

Policy Committee

Thursday, 14 October 2021 at 10:30

County Hall, West Bridgford, Nottingham, NG2 7QP

AGENDA

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|---|--|---------|
| 1 | Minutes of the last meeting of Policy Committee held on 2 September 2021 | 1 - 4 |
| 2 | Apologies for Absence | |
| 3 | Declarations of Interests by Members and Officers:- (see note below)
(a) Disclosable Pecuniary Interests
(b) Private Interests (pecuniary and non-pecuniary) | |
| 4 | Revised Nottinghamshire Fair Access Protocol | 5 - 32 |
| 5 | The Big Notts Survey - Initial Findings and Next Steps | 33 - 44 |
| 6 | Social Housing Decarbonisation Funding - Wave 1 Bid Submission | 45 - 48 |
| 7 | Work Programme | 49 - 52 |

8 EXCLUSION OF THE PUBLIC

The Committee will be invited to resolve:-

“That the public be excluded for the remainder of the meeting on the grounds that the discussions are likely to involve disclosure of exempt information described in Schedule 12A of the Local Government Act 1972 and the public interest in maintaining the exemption outweighs the public interest in disclosing the information.”

Note

If this is agreed, the public will have to leave the meeting during consideration of the following items.

EXEMPT INFORMATION ITEMS

9 Social Housing Decarbonisation Fund Submission – Exempt Appendix

To be circulated separately to Committee Members

Notes

- (1) Councillors are advised to contact their Research Officer for details of any Group Meetings which are planned for this meeting.
- (2) Members of the public wishing to inspect "Background Papers" referred to in the reports on the agenda or Schedule 12A of the Local Government Act should contact:-

Customer Services Centre 0300 500 80 80

- (3) Persons making a declaration of interest should have regard to the Code of Conduct and the Council's Procedure Rules. Those declaring must indicate the nature of their interest and the reasons for the declaration.

Councillors or Officers requiring clarification on whether to make a declaration of interest are invited to contact Keith Ford (Tel. 0115 977 2590) or a colleague in Democratic Services prior to the meeting.

- (4) Councillors are reminded that Committee and Sub-Committee papers, with the exception of those which contain Exempt or Confidential Information, may be recycled.
- (5) This agenda and its associated reports are available to view online via an online calendar - <http://www.nottinghamshire.gov.uk/dms/Meetings.aspx>

Meeting POLICY COMMITTEE

Date Thursday 2 September 2021 (commencing at 10.30 am)

membership

Persons absent are marked with 'A'

COUNCILLORS

Ben Bradley MP (Chairman)
Bruce Laughton (Vice-Chairman)

Chris Barnfather
Richard Butler
Neil Clarke MBE
John Cottey
Jim Creamer
Boyd Elliott
Kate Foale **A**
Glynn Gilfoyle
Keith Girling

Richard Jackson
Philip Owen
David Shaw
Helen-Ann Smith **A**
Tracey Taylor
Michelle Welsh
Gordon Wheeler
Jason Zadrozny

SUBSTITUTE MEMBERS

Councillor Mike Pringle substituted for Councillor Kate Foale

Councillor Elizabeth Williamson substituted for Councillor Helen-Ann Smith

OTHER COUNCILLORS IN ATTENDANCE

None

OFFICERS IN ATTENDANCE

Anthony May Chief Executive's Department
Marjorie Toward
Nigel Stevenson
Michael Higginson
James Silverward
Keith Ford

Adrian Smith Place Department
Derek Higon
Matthew Neal

AGENDA ORDER

The Chairman re-ordered the agenda to enable the public discussions of the East Midlands Freeport Outline Business Case item (agenda item 6) to immediately precede the discussions about the exempt appendix to this report (agenda item 12).

1 MINUTES

The Minutes of the last meeting of Policy Committee held on 15 July 2021, having been previously circulated, were confirmed and signed by the Chairman.

2 APOLOGIES FOR ABSENCE

Councillor Helen Ann-Smith – on other Nottinghamshire County Council business.

Councillor Kate Foale – other reasons

3 DECLARATIONS OF INTERESTS BY MEMBERS AND OFFICERS

No interests were declared.

4 COVID-19 UPDATE REPORT

In response to a query raised by Members with reference to paragraph 18 of the report, officers agreed to write to clarify the total number of children eligible for supermarket vouchers compared to the actual number issued over the summer holidays.

RESOLVED: 2021/051

- 1) That the continuing efforts of services to ensure effective service provision as the country transitions to recovery be endorsed.
- 2) That further updates be considered by the relevant service committees.

5 NOTTINGHAMSHIRE SPECIAL EDUCATIONAL NEEDS AND DISABILITIES (SEND) PLACE PLANNING STRATEGY 2021-26

In response to a request from Members, the Leader agreed to discuss the need for a fairer funding formula on this issue with relevant Members and write to Central Government to make the case.

RESOLVED 2021/052

That the proposed Nottinghamshire Special Educational Needs and Disabilities Place Planning Strategy for 2021-26 be approved.

6 DEVELOPMENT OF THE COUNCIL PLAN AND PARTNER ENGAGEMENT

Arising from discussions, the following actions were agreed:

- those County Councillors who were also District or Borough Councillors were encouraged to share details of the consultation process (including The Big Notts. Survey) with other relevant, local organisations;
- officers agreed to provide a table containing a breakdown by District of the numbers of responses received.

RESOLVED 2021/053

- 1) That the emerging Council Plan vision and outcomes as set out in paragraph 8 of the committee report be noted.
- 2) That an engagement exercise be undertaken with partners in the early autumn, which alongside The Big Notts Survey, would inform the priorities in the Council Plan.

7 COUNTY COUNCILS NETWORK ANNUAL CONFERENCE 2021

In relation to this agenda item and the Outside Bodies Register Update Report item, Members raised concerns about how best to represent the views of, and share information with, both minority groups of the Council. In response, the Leader agreed to discuss that wider issue further with the Leaders of the Labour Group and the Independent Group.

RESOLVED: 2021/054

That approval be given for the Leader and Deputy Leader of the Council, the Leader of the Main Minority Group and one Chief Officer to attend the County Councils Network Annual Conference in Marlow, Buckinghamshire from 21-23 November 2021, together with any necessary travel and accommodation arrangements.

8 OUTSIDE BODIES REGISTER UPDATE REPORT

RESOLVED: 2021/055

- 1) That the organisations listed in Appendix A to the committee report be removed from the Outside Bodies Register for the reasons outlined in the report.
- 2) That the addition of the East Midlands Freeport Board to the Register be endorsed.
- 3) That the updated Register as detailed in Appendix B be noted.

9 WORK PROGRAMME

RESOLVED: 2021/056

That no amendments were required to the work programme.

10 EAST MIDLANDS FREEPORT OUTLINE BUSINESS CASE

During discussions, Members requested that the details of any further changes made to the Outline Business Case at the East Midlands Freeport Board meeting due to be held on the afternoon of 2 September 2021 be shared with all Members.

RESOLVED: 2021/057

- 1) That the current draft of the East Midlands Freeport Outline Business Case be endorsed.
- 2) That subject to due consideration of the final draft, authority be delegated to the Corporate Director of Place, in consultation with the Leader of the Council, to endorse the Outline Business Case, ahead of submission to Government by 10 September 2021.
- 3) That a further report be submitted to Policy Committee to consider the Full Business Case and any implications for the County Council, should the bid be taken forward by Government.

11 EXCLUSION OF THE PUBLIC

RESOLVED: 2021/058

That the public be excluded for the remainder of the meeting on the grounds that the discussions were likely to involve disclosure of exempt information described in Schedule 12A of the Local Government Act 1972 and the public interest in maintaining the exemption outweighed the public interest in disclosing the information.

12 EAST MIDLANDS FREEPORT OUTLINE BUSINESS CASE – EXEMPT APPENDIX

RESOLVED: 2021/059

That the contents of the draft East Midlands Freeport Outline Business Case be noted.

The meeting closed at 1.09 pm.

CHAIRMAN

**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. Each local authority is required to have in place a Fair Access Protocol, which must be consulted upon and developed in partnership with schools. This requirement is described in the School Admissions Code 2021, which sets out new and updated requirements for the Local Authority in respect of Fair Access.
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 ensure the Council discharges mandatory requirements in relation to Fair Access as stated in the School Admissions Code 2021.
5. Nottinghamshire County Council consulted on a revised Fair Access Protocol between 4 August 2021 and 19 September 2021.
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.

In addition, information reminding schools within Nottinghamshire of the consultation was shared in September 2021 via the 'Pulling Together Nottinghamshire: Bulletin 140', Governor Clerks and Heads and Chairs briefings and secondary locality panels.

7. All 26 responses received by 19 September 2021 were considered.
8. The consultation asked seven 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 key changes to the Protocol are as follows:

Introduction:

- updated to reference new Code
- made clear the intention that Fair Access Protocol is used to support the most vulnerable
- references 20 day time scale imposed by new Code

Overall procedures and context:

- updated to reference new Code
- makes requirement for panels to meet every four school weeks and for a representative with decision making authority to attend
- update of Fair Access Protocol qualifying criteria in line with new Code
- includes requirement to report back applications within two days
- requires that the Local Authority will send out agenda three school days prior
- formalises chairing and minute taking responsibility sits with schools

Requests by school for referral to fair access panel:

- takes definition of challenging behaviour from new Code
- requires school to submit evidence at the time of indicating an intention to refuse otherwise the application must be processed through usual process

Locality panel decision making:

- updated to include that the Local Authority will make placement recommendations to panels
- clarifies data that will be brought by the Local Authority to support decision making
- specifies that children placed under criterion 'L' and no other Fair Access Protocol criteria met will be reported as a separate figure as they are not usually complex admissions
- requirement to identify a place within 20 school days of referral to the Protocol
- updated to make clear that not all Electively Home Educated children will be placed through Protocol
- specifies arrangements should a placement not be agreed or a school does not admit following agreement

Additional funding:

- Home to School Travel Assistance updated to reflect current policy

Monitoring and review:

- updated Local Authority monitoring and review role to reflect how monitoring is undertaken

Appendices – the following have been added to this proposed Protocol:

- Appendix 1 - Process for secondary placement requests via the Protocol
- Appendix 2 - Consideration of refusals on the grounds of behaviour
- Appendix 3 - Fair Access Team contact details.

10. 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

11. The existing Fair Access Protocol remains in place but this does not reflect mandatory requirements as specified in the School Admissions Code 2021.

Reason/s for Recommendation/s

12. 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

13. 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

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

Public Sector Equality Duty implications

15. An Equality Impact Assessment has been carried out and is available as a background paper.

Safeguarding of Children and Adults at Risk Implications

16. Nottinghamshire County Council's Fair Access arrangements support the safeguarding of vulnerable children by ensuring timely access to education, in line with the provisions of the School Admissions Code 2021.

Implications for Service Users

17. 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:

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Team Manager, Fair Access
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E: sarah.whitby@nottsccl.gov.uk

Constitutional Comments (KK 23/09/21)

18. The proposal in this report is within the remit of the Policy Committee.

Financial Comments (MDN 28/09/21)

19. There are no financial implications arising from the 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/nottinghamshire-fair-access-protocol/>

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

School Admissions Code 2021, which is available at [School admissions code 2021 \(publishing.service.gov.uk\)](https://www.schooladmissionscode.gov.uk/)

[Fair Access Protocols; Guidance for school leaders, admission authorities and local authorities, August 2021](#)

[Fair Access Protocol consultation update – report to Children and Young People's Committee on 13th September 2021](#)

Redacted version of comments made by respondents to the online consultation

Electoral Division(s) and Member(s) Affected

All.

