



Northamptonshire  
County Council

# **NORTHAMPTONSHIRE COUNTY COUNCIL**

## **FAIR ACCESS PROTOCOL POLICY**

**2017/18**

REVISED: November 17  
Fair Access Protocol policy

## 1. INTRODUCTION

- 1.1 The Education & Inspections Act (2006) introduced a requirement for each Local Authority (LA) to have in place an In-year Fair Access Protocol (IYFAP) by September 2007, 'agreed with the majority of schools in its area.' Legislation in regards to this requirement was provided in the School Admissions Code published in February 2007, and was revised again in the School Admissions Codes 2010 and 2012. There have been no subsequent changes to 3.9 – 3.23 (the section regarding Fair Access) in the updated December 2014 School Admissions Code (SA Code).
- 1.2 Further departmental advice from the Department for Education (DfE) named 'Fair Access Protocols: Principles and Process' was published in November 2012 and is aimed at all admission authorities and schools, setting out some principles to clarify the expectations on all parties to ensure that IYFAPs operate effectively at a local level.
- 1.3 The School Admissions Code gives LAs and schools including Academies, the freedom to develop and agree a IYFAP which best serves the needs of the children in their area. Neither the SA Code nor guidance documents from the DfE attempts to prescribe the structure of detailed content of IYFAPs. It is for participating schools to ensure the local IYFAP works for them and is reviewed as required by the LA.
- 1.4 Northamptonshire's IYFAP Policy has been written by the LA (School Admissions) in partnership with the Head of the Education, Inclusion Partnership (EIP) Team. A Protocol Steering Group (PSG) has been established comprising representatives from: (i) School Admissions, (ii) EIP and (iii) schools in each geographical area of the County, in accordance with the above legislation and guidance.

## 2. AIMS OF THE PROTOCOL

- 2.1 'To ensure that outside the normal admissions round – **unplaced** children, especially the most vulnerable, are offered a place at a suitable school quickly, to ensure the amount of time any child is out of school is kept to a minimum. **The DfE expects that all schools will respond to requests by LAs to admit a child under the Fair Access Protocol within 7 calendar days and agree a start date for the child within 15 calendar days, in line with DfE Guidance (10/2012).**
- 2.2 **The Definition of 'Unplaced' (a child without a school place)**  
An unplaced child could be:
  - A child who is residing in the county but has no education provision - e.g. a child moving into the county;
  - A child who has moved from one area of the county to another due to a change of address e.g. a move from Corby to Northampton;

- A child who is unable to return to their current school due to exceptional circumstances, but who has not been permanently excluded;
- A child whose parent has taken the decision to electively home educate (EHE) but where EIP colleagues establish that little or no appropriate education is being provided.

If a child meets the criteria of the IYFAP but is not ‘unplaced’, the case will be presented at the FA Panel meeting, though it is expected that normal IYFAP admission arrangements will apply. However, protocol points may be allocated to the school in recognition of taking a child who would have fallen under the IYFAP if the child had been ‘unplaced’.

- 2.3 The LA **must** ensure that no school – including those with available places - is asked to take a disproportionate number of children who have been excluded from other schools, or who have challenging behaviour.’ **(SA Code 3.9).**
- 2.4 ‘When seeking to place a child under the Fair Access Protocol, all schools should be treated in a fair, equitable and consistent manner.’ **(DfE Guidance Nov 12)**
- 2.5 ‘All schools should work together collaboratively, taking into account the needs of the child and those of the school.’ **(DfE Guidance Nov 12)**

### 3. PRINCIPLES

Taking into consideration paragraphs 3.9 – 3.23 of the School Admissions Code and DfE Guidance, Northamptonshire’s main purpose is to ensure that:

- 3.1 ‘All admission authorities **must** participate in the Fair Access Protocol (including Academies, all types of Free Schools, University Technical Colleges and Studio Schools) in order to ensure that unplaced children are allocated a school place quickly’;  
**(SA Code 3.11 & DfE Guidance Nov 12)**
- 3.2 ‘The operation of the Fair Access Protocol is outside the arrangements of co-ordination and is triggered when an eligible child has not secured a school place under normal IYFAP admission procedures’. Therefore the IYFAP does not apply to children whose parent/carer(s) did not secure a place at their preferred school at the primary, infant, junior or secondary transfer stage as part of the coordinated scheme, as ‘admission authorities must not refuse to admit children in the normal admissions round on the basis of their poor behaviour elsewhere (SA Code 3.8).
- 3.3 ‘Fair Access Protocols should not be used as a means to circumvent the normal in year admissions process. A parent can apply for a place

as an in year admission for their child at any time, to any school outside the normal admissions round and is entitled to an appeal when a place is not offered. School Admissions will therefore ensure that the preferred schools stated by the parent/carer(s) will be approached under normal IYFAP procedures prior to any allocation made under the FAP.

