

In-Year Fair Access Panel (IYFAP) Guidance 2019/2020

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1.	<p>Introduction</p>
	<p>Suffolk’s Fair Access Protocol (FAP) is testament to the excellent and effective partnership work between local schools and the Local Authority (LA) to maximise the life chances and choices for local children. Education should not be in isolation from the wider range of support and services already provided and should be available to meet the needs of all children and families. The FAP is a separate document and can be found on Suffolk County Council’s website www.suffolk.gov.uk/FAP.</p> <p>This In-Year Fair Access Panel (IYFAP) Guidance sets out the principle and procedures to support:</p> <ul style="list-style-type: none"> ▪ the delivery of the FAP; and ▪ other vulnerable children and young people whose situations fall outside of the FAP. <p>The School Admissions Code (SAC), December 2014, states that each LA must have a FAP, 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 LA 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 LA will use provision to ensure that the needs of pupils who are not ready for mainstream schooling are met. (SAC, paragraph 3.9). The SAC sets the context for the FAP.</p> <p>Looked after children (referred to as children in care in Suffolk), children previously looked after (children previously in care) and children with an Education, Health and Care Plan naming the school in question, are not subject to the FAP and should not be presented at IYFAP, as these children must be admitted.</p>
2.	<p>Definitions</p>
	<p>Admission authority: Suffolk County Council is responsible for admissions to community and voluntary controlled schools. The governing body or academy trust is responsible for the admissions to foundation, voluntary aided, free schools and academies.</p> <p>Admissions register: The law requires all schools including independent schools to have an admission register and, with the exception of schools where all pupils are boarders, an attendance register. All pupils (regardless of their age) must be placed on both registers. The proprietor of a school who fails to comply with these regulations is guilty of an offence and can be fined.</p> <p>Challenging behaviour: For the purposes of the FAP, Challenging Behaviour is defined as deep rooted and long-term difficulties manifesting in all settings and requiring significant support. These behaviours would be regular, consistent and well documented. It does not -include a child or young person who naturally can display low level behaviour features at school.</p> <p>Headteacher: For the purposes of this document this refers to the person responsible for the day to day running of the school. This includes the Headteacher, Head of School and Principal.</p>

	<p>In-Year Fair Access Panel (IYFAP): The Fair Access Protocol is managed through meetings consisting of Suffolk County Council officers, senior managers from schools and other children’s service specialists. The panel considers the needs of individual children and young people without a school place who are hard to place to identify appropriate educational provision.</p> <p>Mainstream school: This includes maintained schools (community, voluntary controlled, voluntary aided and foundation schools), academies and free schools.</p> <p>Parent: For the purposes of education law, section 576 of the Education Act 1996 defines a 'parent' as:</p> <ul style="list-style-type: none"> ▪ all natural (biological) parents, whether they are married or not; ▪ any person who, although not a natural parent, has parental responsibility for a child or young person (this could be a step-parent, guardian or other relative); ▪ any person who, although not a natural parent, has care of a child or young person. <p>A person has care of a child or young person if they are the person with whom the child lives and who looks after the child, irrespective of what their relationship is with the child.</p>
3.	The In-Year Fair Access Panel (IYFAP)
3.1	The IYFAP is the mechanism used to operate the FAP which enables the Admissions Team to secure school places for unplaced children. In addition, the IYFAP considers the re-integration of permanently excluded children, those returning to a mainstream school from a PRU or AP and managed moves.
3.2	Schools will seek advice, guidance and direct input as required for children through the Inclusion Service, education outreach services, or their own specialist arrangements to reduce the risk of permanent exclusions or the need for managed moves. IYFAP is not to be used for advice in these contexts.
3.3	Three IYFAP meetings are held across Suffolk, on a four-weekly term time basis. The referrer will be expected to present cases at the most relevant IYFAP based on the individual circumstances of the child. Suffolk children attending schools in other counties may be referred to the IYFAP. Children living in other LAs and attending Suffolk schools cannot be referred to IYFAP and should be referred to their own LA.
3.4	Children in care are not subject to FAP and should not be presented or discussed at IYFAP. Instead, where required their case should be resolved outside of IYFAP meetings. Brief anonymous updates should be reported at IYFAP meetings under Chair’s actions.
3.5	IYFAP includes representatives from the Admissions Team; Alternative Provision (AP) providers; Attendance Service; Early Help and Social Care; Health; Inclusion Service; Police; Schools; and Suffolk Youth Justice Service. The meetings are chaired and administered by the Inclusion Service.

