



Derby City Council

DERBY CITY COUNCIL PRIMARY FAIR ACCESS AGREEMENT 2021 - 2022

Incorporating

- Primary Managed Moves School to School
- Primary Managed Moves PRU to School
- Primary Managed Moves EHE to School
- Arrangements for managing primary exclusions

This agreement applies to all Derby City Schools, including free schools and Academies.

Introduction

The School Admissions Code requires that each local authority must have a Fair Access Protocol. **All schools including Free Schools and Academies** must participate in their local authority's Fair Access Protocols in order to ensure that children; who live within the relevant area, especially the most vulnerable, and/or those at risk of permanent exclusion are offered a place at a suitable school as quickly as possible. This includes admitting children to schools which have reached or exceeded their published admission limit.

It is **not** intended to cover applications on behalf of children for whom in-year admissions are a straight forward process and for whom normal admission arrangements apply.

Derby City's Primary Fair Access Protocol (PFAP) is supported by clear and transparent funding arrangements and appropriate specialist reintegration support. (See Appendix 1)

Through the PFAP all schools agree to take over their Published Admission Number (PAN) in a year group, **without** the need for an admission appeal.

Eligibility for a placement under the PFAP **does not** remove the right of parents to express a preference for a particular school through the normal admissions procedures. Pupils can only be placed through the PFAP with parents' agreement.

Accurate placement data will be used by the Primary Placement Panel (PPP) to try, wherever possible, to avoid a school receiving an imbalance of in-year or group allocations and to achieve best outcomes for all pupils.



Acceptable travel access and distance will be taken into consideration when placing a pupil through the PFAP and nothing will revoke parents' legal rights.

To ensure transparency, the processes involved and options available will be clearly explained to parents by the current school's head teacher or by the Local Authority's (LA) Admissions Manager as appropriate.

Limited exceptions may be agreed to reflect local need. Any such exceptions must be reviewed in full at each Primary Fair Access Panel (PFAP) meeting.

Protection against admissions under the PFAP

It is the responsibility of the Primary Fair Access Panel (PFAP) to agree when a school is afforded protection against the admission of children to be placed in line with the PFAP. It is for the PFAP to consider such requests based on documentation and/or evidence provided by the school on a case by case basis and to formally advise the school of the outcome.

PRINCIPLES ADOPTED FOR THE PROTOCOL

These are agreed as follows:

- In the best interests of the child, **all schools** in Derby City agree to share a collective responsibility with the LA to ensure admission to a suitable school.
- The LA and its schools **will work collaboratively** and **share information transparently**, taking into account the needs of the child and those of the school.
- **All Schools and their leaders** are committed to acting with integrity in their application of the protocol to ensure honesty, transparency and fairness
- **Accurate placement data** will be used by the PPP to try, wherever possible, to avoid a school receiving an imbalance of in-year or group allocations and to achieve best outcomes for all pupils.
- **Every effort will be made** to ensure schools will not be asked to admit an excessive or unreasonable number of pupils excluded from other schools
- The protocol will be supported by **clear and transparent governance and funding arrangements**. See Appendix 1 & 2
- Schools cannot cite oversubscription as reason for not admitting under the protocol
- **Vulnerable pupils** will be given **priority** for admissions over others on a waiting list or awaiting an appeal.
- Schools **must respond immediately** to requests for admission, and pupils must be on roll within 20 school days. Schools **are unable to appeal** against the decision prior to admitting a child under the protocol.
- There is **no duty to comply with parental preference** when allocating places via the protocol however, it is expected **the wishes of the parents and pupil** are taken into account. The protocol **must not be** used as a means to circumvent the normal in-year admissions process.
- A parent can apply for a place **as an in-year admission at any point** and is entitled to an appeal when a place is not offered.
- **All Primary Heads** will support and contribute to the protocol through attendance at either the PPP or PFAP on a rota basis as required.
- Where due process has been followed in accordance with the guidance, the LA will seek a direction from the Secretary of State if an academy school refuses to admit a pupil under the protocol.



In the event that the majority of schools in the LA can no longer support the principles and approach of the protocol, all head teachers should initiate a review with the LA. This existing Protocol however remains binding on all schools up until the point at which a revised protocol is adopted.