**(SA Code 3.10, 2.21 and DfE Guidance Nov 12)**

- 3.4 Schools must not suggest to parents that they should seek another school via an in year application to avoid a permanent exclusion. It is the responsibility of the Principal/Head teacher to ensure this does not happen
- 3.5 'There is no duty for local authorities or admission authorities to comply with parental preference when allocating places through the Fair Access Protocol; however, it is expected the wishes of parents are taken into account.' **(SA Code 3.11 & DfE Guidance Nov 2012)**
- 3.6 Children allocated a place under the Fair Access Protocol will take precedence over those children already on the school's waiting list; **(SA code 2.14)**
- 3.7 Schools cannot cite oversubscription as a reason for not admitting a pupil under the Fair Access Protocol.

#### **4. WHO WILL THE FAIR ACCESS PROTOCOL COVER?**

**SA Code 2014 3.15** – The list of children to be included in an IYFAP is to be agreed with the majority of schools in the area but **must** as a minimum, include the following children of compulsory school age who have difficulty securing a school place:

- a) Children from the criminal justice system or Pupil Referral Units/Alternative Education Providers who need to be reintegrated into mainstream education;
- b) Children who have been out of education for two months or more – for cases where the parent has removed the child from school to 'electively home educate' (EHE) their child, the Education Inclusion Partnership team will be approached to confirm if an education has been provided;
- c) Children of Gypsies, Roma, Travellers, refugees and asylum seekers;
- d) Children who are homeless;
- e) Children with unsupportive family backgrounds for whom a place has not been sought;
- f) Children who are carers; and
- g) Children with special educational needs, disabilities or medical conditions (but without a statement).

In addition to the minimum requirements prescribed by the SA Code 2014, Northamptonshire's IYFAP includes the following:

- h) Children whose parents have been unable to find a place after moving to the area, due to a shortage of places or refusal by local schools to admit;
- i) Children known to other professional agencies who may present as 'vulnerable' (i.e. children presenting to such agencies with significant issues which would impact upon attendance and behaviour at school);
- j) Children presenting with significant behavioural issues;
- k) Children who have a persistent record of absence. This is defined as less than 90% unauthorised absence over a period of 100 school days.

## **5. IYFAP ADMISSIONS AND ESTABLISHING WHICH CASES ARE FAIR ACCESS**

5.1 On receipt of the completed Common Application Form (CAF), the School Admissions team will consider the information provided by the parent/carer. If there are indications that the child has any special educational needs, social or medical issues, behavioural issues, previous exclusions, involvement with other professional organisations such as Social Services, Police, or any attendance issues, further enquiries will be made with the previous school and other agencies in order to establish if the child is a Fair Access case and/or meets the criteria for the IYFAP;

5.2 If there is no evidence on the Common Application Form, to suggest any of the above, no further information will be sought from the previous school and the application will be processed as a **normal in-year application**;

Outside the normal admissions round, when there are available places in the year group, schools should continue to admit children who do not meet the criteria of the IYFAP, under normal in-year admission procedures. Schools which are their own admissions authority, may admit children over the published admission number (PAN) if they choose to do so. If all of the preferred schools are full in the relevant year group, a 'no offer' letter will be forwarded to the parent/carer(s), stating their right of appeal and that the nearest school with places will be offered as an alternative;

5.3 Established Fair Access cases, including children who meet the criteria for the IYFAP, will be presented at an area Fair Access Panel meeting. (Some of the children who will be discussed may not meet the FAP criteria but may be 'hard to place');

## 6. FAIR ACCESS PANEL MEETINGS

The recent change from Pupil Placement Panel (PPP) meetings, which were used to seek placements for all in-year secondary applications, to Fair Access Panel meetings, solely for the placement of Fair Access cases, is to ensure that the focus of the meeting will always be on our most vulnerable children. At the meeting, it is expected that all schools in an area, along with other professionals from the LA, will work together to identify a school place for the more 'hard to place' children and young people. The LA will ensure that once the Academy Trust/Admissions Committee (in the case of Academies) of the identified school has agreed the placement, the child is placed on roll at the identified school within 15 calendar days in line with the School Admissions Code and DfE guidance. For further information, please see the Terms of Reference for Fair Access Panel meetings in **Appendix 3**.