4.	School Admission Cases
4.1	<p>Admission authorities are required to comply with the SAC as part of the school's funding agreement. When considering an application, an admission authority may only take account of information when it has a direct bearing on decisions about oversubscription criteria.</p> <p>Refer to the FAP Section 4 for full procedures relating to School Admissions cases.</p>
5.	The principles and procedures of the IYFAP
5.1	<p>It is essential to the success of IYFAP that Headteachers, academy trusts and governing bodies agree to the principles and procedures and give their fullest support.</p>
5.2	<p>The referrer is responsible for ensuring that a parent knows of the referral to IYFAP and its content. They must ensure that the parent gives their consent for their child to be discussed. Schools must ensure they comply with the General Data Protection Regulation (GDPR) (May 2018).</p> <p>Where a child is not in care but has a social worker, the social worker must be informed that the child's case is being presented.</p> <p>Suffolk County Council's Privacy Notice sets out what information Children's Services collects and uses, and customer's rights regarding their information. This is available at www.suffolk.gov.uk/CYPprivacynotice.</p>
5.3	<p>All admission authorities admitting Suffolk children must participate in the FAP. They must ensure that no school – including those with places available – is asked by IYFAP to take a disproportionate number of children who have been excluded from other schools, or who have challenging behaviour.</p> <p>It is therefore essential that each school is represented at every meeting and that the representative has the authority to make decisions on behalf of the school at the meeting to accept any admissions cases, re-integrations or managed moves.</p> <p>This principle will contribute to the equity of placements across all schools.</p> <p>IYFAP may advise Suffolk County Council (SCC) as the Local Authority (LA) that a pupil should be admitted to a school even when that school is not represented at the IYFAP meeting. However, the legal authority to make the decision lies with SCC. Where necessary, this would allow for directing or seeking a direction to a school in the case of disagreements.</p> <p>Where a school agrees and/or the other schools indicate a school should take a pupil then reasonably SCC will follow that recommendation.</p>
5.4	<p>Having considered any information from IYFAP, SCC decisions will be made fairly, consistently, and transparently in the best interests of the child's educational needs, the considered allocated school and in accordance with the Education Act 1996, Human Rights Act 1998, School Standards and Framework Act 1998, Children Act 2004, Education and Inspections Act 2006, Education and Skills Act 2008, Equality Act 2010, School Admissions Appeals Code 2012, Children and Families Act 2014,</p>

	SEND Code of Practice 2015, School Admissions Code 2014 and Statutory Guidance relating to Exclusions 2017.
5.5	Following a decision made at IYFAP, where a placement is agreed the child must be added to the school's admissions register (see definition) immediately. The arrangements for the child to attend the school must be acted upon with a sense of urgency and an agreed start date secured within 10 school days of the agreement. The child will only be placed on the attendance register from the agreed start date or the 10th school day. Where there is no engagement from the parents of the child and a start date is not agreed the child will remain on the school's Admission Register. The child will also remain on the attendance register and the school must refer to its Attendance Policy for further action.
5.6	The IYFAP table will record all admission cases discussed at IYFAP, re-integrations from PRUs/APs and those following a permanent exclusion, and managed moves. This will be held and up-dated by the SEND Services for CYP within the Inclusion Service. The IYFAP Table (Appendix A) will be re-set at the beginning of each new school year and will carry over a school's total points from the previous summer term.
5.7	The protocol will be reviewed by the LA, in conjunction with Headteachers, as and when required, as the protocol is not part of the LA's formal admissions consultation process. This is required in order to assess its effectiveness in ensuring that all unplaced children are being allocated places at all schools or in AP, on an equitable basis and in support of AP commissioning arrangements on an equitable and timely basis.
5.8	The case will be presented by the referrer (for School Admission cases, this will be the school refusing the admission when the application is refused under paragraph 3.12 of the SAC) and a decision will be made.
5.9	Within the terms of this protocol, placement decisions may result in the admission of children above a school's admission number. Schools cannot cite oversubscription as a reason for not admitting a child under the FAP. However, children can only be offered a place in Key Stage 1 when it would not breach Infant Class Size legislation, unless a permitted exception applies in line with the SAC. The SAC requires that those children allocated a place at a school in accordance with a FAP must take precedence over those on a waiting list. (SAC paragraph 2.14).
5.10	Wherever possible, pupils with a religious affiliation should be matched to a suitable school, but this should not override the protocol if the school is unable to take the pupil, or if the pupil identified for the school does not have an affiliation. However, this will not normally give eligibility to SCC funded school travel, unless it is the nearest suitable school with a place available, and is over the statutory walking distance or where the child meets the Extended Rights to low income travel eligibility).
5.11	If a decision is reached at IYFAP but a school refuses to admit a pupil under the terms of the FAP, action will be taken by the LA to (a) instruct or direct, as appropriate, a maintained school to admit the pupil; or (b) to seek a direction from the Secretary of State for an academy through the Educations and Skills Funding Agency at

