

West Northamptonshire Council

Fair Access Protocol – proposed for September 2021

1. Introduction

The Department for Education (DfE) has published a revised School Admissions Code 2021 (“the Code”) in May 2021, following a consultation exercise which ended in October 2020. Subject to parliamentary approval, the Code will be in force from 1 September 2021.

The 2021 Code aims to improve the operation of the admission process to ensure that vulnerable children are out of school for as short a time as possible. It is the responsibility of admission authorities to act in accordance with the Code and to ensure compliance with the Code’s new requirements. The key changes to the Code relate to: Looked After and Previously Looked After Children, In-year admissions and the Fair Access Protocol (FAP). In addition to these main areas, there are a number of minor policy and technical drafting changes.

2. Key Changes in the FAP in the Code (2021)

Details of the new and existing requirements of the FAP can be found in paragraphs 3.8 – 3.22 of the Code (2021):

- There is now a standard definition of ‘**challenging behaviour**’ and it will be for admission authorities to ensure that, prior to refusing a child under normal in-year admissions and referring an unplaced child for consideration under the FAP, they have evidence to support the definition of challenging behaviour as described (Footnote 76 to paragraph 3.10).
- Admission authorities must consider their duties under the Equality Act 2010 when refusing a child with challenging behaviour if the consequence of their disability is challenging behaviour (Footnote 77 to paragraph 3.10).
- Admission authorities can take account of reports from previous schools about children’s past behaviour as stated in paragraph 1.9(g) solely for the purpose of making a decision on whether it would be appropriate to refuse admission on the basis of challenging behaviour as described in paragraph 3.10. (Footnote 78 paragraph 3.10).
- The duty that all admission authorities must participate with the agreed FAP now includes the requirement for admission authorities to provide a **representative with delegated authority** from the admission authority to make allocation decisions - an exception to paragraph 2.7 in the Code (Paragraph 3.15 & Footnote 79).
- The list of children to be included in the new FAP has been extended. The groups of vulnerable or hard to place children to be included in the new FAP has been standardised and contains the only categories who will be supported through the FAP – i.e. there will be no local variation; all LAs must include the same groups of unplaced children in their FAPs and these children should only be considered under the FAP once it is demonstrated that reasonable measures have been taken to secure a place through the usual in-year admission process (Paragraph 3.17).
- Allocation decisions must be made within **20 school days** from the date when the child was referred to the FAP and arrangements should be made by admission authorities for the child to start as soon as possible (paragraph 3.21).

3. Fair Access Protocol – School Admission Code (2021) requirements

3.1 Each local authority must have a Fair Access Protocol (FAP) to ensure that *unplaced and vulnerable children, and those who are having difficulty in securing a school place in-year, are allocated a school place as quickly as possible (paragraph 3.14) and within the **20** school days' timeframe.

*WNC's Definition of 'Unplaced' is a child who is residing in the county without a school place and could include:

- A child who has moved into the county
- A child who has moved from one area of the county to another due to a change of address, where it is considered to be an unreasonable distance for a child to get to their current school e.g. a move from Towcester to Northampton
- A child who is being electively home educated (EHE) by the parent or carer and where the Education Inclusion Partnership (EIP) team have little evidence to support the view that an appropriate education is being provided
- A child who is unable to return to their current school due to an exceptional circumstance or incident occurring out of school, but who has not been permanently excluded

3.2 The LA remains responsible for drawing up the FAP which must be consulted upon and developed in partnership with schools in the LA's area and it must be agreed by the majority of schools.

3.3 Once the FAP has been agreed, all admission authorities in the area must participate in it. Participation includes the requirement for admission authorities to provide a **representative with delegated responsibility** who is authorised to participate in discussions, make allocation 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.

3.4 Local authorities such as WNC must share information with admission authorities, giving reasonable notice of Fair Access (FA) meetings and information about how and when discussions around the placement of children via the Protocol will take place (Paragraph 3.15 & Footnote 79).

