

London Borough of Havering Fair Access Protocol 2026/2027

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Policy Version Control

Academic Year	Amendment / Policy Changes	Section(s) Updated
2024/2025	Policy reviewed and updated in line with the School Admissions Code 2021 and Fair Access Protocols: Advice for Local Authorities and School Admission Authorities. Clarified eligibility criteria, referral categories and panel arrangements.	All
2025/2026	Minor updates to local procedures, referral processes, panel membership arrangements and operational timescales. No significant legislative changes.	Partial
2026/2027	Full review undertaken to ensure ongoing compliance with the School Admissions Code 2021 and Fair Access Protocol Guidance (2021), and to strengthen local arrangements and operational processes.	Partial

1. Introduction

The Fair Access Protocol (FAP) ensures that vulnerable and hard-to-place children who are without a school place are admitted to education as quickly as possible. The Protocol is a statutory requirement of the School Admissions Code 2021 and applies when a child cannot secure a school place through the normal admissions process. It supports inclusion, safeguarding and the fair distribution of placements across schools.

The Local Authority and schools will work together to ensure that eligible children receive suitable education without unnecessary delay. The Protocol will only be used for those children identified within the School Admissions Code and is not a substitute for the normal admissions process.

The Protocol applies to all admission authorities in Havering, including community schools, voluntary aided schools, foundation schools, academies and free schools. All admission authorities must participate in the Protocol once it has been agreed by the majority of schools.

2. Legal Framework

This Protocol should be read alongside the following documents:

- School Admissions Code 2021
[School Admissions Code 2021 \[gov.uk\]](#)
- Fair Access Protocols: Advice for Local Authorities and School Admission Authorities
[Fair Access Protocol Guidance \[assets.pub...ice.gov.uk\]](#)

2.1 Legal Framework for Local Authorities

Local authorities must:

- Secure suitable full-time education for children who cannot attend school under Section 19 of the Education Act 1996.
- Maintain a Fair Access Protocol, agreed by the majority of schools, to secure places for vulnerable and unplaced children as quickly as possible.
- Set out how suitable education will be secured where a child's needs cannot be met through normal admission arrangements.
- Ensure that no school admits a disproportionate number of vulnerable children, children with challenging behaviour, or children who have been permanently excluded.
- Ensure the Protocol supports safeguarding and is only used for children identified within the School Admissions Code.

2.2 Legal Framework for Schools

Admission authorities must:

- Participate in the Fair Access Protocol.
- Not refuse admission solely because a child may have SEND, may require assessment, or may present with challenging behaviour.
- Only refer a child to the Fair Access Protocol where the relevant conditions within the School Admissions Code are met.
- Admit children allocated through the Protocol without unnecessary delay.

Looked After Children, Previously Looked After Children and children with an Education, Health and Care Plan naming the school cannot be refused admission through the Fair Access Protocol.

2.3 Legal Framework for Parents

- Parents are responsible for ensuring their child receives a suitable education under Section 7 of the Education Act 1996.
- Parents may express a preference for a school. However, where a place is allocated through the Fair Access Protocol, there is no duty to comply with that preference, although parental views will be considered wherever possible.
- Parents retain their statutory right of appeal against the refusal of a school place, whether or not a referral has been made through the Fair Access Protocol.

3. Children Eligible for Consideration Under the Fair Access Protocol

The Fair Access Protocol applies to children of compulsory school age living in Havering who are without a school place and who are experiencing difficulty accessing education through the normal admissions process. Eligibility is determined in accordance with the School Admissions Code and Fair Access Protocol guidance.

3.1 The following children may be referred to the Fair Access Protocol:

- a) Children subject to, or previously subject to within the last 12 months, a Child in Need Plan or Child Protection Plan.
- b) Children living in a refuge or other relevant accommodation
- c) Children involved with the criminal justice system.
- d) Children in Alternative Provision who require reintegration into mainstream education, or who have been permanently excluded and are considered suitable for mainstream education.
- e) Children with SEND, disabilities or medical needs, but without an Education, Health and Care Plan.
- f) Young carers.
- g) Homeless children.
- h) Children living in formal kinship care arrangements.
- i) Children from Gypsy, Roma, Traveller, refugee or asylum-seeking communities.
- j) Children refused admission under paragraph 3.10 of the School Admissions Code due to challenging behaviour.
- k) Children for whom a school place has not been sought due to exceptional circumstances.
- l) Children who have been out of education for four or more weeks and for whom no suitable school place is available within a reasonable distance of home.

