

**Members are reminded that they must declare all relevant pecuniary and non-pecuniary interests relating to any items of business to be discussed at this meeting**

**BIRMINGHAM CITY COUNCIL**

**SCHOOLS, CHILDREN AND FAMILIES OVERVIEW AND SCRUTINY COMMITTEE**

**WEDNESDAY, 13 SEPTEMBER 2017 AT 13:30 HOURS**  
**IN COMMITTEE ROOMS 3 & 4, COUNCIL HOUSE, VICTORIA**  
**SQUARE, BIRMINGHAM, B1 1BB**

**A G E N D A**

**1     NOTICE OF RECORDING/WEBCAST**

The Chairman to advise/meeting to note that this meeting will be webcast for live or subsequent broadcast via the Council's Internet site ([www.birminghamnewsroom.com](http://www.birminghamnewsroom.com)) and that members of the press/public may record and take photographs except where there are confidential or exempt items.

**2     APPOINTMENT OF NEW REPRESENTATIVES**

To note the appointment of new representatives made by the City Council for the period ending with the Annual Meeting of the City Council in 2018.

**3     APOLOGIES**

To receive any apologies.

**3 - 8**

**4     ACTION NOTES**

To confirm the action notes of the meeting held on the 12 July 2017.

**9 - 16**

**5     CHILDREN'S TRUST**

Colin Diamond, Interim Corporate Director, Children and Young People in attendance

**17 - 56**

**6     FAIR ACCESS PROTOCOL CONSULTATION**

Alan Michell, Interim Operational Manager, Schools Admissions in attendance

7     **WORK PROGRAMME**

For discussion.

8     **DATE OF FUTURE MEETINGS**

to note the dates of future meetings on the following Wednesdays at 1330 hours in the Council House as follows:-

18 October, 2017  
22 November, 2017  
13 December, 2017 (Committee Room 2)  
17 January, 2018  
14 February, 2018  
21 March, 2018  
25 April, 2018

9     **REQUEST(S) FOR CALL IN/COUNCILLOR CALL FOR ACTION/PETITIONS RECEIVED (IF ANY)**

To consider any request for call in/councillor call for action/petitions (if received).

10    **OTHER URGENT BUSINESS**

To consider any items of business by reason of special circumstances (to be specified) that in the opinion of the Chairman are matters of urgency.

11    **AUTHORITY TO CHAIRMAN AND OFFICERS**

Chairman to move:-

'In an urgent situation between meetings, the Chair jointly with the relevant Chief Officer has authority to act on behalf of the Committee'.

**BIRMINGHAM CITY COUNCIL**

**SCHOOLS, CHILDREN AND FAMILIES OVERVIEW AND  
SCRUTINY (O&S) COMMITTEE – PUBLIC MEETING**

**14:00 hours on Wednesday 12 July 2017, Committee Rooms 3 & 4 – Actions**

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**Present:**

Councillor Barry Bowles [Acting Chair]

Councillors: Sue Anderson, Matt Bennett, Kate Booth, Debbie Clancy, Shabrana Hussain, Julie Johnson, Chauhdry Rashid Martin Straker Welds and Alex Yip.

Other Voting Representatives: Evette Clarke, Parent Governor Representative and Sarah Smith, Church of England Diocese

**Also Present:**

Cllr Brigid Jones, Cabinet Member, Children, Schools and Families

Jill Crosbie, AD, Special Education Needs and Disabilities

Colin Diamond, Interim Corporate Director for Children and Young People

Marie Dobson, Project Manager, Education Services

Seamus Gaynor, Head of Strategic Management

Professor Geoff Lindsay, Chair, Inclusion Commission

Amanda Simcox, Scrutiny Officer

Emma Williamson, Head of Scrutiny Services

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**1. NOTICE OF RECORDING/WEBCAST**

The Deputy Chair advised that this meeting would be webcast for live or subsequent broadcast via the Council's Internet site (which could be accessed at "www.birminghamnewsroom.com") and members of the press/public may record and take photographs.

The whole of the meeting would be filmed except where there were confidential or exempt items.

**2. APPOINTMENT OF COMMITTEE AND CHAIR**

Noted the resolution of the City Council appointing the Committee, Chair and Members to serve on the Committee for the period ending with the Annual Meeting of the City Council in 2018.

### **3. ELECTION OF DEPUTY CHAIR**

Elected Cllr Barry Bowles as Deputy Chair to substitute for the Chair if absent.

### **4. APOLOGIES**

Apologies were submitted on behalf of:

Councillors: Susan Barnett [Chair] and Cllr Nagina Kauser.

Samera Ali, Parent Governor Representative and Richard Potter, Roman Catholic Representative.

### **5. DECLARATION OF INTERESTS**

Members were reminded that they must declare all relevant pecuniary interest and non-pecuniary interests relating to any items of business to be discussed at this meeting. If a pecuniary interest is declared a Member must not speak or take part in that agenda item. Any declarations will be recorded in the minutes of the meeting.

### **6. TERMS OF REFERENCE**

(See documents No 1)

The revised committee's terms of reference, as set out in the attached revised schedule were noted.

### **7. ACTION NOTES**

(See documents No 2 and No 3).

#### **RESOLVED:-**

The action notes of the meetings held on the 26 April 2017 and 2 May 2017 were confirmed.

### **8. THE EDUCATION AND CHILDREN'S SOCIAL CARE IMPROVEMENT JOURNEY**

(See document No 4)

Cllr Brigid Jones, Cabinet Member for Children, Families and Schools and Colin Diamond, Interim Corporate Director, Children and Young People presented the item.

Cllr Jones highlighted that they have really sharpened up practice with regards to education and safeguarding children who are out of school, such as, those being home educated.

Cllr Jones was happy to provide a report on family support and outcomes following the committee clarifying what they would want covered within the report.

An update will be provided on return home interviews as concern was expressed regarding the penultimate paragraph in the 13<sup>th</sup> June 2017 Ofsted letter (page 39 of the agenda pack). This will include arrangements for children who live outside of Birmingham:

*'Less than half of the children and young people who went missing between the start of January and the end of March 2017 received a return interview. Of these, just over half were completed within 72 hours and, by the end of March, only a third had been included in children's electronic case files'.*

Pages 31 – 33 of the agenda pack contained two infographics (Children's Social Care (May 2017) and Education Service (May 2017) and the May 2017 Performance Scorecard. Members requested that these figures were provided for last year for comparison purposes if possible, if not this may be something to note for next year's report.

Members recognised the progress made and thanked the Cabinet Member and Officers.

**RESOLVED:-**

- The committee noted the update.

**9. BIRMINGHAM'S NEW STRATEGY FOR SEND (SPECIAL EDUCATIONAL NEEDS AND/OR DISABILITIES) AND INCLUSION CONSULTATION**

(See document 5)

Professor Geoff Lindsay, Chair of the Inclusion Commission, Jill Crosbie, AD, SEND and Marie Dobson, Project Manager, Education Services presented the item.

The Birmingham's Strategy for SEND and Inclusion 2017-20 has been produced by the Inclusion Commission and is currently being consulted on (9<sup>th</sup> June 2017 – 31<sup>st</sup> July 2017).

Members' comments included:

- The Mission Statement is 'To implement an efficient and inclusive system where practitioners work with families, children and young people aged 0-25, to develop trust and confidence in order to build genuine and good quality partnerships. This will be achieved by practitioners from all sectors working together collaboratively to deliver the most appropriate local provision and support'. It was felt that what was missing from this statement is that the child should be at the centre / heart of the mission.
- The strategy consultation is based on a number of assumptions, including that the needs of more children with SEN can be met outside of the EHCP and/or within mainstream schools, and that that would lead to lower costs. However there is no information on how much an EHCP and associated support costs, and no guarantee that costs will not rise or decrease.
- Education Health and Care Plans (EHCP):

- Concern that currently the resource sits with the Education Health and Care Plans (EHCP) and if the SEN Support plans does not have the resources to deliver the support then parents will go for an EHCP.
- The costs for producing an EHCP has not been provided and therefore would substituting this with another plan be any cheaper, particularly if support is still required, e.g. an educational psychologist;
- The EHCP is a statutory process with the right to appeal. The Provision Plans do not have this legal redress for when things go wrong.
- Within the budget papers (page 56 & 57 of the pack) it has been agreed to take out £100,000 from the 17+ Educational Psychologist budget by 2019/20 and £10m out of 16+ design and implement a new approach to SEND and move away from a high dependency model by 2019/20. The Committee questioned whether this was possible, especially in relation to Educational Psychologist, as are these not still needed?

Concern was expressed regarding the lack of a detailed plan to deliver the strategy. Jill Crosbie stated this would follow the signing off of the strategy.

In relation to the High Needs Grant Jill Crosbie commented that this is for building capacity, implementing reforms and reviewing the current use of the budget. They have some outlines plans and there has been some expenditure on what they are already undertaking. However, they have not got a detailed delivery plan as they are waiting for the strategy to be agreed. The Committee requested an update on an ongoing basis.

**RESOLVED:-**

- The Committee contributed to and noted the consultation.

**10. WORK PROGRAMME**

(See document 6)

**RESOLVED:-**

- The work programme was noted.

**11. DATES FOR FUTURE MEETINGS**

The dates were noted.

**12. REQUEST(S) FOR CALL IN/COUNCILLOR CALL FOR ACTION/PETITIONS RECEIVED (IF ANY)**

None.

**13. OTHER URGENT BUSINESS**

Cllr Martin Straker-Welds proposal for a working group of Members to explore a Birmingham Parents' Manifesto will be considered further at the workshop.

**14. AUTHORITY TO CHAIRMAN AND OFFICERS**

**RESOLVED:-**

That in an urgent situation between meetings the Chair, jointly with the relevant Chief Officer, has authority to act on behalf of the Committee.

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The meeting ended at 15.56 hours.





# **Report to the Schools, Children and Families Overview & Scrutiny Committee**

**DATE: 13th September 2017**

**TITLE OF REPORT: Children's Trust Development – Update Report**

## **Purpose of the Report**

To brief the Committee on progress made on the establishment of the Birmingham Children's Trust and developing the service delivery contract for the Trust.

## **Recommendation**

That Members note the information contained in this report.

## **Contact Officer Details**

Name: Sarah Sinclair  
Job title: Interim Assistant Director (Commissioning) Children's Services  
Tel: 07827 896733  
Email: Sarah.sinclair@birmingham.gov.uk

## **1.0 Background**

- 1.1 In January 2017 Cabinet approved the proposal to create the Birmingham Children's Trust as a wholly owned company and as a community interest company (CIC) and put in place a shadow period (from April 2017 to March 2018) to test the governance arrangements between the Council and the Trust prior to full transition (go-live) at April 2018.
- 1.2 This was alongside the establishment of a set of programme management arrangements to coordinate and oversee activity to ensure that the Trust implementation achieves the April 2018 'go live' date, whilst supporting children's social care with its on-going improvement journey.
- 1.3 On 25th July 2017 Cabinet gave approval for:
  - a) The proposed children's social care and related support services required by the Birmingham Children's Trust as the basis for formal consultation and for negotiation between the Council and the Trust to agree the Service Delivery Contract;
  - b) The indicative 2018/19 Trust budget; and the approach to the transfer of staff from the Council to the Trust at April 2018.
- 1.4 The purpose of this paper is to provide an update to the Children, Families and Schools Overview and Scrutiny Committee on progress made with the establishment of the Birmingham Children's Trust and the underpinning service delivery contract.

## **2.0 Preparing for Operational Readiness in the Trust**

- 2.1 Significant progress has been made with recruitment to key posts in the Trust.
  - a) Andy Couldrick joined the Trust as Chief Executive on the 14th August 2017;
  - b) John Harrison joined the Trust as Interim Director of Resources on the 21<sup>st</sup> August 2017 with the process of recruitment to the permanent post started;
  - c) All appointments have been made to Non-Executive Director positions within the Trust. The details of the Non-Executive Directors are provided in Appendix A.
- 2.2 These appointments have provided much needed leadership and capacity to drive progress in the shadow operational period. Line management of the Heads of Service in key functions changed from BCC to the Trust on the 14<sup>th</sup> August in recognition of the new senior leadership in the Trust. An induction programme has been provided to new starters and a Trust Board induction and initial Board meetings have been scheduled.

- 2.3 All staff that will be transferring into the Trust have been identified and TUPE letters have been sent to all affected staff. A number of engagement and consultation sessions for staff will be taking place during September and October. These sessions will provide opportunities to present to staff the reasons for movement to a Trust model, what it means for staff involved and will provide information about what additional support will be made available to individuals during this transitional period. The sessions will also give an outline of the process and timescales and an opportunity to ask questions. The sessions will be jointly led by senior officers from Birmingham City Council and the Trust.
- 2.4 Weekly meetings between senior officers of the Trust, BCC Children's Services and the Trade Unions have also been established.
- 2.5 A new Trust headquarters has been established in Lancaster Circus and staff have been migrated to this new base. A review of the CAB estate has been undertaken.
- 2.6 Following a procurement process, Burges Salmon have been appointed as legal advisors to the Trust on Trust establishment and contractual issues.
- 2.7 Work has commenced on consultation, engagement and communication with staff and wider partners.
- 2.8 Dave Hill, the Children's Commissioner, and Andy Couldrick, the Trust Chief Executive, will be attending the committee's November meeting.

### **3.0 Service Delivery Contract Development**

- 3.1 The Interim AD for Commissioning started on 1<sup>st</sup> August. An early piece of work has been to review the existing programme management and governance arrangements that have been in place to underpin the development of the Trust. These are being refreshed in line with the development of the service delivery contract and work is currently taking place to refresh programme and project plans accordingly.
- 3.2 Bevan Brittan have been appointed as legal advisors to BCC following a competitive process. The initial set up meeting has taken place with weekly conference calls scheduled. An outline early draft of the service delivery contract and supporting schedules will be completed by the end of September with a detailed draft completed by the end of December. This will allow for 3 months of testing before operational go-live on 1<sup>st</sup> April 2018. The development of the service delivery contract and supporting schedules will be led by BCC and co-produced with the Trust. Key pieces of activity in the next 2 months will be the development of the service specification, the performance management framework and the financial mechanism. In the above the Council's role as commissioner and in holding the Trust to account (including via scrutiny) will be referenced.

