

Kent County Council

Fair Access Protocol 2022

Guidance for Kent’s Fair Access Protocol (FAP)

1.	Introduction
1.1	<p>This document sets out the guidance within which Kent County Council’s Fair Access Protocol will operate.</p> <p>The Fair Access Protocol is owned by Kent County Council and operated in partnership with all state funded mainstream schools, as per their legal duty.</p> <p>The Fair Access Protocol applies to all state funded mainstream schools in Kent. All schools will work collaboratively regardless of the type of school.</p>
1.2	<p>The following documents are to be read and applied in conjunction with this guidance:</p> <ul style="list-style-type: none"> • School Admissions Code 2021 • Kent Fair Access Protocol • Kent Fair Access Panel Referral Form
1.3	<p>The Protocol must be consulted upon and developed in partnership with all schools in its area.</p> <p>Once the Protocol has been agreed by the majority of schools in its area, all admission authorities must participate in it.</p>
2.	What is a Fair Access Protocol (FAP)?
2.1	<p>The Fair Access Protocol is a mechanism developed by the local authority in partnership with all schools in their area. Its aim is to ensure that vulnerable children, and those who are having difficulty in securing a school place in-year, are allocated a school place as quickly as possible. School Admissions Code 2021 (SAC - p3.14).</p> <p>Every local authority must have a Fair Access Protocol in place.</p>
2.2	<p>Once agreed, by the majority of schools in its area, all schools in the area, including all own admission authority schools, must participate in the Fair Access Protocol. (SAC – p3.15)</p> <p>Failure by a school to engage in the Fair Access Protocol will not prevent a child / young person being placed at that school.</p>

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2.3	<p>Fair Access Protocols play a key role in helping to keep children safe by ensuring the most vulnerable children are able to access education as quickly as possible.</p> <p>Referral to the Fair Access Protocol should be seen as the last resort to secure a school place for a child.</p> <p>Where possible, children should be placed in school through the usual in-year admissions process in the first instance.</p>
2.4	<p>Fair Access Protocols should provide a fair and transparent system to ensure that all schools share the collective responsibility of helping the most vulnerable, by admitting their fair share of children being placed via the Fair Access Protocol. This includes supporting those children who have been permanently excluded from other schools and those who display challenging behaviour.</p>
2.5	<p>The Fair Access Protocol ensures that no school – including those with places available – should be asked to take a disproportionate number of children who have been permanently excluded from other schools, who display challenging behaviour, or who are placed via the Protocol. (SAC - p3.16)</p>
2.6	<p>The Fair Access Protocol also set out how the needs of children who have been permanently excluded, and children for whom mainstream education is not yet possible, will be met. (SAC - p3.16)</p> <p>See Section 10.</p>
2.7	<p>Fair Access Protocols exist to ensure that vulnerable children, and those who are having difficulty securing a school place in-year, are allocated a place as quickly as possible.</p> <p>This approach is encouraged as it provides for a fair and transparent distribution of children and enables Headteachers to make collaborative decisions with wrap around support if necessary.</p>
3.	<h3>Participation in the Fair Access Protocol</h3>
3.1	<p>The admission authorities of all schools in the area must participate in the Fair Access Protocol. This means they must authorise a representative to participate in discussion and decision-making on placing children referred to the Fair Access Protocol and admit their fair share of children when asked to do so in accordance with the Fair Access Protocol, even when the school is full.</p> <ul style="list-style-type: none"> • Paragraph 3.15 of the School Admissions Code 2021 enables decisions about

