Boroughbridge High School and King James's School Federation

Fair Access Protocol

September 2026

Last reviewed by NYC	September 2026
Reviewed by Governors	September 2026
Ratified by Governors	September 2026
Next Policy review due	September 2027
Staff Lead	Headteacher

Significant Revisions since last review:

NYCC September 2026 Updates adopted

This Protocol should be read alongside the School Admissions Code 2021; Fair Access Protocols: Guidance for school leaders, admission authorities and local authorities August 2021; School Standards and Framework Act 1998; and Equality Act 2010.

Purpose

North Yorkshire Council and all schools and academies in North Yorkshire are committed to inclusive education, this Fair Access Protocol (known as the Protocol), sets out how those most vulnerable and hard-to-place pupils will be supported.

All schools, including those who are their own admissions authority agree to admit hard-to-place pupils in line with the Protocol. The Protocol will ensure that school places for maintained schools and academies are allocated and offered in a timely, open and fair way. Outside the normal admissions round, unplaced children must be offered a place at a suitable school as quickly as possible. It is recognised that this action will have a significant impact on both future attendance and achievement.

Eligibility for the Protocol does not limit a parent's right to make an in-year application to any school for their child. A parent can apply for a place for their child at any school at any time. All applications must be processed by the relevant admission authority (as set out in paragraphs 2.23-2.31 of the School Admissions Code, 2021). When applications are made outside the normal admissions round, they are classed as in-year applications. Admission authorities must not refuse to admit such children on the basis that they may be eligible to be placed via the Protocol. The parent will continue to have the right of appeal for any place they have been refused, even if the child has been offered a school place via the Protocol. Where it can be demonstrated that reasonable measures have been taken to secure a school place through the usual in-year admissions process and this has not been successful, or where a school place has not been sought due to exceptional circumstances, a child may be eligible for referral to the Protocol.

North Yorkshire Council online in-year admission application form contains questions to help identify potentially vulnerable children. The application will still be processed in accordance with our usual in year process. The purpose of the questions is to help ensure access to education is secured quickly and where a school place has not been offered promptly, a referral can be made to the Protocol.

Aims of the Protocol

The Protocol is designed to:

1. Acknowledge the real need of vulnerable young people, who aren't on the roll of any school or academy to be dealt with quickly, sympathetically and in a personalised way
2. Reduce the amount of time that 'hard to place' pupils spend out of education
3. Ensure that no school including those with available places, is asked to take a disproportionate number of children who are eligible under the Protocol
4. Ensure that there is a supportive reintegration process for pupils who are eligible under the Protocol
5. Be fair and transparent, and have the confidence of all schools and academies

Children and young people eligible to be considered under the Protocol

The Protocol may only be used to place the following groups of vulnerable and/or hard-to-place children, where they are having difficulty in securing a school place in-year, and it can be demonstrated that reasonable measures have been taken to secure a place through the usual in-year admission procedures:

- children either subject to a Child in Need Plan or a Child Protection Plan or having had a Child in Need Plan or a Child Protection Plan within 12 months at the point of being referred to the Protocol;
- children living in a refuge or in other Relevant Accommodation at the point of being referred to the Protocol;

- children from the criminal justice system;
- children in alternative provision who need to be reintegrated into mainstream education or who have been permanently excluded but are deemed suitable for mainstream education;
- children with special educational needs (but without an Education, Health and Care plan), disabilities or medical conditions;
- children who are carers;
- children who are homeless;
- children in formal kinship care arrangements;
- 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 and referred to the Protocol in accordance with paragraph 3.10 of the Schools Admissions Code 2021;
- children for whom a place has not been sought due to exceptional circumstances;
- children who have been out of education for four or more weeks where it can be demonstrated that there are no places available at any school within a reasonable distance of their home. This does not include circumstances where a suitable place has been offered to a child and this has not been accepted; and
- previously looked after children for whom the local authority has been unable to promptly secure a school place.

Locally agreed categories

- Children that have been missing from education (CME)

It is important to emphasise that the admission of children in care or children with an EHCP **is not** covered by the Protocol, instead local authorities are required to ensure these children are admitted to the most appropriate school or academy quickly, using powers of direction, if necessary, where they are not the admission authority. In most cases the use of the Protocol should be unnecessary for a previously looked after child. Where a place is sought through normal in year admission the expectation is for admission authorities to co-operate with a request for a place.