### 6.1 Daventry/SW area

Fair Access Panel meetings do not operate in this part of the county.

- If there are multiple Fair Access cases for whom the parent/carer(s) have stated a preference for schools situated in the Daventry/SW area, the cases will be presented at the area SWAN BAP meeting;
- If there are Fair Access cases for whom parent/carer(s) have stated a preference for a Daventry/SW school, situated on the outskirts of Northampton town, a representative from that school will be invited to attend the Northampton FA Panel meeting;
- For isolated cases in this area, the preferred school in the Daventry/SW area will be approached directly;

### 6.2 Fair Access Panel meetings elsewhere in Northants.

Information regarding the child, including previous history, will be presented at the FA Panel/BAP meetings to enable schools in the area to make informed decisions in relation to the most appropriate school/provision for the child. The information will include: the Common Application Form from parents stating their preferred schools; the previous history of the child; the distances to each school in an area; the ranked order of schools in an area based on the points allocated to them under the Fair Access Protocol and a record of the number of pupils who have *already* been allocated under the IYFAP during the term/academic year.

6.2.1 Cases will be discussed by all parties, taking into consideration the bullet points under section 6.7 (below). As a result of the discussions, a school will be identified at the meeting;

6.2.2 Following the meeting, a FAP/in-year allocation letter will be emailed securely to the identified school, addressed to the area representative of the school who attends the FA Panel meeting, who has a responsibility for admissions at the school. Copies of the letter will also be sent to other agencies who are involved with the child and the area

representative from the Protocol Steering group (PSG). The letter will outline the timeframes for the school to respond to the LA following their consultations with their Academy Trust/Admission Committees and the timeframes for placing the child on roll;

- 6.2.3 All allocations agreed and made under the criteria of IYFAP at the FA Panel meetings will be recorded and monitored by the area Senior Admissions Officer. An up-to-date list of allocations made under the IYFAP will be forwarded to all secondary schools at the end of each term by the Senior Admissions Officer responsible for Fair Access;
- 6.2.4 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;
- 6.2.5 In order to take into account the needs of the child and those of the school, the following considerations will be made by the FA Panel when placing pupils:
- Parental preference – though there is no longer a statutory duty to comply with parental preference, the wishes of parents should be taken into account. The use of the IYFAP does not remove a parent/carer(s) right to appeal against the refusal of an application for a place at their preferred school. Therefore, the preferred school will still be approached under normal IYFAP admissions to admit the child;
  - The ranked order of schools in an area, which is determined by the points-based system used by Northamptonshire LA for protocolling children and young people;
  - The number of children allocated previously to a particular school in an area under the IYFAP during the current term/academic year and into the same year group;
  - Reasonable distance to the identified school from the home address and availability of transport;
  - Previously attended schools – consideration will be given to any previous serious breakdown in relationships between a school and the family to include a failed managed move, or strong views of parents/carers regarding the religious ethos of a school;
  - 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;

When considering a Managed Move, schools should notify the Education Inclusion Partnership team by completing the relevant form on the County Council website by following the link below:

<http://www3.northamptonshire.gov.uk/councilservices/children-families-education/schools-and-education/information-for-school-staff/pupil-support-and-inclusion/attendance-and-behaviour/Pages/managed-moves.aspx>

## 7. TIMELINES – see also Appendix 1

It is expected that all parties will act with a sense of urgency to identify a school place for any child who has had difficulty securing one, or who falls under the IYFAP.