3.5 West Northamptonshire Council's Fair Access Protocol has been written by the LA (School Admissions), in partnership with colleagues in the Education, Inclusion and Partnerships (EIP) Team and the Protocol Steering Group (PSG). The Protocol Steering Group is composed of representatives from: (i) School Admissions; (ii) EIPT and (iii) a representative from each of the secondary schools in distinct geographical areas of the West Northamptonshire.

3.6 Regular FA Panel meetings are held at a time and venue to suit all parties and are expected to take place every 4 weeks in order to discuss the cases with representatives from schools in the area who are authorised to make decisions regarding appropriate school placements. FA Panels may have to meet more frequently in order to comply with the timescales required by the School Admissions Code (2021).

3.7 The operation of the FAP is in accordance with the requirements of the School Admissions Code (2021) and related guidance.

3.8 The LA has to ensure 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 FAP. Fair Access Protocols must 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 (Paragraph 3.16). WNC intends to meet the needs of these children in the following manner: WNC's Education Inclusion and Partnership (EIP) Team holds a weekly panel (Social Inclusion Panel – SIP) where the needs of children being presented by School Admissions at the Fair Access Panel can be considered and support identified for these groups of children. The support will range from the services of an Inclusion Officer to a placement in an alternative provision, depending upon the needs of the children.

- 3.9** Eligibility for the Fair Access Protocol does not limit a parent's right to make an in-year application to any school for their child. Admission authorities must process these applications in accordance with their usual in-year admission procedures (as set out in paragraphs 2.23-2.31 and West Northamptonshire's In-Year Scheme). They must not refuse to admit such children on the basis that they may be eligible to be placed via the FAP. 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 Fair Access Protocol (Paragraph 3.18).
- 3.10** 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 (Paragraph 3.19). Due consideration will therefore be made to parental preference when discussions with admission authorities in regards to the identified school are being made.
- 3.11** Fair Access Protocols should seek to place a child in a school that is appropriate to any particular needs they may have. The Fair Access Protocol must not require a school automatically to admit a child via the Fair Access Protocol, in place of a child permanently excluded from the school (Paragraph 3.20).
- 3.12** Where it has been agreed that a child will be considered under the Fair Access Protocol, a school place must be allocated for that child within 20 school days. Once the allocation of a school place via the Fair Access Protocol had been decided, arrangements should be made by the admission authority to ensure the child starts at the school as soon as possible (Paragraph 3.21).
- 3.13** 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, a review must be facilitated. An urgent meeting of the Protocol Steering Group will be convened to examine the issues to find a suitable resolution. (Paragraph 3.22). 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.
- 3.14** The FAP will remain binding on all school in the local area until the point at which a new one is adopted.

4. Determining that cases qualify as Fair Access

All in-year applications received by the School Admissions team from parents or carers, will follow normal in-year admission procedures as described in West Northamptonshire Council's In-year Co-ordination Scheme.

There are some important factors when considering in-year applications:

- 4.1** 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. The twice excluded rule does not apply to the following children:
- a) children who were below compulsory school age at the time of the permanent exclusion
 - b) children who have been reinstated following a permanent exclusion (or would have been reinstated had it been practicable to do so)
 - c) children whose permanent exclusion has been considered by a review panel, and the review panel has decided to quash a decision not to reinstate them following the exclusion
 - d) children with Education, Health and Care Plans naming the school (Paragraph 3.8)
- 4.2** 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, except for where paragraph 3.8 applies (Paragraph 3.9).
- 4.3** 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, it may refuse admission and refer the child to the Fair Access Protocol. (Paragraph 3.10).

***Definition of 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. (Paragraph 3.10 Footnote 76).

However, a child with challenging behaviour may also be disabled as defined in the Equality Act 2010. When considering refusing admission on these grounds, admission authorities must consider their duties under that Act. Admission authorities should also consider the effect of the decision of the Upper Tribunal in *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)* 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 (Paragraph 3.10 Footnote 77).