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	<p>admitting children under the Fair Access Protocol to be made by one individual in an admission authority provided that suitable authority has been delegated to that individual. Admission authorities must ensure this process complies with relevant governance requirements.</p> <p>Effective Fair Access Protocol meetings have an emphasis on the common goal of ensuring all referred children have access to a suitable school place as quickly as possible.</p>
3.2	<p>Where cases to be discussed may involve the consideration of cross local authority border placements, local authorities may wish to include representatives from neighbouring authorities at Fair Access Protocol meetings.</p>
3.3	<p>Local authorities must provide admission authorities with reasonable notice and information as to how and when discussions around the placement of children via the Protocol will take place. (SAC - p3.15)</p>
4.	Making decisions on the placement of children
4.1	<p>Decisions on the placement of children should take into account the following:</p> <ul style="list-style-type: none"> • The needs of the child in question • The views of the school/s concerned • Parental preference
4.2	<p>The needs of the child in question:</p> <ul style="list-style-type: none"> • Children eligible to be placed via Fair Access Protocols are often vulnerable and may have additional needs that require support. Before making placement decisions, consideration should be given as to whether a child has any particular needs and which school might best be able to meet and support those needs. • Fair Access Protocols should seek to place a child in a school that is appropriate to any particular needs they may have. (SAC - p3.20)
4.3	<p>The views of the school/s concerned:</p> <ul style="list-style-type: none"> • All schools should be treated in a fair, equitable and consistent manner. • This means that no school – including those with places available – is asked to take a disproportionate number of children who have been permanently excluded from other schools, who display challenging behaviour, or who are otherwise being placed via the Fair Access Protocol. • When deciding whether a case qualifies as a disproportionate number of children panel members should adhere to the rules of natural justice which are inherent in all School Admissions processes.

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	<ul style="list-style-type: none"> • Schools with available places should not be expected to admit all children being placed via the Fair Access Protocol where doing so would mean they are being asked to take a disproportionate number of such children compared to other local schools. • The Protocol does not require schools to automatically admit a child in place of another child permanently excluded from the school. (SAC - p3.20) • Where a school expresses compelling reasons for not being able to admit a child via the Fair Access Protocol, for example due to health and safety reasons, this should be taken into consideration before a decision is made to place a child in that school.
4.4	<p>Parental preference:</p> <ul style="list-style-type: none"> • There is no duty for local authorities or admission authorities to comply with parental preference when allocating places through the Fair Access Protocol, but parents' views should be taken into account. (SAC - p3.19) • Information from a parent can provide valuable context that may help those involved in the Fair Access Protocol process determine whether a particular school place is appropriate for a child, and any particular needs they may have.
4.5	<p>The most suitable school for some children and young people could be a school that is close to the child's /young person's home. Advantages of a placement close to the child's / young person's home address could be:</p> <ul style="list-style-type: none"> • Children and young people are more likely to develop friendship groups within their local community. • Closer access for improved parental support and participation. • Likely to be fewer barriers which prevent the child / young person from attending. • Children and young people will be better placed to participate in extracurricular activities. • Likely to be less transport issues or costs.
4.6	<p>Admission authorities must admit children when asked to do so in accordance with the Fair Access Protocol, including where the school is operating a waiting list. Where an admission authority has failed to admit a child in accordance with the Fair Access Protocol, they will be directed to do so.</p> <p>In the unlikely event of a panel decision not being reached, resulting in a child / young person not being placed through the Fair Access Protocol, the Chair must immediately inform the Head of Fair Access (or in their absence, the relevant Area Education Officer) who will identify a school in liaison with the panel Chair within 5 days of the panel meeting.</p>

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	In such circumstances, the school identified will be expected to admit the child / young person without delay.
4.7	Prior to each subsequent Fair Access Protocol panel meeting, any child not on roll before that date should be brought to the attention of the Senior Access to Education Officer / CME team as the child remains out of school.
5.	Interaction between the in-year admissions process and Fair Access Protocols
5.1	Fair Access Protocols must not be used as a means to circumvent the usual in-year admissions process.
5.2	Parents have the right to apply for any school place at any time and must not be refused the opportunity to make an application. (SAC - p2.23 -2.30)
5.3	Where a parent has been refused a school place, they must be offered the right to appeal to an independent appeal panel.
5.4	Admission authorities will not cite oversubscription as a reason for not admitting children and young people under this Protocol.
6.	Referral to the Fair Access Protocol
6.1	<p>Upon receipt of an in-year application, an admission authority must not refuse to admit the child to a school on the basis that they would be, or they believe they would be, eligible to be placed via the Fair Access Protocol. The application must be processed in accordance with the usual in-year admissions process. (SAC - p3.18)</p> <p>Where an admission authority refuses an in-year application, it should consider whether the child would be eligible to be placed via the Fair Access Protocol, for example, whether they fall or may fall into one of the categories set out in Kent's Fair Access Protocol categories 1.1-1.14</p> <ul style="list-style-type: none"> • Where it considers that the child falls, or may fall, into any such category, the admission authority should notify the local authority of this. • The local authority should then decide whether the child would be eligible to be placed in school via the Fair Access Protocol. • Where it has been decided that a child is to be placed via the Fair Access Protocol, parents should be notified of this, and a school place must be allocated to that child within 20 school days. (SAC - p3.21)