	<p>https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/275581/directions_flow_chart.pdf.</p> <p>In these circumstances, where the school place is not secured for the pupil, the LA will take action to ensure education is provided until the pupil has a local school place.</p>
6.	IYFAP and criteria for selection of receiving school
6.1	<p>It is important that all schools are asked to admit a balance of pupils under the protocol. The decision should be mindful but not restricted to the following factors as well as taking account of professional advice from the referring school and appropriate professionals:</p> <ul style="list-style-type: none"> ▪ Specific issues in relation to the individual case; ▪ Number of placements made by IYFAP to individual schools as reflected in the IYFAP Table; ▪ Parental preference; ▪ Geographical proximity; ▪ Distance factor (measured by statutory walking distance).
6.2	<p>Decisions will be made taking account of the following:</p> <ul style="list-style-type: none"> ▪ Offers from schools to take cases in accordance with the FAP; ▪ All parties, including schools that are not represented at IYFAP, are expected to comply with IYFAP procedures and decisions to ensure the process is effective and children are placed quickly; ▪ The IYFAP Table will be used if no school agrees to offer a school place.
6.3	<p>All schools recognise their collective responsibility for all pupils and will work collaboratively to manage pupils with challenging behaviour, involving multi-agency support, accessed where appropriate. All members will work together to secure commitment to the inclusion agenda and to reduce exclusion from schools.</p>
7.	IYFAP Referral Procedures
7.1	<p>For re-integrations and managed move referrals, prior to a child being added to the agenda, a discussion should take place with the parent and consent obtained. This is indicated by the parent's signature on the referral form. The views of the pupil should be sought where appropriate.</p> <p>Careful consideration must be given to information presented to IYFAP and sensitive family information should only be shared at the discretion of the IYFAP Chair.</p>
7.2	<p>The IYFAP Chair will use, as the guide to referrals and presentations, the expectations of the Teachers' Standards Part Two page 14: https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/665520/Teachers_Standards.pdf.</p>
7.3	<p>Referrers are expected to fully complete the IYFAP referral form. This should evidence all strategies undertaken to support the pupil, including the advice and guidance received from outside agencies. The impact of these support strategies</p>