C1509

NOTTINGHAMSHIRE COUNTY COUNCIL

FAIR ACCESS PROTOCOL

PROPOSED JULY 2021



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Appendix 2- Consideration of refusals on the grounds of behaviour

Appendix 3- Fair Access team contacts

Section 1 - introduction

Each local authority 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 2021)

There is a duty on local authorities, schools and academies to work together in partnership to ensure that the best interests of vulnerable children are considered whilst ensuring 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. The School Admission Code 2021 makes clear the shared responsibility in relation to the operation of the Fair Access Protocol, including when it should be used and setting out a clear process of how it should work, including requiring that placement decisions need to be made within 20 school days of a child being referred to the Protocol.

The statutory responsibility for local authorities to coordinate admissions outside the normal round (in-year admissions) was removed for admissions from September 2013. Parents now face a wide range of different practices and procedures in respect of applying for a school place for their child. As schools increasingly take responsibility for their own admissions, the risk that children will 'fall between the cracks' and be unable to secure a place quickly at a local school increases without effective collaborative working. In addition, the process can be complex for parents to understand because the way in-year admissions are managed varies from one local authority to another.

The operation of the Fair Access Protocol is outside the arrangements of coordination and is triggered when a parent of an eligible child has not secured a school place under in-year admissions procedures or an admission authority has made a referral. Most children should be able to secure a school place through the normal in-year admissions process, either as a result of a parental application or following an approach by the Local Authority to any school. The Fair Access Protocol is only intended to be used as a mechanism to secure a school place in-year for the most vulnerable children and should not be used to circumvent usual in year admissions process.

Section 2 – overall procedures and context

2.1 – Legislative background

The School Admissions Code 2021, 3.15 states that **'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.'**

The School Admissions Code 2021 applies to admissions to all maintained schools in England and should be read alongside the School Admission Appeals Code and other guidance and law that affect admissions and admission appeals in England. Academy Schools (including free schools, university

technical colleges and studio schools) are required by their funding agreements to comply with the School Admissions Code 2021 and the law relating to admissions, though the Secretary of State has the power to vary this requirement where there is demonstrable need.

2.2 – The Nottinghamshire context

Nottinghamshire County Council has established an in-year coordinated admission scheme for Nottinghamshire community and voluntary controlled schools with an option for own admission authority schools to participate. If a place cannot be offered through the normal in-year admissions process, the application may be considered in line with the County Council's Fair Access Protocol. For those schools not participating in the in-year scheme, the Fair Access Protocol is key in identifying those vulnerable groups to ensure that vulnerable children without school places are not overlooked.

Nottinghamshire County Council has well-established collaborative fair access procedures at secondary and primary level, supported by staff from the Fair Access Team and Primary Social Emotional and Mental Health (SEMH) Team. In Nottinghamshire the Fair Access Protocol operates on a locality level, at secondary through collaborative meetings of nine panels and at primary through direct conversation with school leaders within localities.

Admissions correspondence and agreed admissions processes are designed to enhance continuity between the in-year scheme and the Fair Access Protocol. This is to ensure that when a child has not secured a school place through the normal admissions process, the Fair Access Protocol is triggered.

2.3 – Operation of Locality-based panels

The fair access process at secondary level is facilitated by nine locality-based school panels who are expected to meet every 4 school weeks, in line with Nottinghamshire County Council's agreed school holiday dates, to make recommendations for the placement of children living in their area, including those who have been permanently excluded. Panels consist of representatives from all schools and the Local Authority. All Nottinghamshire localities are required to have an operational fair access panel and all panels are required to work within the same legislative framework.

The nine locality-based school panels have developed different models of operation to meet the needs in their local area. The fair access process requires all the locality panels to make appropriate provision for young people who require education either in a mainstream school or in alternative provision. Local procedures must comply with the requirements of the agreed Nottinghamshire Fair Access Protocol and unplaced pupils who meet the criteria must be offered a place within 20 school days of agreement that the child will be considered under the Fair Access Protocol. In Nottinghamshire this date is taken as the date of referral through the fair access process. Regardless of their operational arrangements all panels should seek to minimise the number of days that a child or young person remains without access to education. Appendix 1 sets out the process followed for secondary placement requests via the Protocol.

Occasionally, the nearest accessible school place for a particular child may fall within a neighbouring locality. In these circumstances, cross-locality collaboration will be necessary to establish the most appropriate placement for the child.

The need for primary places to be allocated through the fair access process is rare, however, it is still a requirement for all admission authorities to participate in the Fair Access Protocol. Where school placements are required for primary age children these will be referred to the Local Authority's Children Out of School Panel (COOS) for action. Colleagues from the Fair Access Team and SEMH team will work in collaboration with local school leaders to identify appropriate placements.

2.4 – Scope of the Fair Access Protocol

The majority of applications for school places will be dealt with through normal admission procedures. However, some children in vulnerable groups may find it difficult to secure a school place.

The School Admissions Code 2021 (3.17) states that Fair Access Protocols may only be used to place the following groups of vulnerable and/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:

- a) 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;
- b) children living in a refuge or in other Relevant 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.

Looked after children or children with an Education, Health and Care Plan naming the school, fall outside the Fair Access Protocol and other arrangements are in place to ensure that these children are admitted.

2.5 – Procedures and responsibilities

For applications that are processed through Nottinghamshire County Council's co-ordinated in-year scheme, fair access will automatically be triggered in accordance with timelines laid out in the scheme. Own admission authority schools that are not participating in Nottinghamshire County Council's in-year coordinated scheme are required, on receipt of an in-year application, to notify the County Council of the application within 2 days and its subsequent outcome within 2 days. This enables the local authority to track and safeguard children in the area to ensure they are not missing education and make a referral under the Fair Access Protocol as necessary.

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, as set out in the School Admissions Code 2021. They must not refuse to admit such children on the basis that they may be eligible to be placed via the Fair Access Protocol.

It is the responsibility of each school to send a representative to the meeting; this representative must be 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. As set out in the School Admissions Code 2021, 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.

The Local authority will provide to panels meeting dates for the academic year, prior to the start of the academic year, in order that reasonable notice as to how and when discussions around the placement of children via the Protocol will take place. Information, in the form an agenda, to facilitate panel discussions will be provided by the Local Authority to all panel representatives 3 school days in advance of the meeting.

It is the responsibility of schools attending the panel to agree how they will facilitate chairing and minute taking of the panel.

Section 3 - requests by schools for referral to fair access panel

3.1- Legislative context

The School Admissions Code 2021 (3.10) states that **'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, it may refuse admission and refer the child to the Fair Access Protocol'**.

'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. The behaviour would be expected to significantly interfere with the pupil's/other pupils' education or jeopardise the right of staff and pupils to a safe and orderly environment.' An admission authority should only seek to rely on this provision **'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.'

The use of this provision must not be used to give time to gather further evidence or unnecessarily delay the admission of children to school. This provision will not apply to a looked after child, a previously looked after child or a child with an Education, Health and Care Plan naming the school in question, as these children **must** be admitted. In line with paragraph 3.9 of the School Admissions Code, admission authorities must not refuse to admit a child on behavioural grounds at any point in the normal year of entry (ie. year 7 or reception).

There are limited grounds on which an application for admission can be refused. The School Admissions Code 2021 (3.8) states that where a child has been permanently excluded from two or more schools there is no need for an admission authority to comply with parental preference for a period of two years from the last exclusion, other than in excepted cases detailed in this paragraph of the Code.

The School Admissions Code 2021 (2.28) states that admission authorities **must not** refuse to admit a child solely because:

- they have applied later than other applicants
- they are not of the faith of the school in the case of a school designated with a religious character
- they have followed a different curriculum at their previous school
- information has not been received from the previous school

3.2- Secondary School refusals on the grounds of behaviour

Where a Nottinghamshire secondary school does not wish to admit a child because it has good reason to believe that the child may display challenging behaviour, the school will need to inform the Local Authority via the agreed Nottinghamshire reporting mechanism. The application will then be added to the agenda for discussion at their locality panel, or to the Nottinghamshire County Council Children Out Of School (COOS) panel if there is not an appropriate locality panel.

If an application is to be referred on the grounds of behaviour, additional supporting information must be provided by the admission authority describing the lawful basis on which they believe the child should be referred to the Fair Access Protocol. In the absence of information being provided the application must be considered under in-year process in line with the usual admissions procedure.

The following evidence should be provided to support the admission authority's request for refusal:

- a) evidence that the child has a history of significantly challenging behaviour, in line with the definition of challenging behaviour in the Code, and corroborated by expert diagnosis, school exclusion history, the youth justice system or other appropriate sources, and
- b) the school has a particularly high proportion of either children with challenging behaviour or 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.

Appendix 2 provides the proforma that should be completed to refer refusals on the grounds of behaviour to the Fair Access Protocol.

3.3- Primary School refusals on the grounds of behaviour

Where a Nottinghamshire primary school does not wish to admit a child because it has good reason to believe that the child may display challenging behaviour, the school will need to inform the Local Authority via the agreed Nottinghamshire reporting mechanism. The application will then be added to the agenda for discussion at the Nottinghamshire County Council Children Out Of School (COOS) panel.

If an application is to be referred on the grounds of behaviour, additional supporting information must be provided by the admission authority or Governing Body describing the lawful basis on which they believe the child should be referred to the Fair Access Protocol. In the absence of information being provided the application must be considered under in-year process in line with the usual admissions procedure.

The following evidence should be provided to support the request for refusal. For maintained schools this will be provided by the Governing Body and for own admission authority schools by the admission authority:

- a) evidence that the child has a history of significantly challenging behaviour, in line with the definition of challenging behaviour in the Code, and corroborated by expert diagnosis, school exclusion history, the youth justice system or other appropriate sources, and
- b) the school has a particularly high proportion of either children with challenging behaviour or 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.

Appendix 2 provides the proforma that should be completed to refer refusals on the grounds of behaviour to the Fair Access Protocol.

Section 4 – locality panel decision making

4.1- Consideration of referrals

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.

For unplaced children in the locality who require a place to be allocated via the Protocol, the Local Authority will make recommendations for place allocations, taking into account parental preference, catchment and needs of the child, whilst ensuring a fair and equitable distribution of children.

The locality panel will be expected to consider the parental application, the Local Authority recommendation and the admission authority's referral, where applicable. At each panel current data will be provided by the Local Authority pertaining to the number of children on roll at each locality school and the number of fair access admissions in relevant schools across the academic year in order to support the decision making process.

4.2-Assessing the suitability of a placement

As part of assessing the suitability of a placement for a child, the panel must take account of any relevant information provided by parents/carers, school, Local Authority, other admission authorities or professional agencies. This could include a previous serious breakdown in the relationship between the school and the family, or strong views about the religious ethos of a school.

Data provided by the Local Authority to panels should be used to ensure an equitable distribution of fair access placements across a locality. Where children are placed via the Protocol due to meeting criterion L only (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) these placements will be identified separately from allocations made for children meeting other criterion to inform decision making.