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6.2	Children and young people previously on roll at a school outside of the panel locality remit will be expected to be referred to the panel for the geographical area in which the child/ young person lives, unless this child / young person has been permanently excluded and has not moved to a new address.
6.3	In the unlikely event that a panel date falls later than the required 20 school days identified by KCC, the Senior Officer may mediate a school placement ahead of the panel meeting where necessary. The outcome will be recorded in the following meeting minutes.
7.	Interaction with the appeals process
7.1	The appeals process is independent from the Fair Access Protocol. Where a child has been referred to the Fair Access Protocol, their parents retain the right to make further in-year applications and appeal against the refusal of a school place as normal. <ul style="list-style-type: none"> • School admission appeals are governed by the School Admission Appeals Code 2012.
7.2	Admission authorities should be aware that where they refuse a child a school place and subsequently refer them to the Fair Access Protocol, they may later be required to admit that child if an appeal is upheld. This would still be the case when an alternative school place is offered to the child via the Fair Access Protocol. In all circumstances, the decision of an appeal panel is binding and must be complied with. The fact that an appeal has been lodged for a child is not a reason to delay the Fair Access Protocol process.
8.	Children who have been permanently excluded twice or display challenging behaviour
8.1	Where a child has been permanently excluded from two or more schools there is no need for an admission authority to comply with parental preference for a period of two years from the last exclusion. (SAC – p3.8) The twice excluded rule does not apply to the following children: <ul style="list-style-type: none"> • 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

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	<ul style="list-style-type: none"> • Children with education, health and care plans naming the school. <p>Admission authorities must not refuse to admit a child on behavioural grounds in the normal admissions round or at any point in the normal year of entry (i.e. reception or year 7). (SAC – p3.9)</p>
8.2	<p>Where an admission authority receives an in-year application for a year group that is not the normal point of entry 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 Fair Access Protocol.</p> <p>Admission authorities may only do this if:</p> <ul style="list-style-type: none"> • 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 • An admission authority should only rely on the provision in paragraph 3.10 if it has a particularly high proportion of either children with challenging behaviour or previously 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. (SAC – p3.11)
9.	Challenging behaviour
9.1	<p>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.</p> <p>The following reasons on their own should not be grounds for considering that a child may display challenging behaviour:</p> <ul style="list-style-type: none"> • 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.

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	Admission authorities should consider the effect of the decision of the Upper Tribunal in <i>C & C v The Governing Body of a School, The Secretary of State for Education (First Interested Party) and The National Autistic Society (Second Interested Party) (SEN) [2018] UKUT 269 (AAC)</i> about the implications of the Equality Act 2010 when a pupil exhibits a tendency to physical abuse of other persons as a consequence of a disability.
9.2	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.
9.3	The impact and effectiveness of these adjustments must also be taken into account 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.
10.	Permanently excluded children
10.1	<p>Permanently excluded children and young people will be the responsibility of the panel for the area in which the children and young people currently reside.</p> <p>Where children and young people previously attended school in another district, it may be appropriate to engage that district panel and secure education close to the place of residence. In this instance there may be an obligatory transfer of funds between districts where exceptional education arrangements are necessary. This should be discussed in advance and agreed between the relevant Fair Access Panel Chairs for the districts. The funding agreed must be transferred to the named school upon admission.</p>
11.	Admission to school following the allocation of a school place
11.1	<p>Once a school place has been allocated, parents should be notified, and arrangements made for the child to start at the school as soon as possible so as to avoid any gaps in their education. (SAC - p3.21)</p> <p>The school and/or the local authority should also make any necessary arrangements that may be required to ensure any needs of the child are met, and that they have a successful start at the school. This may include:</p> <ul style="list-style-type: none"> • Ensuring parents are able to source essentials such as school uniform; • Putting in place additional resources that may be required to bridge any gaps in

