



Nottingham  
City Council

# Fair Access Protocol

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# Fair Access Protocol

## 1. Fair Access Protocol – Guidance and Law

- 1.1. The School Admission Code (May 2021)<sup>1</sup> states that “each local authority (LA) **must** have a Fair Access Protocol 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.” (School Admissions Code, 3.14)
- 1.2. The Protocol ensures local authorities, schools and academies work together as mutual stakeholders to ensure that vulnerable and/or hard to place children, where they are having difficulty in securing a school place in-year can secure an appropriate education provision without delay. This includes admitting children above the published admission number where the year group is already full or giving priority over waiting list or admission appeals for the school/academy.
- 1.3. Paragraph 3.15 states that; “The Protocol must be consulted upon and developed in partnership with all schools in its area. Once the Protocol has been agreed by the majority of schools in its area, all admission authorities must participate in it. Participation includes making available a representative who is authorised to participate in discussions, make 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. Local authorities must provide admission authorities with reasonable notice and information as to how and when discussions around the placement of children via the Protocol will take place.”
- 1.4. Paragraph 3.16 states that; “No school - including those with places available – should be asked to take a disproportionate number of children who have been permanently excluded from other schools, who display challenging behaviour, or who are placed via the Protocol.”
- 1.5. Paragraph 3.18 states; “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... They must not refuse to admit such children on the basis that they may be eligible to be placed via the Fair Access Protocol. 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.”

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<sup>1</sup> The School Admissions Code can be viewed in full at: <https://www.gov.uk/government/publications/school-admissions-code--2>

- 1.6. Where an admission authority refuses an in-year application, and does not collaborate with the local authority's in-year admissions systems, it should consider whether the child would be eligible to be placed via the FAP, for example, whether they fall or may fall into one of the categories set out in Section 3.3 of this protocol and the admission authority should notify the local authority of the decision and possible criteria. The local authority will then determine whether the child would be eligible to be placed in school via the FAP.
- 1.7. Paragraph 3.20 states; "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."
- 1.8. Paragraph 3.21 states; "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 they have been allocated a school place via the Fair Access Protocol, arrangements should be made for the child to start at the school as soon as possible." Where it has been decided that a child is to be placed via the FAP, parents will be notified that their child will be considered through the protocol.
- 1.9. Paragraph 3.22 states; "In the event that the majority of schools in an area can no longer support the principles and approach of their local Fair Access Protocol, they should initiate a review with the local authority. There should be a clear process for how such a review can be initiated within each Fair Access Protocol. 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."
- 1.10. Children with an Education, Health and Care Plan will not be considered through the Fair Access Protocol but through the Special Education Needs Team processes.

## 2. Key Principles

### **Fair Access Precedent**

- 2.1. Through years of consideration of fair access cases, an established precedent has been created regarding pupils returning to the City or returning to mainstream education from Elective Home Education or alternative provision. If the pupil is considered through the fair access protocol and was previously on roll at a Nottingham City school or academy prior to going on Elective Home Education, alternative provision or moving out of the area, it is the expectation that the pupil will return to their previous City school roll. The school will then be responsible for ensuring that an appropriate education provision be determined, set up and monitored, unless there are significant reasons why this would not be appropriate.

### **Use of contextual data**

- 2.2. To support the decision making process, the fair access protocol will take into account relevant contextual information<sup>2</sup> when considering placement, such as:
  - Data in context to other local schools

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<sup>2</sup> This is not an exhaustive list of all factors that may be taken into consideration

- Context of numbers on roll
- Number of exclusions and transfers into and out of the school
- Location of pupils home address
- Most appropriate school to meet a student's needs

### **Open, honest and relevant information sharing**

- 2.3. It is expected that pupils on roll at a school or academy within the City of Nottingham, considered through the fair access protocol, will have evidence of school based intervention, and where appropriate, additional support agency involvement. Information will be shared between schools, academies and other support services as required. It will be expected that information will be shared openly and honestly, whilst ensuring confidentiality and abiding to data protection laws (see section 9).