In order to evidence that a child has challenging behaviour, the LA will request information from the previous school regarding the child's previous history solely for the purpose of making a decision on whether it is appropriate for the admission authority to refuse admission under the normal in-year process as a result of challenging behaviour (Paragraph 3.10 Footnote 78).

- 4.4** 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 (Paragraph 3.11)

If the decision by the admission authority is to refuse admission, the admission authority would have to provide evidence in writing to the Senior Admissions Officer for the area in order to comply with paragraph 3.11 above. The LA also has access to school data for all schools in its area, so a comparison could be made to the position of other local schools. The Senior Admissions Officer would then discuss the decision to refuse admission with the School Admissions Manager and, when appropriate, the decision would be discussed at a weekly Social Inclusion Panel meeting with colleagues, including Service Managers from the EIP team.

- 4.5** The provision in paragraph 3.10 cannot be used to refuse admission to looked after children, previously looked after children; and children who have Education, Health and Care Plans naming the school in question. (paragraph 3.12).
- 4.6** 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. (paragraph 3.13).

5. Children who will be considered under the FAP

Fair Access Protocols 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 procedures⁸⁰. For example, where an application has been made to at least one school and this has been refused or the LA has confirmed there are no available places at any school within a reasonable distance (Paragraph 3.17):

- a)** 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 FAP
- b)** children living in a refuge or in other Relevant Accommodation at the point of being referred to the protocol
- c)** children from the criminal justice system
- d)** 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
- e)** children with special educational needs (but without an Education, Health and Care plan), disabilities or medical conditions
- f)** children who are carer
- g)** children who are homeless
- h)** children in formal kinship care arrangements as evidenced
- i)** children of, or who are, Gypsies, Roma, Travellers, refugees, and asylum seekers
- j)** 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 this Code
- k)** children for whom a place has not been sought due to exceptional circumstances as decided by the LA based on the circumstances of the case. School Attendance Orders may be included in this category
- l)** 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

- m) previously looked after children for whom the local authority has been unable to promptly secure a school place.

6. Operation of the Fair Access Protocol in West Northamptonshire

- 6.1 Once it has been determined that an in-year application meets the criteria for the FAP, School Admissions Officers will seek as much information as possible about the child from the previous education provision and/or other professionals.
- 6.2 Fair Access cases will then be added to the Fair Access meeting agenda and the cases presented to schools at area FA Panel and BAP meetings. The cases will be discussed with schools in the appropriate area so that a school which will admit the child can be identified. The agenda will be circulated to FA Panel members approximately 3 days prior to the meeting, dependent upon weekends or school holidays.
- 6.3 Where applicable, there may be other representatives or professionals at the meeting who have had some involvement with the child – see Terms of Reference for FA Panel Meetings.
- 6.4 As the 2021 Code specifies that school representatives at area Fair Access meetings must be authorised to make decisions on placing children via the Protocol, the decision regarding the identified school will be made at the meeting by all school representatives. (Paragraph 3.15).
- 6.5 Admission authorities should be admitting pupils when asked to do so in accordance with the Protocol, even when the school is full. (Paragraph 3.15).
- 6.6 Taking into account of both the needs of the child and those of the school, when identifying a school under the FAP, the following considerations will be made by members of the area FA Panel at the meetings when placing pupils:
- **Parental preference** – though there is no duty to comply with parental preference, the wishes of parents should be taken into account
 - **The number of children allocated previously** to a particular school in an area under the FAP during the current term or academic year and into the same year group
 - **The rank order** of schools in an area, determined by the points-based system used by the LA once a child has been allocated to a school. Each criterion for the FAP is weighted with a particular number of point
 - **Previously attended schools** – consideration will be given to any previous serious breakdown in relationships between a school and the family including: a failed managed move, or strong views of parents or carers regarding the religious ethos of a school
 - **Reasonable distance** to the identified school from the home address and availability of transport
 - The recent admission into the same year group at the preferred school of a child with Statement of **Special Educational Needs (SEN)** or **Education Health & Care Plan (EHCP)** who has previously been permanently excluded or has significant additional needs and/or challenging behaviour issues
 - **The recent admission into the same year group** at the preferred school of a **looked after child** with significant additional needs and/or challenging behaviour
 - **The recent admission into the same year group** of the preferred school of a child with significant additional needs and/or challenging behaviour following an agreed and successful **managed move** with another school
- 6.7 Following the meeting, a FAP letter (together with any documents regarding the child's previous history) and the points allocation sheet will be sent to the representative from the