Locality panels are required to give due consideration to the specific needs of any vulnerable pupils that they are seeking to place. They should aim to identify an educational pathway that offers the child the best opportunity to achieve a positive academic outcome. There is no duty for local authorities or admission authorities to comply with parental preference when allocating places through the Fair Access Protocol.

Locality panels are also responsible for ensuring that appropriate educational provision will be sought for children who have a right to educational provision and whose applications are being considered under the Fair Access Protocol but who are not ready for mainstream schooling. In the majority of circumstances, this will involve placing the child onto the roll of their catchment school to enable the co-ordination of an appropriate alternative curriculum package.

Wherever possible, children with a religious affiliation should be matched to a suitable school.

4.3- Recommendations

Locality panels are required to identify school placements for all children who have been identified as meeting the requirements of the Fair Access Protocol, including those who have been permanently excluded. All schools are expected to admit children who have been allocated to them through this process. Non-attendance by a school representative at a panel meeting does not preclude a decision to place a child at that school and these decisions are still binding.

Every effort should be made to identify a school place quickly, and as a requirement of the School Admissions Code 2021 within a maximum of 20 school days. If in a particular case there are valid reasons why a school roll cannot be identified at the locality meeting, the protocol requires that locality panels are responsible for establishing the educational provision a child will receive and monitoring its effectiveness.

The allocation of a place in accordance with the Fair Access Protocol does not override a parent's right to appeal against refusal of a place at any school for which they have applied. Children allocated a place at a school in accordance with the Fair Access Protocol must take precedence over those on a waiting list.

4.4- Alternative provision

In rare circumstances alternative provision may be recommended. This means that a school will be identified to take responsibility for the learning and wellbeing of the child but the education will take place somewhere other than the main school site.

4.5- Managed move

If the child currently has a school place, the panel may suggest that the parent consider withdrawing the formal application to allow a 'managed move' transfer. The child will then access learning at a new school for an agreed period of time to ensure that all parties are certain that a permanent transfer will be in the child's best interests. The child retains the right to return to their current school during this process.

The process of managed moves falls outside the scope of fair access legislation and will therefore only apply if individual locality panels have specifically agreed to develop secure procedures to facilitate such transfers in their area and the parent agrees to participate in that process.

4.6- Applications for children to return to school from Elective Home Education

When a request is made for a return to school for children who have been Electively Home Educated and meet criteria to be placed through the Fair Access Protocol, a placement will usually be sought at the child's most recently attended school. Not all children returning to school from Elective Home Education will be eligible to be placed through the Fair Access Protocol.

4.7. Local authority support and monitoring role

If a locality panel meeting is deferred or cancelled, the cases on that month's agenda will be referred to the COOS panel who will make decisions regarding placements.

Whilst this Fair Access Protocol covers all maintained schools and academies within Nottinghamshire, every effort will be made to contact a neighbouring authority to help secure a school place in that area if that is deemed appropriate.

There may be rare occasions where a child is not offered a school place by the locality panel or where the school identified by the panel fails to admit the child. In these exceptional cases, the local authority may direct a school to admit the child or may make a referral to a regulatory body. Interim educational provision will be commissioned by the Local Authority, the cost of which may be charged back to the panel or school in question.

Section 5- Additional funding

5.1 Higher level special educational needs (HLN)

Children already in receipt of funding through Education Health and Care Plans (EHCPs), including out of county EHCPs, and those in receipt of Higher Level Special Educational Needs Funding (HLN), will have that funding transferred to the receiving school for an agreed period of time.

The Fair Access team will offer advice and support to schools who choose to make new HLN bids if they are asked to admit children with significant special educational needs, serious mental health needs, those who raise serious safeguarding concerns that require mitigation, or children who need to be placed on a school roll for safeguarding purposes but who are known to currently require an alternative educational provision arrangement.

Funding to support pupils with social emotional and mental health (SEMH) needs is devolved to localities through their School Behaviour and Attendance Partnerships. Schools participating in such partnerships will be able to access this funding. Schools who have not agreed a partnership funding agreement with the Local Authority will be expected to meet the needs of pupils with SEMH needs from their own resources. In localities where the fair access panel and the school behaviour and attendance partnership operate separately they are strongly advised to have agreed communication procedures.

5.2 Permanently excluded children

A permanently excluded child who is admitted to a new school will have, from the date on roll, the remaining portion of the Age Weighted Pupil Unit (AWPU) formula in that financial year transferred to the new school.

5.3 Home to School Travel Assistance

Key Stage 4 pupils who are applying for a school place as a consequence of a change of residence, but who live within 8 miles of their original school place, may be able access Home to School Travel Assistance support to facilitate the completion of the examination courses that they have already started. In these cases discussions with the young person, the applicant and the current school will be led by the Fair Access team to identify a recommendation to panel for the most appropriate educational pathway for the young person.

If a locality panel, in accordance with the Fair Access Protocol, identifies a place at a school to which Home to School Travel Assistance support would not ordinarily be available, the Fair Access team will confirm that the place has been appropriately designated. Home to School Travel Assistance funding may be made available if the distance criterion is met.

Section 6- Monitoring and review

6.1 Monitoring effectiveness of the Fair Access Protocol

The local authority monitors the placement of children identified through the Fair Access Protocol in a number of ways:

- Children Out Of School meeting- weekly
- Vulnerable Children Education Commissioning- 3 weekly
- Report to relevant internal groups including the Children Missing Education Board.

In addition, the School Admissions Code 2021 (3.30) requires local authorities to produce an annual report on admissions for all schools in their area. This must be sent to the Office of the Schools Adjudicator (OSA) by 31 October and must cover an assessment of the effectiveness of Fair Access Protocols and coordination in their area, including how many children were admitted to schools under the protocol.

Nottinghamshire County Council has a duty to monitor the quality of alternative provision and does so through the NCC approved provider process.

6.2 Review

The Fair Access Protocol is reviewed regularly with relevant partners and agreed by the relevant Council Committee.

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. This can be initiated by the majority of heads contacting the fair access team manager to request this. 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.

Appendix 1- Process for secondary placement requests via the Protocol

Day 1- Referral received via school admissions or another agreed route

Student details added to next panel agenda- to be circulated 3 days prior to panel by LA

Late additions to the agenda added by LA and agenda recirculated the day prior to panel, in order to meet 20 day timeline for students referred after the agenda has been sent

Presentation at panel by LA, including information sought by FAP to support discussion, recommended placement and FAP admissions data for academic year

Within 20 school days- School identified by panel and allocated

LA send out letter confirming an offer through the Fair Access Protocol and communicate outcome to family

Fair Access allocation recorded for follow up on progress of admission at next panel

School agree start date with family and monitor this. Non-attendance or children who don't arrive referred by school in line with Nottinghamshire School Attendance Guidance

School report back to next panel update on admission and where child is admitted school is credited with FAP admission on school data, criterion L separately

NOTE- for referrals by schools to the Protocol on the grounds of behaviour, these children will be added to the panel agenda by the LA and it is the responsibility of the requesting school to provide information to the LA in advance of the panel and present this on the day. Placement will be required by the panel on the day if the decision for referral to the Fair Access Protocol is upheld. If a decision is not upheld the application must be considered under in-year process in line with the usual admissions procedure.



Appendix 2- Consideration of refusals on the grounds of behaviour

In order for any refusal made on the grounds of behaviour to be lawful, the threshold for challenging behaviour as set out in the School Admissions Code 2021 section 3, described in section 3 of Nottinghamshire's Fair Access Protocol, must be met.

Pupil information

Pupil name	
Year group	
D.O.B	
School presenting refusal	
Current school or most recent school attended	

Child evidence

The School Admissions Code states that '**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**'.

Evidence of significant challenge due to behaviour being of such severity, frequency or duration that it is beyond the normal range that a school can tolerate. Pupil behaviour presents significant challenge, supported by external agency involvement and/ or history of fixed term exclusion over the past 2 years of increasing severity and frequency, or has received a permanent exclusion.	Evidence provided below or attached Yes/ No
Evidence that the behaviour would unlikely be responsive to the usual range of interventions to help prevent and address pupil misbehaviour. Behaviour has been unresponsive to the usual interventions put in place by the previous setting or evidence provided from another source that behaviour would unlikely be responsive to the usual interventions.	Evidence provided below or attached Yes/ No
Evidence that the behaviour is likely to significantly interfere with the pupil's/other pupils' education or jeopardise the right of staff and pupils to a safe and orderly environment. The pupil is in receipt of HLN funding for SEND needs that mean that the learning or safety of others is a known concern OR the pupil has a risk assessment or AIMS assessment in place that demonstrates a significant risk of harm OR there is evidence from another source of risk to the safety of others.	Evidence provided below or attached Yes/ No

School evidence:

The school 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

The school or academy have admitted a highly challenging FAP (including previously permanently excluded), LAC or EHCP pupil into the class that term OR the admission would mean placing the young person into a highly complex class. Anonymised evidence of challenge within the class may include having a number of children in receipt of AFN/ HLN funding as a consequence of highly challenging behaviours or who have risk assessments in place because they pose a significant risk to themselves or others.	Evidence provided below or attached Yes/ No
The School or Academy can evidence concerns held by support services about the number of children with challenging behaviour in the existing cohort. Evidence may come from EPS, SFSS, SEMH team or another acceptable source.	Evidence provided below or attached Yes/ No

Appendix 3- Fair Access team contacts

Fair Access team		General advice, making and updating regarding progress of referrals	fairaccess@nottsc.gov.uk 01159773225
Zoe Joy	Fair Access Practitioner	Responsibility for processing of referrals and enquiries to FAP, panel agendas	Zoe.joy@nottsc.gov.uk
Position vacant	Fair Access Practitioner (Pupil Missing Education focus)	Responsibility for queries relating to PME, follow up of school reduced timetable collection, supporting processing of referrals	
Gill Bevington	Funding and Commissioning Officer	Processing of referrals for EOTAS students and administration of schools partnership funding	gill.bevington@nottsc.gov.uk 01159773422
Kimberly Martin	Professional Practitioner	Mansfield, Ashfield, SHNK and Newark	kimberly.martin@nottsc.gov.uk 01159772641
Sinéad Allan	Senior Professional Practitioner	Complex cases and Bassetlaw, Broxtowe, Gedling and Rushcliffe	sinead.allan@nottsc.gov.uk 01158043906
Emily Brown	Professional Practitioner Elective Home Education	Support to Electively Home Educated families, Mansfield and Ashfield area	emily.brown@nottsc.gov.uk 01159773334
Rebecca Stringfellow-Bateson	Professional Practitioner Elective Home Education	Support to Electively Home Educated families, Newark and Bassetlaw area	Rebecca.stringfellow-bateson@nottsc.gov.uk 01158040793
Position vacant	Professional Practitioner Elective Home Education	Support to Electively Home Educated families, Broxtowe, Gedling and Rushcliffe area	
Alex Bradshaw	Senior Professional Practitioner Elective Home Education	Co-ordination of EHE service	alex.bradshaw@nottsc.gov.uk 01159773501
Sarah Whitby	Team Manager	Strategic management of Fair Access and Elective Home Education Team	sarah.whitby@nottsc.gov.uk 01159773946

APPENDIX 2 CONSULTATION SUMMARY AND ANALYSIS OF RESPONSES

A total of 26 responses were received to the public consultation

1 Parent
5 School Governors
16 School representatives
2 Parish councillors
1 Citizen
1 Social support for families from Syria

Qu 1 Appendix 1 outlines timescales and the route for secondary placements via the Fair Access Protocol in Nottinghamshire.