### **Working with other Admission Authorities and other local authorities**

- 2.4. Whilst each protocol only covers the schools/academies in its local authority area, the home Local Authority should contact neighbouring authorities to help secure a place in that area under their protocol. If there are illegal practices, the LA will take appropriate action to challenge and resolve these situations.

## **3. Fair Access Protocol Criteria and Triggers**

- 3.1. A pupil placed under this Protocol is not necessarily a “challenging” pupil. Any child in this category is however potentially a vulnerable child as long as an appropriate educational placement has not been secured.
- 3.2. Fair access protocol cases will be given priority, however this does not guarantee a place at their preferenced schools. The local authority must ensure that no school – including those with available places – is asked to take a disproportionate number of children and the admission authority does not have to comply with parental preference. Priority through fair access protocols does not override infant class size legislation, unless they would be admitted under the prescribed limited exceptional circumstances<sup>3</sup>.
- 3.3. The School Admissions Code 2021 states that the Fair Access Protocols may only be used to place the following groups of vulnerable 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 procedures:

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#### <sup>3</sup> The excepted children are:

- a) children admitted outside the normal admissions round with statements of special educational needs or Education, Health and Care Plans specifying a school;
- b) looked after children and previously looked after children admitted outside the normal admissions round;
- c) children admitted, after initial allocation of places, because of a procedural error made by the admission authority or local authority in the original application process;
- d) children admitted after an independent appeals panel upholds an appeal;
- e) children who move into the area outside the normal admissions round for whom there is no other available school within reasonable distance;
- f) children of UK service personnel admitted outside the normal admissions round;
- g) children whose twin or sibling from a multiple birth is admitted otherwise than as an excepted pupil;
- h) children with special educational needs who are normally taught in a special educational needs unit attached to the school, or registered at a special school, who attend some infant classes within the mainstream school.

- a) children either subject to a Child in Need Plan or a Child Protection Plan<sup>81</sup> 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;
- b) children living in a refuge or in other relevant safe 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 this 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; and
- m) previously looked after children for whom the local authority has been unable to promptly secure a school place

3.4. Admission Authorities who manage their own in-year admissions are responsible for providing the LA of details of all applications that they have received, and the corresponding decision for that application. Where a child has failed to secure a place in-year, and meets one or more the above criteria, the case will be referred to the Fair Access Team. Where a child is out of education, and it has been agreed that a child will be considered under the Fair Access Protocol, a school place or appropriate alternative provision must be allocated for that child within 20 school days.

## **4. Children who display challenging behaviour**

4.1. The School Admissions Code states in paragraph 3.10:

“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<sup>4</sup>, it may refuse admission<sup>5</sup> and refer the child to the Fair Access Protocol<sup>6</sup>.

- 4.2. An admission authority should only rely on the provision in paragraph 3.10 of the School Admissions Code 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.
- 4.3. The provision in paragraph 3.10 of the School Admissions Code 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.
- 4.4. 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.
- 4.5. When an admission authority is considering refusing a pupil because of 'Challenging Behaviour' and this behaviour may be linked to their disability, the DfE have published non-statutory guidance for Fair Access Protocols (July 2021) that state:

"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.

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."

- 4.6. Where a parent has indicated that a child may present as having challenging behaviour on the in-year application form; or the admission authority have been

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<sup>4</sup> For the purposes of this Code, 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/other pupils' education or jeopardise the right of staff and pupils to a safe and orderly environment.

<sup>5</sup> 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.