REFUSAL TO ADMIT OR COMPLY WITH THE PROTOCOL

The PPP will record and report on a schools refusal to admit a pupil referred through the protocol, or where schools may not be operating within the requirements of any aspect of the protocol. For example, providing misleading information to the panel about the needs of the pupil, or making inappropriate referrals.

Where it is considered that a school may have deliberately provided misleading information, PPP will implement the actions outlined in the 'Ladder of Consequences' in order to resolve the situation as swiftly as possible. – see Appendix 1

The PPP and/or PFAP reserve the right to instruct the Local Authority to exercise its power to direct the admission authority for any maintained school in its area to admit a child even when the school is full.

Where they consider that an Academy will best meet the needs of an individual pupil and the Academy disagrees, PPP and/or PFAP can request the Local Authority to ask the Secretary of State to intervene. The Secretary of State has the power under an Academy's Funding Agreement to direct the Academy to admit a child.

The Primary Fair Access Panel (PFAP)

The role of the PFAP is to:

- Provide governance for the protocol and receive reports from the Primary Placement Panel and data relating to the process as required, including information relating to,
 - Permanent and fixed term exclusions
 - Primary managed moves
 - Primary 'At Risk' register
 - Newton's Walk pupils
 - Primary Behaviour Support
 - Y6/7 transition for the most vulnerable
 - Elective Home Education
 - Pupils on a reduced timetable
 - Pupils 'Without a School Place' (WASP)
 - Primary Behaviour Strategy
- Receive and consider school 'At Risk' registers on a termly basis and ensure these are used to support the fair and equitable delivery of the protocol.
- Consider any requests from schools for protection over Fair Access Admissions on a case by case basis.
- Ensure transparency and to provide a regular overview of all requests, moves and placements, including but not limited to cases administrated under the previous Fair Access Protocol
- Monitor and report on funding and spending related to the process
- Consider any general or specific issues or areas of practice that may compromise the effective operation of the protocol and decide on relevant actions, with reference to 'the ladder of consequences' – within Appendix 1.



- Consider concerns raised by PPP which may need further consideration and a strategic response, including issues related to behaviour, attendance and the Primary PRU.

The PFAP will consist of:

- Chair of PFAP – Head of Education and Skills
- 12 Primary Headteachers or Trust representatives* to ensure representation from across the city at all primary phases, but to guarantee
 - representation from each Trust where they have more than one school in the city
 - increased representation from the Alvaston, Allenton, Osmaston area and the Chaddesden area – currently where most moves are made, but to be reviewed annually to ensure appropriate representation
- Head of Primary PRU provision
- Representatives from early Help
- Representatives from the LA School Admissions and SEND; IYFA; and Education Welfare. Plus representation from Elective Home Education and New Communities Achievement Team as required
- Representatives from Health, including The Public Health Manager and the Designated Clinical Officer or their representatives
- Primary colleague linked to Fair Access
- Clerk to the Panel

* Alternative headteacher representation should be sought by agreement with the chair of PFAP and an agreed named representative substituted. If apologies are required this should take into account the Alvaston, Allenton, Osmaston area and the Chaddesden area aspect.

Information for the Fair Access meeting will be circulated at least five working days in advance of the meeting.

Accurate data on current allocations will be shared at the beginning of each meeting of the PFAP.

The Primary Placement Panel (PPP)

The Primary Placement Panel will consider all aspects of each referral on behalf of the (PFAP) in order to determine whether a pupil is eligible for a school to school and PRU to school Managed Move based upon information and evidence received. Parents' views, geographical factors and transport arrangements will be taken into consideration, but these will not override the PFAP;

The PPP will meet fortnightly during term time and will be made up as follows:

- Chair of Panel – IYFA and Exclusions Manager
- 4 Primary Headteacher Reps* (attending for one term on a rolling programme)
- Head of the Primary PRU
- Primary colleague linked to IYFA
- Representative from School Admissions Team
- Virtual Head Teacher for LAC or representative (as required)
- New Communities Achievement Team Manager or representative (as required)
- Representative from LA - SEND (as required)
- Representative from Early Help



- Representative from Health or a link to the agenda for information sharing purposes where a representative is unavailable.
- Representative from Crime Prevention Team or a link to the agenda for information sharing purposes where a representative is unavailable.
- Clerk to PPP

* Alternative HT representation should be sought by agreement with the chair of PPP if apologies are required

The clerk to the panel will be the main point of communication for the PPP and all referrals will be sent to the clerk at IYFA@derby.gov.uk by lunchtime on the Friday CoP, prior to the panel meeting.