- 3.3 Weekly touchpoint discussions continue between the Director of Children's Services and the Department for Education to keep all parties updated and appraised on key issues. The next stocktake meeting with the Department for Education is planned for mid-October.

#### **4.0 Key Issues**

- 4.1 Key issues for the next period include:

- a) Determining and agreeing Reserved Matters (where decisions will need the approval of or consultation with the Council);
- b) Finalising the support services budget;
- c) Developing and testing proposals and arrangements for the Council's Intelligent Client function;
- d) Ensuring sufficient capacity and capability is in place;
- e) Developing the draft service delivery contract and supporting schedules;
- f) Ensuring plans for changes to SAP (HR and finance) fit with the operational go-live date of 1<sup>st</sup> April 2018;
- g) Finalising agreements for the support services contracts (BCC services provided to the Trust).

#### **5.0 Conclusion**

- 5.1 The Children's Trust programme progress is currently assessed as amber. Section 4 (key issues) of this paper provides a summary of the issues that need progressing to achieve a green status.

#### **6.0 List of Appendices**

Appendix A – Details of Birmingham Children's Trust Non-Executive Directors

## **Appendix A – Birmingham Children’s Trust Non-Executive Directors**

### **ANDREW CHRISTIE – CHAIR**

Andrew was Director of Children’s Services (DCS) for the Tri-borough partnership of Hammersmith & Fulham, Kensington & Chelsea and Westminster from 2011 until his retirement in May 2016.

Prior to this Andrew was DCS for Hammersmith & Fulham from 2006. He began his career in social work in 1974. He has worked for East Sussex, Lewisham and Surrey. In 1998 he moved to Hammersmith and Fulham to be AD of Children's Services.

He chaired the Association of London DCSs, and the ADCS Health, Care & Additional Needs Committee. Appointed Commissioner for Birmingham Children's Services by the Secretary of State, in December 2015, he continued in that role until December 2017, when he was appointed Chair of the Birmingham’s Children’s Trust.

He also chairs the Adoption Leadership Board and Lambeth's LSCB.

### **BRIAN CARR**

Brian has been chief executive of Birmingham Voluntary Service Council since 2005, and joined the organisation after periods working as a personnel manager with Marks and Spencer plc and as managing director of a local Citizens Advice Bureau.

His role involves strategically leading BVSC in the full range of its activities, which focus on providing advocacy and development support to charities, community groups, and volunteers, and supporting the public and private sectors to better engage with voluntary groups.

A past chair of Healthwatch Birmingham and Birmingham Race Action Partnership, Brian is currently chair of the Birmingham Changing Futures Together Partnership and a partner governor of Birmingham Community Healthcare NHS Trust. He is the author of two books, including the Amazon bestselling career guide, *How to Find Your Vital Vocation*.

### **BAL DHANOA**

Bal is the CEO and founder of Progress Care Solutions. She has spent the last 35 years working within Health and Social care, managing frontline services for local authorities, voluntary and private sectors. Bal’s entrepreneurial career has helped her shape the standards of care towards achieving outstanding outcomes for the most vulnerable children, young people and adults, creating an industry-leading company that offers job and career opportunities for staff across the East and West Midlands.

Bal is married and a mother to 3 young independent adults and a grandmother. Her interests include travel, food and gardening.

## **RUTH HARKER**

Ruth taught in Birmingham for just over forty years, twenty of these as Principal / Executive Headteacher, before retiring in August 2016. Working in a diverse range of schools, she saw the challenges faced by many children and was involved in innovative partnerships to help tackle these issues. After opening the new Shenley Academy, the consistent award of 'Outstanding' by OFSTED for safeguarding was an endorsement of the emphasis given to safeguarding and children's welfare. Having successfully led two of Birmingham's largest schools during periods of challenge, Ruth oversaw several other schools in difficulties. As Chair of the local network Behaviour Group, she led the project group to set up a new Alternative Provision Free School.

For five years Ruth was a Governor at the University Hospitals Birmingham NHS Foundation Trust. She is married with one daughter, who is a teacher.

## **COLIN HORWATH**

Colin is a qualified accountant, who has spent his career working with the public sector.

He was a partner with KPMG, based in Birmingham for 20 years, leading audit and advisory assignments. His internal responsibilities included heading the national public sector practice.

Since leaving KPMG he has continued his involvement with the public sector as a Non-Executive Director in the NHS and is currently interim deputy Chair of Birmingham Women's and Children's NHS FT. He is also a partner in a small executive recruitment and search firm. He was also Governor at an Academy for 8 years. He is married with grown up children. His interests are classic cars and music, as well as learning to speak German badly.

## **ELIZABETH STAFFORD**

Liz has many years of experience as a Chief Executive of Probation organisations, including Warwickshire Probation Trust and the Warwickshire and West Mercia Community Rehabilitation Company. Before becoming Chief Officer for Warwickshire Probation Area in 2001, she was a senior manager for West Midlands Probation.

She is pleased to be able to bring her skills and experience to support Birmingham Children's Trust having lived in Birmingham since 1982 and having worked for Birmingham City Council Social Services Department and Education Departments from 1982 to 1990.

## **PROFESSOR JON GLASBY**

Jon is Head of the School of Social Policy at the University of Birmingham and Professor of Health and Social Care. A qualified social worker by background, he is involved in regular research, teaching, consultancy and policy advice around health and social care partnerships, community care and personalisation. He is Editor-in-Chief of the *Journal of Integrated Care* and a Non-Executive Director of Heart of England NHS Foundation Trust

(a Trust in Birmingham and Solihull with three hospitals and a series of community health services). He has provided policy advice to the Department of Health, the Cabinet Office and Downing Street on the future of health and social services, and from 2003 to 2009 was the Secretary of State's representative on the Board of the Social Care Institute for Excellence (the national body responsible for identifying and disseminating what works in social care). He is currently a Senior Fellow of the UK School for Social Care Research, a Fellow of the Royal Society of Arts and of the Academy of Social Sciences, and Adjunct professor at Curtin University, Western Australia. From 2008 to 2015, he was Director of the University of Birmingham's Health Services Management Centre (HSMC).





# **Report to the Schools, Children and Families Overview & Scrutiny Committee**

**13 September 2017**

## **OUTCOME OF CONSULTATION ON BIRMINGHAM CITY COUNCIL'S FAIR ACCESS PROTOCOL**

### **Purpose of the Report**

To brief the Committee on the outcome of consultation on the revised Fair Access Protocol which was approved by the Cabinet Member for Children, Families and Schools on 16 August 2017.

### **Recommendation**

That Members note the information contained in this report.

### **Contact Officer Details**

Alan Michell  
Interim School Admissions Operational Manager  
0121 303 2268  
[alan.michell@birmingham.gov.uk](mailto:alan.michell@birmingham.gov.uk)

## **Background**

The Admissions Code 2014 sets out the basic requirements for a Fair Access Protocol. Each local authority must have a Fair Access Protocol, agreed with the majority of schools in its area, to ensure that – outside the normal admissions round - unplaced children, especially the most vulnerable, are offered a place at a suitable school as quickly as possible. In agreeing a protocol, the local authority must ensure that no school - including those with available places - is asked to take a disproportionate number of children who have been excluded from other schools, or who have challenging behaviour.

All admission authorities must participate in the Fair Access Protocol in order to ensure that unplaced children are allocated a school place quickly. All schools must participate in fair access protocols, whether they are community or controlled schools, grammar, voluntary aided or foundation schools and academies and free schools. There is no duty for local authorities or admission authorities to comply with parental preference when allocating places through the Fair Access Protocol. (See attached report to the Cabinet Member for Children, Families and Schools (Appendix 1).

## **Key Issues**

Birmingham's current Fair Access Protocol was last revised in 2015. However, it does not include all the groups of children the DfE School Admissions Code (2014) says must be included and currently does not include grammar schools or 14-19 university technical colleges or the studio school.

## **Conclusions**

As set out in the report to the Cabinet Member for Children, Families and Schools, a process of co-design and then consultation was carried out (results attached as Appendix 2) to arrive at the revised protocol (attached at Appendix 3). This will be circulated to all schools for agreement prior to implementation. Implementation is anticipated to take place after October half term.

## **List of Appendices**

Report to the Cabinet Member for Children, Families and Schools

Consultation responses and comments

Revised fair access protocol approved by the Cabinet Member for Children, Families and Schools

Equality Impact Assessment

# BIRMINGHAM CITY COUNCIL

## PUBLIC REPORT

|   |   |
|---|---|
| <b>Report to:</b>   | <b>CABINET MEMBER FOR CHILDREN, FAMILIES &amp; SCHOOLS JOINTLY WITH THE INTERIM CORPORATE DIRECTOR, CHILDREN AND YOUNG PEOPLE</b> |
| <b>Report of:</b><br><b>Date of Decision:</b>                   | <b>Interim Assistant Director : Education Safeguarding</b><br><b>16<sup>th</sup> August 2017</b>                                  |
| <b>SUBJECT:</b>   | <b>OUTCOME OF CONSULTATION ON BIRMINGHAM CITY COUNCIL'S FAIR ACCESS PROTOCOL</b>  |
| <b>Key Decision: No</b>   | <b>Relevant Forward Plan Ref: N/A</b>   |
| <b>If not in the Forward Plan:</b><br><b>(please "X" box)</b>   | <b>Chief Executive approved</b> <input type="checkbox"/><br><b>O&amp;S Chairman approved</b> <input type="checkbox"/>             |
| <b>Relevant Cabinet Member(s) or Relevant Executive Member:</b> | <b>Councillor Brigid Jones – Children, Families and Schools</b>   |
| <b>Relevant O&amp;S Chairman:</b>                               | <b>Cllr Susan Barnett, Schools, Children &amp; Families Overview &amp; Scrutiny Committee</b>                                     |
| <b>Wards affected:</b>  | <b>All</b>  |

|   |
|---|
| <b>1. Purpose of report:</b>  |
| 1.1 To advise the Cabinet Member for Children, Families and Schools of the outcome of consultation on the revised fair access protocol.   |
| 1.2 To seek approval for the final fair access protocol to be circulated to all schools for signature at the beginning of September 2017 prior to implementation from October half term 2017. |

|  |
|--|
| <b>2. Decision(s) recommended:</b>   |
| That the Cabinet Member for Children, Families and Schools jointly with the Interim Corporate Director, Children and Young People:-  |
| 2.1 Notes the responses to the consultation (attached as Appendix 1).  |
| 2.2 Approves the amendments to the draft protocol which was consulted on.  |
| 2.3 Approves the final protocol for circulation for signature by all schools in September 2017 prior to implementation with effect from October half term 2017 (attached at Appendix 2). |

|  |  |
|--|--|
| <b>Lead Contact Officer(s):</b>                | June Maw, Interim Admissions Development Manager   |
| <b>Telephone No:</b><br><b>E-mail address:</b> | 077124 36704<br><a href="mailto:june.maw@birmingham.gov.uk">june.maw@birmingham.gov.uk</a> |

### **3. Consultation**

The revised fair access protocol was co-designed with Head Teacher representatives from primary and secondary phases; with secondary Head Teachers at network meetings and with chairs of local network panels.

Consultation was carried out with the chairs of local network panels and by way of the council's Be Heard process from 23 June 2017 to 14 July 2017. Schools were notified of the consultation via Noticeboard. Other stakeholders were advised via email. The final draft protocol was also presented to, and discussed by, the primary and secondary Head teachers Fora.

#### **3.1 Internal**

Consultation was carried out with the Interim Corporate Director of Children and Young People, Assistant Directors in Children and Young People's Services, all Councillors, staff in the School Admissions Service, the Alternative Provision and Independent Education Service, City of Birmingham School, Special Educational Needs Assessment and Review Service (SENAR), the Special Educational Needs and Disabilities Independent Advice and Support Service (SENDIASS) and the Virtual School and Exclusions Services. Teaching and non-teaching trades unions were also consulted.

#### **3.2 External**

Consultation was carried out with all schools and academies, parent governor representatives, representatives of local parent groups, neighbouring local authorities, Members of Parliament for Birmingham, the Church of England and Roman Catholic Dioceses, the Children's Society and the Refugee Council.

#### **3.3 Outcomes of consultation**

There were 12 responses to the consultation. Although respondents did not identify the organisations they represented, it was possible to identify that some responses came from staff working in admissions and from primary and secondary schools.

Consultees' responses to each of the 11 questions which are shown, with responses in Appendix 1. Officers' responses to these are also included and, where indicated, amendments have been made to the draft protocol, attached as Appendix 2. Where comments relate to the operational implementation of the protocol, these will be included during the planning for implementation phase (July to October 2017).

#### **4. Compliance Issues:**

##### **4.1 Are the recommended decisions consistent with the Council's policies, plans and strategies?**

The recommended decisions are consistent with the School Admissions Code (DfE 2014) and the council's policies, plans and strategies, especially the Sustaining Inclusion Strategy. It contributes to the Council's vision of a city of growth where every child, citizen and place matters and the priority to ensure our children and young people have access to all the city has to offer.

##### **4.2 Financial Implications**

There are no direct financial implications arising from the report. Revisions to the management and delivery of the new protocol will be carried out within existing finance and resources.

##### **4.3 Legal Implications.**

The final revised protocol complies fully with the requirements of the School Admissions Code (DfE, 2014)

##### **4.4 Public Sector Equality Duty**

The duty is to have regard to the need to eliminate unlawful discrimination; and advance equality of opportunity, and foster good relations, between people with protected characteristics and those who do not share them. The protected characteristics are age, disability, gender reassignment, pregnancy and maternity, race, religion or belief, sex and sexual orientation. The main reason for the revisions to the current protocol is to ensure that all children who are covered by the protocol are treated more fairly and equitably when seeking school places in year, irrespective of their protected characteristics or individual needs. The equality analysis at Appendix 3 to this report indicates a possible differential impact on the basis of gender, and religion and belief. This is because there is no duty on the local authority or other admission authorities to comply with parental preference for single sex schools or faith schools when allocating places through the Fair Access Protocol. The draft revised protocol at part 2 seeks to minimise this potential impact.

#### **5. Relevant background/chronology of key events:**

## 5.1 Background

The Admissions Code 2014 sets out the basic requirements for a Fair Access Protocol. Each local authority must have a Fair Access Protocol, agreed with the majority of schools in its area, to ensure that – outside the normal admissions round - unplaced children, especially the most vulnerable, are offered a place at a suitable school as quickly as possible. In agreeing a protocol, the local authority must ensure that no school - including those with available places - is asked to take a disproportionate number of children who have been excluded from other schools, or who have challenging behaviour. The protocol must include how the local authority will use provision to ensure that the needs of children who are not ready for mainstream schooling are met.