<sup>6</sup> Paragraph 1.9(g) does not apply where an admission authority takes account of past behaviour as evidence for concerns about challenging behaviour, solely for the purpose of making a decision on whether it would be appropriate to refuse admission on the basis described in paragraph 3.10.

made aware through other means that this may be the case, additional information will be requested from the previous/home school. Based on this information, the admission authority must determine whether the child would be unlikely to be responsive to the usual range of interventions available to their school to help prevent and address pupil misbehaviour or the behaviour is of such severity, frequency, or duration that it is beyond the normal range that the school can tolerate. If they do not wish to offer the child based on these factors, the school can refuse the application under 3.10 of the School Admissions Code. Parent/carer must be given a right of appeal against any refusal issued by a school, and details of how to appeal made clear in the decision letter.

- 4.7. If an admission authority does refuse the case under 3.10 of the School Admissions Code, they must refer the case to the Fair Access Team within 5 school days, with supporting information as to why the admission authority have taken this decision. The case will then be considered through the Fair Access Protocol to determine an appropriate school place / provision for the child to attend, based on the circumstances of the case and contextual information for local schools.

## **5. Children for whom mainstream education is not yet possible**

- 5.1. The majority of children considered through the fair access protocol should be able to be placed and supported in a mainstream educational provision. However, there may be exceptional cases where a placement in mainstream education is not yet possible. This may be due to a variety of circumstances, such as:
  - Challenging Behaviour and/or refused under 3.10
  - Anxiety about attending school
  - Requires a specialist provision to meet their specific needs
- 5.2. Where it is expected that a child may meet this requirement, a direct referral to the fair access team can be submitted under 3.17 (k) of the school admissions code. A referral form will be available online. The Senior Access and Inclusion Officer will determine if the referral is eligible to be considered under this criterion, and co-ordinate any action required. If the referral is not eligible, parent/carer will need to make an application through the normal in-year admission process.
- 5.3. Children for whom mainstream education is not yet possible will be offered a suitable educational provision within 20 school days and will be eligible for fair access funding. Children accessing an alternative placement will be placed on roll at either a school/academy, Learning Centre/PRU.

## **6. Fair Access Protocol Membership and Meetings**

As outlined in the code, all admission authorities must participate in the locally agreed Fair Access Protocol. Participation includes making available a representative who is authorised to participate in discussions, make 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<sup>7</sup>.

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<sup>7</sup> Decisions about admitting children under the Protocol can be made by one individual in an admission authority provided that suitable authority has been delegated to that individual. Admission authorities must ensure this process complies with relevant governance requirements.

## Secondary

### Representation

- 6.1. Representatives of the panel will include Local Authority (LA) and Own Admissions Authorities (OAA). Representatives will be expected to attend each panel meeting, however, if they are unable to attend, send an alternative colleague with the same authority to make decisions on behalf of the OAA or organisation.
- 6.2. The collective panel representatives will use their expertise and knowledge to secure a decision for each individual pupil that is suitable for them. When a decision is not able to be reached, the final decision will rest with the Fair Access Panel Chair, as the School Admissions Code stipulates that an offer must be made within 20 school days for all children out of education<sup>8</sup>. The Panel will need to balance between the pupil's individual circumstances and what school/Academy or provision can best meet their needs, whilst ensuring that the pupil is supported and that no school/Academy is asked to admit a disproportionate amount of pupils through the protocol.
- 6.3. All schools and academies will provide educational expertise and knowledge as well as represent an overall educational perspective for the City. All schools and academies will be provided with case information at least 48 hours before a panel meeting, through a secure and encrypted system.
- 6.4. Officers from other relevant agencies will support the representatives of the panel. They will be expected to represent their Service Area and provide relevant information about any involvement and support that can be offered. Attendance at panel meetings for these services is as required.
- 6.5. The key representatives of the Fair Access Panel will be:

