

Fair Access Protocol



North
Tyneside
Council

This document should be read in conjunction with:

https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/1101498/Suspension_and_Permanent_Exclusion_from_maintained_schools_academies_and_pupil_referral_units_in_England_including_pupil_movement.pdf

https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/1012993/FAP_Guidance.pdf

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

<https://www.legislation.gov.uk/ukpga/2002/32/contents>

1.0 Purpose of Protocol

- 1.1 The purpose of a FAP is to ensure that vulnerable children, and those who are having difficulty in securing a school place in-year, are allocated a school place as quickly as possible, minimising the time the child is out of school. Where possible, children should be placed in school through the usual in-year admissions process in the first instance.

FAPs should provide a fair and transparent system to ensure that all schools share the collective responsibility of helping the most vulnerable, by admitting their fair share of children being placed via the FAP. This includes supporting those children who have been permanently excluded from other schools and those who display challenging behaviour.

- 1.2 It should be read alongside:

- School Admissions Code 2021;
- School Standards and Framework Act 1998; and
- Equality Act 2012.

- 1.3 The process is usually triggered when a parent/carer of an eligible child or young person has not secured a school place through in-year admission procedures, where the LA has put in place an attendance order or where a child has been permanently excluded.

- 1.4 The Protocol sets out the expectations on the LA and **all** schools to work together to swiftly identify a school place for those children where there is difficulty in finding one.

- 1.5 A Fair Access Protocol is an agreement between the Local Authority and all admission authorities in the area, and once it has been agreed by the majority of schools, it is legally binding on all schools and all schools must participate in it. The Protocol ensures that outside the normal admissions rounds, unplaced children and young people, especially the most vulnerable, are offered a place at a suitable local school as quickly as possible.

- 1.6 The amendments in this revised version have been made to comply with the mandatory and statutory changes to the School Admissions Code from 1 September 2021 and these changes have been subject to a consultation process

by the DfE. All other aspects remain unchanged and since these new changes are mandatory there are no grounds to consult further at this point.

- 1.7 This Protocol will be used to place children of both primary and secondary school age. The numbers of primary aged pupils who meet the requirements of this protocol are expected to be few. However, schools will be expected to continue to admit pupils who apply for an available place, under normal admission arrangements.

2.0 Principles

- 2.1 Whilst the Protocol is procedural, the continued successful operation of North Tyneside Council's Fair Access Protocol is due to the willingness of all schools working together with a genuine ethos of collaboration and co-operation to:
- Keeping Children Safe and in Education
 - Act with a sense of urgency to minimise a pupil's time out of education
 - Secure appropriate school placements
 - Ensure that schools comply with decisions under the Protocol to admit pupils without delay
- 2.2 The Protocol should not be used to circumvent the normal in-year admissions process.** A parent can apply for a place as an in-year admission at any point and is still entitled to an appeal when a place is refused.
- 2.3 The Protocol will ensure that no one school or Academy – including those with available places – is asked to take a disproportionate number of children or young people who have been permanently excluded from other schools, who display challenging behaviour, or who are placed via the Protocol.
- 2.4 If an in-year application is submitted and there are places available then the admissions authority for the school needs to admit the child or young person unless the admissions authority for the school believes that by admitting this child that they are being asked to take a disproportionate number of children or young people who have been permanently excluded from other schools or who display challenging behaviour. If this is the case or the school is full they should refuse the application stating the reason why a place should be allocated by the

Fair Access Panel. Refusal of an application affords parents a right of appeal by an Independent Appeals Panel.

- 2.5 The Fair Access Panel will consider the case and allocate a school place. This process will run alongside the appeals process. There is no parental right of appeal to the decision of the Fair Access Panel and the child should be allocated a place within 20 school days of the refusal of the in-year application. Any appeal made to the Independent Admissions Appeals Panel will progress through this process. There may therefore be occasions where the Fair Access Panel decides to allocate a different school, but the Independent Admissions Appeals Panel uphold the parent's appeal for a place at the school originally applied for. In such circumstances, the decision of the Independent Admissions Appeals Panel takes precedence over the decision of the Fair Access Panel
- 2.6 The decision of the Fair Access Panel is final and there is no parental right of appeal. This does not prevent parents from submitting other in-year applications. The School Admission Code clearly states that ***"Any parent can apply for a place for their child at any time to any school outside the normal admissions round."***
- 2.7 Panels will be held weekly for Secondary aged pupils and every 3 weeks for Primary aged pupils to ensure that eligible children and young people secure a school placement as swiftly as possible. Additional Primary panels will be assembled where required. 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
- 2.8 All schools should work collaboratively, considering the needs of the pupil and those of the school.
- 2.9 All schools are expected to respond to requests by the local Authority to admit a pupil under the Fair Access Protocol within 10 school days of notification of the decision of the Fair Access Panel. The Panel decisions will be communicated to the named school and to the parent / carer by the School Support Team.