- m) Previously Looked After Children where a school place cannot be secured promptly.

Where a child is accepted under the Fair Access Protocol, a school place will normally be secured within 20 school days of referral.

Parents retain their statutory right of appeal against the refusal of a school place, whether a referral has been made through the Fair Access Protocol.

4. Children with Challenging Behaviour

4.1 Definition of Challenging Behaviour

Challenging behaviour is behaviour that is unlikely to respond to the usual range of interventions used by schools, or behaviour that is of such severity, frequency or duration that it is beyond the level normally managed within a mainstream school setting.

4.2 Application of the School Admissions Code

- a) Where a child has been permanently excluded from two or more schools, admission authorities are not required to comply with parental preference for a period of two years from the date of the most recent exclusion, unless an exception within the School Admissions Code applies.
- b) Admission authorities must not refuse admission to a child on behavioural grounds during the normal admissions round or at any point in the normal year of entry, except where permitted by the School Admissions Code.
- c) The provisions of paragraph 3.10 of the School Admissions Code cannot be used to refuse admission to:
 - Looked After Children
 - Previously Looked After Children
 - Children with an Education, Health and Care Plan naming the school.
- d) Admission authorities must not refuse admission because a child may have SEND, may require assessment for SEND, or is considered likely to present challenging behaviour.
- e) Where a school has places available and believes a child meets the threshold set out in paragraph 3.10 of the School Admissions Code, the case may be referred to the Local Authority for consideration under the Fair Access Protocol.
- f) Where a child's previous placement was a Pupil Referral Unit or Alternative Provision following a permanent exclusion, the Fair Access Panel may determine that alternative provision remains the most appropriate placement pending reintegration to mainstream education.

5. Operating Principles and Arrangements of the Fair Access Panel

5.1 The Role of the Panel

The Local Authority will establish a Fair Access Panel to oversee all Fair Access arrangements and monitor the effectiveness of the Protocol.

The role of the Panel is to:

- Ensure the Protocol operates in accordance with the School Admissions Code.
- Ensure the operation of the Protocol is fair, transparent and consistent.
- Include representatives of mainstream schools in the decision-making process.
- Determine the school to be asked to admit a child in all eligible categories covered by the Protocol.
- Support the fair and balanced distribution of vulnerable and hard-to-place children across schools.

5.2 Constitution

Primary Fair Access Panel

The Primary Fair Access Panel will consist of:

- 3 Senior Local Authority representatives.
- 6 Headteachers participating on a rotational basis.
- 1 Headteacher, appointed to chair the meeting.

Primary schools will be organised into 10 groups of 6 schools, ensuring that the geographical location of schools is considered when forming each group.

Secondary Fair Access Panel

The Secondary Fair Access Panel will consist of:

- 3 senior Local Authority representatives.
- 3 Headteachers participating on a rotational basis.
- 1 Headteacher appointed to chair the meeting on a termly rotational basis.

For both primary and secondary Fair Access Panels to be quorate, a minimum of 3 Headteachers must be in attendance.

Primary panels will meet fortnightly and secondary panels will meet monthly, unless there are no cases to be heard. Meetings will be held virtually via Microsoft Teams.

An independent clerk will attend each meeting to take minutes. The clerk will not take part in the decision-making process. Minutes will be distributed to all panel members within 10 school days of the Panel meeting.

5.3 Preparing Referrals

Where a child falls within the Protocol, they will be referred to the Panel to identify a suitable school placement. Once a child has been identified, the Local Authority will collate referral information for each child and present the case at the next available Panel.

The referral spreadsheet for both primary and secondary children will include the following information to assist the Panel's decision-making:

- The child's date of birth and year group.
- The school closest to the child's home address and any schools named by the parent.
- Confirmation that parental preferences have been considered, although they will not override the final decision.
- The closest school to the home address with a vacancy and the walking distance.
- Information relating to any siblings attending or offered a place at a school.
- Any information provided by the parent, including SEND needs, English as an Additional Language and Social Care involvement.

Other information provided to the Panel may include:

- Fair Access Protocol admissions at Havering schools during the current academic year, including placement trends across year groups.
- Current pupil roll and capacity information within the relevant year group.
- School-level contextual and vulnerability data to support equitable placement decisions.
- Ofsted judgements and the date of the most recent inspection.
- Suspension and permanent exclusion data.
- Information relating to pupils with Education, Health and Care Plans (EHCPs).
- The use of Off-Site Directions, including pupils placed at, and received from, other settings.
- Managed Move activity and outcomes.
- Levels of pupil disadvantage, including eligibility for Free School Meals.
- Numbers of Looked After Children on roll.
- Referrals to Alternative Provision.
- The availability and type of Alternative Provision placements.