How strongly do you agree or disagree that this working arrangement reflects the requirements of the School Admission Code 2021 and the proposed Nottinghamshire Fair Access Protocol? If you are not in agreement please explain why.

77% of respondents were in agreement, 19% of respondents neither agreed nor disagreed and one did not answer this question.

It was commented that it was essential that students are placed as swiftly as possible, and that this route seems appropriate and timely. One school commented that it seems there is scope to work outside of the Schools' admission policies to obtain a place on roll of a chosen school, rather than to obtain a suitable school place. The proposed timelines in Appendix 1 outline how placements will be sought in a timely manner through the Protocol and in line with legal requirements. The School Admissions Code 2021 is clear that Fair Access Protocols should only be used to place the categories of children listed at para 3.17, this is stated in the proposed Nottinghamshire Protocol at para 2.4- Scope of the Fair Access Protocol.

Qu 2. The School Admissions Code 2021 makes it a requirement that once a child is considered under the Fair Access Protocol, a school place must be allocated for a child within 20 school days. As set out in the proposed Protocol, in Nottinghamshire the expectation at Secondary level is that placement recommendations are made at locality meetings involving representatives, who have delegated authority to make placement decisions, from all area schools and the Local Authority. These meetings will be arranged every 4 school weeks in order to comply with the timescales set out in the Code. At Primary level it is proposed that colleagues from the Fair Access Team and SEMH team will continue to work in collaboration with local school leaders to identify appropriate placements as the need for discussions is rarer.

How strongly do you agree or disagree that at Secondary level the expectation of a meeting involving the Local Authority and all schools in a locality, every 4 school weeks, supports the requirement of the Code? If you are not in agreement with this model of working please make clear your preferred working arrangement to ensure the requirement in the Code is met.

88% of respondents were in agreement, the remainder of respondents neither agreed nor disagreed.

One respondent commented in relation to this question that they wished this to continue through the current locality panel process and this is proposed in the revised Protocol.

How strongly do you agree or disagree at Primary level direct working between the Fair Access, SEMH team and school leaders supports the requirement of the Code? If you are not in agreement with this model of working please make clear your preferred working arrangement to ensure the requirement in the Code is met.

69% of respondents were in agreement with 1 respondent (4%) in disagreement. 27% of respondents neither agreed nor disagreed.

One respondent commented that they felt the process should be the same for Primary as it is for Secondary. The Protocol does not propose this as requiring regular meetings of all primary schools across Nottinghamshire cannot be justified in the context of the small number of primary referrals through the Fair Access Protocol.

Qu 3. In response to informal consultation undertaken with locality panels, it is proposed that:

For unplaced children in the locality who require a place to be allocated via the Protocol, the Local Authority will make recommendations for place allocations, taking into account parental preference, catchment and needs of the child, whilst ensuring a fair and equitable distribution of children.

How strongly do you agree or disagree that the making of recommendations as above by the Local Authority will support the fair and equitable allocation of placements, appropriate to identified needs of children and young people, through the Fair Access Protocol. If you do not agree please tell us your preferred way of working.

69% of respondents were in agreement and 19% in disagreement. The remainder of respondents neither agreed nor disagreed.

Comments received included that schools should be consulted and not told and that decisions should be made by Locality Panels. The proposed FAP makes clear that this is the intention and that the Local Authority recommendation is based upon data regarding Fair Access admissions within the academic year and needs of the young people to be discussed. Locality Panels will retain the right to consider these recommendations before reaching a final decision regarding placement.

Qu 4. The proposed Protocol places responsibility for agreeing chairing and minute taking arrangements with individual panels to ensure panels have ownership of the process. How strongly do you agree that individual panels should agree responsibility for chairing and recording in a way that best suits their needs? If you are not in agreement please indicate your preferred option.

69% of respondents were in agreement and 23% in disagreement. The remainder of respondents neither agreed nor disagreed.

Comments received included the need for there to be a consistent approach and clear process insisted upon by the Local Authority in order that all panels operate in the same way. The proposed Nottinghamshire Fair Access Protocol sets out the principles and an operating model for working that

all Locality Panels are expected to adhere to. There is scope for individual Locality Panels to agree local working arrangements that best meet the needs of the children and schools within their area, as long as they operate within the agreed Protocol.

It was questioned why schools should take on this role given that they already have a high workload. Historically, this was a role that schools undertook that sat with the Local Authority as an interim measure during the initial phases of the Covid pandemic and the proposed Protocol formalises the return to this way of working.

Qu 5. The threshold for refusals on the grounds of behaviour has been more clearly defined within the School Admissions Code 2021:

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. The behaviour would be expected to significantly interfere with the pupil's/other pupils' education or jeopardise the right of staff and pupils to a safe and orderly environment. An admission authority should only seek to rely on this provision 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.

To support decision making regarding referrals to the Protocol on the grounds of behaviour Appendix 2 provides a proforma outlining lawful evidence that should be provided in order to meet the requirements of the Code.

How strongly do you agree or disagree that Appendix 2 reflects the threshold as described in the Code? If you do not feel it adequately reflects the threshold set please indicate what additional evidence you feel could or should be provided.

85% of respondents were in agreement and 7% in disagreement. The remainder of respondents neither agreed nor disagreed.

Comments were raised in relation to timescales and the difficulty when information was not shared between settings. The School Admissions Code 2021 makes clear the duty on admission authorities to respond to all applications within 15 days, to only refuse admission and request referral to the Fair Access Protocol when a school has good reason to believe a student may display challenging behaviour and for all students referred to the Fair Access Protocol to be placed within 20 days of this referral being made. There is no basis on which Local Authorities can delay referral to Fair Access Protocols where this is needed as the aim of the Protocol is to place vulnerable children in a timely manner.

In response to a comment suggesting that further clarity should be provided in Appendix 2 regarding whether exclusions were of a fixed term or permanent nature, the final proposed document has a minor amendment to include this detail.

Qu 6. In Nottinghamshire the recommendation via the Protocol, continues to be that for children returning from Elective Home Education where placement is sought through the Protocol a return to the most recent school is recommended.

When a request is made for a return to school for children who have been Electively Home Educated and meet criteria to be placed through the Fair Access Protocol, a placement will

usually be sought at the child's most recently attended school. Not all children returning to school from Elective Home Education will be eligible to be placed through the Fair Access Protocol.

How strongly do you agree or disagree with this recommendation? If you do not agree please indicate your preferred recommendation for children returning from Elective Home Education.

54% of respondents were in agreement and 23% in disagreement. The remainder of respondents neither agreed nor disagreed.

One comment received indicated that for parents returning their child from Elective Home Education they should have a choice over which school the child returns to. The Fair Access Protocol does not take away the right of the parent to preference any school(s) they wish, but provides a means by which vulnerable children can be placed into an appropriate setting if it is not possible to secure a place through the usual admission process, for example because schools are at capacity. Several comments indicated that it may not be appropriate for a child to return to the school from which they came; in these circumstances it is for the panel to discuss and agree an appropriate route forward, taking into account any individual circumstances.

Qu 7. How strongly do you agree or disagree with the proposed operation of Nottinghamshire FAP and that its operation is compliant with the legislative context required by the School Admissions Code 2021 and the Department for Education Guidance, July 2021 – Fair Access Protocols: Guidance for school leaders, admissions authorities and local authorities?

69% of respondents were in agreement. 19% of respondents neither agreed nor disagreed and one respondent did not provide an answer.

Of these responses, those received from schools and school governors (21) were compared to the total number of schools consulted with, as indicated in the initial communication sent out to all Nottinghamshire schools and academies. This stated that; 'Based on the consultation feedback the new Fair Access protocol will be adopted if the proportion of schools expressing a disagreement is in the minority in comparison to the total number of schools consulted.'

There are no schools expressing a disagreement, it is therefore proposed that the Fair Access Protocol consulted upon and attached at Appendix 1 is adopted.

Qu 8. Do you have any other comments regarding the proposed Nottinghamshire Fair Access Protocol.

The following additional comments were received:

'The opening statement mentions vulnerable children. It would be useful if this term was more clearly defined. The term is open to a wide range of differing interpretations and it would be better if the access protocol had its own clear definition of what is meant by this term'- the definition of children classed as vulnerable by the Protocol is defined clearly within the School Admissions Code 2021 and listed at para 2.4 of the Nottinghamshire Protocol.

'Think it's a bit of a stretch to see if people believe your operation is compliant with the legislative context required - advice should be sought from professionals, not via this survey.'- a full legal view has been sought regarding compliance, indicated in the accompanying report to Policy Committee.

'It is imperative that the FAP is followed - the FAP document can be accurate but it is its implementation which is key. The following statement: 'The Fair Access Protocol is only intended to be used as a mechanism to secure a school place in-year 6 for the most vulnerable children and should not be used

to circumvent usual in year admissions process.' This has not been the case on a number of occasions over the past few years; parents need to be aware that moving house may result in a second/third choice school place being offered. FAP is not there to get students into their first choice of school, after an independent appeal panel has agreed with the school's LGB decision not to admit, particularly where students do not meet the criteria for vulnerability. Additionally, there needs to be a more formal mechanism for working across localities where geography dictates that this makes increased sense (also written in the FAP but not easy in reality).'- full and complete information is available on Nottinghamshire County Council's public admissions hub in respect of in year applications. The mechanism by which locality and cross locality working supports the placement of vulnerable children is described in the proposed Protocol.

'Place greater importance to what the Head Teacher says in terms of accepting students in year. They are more in tune with the needs of the existing students and how the new arrival will impact their own specific learning environment. These Protocols all sound very reasonable on paper, but bureaucrats at a distance will often regard the process as a box ticking exercise without paying any attention to the specific case in hand.'- placements through the Protocol are always made with full consideration of the interests of children and schools at the centre, and this will continue to be the case.

'Schools need to be kept fully informed before placements are discussed and confirmed with parents so that schools SLT can ensure that the placement is the best option for the child. Communication is vital.'- it is always the case that where placement is sought through the Nottinghamshire Protocol discussions take place with schools to identify a suitable placement before the parent is informed of an outcome.

'Students appear on the FAP list who already have a school place. Students with a school place should not be brought to the FAP panel. Late additions to the FAP meeting are a concern. If late additions are added then it must be ensured that all relevant information is available and enough time given to consider their circumstances. Ensure that the 3 days notice of information before the FAP meeting is 3 school working days.'- it is clarified at para 2.5- procedures and responsibilities that the agenda will be circulated 3 school days in advance of the meeting. Late additions will only be made if to not do so would disadvantage the children concerned and would always be accompanied by the most up to date information available. Students will only be presented at panel where they have no school place or where it is not possible for them to access their current allocated school place, for example because it is at an unreasonable distance.

REPORT OF THE LEADER OF THE COUNCIL

THE BIG NOTTS SURVEY: INITIAL FINDINGS AND NEXT STEPS

Purpose of the Report

1. To update Members on the headline indicative results of The Big Notts Survey, the Council's resident and stakeholder engagement, that ran from 2nd August - 19th September.