Where the IYFAP has been applied:

- All schools, including Academies, are expected to respond to requests by local authorities to admit a child under the Fair Access Protocol **within seven calendar days. (DfE advice, 10/2012)**
- It is expected that an Academy will agree a starting date for the child or set out its refusal in writing to the local authority **within 15 calendar days** (providing contact details to cover any approaching bank holiday or holiday periods). **(DfE advice, 10/2012)**
- Any concerns or decisions to refuse admission need to be addressed in **writing** (as stated above) to the Admissions Manager in the first instance – see below 8.3 & 8.4 This must be done only if the school considers there are **substantial and relevant** reasons for not admitting a particular child referred to them under the IYFAP.

## 8. REFUSAL TO ADMIT CHILDREN

- 8.1 '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.' **(SA Code, 3.13)**

- 8.2 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 children who were below compulsory school age at the time of the exclusion, children who have been re-instated following a permanent exclusion (or would have been had it been practicable to do so), and children with special educational needs statements or Education, Health and Care Plans. **(SA Code, 3.8)**
- 8.3 'Where a governing body does not wish to admit a child with challenging behaviour outside the normal admissions round (in-year admissions), even though places are available, it **must** refer the case to the local authority for action under the Fair Access Protocol. This will normally only be appropriate where a school has a particularly high proportion of children with challenging behaviour or previously excluded children. The use of this provision will depend on local circumstances and **will not apply to a looked after child, a previously looked after child, or a child with a statement of special educational needs naming the school in question, as these children must be admitted.**' **(SA Code, 3.12)**
- 8.4 If 8.3 (above) applies, the case should be referred to the School Admissions Manager and Service Manager for the EIP Team for consideration. The Managers will only consider requests not to admit (even though places are available) when the school also provides clear evidence that the admission would have serious implications for the school. Supporting evidence should include:
- a) a copy of the governing body/Academy Trust's reason for decision to refer the case to the local authority for action under the fair access protocol;
  - b) evidence that the child has a history of significantly challenging behaviour, other agency involvement, school exclusion history, child's behaviour log;
  - c) the criteria of the FAP the school feels that the child will fall under;
  - d) evidence that the relevant cohort already contains a particularly high proportion of children with challenging behaviour or previously excluded children than those that currently exist in similar cohorts within the locality schools;
  - e) how the admission of the child would prejudice the provision of efficient education or efficient use of resources at the school.
- 8.5 If the LA is in agreement with the school's decision to refuse admission, the case will be presented at the next FA Panel meeting to identify an alternative school. The LA may consult a member of the Protocol Steering Group for the relevant area in reaching this decision if no agreement can be made.

## 9. POWERS OF DIRECTION

The Local Authority will always consult and carefully consider any response before initiating direction of the admission of a young person. If following consultation the LA decides to direct it will inform the Governing Body and Head teacher of a maintained school. The same process will be followed when considering requesting a direction (from the Secretary of State through the Education Funding Agency) for a child to be admitted to an Academy.

- **Local authority powers of direction (general)** – ‘A local authority has the power under sections 96 & 97 of the SSFA 1998 to direct the admission authority for any maintained school in its area to admit a child 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 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’ **(SA Code, 3.16)**
- ‘Before deciding to issue a direction to a voluntary aided or foundation school, the local authority **must** consult the governing body of the school and the parent of the child. If, following consultation, the local authority decides to direct, it **must** inform the governing body and head teacher of the school. A local authority should do the same when considering requesting a direction for a child to be admitted to an Academy through the FAP. The governing body of a maintained school can appeal by referring the case to the Schools Adjudicator within 15 calendar 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’ **(SA Code, 3.17)**
- If the case is referred to the Adjudicator, the Adjudicator may either uphold the direction or determine that another maintained school **must** admit the child. The Adjudicator’s decision is binding. The 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 **(SA Code, 3.18)**
- **Secretary of State Power of Direction (Academies)** - Where a local authority considers that an Academy<sup>1</sup> 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 Adjudicator in reaching a decision.

- Before seeking a direction to an Academy, the LA should consult the governing body of the school and the parent of the child. If, following consultation, the LA decides to seek a direction through the Secretary of State via the EFA, it must inform the governing body and Head teacher of the school.
- It is expected that an Academy will agree a starting date for the child or set out its reasons for refusal in writing to the local authority within 15 calendar days (providing contact details to cover any approaching bank holiday or holiday periods).