3.0 Fair Access Protocols and Equality

- 3.1 The School Admissions Code outlines that schools are subject to the Public Sector Equality Duty and therefore must have regard to the need to eliminate discrimination, harassment and victimisation, advance equality of opportunity, and foster good relations in relation to persons who share a relevant protected characteristic and persons who do not share it.
- 3.2 Whilst an application may be considered under Fair Access Protocols, the application should only be referred to the Local Authority (SST Universal) for progress by the Fair Access Panel when the preference school/s believes that, due to the child's circumstances, they are **unable to admit the child because of the prejudice it would cause to the efficient education and efficient use of resources in the school. In such cases, the school should refuse the application and the parent is given a right of appeal.**
- 3.3 Determining that the application is eligible for consideration under the Fair Access Protocol cannot, in itself be a reason for refusal. There must be evidence of prejudice that the admission would cause.
- 3.4 Section 3.24 of the Appeals Code outlines that if an application has been refused, despite there being places available, the governing body **must** present their case for refusal, demonstrating how admissions of the child would prejudice the provision of efficient education and efficient use of resources. When considering such an appeal, in addition to considering the appellant's arguments for their child to be admitted, the panel must take account of the requirements set out in the local authority's Fair Access Protocol. The panel must carefully consider whether the presenting officer has clearly proven that admission of the child would be prejudicial to the school or other children.

An application should not be referred to the LA simply because Fair Access categories have been identified on the application form as this would be considered discriminatory.

4.0 Assessing Eligibility

- 4.1 It is the expectation that **most** children and young people who are eligible will come to the attention of the Admissions Team through an in-year application for a school place. However, if at any time a school identifies **only** those children or young people that could be categorised as meeting the criteria in section 5, they should notify the School Support Team to enable the necessary procedures to be initiated.

5.0 The Scope of the Protocol

5.1 The School Admissions Code 2021 removes the ability for local authorities to introduce their own FAP categories.

In line with the School Admission Code 2021, the following categories of children and young people should be considered within the scope of this Protocol, who are of compulsory school age who have been unable to secure a school place through School Admissions or have been permanently excluded from their educational setting and require a new educational placement:

Fair Access Panel can admit over PAN but will not admit over PAN if class size legislation applies for primary placements in Reception and KS1

Category	a	<u>Children either subject to a Child in Need Plan or a Child Protection Plan or having had a Child in Need Plan or a Child Protection Plan within 12 months at the point of being referred to the Protocol;</u>
Additional notes		
Who refers to the Fair Access Panel		Admissions (supported by named social worker)
Action		Parent/carers preference will be made known to the panel to be considered and those schools and other schools within reasonable distance from home to be considered
Support		SST Early Intervention organise and provide advice, guidance, and support as appropriate and where necessary

Category	b	<u>Children living in a refuge or in other Relevant Accommodation at the point of being referred to the Protocol;</u>
Additional notes		
Who refers to the Fair Access Panel		Admissions
Action		Parent/carer preference will be made known to the panel to be considered and those schools and other schools within reasonable distance from home to be considered
Support		SST Early Intervention organise and provide advice, guidance, and support as appropriate and where necessary

Category	c	<u>Children from the criminal justice system;</u>
Additional notes		
Who refers to the Fair Access Panel		Youth Justice Team
Action		Parent/carer preference will be made known to the panel to be considered and those schools and other schools within reasonable distance from home to be considered
Support		SST Early Intervention organise and provide advice, guidance, and support as appropriate and where necessary Youth Justice Team

Category	d	<u>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;</u>
Additional notes		Permanent Exclusion for placement
Who refers to the Fair Access Panel		Excluding school AP provider