Information

2. As reported to Policy Committee in June 2021, the County Council is in the process of developing a new Council Plan. Through this, a long-term strategic vision for Nottinghamshire will be established, alongside priority actions for the next four years. The Plan will also set out the County Council's role in supporting Nottinghamshire's communities to recover from the socio-economic impacts of the COVID-19 pandemic.
3. To help ensure the Plan meets the needs of residents and partners, the County Council has been engaging with key stakeholders over the summer. The aim of the engagement has been to understand the impact of COVID-19 on Nottinghamshire's communities and businesses, the challenges and opportunities that residents can identify for recovery, as well as their long-term aspirations for themselves and their communities over the next 10 years. Four surveys have been conducted, achieving over 12,000 responses.
4. Preliminary response numbers from the surveys are as follows:
 - The Big Notts Survey (open survey) - 10,227 responses
 - The Big Notts Young People's Survey – 809 responses
 - The Big Notts Business Survey -189 responses.
 - Representative sample survey conducted by external engagement partner – 1,123 interviews

Reach and Engagement

5. The primary method for completing the open Big Notts Survey was online. In addition, the surveys have been made available through paper copies at County Council libraries and children's centres. The surveys were broadly publicised through flyers distributed to over 370,000 households, as well as two email bulletins to the County Council's 110,000 email subscribers. Multiple posts were also sent out on our social media channels (Facebook – 25,280 followers, Twitter – 50,700 followers and Instagram – 3,779 followers), with further targeted paid-for social media adverts published. Three press releases and two columns from the Leader were also widely published across the local media.

6. To further expand the surveys' reach, wider departmental engagement has also taken place. This includes distribution via departments to our partner networks, focus groups with key service user groups, outreach through the Holiday Activities and Food Programme, schools, promotion on calls to the customer service centre, posters in key venues, push notifications through the My Notts App, as well as the use of email footers throughout the period to raise awareness.
7. An indicative profile of the respondents to the open survey can be found in **Appendix A**. Importantly, the results of the open survey will be compared with the representative sample, to ensure that the priorities identified through this research reflect those of all groups and communities across Nottinghamshire.

The Big Notts Survey Provisional Findings

8. Provisional findings following the closure of the Big Notts Survey can be found in **Appendix B**. This is a snapshot summary of responses received to the open survey and will be subject to further analysis.
9. When providing their answers, respondents were asked to select the top three from a range of options, or to provide an alternative response in the free text box. An indicative summary of the top three issues identified for each question is as follows:

Thinking about your life since the pandemic started in March 2020, what have been your biggest concerns?

Answers	Responses	%	Rank
Physical health – friends/family/others (including catching COVID-19)	6358	62%	1
Physical health – self (including catching COVID-19)	4833	47%	2
Not being able to see friends/family/community	3818	37%	3

Can you identify any positive impacts on your life that have been brought about because of the COVID-19 pandemic?

Answers	Responses	%	Rank
Saved money	3765	37%	1
Enjoyed accessing local outdoor space	3266	32%	2
Reduced my impact on the environment	3151	31%	3

Looking ahead over the next two years, what are your biggest concerns?

Answers	Responses	%	Rank
A return to restrictions because of a COVID-19 resurgence	3833	37%	1
Climate change/the environment	3811	37%	2
Physical health – friends/family/carers	3529	35%	3

Can you give any examples of changes that have happened due to the COVID-19 pandemic that you would like to see continue?

Answers	Responses	%	Rank
Fewer people using cars/less traffic	5577	55%	1
Less pollution/greater care for the environment	4188	41%	2
Working from home/flexible working	3416	33%	3

If you could see your local area (15–20 minutes walking distance from your home) ten years from now, what are the biggest changes you would want to see?

Answers	Responses	%	Rank
Improved road/pavement condition	4127	40%	1
Lower crime level/safer streets	3846	38%	2
More nature/green/open spaces	2967	29%	3

Now thinking about Nottinghamshire as a whole. What in your view would make Nottinghamshire a better place to live and work?

Answers	Responses	%	Rank
Improved quality/access to health services	4733	46%	1
Improved access to good job opportunities	3202	31%	2
Less pollution/better air quality	3109	30%	3

10. These figures are provisional and subject to change. Further analysis will be undertaken including cross-tabulation of results against demographic and socio-economic variables. Results will be compared with the representative sample survey undertaken by our external engagement partner, as well as further analysis of the wider departmental engagement that has taken place, such as focus groups.

The Big Notts Young People's Survey

11. Over 800 responses to the Big Notts Young People's survey have been received. Analysis of the results and a comparison with the main survey will be provided once the responses have been inputted and the data analysed.

The Big Notts Business Survey

12. The Big Notts Business Survey was run in parallel to the residents' survey and was developed to seek views on how the Nottinghamshire business community was faring given the impact of the pandemic; the effectiveness of the support made available over that period and looking forwards, what additional support might they require from the Council and its partners through the Council Plan. The survey was widely circulated through a range of routes via our internal and partner networks.
13. The Council received a total of 189 completed surveys. At the time of writing, a detailed analysis is being prepared but some of the key issues may be summarised as follows:
- Nearly 70% of respondents had been adversely impacted by the pandemic, noting that just over 20% had experienced a positive impact;
 - Just less than two thirds of respondents had secured help from government and related sources in the form of grants, loans and relief and through the furlough scheme. Others had support in the form of advice, while notably, around 10% confirmed they had not required any support;
 - Over the next 24 months, businesses will be looking for a wide range of help and support, the majority looking for financial support; support addressing recruitment needs and managing reduced income.
 - Longer term, the outlook looks positive with around a third of respondents setting out their ambition to stabilise and a further third looking to grow;
 - Overall, of those businesses responding, 21% were pessimistic about the future. While this is nearly a quarter of respondents, 34% were experiencing an improving confidence about the future, with the majority (45%) reporting a healthy stability.
14. Finally, a wide range of requests were made of the Council (and its partners) and referenced as being important in helping businesses grow. The three most notable being the availability of grants and funding; the continued provision of business advice and help with business rates and taxation.

Partner Engagement

15. Further to approval at Policy Committee in September the Council engaged with partners on the emerging vision and priorities for the next Council Plan. The engagement ran until 30th September and took place through a range of 1:1 meetings, events and an additional online survey. While the feedback is still being considered, initial findings suggest that partners were broadly very supportive of the vision and priorities. Partners emphasised the need to ensure that addressing needs related to deprivation, mental health and community safety were adequately reflected within the plan as well as the Council's partnership with the voluntary and community sector.

Next Steps

16. The Big Notts Survey, together with the Young People's and Business surveys, has provided the Council with a clear view of residents' and stakeholders priorities and aspirations for the future, as indicated by the provisional results shared in this report. Further analysis will be undertaken and the results considered alongside the representative sample survey to ensure that the views and aspirations of residents and stakeholders are reflected in the vision and priorities of the forthcoming Council Plan.

Other Options Considered

17. The engagement undertaken is important to help ensure the priorities identified in the new Council Plan meet the needs and aspirations of Nottinghamshire's communities. No other options have been considered.

Reason for Recommendations

18. To update Members on the indicative results of the Council's engagement activity that will help shape and define the priorities in the forthcoming Council Plan.

Statutory and Policy Implications

19. 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

20. There are no financial implications arising from this report.

Implications for Service Users

21. The final analysis of the engagement exercise will be used to inform the Council's long-term vision and priorities for the County, ensuring that Council priorities reflect the needs and aspirations of Nottinghamshire's residents and service users.

Implications for Sustainability and the Environment

22. The indicative engagement findings suggest that environmental sustainability is of high priority for Nottinghamshire residents. The Council Plan will need to reflect this aspiration to protect the environment and reduce our carbon footprint.

RECOMMENDATIONS

- 1) That Members note the initial findings of the resident and stakeholder engagement.
- 2) That Members consider whether they require any further actions in relation to the issues contained within the report.

Cllr Ben Bradley MP
Leader of the Council

For any enquiries about this report please contact: Derek Higton, Service Director, Place and Communities, T: 0115 9773498

Constitutional Comments [CEH 23/09/2021]

23. The subject matter of the report and recommendations fall within the remit of Policy Committee under its terms of reference.

Financial Comments [RWK 23/09/2021]

24. There are no specific financial implications arising directly from the 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.

- Council Plan and Resident Engagement, Policy Committee, June 2021
- Development of the Council Plan and Partner Engagement, Policy Committee, September 2021

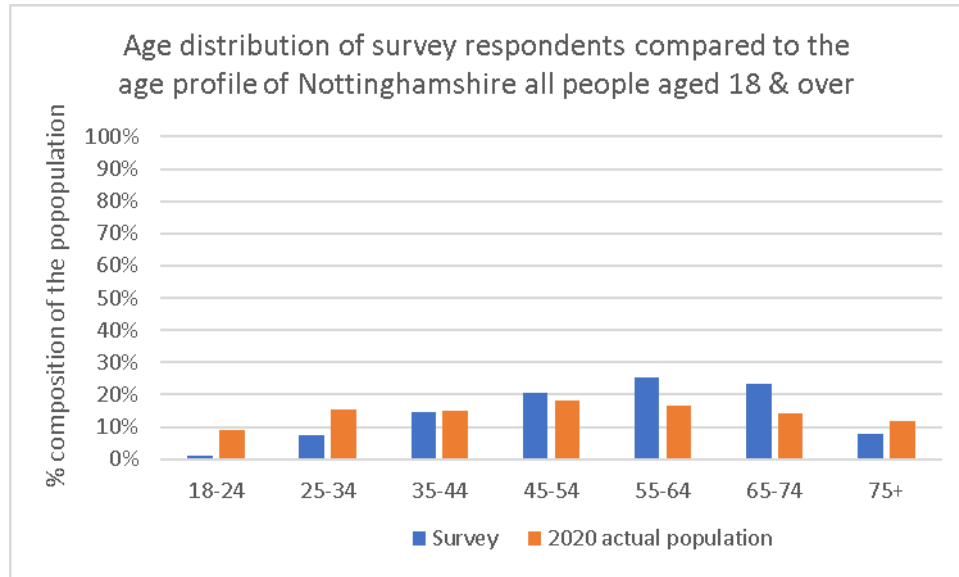
Electoral Division(s) and Member(s) Affected