The operation of Fair Access Protocols is outside the arrangements for coordinated admissions at the normal transfer time and is triggered when a parent of an eligible child has not secured a school place under in-year admission procedures.

All admission authorities must participate in the Fair Access Protocol in order to ensure that unplaced children are allocated a school place quickly. All schools must participate in fair access protocols, whether they are community or controlled schools, grammar, voluntary aided or foundation schools and academies and free schools. There is no duty for local authorities or admission authorities to comply with parental preference when allocating places through the Fair Access Protocol.

The current protocol was last revised in 2015. However, it does not include all the groups of children and young people the Admissions Code (2014) says must be included. The current protocol does not include all schools, as required by the Admissions Code and currently does not locate decision making with those educational personnel most able to take professional decisions on pupil placement and those most closely affected by the impact of those decisions.

## 5.2 Consultation

Consultation took place as set out in paragraph 3 above and the results are set out in Appendix 1, along with the proposed amendments in light of the consultation responses received (Appendix 2).

## 5.3 Implementation

Following approval of this report the protocol is scheduled to be implemented from October half term 2017. All schools will be asked to sign up to the final protocol during the first week of the Autumn term in September 2017, although only a majority agreement by schools is required before the protocol applies to all schools, irrespective of whether they have signed up or not. Between July and October there will be a programme to develop processes and procedures to schedule central and local panel meetings, develop referral and reporting mechanisms, establish the terms of reference for central and local panels and carry out awareness raising and training for internal and external stakeholders.

## 5.4 Monitoring, evaluation and review

It is proposed that monitoring of the operation of the new protocol takes place between October half term and Easter 2018 (one and a half terms) with a review taking place after Easter 2018 and any revisions agreed.

**6. Evaluation of alternative option(s):**

- 6.1 Do not implement the revised protocol and continue with the current protocol.
- 6.2 The current fair access protocol (secondary) has a two tier system whereby children who fall under the protocol are considered initially at local network panels. If the panel is unable to agree placement in a school, the case is passed to local authority officers to decide placement. This process is carried out in private, by administrative officers on the basis of schools' OFSTED categories, the number of pupils on roll, the distance between home and school and the number of pupils already placed through the fair access process. It does not include consideration of the best placement to meet the child's individual needs, which can be carried out by local network panels. School representatives were unanimously of the view that placement of the most complex and challenging children should be agreed by education professionals at local panels.
- 6.3 Currently, at primary phase, placement is decided in private, by administrative officers on the basis of schools' OFSTED categories, the number of pupils on roll, the distance between home and school and the number of pupils already placed through the fair access process. There is not the same local network structure at primary phase and primary school representatives agreed that there should be central panels for all placements. Head Teacher representatives will be invited to attend, on a rota basis, to be assured that the process is being carried out objectively, transparently and equitably.

**7. Reasons for Decision(s):**

- 7.1 To progress the implementation of the revised Fair Access Protocol in light of the consultation undertaken.

**Signatures**

**Date**

Cabinet Member Children,

Families & Schools  
Councillor Brigid Jones .....

Interim Corporate Director,  
Children and Young People  
Colin Diamond .....

9<sup>th</sup> August 2017

**List of Background Documents used to compile this report:**

School Admissions Code (DfE 2014)  
Birmingham City Fair Access Protocol 2015

**List of Appendices accompanying this report (if any):**

1. Consultation responses and comments
2. Final Fair Access protocol for approval
3. Equality Impact Assessment

|                       |     |              |            |
|-----------------------|-----|--------------|------------|
| <b>Report Version</b> | 1.4 | <b>Dated</b> | 09.08.2017 |
|-----------------------|-----|--------------|------------|



## Background

The School Admissions Code (2014) requires each local authority to have a Fair Access Protocol, agreed by the majority of schools in its area, to ensure that outside the normal admissions round, unplaced children are offered a place at a suitable school as quickly as possible and to ensure that no school is asked to take a disproportionate number of children who have been excluded from other schools, or who have challenging behaviour.

Birmingham City's Fair Access Protocol has been in place for a number of years and was last revised in 2015. The revised Protocol has been co-designed with officers from the Admissions Team and representatives from primary and secondary phases from all areas of the city.

We have sought the views of all key partners; staff, governing bodies and trustees of all schools, including grammar schools, studio schools and university technical colleges; all councillors; MPs; local authority support services; teaching and non-teaching trade unions; parent representatives; third sector support services and Diocesan representatives.

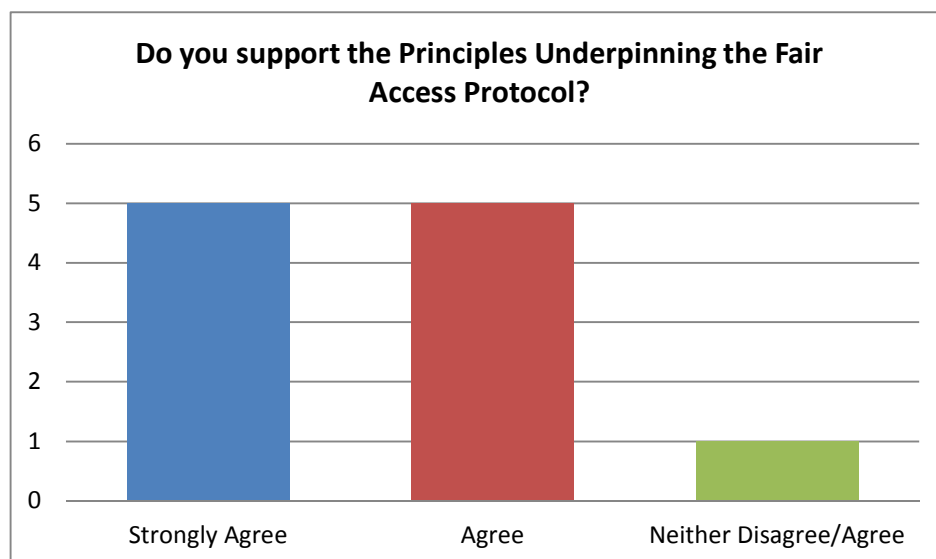
## Consultation timescales

Consultation was conducted through the Council's BeHeard website from 23<sup>rd</sup> June until Friday 14<sup>th</sup> July. The draft protocol was also presented and discussed at Primary and Secondary Head Teachers Fora.

## Results of the BeHeard consultation exercise

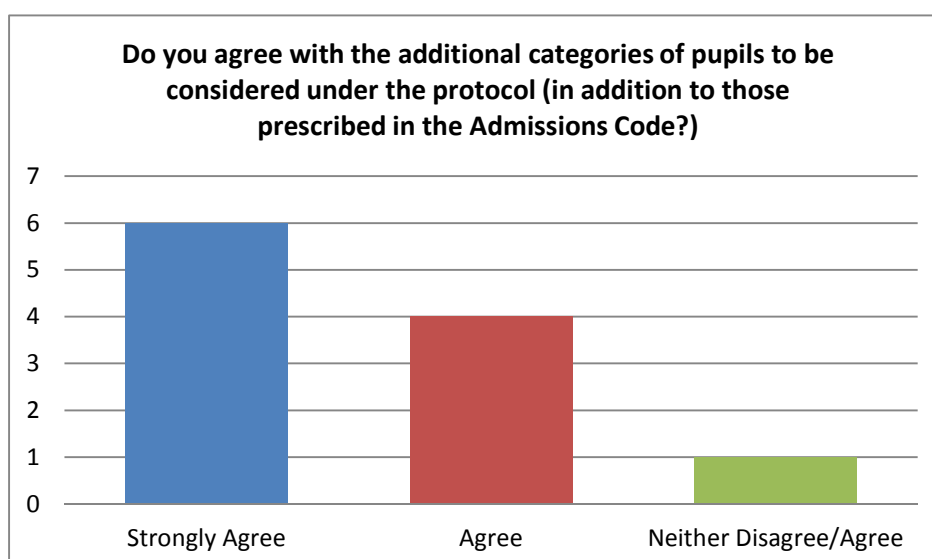
The consultation exercise consisted of 11 questions seeking the views of key stakeholders about the protocol and supporting documentation. In total, 12 responses were received through the Be Heard exercise and are summarised below. These responses and the outcomes of discussions at Head Teacher Fora and at meetings of the secondary phase network chairs meetings have been incorporated into the final draft protocol document:

### 1. Section 2 – Principles



| No                           | Themes emerging from narrative responses   |
|------------------------------|--|
| 1                            | <b>Do you support the principles under the FAP protocol?</b> <ol style="list-style-type: none"> <li>1. Keeping children safe and on roll</li> <li>2. Equitable use of school spaces</li> <li>3. Children placed in a timely manner</li> <li>4. Children presenting difficult or challenging circumstances are shared across schools, providing a fairer system.</li> <li>5. As a Governor I agree with the principles</li> </ol>   |
| 2                            | <b>Are there any other principles you think should be included?</b> <ol style="list-style-type: none"> <li>1. What is meant by 'an extreme case'?</li> <li>2. What is meant by a disproportionate amount of pupils with behavioural problems?</li> <li>3. Information Transfer is timely to ensure schools understand the individual's needs to implement an appropriate support package for the child.</li> <li>4. Application of the protocol needs to be much more robust than in the past</li> <li>5. That all schools MUST take all necessary steps prior to the permanent exclusion of any pupil and try and address challenging behaviour.</li> <li>6. Only when all options have been exhausted can a school proceed to a permanent exclusion</li> </ol> |
| <b>Response to questions</b> |  |
| 2.1                          | An extreme case would be a significantly vulnerable, challenging or complex case above those generally presented to fair access panels.  |
| 2.2                          | The term disproportionate is taken directly from the Admissions Code and is interpreted here to mean a significantly higher proportion of pupils than are found in a local network or consortium.  |
| 2.5 & 2.6                    | Although the fair access protocol deals with unplaced pupils, it is closely linked to the Sustaining Inclusion work around exclusion.  |

## 2. Section 3 – Scope of the Fair Access Protocol

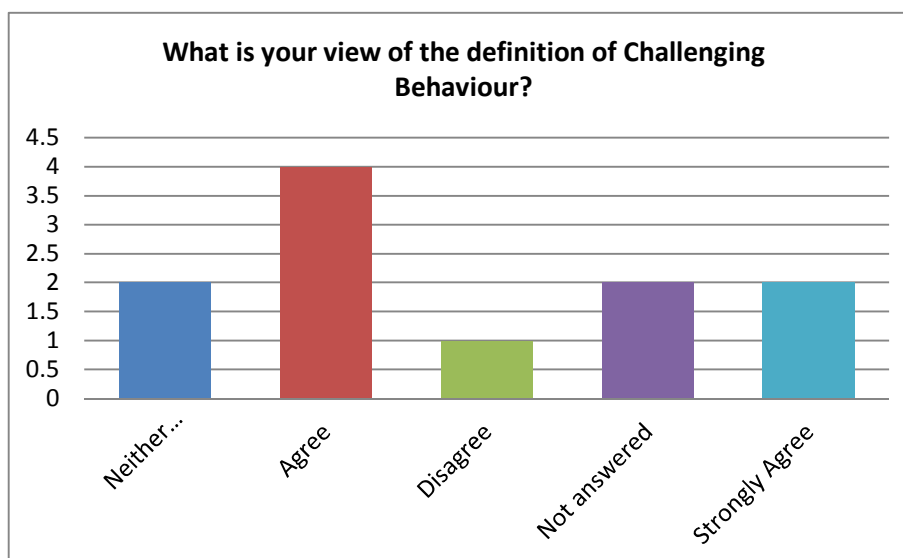


| No                           | Themes emerging from narrative responses  |
|------------------------------|---|
| 1                            | <p><b>Are there any additional categories you think should be included?</b></p> <ol style="list-style-type: none"> <li>1. Children returning from elected home education</li> <li>2. Identification of 'school hopping' e.g. 3 or more schools without a house move</li> <li>3. Children of Service Personnel</li> <li>4. This does not identify what happens to children who have moved into the area due to forced relocation from other authorities</li> </ol>   |
| 2                            | <p><b>Reasons for your view? How will this affect you?</b></p> <ol style="list-style-type: none"> <li>1. Include scenarios as schools use tactics to try to say no</li> <li>2. Schools should not be punished because of the council's lack of school places due to poor planning.</li> <li>3. If a child has been electively home educated they should not fall under this protocol, it is for the parents to secure a school place</li> <li>4. Good will of schools has been relied upon when they agree to go over the PAN to accommodate children where there is no school within a reasonable distance to their home</li> <li>5. Where schools have previously failed to co-operate and admit pupils, hopefully this protocol will forge better relationships</li> <li>6. Schools signing up to the protocol will strengthen the principles of the Schools Admissions Code</li> <li>7. It is about safeguarding children. However, these children and in some cases their family will need additional support. This will come at a cost to the school.</li> <li>8. It is right to have a broad scope of pupils to be considered under the protocol. There are a number of schools that will shy away from taking in pupils with a history of challenging behaviour as it will affect their pupil progress/attainment.</li> <li>9. Currently concerned at how this will be resourced at LA level, and whether OD can come up with a simple, quick and effective method of scoring, it's cumbersome and repetitive at the moment.</li> <li>10. I see the potential for encouraging schools to respond to applications much faster and efficiently</li> </ol> |
| <b>Response to questions</b> |   |
| 1.1                          | Children returning from elective home education are included in the revised protocol.   |
| 1.2                          | Children whose parents are seeking to move schools are not part of the protocol unless they have no school place and meet one of the fair access criteria.  |
| 1.3                          | Children of Service Personnel are dealt with separately under the Admissions Code as the only group of children for whom places can be reserved before they move into an area.  |
| 1.4                          | If children are subject of an enforced relocation they may meet other fair access criteria and therefore can be included under the protocol.  |
| 2.1                          | Decisions on placement will be made at panel meetings on the basis of objective information and schools expected to comply with these. Cases of non-compliance will be reported to the Governance Board for action.   |
| 2.2                          | The fair access protocol is for those who meet certain criteria, not all in year admissions. It is recognised that there is significant mobility among certain groups in some areas and the protocol will ensure that all schools in an area take a fair share of these pupils.   |
| 2.3                          | Inclusion of those returning from elective home education acknowledges that many of these children are likely to have received a different education to those in school, with consequent challenges for schools reintegrating them.   |
| 2.4                          | Including this group of children will remove any reliance on the goodwill of some schools as all schools take an equitable share.   |
| 2.8                          | The protocol will apply equally to all schools and will be overseen by the Governance Board to ensure all take an equitable share of challenging pupils.  |
| 2.9                          | There will be a period of planning for implementation to ensure that all resources (human, IT etc) are in place to ensure successful operation from October half term   |