Background

All admission authorities **must** participate in the Protocol. Participation includes making available a representative who is authorised to participate in discussions, make decisions on placing children via the Protocol, and admitting pupils when asked to do so in accordance with the Protocol, even when the school is full.

The admission code allows for pupils to be admitted under this Protocol, and this overrides usual admission arrangements even when:

1. The school has reached or exceeded its admission number in the relevant year group creating additional places in schools that are full.
2. There is a waiting list for the year group in question

Eligible students will be referred via Admissions, the Pupil Referral Service or ROOSE and the details put on the North Yorkshire Alternative Provision Panel (NYAPP) agenda for discussion and allocation.

The Protocol will also ensure that no school or academy, including those with available places, is asked to take a disproportionate number of children and young people who have been excluded from other schools or academies or who have challenging behaviour.

There is a collective responsibility to ensure the safeguarding of all young people, and we must work together to protect them and act in their best interests. Where it has been agreed that a child will be considered under the Protocol, a school place **must** be allocated for that child **within 20 school days**. Once they have been allocated a school place via the Protocol, arrangements should be made for the child to start at the school as soon as possible

Principles for both Primary and Secondary Schools

The operation of the Protocol is triggered when a child is identified as hard to place through the information received, or an eligible child has not secured a school place under in-year admission arrangements. Children and young people will only be referred to the Protocol who have been identified as eligible based on the information received by the admissions team or where a child has been refused entry through the normal admissions process. Any refusal under the normal admissions process must include a full explanation of why the young person cannot be admitted with regard to the prejudice of efficient education and efficient use of resources.

In order for the Protocol to be successful, all schools and academies must participate (including those that are their own admissions authority) as dictated within the Schools Admissions Code 2021

- Schools and academies must not advise parents to seek a 'fresh start' at an alternative school through the normal admissions process
- Schools and academies must not to advise parents to remove their child from school and find another school
- Schools should actively discourage parents from opting for elective home education, particularly where this is likely to be unsuccessful or when there are safeguarding concerns
- Schools and academies must continue to admit pupils who apply for an available place under normal admission arrangements
- When a school has been identified for a pupil under this Protocol, the transition planning must commence immediately and the receiving school must notify Admissions of the date the student will be placed on roll.

Each child/young person that is referred to a Fair Access Protocol Panel (FAPP) will be discussed individually, and the decision will be made as to what the panel determine is in the child's best interests taking the facts of each case and parental preference into consideration. Although there is no duty for local authorities or admission authorities to comply with parental preference when allocating a place through the Protocol, parent's views must be considered.

It is expected that all parties will act with a sense of urgency to identify a school place for any child who has had difficulty securing one or who falls under the Protocol. Every effort must be made to keep the time out of education to a minimum. Schools agree not to advise parents to:

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

Secondary School Fair Access Protocol Arrangements

The Secondary School Protocol will be administered through the North Yorkshire Alternative Provision Panels (NYAPPs). These are held across the Locality Inclusion Hub areas every three weeks during term time.

Fair Access Protocol Panel Membership

Core membership

- Two LA officers, eg:

  - LA Admissions Officer
  - Locality Inclusion Lead

- The Head teachers or one representative of the preferred school/academy plus other local schools as well as the current school. All locality schools invited to the meeting will attend and, if the headteacher is unavailable, a representative of these schools who has delegated authority will attend. One representative from each school is required however academy trusts may decide to send one representative for all the schools in their trust.
- Headteacher of the local Pupil Referral Service/ROOSE (in the case of Secondary)

Membership by invite
It may be appropriate that additional LA officers are invited, along with outside agencies, when they have information that could contribute or assist the decision making process. These may include:

- Elective Home Education officers
- Inclusion hub staff
- Social worker or Early Help worker
- Youth offending team representative
- Virtual school

Allocations will be made to schools, regardless of whether they contribute to the meeting, if appropriate and agreed offers made on the day will be binding unless exceptional circumstances or a safeguarding issue comes to light.