Local Authority Representatives
Fair Access Panel Chair Senior Access and Inclusion Officer Education Welfare & EOTAS Complex Support Manager
School/Academy Representatives
Bluecoat Aspley Academy Bluecoat Beechdale Academy Bluecoat Trent Academy Bluecoat Wollaton Academy Denewood Academy (AP) Unity Academy (AP) Djanogly City Academy Nottingham Ellis Guilford School Farnborough Academy The Fernwood School Nottingham Academy Nottingham Free School Nottingham Girls' Academy Nottingham University Academy Science and Technology Nottingham University Samworth Academy Park Vale Academy The Bulwell Academy

<sup>8</sup> School Admissions Code, Paragraph 3.21

The Nottingham Emmanuel School
The Oakwood Academy
The Wells Academy
Trinity Catholic School
<b>Support Representatives</b>
Children's Social Care
Behaviour Support Team
Special Educational Needs
Education Welfare Service
Educational Psychology Service
Inclusive Education Service
Elective Home Education
Child & Adolescent Mental Health Service
Youth Justice Service
Ask Us Nottingham
Nottingham Virtual School
Safeguarding

### **Meetings**

- 6.6. The Secondary Fair Access Panel will aim to meet every two weeks during the academic year. If there are limited cases to be considered, a meeting may be cancelled, and cases brokered outside of panel. The meetings are scheduled for the entire academic year.

### **Primary**

- 6.7. The local authority do not operate a panel for primary fair access due to the high number of primary schools. Cases are prepared and schools consulted regarding pupils to be considered. Based on the feedback from school consultations; placement of other pupils through fair access; consultation with support services; consideration of infant class size legislation; and the needs of the pupil; the Senior Access and Inclusion Officer will determine an appropriate offer. This decision will be shared with the school without delay. There will be an opportunity to discuss the decision and the support required with the Inclusion Officer before a decision letter is sent to parents. All schools and academies will support the decision of the Inclusion Officer.
- 6.8. There may be exceptional cases which may require the Senior Access and Inclusion Officer to arrange a fair access panel with relevant local schools and support services to secure a school place. If this is required information will be sent out at least 48hrs before through a secure and encrypted system.

## **7. Managed Moves**

- 7.1. Local authority approved managed moves are a mechanism for a supported transfer between local schools through the fair access protocol. This process seeks to support all parties involved to enable a 'fresh start' and strive for a successful move. Managed moves will be appropriate for children where a place has not been sought due to exceptional circumstances (3.17 (k) of the School Admissions Code).
- 7.2. Nottingham City Fair Access Protocol considers the following as exceptional circumstances:

- 7.2.1. Children who are at risk of permanent exclusion where a change in school is felt will have a positive impact on the child, and where the behaviours would be responsive to the usual range of interventions available to schools in Nottingham City.
  - 7.2.2. Children with a history of internal/external support as an early intervention to avoid further exclusions with the full support of parents and child.
  - 7.2.3. Children who have significant attendance concerns (less than 70% over a 12 month period), and it is felt that attendance will improve with the opportunity to attend a new school; and services such as educational welfare have been involved to address their attendance concerns.
  - 7.2.4. Children for whom a change of school is necessary because of significant safeguarding concern, supported by relevant professions
- 7.3. To be considered for a Managed Move, the home school must refer the case to the Fair Access Team using the managed move request form, with supporting information as to why a managed move is being requested. Prior to the referral being made, the home school must discuss the matter with parents/carers, and have their agreement that a managed move can be explored. During this discussion, it is expected that the home school will get an indication from parent/carer as to which schools, if any, they would prefer their child to attend. Based on the information, the Fair Access Team will determine if a Managed Move meets the exceptional circumstances to be considered through the Fair Access Protocol. The home school should continue to provide full-time supervised educational provision whilst a managed move is arranged.
- 7.4. Parents/carers have a right to submit an in-year application to any school they wish, and do not have to agree to a managed move being considered for their child. If a school receives an in-year application for a child; they must process these applications in accordance with their usual in-year admission procedures. They must not refuse to admit a child or process an application on the basis that they may be eligible to be placed via the Fair Access Protocol. If a place is available, the receiving school may explore the option of offering this as a managed move; however, this must be with the agreement of the parent/carer and home school. If all parties are not in agreement, the place must be offered as a direct admission.
- 7.5. Only managed moves brokered through the Fair Access Protocol will be included in fair access support, funding or data. Direct pupil funding from the home school will follow the pupil on a sliding scale formula at the point of permanent transfer following a successful Managed Move. This will not apply for direct admissions.
- 7.6. Headteachers/Principals should consider reporting periodically to Governors on Managed Moves as with exclusions.