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	<p>education;</p> <ul style="list-style-type: none"> • Transitional support depending on what educational setting, if any, the child was previously in; • Putting in place support for any special educational needs. <p>Whilst some time may be required to allow schools to put in place any arrangements, they should be made quickly to ensure the child can start school as soon as possible.</p>
11.2	<p>A school identified through Fair Access Panel must place the child / young person on roll, regardless of whether the parent submits an appeal at another school.</p> <p>Schools must enter pupils on the admission register and attendance register from the beginning of the first day on which the school has agreed, or been notified, that the pupil will attend the school. School attendance guidance 2020, page 6.</p> <p>If a pupil fails to attend on the agreed or notified date, the school must establish the reason for the absence and mark the attendance register accordingly.</p> <p>All schools must notify the local authority within five days of adding a pupil's name to the admission register and must provide the local authority with all the information held within the admission register about the pupil.</p> <p>If following the above the child / young person's lack of attendance whilst on registered at a school continues then a referral to the PRU, Inclusion & Attendance Service (PIAS) area team where the school is situated may be required and can be completed through the Digital Front Door on KELSI.</p>
11.3	<p>If the school is unsuccessful in making initial contact with the parent / guardian the school must ensure and evidence it continues to make reasonable attempts to engage the family</p> <p>If a start date is not agreed due to non-engagement from the child / young person / family then the school must contact the Child Missing Education (CME) team: CME@kent.gov.uk / 03000 416969. The CME team will advise the school if a CME referral via the digital front door is needed.</p> <p>The school should also update the relevant SAEO who will also be monitoring the child / young person's return to education.</p> <p>Once the school has contacted the CME team and it is apparent that the child / young person / family are not engaging, this referral may be processed to a School Attendance Order.</p>

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	During the School Attendance Order process, the identified school is required to hold a place so that a School Attendance Order can be initiated by the local authority.
11.4	Once on roll any attendance issues should be dealt with by the school in the usual way and referred, if appropriate, to the Inclusion & Attendance team.
11.5	<p>Once a school has been identified at Fair Access Panel under no circumstances will that school ask a parent / carer to withdraw that child / young person from the school's roll.</p> <p>If a school or PRU continues to face concerns about a registered pupil's persistent absence or behaviour, they may seek advice and guidance from the PRU, Inclusion & Attendance Service (PIAS) area team where the school is situated. The school may also wish to consider accessing local resources internal and external to KCC, such as the Local Inclusion Forum Team (LIFT).</p>
11.6	If information comes to light which indicates that a school, having been identified at Fair Access Panel for a child / young person, has unlawfully deleted a pupil from the school admissions register, i.e. on grounds not stated in Regulation 8 of the Education (Pupil Registration) (England) Regulations 2006 then the PIAS Area Education Inclusion Manager will contact the school to investigate and challenge where appropriate. The outcome will be reported to the next Fair Access Panel.
12.	Supporting the admission of clinically extremely vulnerable children
12.1	<p>During the COVID-19 outbreak, some parents of children who are clinically extremely vulnerable (at very high risk of serious illness from coronavirus) decided to electively home educate their child.</p> <p>Where a parent decides they want their child to return to school and subsequently apply for a school place, applications should be processed in accordance with the local in-year admissions process. Most children should secure a school place this way.</p> <p>For those experiencing difficulties, local authorities should be aware that those children with medical conditions qualify to be allocated a school place via the Fair Access Protocol under category 3.17 (e). (SAC - p3.17)</p> <p>Other children in this situation may also qualify to be placed via the Fair Access Protocol under category 3.17 (l). (SAC - p3.17)</p>

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13.	Children and young people with an Education, Health & Care Plan
13.1	Children and young people with a current Education, Health & Care Plan (EHCP) are outside the remit of Kent's Fair Access Protocol as these children and young people are placed in accordance with the SEND Code of Practice.
13.2	Children and young people who are awaiting an EHCP will continue to be considered under normal admissions processes, including the Fair Access Protocol as appropriate, until their EHCP is agreed.
14.	Elective Home Education (EHE) / Children Missing Education (CME) including School Attendance Orders (SAOs)
14.1	<p>Elective Home Education</p> <p>Where a child or young person has been removed from school for elective home education and then wants to return to school, the parent/guardian can apply for a place for their child at any school, at any time. (SAC - p2.23)</p> <p>Where a child or young person has been removed from school for elective home education and is required to return to school as the education has been deemed unsuitable by a KCC EHE Officer, that child or young person will be expected to be admitted to their previous school where a parent has failed to make alternative arrangements, unless there are compelling reasons why that would not be possible or appropriate.</p> <p>In those cases, the previous school would be expected to take the child or young person back onto its roll.</p> <p>Parents still have the right to apply for any school place at any time and must not be refused the opportunity to make an application. (SAC - p2.23 -2.30)</p> <p>With the exception of designated grammar schools, all maintained schools, and academies, including schools designated with a religious character, that have places available must offer a place to every child who has applied for one, without condition or the use of any oversubscription criteria, unless admitting the child would prejudice the efficient provision of education or use of resources. (SAC - p2.28)</p>