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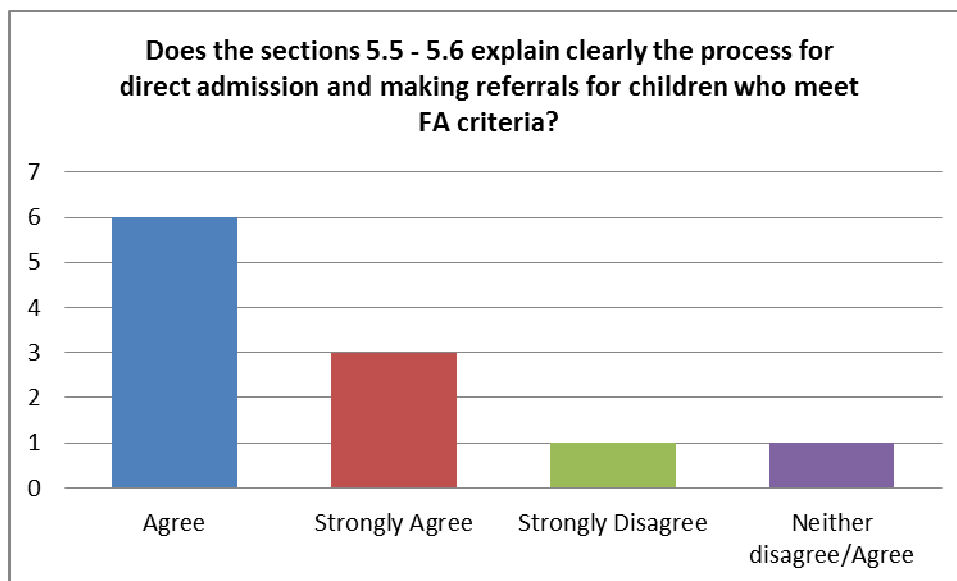
### 3. Section 4: Definition of Challenging Behaviour

The results of 11 respondents are shown below



| No                           | Themes emerging from narrative responses  |
|------------------------------|---|
| 1                            | <p><b>Is the definition sufficient to identify those pupils likely to create the greatest of challenges to integrate?</b></p> <ol style="list-style-type: none"> <li>1. All schools find this difficult, it may be better to say what does not fit behaviour</li> <li>2. This needs to be prescriptive and specific. Examples need to be provided as schools refuse admission on a very loose definition of challenging behaviour.</li> <li>3. Some schools do not use fixed exclusions so this isn't always a measure of challenging behaviour</li> <li>4. Some schools cannot meet the child's needs, careful planning will be required</li> <li>5. MUST have evidence of fixed term exclusions but also what the school has done to emotionally support that child.</li> <li>6. The current definition does not cover, sufficiently, the range of issues broadly under the heading of mental health</li> <li>7. These definitions should be the measures used by local and central panels when determining which school should admit a pupil.</li> </ol> |
| <b>Response to questions</b> |   |
| 1                            | More precise definitions of challenging behaviour will be explored with schools as part of the planning for implementation.   |

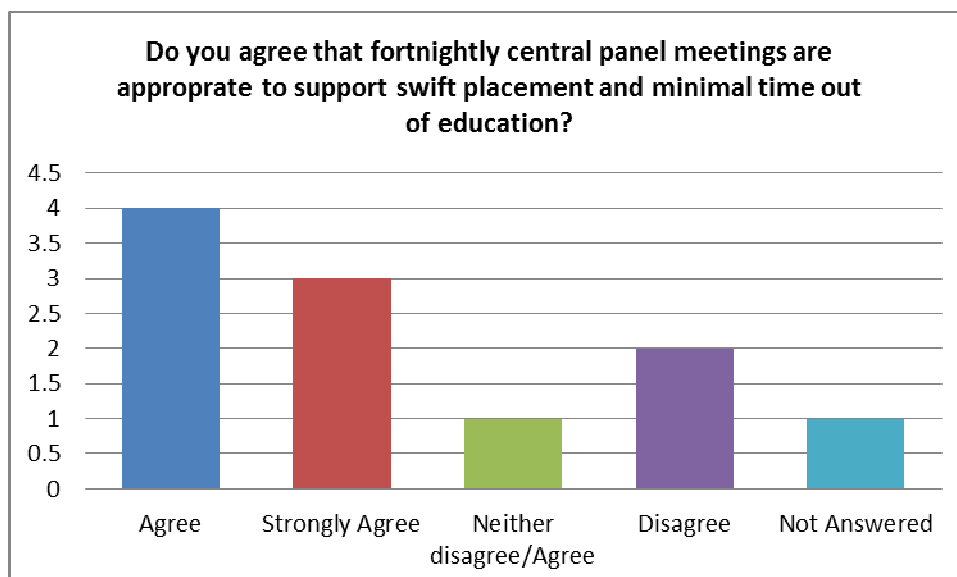
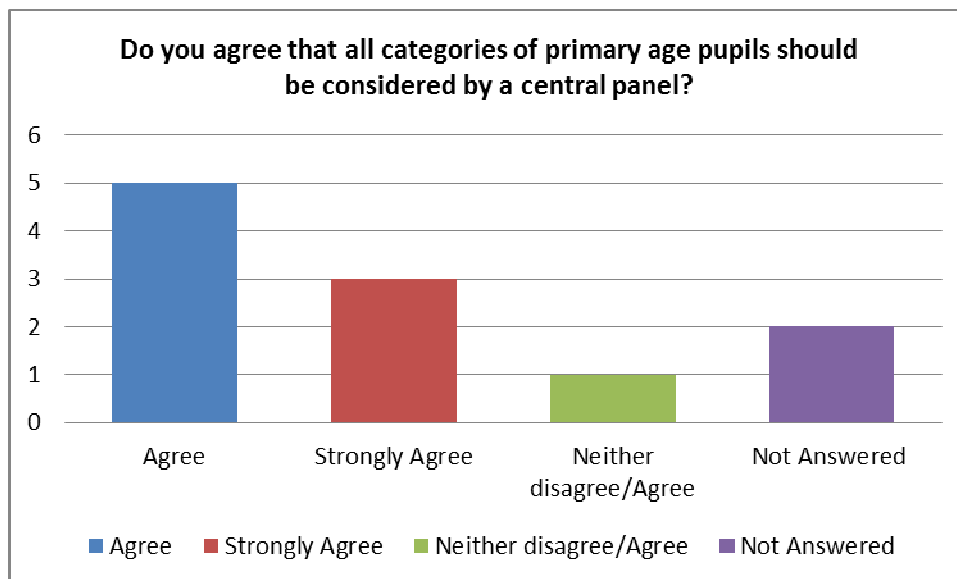
#### 4. Section 5: Fair Access Operation



| No                           | Themes emerging from narrative responses  |
|------------------------------|---|
| 1                            | <p><b>Do you have any suggestions for additional information that could be provided to explain how FA will operate?</b></p> <ol style="list-style-type: none"> <li>1. School Admissions (SA) would need the context and support as they have not worked with networks/Fair access panels before or know what information is required.</li> <li>2. Some SA staff are not aware of the panels or what they do, so more information is required</li> <li>3. Who will be dealing with assessing who meets the challenging behaviour criterion?</li> <li>4. Clear robust processes required and acknowledgement of existing knowledge and skills within the team</li> <li>5. Information gathering to present to panels is imperative to provide a chronology of the child's educational pathway.</li> <li>6. Ensure the process is operated with rigorous adherence to the process by all.</li> <li>7. The proposal that a reintegration plan is submitted by COBS with the referral to the panel (section 5 paragraph 3) need to be reconsidered.</li> <li>8. COBS to devise a personalised reintegration plan with the selected school after the pupils place is confirmed. This will ensure a smoother transition.</li> <li>9. Agree with the principles but unclear on where the extra resource will come from, for the B-H categories and making up the scoring grids</li> <li>10. Looks great to me, though wonder if there could be something included regarding the length of time some schools take to process application forms for school places?</li> </ol> |
| <b>Response to questions</b> |   |
| 1.1, 1.2 & 1.4               | <p>There will be awareness raising and training for school, local authority and relevant third sector staff during the planning for implementation phase to ensure a smooth introduction of the revised protocol.</p> <p>Determining whether a child meets the challenging behaviour criterion will be</p>  |

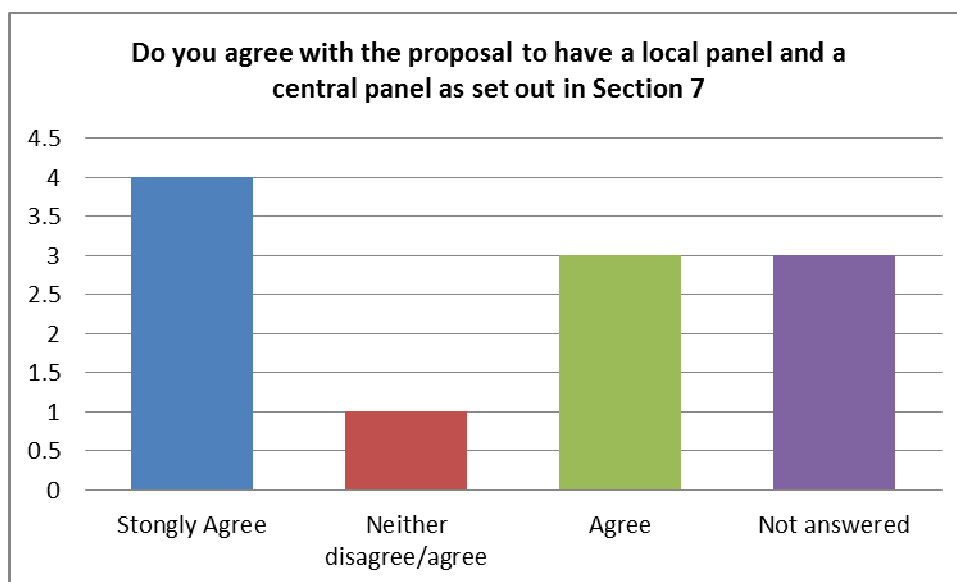
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| 1.3       | done on the basis of objective evidence of the child's behaviour and will be moderated at local or central panels (dependent on whether the child is in primary or secondary phase).   |
| 1.7 & 1.8 | Details on referral forms and reintegration plans will be considered during the planning for implementation phase with schools and COBS.   |
| 1.9       | Automation of scoring grids is taking place and will be finalised and tested during the planning for implementation phase.   |
| 1.10      | The revised protocol sets the expectation that receiving schools will admit within 10 school days of the decision being taken. Information on placements and the length of time between decision and placement will be reported regularly to the Governance Board, which will take any necessary action. |

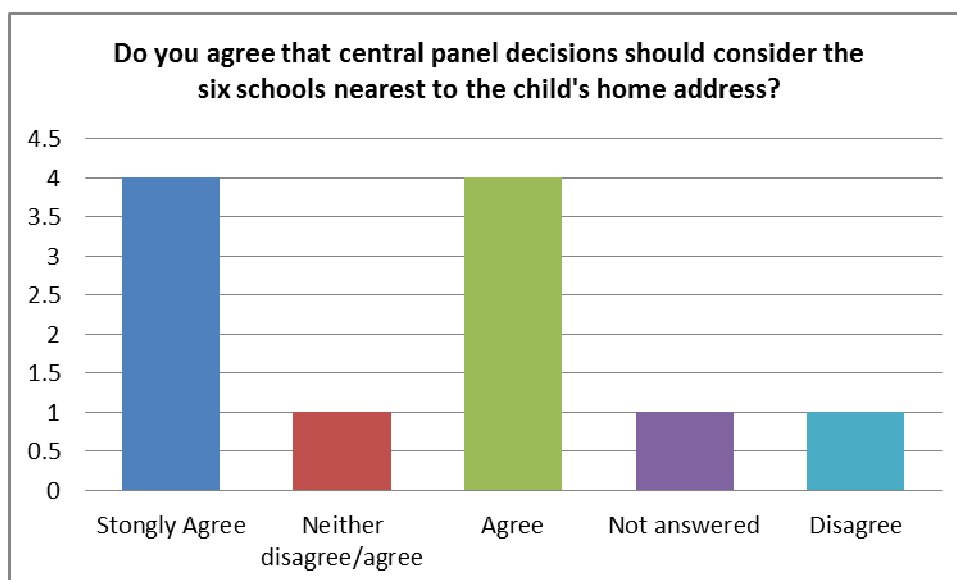
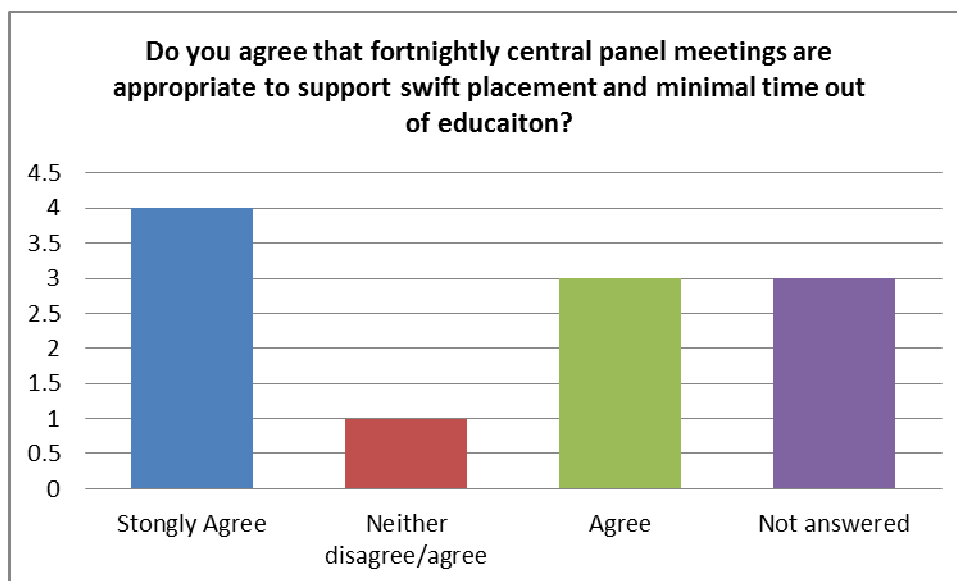
## 5. Section 6: Operation of the Protocol at Primary Phase



| No                           | Themes emerging from narrative responses   |
|------------------------------|--|
| 1                            | <b>Reasons for your views? How will this affect you?</b> <ol style="list-style-type: none"> <li>1. The process needs strengthening and resourced adequately. The system is too time consuming and children aren't placed in a timely manner.</li> <li>2. Not aware that Primary Heads were sitting on a panel. Perhaps that information should be shared with all Head Teachers.</li> <li>3. Panels should be weekly, so time out of school is minimised and is ensuring safeguarding is considered.</li> <li>4. Fortnightly meetings delay a pupil's return to school.</li> <li>5. Children are out of school far too long. Robust application required</li> <li>6. Ofsted rating should not be a category as this is not fair access. Outstanding, Good and satisfactory schools should all be given the same rating</li> <li>7. If a faith school is being considered.</li> </ol> |
| <b>Response to questions</b> |  |
| 1.2                          | Head Teachers will be invited to attend central panel meetings on a rota basis to ensure the protocol is being objectively and equitably applied. The Primary Head Teacher Forum will be asked to agree a rota to ensure representation from across the city.  |
| 1.3,<br>1.4<br>&1.5          | Weekly panel meetings can be considered as part of the planning for implementation phase.  |
| 1.6                          | The weighting given to OFSTED categories will be refined during the planning for implementation phase  |