The Local Authority will maintain a record of decisions, and reasons for them made by either the secondary or primary FAPP meetings. Clerks of the FAPPs and the Local Authority should all keep a record of the outcomes of the meetings to avoid any disputes and attending members should advise of any issues within five school days of distribution.

In the event that the majority of schools in an area can no longer support the principles and approach of their local Fair Access Protocol, they should initiate a review with the local authority. Any concerns should be sent via email to the Lead for Admissions however, the existing Protocol remains binding on all schools up until the point at which a new one is adopted.

The LA will evaluate the efficacy of the Protocol at the end of each school year and any comments received will be incorporated into that review. Should there be a requirement for change, communication will be sent to all schools requesting full engagement.

Other Considerations

Wherever possible, pupils with a religious affiliation should be matched to a suitable school. If the school with a religious affiliation has already taken pupils under the Protocol in that year group, then the pupil may be offered a place at a different school that doesn't have the religious affiliation.

Admission Authorities must not refuse to admit a child thought to be potentially disruptive, or likely to exhibit challenging behaviour, on the grounds that the child is first to be assessed for special educational needs.

For a Secondary pupil to be placed at a North Yorkshire Grammar School in line with the Protocol criteria, he or she must also meet the academic criteria for that school. It should be noted that designated Grammar schools are permitted under the Education (Grammar School Designation) Order 1998 to select their intake on the basis. It would be appropriate to expect a short delay in the process to enable a child to access the appropriate selective test.

Twice excluded rule and challenging behaviour

As in the normal admissions round, where a school receives an in-year application for a year group that is a normal point of entry (i.e. reception or year 7), they must not refuse to admit the child on the basis of their behaviour, unless the child has been permanently excluded from 2 or more schools, with the most recent exclusion being within the previous 2 years.

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 (but they have not met the threshold for the twice excluded rule), it may refuse admission and refer the child to the FAP. This will be done via representations back to the Admissions Team. 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.

The twice excluded rule does not apply to the following children:

- children who were below compulsory school age at the time of the exclusion;
- children who have been reinstated following a permanent exclusion (or would have been reinstated had it been practicable to do so);
- children whose permanent exclusion has been considered by a review panel, and the panel has decided to quash a decision not to reinstate them following the exclusion;
- and children with education, health and care plans naming the school.

What is challenging behaviour?

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 or other pupils' education or jeopardise the right of staff and pupils to a safe and orderly environment. The following reasons on their own should not be grounds for considering that a child may display challenging behaviour:

- poor attendance elsewhere;
- a defined number of suspensions, without consideration of the grounds on which they were made;
- special educational needs; or
- having a disability.

All schools have a duty to make reasonable adjustments for students with disabilities. Schools should be aware that a child who displays challenging behaviour may do so as a result of their disability or any unmet needs. Schools must therefore consider whether any reasonable adjustments can be put in place to support the needs of a particular child when considering whether admission should be refused on these grounds. The impact and effectiveness of these adjustments must also be considered in managing presenting behaviours. For example, where a school would have to provide teaching assistant support and put in place an agreed behaviour plan for a pupil with autism, the impact of these arrangements must be factored into a decision over whether the child's behaviour would meet the criteria to be considered challenging.

Permanently excluded pupils

The reintegration of permanently excluded secondary pupils will be overseen by the North Yorkshire Alternative Provision Panel's (NYAPP).

The headteacher from the Pupil Referral Unit (in the case of secondary pupils) and the nominated LA officer (in the case of primary school pupils) will place pupils on the agenda for the FAPP when a pupil requires reintegration back into mainstream education.