The panel will also:

- monitor primary fixed term and permanent exclusions
- review placements at the primary PRU and identified pathways at least termly
- take account of school 'at risk' registers and advise offered to schools by IYFA team
- discuss and monitor challenging pupils alerted to IYFA from school leaders
- through use of school 'at risk' registers, review transition arrangements for vulnerable Y6 pupils in liaison with Secondary Placement Panel in the summer term, and maintain an overview of these pupils in the autumn term of Y7
- alert the LA and SFAP to emerging issues which may need consideration
- monitor managed moves from school to school and PRU to school
- discuss pupils returning from EHE
- identify pupils referred to Newton's Walk Behaviour Support panel

The business of the PPP, including all elements of its work, will be monitored through the summary meeting of the PFAP each term and all the necessary information including details of any financial arrangements will be presented and shared to maintain transparency.

Revised September 2021



PRIMARY FAIR ACCESS PROTOCOL AND MANAGED MOVE PUPILS

Purpose

Managed Moves are primarily seen as an early preventative intervention to avoid permanent exclusion and/or to provide a fresh start where appropriate, for example evidenced safeguarding concerns or where a pupil is ready for reintegration from the Primary PRU. Schools work in partnership with each other and the LA to provide a fresh start for pupils identified as being at risk of permanent exclusion and/or vulnerable.

If criteria are met then Managed Moves will be used to place pupils moving from school to school and from Elective Home Education (EHE) to school. A Managed Move will be used to support a child **without** an Education Health and Care Plans (EHCP) or going through the EHC process, to move from the Primary PRU to school.

A school should only consider a Managed Move as an option if they believe that a pupil will genuinely benefit from a move and that their behaviour will change or improve in a new environment.

Category of Need

A school must consider requesting a Managed Move:

- As an early intervention to avoid behavioural difficulties escalating into permanent exclusion
- If a review of a multi-element plan indicates lack of progress and where a fresh start would be regarded as having a positive impact
- Where it can be evidenced that the pupil would benefit from an urgent fresh start
- As a response to a significant evidenced safeguarding concern
- Where there is evidence that a pupil is at risk of/involved in criminal behaviour within the local neighbourhood and would benefit from a fresh start.

Exception

Pupils with an Education and Health Care plan, or undergoing statutory assessment.

General Principles

- If a 'Looked After Child' (LAC) is being considered for a Managed Move, this should be discussed in the first instance with the social worker and the Virtual School Head Teacher for Children in Care.
- If a child who is Child Protection (CP) or Child in Need (CiN) is being considered for a Managed Move, this should be discussed in the first instance with the social worker and relevant professionals. This should also relate to a child that has been CP or CiN within 12 months at the point of being referred.
- Pupils in Y6 will only be considered for a managed move in exceptional cases and ideally before the start of the spring term.
- It is acknowledged that there are and will be permanent exclusions and that schools will be approached through the Fair Access Protocol to accept excluded pupils who are ready for reintegration to a mainstream school.



- Placements at the Primary PRU are time limited and as soon as a pupil is ready for reintegration PPP will support a return to mainstream school as a PRU to school Managed Move. Where parents do not cooperate with this process this will be referred back to the PPP who will consider actions to ensure that the pupil can be placed without delay.
- All pupils applying to return to school from EHE will in the first instance be considered by the Commissioning Manager – School Admissions and if appropriate PPP, in order to establish if they would benefit from the support of a managed move at this transition point.
- A school to school or EHE to School Managed Move can only take place with the parents' consent.
- When identifying a school placement the PPP will consider statistical data on placements that have already taken place together with the needs of the pupil. All schools within a 2 mile walking distance of the home address could be approached and it is an expectation that the school will cooperate to provide a placement within 10 working days. PPP can direct the most appropriate school if required.
- The individual needs of the child and matching these to the most appropriate school placement will be the principle consideration in all primary Managed Moves.
- Support will be available from the KS1/2 PRU team, where a pupil is being returned back into a mainstream placement as part of an agreed reintegration from the Primary PRU.
- Advice and guidance will be provided from the PPP to support all school to school Managed Moves.
- For children who have been identified as 'Red' on the schools At Risk Register, PPP can consider a Managed Move if this is felt to be appropriate by all involved. In such cases enhanced support would be provided in terms of additional review meetings, multi-agency involvement, and where appropriate support from the Primary PRU. Such moves will be identified as 'Managed Move Plus'.
- An application to the originating school will be assessed on a case-by-case basis by PPP in consultation with the Head teacher and the Admissions Manager. Any decision and the reasons for this decision should be clearly recorded and communicated to the parent/carer as soon as possible.
- Financial arrangements to support the Managed Move process will be clearly outlined in Appendix 2



