**Central Fair Access Panels Secondary Phase**

**Terms of Reference**

**October 2017 – July 2018**

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| **Contents** | |
|  | **Page** |
| 1. Introduction | 3 |
| 1. Composition of the Panel | 3 |
| 1. The meeting | 4 |
| 1. Decision making | 5 |
| 1. Quorum | 6 |
| 1. Conflicts of interest | 6 |
| 1. Confidentiality and Data Sharing | 6 |
| 1. Information and record retention | 6 |
| 1. Co-ordinator | 6 |
| 1. Training and Development | 7 |
| 1. Evaluation | 7 |
| 1. Agreement/signatures | 7 |

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1. **Introduction**

The School Admission Code 2014 sets out the basic requirements for a Fair Access Protocol (FAP). Each Local Authority must have a FAP, agreed with the majority of schools in its area. The purpose of the protocol is to ensure that outside the normal admissions process, children without school places, especially the most vulnerable, are admitted to a suitable school as quickly as possible and no school is required to admit an unfair proportion of vulnerable or challenging children.

Every school admitting secondary age pupils is expected to participate in the fair access process, both a central and local panel levelsl. This includes: Grammar Schools, Alternative Provision Free Schools, Studio Schools, University Technical Colleges and All-Through Schools.

The core functions of the panel are:

* To ensure the Birmingham City’s Fair Access Protocol is applied in an equitable and fair way and complies with the School Admissions Code’s (2014) requirements
* To receive referrals and information about children that meet FAP criteria c) to k). Children who fall under criteria a) and b) will be referred directly to the local network sharing panel in which the child lives.
* To ensure children are allocated an appropriate school place in a timely manner.
* To maintain records of children placed in all schools through the protocol.
* To report outcomes of panel decisions to the Fair Access Governance Board, schools and Head Teacher Fora
* To maintain minutes and relevant documentation, in accordance with Data Protection principles and in line with BCC’s email and business communications policy, of all panel meetings
* To ensure decisions are made to secure a school placement
* Any resource issues
* Advice on multi agency support required

The panel will meet every two weeks and dates will be set one year in advance.

**2. Composition of the Local Fair Access Panel (Secondary Phase)**

The constitution of the Secondary Head (FAP) panel:

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| **Constitution from xxxxx October 2017 :** | | |
| **Membership** | **Role** | **Name[s]** |
| Head of Service | Chair and decision maker |  |
| Admissions representative[s] | Presenting officer and decision maker |  |
| Secondary & Alternative Provider HT/ representatives | Observers (on a rota basis) |  |
| City of Birmingham (COB) | Panel member and decision maker |  |
| Panel co-ordinator | Arranging meetings, agenda, collection, collation and sharing of information on individual children and schools, advisory and compliance to processes. |  |
| Representatives from BCC education and children’s services and partner agencies will be invited as appropriate | | |

1. **The Meeting**

Secondary Head Teacher (HT) representatives will be invited to attend every meeting to oversee the decision making process and in the absence of the HT a nominated deputy can attend the panel to ensure that the protocol is being applied in an objective, equitable and fair way. Those attending the panel meetings **must have the authority** to agree placement within their school/provision.

Each panel member will have been provided with relevant papers prior to the meeting. The Schools Admissions Team will compile centrally held information into a scoring grid to inform and support the panel to make decisions.

Panel members will look at referrals case by case, in the context of previous decisions taken and any schools’ exceptional circumstances, to determine the most appropriate placement to support the child’s needs.

**Formalities and meeting frequencies**

Meetings will be held every two weeks during term time. The times of the meeting will be xxxxxx.

**Meeting papers**

The chair and co-ordinator will prepare a draft agenda which will be circulated 5 working days prior to the meeting.

Papers or items for discussion should be, where possible, presented/forwarded to the Local Authority/Co-ordinator least 8 working days prior to the meeting.

The chair will lead the meeting following the agenda and where necessary the co-ordinator will have distributed the required papers. Apologies are acknowledged and a set format will be used for all items including

* Welcome and apologies
* Approval of the minutes of the previous meeting
* Any specific action points from the previous meeting
* Matters arising from those minutes
* Review of previous FAP placements
* New referrals for placement
* Any other business

All ‘other’ agenda items should be sent to the co-ordinator for inclusion in the agenda.

The co-ordinator will record accurately the meeting discussions and will capture as much information as possible so that discussions and decisions are recorded to ensure transparency. The minutes where possible, should be recorded using the laptop provided for the panel and all information kept securely and in line with Data Protection and IT security principles.