identified school; the letter will be copied to other professionals involved and the area representative from the Protocol Steering Group. It is expected that, following receipt of the FAP letter (via email), the identified school will make contact with the parent - and any professional where applicable - to arrange a meeting to discuss the admission arrangements without delay.

6.8 All allocations made under the FAP will be recorded and monitored by the Senior Admissions Officer responsible for In-year and Fair Access admissions for West Northamptonshire and data regarding the FAP will be provided to schools in an area on a termly basis.

7. Primary Age Children Meeting the Criteria of the FAP

The Fair Access Protocol will apply for children of primary school age who meet the criteria for the FAP.

8. Transport

Where a child has been placed at a school through the FAP, the entitlement to free transport will be assessed using WNC's Home to School Transport Policy.

9. Protocol Steering Group (PSG)

In West Northamptonshire, a Protocol Steering Group has been established to monitor the operation and effectiveness of the West Northamptonshire FAP. The PSG membership consists of:

- The School Admissions Manager
- The Senior Admissions Officer responsible for Fair Access
- A representative from secondary schools from the main school areas in West Northamptonshire; Northampton, Daventry and South Northamptonshire
- The Service Manager for the Education Inclusion Partnership team

The PSG meets up to three times per academic year (once in each term). If a school has any fundamental issues in relation to the operation of the FAP, they should refer their concerns to their area representative on the PSG, the Senior Admissions Officer responsible for Fair Access for West Northamptonshire, or the School Admissions Manager, so that the issues can be reviewed at the next PSG meeting.

At the beginning of each academic year, the School Admissions Technical Officer responsible for the collation of data which underpins the Fair Access points system, will provide the PSG with an annual report giving statistical information on the effectiveness of the FAP.

10. Powers of Direction

10.1 Local Authority Powers of Direction – General

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 in their area even when the school is full. The local authority can only make such a direction in respect of a child in the local authority's area who has been refused entry to, or has been permanently excluded from, every suitable school within a reasonable distance. The local authority **must** choose a school that is a

reasonable distance from the child's home and from which the child is not permanently excluded. It **must not** choose a sixth-form that selects by ability unless the child meets the selection requirements, or a school that would have to take measures to avoid breaking the rules on infant class sizes if those measures would prejudice the provision of efficient education or the efficient use of resources (Paragraph 3.23).

Before deciding to give a direction, the local authority **must** consult the governing body of the school, the parent of the child and the child if they are over compulsory school age. If, following consultation, the local authority decides to direct, it **must** inform the governing body and head teacher of the school. The governing body can appeal by referring the case to the Schools Adjudicator within 15 days. If it does this, the governing body **must** tell the local authority. The local authority **must not** make a direction until the 15 days have passed and the case has not been referred (Paragraph 3.24).

If the case is referred to the Schools Adjudicator, the Schools Adjudicator may either uphold the direction, determine that another maintained school **must** admit the child or decide not to issue a direction. The Adjudicator's decision is binding. The Schools Adjudicator **must not** direct a school to admit a child if this would require the school to take measures to avoid breaking the rules on infant class sizes and those measures would prejudice the provision of efficient education or the efficient use of resources (Paragraph 3.25).

10.2 Local authority powers of direction (looked after children)

A local authority also has the power⁸⁶ to direct the admission authority for any maintained school in England (other than a school for which they are the admission authority) to admit a child who is looked after by the local authority, even when the school is full. The local authority **must not** choose a school from which the child is permanently excluded but may choose a school whose infant classes are already at the maximum size⁸⁷(Paragraph 3.26).