- All

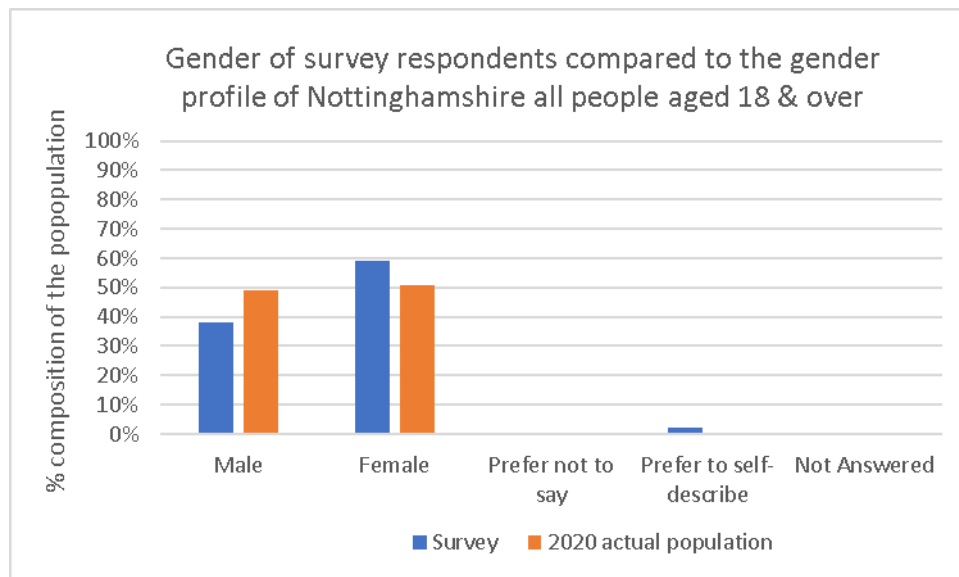
APPENDIX A

The Big Notts open online Survey - Profile of Respondents

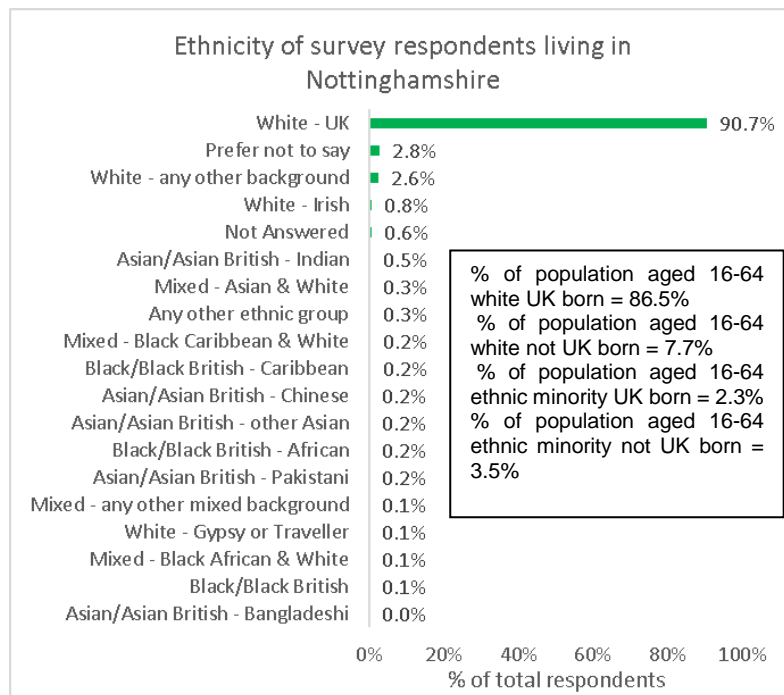
1. The chart below shows the age profile of the respondents of the survey who live in Nottinghamshire, and how this compares with the composition and make-up of the total Nottinghamshire population aged 18 and above based on the ONS 2020 mid-year estimates of population for the County.



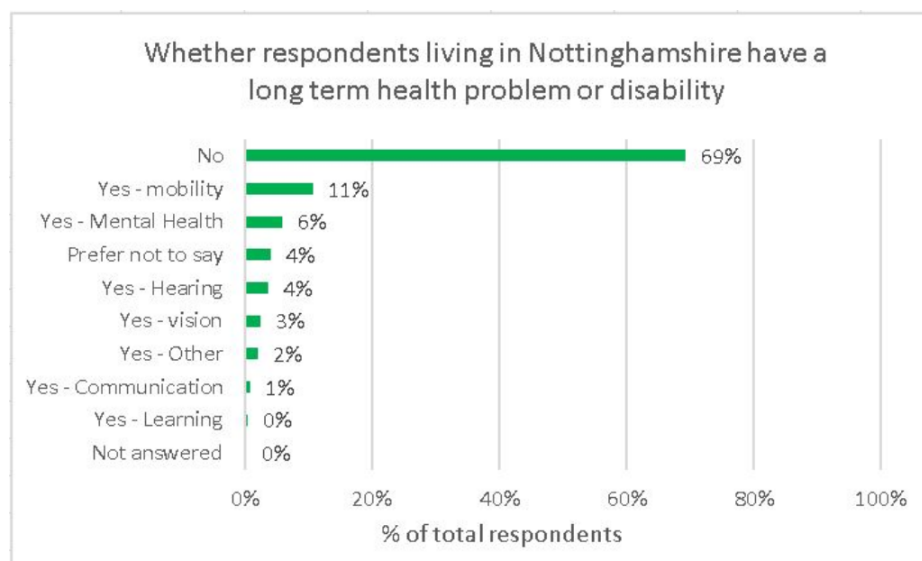
2. 59% of the survey respondents were female, 38% were male. This compares to a usual male/female split in Nottinghamshire County of 52% female, 48% male. 3% of the survey population did not answer the question on gender or preferred not to state their gender. The chart below shows the results.



3. The chart below shows the ethnicity of respondents to the survey in Nottinghamshire. A comparison is given as an insert in the chart using the ONS Annual Population Survey (APS) figures for Nottinghamshire in March 2021 – all population aged 16-64 years.

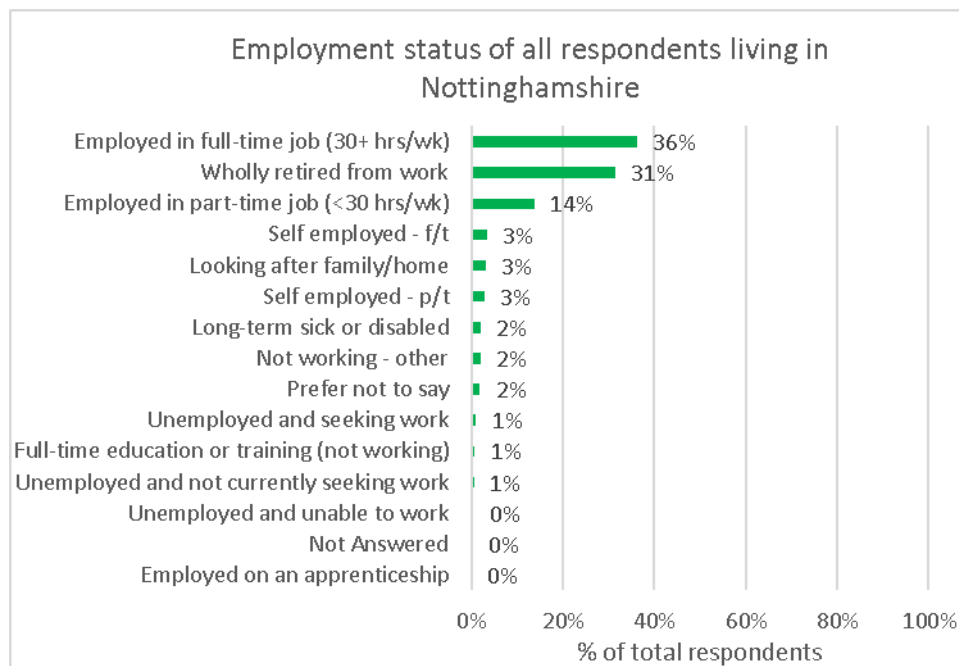


4. 69% of survey respondents in Nottinghamshire said they did not have a long-term health need or disability. 31% of respondents said they did have a long-term health need or disability compared to census 2011 figure of 23% of the Nottinghamshire population aged 16 or over who said they had a long term health problem or disability which limited their day to day activities a little or a lot. The results are shown in the chart below.

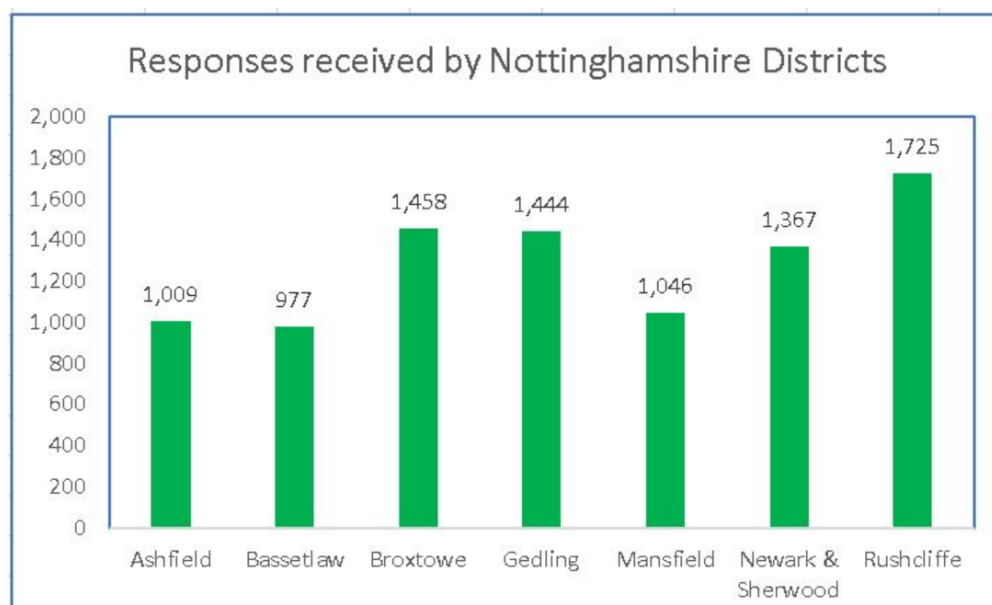


5. 50% of respondents to the survey living in Nottinghamshire were in full or part time employment compared to the annual population survey figure for Nottinghamshire in March 2021 of 63%. 6% of respondents to the survey were self-employed compared to the annual population survey figure for Nottinghamshire of 10% in March 2021. 31% of respondents were wholly retired¹.

¹ For work/employment status, a subset of the survey respondents was taken to compare with key national data on work/employment status for Nottinghamshire, the Annual Population Survey (APS) produced by ONS. The variable used was % of population of working age 16-64 years, so to compare like with like, the work/employment status of all survey respondents aged 18-64 living in Nottinghamshire was noted. 6,082 survey



6. The chart below illustrates the level of response in different districts.



respondents belonged to this subset of data. In the survey, 71% of respondents worked either full time or part-time, and 7% were self employed (both full time and part-time). The equivalent APS figures for Nottinghamshire in March 2021 are 63% of the population being Employees (both full time and part-time), and 10% being self employed (both full time and part-time). In the survey as a whole for Nottinghamshire (ie including all respondents over 65), 2,830 respondents said they wholly or partly retired

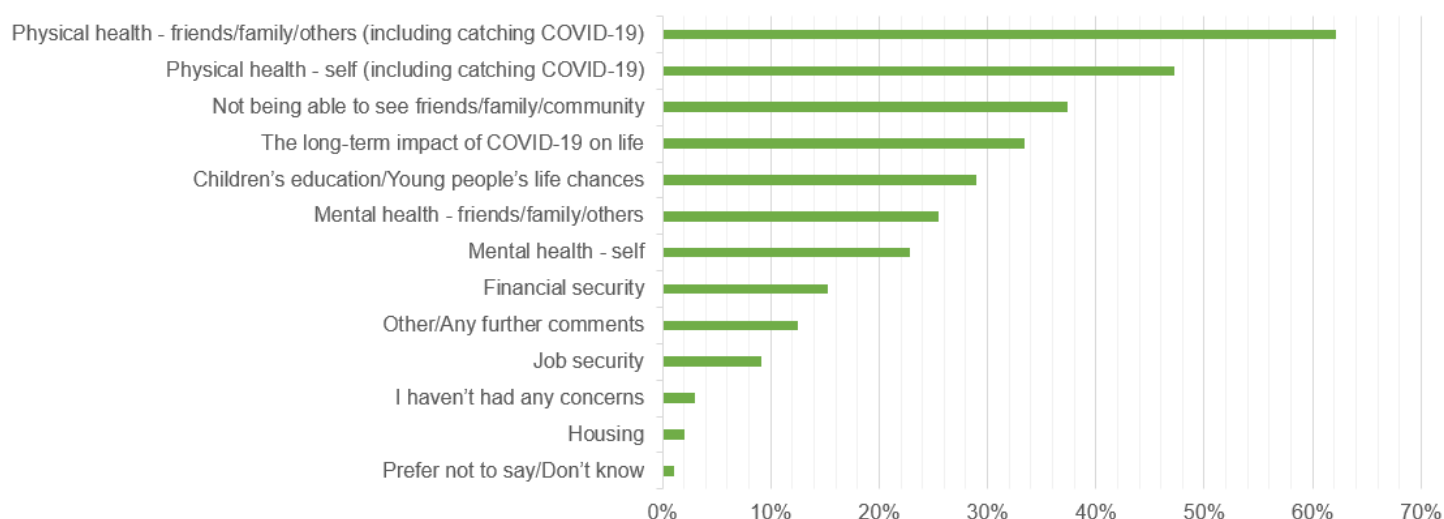
APPENDIX B – The Big Notts Survey 2021 (Indicative results)

* These are indicative results and subject to change.