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14.2	<p>Children Missing Education (CME)</p> <p>Children missing education are children of compulsory school age who are not registered pupils at a school and are not receiving suitable education otherwise than at a school.</p> <p>Where a child or young person is identified as a CME and is required to return to school, but a parent has failed to make the necessary arrangements, that child or young person will normally be expected to be admitted to their previous school within the area of the panel in which they currently reside unless there are compelling reasons why that would not be possible or appropriate.</p> <p>In those cases, the previous school would be expected to take the child or young person back onto its roll.</p> <p>Parents still have the right to apply for any school place at any time and must not be refused the opportunity to make an application. (SAC - p2.23 -2.30)</p> <p>With the exception of designated grammar schools, all maintained schools, and academies, including schools designated with a religious character, that have places available must offer a place to every child who has applied for one, without condition or the use of any oversubscription criteria, unless admitting the child would prejudice the efficient provision of education or use of resources. (SAC - p2.28)</p>
14.3	<p>School Attendance Order (SAO)</p> <p>In cases where elective home education is found to be unsuitable, or a child is defined as a child missing education (CME), and there is a lack of engagement or cooperation with the parent/guardian to return the child or young person to school. It may be necessary for KCC to initiate a School Attendance Order.</p> <p>The School Attendance Order will ordinarily identify the previous school attended as the named school.</p> <p>Where there are compelling reasons why the previous school should not be named, the case will be brought before Fair Access panel to identify an appropriate school for the purpose of this School Attendance Order.</p>
15.	<p>Managed Moves</p>
15.1	<p>Whilst the protocols provide for the most vulnerable children and young people to be admitted to school quickly, unnecessary transfers between schools are strongly discouraged. Schools are expected to work with children and young people and their</p>

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	families/carers and other agencies as necessary to prevent unnecessary transfers between schools.
15.2	Kent County Council works together with schools to reduce and prevent permanent exclusion. Managed moves, which may be arranged between schools, before a child / young person reaches the point of permanent exclusion will not qualify as a placement under Kent's Fair Access Protocol. Managed moves do not affect a parent's right to apply for and secure a place at a school through the normal In Year Admissions processes.
15.3	Managed moves do not form part of the Fair Access Protocol.
15.4	How managed moves operate will depend on local arrangements and will be determined by collaborations of Headteachers in their localities. Whilst managed moves are not enshrined in legislation in the same way as pupils with Fair Access Status, it is recognised best practice for panels to take account of managed moves and their wider implications for schools when considering pupil placements under the Fair Access Protocol. Local authority officers must be appraised of all managed move activity to ensure this is captured and factored into considerations when making fair access decisions.
16.	Directions
16.1	Admission authorities must admit children when asked to do so in accordance with the Fair Access Protocol. Where an admission authority has failed to admit a child in accordance with the Fair Access Protocol, they may be directed to do so.
16.2	<p>Local authority powers of direction (general)</p> <p>A local authority has the power to direct the governing body of a maintained school for which they are not the admission authority to admit a child / young person in their area even when the school is full. (SAC - p3.23-3.25)</p>
16.3	<p>Secretary of State's power of direction (Academies)</p> <p>Where a local authority considers that an academy will best meet the needs of any child / young person, it can ask the Secretary of State to intervene – the Secretary of State has the power under an Academy's Funding Agreement to direct the Academy to admit a child and can seek advice from the Schools Adjudicator in reaching a decision. (SAC - p3.29)</p>
16.4	In the event a Fair Access Panel decision has been taken and the named school fails to provide education within the required timescale, the school will be referred to the EFA acting on behalf of the Secretary of State to consider a request to direct admission to an academy. Local authority schools will be instructed to admit.