Action	Parent/carer preference will be made known to the panel to be considered and those schools and other schools within reasonable distance from home to be considered
Support	SST Early Intervention organise and provide advice, guidance, and support as appropriate and where necessary

Category	e	<i><u>Children with special educational needs (but without an Education, Health and Care plan), disabilities or medical conditions;</u></i>
Additional notes		- Students arriving in the borough who may have been accessing an alternative provision elsewhere - Students who arrive in borough with multiple/ complex issues who don't have an EHCP but may need access to alternative provision
Who refers to the Fair Access Panel		Admissions Receiving School
Action		Parent/carer preference will be made known to the panel to be considered and those schools and other schools within reasonable distance from home to be considered
Support		SST Early Intervention organise and provide advice, guidance, and support as appropriate and where necessary

Category	f	<i><u>Children who are carers;</u></i>
Additional notes		
Who refers to the Fair Access Panel		Admissions (supported by Young Carers)
Action		Parent/carer preference will be made known to the panel to be considered and those schools and other schools within

	reasonable distance from home to be considered
Support	SST Early Intervention organise and provide advice, guidance, and support as appropriate and where necessary

Category	g	<i><u>Children who are homeless</u></i>
Additional notes		
Who refers to the Fair Access Panel		Admissions
Action		Parent/carers preference will be made known to the panel to be considered and those schools and other schools within reasonable distance from home to be considered
Support		SST Early Intervention organise and provide advice, guidance, and support as appropriate and where necessary

Category	h	<i><u>Children in formal kinship care arrangements</u></i>
Additional notes		
Who refers to the Fair Access Panel		Admissions (supported by named social worker)
Action		Parent/carers preference will be made known to the panel to be considered and those schools and other schools within reasonable distance from home to be considered
Support		SST Early Intervention organise and provide advice, guidance, and support as appropriate and where necessary

Category	i	<i><u>Children of, or who are, Gypsies, Roma, Travellers, refugees, and asylum seekers;</u></i>
Additional notes		
Who refers to the Fair Access Panel		Admissions

Action	Parent/carer preference will be made known to the panel to be considered and those schools and other schools within reasonable distance from home to be considered
Support	SST Early Intervention organise and provide advice, guidance, and support as appropriate and where necessary

Category	j	<u>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 School Admissions Code 2021;</u>
Additional notes		This includes students returning from EHE who have been refused a school place on the grounds of their challenging behaviour
Who refers to the Fair Access Panel		Refusing school/Admissions (Following LA consideration of the Governing body request if approved) *See 3.9/3.10 note below*
Action		Parent/carer preference will be made known to the panel to be considered and those schools and other schools within reasonable distance from home to be considered
Support		SST Early Intervention organise and provide advice, guidance, and support as appropriate and where necessary

Category	k	<u>Children for whom a place has not been sought due to exceptional circumstances</u>
Additional notes		The Local Authority will decide whether a case qualifies as exceptional circumstances on a case-by-case basis.
Who refers to the Fair Access Panel		It is for the LA to decide whether a child qualifies to be placed by FAP Admissions
Action		Parent/carers preference will be made known to the panel to be considered and those schools and other schools within reasonable distance from home to be considered
Support		SST Early Intervention organise and provide advice, guidance, and support as appropriate and where necessary

Category	l	<u>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 distance¹ of their home. This does not include circumstances where a suitable place has been offered to a child and this has not been accepted</u>
Additional notes		- Students returning to school from Elective Home Education following a period of at least 4 weeks out of mainstream education and where a return to the original school is not appropriate. ² - Students returning from Elective Home Education where the Attendance and Placement Service have deemed that they are not receiving appropriate education and are putting in place an 'Attendance Order' - For a child aged under the age of 8, a reasonable distance is 2 miles (section 444(5) of the Education Act 1996)

¹ The statutory walking distances are prescribed by [section 444\(5\) of the Education Act 1996](#).