	should be clear. In addition, the attendance certificate and risk assessment should also be attached.
7.4	All referrals will be quality assured and the referrer will be given the opportunity to provide any necessary additional information within a specified timeframe. If this is not received, the referral will not be discussed.
7.5	Wherever possible, a parent's and child's view will be considered, but will not override the FAP if the recommended school is not in a position to admit the child.
8.	Referrals being brought to IYFAP by Pupil Referral Units (or equivalent Alternative Provision Academies) requesting mainstream schools in relation to pupils who have been previously permanently excluded
8.1	The referral form and associated paperwork is completed by the AP provider, and they present to the IYFAP with parental preferences identified.
8.2	The IYFAP allocates the pupil to a mainstream school.
8.3	The child will be placed on the admissions register (see definition) immediately after IYFAP and on the attendance register on the start date agreed with Family Services.
8.4	If the parent declines or the allocated school is aware of reasons unknown to IYFAP that would make the placement inappropriate, the case is referred back to IYFAP.
9.	Managed moves
9.1	Managed moves (managed transfers) are agreed between two schools and the parent. They are not regulated through the FAP under the SAC, and are not the decision of the LA. However, a clear and transparent process is required. These will be facilitated through IYFAP wherever possible.
9.2	A managed move seeks to have a positive impact on the pupil's progress and inclusion in a mainstream setting. Ordinarily, this will be an early intervention for the pupil and should not be at the point of permanent exclusion when referred for a managed move.
9.3	DfE issued guidance (September 2017) titled "Exclusion from maintained schools, academies and pupil referral units in England", provides statutory guidance on factors that a Headteacher should consider before taking the decision to exclude. DfE issued guidance (February 2018) titled "Promoting the Education of Looked After and Previously Looked After Children", gives specific guidance related to this vulnerable group in terms of exclusion. A pupil can also transfer to another school as part of a managed move where this occurs with the consent of the parties involved, including the parents. However, the threat of exclusion must never be used to influence parents to remove their child from the school.
9.4	An isolated incident or exceptional circumstance may occur where a managed move may be appropriate to avoid a permanent exclusion. It is likely that an immediate

	decision will be required and therefore, these cases will not be discussed at IYFAP and will be discussed within the Inclusion Service.
9.5	Pupils cannot be removed from the school roll on disciplinary grounds unless the formal exclusion procedures set out in statute and outlined in the exclusion guidance September 2017 have been adhered to. A pupil can be removed from roll if a managed move has been agreed by all relevant parties and the 6-week period is successfully completed, and the pupil is placed on the roll of the receiving school.
9.6	A managed move can be sought for pupils in the Reception Year to Year 11, who attend a mainstream school, including maintained schools, academies or free schools.
9.7	A managed move is a voluntary agreement based on sound educational principles, the terms and conditions of which should be agreed by the pupil, parent, the home school and the receiving school, and recorded in a managed move agreement. When the child has a social worker they should be involved in the decision making.
9.8	A managed move is not appropriate when:
	a) a parent has made an in-year application for a new school;
	b) a pupil is not on a school roll;
	c) a pupil will not return to the home school if the placement is unsuccessful;
	d) the pupil is current Year 10 in the Spring/Summer term or Year 11 in the Autumn/Spring term. Pupils moving at these times are considered to add unjustified accountability to the receiving school and will only be considered in exceptional circumstances.
9.9	When the following criteria are met a referral can be made to IYFAP within the referral deadlines.
	a) Pupils are at low to medium risk of permanent exclusion.
	b) The pupil and family feel that they would like the opportunity for a fresh start with a different peer group and are committed to supporting the process and the schools.
	c) The school can demonstrate that additional support (internal and external) has been offered to address the peer group issues and that the pupil has engaged with some aspects of this intervention.
	d) There is a shared view (school, family, LA teams) that some of the strategies implemented have not worked in the current school but might work in another setting – there would need to be some evidence presented to justify this.
	e) There is a clear audit of the pupil's strengths and capabilities that can form the core of support for the pupil in a new school, suggesting the viability of a managed move.

