

11 February 2019**Agenda Item: 8****REPORT OF THE SERVICE DIRECTOR, EDUCATION, LEARNING AND
SKILLS****REVISED NOTTINGHAMSHIRE FAIR ACCESS PROTOCOL****Purpose of the Report**

1. This report seeks approval, following public consultation, of a revised Nottinghamshire Fair Access Protocol, attached as **Appendix 1**.

Information

2. The County Council is required to have in place a fair access protocol, developed in partnership with schools. This requirement is described in Fair Access Protocols: Principles and Process Departmental Advice 2012 which is available from the Department for Education website www.education.gov.uk
3. Fair access protocols support timely access to education for the most vulnerable children.
4. The County Council's Fair Access Protocol has been revised to reflect changes in the operation of locality panels across Nottinghamshire and the publication of the updated School Admissions Code (SAC) 2014 which is available from the Department for Education website www.education.gov.uk
5. Nottinghamshire County Council consulted on a revised fair access protocol between 21st November 2018 and 15th January 2019.
6. The consultation was available for the full period on the Council's website and information about where to access the consultation was sent to:
 - all community and voluntary controlled schools in Nottinghamshire
 - all own admission authority schools in Nottinghamshire
 - chairs of governing bodies of Nottinghamshire schools
 - all neighbouring local authorities
 - diocesan representatives
 - county and borough councillors
 - parish councils
 - registered early years providers within Nottinghamshire.

7. The consultation was promoted via the Council's social media accounts and by posters distributed to schools and early years providers throughout Nottinghamshire. Consultees were invited to respond online, by emailing or by writing to the County Council. All responses received by 15 January 2019 were considered.
8. The consultation asked six questions about proposed additions to the Nottinghamshire Fair Access Protocol and sought responses from consultees regarding their level of agreement with the proposed protocol.
9. The proposed additions to the protocol are summarised as follows:
 - a) there are now 9 locality based partnerships referenced and not 8
 - b) the protocol now refers to the School Admissions Code 2014
 - c) information about the operation of primary panels has been included alongside the existing secondary panel information. A process for primary school under PAN (Published Admission Number) refusals has been added into the protocol
 - d) three new categories of Nottinghamshire fair access qualifying children have been proposed
 - children where it has not been possible to allocate a school that is at a reasonable distance due to there being no place available within a reasonable distance
 - children where elective home education (EHE) is deemed unsuitable by the Local Authority
 - exceptional reasons referred by the Fair Access team
 - e) the responsibility on schools to send to locality panel meetings a person empowered to make decisions on behalf of the school is included
 - f) a section has been added about children returning from EHE stating that where possible a placement for a return to school will be sought at the most recently attended school.
10. The number of responses to the consultation were as follows:
 - 29 online
 - 2 email
11. A summary of the consultation is presented in **Appendix 2**, with an analysis of responses. A redacted version of all the comments made by respondents is available as a background paper.

Other Options Considered

12. The existing Fair Access Protocol remains in place. This contains outdated information regarding the structure and operation of the Fair Access Protocol across locality panels.

Reason/s for Recommendation/s

13. To enable the County Council to meet its statutory responsibility with regard to having a Fair Access Protocol. The recommendation is based upon legislative requirements and responses to the consultation that was carried out (**Appendix 2**).

Statutory and Policy Implications

14. This report has been compiled after consideration of implications in respect of crime and disorder, data protection and information governance, finance, human resources, human rights, the NHS Constitution (public health services), the public sector equality duty, safeguarding of children and adults at risk, service users, smarter working, sustainability and the environment and where such implications are material they are described below. Appropriate consultation has been undertaken and advice sought on these issues as required.

Financial Implications

15. There are no financial implications arising from the report.

Implications for Service Users

16. Nottinghamshire County Council's Fair Access arrangements are agreed following public consultation and ensure fairness and equity for all service users.

RECOMMENDATION/S

- 1) That a revised Nottinghamshire Fair Access Protocol, attached as **Appendix 1**, be approved.

Marion Clay
Service Director, Education, Learning and Skills

For any enquiries about this report please contact:

Sarah Whitby
Team Manager, Fair Access
T: 01159773946
E: sarah.whitby@nottscc.gov.uk

Constitutional Comments (SLB 31/01/19)

17. Children and Young People's Committee is the appropriate body to consider the content of this report.

Financial Comments (SAS 29/01/19)

18. There are no financial implications arising directly from this report.

Background Papers and Published Documents

Except for previously published documents, which will be available elsewhere, the documents listed here will be available for inspection in accordance with Section 100D of the Local Government Act 1972.

Consultation documents available on the consultation database at

<https://consult.nottinghamshire.gov.uk/children-and-families-services/fairaccessconsultation/>

Equalities Impact Assessment – available at <http://www.nottinghamshire.gov.uk/jobs-and-working/equality/completed-equality-impact-assessments-egias>

Fair Access Protocols: Principles and Process Departmental Advice 2012 which is available from the Department for Education website www.education.gov.uk

School Admissions Code (SAC) 2014 which is available from the Department for Education website www.education.gov.uk

Revised Fair Access Protocol – report to Children and Young People’s Committee on 17 September 2018

Redacted version of comments made by respondents to the online consultation

Electoral Division(s) and Member(s) Affected

All.

C1199