**If an Academy has not agreed a start date for the child within 15 calendar days, the local authority can apply for a direction from the Secretary of State via the EFA. (SA Code 3.22 & DfE Advice, 10/2012)**

## **10. PARENTAL PREFERENCE**

While there is no longer a statutory duty to comply with parental preference when allocating places through the Fair Access Protocol, it is expected that the wishes of parents will be considered. Where the IYFAP has been applied and the parent is not prepared to accept the school place offered, the school should ensure that their safeguarding/Children Missing from Education (CME) procedures are followed and the pupil **must** be placed on roll. Parents/carers retain a right to appeal for a school place at any school for which they have expressed a preference and been refused a place.

## **11. CHALLENGING BEHAVIOUR**

It has been agreed by PSG members that 'challenging behaviour' would be defined as: "Behaviour that is persistent and ongoing which consistently contravenes the school's behaviour and discipline policy. This behaviour is ongoing despite the use of strategies for prevention that have been in operation."

In defining what is understood by 'challenging behaviour', the LA will typically consider/expect that a **minimum** of two of the following characteristics should be met:

- An ongoing and current number of fixed term, internal or external exclusions;
- Children at risk of permanent exclusion where the behaviour of the pupil in question is of ongoing concern to those professionals involved;
- Use of a learning support unit or alternative provision commissioned by the school, or inclusion unit / centre where the child does not have a Statement of

Educational Needs in place;

- Children with Pastoral Support Plans (PSPs) in place, where the everyday resources of a particular school are unable to meet the needs of the pupil;
- Children with persistent and ongoing recorded instances of poor behaviour in reference to above.

## **12. HOW THE LOCAL AUTHORITY WILL ENSURE THE NEEDS OF CHILDREN NOT READY FOR MAINSTREAM SCHOOLING ARE MET (SA Code, 2014: 3.9)**

The LA will work with the school and alternative education providers to provide alternative education programmes for those children not suitable for mainstream school.

The LA has access to alternative education providers for both primary and secondary children with challenging behaviour. Children may have been permanently excluded or dual registered with a mainstream school and alternative provider. The alternative education providers offer a revolving door facility, so that while the children are in attendance at the provision, they are assessed, supported both academically and socially and are prepared for either a return to a mainstream school or special education placement.

## **13. PRIMARY AGE CHILDREN MEETING THE CRITERIA OF THE IYFAP**

The IYFAP will apply for unplaced primary age children who meet the criteria of the FAP. However, the following applies to the operation of the Primary IYFAP:

- The points scoring/ranking system will *not* be used, as data obtained for the points system relates specifically to secondary schools only;
- More emphasis will be placed on parental preference, distance/travel access from the home address to the school and access to additional resources to meet the child's needs, e.g. speech and language requirements;
- Consideration will be given to the Infant Class Size limit - A local authority must not make a direction under the Fair Access Protocol where a school '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,'

**(SA Code, 3.16);**

- A record of primary Fair Access Protocol admissions will be kept and maintained by the Senior Admissions Officer.

## **14. TRANSPORT**

Where a child has been placed at a school through the IYFAP, the entitlement to free transport will be assessed using Northamptonshire County Council's (NCC) Home to School Transport policy:

<http://www3.northamptonshire.gov.uk/councilservices/children-families->

In some cases - where there are exceptional circumstances - the most suitable school identified for the child may be over 2 miles from the home address on the shortest walking route for children aged between 4 and 8, and more than 3 miles for children aged between 8 and 16. For these cases, the School Admission Team will forward a request for transport on the parent's behalf, specifying the exceptional circumstances of the case.

## **15. PROTOCOL STEERING GROUP (PSG)**

A Protocol Steering Group has been established to monitor the operation and effectiveness of the Northamptonshire IYFAP. The PSG membership consists of:

- The School Admissions Manager;
- The Senior Admissions Officer responsible for Fair Access;
- The School Admissions Technical Officer responsible for the construction and maintenance of the points-based system;
- A representative from a secondary school from each district and borough in the county;
- The Service Manager for the Education, Inclusion Partnership team.

The PSG meets three times per academic year (once in each term). If a school has any fundamental issues in relation to the operation of the IYFAP, they should refer their concerns to their area representative on the PSG, or to the Senior Admissions Officer responsible for Fair Access, 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 the annual report giving statistical information on the effectiveness of the IYFAP.