² See appendix 5 for flowchart of process

	For a child over the age of 8, a reasonable distance is 3 miles (section 444(5) of the Education Act 1996)
Who refers to the Fair Access Panel	Admissions Attendance and Placement team
Action	Parent/carers preference will be made known to the panel to be considered and those schools and other schools within reasonable distance from home to be considered
Support	SST Early Intervention organise and provide advice, guidance, and support as appropriate and where necessary

Category	m	<u>Previously looked after children for whom the local authority has been unable to promptly secure a school place</u>
Additional notes		** FAP should not be necessary for PLAC –see note 84 in Admissions Code)
Who refers to the Fair Access Panel		
Action		Parent/carers preference will be made known to the panel to be considered and those schools and other schools within reasonable distance from home to be considered
Support		Admissions organise and provide advice, guidance, and support as appropriate and where necessary

****3.9/3.10** – Governing bodies are required to refer such cases to SST – LA with relevant supporting evidence to confirm that the school has a particularly high proportion of children with challenging behaviour or previously excluded children and evidence from the child's previous school and/or other professional agency to show the additional support that was in place for the child and that the child has had a significantly high number of suspensions, **within 5 school days of receipt**, to enable the local authority multi agency panel to establish if the case is considered appropriate for a Fair Access Placement.**

In addition to this in North Tyneside the members of the Fair Access Panel will act as the placement panel for referrals for all MAEPS – KS3 and KS4 placements and Route 16 placements

5.2 Children who meet the eligibility criteria for placement and who are undergoing statutory assessment are covered by this protocol and will be placed by the Fair Access Panel.

5.3 **Children with EHCP plans are not covered by this protocol as their needs must be considered separately.** Schools and provision will be agreed via the multi-agency SEND panel which meets weekly.

5.4 The LA has a duty to ensure sufficient school places for all children in its area. Where this is not the case and whilst the LA is actively engaged in correcting the situation, a small number of children and young people who have been refused admission to all schools after moving to the area because the schools are up to their Published Admission Number may have to be referred to Panel.

6.0 Timelines

6.1 The School Admissions Code (September 2021) requires that placement decisions need to be made within 20 school days of a child being referred to the Fair Access Panel.

7.0 Designating an appropriate school

7.1 A decision must be made, and a placement secured for any child or young person considered to meet Fair Access status and whose case is presented to the Panel. Schools must work together to ensure a fair distribution of children and young people who have been unable to secure a school place through School Admissions or have been permanently excluded from their educational setting and require a new educational placement in each school. Responsibility is shared equally amongst admission authorities to ensure a place is allocated. These children and young people should be admitted by the 10th school day following notification of allocation and should be given priority for admission over others on a waiting list or awaiting an appeal.

- 7.2 If a child or young person has previously been on a school roll, consideration should be given to them returning to their school of origin (their most recent school placement) in the first instance, unless they left due to a permanent exclusion or the Panel deems it to not be in the best interests of the pupil and/or the school.
- 7.3 There is no duty for the Panel to comply with parental preference when allocating places through the FAP but parents' views will be taken into account.
- 7.4 Where possible, schools best placed to support the child's or young person's educational and welfare needs will be considered first.
- 7.5 Schools **cannot** cite oversubscription as a reason for not admitting a child or young person unless placing would breach Infant Class Size legislation and they could not be classified as an excepted child. However, Panels will still have the authority to put schools into breach where no viable alternative is available. In this instance the child would receive excepted pupil status.
- 7.6 Every effort must be made to limit the time or distance a child or young person must travel to receive education.
- 7.7 The panel will have all available information and any concerns regarding the admission, for example a previous serious breakdown in the relationship between the school community and the family; issues affecting children's safety; or a strong aversion by the family to the religious ethos of the school shared with them and the panel will decide whether the concerns shared are considered when making their placement decision.
- 7.8 The general rule should be that if a child moves into the area that they attend a local school, or the school named by the parents/carers as their first preference. Headteachers **should not** refuse to admit a child if there is a place available, even if the child has behavioural issues or comes from a difficult family background unless a school has a particularly high proportion of children with challenging behaviour or previously excluded children and can clearly demonstrate the prejudice that the admission would cause and feels it cannot take an additional child without impacting the efficient education and efficient use of resources in the school.

- 7.9 For schools which are their own admissions authorities, Headteachers and governing bodies are asked to agree a procedure whereby the Head in consultation with the Chair is empowered to make immediate decisions about the placement of a pupil so that there is not a further period of absence from school.