Draft minutes will be circulated to the Chair within 24 hours of the meeting to be checked for accuracy. The final minutes should be circulated no later than 4 days after the meeting to other members of the panel. Decisions will be recorded and sent via email/ letter to the child’s parent/carer and the receiving school and to the School Admissions Team to enable them to update numbers on roll.

An action log will be maintained for all panel meetings recording the outcome for each pupil referred and a running total of children placed in each year group at each school, together with expected date of admission. Where necessary, the log will have identified key personnel against actions and timescales for competing tasks.

1. **Decision Making**

Secondary Head Teacher representatives will attend panels to ensure that decisions on pupil placement are taken in accordance with the agreed FAP and that the process is objectively applied to each child and secondary school.

The decision making members will carefully consider each child’s history and needs, together with the information on the scoring grids for each local school, the running totals of children already placed in each school in the current academic year and any information submitted by schools about the exceptional circumstances in the year group in question. Where schools have not submitted information by the required date prior to the panel, exceptional circumstances cannot be considered. Professional advice on needs or placement will be sought from the relevant professionals.

The panel aims to achieve a consensus when making recommendations with the Chair reserving the right to make a final decision where a consensus is not reached.

When a placement decision is reached, it will be recorded, together with the reasons for placement, by the Fair Access Coordinator, to be forwarded to the receiving school together with the decision letter to the school and parent/carer.

Decisions will be binding on all parties and schools will be accountable for complying with the decisions of the panels, meeting with parent/carers at the first appropriate admission meeting and admitting the child within 10 school days. Placement will be confirmed by the Fair Access Team who will record each placement decision, provide administrative support to panels where necessary and provide termly statistics on placements by all panels and schools.

**Decisions must be made at panel meetings and formally recorded and the Fair Access Team informed**.

1. **Quorum**

There is no quorum for panel meetings. Meetings will take place every two weeks to determine placement irrespective of the attendance of LA or school personnel.

1. **Conflicts of Interest**

A conflict of interest is any situation in which personal interests or loyalties could, or could be seen to prevent panel members making a decision only in the best interest of the child/young person. Conflicts of interest can be when Head Teacher representative are present at a panel where a child is being placed at that school. Conflicts of interest should be declared at the start of the meeting.

1. **Confidentiality and Data Sharing**

All panel members must respect confidentiality; information should not be divulged outside of the meeting except to those agencies/personnel that are part of the administration of FAP. Breaches of confidentiality should be reported to the Chair in the first instance.

The exchange of data must always comply with the Council’s Data Protection Policy whenever personal data is sent by an electronic communications channel.

Personal data must not be shared in an insecure way within a teleconferencing session. Everyone must be mindful of Information Security and must take utmost care to preserve both the availability of information where appropriate and the confidentiality of information where that is appropriate. Data must comply with the Data Protection Acts and Birmingham City Council’s Email and Business Communications Policy.

1. **Information and records**

Information including: minutes of meetings, membership details and official advice and guidance will be kept and maintained by the Fair Access Coordinator. Paper files should be kept by the Fair Access Coordinator in a lockable cupboard and will comply with BCC’s retention of documents policy.

1. **The Coordinator**

The coordinator will provide services to the panel and duties described in a job description. The role includes: circulation of papers for meetings in advance, maintaining a list of members’ and observers’ attendance, minutes of the meetings, maintain files and evidence of activities, provide up to date information on children and schools during meetings and ensure decisions are relayed back to the LA within 24 hours of the panel meeting.

Timescales for paperwork will be:

* Draft agenda will be sent to the Chair of the Panel 48 hours prior to the meeting
* Agenda to be circulated to all members of the panel at 4 working days in advance of panel meetings
* Draft minutes will be sent to the Chair of the panel within 24 hours for accuracy checks
* Minutes will be taken at all meetings and will be circulated within 4 working days to panel members

1. **Training and Development**

Individual members should be proactive in identifying their own needs, either independently or through discussion with the chair, keeping up to date with current topics will be essential.

1. **Evaluation of placements and panel activity**

The Panel will agree and implement a number of evaluation measures and provide a termly report for the Governance Board, the Secondary Head Teachers Forum and all schools. The operation of the FAP will be reviewed as part of the annual admissions consultation cycle.

Evaluation will include:

• Numbers of pupils placed into mainstream schools

• Educational attainment and other outcomes, including attendance

1. **Panel Members Agreement**

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| **Date** | **Agreed by (print name)** | **Signature** |
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**Next review date 12 months from date of agreement or in the event of any changes with processes**