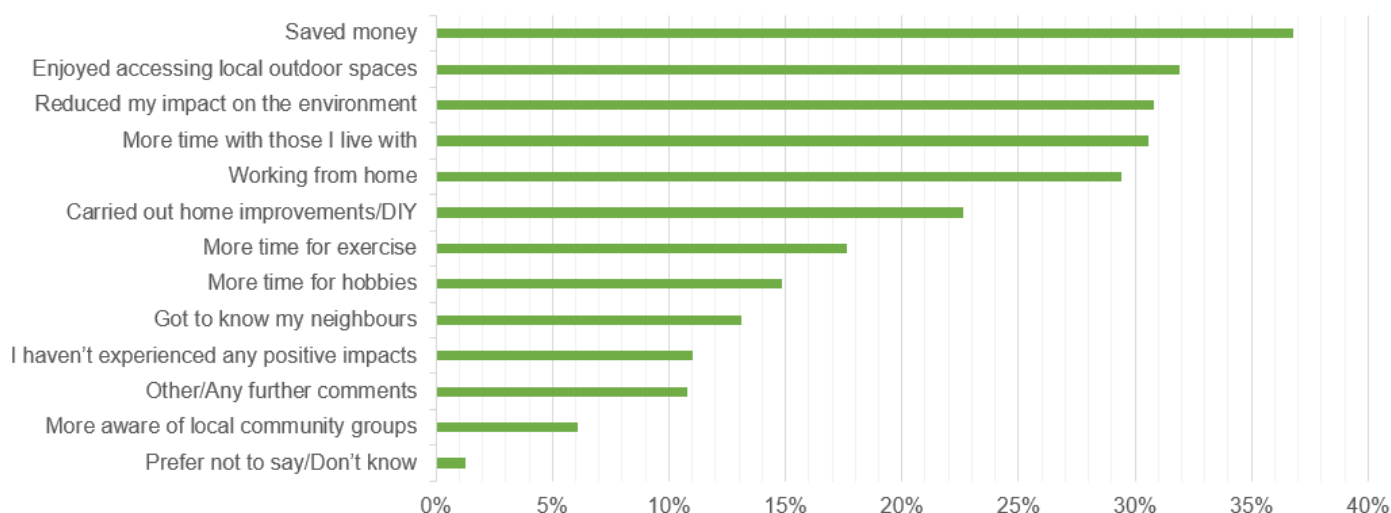
** Not all questions from the survey are included below; the open text questions on people's aspirations for themselves and their families over the next 10 years, as well as responses marked as 'other' are still to be analysed.

Section 1: Impact of COVID-19

Thinking about your life since the pandemic started in March 2020, what have been your biggest concerns?

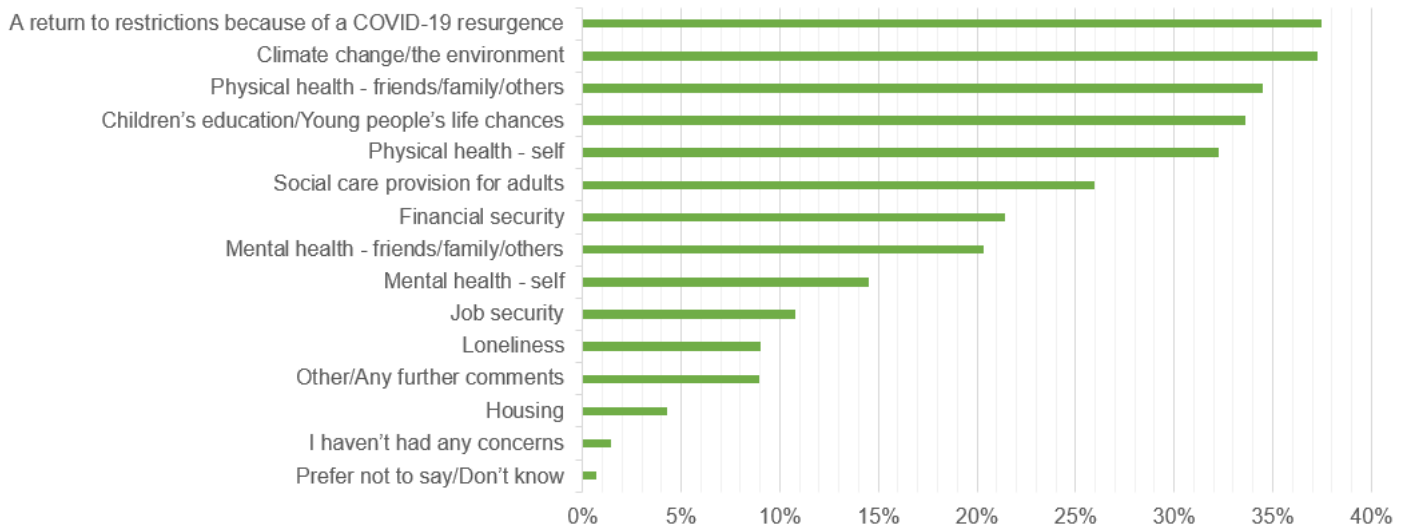


Can you identify any positive impacts on your life that have been brought about because of the COVID-19 pandemic?

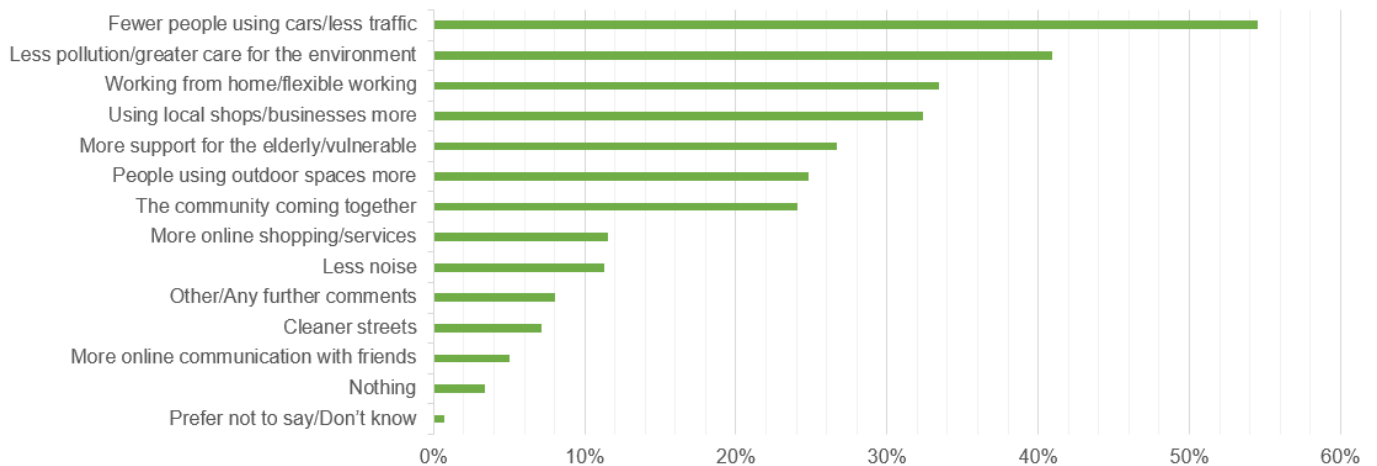


Section 2: Recovery challenges/opportunities

Looking ahead over the next two years, what are your biggest concerns?

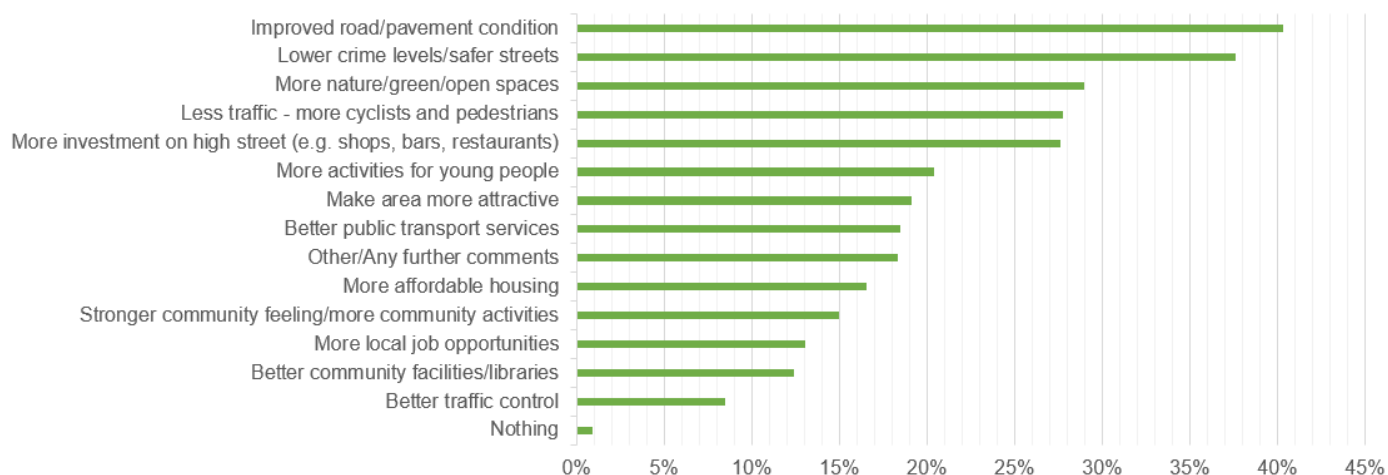


Can you give any examples of changes that have happened due to the COVID-19 pandemic that you would like to see continue?