About the Process

Please refer to the separate Primary Managed Moves Process Flowcharts

- **School to School**
 - **EHE to School**
 - **Primary PRU to school**
- Prior to any school to school Managed Move the school should in the first instance discuss the option with the Commissioning Manager – School Admissions or a member of the IYFA team linked to the process.
 - School must discuss the Managed Move with Social Care where the child is LAC, CP or CiN, or has been LAC, CP or CiN (within 12 months at the point of referral) before the process begins, and must ensure PPP is fully aware of all involvement.
 - School must discuss the Managed Move with the parent/carer and secure their agreement in principle. The consent form attached to the detailed referral form must be signed by all parties and provided as part of the referral. In all cases the school should include the IYFA team as part of the initial process.
 - Where a pupil is seeking a return to school from EHE, School Admissions will ensure that where appropriate the application is considered by PPP. The return to school may then be processed as a normal admission, a Managed Move or as a Managed Move Plus.
 - Where a pupil is eligible for a Managed Move, a school will be nominated based upon information and evidence received. Arrangements must be made to ensure the pupil is placed on the school's roll within **10 school days** of the nomination. In the case of school to school and PRU to School moves the pupil will be dual roll for the initial 12 weeks, being confirmed on the new school roll once the placement has been signed off. In the case of EHE to school moves, the pupil must be placed on the school roll within **10 school days**.
 - The receiving school and a member of the IYFA team will arrange an induction meeting with relevant personnel, pupil and parents to plan the integration.
 - Where attendance has been an issue at the previous school, the fast track prosecution process should be discussed with the Education Welfare Service and be carefully monitored. Other measures, such as parenting contracts, may also be considered.
 - Regular reviews are held during the first 12 weeks from the start of the placement. A representative from the Primary PRU team will be invited to attend all such meetings involving PRU to school moves.
 - Any application to other schools made whilst the child is within the same key stage would be assessed on a case-by-case basis by the PPP in consultation with the headteacher and the Commissioning Manager – School Admissions. Any decision and the reasons for the decision should be clearly recorded and communicated to the parent/carer as soon as possible.
 - Following a school to school Managed Move the referring school will transfer the AWPU balance and pupil premium allocation to the receiving school.



- Each successful school to school Managed Move will be supported by £500 per pupil, which will be released at the point at which the pupil goes onto the roll of the receiving school. If the Managed Move has been identified as 'Managed Move Plus' then this may be supported by up to £1500 to reflect the needs of the child. This will be agreed in consultation with the school and IYFA, and will be confirmed by PPP. In all cases this is a one-off amount and is transferred in full, irrespective of the date of the Managed Move.
- A successful Managed Move from the Primary PRU will be supported by up to £1500. This will be agreed according to the needs of the pupil through discussion with the headteacher of the receiving school and the PPP.
- The Council's normal Home to School Transport Assistance Policy will apply and where the pupil is entitled to free transport, a bus pass will be provided by the LA for the remainder of the pupil's education at the school.

Responsibility of Schools and School Leaders

Changing school mid-year can bring problems for children, not least the difficulties of making friendships in already established groups. Schools therefore need to be sure that the potential benefits of a change of school outweigh the further difficulties likely to be faced by the child.

Before considering a Managed Move schools should have made every effort to support the pupil in their current placement. This will depend on the individual case but the referral must clearly determine and evidence what has already been put in place to support the pupil. Schools should consider an Early Help Assessment (EHA) as a means to identify emerging concerns and to access support.