## 6 Section 7: Operation of the Protocol at Secondary Phase

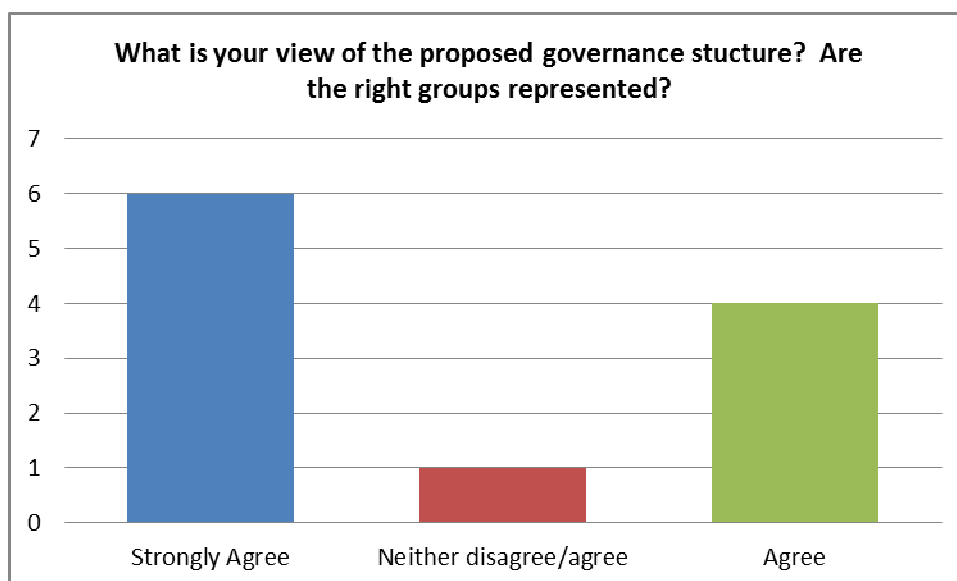




| No                           | Themes emerging from narrative responses  |
|------------------------------|---|
| 1                            | <p><b>Reasons for your views? How will this affect you?</b></p> <ol style="list-style-type: none"> <li>1. Consideration of parental preference which isn't always one of the 6 closest schools.</li> <li>2. Cross network issues will be reduced</li> <li>3. The final paragraph of section 7.1 refers to 'knives' being brought into school. This would be better worded as 'weapons'.</li> <li>4. With the increase in permanent exclusions this should be increased to a weekly meeting</li> <li>5. Access to local school is essential</li> </ol> |
| <b>Response to questions</b> |   |
| 1.1                          | <p>There is no requirement to comply with parental preference when considering placement under the fair access protocol although this can be considered if it will meet the needs of the child and will contribute to successful placement.</p> <p>The word weapons will replace knives in the protocol.</p>  |
| 1.3                          |   |



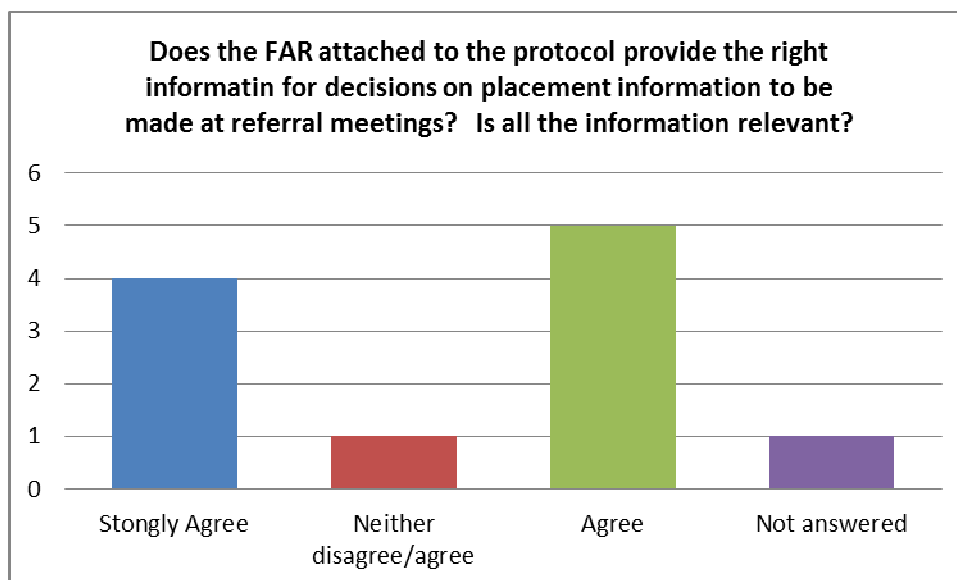
## 7 Section 9: Governance



| No                           | Themes emerging from narrative responses   |
|------------------------------|--|
| 1                            | <b>Reasons for your views? How will this affect you?</b> <ol style="list-style-type: none"> <li>1. There are still some compliance issues and schools not adhering to the current protocol</li> <li>2. Some schools have stated they don't want to do 'fair access and are opting out'</li> <li>3. Some panels are creating 'trial' re-integration opportunities and it may take months before the child is put onto roll or starts multiple placements</li> <li>4. Schools should comply to the protocol and clear communication about the consequences of non-compliance</li> <li>5. The board will ensure fairness</li> </ol>   |
| 2                            | <b>Views about the governance structure and those represented.</b> <ol style="list-style-type: none"> <li>1. The panel may on occasions need representation from staff preparing information</li> <li>2. No as there is no representative from Head Teacher or Social Care or women's refuges. Representation from these groups would create a greater understanding of the issues presented.</li> <li>3. Yes, the group is wide. Will free schools consider themselves adequately represented?</li> <li>4. I agree with the proposed structure however there should be an annual review of performance and the membership altered accordingly</li> <li>5. Whilst I agree excluding people with understanding of needs of asylum seekers, refugees and faith groups is limiting knowledge is needed to ensure correct placement and education of children in these categories. Nominated reps need to form a cross section of schools</li> </ol> |
| <b>Response to questions</b> |  |
| 1.1,1.2 &1.4                 | Once the final protocol is agreed by the majority of schools (in September 2017) it will apply to all schools, as per the Admissions Code. The Governance Board will monitor and report on non-compliance.   |
| 1.3                          | The revised protocol makes clear that pupils must be placed on roll at schools, not offered trials, as these are not legal.  |

|                          |  |
|--------------------------|--|
| 2.2, 2.3<br>& 2.5<br>2.4 | Exact membership of the Governance Board will be considered during the planning for implementation phase.<br>The membership and work of the Board can be reviewed annually and included in the terms of reference. |
|--------------------------|--|

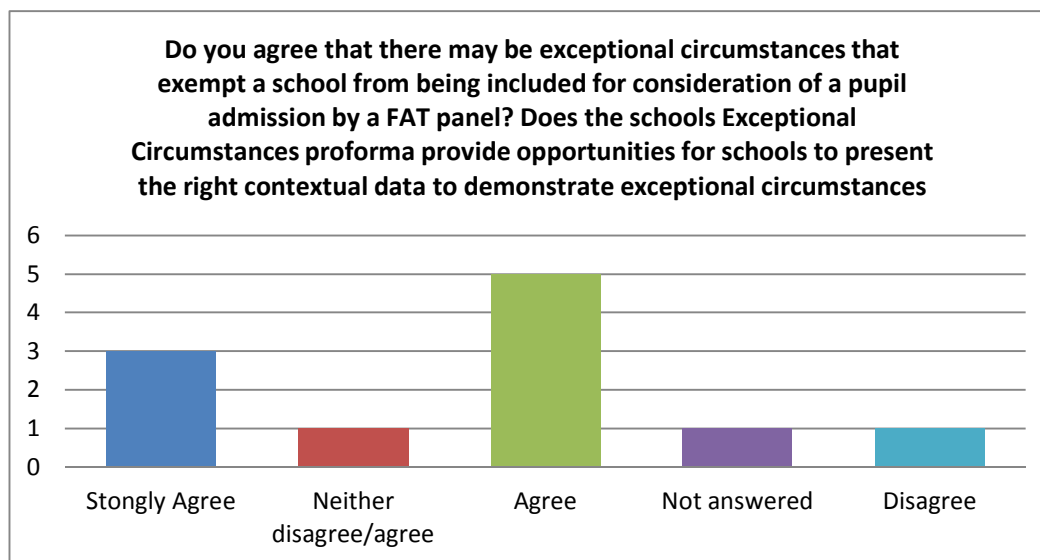
## 8 Appendix 1 – Fair Access Referral Form



| No | Themes emerging from narrative responses   |
|----|--|
| 1  | <p><b>How can the information provided in referrals help panels to make appropriate placements in grammar schools and university technical colleges?</b></p> <ol style="list-style-type: none"> <li>1. Access to grammar school is via an entrance exam, how would a child be placed there under this protocol?</li> <li>2. Early consultation with grammar schools and university technical colleges should be part of the process of allocation</li> <li>3. The referral form is thorough and comprehensive</li> <li>4. Parent and pupil view?</li> <li>5. If a child is a carer, information of what this involves is needed including support given by other agencies although this is sensitive information, it is important to ensure the needs of the children are met</li> <li>6. I personally would not place a child with challenging behaviour in a grammar school</li> <li>7. Sometimes the attainment of pupils is difficult to follow as not all schools use the same system. Also, more information regarding children's learning styles, talents and preferences. There seems to be very little emphasis on the present, and all children are 'tested' on arrival at school</li> </ol> |

|                              |   |
|------------------------------|---|
| 2                            | <p><b>Is there any other relevant or additional information that should be requested?</b></p> <ol style="list-style-type: none"> <li>1. Is a risk assessment no longer included?</li> <li>2. Child should be asked if they have been LAC, if so they should be referred to the panel</li> <li>3. Free school meals either currently or in the past 6 years</li> <li>4. SEN information: emotional/behavioural/social/mental health/ EHC or EHCP</li> <li>5. Last 3 questions in bold re SEN are not needed if the top 3 are completed with dates</li> </ol> |
| <b>Response to questions</b> |   |
| 1.1,1.2 & 1.6                | Information on the pupil referral form will include academic ability to determine whether a grammar school place is appropriate or a place in a UTC at Year 10 or 11. Grammar schools and UTCs are part of the protocol.  |
| 1.4                          | Views of pupils and parents can be included in the referral form, but there is no duty to comply with parental preference when considering placement under the protocol.  |
| 1.5                          | If a child is identified as being a young carer, information on the child's needs must be sought from a relevant professional.  |
| 1.7                          | Efforts will be made to collate sufficient, relevant information to inform appropriate placement, however, it must be recognised that for some children very little information will be available. Lack of informant cannot delay admission, but there should be an equitable distribution of these children.   |
| 2                            | All aspects of the referral form will be reviewed during the planning for implementation phase and a risk assessment will be included   |

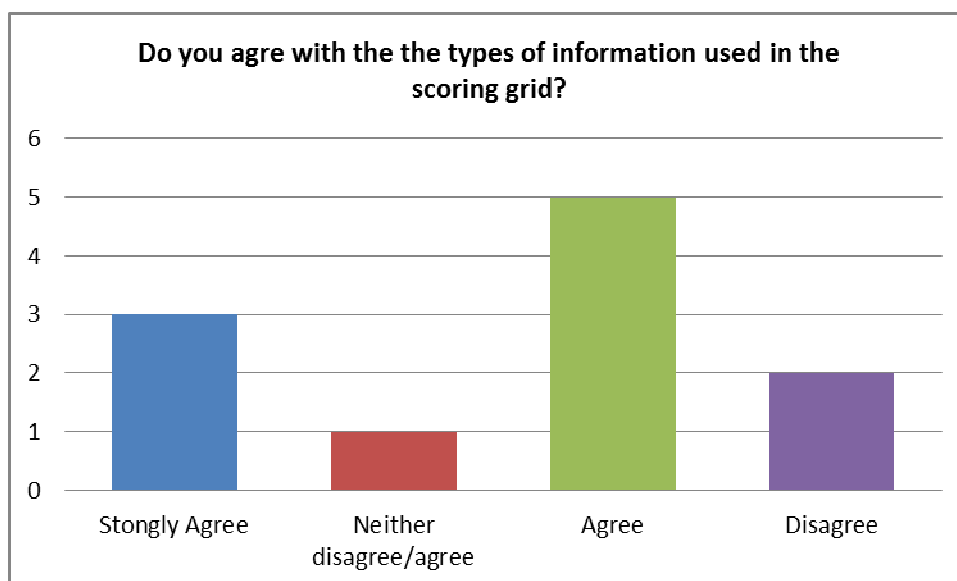
## 9. Appendix 2: School Exceptional Circumstances Proforma



| No | Themes emerging from narrative responses   |
|----|--|
| 1  | <p><b>Reason for your view? How will this affect you?</b></p> <ol style="list-style-type: none"> <li>1. Quality assurance needed to ensure that information provided by the school is factual and correct</li> <li>2. Recording multiple data sets e.g. in year PAN, appeals, challenging behaviour, LAC admissions errors, all of which should support the decisions taken and support the school in applying appropriate support</li> <li>3. Will the data provided by a school match that held by the relevant</li> </ol> |

|                                |   |
|--------------------------------|---|
|                                | <p>sharing panel or the LA.?</p> <p>4. If a school has hit their limit of pupils with challenging behaviour that their resources allow they should be exempt.</p> <p>5. In the case of faith schools the child's parent/guardian must agree to uphold the ethos of the school. If they refuse to do this, then the school should be exempted.</p>                               |
| <b>Responses to questions:</b> |   |
| 1.1, ,<br>1.2 &<br>1.3<br>1.4  | <p>Every effort will be made to ensure data provided by the LA and schools match to give confidence in the robustness of the process.</p> <p>If a school has a significantly higher proportion of children with challenging behaviour another child with the same profile may not be placed there, but the school could be required to admit a child from another category.</p> |
| 1.5                            | <p>If a parent refuses to uphold the ethos of a faith school the child may not be placed there. However, the school will be required to admit another child whose parent is happy to uphold the distinct ethos.</p>   |

