**The Governance Board for the Fair Access Protocol**

**Terms of Reference**

**January 2018 – July 2018**

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| **Contents** | |
|  | **Page** |
| 1. Introduction | 3 |
| 1. Composition of the FAP Board | 4 |
| 1. The meeting | 4 |
| 1. Decision making | 5 |
| 1. Quorum | 6 |
| 1. Conflicts of interest | 6 |
| 1. Confidentiality and Data Sharing | 6-7 |
| 1. Information and record retention | 7 |
| 1. Co-ordinator | 7 |
| 1. Training and Development | 7 |
| 1. Evaluation | 7 |
| 1. Agreement/signatures | 8 |

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| **04/09/2017** | **J Maw** | **Amendment to add HoS Admissions to Board** |  |
| **20/09/2017** | **J Maw** | **Amendment to delete exclusion service rep and substitute COBS rep** |  |
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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 asked to take a disproportionate number of vulnerable or challenging pupils.

Every school is expected to participate in the protocol. This includes: Community and controlled schools, voluntary aided and foundation schools, academies, grammar schools, Alternative Provision Free Schools, Studio Schools, University Technical Colleges and All-Through Schools.

The core functions of the Fair Access Governance Board are:

* To ensure the principles and standards of the FAP are applied across the city at both primary and secondary phases
* To receive information/data showing how many children are referred to panels across the city under the FAP.
* To ensure schools are complying with the FAP and where concern or issues arise decide the the next course of action.
* To review cases of concern on a case by case basis.
* To meet termly, dates will be set one year in advance.
* To review processes and operation as part of a cycle of continuous improvement

**2. Composition of the Fair Access Governance Board**

The membership of the Board will consist of: :

|  |  |  |
| --- | --- | --- |
| **Constitution from xxxxx October 2017 :** | | |
| **Membership** | **Role** | **Name[s]** |
| Councillor | Champion the protocol and make decisions |  |
| Nominated representatives from the primary schools | Decision maker |  |
| Nominated representatives from the secondary schools | Decision maker |  |
| Head of Service School Admissions | Decision maker |  |
| Head of Service for LAC | Decision maker |  |
| Head of Service for SENAR | Decision maker |  |
| Head of Service for Alternative provision | Decision maker |  |
| City of Birmingham School representative | Decision maker |  |
| Representatives from the Dioceses | Decision maker |  |
| Representative[s] from the asylum seekers and refugee groups | Decision maker |  |
| Clerk/Co-ordinator | Co-ordination of the meetings |  |
| Representatives from BCC education and children’s services and partner agencies will be invited as appropriate | | |

Head Teacher representatives will be nominated by the Primary and Secondary Head Teachers Fora at their September meeting and will serve for an academic year.

The Board’s Chairperson shall be appointed by the board at a properly constituted meeting.

Appropriate training and development will be provided to ensure that members of the Board have the skills and knowledge to carry out this role.

1. **The Meeting**

Board members will be invited to attend termly meetings to oversee and evaluate the FAP process and application.

Each board member will have been provided with relevant papers prior to the meeting. The co-ordinator will compile information required at the meeting and forward to board members by secure email.

Cases presented to the board will be considered case by case, in the context of previous decisions, issues surrounding the child/young person, any schools’ exceptional circumstances and escalation processes carried out previously to determine the most appropriate course of action.

**Formalities and meeting frequencies**

Meetings will be termly and will be held at xxxxxxx. The times of the meeting will be xxxxxx.

**Meeting papers**

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

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

The chair of the board 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
* any other matters arising from those minutes
* Review of FAP citywide data
* Individual cases
* Lessons learnt and possible improvement to the FAP process
* 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 board 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 5 days after the meeting to other members of the board. Decisions and actions will be recorded.

An action log will be maintained for all board meetings recording the outcome for each case referred, action to be taken against Educational establishments for non-compliance of the protocol. The log will have identified key personnel against actions and timescales for competing tasks.

1. **Decision Making**

The Board members will be able to attend any central or local panel meetings to ensure that the FAP is being applied across the city in a fair and equitable way.

Members of the Board in decision making will carefully consider the facts presented, decisions and any escalation processes made together with the information from the Fair Access team. The Board should obtain legal or other professional advice and secure the assistance of others, if it is considered necessary.

The Board 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.

Decisions will be binding on all parties and schools will be accountable for complying with the decisions of the Board. Placement will be confirmed by the Fair Access Team who will record each placement decision.

**Decisions made at the Board must be formally recorded and the Fair Access Team and the relevant Assistant Director and Executive Director, Children and Young People informed**.

1. **Quorum**

50% of the membership shall constitute a quorum, of which there must be two representatives of the Secondary and Primary schools.

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 a Board member or representative are present at a panel where a child is known to them personally or a member is associated with a particular school being discussed. Conflicts of interest should be declared at the start of the meeting.

1. **Confidentiality and Data Sharing**

All Board 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 the 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 Board and duties described in a job description. The role includes: collection and collation of data on the operation of the FAP, 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 FAP team within 24 hours of the Board 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 Board will agree and implement a number of evaluation measures to review processes and scoring matrices. The operation of the FAP will be reviewed as part of the annual admissions consultation cycle and results will be reported to the Board.

Evaluation will include:

• Numbers of pupils placed into mainstream schools

* Length of time between referral, decision and admission by pupil and school
* Numbers of escalation processes invoked and referrals to the Schools’ Adjudicator and Secretary of State for Education.

1. **The Fair Access Governing Board’s 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**