## **8. Decisions and Appeals**

- 8.1. Letters to schools and parent(s)/carers will be issued within 48 hours of the agreed decision.

8.2. If the decision is to refuse admission, parents will be informed about the grounds of the refusal, and given a right of appeal against this decision. If the refusal is due to oversubscription, the child will be placed on the waiting list, in accordance with the school's determined admission arrangements.

8.3. The DfE non-statutory guidance on Fair Access Protocols states the interaction of the appeals process with fair access protocols:

"The appeals process is independent from the FAP. Where a child has been referred to the FAP, their parents retain the right to make further in-year applications and appeal against the refusal of a school place as normal.

Admission authorities should be aware that where they refuse a child a school place and subsequently refer them to the FAP, they may later be required to admit that child if an appeal is upheld. This would still be the case when an alternative school place is offered to the child via the FAP. In all circumstances, the decision of an appeal panel is binding and must be complied with. The fact that an appeal has been lodged for a child is not a reason to delay the FAP process. The appeals process Being considered through fair access will not impact on a parents right to appeal any refusal for an in-year admission decision."

8.4. When an offer has been agreed, the school or academy must admit the pupil within 10 school days of being informed, unless an alternative date has been agreed. If the Senior Access and Inclusion Officer agrees that a multi-agency meeting take place before admission, schools/Academies will have 15 school days in which to admit the pupil.

8.5. If a school or academy does not agree with the decision made through the Fair Access Protocol, they must state their reasons in writing to the Senior Access and Inclusion Officer within 5 school days from the date of the decision. The Senior Access and Inclusion Officer will then determine a written view, based on evidence and contextual data and after consulting with the school/academy and any relevant agencies. A final written view will confirm the local authority decision and it is expected that all schools and academies will support this view and accept the final decision. If a school/academy's admission authority refuses to accept the decision of the Fair Access Panel, the Local Authority will seek to enforce a direction or apply to the Education Funding Agency to direct admission on behalf of the Secretary of State, if required.

## **9. Fair Access Funding and Support**

9.1. The LA has secured funding through the Schools Forum to support the admission of pupils through the fair access protocol and provide needs led support. This funding is generally for short term intervention to reduce barriers to admission whilst the school/academy secure other funding streams for ongoing support for the child.

9.2. Fair Access Funding will be available to pupils offered through the fair access protocol. In order for schools to access this funding they will need to submit a funding request to the Senior Access and Inclusion Officer detailing the support they intend to provide and the associated costs.

- 9.3. Secondary Phase Funding – Decision on funding up to £2k will be determined by the Senior Access and Inclusion Officer. Funding over £2k will be determined at the fair access panel meetings. Any disputes will be discussed at the fair access panel and the decision is binding on all parties. The fair Access panel will review the fair access budget termly, including breakdown of payments issued and decisions made.
- 9.4. Primary Phase Funding – Decision on funding will be determined by the Senior Access and Inclusion Officer. Any disputes can be raised with the Inclusion Manager who will determine a final written decision. The Inclusion Manager will review the fair access budget termly, including breakdown of payments issued and decisions made and report back to schools forum and other consultative groups as required.
- 9.5. If a child is not considered through the fair access protocol, and is offered a place through the normal in-year admissions process, funding through fair access will not be available. In exceptional circumstances, such as, where it is evident within 6-8 weeks of their admission, that the pupil presents with 'Challenging Behaviour' and is unable to be supported through the normal interventions, schools/academies can submit a request for funding through Fair Access. The school/academy will need to provide reasons why the case should be considered as an exceptional case, including evidence of the current support offered and what support is required to meet their needs.
- 9.6. For primary phase children offered through fair access, primary schools and academies will have access to dedicated funded Behaviour Support Team (BST) Services and English as an additional language (EAL) Teaching Assistant support. Request for this support will be made to the Senior Access and Inclusion Officer and will be offered based on current capacity and the needs of the child.
- 9.7. If the placement is withdrawn, any remaining funding will return to the fair access budget.