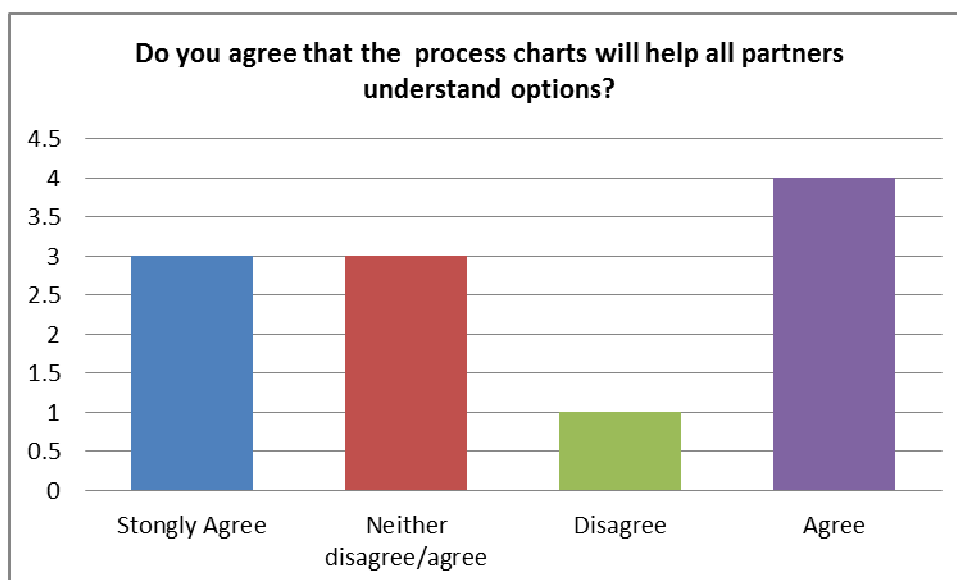
## 10 Appendix 3: Fair Access Panel Scoring Grid



| No | Themes emerging from narrative responses   |
|----|--|
| 1  | <p><b>Is there any different information that you would like to see used in the scoring grid?</b></p> <ol style="list-style-type: none"> <li>1. Include those schools that have reduced their PAN, appeals, in year admitted over PAN and have the landscape clear data.</li> <li>2. Information on the status of the school to ensure we are being fair and equitable</li> <li>3. Ofsted rating should not refer to the overall judgement but that made for the personal development, welfare and behaviour section as this gives a truer reflection of the pastoral challenges and support in school.</li> </ol> |

|                              |   |
|------------------------------|---|
|                              | <ol style="list-style-type: none"> <li>4. Number admitted to date via FA/Direction *Weighted x5 this should also include children accepted via managed move or in direct contract with COBS.</li> <li>5. Not that I can see but there must be a review and amended as necessary.</li> <li>6. Parental preferences. I am concerned that parents request a school on basis of distance and Ofsted rating without any concern about the ethos of a faith school and whether they would be able to accept this ethos.</li> <li>7. Ofsted ratings should not be scored differently for outstanding, good and satisfactory schools</li> </ol> |
| <b>Response to questions</b> |   |
| 1                            | More detailed work on the elements of the scoring grid will be carried out during the planning for implementation phase to consider these comments.   |

## 11 Fair Access Protocol Process Charts



| No | Themes emerging from narrative responses  |
|----|---|
| 1  | <p><b>Do you have any suggestions for how we might improve the FAP process charts?</b></p> <ol style="list-style-type: none"> <li>1. As advisors we need to see how it will affect us. We need to understand exactly who will do what, where, when and why. The process is unclear at the moment.</li> <li>2. The schools need very clear guidance on what is expected of them.</li> <li>3. Do the schools complete the referrals or advisors</li> <li>4. Will other partners/referring agents also have training on how they should do their referrals and how the process will work?</li> <li>5. Historically there have been lots of complaints from panels in relation to the appalling referrals submitted by other teams and they said they preferred the referrals come from Fair Access team as they have closed the gap in relation to information</li> <li>6. Better information required for parents/carers as many parents do not approach the school first</li> <li>7. To be sure that all schools are sending in their weekly return. It is vital that all schools do and the Admissions team MUST be addressing this.</li> <li>8. Head Teachers need to be aware of the consequences if not</li> </ol> |

|                                  |  |
|----------------------------------|--|
|                                  | <p>9. Many children have been placed through FAP but the FAP team have not been advised of the outcome of which .could we form part of the quality assurance framework and training?</p> <p>10. Not at present again this should be reviewed annually to improve the process</p>   |
| <b>Response to questions</b>     |  |
| 1.1, 1.2, 1.3, 1.4, 1.5, 1.9 1.6 | <p>There will be awareness raising and training for schools, LA staff and other support staff during the planning for implementation phase to address these concerns.</p> <p>Information for parents/carers on the fair access protocol and process is important and will be developed during the planning for implementation phase.</p> |
| 1.7                              | <p>Schools will be directly admitting certain groups of children who are covered by the protocol without the need for placement via local or central panels and will need to complete weekly returns to have these children “credited” to them.</p> <p>Work is currently being undertaken to streamline this process.</p>                |

### Other comments

- It can in theory answer a lot of the difficulties that was as a Fair Access Team and as a Schools Admissions Team (for in year) have struggled with. It's just the process and what it means for us as Advisors in the near future when we have to adopt the new protocol and its processes that I am concerned about.
- A really good piece of work that should contribute to all pupils receiving education they are entitled to.
- The protocol must work for the children of Birmingham
- Section 5 – CoBs referrals. Reintegration plans would normally be done with the schools concerned, so could not be submitted prior to the panel date?
- Page 6 5.2 emphasis on importance of early referral to the LA

## Birmingham City Council – Fair Access Protocol

### Final for approval

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## **1. BACKGROUND**

The School Admissions Code 2014 sets out the basic requirements for a Fair Access Protocol. Each local authority must have a Fair Access Protocol, agreed with the majority of schools in its area. The purpose of the protocol is to ensure that outside the normal admissions round, children without school places, especially the most vulnerable, are admitted to a suitable school as quickly as possible. In agreeing a protocol, the local authority must ensure that no school - including those with available places - is asked to take a disproportionate number of children who have been permanently excluded from other schools, or who have challenging behaviour. The protocol must include how the local authority will use provision to ensure that the needs of children who are not ready for mainstream schooling are met.

The operation of Fair Access Protocols is outside the arrangements for co-ordination and is triggered when an eligible child has not secured a school place under in-year admission procedures.

All admission authorities must participate in the Fair Access Protocol in order to ensure that unplaced children are allocated a school place quickly. All schools must participate in the Fair Access Protocol, whether they are community or controlled schools, grammar, voluntary aided or foundation schools and academies and free schools. There is no duty for local authorities or admission authorities to comply with parental preference when allocating places through the Fair Access Protocol.

Where a governing body does not wish to admit a child with challenging behaviour outside the normal admissions round, even though places are available, it must refer the case to the local authority for action under the Fair Access Protocol. This will normally only be appropriate where a school has a particularly high proportion of children with challenging behaviour or previously excluded children. The use of this provision will depend on local circumstances and must be described in the local authority's Fair Access Protocol. This provision will not apply to a looked after child, a previously looked after child or a child with a statement of special educational needs or an Education, Health and Care Plan naming the school in question, as these children must be admitted. (NB Paragraph 3.24 of the Appeals Code states that if an application has been refused, despite there being places available, the governing body must present their case for refusal, demonstrating how the admission of the child would prejudice the provision of efficient education or efficient use of resources).

Admission authorities must not refuse to admit a child thought to be potentially disruptive, or likely to exhibit challenging behaviour, on the grounds that the child is first to be assessed for special educational needs.

A Fair Access Protocol must not require a school automatically to take another child with challenging behaviour in the place of a child excluded from the school.

Beyond these requirements, it is for the local authority and schools to determine the scope and operation of the protocol.



## **2. PRINCIPLES**

The Fair Access Protocol will be underpinned by a transparent, collaborative approach, with the best interests of children at heart, which seeks to:

- Minimise children's time out of education;
- Secure appropriate school placements of children;
- Secure an equitable distribution of children across all schools;
- Ensure that all schools participate and take an equitable share of children irrespective of circumstances;
- Ensure that schools are held to account for complying with decisions under the protocol to admit children without delay.

We recognise that children being allocated a school place through the protocol are likely to present with socio-economic challenges. Although there is no duty to comply with parental preference when placing children through the protocol, every effort will be made to allocate a place within a reasonable distance of a child's home to support good attendance and education achievement. Placement will be considered in single sex and/or faith schools where the child has previously attended a single sex school and the parents continue to wish for single sex education or where parents can demonstrate that they meet the priority criteria for a school of that faith, as long as this is consistent with an equitable distribution of pupils across all schools.

## **3. SCOPE OF THE FAIR ACCESS PROTOCOL**

In line with the School Admissions Code (2014) this protocol includes the following children of compulsory school age (Reception to Year 11) who have difficulty securing a school place:

- a) children with challenging behaviour who have been referred to Fair Access by a governing body that has refused admission outside the normal admissions round, even though places are available, where the school has a particularly high proportion of children with challenging behaviour and/or previously excluded children
- b) children from the criminal justice system or Pupil Referral Units who need to be reintegrated into a mainstream education
- c) children who have been out of education for two months or more
- d) children of Gypsies, Roma, Travellers, refugees and asylum seekers
- e) children who are homeless
- f) children with unsupportive family backgrounds for whom a place has not been sought
- g) children who are carers
- h) children with special educational needs, disabilities or medical conditions (but without a statement or Education, Health and Care Plan)

In addition, Birmingham's protocol includes the following groups of children with no school place:

- i) children who have not been able to secure a school place under the normal arrangements within a reasonable distance of their home address. The definition of reasonableness is 6000m for primary children and 7000m for secondary but this is a maximum and will be subject to local circumstances
- j) children returning from elective home education
- k) children with no school place as the result of an illegal school being closed

Children should be living in the area before referral through fair access.

The protocol does not apply to looked after or previously looked after children (CIC), or those with a statement or Education, Health and Care plan as these children must be admitted.

Children who are involved in a managed move are beyond the scope of the protocol, as they are not without a school place.

#### **4. DEFINITION OF CHALLENGING BEHAVIOUR**

Where a school does not wish to admit a pupil with challenging behaviour outside the normal admissions round (as in paragraph 3.12 of the Admissions Code), it must refer the child for action under the Fair Access Protocol.

Challenging behaviour is defined as:

Children who have been permanently excluded, have a number of fixed period exclusions or present with a number of behaviours that are anti-social and are exhibited through constant disruption, aggression or minor criminal activities. These behavioural issues must be agreed and documented by a range of involved professionals.

Schools will be considered to have a "particularly high proportion of children with challenging behaviour or previously excluded children" if they have a higher percentage of these children across their school than other schools in their network or consortium.

It is expected that this definition will be reviewed at least annually, particularly in light of developing work around children's mental health.

## **5. OPERATION OF THE PROTOCOL**

The Fair Access Protocol applies to children in Birmingham and/or applying for a place at a Birmingham school who are seeking, but unable to secure a school place in year who meet the fair access criteria defined in section 3.

Fair access referrals must be submitted using the fair access referral proforma (Appendix 1). This proforma is designed to provide sufficient, relevant information relating to the child in order to support placement by a fair access panel. Where the child has been on roll at a Birmingham school previously, the previous school is expected to supply the child's attainment data, attendance over the last two school years and exclusion data and/or any individual behaviour or risk reduction plans. Referrals should wherever possible include details of any involvement of social care and any relevant family background information, given the significant impact of family background on a child's education.

Where a child is referred for reintegration from City of Birmingham School or Alternative Provision, the referral must also be accompanied by a reintegration plan.

Where the child was previously on roll at a school in another area, the School Admissions team will try to obtain the relevant information from the previous school. However where this is not possible, it must not delay or defer placement decisions in line with the School Admissions Code, paragraph 2.9d, which states that admission authorities must not refuse to admit a child solely because information has not been received from their previous school.

Where a child is newly arrived in the UK, the referring body should try to secure sufficient, relevant information to confirm that the child meets the fair access protocol criteria and to inform appropriate placement. However, schools and panels must not delay admission because information is not available.

### **5.1 Children with Challenging Behaviour**

If a governing body refers a child with challenging behaviour for placement through the Fair Access Protocol, under paragraph 3.12 of the School Admissions Code, they must provide information using the referral form (Appendix 1) to include:

- Details of the child's challenging behaviour
- Evidence that the school has a particularly high proportion of children with challenging behaviour or previously excluded children.

Admission authorities must not refuse to admit a child thought to be potentially disruptive, or likely to exhibit challenging behaviour, on the grounds that the child is first to be assessed for special educational needs (School Admissions Code, paragraph 3.13).