Before deciding to give a direction, the local authority **must** consult the admission authority of the school it proposes to direct. The admission authority **must** tell the local authority within 7 days whether it is willing to admit the child (Paragraph 3.27).

If, following consultation, the local authority decides to direct, it **must** inform the admission authority, the governing body (if the school is a voluntary controlled or community school), the local authority that maintains the school, and the head teacher. The admission authority can appeal by referring the case to the Schools Adjudicator within 7 days. If the child has been permanently excluded from two other schools and the most recent exclusion was within the previous two years, the governing body (if the school is a voluntary controlled or community school) may also refer the case to the Schools Adjudicator. The admission authority or governing body **must not** refer the case unless it considers that admitting the child would seriously prejudice the provision of efficient education or the efficient use of resources. If the admission authority or governing body does refer the case, it **must** notify the local authority that looks after the child. The local authority **must not** make a direction until the 7 days have passed and the case has not been referred.

If the case is referred to the Schools Adjudicator, the Schools Adjudicator may either uphold the direction or determine that another maintained school in England **must** admit the child. The Schools Adjudicator's decision is binding. The Schools Adjudicator **must not** direct an alternative school to admit a child unless the local authority that looks after the child agrees, nor if the child

is permanently excluded from that school, nor if the admission of the child would seriously prejudice the provision of efficient education or the efficient use of resources (Paragraph 3.28).

10.3 Secretary of State's power of direction (Academies)

Where a local authority considers that an Academy will best meet the needs of any child, it can ask the Academy to admit that child but has no power to direct it to do so. The local authority and the Academy will usually come to an agreement, but if the Academy refuses to admit the child, the local authority 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 decision⁸⁸ (Paragraph 3.9).

The School Admissions Manager and Service Manager for the EIP team are responsible for resolving any disputes arising from the FA Panel meetings and further advice and guidance may be sought from the area member of the Protocol Steering Group.

11. Local authority reports

Local authorities **must** produce an annual report on admissions for all the schools in their area for which they co-ordinate admissions. **From 2022**, it **must** be published locally and sent to the Schools Adjudicator by **31 October** each year covering the prior academic year. The report **must** cover as a minimum:

- information about how admission arrangements in the area of the local authority serve the interests of looked after children and previously looked after children, children with disabilities and children with special educational needs, including any details of where problems have arisen
- an assessment of the effectiveness of Fair Access Protocols including how many children were admitted to each school under it
- any other issues the local authority may wish to include

West Northamptonshire Council aims to establish excellent working relationships with all types of schools (maintained schools, academies, Free Schools, UTCs) in the West Northamptonshire area to ensure that we fulfil our legal obligations as defined in the School Admissions Code (2021) and in order to achieve the best outcomes for all children in West Northamptonshire. The effective operation of the FAP is integral to these aims.

12. Looked after children

Looked after children are not a listed of group of children in the FAP. The Code recognises that Locked After Children are extremely vulnerable and the highest priority must be given to this group in the admission arrangements of all state schools.

Appendices

APPENDIX 1 – Timeline for Fair Access Process

1. School place refused by admission authority as a normal in-year admission – case identified as Fair Access within 10 school days of receipt of an application from a parent or carer.
2. FA Officer to gather and collate as much information as possible about the child's previous history in a timeframe dependent on the date of the next area FA Panel and BAP meeting.
3. Brief details of each child will be added to the agenda for the area FA Panel and BAP meeting and circulated to the FA Panel and BAP members, three working days prior to the meeting.
4. Cases will be discussed at the area FA Panel and BAP meeting and a decision will be made, by representatives present at the meeting, about which school will be allocated.
5. Following the meeting, the FA Officer to draft FAP letters for both the school and the parents and send to the Senior Admissions Officer for checking and sending – within the 20 school day timeframe from the date when the case was identified as Fair Access.
6. Following receipt of the FAP letter – the school to make contact with the parent as soon as possible to arrange a date for admission.
7. School to notify the Senior Admissions Officer and/or FA Officer when the child has been placed on roll so that the child's records can be updated accordingly and the case can be closed.