## **10. Information sharing and Data Protection**

- 10.1. All information gathered for the use of administering fair access across primary and secondary phases will be stored securely on the Councils computer network and systems. Information about pupils will be stored digitally on the network and within the Councils Education Management System.
- 10.2. Completed cases will be shared with relevant staff members at schools/academies, alternative providers and other agencies as appropriate. Any information may be shared with other council services/local authorities as required.
- 10.3. Case information and personal data will be transferred by secure electronic means, such as encrypted email or secure file transfer.
- 10.4. All parties' receiving information from fair access will have to comply with the data handling requirements stipulated by the council. This includes ensuring that personal information sent to them is stored securely and is only shared to relevant senior leadership or support staff. If any documents are printed, they will ensure the safe storage and destruction of the data. For full details of the Councils Privacy Statement please see <https://www.nottinghamcity.gov.uk/privacy-statement>

## 11. Monitoring and Strategic Overview

- 11.1. Reports, data and monitoring information will be shared at regular intervals to all schools, academies and stakeholders. This information will also be used to report to the Schools Adjudicator and local Schools Forum in order to comply with performance and accountability responsibilities.
- 11.2. Fair access protocol and processes will be reviewed on a regular basis throughout the academic year to ensure that it remains fit for purpose. Secondary phase processes will be reviewed at a termly fair access panel meeting. Primary phase processes will be reviewed annually with admission authorities and relevant stakeholders.
- 11.3. The Fair Access protocol and strategy is the responsibility of the LA, however; there will be an annual review in consultation with Head Teachers/Principles from City schools/academies and local authority officers, which will review the performance of the panel, discuss strategic issues and make recommendations to improve services and drive change.
- 11.4. The fair access protocol must be agreed by the majority of schools. Any updates or alterations to the agreed protocol will be consulted on with schools before making any changes. The fair access protocol will be reviewed regularly, however, in the event that the majority of schools can no longer support the principles and approach of the local FAP (for example, if they believe it is not operating fairly or effectively), they can request an exceptional review of the protocol by written submission to the Inclusion Manager with reasons and evidence of support from the majority of schools (over 50%). The existing FAP will remain binding on all schools in the area until a new one is adopted.

## 12. Permanent Exclusion Reintegration

- 12.1. It is expected that pupils who have been permanently excluded, who have demonstrated readiness for reintegration, will be managed through the Fair Access Protocol, in accordance with 3.17, K) of the School Admissions Code. Alternative Provision (AP) Academies and AP Free Schools work to identify pupils needs, address behaviour, attitudes and academic underperformance in order to raise achievement and reintegrate permanently excluded pupils back into mainstream education. Reintegration into another mainstream school/Academy is the right option for the majority of pupils in year KS1, KS2 and KS3 whose needs have been addressed and supported.
- 12.2. This process will not apply for permanently excluded pupils transferring through the normal admissions rounds, e.g. Primary to Secondary Admissions etc.
- 12.3. Pupils will not usually be considered for reintegration into a mainstream school/academy until their behavioural and social or emotional needs have been addressed and they are ready to return to a mainstream setting. AP Academies and Free Schools support pupils who are ready to reintegrate back into mainstream

education from a permanent exclusion. This will be supported by background information and evidence about the pupil and their progress whilst at their provision. The AP Academy/AP Free School will also get an indication as to what schools, if any, a parent/carer would prefer their child to attend. This information will be reviewed by the current education provider and the LA before consideration through the Fair Access Protocol.