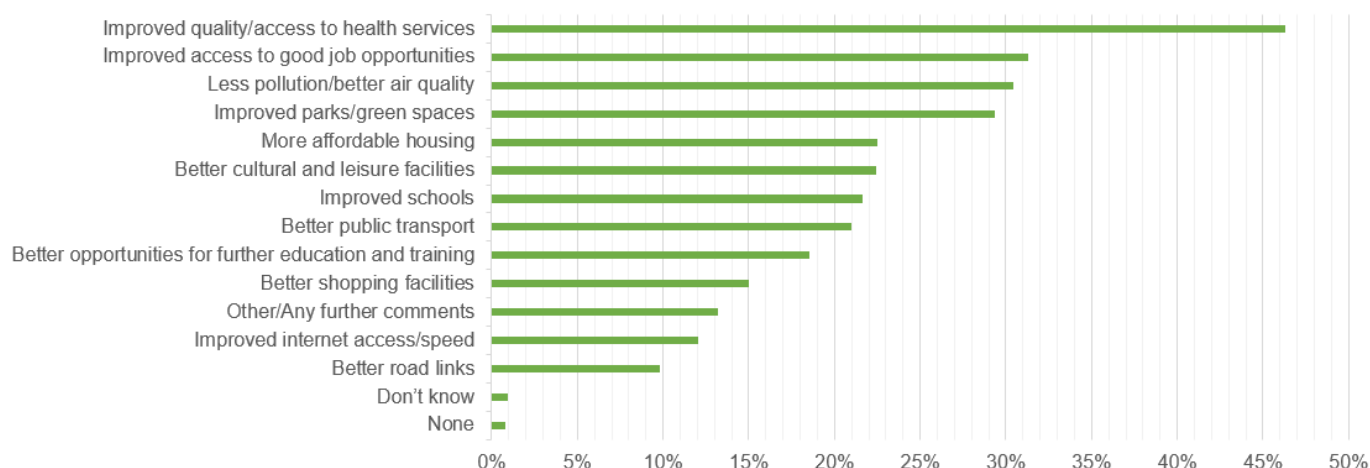


Section 3: Future Aspirations

If you could see your local area (15–20 minutes walking distance from your home) ten years from now, what are the biggest changes you would want to see?



Now thinking about Nottinghamshire as a whole. What in your view would make Nottinghamshire a better place to live and work?



14th October 2021**Agenda Item: 6****REPORT OF THE CHAIRMAN OF ECONOMIC DEVELOPMENT & ASSET
MANAGEMENT COMMITTEE****SOCIAL HOUSING DECARBONISATION FUND – WAVE 1 BID SUBMISSION****Purpose of the Report**

1. The purpose of this report is:
 - To seek approval for a partnership submission to be made to the Department for Business, Energy and Industrial Strategy (BEIS) under Wave 1 of the Social Housing Decarbonisation Fund (SHDF);
 - Provide an update on the related Demonstrator Project that is currently being undertaken between the Council, Mansfield and Bassetlaw District Councils (Districts) and the Arc Partnership (Arc) as approved at the Policy Committee 9 December 2020.

Information

2. The SHDF is a grant based funding programme being managed by BEIS. The SHDF forms part of a wider package of measures announced by the Government with £3.8bn being utilised over a 10 year period to improve the energy performance of social rented homes. In parallel to producing improvements to energy efficiency, the programme is anticipated to make sizeable and realisable contributions to the alleviation of fuel poverty.
3. The first phase of SHDF was the creation of a Demonstrator whereby BEIS allocated £62m in late Autumn 2020 to various partners to deliver innovative retrofit social housing projects. The County Council leads a partnership with the Districts of Bassetlaw and Mansfield with Arc Partnership and successfully submitted a bid of £0.75m for Demonstrator funding (matched by an equal contribution from the Districts). This investment will secure retrofit works to 25 social housing properties. Physical works are due to start on site for the Demonstrator Project.
4. The purpose of the Demonstrator was to enable BEIS to design and test how the SHDF should operate; how should the funding be provided to partners and to test appropriate delivery targets and performance measures. From this Council's perspective, the Demonstrator Project has afforded the partners to establish due processes and to ensure that the partner relationship and delivery mechanisms are robust. This positions our partnership well for further applications for funding.

5. BEIS has recently announced the first wave of funding (Wave 1) to be released under the SHDF, amounting to £160m available nationally, with bids needing to be submitted by 15 October 2021. Physical delivery of works would need to be completed by January 2023.
6. Subject to future spending reviews the intention of BEIS is to release further annual funding waves (following a similar bidding process) in order to deliver the £3.8bn funding pledge. Although not certain, the expectation is that future funding waves will be larger in scale. In advance of future calls for SHDF bids, the Council will approach other social housing stock-owning Nottinghamshire councils and housing associations with a view to raising awareness and gauging interest. This will include an offer to observe and learn from what is hoped to be a successful Wave 1 scheme (see below).
7. The focus of Wave 1 SHDF will be different from the Demonstrator. Notably, successful Wave 1 projects will need to deal with lower complexity issues with an emphasis on a “fabric and worst first” approach. In contrast, the key objective of the Demonstrator was to focus on innovative solutions and processes. A natural result of Wave 1 is that there will be lower capital grant funding (per property) and a need to deliver more properties. Although the per-property impact on the cost of heating will be lessened, the Wave 1 programme will target some of the county’s fuel-poorest households and will make a notable difference to these household’s energy bills.

Wave 1 Bid Proposal

8. Given the successful bid and current delivery of the Demonstrator Project the Council, the same Districts and Arc have reviewed the Wave 1 bid guidance and discussed the principle of submitting a Wave 1 bid. The Districts have confirmed their desire to participate in a Wave 1 bid and have identified capital budgets to provide their match funding. All parties have concluded that it would be efficient and effective to structure the Wave 1 bid as per the Demonstrator Project, with the County Council leading the consortium and acting as accountable body to BEIS and with Arc acting as the physical delivery partner.
9. Any risks to the Council that are occasioned by its role in leading the consortium will be mitigated by a Memorandum of Understanding (MoU) building on the MoU signed between the parties for the existing Demonstrator Project.
10. The detail of the bid remains under development given the short timescales. As it stands, Arc is currently working with the Districts to ensure our bid can meet technical and practical parameters (for example minimising disruption to tenants) as well as being affordable within the revised BEIS parameters.
11. In addition, work on agreeing the number of properties to be targetted, the precise nature of the proposed retrofit works, the capital cost of works per housing unit and the quantum of grant funding to be asked from BEIS is being finalised at the time of drafting this report. Committee will be provided with an update at the meeting.
12. Finally, while issues regarding procurement and subsidy control were reviewed and deemed resolved under the Demonstrator Project (as referenced in the December 2020 report), further work is being completed to ensure compliance with all relevant regulations.
13. From the Council’s perspective, gaining approval to submit the bid will mean acceptance of the BEIS Memorandum of Understanding. In turn, should the bid be accepted then the Council will be committed to act as an accountable body in terms of the proper utilisation of

grant funding and be subject to potential clawback of grant, although this risk will lie with the Districts in the event that the clawback arose due to any of their acts or omissions.

Reasons for Recommendations

14. Submission of the Wave 1 bid builds on the Council's existing relationship with Bassetlaw and Mansfield DCs. Through this organisation's supportive and enabling input, we can begin to develop a future role for the Council in providing 'soft leadership' within the county on Place-related issues – particularly those related to carbon neutrality and 'levelling up'.

Statutory and Policy Implications

15. 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

16. The financial implications of the proposed bid will be included within the exempt report to be completed prior to the meeting of this Committee.

RECOMMENDATIONS

17. It is recommended that Policy Committee:

- a) Approves in principle the submission of a bid to the Social Housing Decarbonisation Fund under Wave 1, utilising the Memorandum of Understanding, as further detailed in the exempt appendix.
- b) Delegates authority for final sign-off of the Wave 1 submission to the Corporate Director (Place), in consultation with the Chairman of the Policy Committee and the Section 151 Officer.
- c) Subject to the bid being successful, receives a further report to approve the appropriate amendment to the Council's Capital Programme to reflect the amount of funding awarded and the Council entering into the necessary agreements to deliver Wave 1 with our partners.

Adrian Smith
Corporate Director, Place

For any enquiries about this report please contact: Matthew Neal, Service Director for Investment and Growth, Place Department, Matthew.Neal@nottsc.gov.uk , Tel: 0115 977 3822

Constitutional Comments (CEH 05.10.2021)

17. Policy Committee has the authority to consider the report and recommendations. Legal advice is being sought on the legal agreements and other considerations such as procurement issues and subsidy control in respect of this scheme.

Financial Comments (GB 05.10.2021)

18. There are no financial obligations to the County Council as a result of submitting this bid. If the partnership bid for BEIS funding is successful approval will be sought, through the usual capital approval processes, to vary the capital programme to incorporate this programme of work.

Background Papers and Published Documents

- Social Housing Decarbonisation Fund Guidance, published 27 September 2021 and available online [here](#).
- [Social Housing Decarbonisation Demonstrator](#). Report to Policy Committee, 9th December 2020, Agenda Item 7

Electoral Divisions and Members affected

- All within the district council areas of Bassetlaw and Mansfield

**REPORT OF THE SERVICE DIRECTOR, CUSTOMERS, GOVERNANCE AND
EMPLOYEES****WORK PROGRAMME****Purpose of the Report**

1. To review the Committee's work programme for 2021-22.

Information

2. The County Council requires each committee to maintain a work programme. The work programme will assist the management of the committee's agenda, the scheduling of the committee's business and forward planning. The work programme will be updated and reviewed at each pre-agenda meeting and committee meeting. Any member of the committee is able to suggest items for possible inclusion.
3. The attached work programme includes items which can be anticipated at the present time. Other items will be added to the programme as they are identified.

Other Options Considered

4. None.

Reason for Recommendation

5. To assist the Committee in preparing and managing its work programme.

Statutory and Policy Implications

6. 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.

RECOMMENDATION

That the Committee considers whether any amendments are required to the Work Programme.

Marjorie Toward

Service Director, Customers, Governance and Employees

For any enquiries about this report please contact: Keith Ford, Team Manager, Democratic Services, Tel: 0115 9772590

Constitutional Comments (EH)

7. The Committee has authority to consider the matters set out in this report by virtue of its terms of reference

Financial Comments (NS)

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

Background Papers

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.

None

Electoral Division(s) and Member(s) Affected

All

POLICY COMMITTEE - WORK PROGRAMME (AS AT 4 OCTOBER 2021)

<u>Report Title</u>	<u>Brief summary of agenda item</u>	<u>Lead Officer</u>	<u>Report Author</u>
2 December 2021			
East Midlands Freeport – Full Business Case	To consider the Full Business Case ahead of submission to Government by the deadline of 10 December 2021.	Adrian Smith	TBC
Gamston Highways Depot	To seek approval to proceed with the redevelopment of Gamston Highways Depot.	Adrian Smith	Gary Wood / Chris Wood
Working with Nottinghamshire's Universities	To update on the Council's work with Nottingham Trent University and University of Nottingham.	Anthony May	Derek Higton / Katrina Crookdake
Highways Review Working Group Update	To share the initial outcomes from this working group.	Adrian Smith	Derek Higton
Economic Prosperity Committee Update	To feedback from the Economic Prosperity Committee, including around the issue of devolution.	Adrian Smith	Matt Neal
13 January 2022			
Use of Urgency Procedures	Six Monthly Update report on the use of the Council's procedures for taking urgent decisions in the period July-December 2021.	Marjorie Toward	Keith Ford
10 February 2022			
24 March 2022			
Outside Bodies Register - Update Report –	To notify Committee, on a six monthly basis, of any changes to the Council's Outside Bodies Register and to seek approvals where appropriate.	Marjorie Toward	Keith Ford
Day Opportunities Strategy	To consider a new Day Opportunities Strategy	Melanie Brooks	Kashif Ahmed

