u></b></p> <p>Please provide further details of any other reasons why you are unable to offer a place to this pupil:</p>



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Details of person responding to request:	
Name:	
Position:	
Contact Details:	
Signed:	
Date:	

Please return this form within 5 calendar days of receipt to [schoolconsultations@stockton.gov.uk](mailto:schoolconsultations@stockton.gov.uk)