## **16. LOCAL AUTHORITY REPORT**

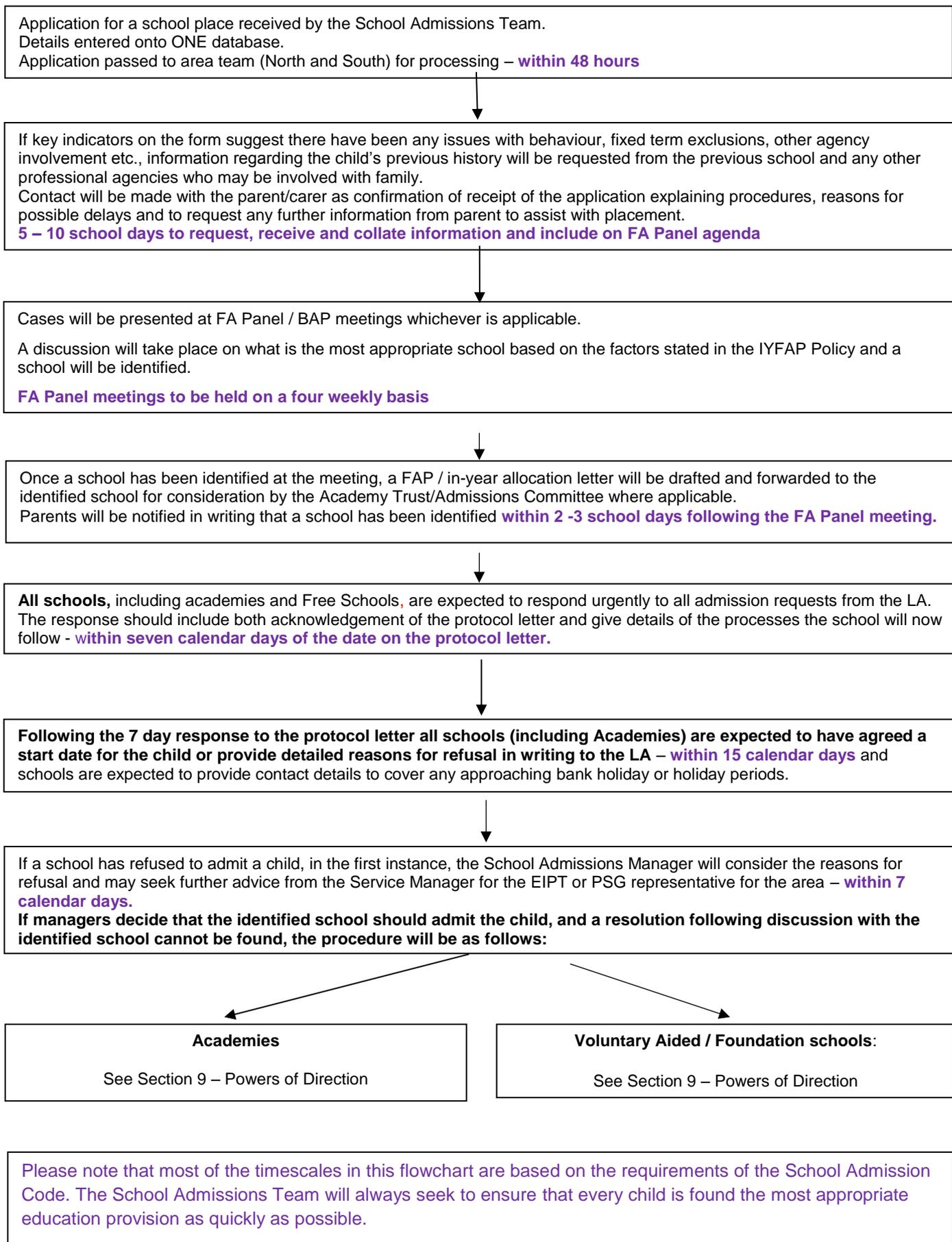
Local Authorities **must** produce an annual report on admissions for all schools in their area for which they coordinate admissions, to be published locally and sent to the Adjudicator by the 30<sup>th</sup> June following the admissions round. Part of the report includes an assessment of the effectiveness of IYFAPs in the LA area to include the number of children allocated under the IYFAP and timescales. The School Admissions Manager is responsible for the collation of this report.