## **5.2 In-Year Applications**

Under Birmingham's published admissions arrangements, parents/carers of children seeking a school place in-year are expected to apply directly to schools. In the event that a school receives a direct application from a child who meets one or more of the fair access criteria, the school may either choose to admit directly or refer to the local authority School Admissions team.

## **5.3 Direct Admission by Schools of Children who meet Fair Access Criteria**

All schools are encouraged to admit children who apply to them directly and meet one or more of the fair access criteria where they are able to do so. When a school directly admits a child who meets the criteria, the school should notify the local authority, via their weekly return, and specify which of the fair access criteria the child has met. The school will then be credited with admitting a Fair Access Protocol child and this will be taken into consideration in future fair access / sharing panel decisions.

## **5.4 Referrals by Schools of Children who Apply In-Year for a School Place**

Where a school is not in a position to admit a child who applies in-year and meets the fair access criteria, the school must refer the child directly to the local authority School Admissions team for placement by the appropriate fair access panel.

Schools are expected to provide as much as information as possible on the referral form.

Where a school is deemed to have unlawfully refused admission of a child who does not meet the fair access criteria or who does not meet the threshold for challenging behaviour, the local authority will intervene via the governing body or admissions authority as appropriate, referring to the Office of the Schools Adjudicator or Secretary of State if necessary.

## **5.5 Non-Schools' Referrals under Fair Access**

A range of services may make referrals for placement to central or local panels for children who meet the fair access criteria; these include the Youth Offending Team, the Elective Home Education Service, the Gypsy Roma Traveller team, City of Birmingham School, providers of Alternative Provision, Children's Social Care.

Where a parent /carer contacts the Council directly for advice on finding a school place, in the event they are identified as meeting the fair access criteria, they may be referred directly to the School Admissions team to complete an in-year application and referral for placement through fair access.

Fair access decisions will be made by central or local fair access panels. All fair access panels will take into consideration:

- fair and equitable distribution of these children across schools, using transparent data to support decision making
- placing children within a reasonable distance from home to support good attendance and recognising that children being allocated through the protocol are likely to present with other socio-economic challenges
- keeping siblings together wherever possible
- meeting faith needs, wherever possible
- avoiding multiple placements at one time in one school in one year group wherever possible
- exceptional circumstances in individual schools that would exempt the school from being considered by the panel for one or more fair access placements

## **5.6 Exceptional Circumstances in Schools**

All schools are in scope for admitting children placed through fair access. However, there may be exceptional circumstances when a fair access panel may consider information provided by a school to justify exemption from a fair access placement.

Schools will be offered the opportunity to provide information to fair access panels where they feel that there are exceptional circumstances that would mean the admission of a fair access child to the year group in question would be of significant detriment to that year group, the school as a whole or the child. This information is to be provided on the School Exceptional Circumstances pro-forma (Appendix 2) and will only be considered valid for a maximum period of six weeks.

## **6. OPERATION OF THE FAIR ACCESS PROTOCOL AT PRIMARY PHASE**

Fair Access panel arrangements differ for primary and secondary age children.

At Primary Phase, all fair access referrals will be considered by a central fair access panel that will meet fortnightly with dates set in advance for the whole school year.

The central fair access panel (primary) will be chaired by the Head of Service, School Admissions and will include representatives from the BCC School Admissions team, representatives from City of Birmingham School and representatives from other BCC education and children's services as appropriate. Primary Head Teacher representatives will be invited to attend every meeting to oversee the decision making process and ensure that the protocol is being applied in an objective, equitable and fair way. Head Teacher representation will be co-ordinated through the Chair of the Primary Head Teachers' Forum.

For each referral, the School Admissions team will compile centrally held information into a scoring grid to inform and support the panel to make decisions (Appendix 3). Fair access decisions will be based in the first instance on ensuring all schools take a fair share of pupils and the number admitted through fair access over the past three terms will count as the most significant factor when building up a scoring grid for allocation.

The scoring grid for each child will include the six nearest schools to the child's home address. Scoring grids will include the following data:

- distance from home
- OFSTED category
- parental preference
- % of pupils with EHCP
- number on roll in the relevant year group
- exceptional school circumstances

Where schools in particular areas are experiencing higher demand for in-year fair access placements, scoring grids may extend beyond the six nearest schools to the child's home address in order to ensure fairness and equity of placements.

Decisions on every fair access case will be made at each meeting and will be reported to the Fair Access Board (see Section 9).

## **7. OPERATION OF THE FAIR ACCESS PROTOCOL AT SECONDARY PHASE**

There will be two types of panel operating fair access at secondary phase:

Local fair access panels (or sharing panels) will meet to consider cases of challenging behaviour together with children from the criminal justice system; children referred from City of Birmingham School or Alternative Provision who need to be reintegrated into mainstream education; and, by exception, complex cases referred by central panel.

A central fair access panel will consider children who meet fair access criteria c) to k) (Section 3). Exceptionally complex cases will be referred to the local fair access panel for placement.

### **7.1 Local Fair Access Panels (Secondary)**

Every school admitting secondary age pupils is expected to participate in the local fair access panel convened for their area network of schools. This includes Alternative Provision Free Schools, Grammar Schools, Studio Schools, University Technical Colleges and All-Through Schools

Children without school places who meet the criteria for challenging behaviour (see Section 4) will be considered at each local fair access panel, together with children from the criminal justice system, City of Birmingham School or Alternative Provision who need to be reintegrated into mainstream education. Normally, children will be referred to the school network in which they live, using the postcode calculator. However, when a student has attended a Birmingham school within the last 12 months and still lives within a reasonable distance of that school, they will be referred to the network in which the previous school is located.

All schools within a network will be expected to send a representative to their nominated local fair access panel. The representative must have the authority to agree placement in their school. Representatives from City of Birmingham School must also attend. Local fair access panels will be supported by a member of staff from School Admissions, who will record placement decisions and report to the Fair Access Board and all networks. Panels may make decisions to place children in schools that do not send a representative to the panel meeting.

To assist decision making, the School Admissions team will provide each local fair access panel with information on placements from the central fair access panel and information on placements via an Education, Health and Care Plan; placements of looked after children; and placements through upheld appeals.

In addition to the scoring grids provided for each referral, local fair access panels will also be able to consider contextual information held in their network and information provided by schools on exceptional circumstances to inform placement decisions.

Placement at a school must be decided at the local fair access panel meeting. In the most exceptional cases where there is evidence of extreme aggression or violence, drugs or weapons being brought into school, integration into another school may not be appropriate. In these cases, panels must progress a decision for the pupil to be admitted to a school, potentially pending a decision by the school regarding an appropriate placement in alternative provision. It is expected that these cases will also then be reviewed and funding may be allocated through the sustaining inclusion budget available to the network to support receiving schools in assessing and commissioning appropriate provision for the individual pupils concerned. Where possible and appropriate, fair access referrals may be admitted directly by Alternative Provision Free Schools within the network itself and /or City of Birmingham School.

## **7.2 Central Fair Access Panel (Secondary)**

The central fair access panel (secondary) will be chaired by the Head of Service, School Admissions and will include representatives from the BCC School Admissions team, representatives from City of Birmingham School and representatives from other BCC education and children's services as appropriate. Secondary Head Teacher and Local Fair Access panel representatives will be invited to attend every meeting to oversee the decision making process and ensure that the protocol is being applied in an objective, equitable and fair way. Head teacher and local panel representation will be co-ordinated through the Chair of the Secondary Head Teachers' Forum.

For each referral, the School Admissions team will compile centrally held information into a scoring grid to inform and support the panel to make decisions (Appendix 3). Fair Access decisions will be based in the first instance on ensuring all schools take a fair share of pupils and the number admitted through fair access over the past 3 terms will count as the most significant factor when building up a scoring grid for allocation.

The scoring grid for each child will include the six nearest schools to the child's home address. Scoring grids will include the following data:

- distance from home



- OFSTED category
- parental preference
- % of pupils with EHCP
- number on roll in the relevant year group
- exceptional school circumstances

Where schools in particular areas are experiencing higher demand for in-year fair access placements, scoring grids may extend beyond the six nearest schools in order to ensure fairness and equity of placements.

Decisions on every case will be made at each meeting and will be reported to local fair access panels and the Fair Access Board.

## **8. DECISION MAKING**

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

In the event a school does not comply with the outcome of a panel decision this will be referred to the admissions authority and may be escalated to the Office of the Schools Adjudicator or Secretary of State as appropriate.

Parents whose children are being considered under Fair Access retain the right to appeal for school places of preference where they have applied in-year to a school and not been successful in securing a school place at one of their preferred schools. Admissions to schools determined under fair access should not be delayed in the event that a parent or carer decides to pursue an appeal for a different preferred school. The information considered by the fair access panel may be used to support school statements for an appeal hearing.

The journey of an application for a school place through to a Fair Access decision is set out in three process charts in Appendix 4.

## **9. GOVERNANCE**

The operation of Birmingham's Fair Access protocol will be overseen by a Fair Access Governance Board, including nominated representatives from primary and secondary schools, City of Birmingham School, the Looked After Children in Education Team, SENAR, alternative provision, exclusions, the Dioceses and asylum seekers and refugee groups. The board will meet termly to oversee the operation of the protocol at both primary and secondary phases. The board will receive information on schools' attendance at panel meetings, the number of cases considered under each fair access category, the number of children placed and the length of time between referral and placement. The board will also review processes including the design of scoring grids as part of a cycle of continuous improvement.

The board will oversee schools' compliance with fair access and where necessary will refer schools causing concern to appropriate accountable bodies, including the Office of the Schools Adjudicator and the Secretary of State to direct admission..





# Equality Analysis

## Birmingham City Council Analysis Report

|                                |   |
|--------------------------------|---|
| <b>EA Name</b>                 | Birmingham Fair Access Protocol   |
| <b>Directorate</b>             | People  |
| <b>Service Area</b>            | Children - Education & Skills   |
| <b>Type</b>                    | New/Proposed Policy   |
| <b>EA Summary</b>              | The Schools Admissions Code 2014 makes it mandatory for each Local Authority to have a Fair Access Protocol which is agreed with the majority of schools in its area. Once agreed, the protocol applies to all schools irrespective of their status. The Council is reviewing the current Birmingham Fair Access Protocol to ensure it fully complies with the code and ensures fair and equitable distribution of children and young people irrespective of their individual needs and the schools in which they are seeking placement. A revised protocol has been co-designed with schools and has been subject to consultation with all schools and a wide range of internal and external stakeholders. The revised protocol is scheduled to be implemented after October half-term 2017. |
| <b>Reference Number</b>        | EA001969  |
| <b>Task Group Manager</b>      | charles.ashton-gray@birmingham.gov.uk   |
| <b>Task Group Member</b>       |   |
| <b>Date Approved</b>           | 2017-08-16 00:00:00 +0100   |
| <b>Senior Officer</b>          | simon.j.field@birmingham.gov.uk   |
| <b>Quality Control Officer</b> | peopleequalitycontrol@birmingham.gov.uk   |

### Introduction

The report records the information that has been submitted for this equality analysis in the following format.

#### **Initial Assessment**

This section identifies the purpose of the Policy and which types of individual it affects. It also identifies which equality strands are affected by either a positive or negative differential impact.

#### **Relevant Protected Characteristics**

For each of the identified relevant protected characteristics there are three sections which will have been completed.

- Impact
- Consultation
- Additional Work

If the assessment has raised any issues to be addressed there will also be an action planning section.

The following pages record the answers to the assessment questions with optional comments included by the assessor to clarify or explain any of the answers given or relevant issues.

## 1 Activity Type

The activity has been identified as a New/Proposed Policy.

## 2 Initial Assessment

### 2.1 Purpose and Link to Strategic Themes

#### **What is the purpose of this Policy and expected outcomes?**

The purpose of the policy is to ensure swift appropriate and equitable placement of all children and young people who are covered by the protocol to minimise their time out of education.

**For each strategy, please decide whether it is going to be significantly aided by the Function.**

|   |     |
|---|-----|
| Children: A Safe And Secure City In Which To Learn And Grow     | Yes |
| Health: Helping People Become More Physically Active And Well   | No  |
| Housing : To Meet The Needs Of All Current And Future Citizens  | No  |
| Jobs And Skills: For An Enterprising, Innovative And Green City | No  |

### 2.2 Individuals affected by the policy

|   |     |
|---|-----|
| Will the policy have an impact on service users/stakeholders? | Yes |
| Will the policy have an impact on employees?                  | Yes |
| Will the policy have an impact on wider community?            | Yes |

### 2.3 Relevance Test

| Protected Characteristics  | Relevant     | Full Assessment Required |
|----------------------------|--------------|--------------------------|
| Age                        | Relevant     | No                       |
| Disability                 | Relevant     | No                       |
| Gender                     | Relevant     | No                       |
| Gender Reassignment        | Not Relevant | No                       |
| Marriage Civil Partnership | Not Relevant | No                       |
| Pregnancy And Maternity    | Not Relevant | No                       |
| Race                       | Relevant     | No                       |
| Religion or Belief         | Relevant     | No                       |
| Sexual Orientation         | Not Relevant | No                       |

### 2.4 Analysis on Initial Assessment

The purpose of the Fair Access Protocol is to ensure that outside the normal admissions round, unplaced children who fall into vulnerable or challenging groups are offered a place at a suitable school as quickly as possible and to ensure that no school is asked to take a disproportionate number of these children and young people.

Placement will be considered in single sex and/or faith schools where the child has previously attended a single sex school and the parents continue to wish for single sex education or where parents can demonstrate that they meet the priority criteria for a school of that faith, as long as this is consistent with an equitable distribution of pupils across all schools.

### **3 Full Assessment**

The assessment questions below are completed for all characteristics identified for full assessment in the initial assessment phase.

#### **3.1 Concluding Statement on Full Assessment**

Revisions to the fair access protocol will ensure the public sector equality duty is more fully implemented. The main reason for the revision of the current protocol is to ensure that all children and young people who are covered by the protocol are treated fairly and equitably when seeking school places in year, irrespective of their individual needs/disabilities or where they are seeking placement.

### **4 Review Date**

27/04/18

### **5 Action Plan**

There are no relevant issues, so no action plans are currently required.