- 12.4. Pupils who live in the City boundary who have been permanently excluded will normally be placed on the roll of either Denewood Academy (Key Stage 2-3) or Unity Academy (Key Stage 4). Permanently excluded pupils who move into the City, who are not ready for mainstream education will attend the designated AP Academy for their year group, until they are ready to be reintegrated back to mainstream education.
- 12.5. Parents/carers have a right to submit an in-year application to any school they wish, and do not have to agree to be placed through the Fair Access Protocol, or via a supported reintegration package. If a school receives an in-year application for a child; they must process these applications in accordance with their usual in-year admission procedures. They must not refuse to admit a child or process an application on the basis that they may be eligible to be placed via the Fair Access Protocol. If Denewood Academy or Unity Academy confirms that the child is ready for reintegration; then a school will not be able to refuse under 3.10 of the School Admissions Code, as the child no longer presents as having challenging behaviour. If Denewood Academy or Unity Academy are not supporting a reintegration at the time of application, the OAA may be eligible to refuse the application under 3.10 (see section 4 of the protocol). If the application is refused due to oversubscription, then this will be referred to the Nottingham City Fair Access Protocol for consideration, as stated in 3.17, d) of the School Admissions Code. If a place is available, the receiving school may explore the option of offering this as a supported reintegration; however, this must be with the agreement of the parent/carer and either Denewood Academy or Unity Academy. If all parties are not in agreement, the place must be offered as a direct admission.
- 12.6. All Schools and Academies will take at least 1 reintegration pupil as required. Further reintegration pupils will be allocated through the panel and consideration will be given to the number of permanent exclusions issued by the school/Academy. Fair Access Protocols must not require a school/Academy to take a disproportionate number of children who have permanently excluded from other schools.
- 12.7. Reintegration placements will be supported by staff from the Admissions and Reintegration Team (ART) at Denewood Academy and Unity Academy. A reintegration package will be agreed between Denewood Academy or Unity Academy and the school. The length of the package will normally be between 6-8 weeks and will be agreed between Denewood Academy or Unity Academy and the allocated school. The reintegration package must start within the 10 days of the panel decision unless an exception is agreed at the panel meeting. A meeting should be set up without delay to facilitate the start date, set appropriate targets and plan the reintegration package. There must be regular reviews and communication between all parties involved, which should be sent out in writing, ideally by email to named contacts.

- 12.8. It is anticipated that pupils will be successfully reintegrated through the support of school/academy staff and assistance of Denewood Academy or Unity Academy staff. Review meetings will take place regularly through the reintegration process to acknowledge success, review support and raise concerns. If the review meetings are positive, their success will be confirmed at the final review meeting and an official date on roll confirmed with all parties, which should be as soon as possible after the final review. However, as an additional measure to ensure success, school can request a review of the reintegration case at the fair access panel within 6 weeks of the pupil being on roll. This is a final opportunity to evaluate support for the pupil and the school/academy.
- 12.9. If there are concerns about a pupil on a reintegration package, the school should initially communicate with the pupils named keyworker at Denewood Academy or Unity Academy to try and resolve the concerns. If a reintegration may be failing, then this cannot be terminated until an urgent review meeting is held with all relevant parties to determine if the allocation should be withdrawn, at which point arrangements would be made for their return to Denewood Academy or Unity Academy. The pupil and parent(s)/carer should not be told the place is terminated, until this meeting is held and all parties agree to withdraw the reintegration. The LA Inclusion Officer should be informed if a placement is breaking down and may attend any review meetings as needed.
- 12.10. Reintegration placements will be recorded through the panel. These pupils are normally funded outside of the protocol process through school finance. However, schools will be able to request additional support, if required, through the normal protocol funding route.