**NCC aims to establish excellent working relationships with all types of schools (maintained schools, academies, Free Schools, UTCs) in the county to ensure that we fulfil our legal obligations as defined in the School Admissions Code and so that we can achieve the best outcomes for all Northamptonshire children.**

**The effective operation of the FAP is integral to these aims.**

## Appendices

### Appendix 1 – Timeline for Procedures



## Appendix 2 – Points Score/Ranking system explained

The system re-introduced in September 2012 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 Northamptonshire local authority are inclusive and already admit children from a wide and diverse population, the points-based system is intended to identify 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. that of the preceding academic year. For example, data to establish the starting point scores for each school for September 2016 were obtained from the census in January 2016.

<p><b>Geo-demographic Factor – based on FSM</b></p>	<p>Number of pupils eligible for Free School Meals. The formula used here simply converts FSM eligibility (percentage) from January 2016 School Census data into a rounded number.</p>
<p><b>Pupils whose Home Language is not English (EAL/ESOL)</b></p>	<p>The formula determining this score is: (number of learners with English as secondary or other language ÷ number on roll) x 100.</p>
<p><b>SEN - Students with EHCP (Education, Health and Care Plans)</b></p>	<p>NB. For 2016/17, both the wording and the data used for SEN students has been revised. Previously, SEN students were accounted for by two sets of data:</p> <ul style="list-style-type: none"> <li>• The number of students with statements</li> <li>• The number of students on School Action Plus (stages P and S)</li> </ul> <p>The revised wording in the 2016/17 Protocol (see column to the left) reflects changes to the way in which students with SEND are categorised.</p> <p>The local authority proposed that the SEN Category ‘K’ learners should be removed from all schools’ scores from 2016/17 onwards as there is concern that this parameter may not be used in the same way by all schools in the county. The PSG has considered the issue and has decided, in December 2016, that, as this is not an objective, reliable data set, it should not count towards a schools’ final score.</p> <p>The formula determining this score is: (number of students in number of students on EHCP – number of students in in-school DSP provision (if applicable) ÷ Number on Roll) x 100).</p> <p>Schools with DSP provision also receive an ‘offset’: this is the number of students on roll in DSP subtracted from their SEN score.</p>

<b>Mobility</b>	This is calculated in exactly the same way as a school's mobility formula. The formula is: (number of students in + number of students out ÷ number on roll) x 1000
<b>Prior Attainment</b>	The formula for conversion of Key Stage 2 Average Point Scores is: (33-KS2 APS) x 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 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 considered 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 the county 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 points 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/academic year, their names, date of birth, NCY, 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 Officers for the relevant areas;
- Prior to the monthly FA Panel meetings, and to ensure transparency, a copy of the FAP report, filtered by area, 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/BAP meetings.

Point scores for each criterion – Each time a child is admitted, the total points for each child will be added to the identified school's existing points total:

<b>The School Admissions Code requires that Protocols <u>must</u> include, as a minimum, the following categories:</b>		<b>Points allocated</b>
<b>A</b>	<b>Children from the criminal justice system or Pupil Referral Units/alternative providers who need to be reintegrated into mainstream education</b>	<b>50</b>
<b>B</b>	<b>Children who have been out of education for two months or more</b>	<b>10</b>
<b>C</b>	<b>Children of Gypsies, Roma, Travellers, refugees and asylum</b>	

	<b>seekers</b>	<b>10</b>
<b>D</b>	<b>Children who are homeless</b>	<b>10</b>
<b>E</b>	<b>Children with unsupportive family backgrounds for whom a place has not been sought</b>	<b>20</b>
<b>F</b>	<b>Children who are carers</b>	<b>10</b>
<b>G</b>	<b>Children with special educational needs, disabilities or medical conditions (but without a statement)</b>	<b>20</b>
<b>Further criteria agreed by NCC and the Protocol Steering Group:</b>		
<b>H</b>	<b>Children whose parents have been unable to find a place after moving to the area, due to a shortage of places or refusal by local schools to admit</b>	<b>10</b>
<b>I</b>	<b>Children known to other professional agencies who may present as 'vulnerable'</b>	<b>20</b>
<b>J</b>	<b>Children presenting with significant behavioural problems</b>	<b>40</b>
<b>K</b>	<b>Children who have a persistent record of absence – below 90% unauthorised absence for a period of 100 school days</b>	<b>20</b>
	<b>Total points allocated for child</b>	

## Appendix 3 – Terms of Reference for FA Panel meetings



### Northamptonshire County Council

#### FAIR ACCESS PANEL MEETINGS

#### TERMS OF REFERENCE

1 Nov 2016 (updated Nov 17)

#### Purpose of the Fair Access Panel

To ensure that Northamptonshire County Council's (NCC'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.