8.0 Pupil reintegration procedure

- 8.1 Once the Panel has identified a school and decisions on a placement made, the School Support Team will notify the Admissions Team, the school and parent / carer.
- 8.2 Admission authorities **must** admit children when asked to do so in accordance with the FAP, including where the school is operating a waiting list and by the 10th school day following notification of allocation. Where an admission authority has failed to admit a child in accordance with the FAP, they may be directed to do so.³
- 8.3 Schools **must** then contact the parent/carers to arrange admission and notify the LA of the admissions date in each case confirming that the child is on roll. (see paragraph 2.9)

9.0 Dispute Resolution

- 9.1 In the event a Panel decision has been taken and the **parent/carers** refuses to agree to the school named by the panel, there is no further appeal process as the decision of the Fair Access Panel is final.⁴
- 9.2 In the unlikely event that a Panel decision has been taken and the **named school** refuses access:
- Where the Local Authority is the admission authority for a community or voluntary controlled school there is no right of appeal because the Fair Access Panel acts on behalf of the Local Authority and therefore it is taken that the admission authority agrees to the placement. The child **must** be admitted.

³ Fair Access Protocols: Guidance for school leaders, admission authorities and local authorities (2021)

⁴ See paragraph 2.6

- If a maintained school whose Governing body is the Admissions Authority refuses to admit a pupil assigned under this protocol after the panel has fully considered the case:
 - they must inform the local authority **within 7 calendar days**.
 - The local authority will inform in writing (electronically) the school of their intention to direct⁵ to admit the pupil giving **7 calendar days notice**.
 - The governing body has **7 calendar days** to reconsider and respond.
 - 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
 - **On the 16th day**, if the case has not been referred, the Assistant Director, Education and Inclusion, will direct the school to admit the pupil under their powers in Section 96 of the Schools Standards and Framework Act 1998.

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.

- If an Academy refuses to admit a pupil assigned under this protocol after the panel has fully considered the case:
 - The academy will inform in writing (electronically) the local authority **within 7 calendar days** of the panel notification
 - The Local Authority informs the academy trust of their intention to request a direction from the Secretary of State.
 - The academy trust has 15 calendar days to reconsider and respond in writing. On the 16th day the Assistant Director, Education and Inclusion will make the application to the ESFA for a decision by the Secretary of State.
 - The Secretary of State has the power under an Academy's Funding Agreement to direct the Academy to admit a child and can seek advice from the Schools Adjudicator in reaching a decision.⁶

⁵ Sections 96 and 97 of the School Standards and Framework Act 1998

⁶ Section 25(3A) of the SSFA 1998

- When reviewing an academy direction case, the Education & Skills Funding Agency will act on behalf of the Secretary of State. The final decision will be made by the Secretary of State.

(See **Appendix 2**)

10.0 Review of the Protocol

- 10.1 The Protocol will be reviewed annually and if necessary, revised and redistributed to secure agreement from schools. The existing Fair Access Protocol will remain binding on all schools in the area until a new one is adopted.

11.00 Supported Student Moves

- 11.1 Supported Student Moves **do not** form part of the Protocol. How they operate will depend on local arrangements and will be determined by collaborations of Headteachers. Whilst they are not enshrined in legislation in the same way as pupils with Fair Access status, it is recognised best practice for panels to take account of supported moves and wider implications for schools when considering pupil placements under the Protocol.

Appendix 1

A1.1 Twice excluded rule and challenging behaviour.

A1.1a As in the normal admissions round, where a school receives an in-year application for a year group that is a normal point of entry (i.e. reception or year 7 in the 2 tier system; Reception, year 5 or year 9 in the 3 tier system), they must not refuse to admit the child on the basis of their behaviour, unless the child has been permanently excluded from 2 or more schools, with the most recent exclusion being within the previous 2 years⁷.

A1.1b Where an admission authority receives an in-year application for a year group that is not the normal point of entry and it does not wish to admit the child because it has good reason to believe that the child may display challenging behaviour (but they have not met the threshold for the twice excluded rule), it may refuse admission and refer the child to the FAP.

A1.1c Admission authorities may only do this if:

- the school has a particularly high proportion of children with challenging behaviour or previously excluded pupils on roll in comparison to other schools; and
- it believes admitting another child with challenging behaviour would prejudice the provision of efficient education or the efficient use of resources.

A1.2 What is challenging behaviour?