This information will be used by the Panel to support fair, transparent and evidence-based decision-making, while ensuring that placements are distributed equitably across schools and that individual pupil needs are appropriately considered.

All information will be circulated to the Panel at least 2 school days before the scheduled meeting.

6. Decisions of the Panel

No school, including those with places available, will 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.

The Panel will seek to place a child in a school that is appropriate to their needs. The Panel will not require a school automatically to admit a child via the Fair Access Protocol in place of a child permanently excluded from that school.

The Panel will allocate children to both over-subscribed and under-subscribed schools on a fair, equitable and consistent basis. Schools are expected to admit children allocated by the Panel within 10 school days.

The Panel will consider the following information when placing children:

- Where an admission authority, including an academy, wishes to rely on paragraph 3.10 of the School Admissions Code to refuse an in-year application, the case must be referred to the Local Authority to agree entry to the Protocol.
- The Fair Access Panel, comprising Headteacher representatives, will evaluate the submitted contextual information and behavioural evidence to determine whether the threshold for paragraph 3.10 of the School Admissions Code has been met.
- If the Panel determines that the criteria have not been met, the referring school will be expected to admit the child immediately.
- Any information provided by a school to support its decision not to admit, including numbers of Looked After Children, children with EHCPs, children with SEND, or children admitted through normal admissions processes, will be cross-checked and verified by the Local Authority.
- The distance from the child's home address to the school.

The Panel will seek to distribute placements fairly and equitably across schools throughout the academic year. The Local Authority will notify parents and schools of the Panel's decision within 2 school days of the meeting, and the allocated school must arrange admission and a start date within 10 school days of the decision.

7. Infant Class Limit

Under the School Admissions (Infant Class Size) Regulations 2012, infant classes must not contain more than 30 pupils with a single schoolteacher. However, additional children may be admitted in limited circumstances as "excepted pupils".

Excepted pupils may include children where there is no other available school within a reasonable distance. Such pupils remain excepted for the time they are in an infant class, or until class numbers fall back below 30.

8. School Refusing to Admit Children

Given that the Panel will have considered the parent's application and the school's circumstances in accordance with the agreed Protocol, it is expected that the allocated school will admit the child without delay.

Where an admission authority has failed to admit a child in accordance with the Protocol, the Local Authority may direct the governing body of a maintained school for which it is not the admission authority to admit the child, even where the school is full.

Where the Panel considers that an academy will best meet the needs of a child and the academy does not admit the child, the Local Authority may ask the Secretary of State to intervene. The Secretary of State has the power to direct the admission of a child to an academy under the academy's funding agreement.

9. Monitoring Arrangements

The Local Authority will monitor the operation and effectiveness of the Protocol by maintaining records of the numbers and categories of children admitted, together with the schools or alternative provision settings to which they are allocated.

Annual outcomes and activity under the Protocol will be reported as part of the Local Authority's return to the Office of the Schools Adjudicator.

This Protocol has been developed in consultation with Havering Headteachers and will be reviewed annually. Where the majority of schools consider that the Protocol is no longer operating fairly or effectively, a review may be requested through the Head of School Provision. The current Protocol will remain in force until any revisions are formally agreed or until updates are required to reflect changes in legislation or statutory guidance.

10. Fair Access Panel Dates

Primary

Wednesdays at 10:00am - 11:00am

Date	Primary Group
16 September 2026	1
30 September 2026	2
14 October 2026	3
4 November 2026	4
18 November 2026	5
2 December 2026	6
16 December 2026	7
13 January 2027	8
27 January 2027	9
10 February 2027	10
3 March 2027	1
17 March 2027	2
14 April 2027	3
28 April 2027	4
12 May 2027	5
26 May 2027	6
16 June 2027	7
30 June 2027	8
14 July 2027	9

Secondary

Thursdays 8:15am - 9:45am

Date	Secondary Group
17 September 2026	1
15 October 2026	2
19 November 2026	3
17 December 2026	4
28 January 2027	5
4 March 2027	6
15 April 2027	7
13 May 2027	8
17 June 2027	9
15 July 2027	10