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17.	Funding
17.1	Kent has devolved funding to district PRU management committees, who are accountable for ensuring every secondary school child / young person presented at Fair Access Panel is in receipt of an education. Should a decision not be concluded at a meeting it will be referred by the Chair of the panel to the Head of Fair Access (or in their absence, the relevant Area Education Officer) at Kent County Council to identify a named provision. On the rare occasion that alternative education outside of the PRU is identified, the panel must inform the local authority of the detail of that provision and ensure appropriate arrangements including a full curriculum is in place to meet the individual funded pupil's educational needs.
18.	Monitoring and reporting
18.1	Kent Officers will monitor the effectiveness of the Fair Access Protocol and maintains the right to have representation at all Fair Access Panel meetings.
18.2	As part of its annual report to the Office of the Schools Adjudicator, Kent County Council is required to report on the effectiveness of the Fair Access Protocol, including how many children / young people have been admitted to each type of school under the Protocol. Kent's annual report must be produced by 30 June each year and must be published locally.
18.3	As part of Kent County Council's County Wide Key Stage 3&4 Inclusion Dashboard, this monitors data from each district panel within Kent for In Year Fair Access including Elective Home Education, Inclusion including Managed Moves, Alternative Provision including PRUs.
19.	Data
19.1	A log of all decisions made through the Fair Access Protocol will be maintained by the Chair and Senior Access to Education Officer. This data will be made available to Area Education Officers and used in the local authority annual Adjudicators report.
19.2	All data pertaining to children and young people must be stored and distributed between panel members through appropriate and secure email systems.
19.3	As part of Kent County Council's County Wide Key Stage 3&4 Inclusion Dashboard, this monitors data from each district panel within Kent for In Year Fair Access including Elective Home Education, Inclusion including Managed Moves, Alternative Provision

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	including PRUs.
20.	Review of the Fair Access Protocol (FAP)
20.1	<p>The Fair Access Protocol will be reviewed every 3 years or following any legislative changes that impact on its implementation.</p> <p>If following that review the local authority deems it necessary to adjust the Fair Access Protocol, they will contact schools and implement a consultation before making any changes, as they will need to be agreed by the majority of schools before they can be adopted.</p>
20.2	<p>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.</p> <p>A representative for these schools should write to the Head of Fair Access, setting out the aspects of the Protocol that they wish to be reviewed. The representative should include evidence that more than 50% of schools support these concerns. A review will not be implemented if the concerns relate to a statutory requirement.</p> <p>The existing Fair Access Protocol will remain binding on all schools in the local area until the point at which a new one is adopted. (SAC - p3.22)</p>

Common Principles

All schools are expected to participate in the Fair Access Panel process.

The representative from the school has delegated responsibility to make admissions decisions.

If a school has no representation at a panel, that school may still be allocated a Fair Access placement where the panel regard it to be the most suitable provision.

For own admission authority schools, the delegated representative need not seek prior or subsequent authorisation from their governing body to admit a fair access child / young person. This is because when a child / young person is placed in accordance with the Fair Access Protocol, the admission authority for that school **must** admit the child / young person.

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<p>All children and young people presented to the Fair Access Panel must be placed at the panel meeting.</p>
<p>Paperwork should be circulated at least 5 school days before a panel.</p>
<p>Paperwork should be as comprehensive as possible and should include information made known to Fair Access or Attendance and Inclusion officers as appropriate.</p>
<p>Attendees are expected to have read the paperwork in advance of the panel.</p>
<p>The generic referral form provided by the local authority will be used by all panels and should include a named person and contact details for the previous school if available.</p>
<p>Placement decisions should be made in the best interests of the children and young people.</p>
<p>Children and young people will be referred to a Fair Access Panel within the geographical area in which they reside.</p> <p>Parents continue to have the right to apply and appeal to schools of their choice, including those outside of the geographical area in which they reside.</p>
<p>Children and young people who do not live in Kent are not eligible for consideration at Kent's Fair Access Panel and should be referred to their home Local authority.</p>
<p>Local authority officers must be present at all meetings where Fair Access Panel decisions are taken to ensure due process is followed in the event future escalation is required and to ensure it is able to meet its legal obligation in relation to reporting.</p>