A1.2a 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

⁷ The twice excluded rule does not apply to the following children: children who were below compulsory school age at the time of the exclusion; children who have been reinstated following a permanent exclusion (or would have been reinstated had it been practicable to do so); children whose permanent exclusion has been considered by a review panel, and the panel has decided to quash a decision not to reinstate them following the exclusion; and children with education, health and care plans naming the school.

significantly interfere with the pupil's or other pupils' education or jeopardise the right of staff and pupils to a safe and orderly environment.

A1.2b The following reasons on their own should not be grounds for considering that a child may display challenging behaviour:

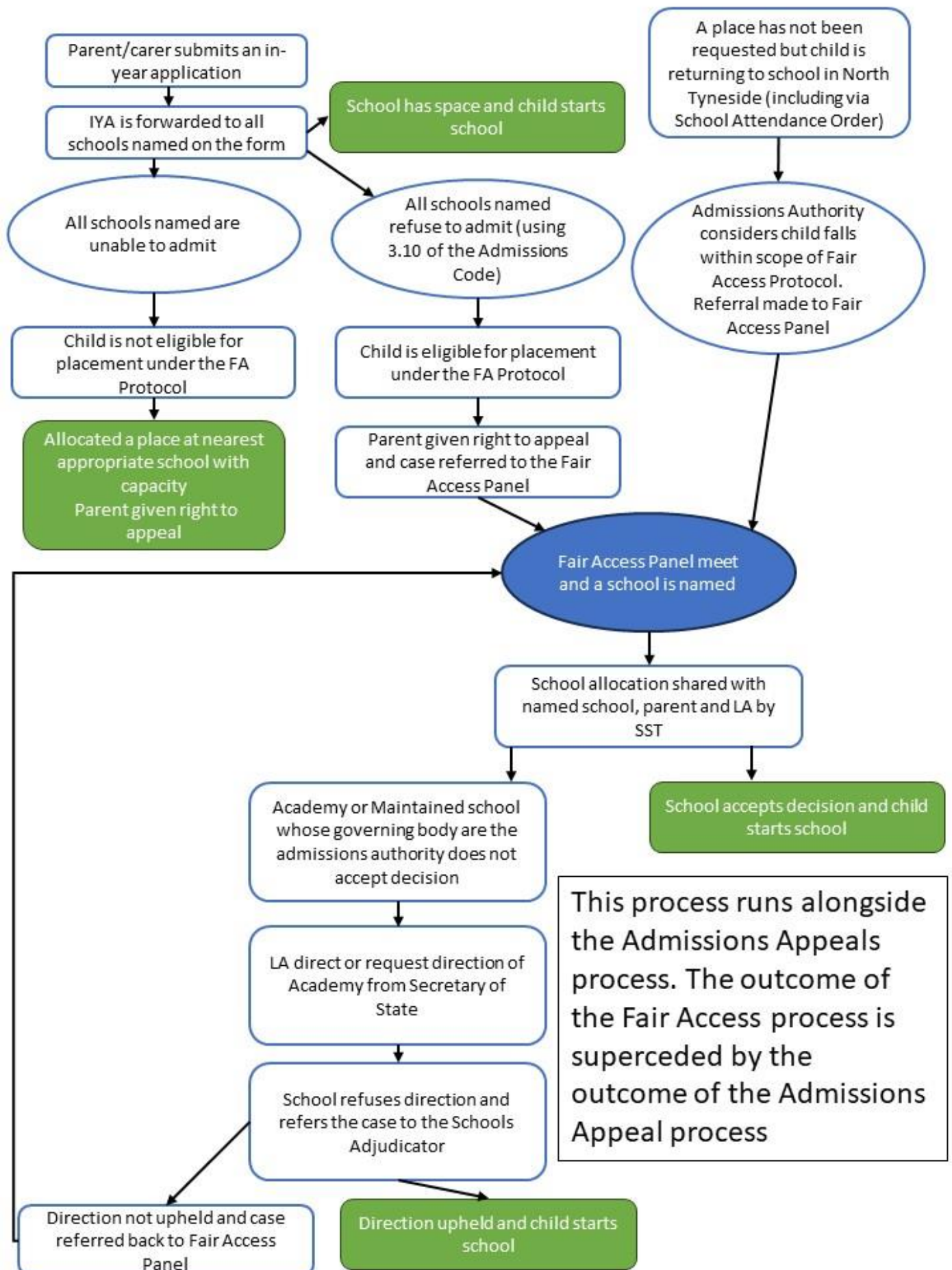
- poor attendance elsewhere.
- a defined number of suspensions, without consideration of the grounds on which they were made. *For NT schools, this data is available from the School Support Team. Out of borough applications can be referred to the School Support Team for further investigation*
- special educational needs; or
- having a disability.