#### Background

Pupil Placement Panel (PPP) meetings used to operate in five areas of the county in order to provide a process for the placement of all secondary school age children for which in-year applications had been received. These applications are from parent/carer(s) who have: (i) moved into the county, (ii) moved from one area of the county to another or (iii) wish for their child to change schools within an area.

However, these in-year pupils are not necessarily 'fair access' pupils and, because of the significant increase in the number of in-year applications received by NCC (the Local Authority), the council has proposed that it would be more appropriate and beneficial to both the children and the schools, if the PPP meetings were solely for the placement of children defined as 'hard to place'. The meetings will, therefore, focus on our most vulnerable children.

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 Panels will meet in the following areas of the county:

- Corby
- East Northamptonshire
- Kettering
- Northampton
- Wellingborough

## **1. Membership of the FA Panel**

- 1.1 Each secondary school within the five areas of the county 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 the representative is unable to attend, the school must send a suitable substitute;
- 1.2 Representatives from the LA (dependent on the circumstances of the cases presented) may include:
- Senior Admissions Officer – School Admissions;
  - Education Entitlement Officer – Education, Inclusion, Partnership (EIP) Team;
  - Early Help Team Manager – Early Help Team;
  - A representative from alternative provision (if the child is currently attended an alternative provision within the County) ;
  - Social Worker and / or member of the Virtual School to attend if case particularly complex;
  - Relevant health professional (if required) or information will be provided by health professionals about how the pupil's health needs will be met in school.

## **2. Accountability**

- 2.1 Following discussions at the meeting by all parties, a school will be identified at the meeting;
- 2.2 If no agreement can be reached within the group, the Local Authority will decide which school will be identified school for the child under the Fair Access Protocol (FAP);
- 2.3 Parental preference will be the main consideration, though 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 protocol/in-year allocation letter (whichever is appropriate) from the School Admissions Team stating the timelines for a response as advised by the DfE. This will give the school the opportunity to present the case to their Academy Trust/Admissions Committee for a final decision to be made.

## **3. Operation of FA Panel Meetings**

- 3.1 Meetings will be held 4 weekly at a venue to be decided at the previous meeting;
- 3.2 Dates for future FA Panel meetings will be arranged by the attendees of the meetings;
- 3.3 Dates and venues for areas which hold a Behaviour & Attendance Partnership (BAP) meeting (Wellingborough and East Northants) will be agreed by schools in those areas;
- 3.4 The cases to be presented at the meeting will be circulated by the School Admissions Team on an agenda via Egress secure email to all panel members, approximately two to three days before the meeting;

- 3.5 Dates and venues for areas who hold a Behaviour & Attendance Partnership meeting (Wellingborough and East Northants) will be agreed by schools in those areas;
- 3.6 The cases to be presented at the meeting will be circulated by the School Admissions Team on an agenda via Egress secure email to all panel members, approximately three days before the meeting.

#### **4. Discussion and outcome of FA Panel meetings:**

- 4.1 The FA Panel will discuss each child on the agenda, in order to establish the most appropriate school/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 is already attending a school in the area, the representative from that school should present to the FA Panel any additional information about the pupil's previous history, attendance, behaviour and details of any support already in place at the school.
- 4.4 Following discussion, a school will be identified at the meeting. However, the ultimate decision will be made by the Academy Trust/Admission Committee of the identified school;
- 4.5 Once a school has been identified by the FA Panel, the NCC's Admissions team will send a letter promptly to the Academy Trust / Admissions Committee to ensure that that the child is admitted as soon as possible.

**Review:** The relevance, working methods and effectiveness of the terms of reference will be reviewed termly by the Protocol Steering Group (PSG).