APPENDIX 2 - Points Score and ranking explained

The system of allocating FA points is just one of the considerations that are made when making decisions about identifying a school and aims to ensure that no schools, including those with available places, are asked to take a disproportionate number of children who have been excluded from other schools, or who have challenging behaviour.

While it is recognised that all schools in the local authority area of West Northamptonshire council are inclusive and already admit children from a wide and diverse population, the points-based system is intended to help with identifying those schools in an area that may already have more challenges than others.

Data sets and formulas used to determine scores and rankings

The following data sets are used to determine the initial scores for each school at the start of each academic year in September and are taken from the January School Census of the same *calendar* year i.e., information is based on the January census from preceding academic year. For example, data to establish the starting point scores for each school for September 2021 was obtained from the census in January 2021 (when the children were in the previous academic year).

Data Set	How the score is determined
Geo-demographic factor based on FSM	The number of pupils eligible for Free School Meals (FSM). The formula here simply converts FSM eligibility (percentage) from January 2016 school census data into a rounded number
Pupils whose home language is not English (EAL/ESOL)	The formula determining this score is the number of learners with English as an additional or other language divided by the number on roll then multiplied by 100
Mobility	This is calculated in exactly the same way as a school's mobility formula. The formula is the number of students coming in plus the number of students leaving, divided by the number of students on roll then multiplied by 1000
Prior attainment	The formula for conversion of Key Stage 2 Average Point Score (APS) is: 33 minus the KS2 APS, multiplied by 10

The data needed to establish the FA Protocol school rankings is provided by schools in the annual School Census (January base). The accuracy of the data on which the ranking is based is, therefore, the responsibility of each school. Copies of the census data used to determine school rankings and scores is circulated to members of the Fair Access Protocol Steering Group (PSG) in the first meeting of the academic year.

Based on the data sets above, each school will be allocated a set of points at the start of the academic year (September) and all schools will be ranked accordingly. The schools with the least number of points based on the above data will be at the top of the ranked list of schools and would be the schools most likely to receive a protocolled student first.

The ranked order of schools will be just one of the considerations when identifying a school for a child under the FAP and the full ranked order of schools will be filtered into the relevant area of West Northamptonshire to show the ranked order of schools in those areas.

Additional points will be allocated to each identified school for each child admitted, based on the criteria of the FAP that the child falls into. Each criterion of the protocol has a point weighting. The weightings have been discussed and agreed by members of the Protocol Steering Group - see table below. The order of schools is re-ranked after points have been allocated to the identified school.

The FAP report will also show the number of children allocated to each school during the term or academic year, their names, date of birth, NCY (National Curriculum Year), previous school, the date they were protocolled and the date they were admitted on roll and the reason for the protocol. This report is updated and monitored by the Senior Admissions Officer.

As part of the agenda for the FA Panel meetings, and to ensure transparency, a copy of the ranked order of schools based on previous FAP allocations, will be forwarded to senior school representatives who attend the FA Panel and who are responsible for admissions at each school.

An annual report including statistical information relating to the operation of the FAP will be presented to members of the Protocol Steering Group at the end of each academic year. This information can be shared and discussed with other schools in the area at local FA Panel and BAP meetings.

Point scores for each criterion – Each time a child is admitted under the FA Protocol, the total number of points for each child will be added to the identified school's existing points total.

Vulnerable and hard to place children

Fair Access Protocols 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. Please note that a, b h and m are additional groups of children that have been added to the fair access protocol in the 2021 School Admissions Code:

- a)** 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 FAP
- b)** children living in a refuge or in other Relevant Accommodation at the point of being referred to the Protocol
- c)** children from the criminal justice system
- d)** 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
- e)** children with special educational needs (but without an Education, Health and Care plan), disabilities or medical conditions
- f)** children who are carers
- g)** children who are homeless

- h)** children in formal kinship care arrangements
- i)** children of, or who are, Gypsies, Roma, Travellers, refugees, and asylum seekers
- j)** 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 Code
- k)** children for whom a place has not been sought due to exceptional circumstances
- l)** 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
- m)** previously looked after children for whom the local authority has been unable to promptly secure a school place.