A1.2c Admission authorities should 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.

A1.2d All schools have a duty to make reasonable adjustments for students with disabilities. Schools should be aware that a child who displays challenging behaviour may do so as a result of their disability or any unmet needs. Schools must therefore consider whether any reasonable adjustments can be put in place to support the needs of a particular child when considering whether admission should be refused on these grounds.

A1.2e The impact and effectiveness of these adjustments must also be taken into account in managing presenting behaviours. For example, where a school would have to provide teaching assistant support and put in place an agreed behaviour plan for a pupil with autism, the impact of these arrangements must be factored into a decision over whether the child's behaviour would meet the criteria to be considered challenging.

Appendix 2: Fair Access Process



Appendix 3

The Schools Admissions Code (September 2021) details mandatory requirements and statutory guidance for admission authorities, governing bodies, local authorities, schools' adjudicators and admission appeals panels

[*www.gov.uk/government/publications/school-admissions-code*](https://www.gov.uk/government/publications/school-admissions-code)

Sections 3.14 to 3.22 detail the specific requirements in relation to Fair Access Protocols.

Appendix 4

How the Fair Access panel will operate:

There are two age-related panels – primary (R, KS1 and KS2) and secondary (KS3 and KS4).

The **Primary** fair access admissions panel consists of:

4/5 representative headteachers from the first/primary/middle sector one of which will chair the panel meeting. the panel must consist of at least 3 members to be quorate

Also present are:

A representative of Silverdale

A representative from School Support Team – Early Intervention

A representative of the School Support Team – LA

A representative from Early Help MASH

A representative of the Virtual School/HIVE team

Clerk to the panel

The **Secondary** fair access admissions panel consists of;

One of the three teams of five/six Headteachers on a rota basis from the secondary/middle sector one of which will chair the panel meeting; the panel must consist of at least 3 members to be quorate

Also present are:

A representative of Moorbridge

A representative of the School Support Team – LA

A representative from Early Help MASH

Clerk to the panel

- Headteachers are expected to make themselves available to sit on panel. If a 'swap' is needed, heads are asked to organise this themselves and alert the School Support Team (SST) to any changes
- The SST will appoint a chairperson to lead and manage the meeting and all Headteachers are expected to agree to do this on a rota basis

- The Secondary panel will meet weekly on Fridays starting at 8am at The Langdale Centre. The Primary panel will meet every 3 weeks. Additional panels will be assembled as required.
- Papers will be shared with panel members 48 hours prior to the panel sitting. There may be exceptional circumstances that could result in 'late paperwork' being circulated after this time
- In the case of permanent exclusion and MAEPS placement referrals (excluding 'Home and Hospital' and Route 16 referrals), the home school Headteacher will be expected to present. The Headteacher may bring along an additional member of staff who knows the student well, but this person cannot substitute for the headteacher.
- The Headteacher and any supporting staff should be prepared to answer questions from the panel
- The SST will ensure the views of parents; students and other professionals working with the family are available at the meeting
- The presenting headteacher may at this point be asked further questions by the panel
- The presenting headteacher will leave the meeting and the panel will consider the evidence presented and decide on the outcome.
- For Fair Access referrals from other professionals, the referring professional will be expected to present and should be prepared to answer any questions from the panel.
- Previous school allocations will be available to the panel for consideration when making this decision
- Minutes will be taken of all meetings and stored electronically for future reference

- If there are no cases to be heard at panel that week of Headteachers will be notified in advance. The rota will continue as normal.