Decision Making

The FAPP will review the case and a school will be identified at this meeting, in considering the most appropriate school placement for a pupil, the FAPP will take account of the following:

- Pupils previously admitted under this Protocol to ensure that there is an equitable distribution of vulnerable pupils between schools which is proportionate to each school roll number
- Parental preference will be considered, although there is no duty for local authorities or admission authorities to comply with parental preference when allocating places through the Protocol.
- Pupil information received will be collated by the LA and considered by the panel to identify the most appropriate school place for the pupil
- Whether the pupil has connections with any other NYC school or pupils in the local area which are likely to jeopardise the success of any new placement
- A strong aversion by the family to the religious ethos of the school (where applicable)
- Where a school has a particularly difficult year group and is engaging in support from outside agencies to support
- Ability of the pupil to travel to alternative schools, taking into account any specific family circumstances

If the panel can't reach agreement regarding the placement of a pupil, the local authority will take the above points into account and name a school which will then be required to admit the pupil under the Protocol via an instruction letter. The Local Authority will consider the following when making this decision.

- FAP cases already received across the school and within the year group
- LAC pupil numbers across the school and within the year group
- % SEN across the school and within the year group
- Curriculum offer
- The wishes of the young person and parental preference

Failure to comply with the instruction will result in the escalation process being followed (appendix 1).

Post Meeting Actions and Responsibilities

The Local Authority will maintain a record of decisions, and reasons for them made by either the secondary or primary FAPP. Clerks of the FAPPs and the Local Authority will keep a record of the outcomes of the meetings to avoid any disputes and attending members should advise of any issues within five school days of distribution of the minutes.

All schools, including Academies, are expected to respond to requests by the FAPP to admit a child with the aim of securing a place at a suitable school or academy as soon as possible. A school place must be allocated no later than 20 days of the agreement that a pupil is considered under the Protocol.

The school/academy nominated by a Panel will be accountable for the young person once a school place has been agreed at the meeting.

In all cases the decision made by the FAPP will be relayed in writing by the admissions team to the parent/carer of the young person and the school/academy will contact the family to facilitate the admission.

Where a child/young person is to be offered a school/academy, the school/academy must meet with their parent/carer and start the admission process **no later than 10 school days** after the placement meeting.

The Admissions team will inform parents of the progress of their case until an offer of a school place has been agreed. It is then the responsibility of the educational provider to liaise with the parent/carer and agree a start date.

The information received by admissions from the FAPPs will form an annual report on Fair Access admissions. The completed report will be shared with each FAPP and will form the basis of the annual report to the Office of the Schools Adjudicator (OSA) which is a statutory requirement on the Local Authority.

Local Authority Instruction

If a FAPP does not make an offer of a school place, the Local Authority will identify a school/academy to admit the young person taking into consideration the number of young people already accepted by each school under the Protocol and the accessibility of the school/academy for the young person. Consideration can also be given to any other personal circumstances of the young person.

The allocated school/academy may not always be within the locality within which the young person lives.

The admissions code 2021 is clear that the decision of the FAPP 'must' be complied with however, if a school/academy refuses to agree to comply with the decision of the Panel and subsequent instruction from the Local Authority they must put their reasons in writing back to the Local Authority within 7 calendar days. The Local Authority will then consider the reasons given and decide whether or not to issue a direction (community schools) or in the case of Academies refer the matter to the Education Skills Funding Agency (ESFA) using the processes in place to seek a direction.

Transport

Transport provision will comply with NYC Home to School Transport Policy.

Related Documents

School admissions code 2021
https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/1001050/School_admissions_code_2021.pdf

Fair access protocols: advice for local authorities and school admission authorities
https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/1012993/FAP_Guidance.pdf