# Schools, Children and Families O&S Committee: Work Programme 2017/18

**Chair:** Cllr Susan Barnett

**Committee Members:** Cllrs: Sue Anderson; Matt Bennett; Kate Booth; Barry Bowles; Debbie Clancy; Shabrana Hussain; Julie Johnson; Chauhdry Rashid; Mike Sharpe, Martin Straker-Welds and Alex Yip

Representatives: Samera Ali, Parent Governor; Evette Clarke, Parent Governor, Adam Hardy, Roman Catholic Diocese; and Sarah Smith, Church of England Diocese

**Officer Support:** Link Officer: Seamus Gaynor

Scrutiny Team: Emma Williamson (464 6870) Amanda Simcox (675 8444)

Committee Manager: Louisa Nisbett (303 9844)

## 1 Priority Issues

1.1 The following were highlighted in June as the possible priority issues for the committee's 2017/18 municipal year:

- Children's Trust (13 Sep 2017)
- Fair Access protocol with all Schools (13 Sep 2017)
- Children missing school and missing from school e.g. permanent exclusions, home schooled and changing schools (briefing 24 Aug 2017)
- Early Years (consultation 19 June 2017 - 17 August 2017)
- School attainment/improvement (headline data would usually be discussed in November)
- Young people and housing (discussed at workshop - may be a joint piece of work with Housing and Homes O&S Committee)
- Parents Manifesto / Charter (discussed at workshop)
- Radicalisation (discussed at workshop)

1.2 Annual reports/updates on:

- School places sufficiency (would normally have been November)
- Birmingham Safeguarding Children Board (BSCB – 13 Dec 2017)
- Youth Justice Strategic Plan (13 Dec 2017)
- Progress reports on the Committee's Previous Inquiries: Child Sexual Exploitation (CSE), Children Missing from Home and Care and Corporate Parenting (18 Oct 2017)



## 2 Meeting Schedule

| All at 1.30 pm in Committee Rooms 3 & 4                    | Session / Outcome   | Officers / Attendees   |
|--|---|--|
| 14 June 2017   | <p>Informal meeting to discuss the Work Programme.</p> <p><b>Outcome:</b><br/><i>This discussion has informed the work programme</i></p>  |  |
| <p>12 July 2017<br/>At 2pm</p> <p>Send out: 4 Jul 2017</p> | <p>The Education and Children's Social Care Improvement Journey</p> <p><b>Outcome:</b></p> <ul style="list-style-type: none"> <li>• <i>Briefing note has been requested on children missing school e.g. home schooled and a briefing can be set up.</i></li> <li>• <i>An update on return home interviews to be provided.</i></li> <li>• <i>A briefing note on family support to be provided (awaiting details of what needs to be included from Members).</i></li> </ul> | <p>Cllr Brigid Jones, Cabinet Member for Children, Families and Schools and Colin Diamond, Interim Corporate Director, Children and Young People</p> |
|  | <p>Birmingham's new Strategy for SEND (Special Educational Needs and/or Disabilities) and Inclusion Consultation</p> <p><b>Outcome:</b></p> <ul style="list-style-type: none"> <li>• <i>The committee fed into the consultation.</i></li> </ul>   | <p>Jill Crosbie, AD, SEND; Marie Dobson, Project Manager, Education Services and Professor Geoff Lindsay, Chair, Inclusion Commission</p>            |
| <p>13 September 2017</p> <p>Send out: 5 Sep 17</p>         | <p>Children's Trust</p> <p>(In addition there was a briefing session for all Councillors on 11<sup>th</sup> July 2017 and the July's Cabinet report has been forwarded to the Committee).</p>   | <p>Colin Diamond, Interim Corporate Director, Children and Young People</p>  |
|  | <p>Fair Access Protocol Consultation</p> <p>The purpose of the protocol is to ensure that outside the normal admissions round, children without school places, especially the most vulnerable, are admitted to a suitable school as quickly as possible. The protocol is also required to ensure that no school is asked to take a disproportionate number of children who have been excluded from other schools or who have challenging behaviour.</p>                   | <p>Alan Michell, Interim Operational Manager, Schools Admissions</p>   |



| <b>All at 1.30 pm in Committee Rooms 3 &amp; 4</b> | <b>Session / Outcome</b>   | <b>Officers / Attendees</b>  |
|--|--|--|
| 18 October 2017<br>Send out: 10 Oct 2017           | 1.30pm – 3.00pm Tracking: Children Missing from Home and Care and update on CSE<br><br>Last discussed on 26 April 2017 and outstanding action was that key measures of success that will be used and the WMP to come back with Evaluation report regarding locating missing people to be included in update. | Superintendent Paul Drover and Chief Superintendent Claire Bell - West Midlands Police<br><br>Alastair Gibbons, Executive Director for Children Services,<br><br>Debbie Currie, AD Child Protection, Performance & Partnership, Nancy Meehan, Interim Head of Service Margaret Gough, CSE Co-ordinator<br><br>Chris Neville, Head of Licensing (tbc) |
|  | 3.00pm – 4.30pm Tracking: Corporate Parenting<br><br>To include Care Leavers<br><br>2017/18 Council Plan Target - A reduction in the number of Children in Care (CiC) - 1,680 end of year target (reporting monthly)   | Andy Pepper, AD, Children in Care Provider Services  |
| 22 November 2017<br>Send out: 14 Nov 2017          | Dave Hill, the new Children's Social Care Commissioner for Birmingham will be in Birmingham on this day.   | Kalbir Sangha, Project Manager, Programme and Projects Team  |
|  | Children's Trust (to invite Andrew Christie, Chair and Andy Couldrick, Chief Executive)  | Seamus Gaynor  |
|  | Citywide School Attainment Statistics – Headline data<br><br>Could be November or December   | Colin Diamond, Richard Browne, Intelligence Manager<br><br>Tim Boyes, Chief Executive and Tracy Ruddle, Director of Continuous School Improvement, BEP   |
| 13 December 2017<br><b>Room 2</b>                  | Birmingham Safeguarding Children Board (BSCB) Annual report.   | Penny Thompson, Chair of BSCB and Simon Cross, Business Manager  |



| <b>All at 1.30 pm in Committee Rooms 3 &amp; 4</b> | <b>Session / Outcome</b>   | <b>Officers / Attendees</b>   |
|--|--|---|
| Send out: 5 Dec 2017                               | Citywide School Attainment Statistics – Headline data<br><br>Could be November or December   | Colin Diamond, Richard Browne, Intelligence Manager<br><br>Tim Boyes, Chief Executive and Tracy Ruddle, Director of Continuous School Improvement, BEP  |
|  | Youth Justice Strategic Plan 2016 – 17. To include the number of re-offending rates over time. (This could be e-mailed as this meeting is too full). | Dawn Roberts, AD, Early Help and Trevor Brown, Head Of Youth Offending Services   |
| 17 January 2018<br><br>Send out: 9 Jan 2018        | Six Monthly Update on Progress on the Child Poverty Commission's recommendations   | Cabinet Member for Transparency, Openness and Equality (Marcia Wynter, Cabinet Support Officer)<br><br>Cllr Roger Harmer and Cllr Robert Alden (lead Members on the Commission)<br><br>Jacqui Kennedy, Strategic Director for Place<br><br>Suwinder Bains, Partnership and Engagement Manager |
|  | Cabinet Member for Children, Schools and Families Six Month Update.  | Councillor Brigid Jones<br>Colin Diamond (tbc)<br>Alastair Gibbons (tbc)  |
|  | The AD, Children in Care Provider Services presents an annual Corporate Parenting Board report to the Schools, Children and Families O&S Committee.  | Either January or February - TBC  |
| 14 February 2018<br><br>Send out: 6 Feb 2018       | The AD, Children in Care Provider Services presents an annual Corporate Parenting Board report to the Schools, Children and Families O&S Committee.  | Either January or February - TBC  |
| 21 March 2018<br><br>Send out: 13 Mar 2018         | School Attainment Statistics for Secondary and Primary Schools   | Colin Diamond, Interim Executive Director for Education and James Killan, Senior Information Officer<br><br>Tim Boyes, Chief Executive and Tracy Ruddle, Director of Continuous School Improvement, BEP   |



| All at 1.30 pm in Committee Rooms 3 & 4 | Session / Outcome   | Officers / Attendees                                |
|---|---|---|
| 25 April 2018<br>Send out: 17 Apr 2018  | Tracking: Corporate Parenting                                   | Andy Pepper, AD, Children in Care Provider Services |
|   | Tracking: Children Missing from Home and Care and update on CSE | TBC   |

### 3 Outstanding Tracking

| Inquiry                             | Outstanding Recommendations   | Date of Tracking                                   |
|-------------------------------------|---|--|
| Children Missing from Home and Care | R2 – Develop an overarching strategy for missing children so responsibilities are clear and understood, <b>risk is managed well, especially for looked after children and persistent runaways, information is shared effectively and appropriate support is in place for children and families.</b> | Update received: 12 October 2016 and 26 April 2017 |
| Corporate Parenting                 | R1 – R7   | Update to be received October 2017                 |

R01 - Councillors to commit to at least one activity from the 'menu of involvement'. This will then be published on the Council's website. A follow-up survey will be undertaken by the Scrutiny Office in nine months requesting an update from Councillors on this. Responsibility - All Councillors, by April 2017.

R02 - The menu of involvement for Councillors is developed into a corporate parenting handbook for Councillors for May 2018. This will include providing Councillors with examples of how they can undertake each task. Responsibility: Cabinet Member for Children, Families and Schools by May 2018.

R03 - Training is offered to Councillors in the first couple of weeks of becoming a Councillor. Responsibility: Deputy Leader by May 2018.

R04 - Every children's home in Birmingham that has a Birmingham child in care is visited by the end of July 2017 and the District Corporate Parent Champions ensure this happens. Responsibility: District Corporate Parent Champions by July 2017.

R05 - Supporting documentation for completing cabinet reports includes a requirement that consideration is given as to any impact of the proposals on children in care. If there are likely impacts, the cabinet report should include this in the body of the report. Responsibility: Cabinet Member for Transparency, Openness and Equality by October 2017.

R06 - The AD, Children in Care Provider Services presents an annual Corporate Parenting Board report to the Schools, Children and Families O&S Committee. Responsibility: Cabinet Member for Children, Families and Schools by February 2018.

### 4 Visits

- 4.1 Previously Members visited the children in care social work teams to talk to front line staff: North West Central (21<sup>st</sup> February 2017), East (8<sup>th</sup> March 2017) and South (22<sup>nd</sup> July 2016 (included the



ASTI Team) and 9<sup>th</sup> March 2017). Members may wish to visit other social work teams etc.

## 5 Inquiry

5.1 The committee to agree the topic for their inquiry.

### Inquiry (TBC)

| Date | Item |
|------|------|
|      |      |

## 6 Working Groups

6.1 Members may wish to set-up Member led working group(s).

## 7 Useful Acronyms

|   |   |   |
|---|---|---|
| ASTI = Assessment and Short Term Intervention<br>BEP = Birmingham Education Partnership<br>BSCB = Birmingham Safeguarding Children Board<br>CAF = Common Assessment Framework<br>CAFCASS = Child & Family Court Advisory Support Service<br>CAMHS = Child and Adolescent Mental Health Services<br>CASS = Children's Advice and Support Service<br>CIC = Children in Care<br>CICC = Children in Care Council<br>COBS = City of Birmingham School<br>CPR = Child Protection Register<br>CRB = Criminal Records Bureau<br>CSE = Child Sexual Exploitation<br>DFE = Department for Education<br>DV = Domestic Violence | EDT = Emergency Duty Team<br>EFA = Education Funding Agency<br>EHE = Elective Home Education<br>EYFS = Early Years Foundation stage<br>FCAF = Family Common Assessment Framework<br>FGM = Female Genital Mutilation<br>FSM = Free School Meals<br>IRO = Independent Reviewing Officer<br>Key Stage 1(Ages 5-7) Years 1 and 2<br>Key Stage 2 (Ages 7-11) Years 3, 4, 5 and 6<br>Key Stage 3 (Ages 11-14) Years 7, 8 and 9<br>Key Stage 4 (Ages 14-16) Years 10 & 11<br>Key Stage 5 (ages 16 – 18)<br>LSCB = Local Safeguarding Children Board<br>MASH = Multi Agency Safeguarding Hub<br>NEET = Not in Education, Employment or Training<br>NRPF = No Recourse to Public Funds<br>Ofsted = Office for Standards in Education | PCT = Primary Care Trust<br>PEP = Pupil Education Plan<br>PEx = Permanent Exclusions<br>PIE = Pride in Education<br>RAG = Red, Amber, Green<br>SCR = Serious Case Review<br>SEN = Special Educational Needs<br>SENAR = SEN Assessment and Review<br>SENDIASS = SEND Information, Advice and Support Service<br>SENCO = Special Educational Needs Coordinator<br>SEND = Special Educational Needs and Disability<br>SEDP = Special Education Development Plan<br>SGOs = Special Guardianship Orders<br>TA=Teaching Assistant<br>UASC = Unaccompanied Asylum Seeking Children<br>YDC = Young Disabled Champions<br>YOT = Youth Offending Team |
|---|---|---|

## 8 Forward Plan for Cabinet Decisions

The following decisions, extracted from the Cabinet Office Forward Plan of Decisions, are likely to be relevant to the Schools, Children and Families O&S Committee's remit.

| ID Number   | Title   | Proposed Date of Decision |
|-------------|---|---------------------------|
| 000232/2015 | School Organisation Issues which may include Closures, Amalgamations, Opening of a new school – Standing Item | 30 Jun 17                 |
| 000732/2015 | Provision of Additional Places at Harborne Primary School (Lordswood Academy                                  | 15 Aug 17                 |



| ID Number   | Title   | Proposed Date of Decision |
|-------------|---|---------------------------|
|             | Annexe) to meet Immediate Need and Demographic Growth for September 2016 Onwards – FBC  |                           |
| 002307/2016 | Council run Day Care Services – Review of delivery and future options for sustainability.   | 30 Oct 17                 |
| 002600/2016 | Unattached School Playing Fields – Disposal for Development   | 18 Dec 17                 |
| 003489/2017 | Small Heath School conversion from Foundation School to Academy status  | 17 Oct 17                 |
| 003671/2017 | Provision of Refurbished Accommodation to meet Additional Primary Places and to consolidate City of Birmingham Schools (COBS) Locations from 2018 Onwards – Full Business Case. | 6 Oct 17                  |
| 003961/2017 | Early Years Health & Wellbeing Consultation Feedback and Service Model  | 18 Sep 17                 |