Timescales in relation to permanent exclusion

- The SST should be informed immediately by telephone of any decisions to permanently exclude a child and school should follow the statutory guidance for permanent exclusion when arranging a Governors Disciplinary Meeting
- Schools are responsible for arranging their own 6th day provision by contacting MAEPS directly, and providing completed Fair Access Paperwork and an up-to-date risk assessment where appropriate, whilst also copying the SST admin into the 6th day provision referral for processing
- The SST will only become involved once they are informed of the governor disciplinary meeting outcome. Should parents not request an Independent Review, the team will contact the family for their view on where the child should be educated. At this point the school is required to complete a Fair Access referral form
- SST will contact the family to discuss next steps and gather additional information from the family and any other professionals working with the family
- The school will be notified of the date and time slot on the next available panel. We ask for these cases to be presented not to question the decision, but to understand the needs of the child fully before making decisions as to the most appropriate next steps
- The SST will contact the family and other professionals to share the outcome as soon as possible after the panel finishes
- Letters to the home school, the receiving school and the family will be sent within 48 hours of the panel's decision
- Schools are asked to admit any students as quickly as possible but always within 10 school days of notification. This process can be supported by SST or NTSSS where appropriate

MAEPS placement referrals and Fair Access referrals other than permanent exclusion

- All referral forms must be completed by the home school or appropriate referring professional, and shared with the SST along with any supporting documents by Friday at 6.00 p.m.
- All forms other than those where the school has indicated a permanent exclusion will be triaged by the SST and a multi-agency panel within 7 working days to assess their suitability for a hearing at Fair Access. The triage process will use the agreed 'Graduated Approach' to gauge if the school has evidenced sufficient prior interventions. The outcome of triage will be shared with schools.
- If the referral is not put forward to panel, the school will be offered further advice and support
- Referrals that come in after 6.00pm will be looked at via triage the following week
- If the referral is deemed appropriate to move forward to the Fair Access Panel (FAP), the SST will inform the school of the date of their allocated panel and their allotted time slot

***See 'How the panel will operate' above for expectations when presenting a case to panel**

- The SST or school will contact the family and other professionals where appropriate to share the outcome as soon as possible after the panel finishes
- Letters to the home school, the receiving school and the family will be sent within 48 hours of the panel's decision
- Schools are asked to admit any students as quickly as possible but always within 10 days of notification. This process can be supported by SST or MAEPS where appropriate

Referral Forms

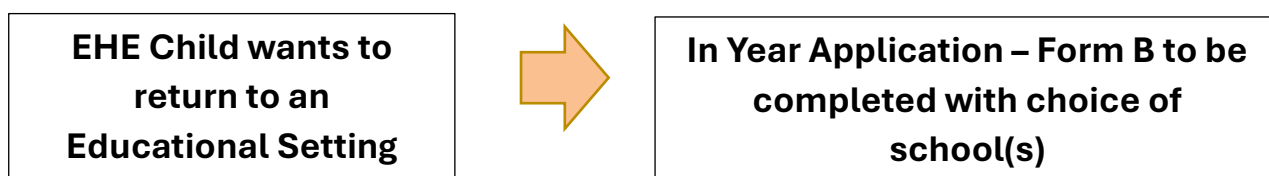
The Fair Access paperwork is available from the School Support Team. The referring school or the APT, should complete the form fully and attach any relevant supporting documentation. SST will complete the 'For Office Use Only' section after speaking to the Parent/Carer, the child and any other professionals involved in supporting the family

Additional relevant information

******Following discussions with headteachers, the use of Managed Moves (previously known as 'Point of Permanent Exclusions') as described in the 2022 suspension and exclusion guidance will not be adopted within North Tyneside

Supported Student Moves (previously known as Managed Moves) will continue as before with oversight from the SST. Request for Supported Student Moves need to be made via a School Support Team referral with a 6.00 p.m. Friday deadline for consideration at triage.

**Elective Home Education
Fair Access Protocol**



***Please note Burnside College have their own form**

In Year Application to be sent to School Admissions



School Admissions to send In Year Application to chosen school(s) asking if they can admit student



If chosen school have a place, then school to contact parent and arrange admission.



If chosen school(s) do not have a place or refuse then a Fair Access Referral to be completed and sent to School Support Team by allocated North Tyneside Council Attendance Officer



School Support Team to inform LA, Parent and school of the outcome of the Panel

Please Note:

All SST referrals, Fair Access and Admission Referrals are triaged every Monday afternoon at 1pm.

Completed paperwork including supporting documents emailed to:

schoolsupport@northynteside.gov.uk

no later than 6pm on Friday before triage to allow time for referrals to be processed for triage meeting the following Monday. Presentation for Fair Access is on a Friday Morning.