9.10	When a school has been identified, the Headteacher of the home school has a responsibility to make the receiving school fully aware of the pupil's difficulties. All of the pupil's records should be made available, including the school's risk management strategies as detailed in the risk assessment.
9.11	The receiving school must be in a position to offer a place to the pupil on completion of a successful managed move.
9.12	When a pupil who has been on the AP waiting list is then considered suitable for a managed move, they are removed from the AP waiting list.
9.13	An initial meeting to include the pupil, family, both schools and a representative from the Inclusion Service will be held and start and review dates will be agreed. The managed move should be reviewed after a minimum of three weeks, with a final review within six weeks of the managed move starting. The receiving school can accept a pupil on roll prior to the end of the managed move period. This is at the discretion of the receiving Headteacher.
9.14	The formal review meetings should be held at the receiving school and include the pupil, family and both schools and in most cases, a representative of Inclusion Service.
9.15	The pupil must remain on roll at the home school for the duration of the managed move period. The referring school maintains the Enrolment Status of 'M' (Main dual-registration). The receiving school has an Enrolment Status of 'S' (Subsidiary dual-registration).
9.16	It is the expectation that the receiving school applies their behaviour policy to the managed move pupil in a consistent and fair way in line with expectations of all existing pupils. The decision to end a managed move should be necessary and proportionate to the offence. For example:
	a) A significant or number of incidents that warrant exclusion under the school's behaviour policy then this would be justified;
	b) the persistence of low-level behaviour is at the same level if not worse than the pupil's behaviour record at the home school prior to the implementation of a managed move;
	c) attendance is in line with persistent absence.
9.17	A final decision should be made by the receiving school at a formal review at the end of the managed move period as to the permanency of the transfer. Either the pupil will transfer on to the roll of the receiving school or will return to the home school. A decision may be made to extend the managed move. A clear deadline needs to be set to determine the success of the managed move – the maximum placement should be nine weeks.
9.18	Should the receiving school have a concern regarding the managed move pupil that could result in the process being terminated, attempts should be made to call an emergency intervention meeting within 48 hours. The aim of the meeting is to address the concerns and give the pupil a final opportunity to meet the receiving schools' expectations or clarify why the managed move needs to come to an end.

9.19	Should the managed move be unsuccessful, the receiving school will initiate communication within 24 hours of the managed move placement ending and arrange for the pupil to return to their home school. The receiving school will inform the family, home school, social worker if the child has one, and the Inclusion Service.
9.20	An essential feature of a Managed Move Scheme is that it applies to all schools and all designated year groups even when the year group is full. The success of the protocol depends on the agreement of all schools that the appropriate admissions authority will apply the FAP to admit eligible pupils over and above the PAN as an 'exceptional circumstance'.
10.	Suffolk County Council funded school travel
10.1	The School Travel policy applies to placements made by the IYFAP. Suffolk's School Travel Policies are available at www.suffolkonboard.com/schooltravel .
11.	Chair's actions between IYFAP meetings
11.1	Only in exceptional circumstances and for cases involving children in care, will the Chair be required to make decisions outside of IYFAP. Where possible these cases should be restricted to pupils from the Suffolk Youth Justice Service (SYJS) and Virtual School cases involving children in care, cases with safeguarding considerations and where required to comply with statutory placement requirements for permanently excluded pupils. Any actions taken need to be reflected in the IYFAP Table, these will be reported at the next IYFAP meeting.
11.2	The Chair of IYFAP will delegate to the Senior Education Officer (Admissions and School Travel) any urgent action required for school admission cases between IYFAP meetings. Additionally, parents will be advised to use the legal pathways to access mainstream placements (that is, the in-year application process) where necessary.

APPENDIX A - IYFAP Table template

Table 1 would be 'behind the scenes' and linked to a shortened version shown as Table 2 which would be shown as a list of all schools.

Numbers shown in both tables are an example

Table 1 - There will be a record in table one for all mainstream schools, by IYFAP Area which will be available at IYFAP meetings. Pupil names will sit behind the numbers in Table 1

School name	Permanent exclusion from school	Permanent exclusion Re-integration into school	Re-integration from AP	School Admission Case on roll	Managed Move Status					
					From school/Home school			To school/Receiving school		
					Successful	Ongoing/ Due to start	Unsuccessful	Successful	Ongoing/ Due to start	Unsuccessful
Year 7					1					1
Year 8	1									
Year 9										
Year 10										
Year 11										
Total	1	0	0	0	1	0	0	0	0	1

Table 2 - This is the summary of all schools in the IYFAP Area which will be available at IYFAP meetings

School Name	Permanent exclusion from school	Permanent exclusion Re-integration into school	Re-integration from AP	School Admission Case	Managed Move Status					
					From school/Home school			To school/Receiving school		
					Successful	Ongoing/ Due to start	Unsuccessful	Successful	Ongoing/ Due to start	Unsuccessful
	1				1					1
									1	
			1			1				
	1									