The number of points that each school will receive under FAP will be decided via consultation with the PSG and WNC schools and as such have not been provided here.

APPENDIX 3 – Terms of Reference for FA Panel Meetings

West Northamptonshire Council Fair Access Panel Meetings

Terms of Reference

(Updated June 2021)

Purpose of the Fair Access Panel

To ensure that West Northamptonshire Council's Fair Access Protocol (FAP) operates effectively outside the arrangements of co-ordination and will be triggered when a parent of an eligible child has not secured a school place under in-year admission procedures.

In order to ensure that both the pupils and the school receive appropriate support from other agencies, the Fair Access Panel (FA Panel) meetings will have multi-agency representation to ensure that all pupils are placed into school with appropriate support and without unnecessary delay.

The FA Panel will meet in the following areas of the West Northamptonshire:

- Northampton
- Daventry and Towcester

1. Membership of the FA Panel

- 1.1** Each secondary school within West Northamptonshire will nominate a representative who will have lead responsibility for Admissions and/or Inclusion at the school and who will be able to contribute effectively to discussions regarding the most appropriate school for the child based on the factors considered. If representatives from either the school or the LA are unable to attend, they **must** send a suitable substitute who is authorised to make a decision at the FA meeting.
- 1.2** Representatives from the LA (dependent on the circumstances of the cases presented) may include:
 - Senior Admissions Officer (West) from the School Admissions team
 - Senior Inclusion Officer or Education Inclusion Manager from the Education Inclusion Partnership (EIP) team
 - Early Help Coordinator for the area
 - A representative from the Alternative Provision (AP), where appropriate.

2. Accountability

- 2.1** Following discussions at the meeting by all parties, a school will be identified at the meeting as the appropriate school to admit the student.
- 2.2** The 2021 School Admissions Code is clear that agreement must be reached and decisions made at the Fair Access at the meetings.
- 2.3** Parental preference will be the main consideration, though it does not have to be adhered to for allocations made under the Fair Access Protocol (ref. School Admissions Code 3.11).
- 2.4** Following the FA Panel meeting, the identified school will receive a FAP letter and it is expected that the school will make contact with the parent to arrange a date for admission without delay.

3. Operation of FA Panel Meetings

- 3.1** Meetings are planned to be held at 4-weekly intervals at a date and venue to be agreed at the start of the academic year for the rest of the year or, in some cases, at the previous meeting by all members of the panel. Meetings will be held at intervals which make it possible for the LA to achieve allocation of places via the FAP within the 20-school day timescale required by the Code.
- 3.2** Dates and venues for areas which hold a Behaviour & Attendance Partnership (BAP) meeting (Towcester) will be agreed by schools in those areas. The intervals of the meetings must enable the LA to achieve allocation of places via the FAP within the 20-school day required by the Code.
- 3.3** The School Admissions team will send details of the FA cases to be presented at the FA Panel in an agenda. The agenda will be sent via Egress secure email to panel members up to three days before the meeting is to be held.

4. Discussion and outcome of FA Panel meetings:

- 4.1** The FA Panel and BAP members will discuss each case on the agenda in order to establish the most appropriate school or provision and the FA Panel will decide who will be the lead professional in the case.
- 4.2** Information regarding the child's previous history will be presented at the meeting, including details of 'other agency' involvement.
- 4.3** If the child was previously attending a school in the area, the representative from that school will be expected to present to the FA Panel any additional information about the pupil's previous history, attendance, behaviour and details of any support which has been in place at the school.
- 4.4** Following discussion, a school will be identified at the meeting.
- 4.5** Once a school has been identified by the FA Panel, the WNC's School Admissions team will send a letter promptly to the Academy Trust or Admissions Committee confirming the allocation and ensuring that that the child is admitted as soon as possible.

Review of the FA Protocol

The working methods and effectiveness of the Fair Access Protocol will be reviewed at each PSG meeting.