Appendix 1 – Placement Escalation

Process

Stage One

Instruction letter issued by a relevant Local Authority Officer

Stage Two

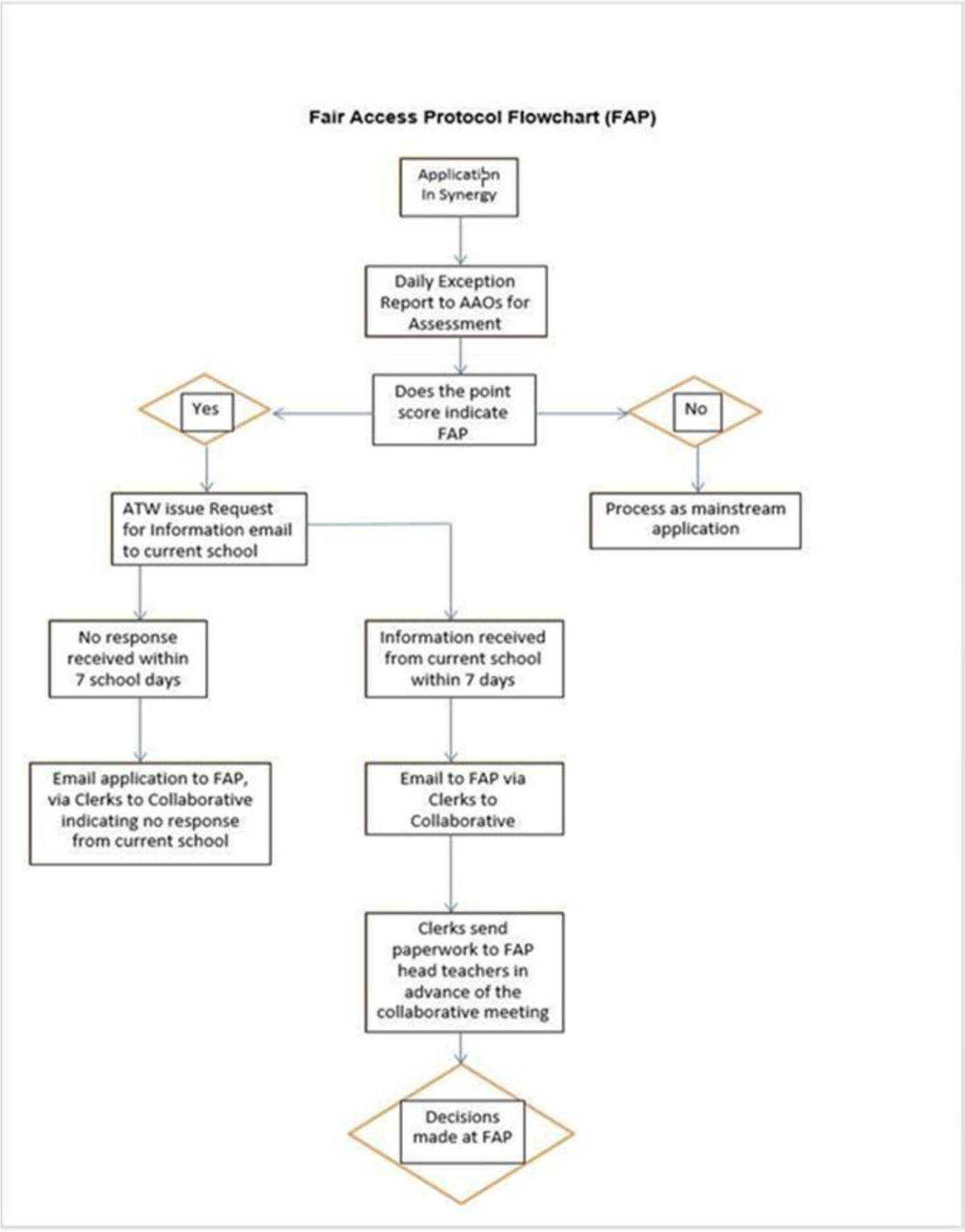
Specific communication from the Head of Education Access and Engagement to the Headteacher where necessary eg start has not been agreed within the required timeframes.

Stage Three

Specific communication from the Assistant Director, Education & Inclusion, to the Headteacher and the Governing Body and Chief officer (in the event of a school being an academy) of any school where the instruction to take a child continues to meet with resistance despite dialogue with the school in respect of removing barriers to admission.

Stage Four

Escalation to Director of CYPS for direction as outlined in the School Admissions Code 2021. Relevant action will be taken with might include referral to the Secretary of State, OFSTED and/or the Schools Adjudicator.


Fair Access Protocol Flowchart (FAP)
Application In Synergy
Daily Exception Report to AAOs for Assessment
Does the point score indicate FAP
Yes
No
ATW issue Request for Information email to current school
Process as mainstream application
No response received within 7 school days
Information received from current school within 7 days
Email application to FAP, via Clerks to Collaborative indicating no response from current school
Email to FAP via Clerks to Collaborative
Clerks send paperwork to FAP head teachers in advance of the collaborative meeting
Decisions made at FAP