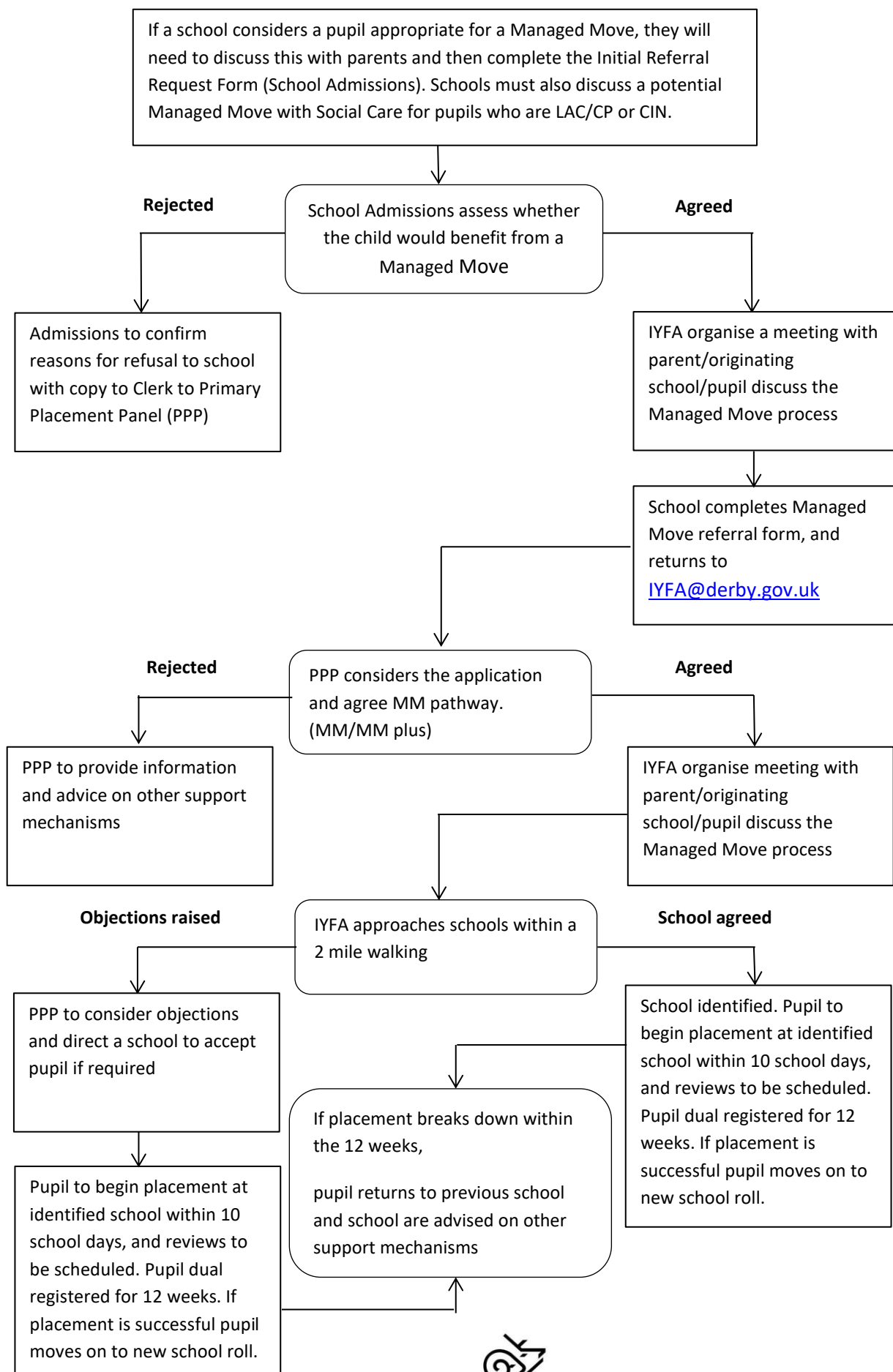
SCHOOLS & SCHOOL LEADERS MUST NOT

- use the threat of a permanent exclusion to coerce parents into agreeing to a managed move,
- encourage children with behaviour or attendance problems to transfer to another school if there is no reasonable assumption that a change of school will have a positive impact,
- encourage parents to move their child from the school role to EHE

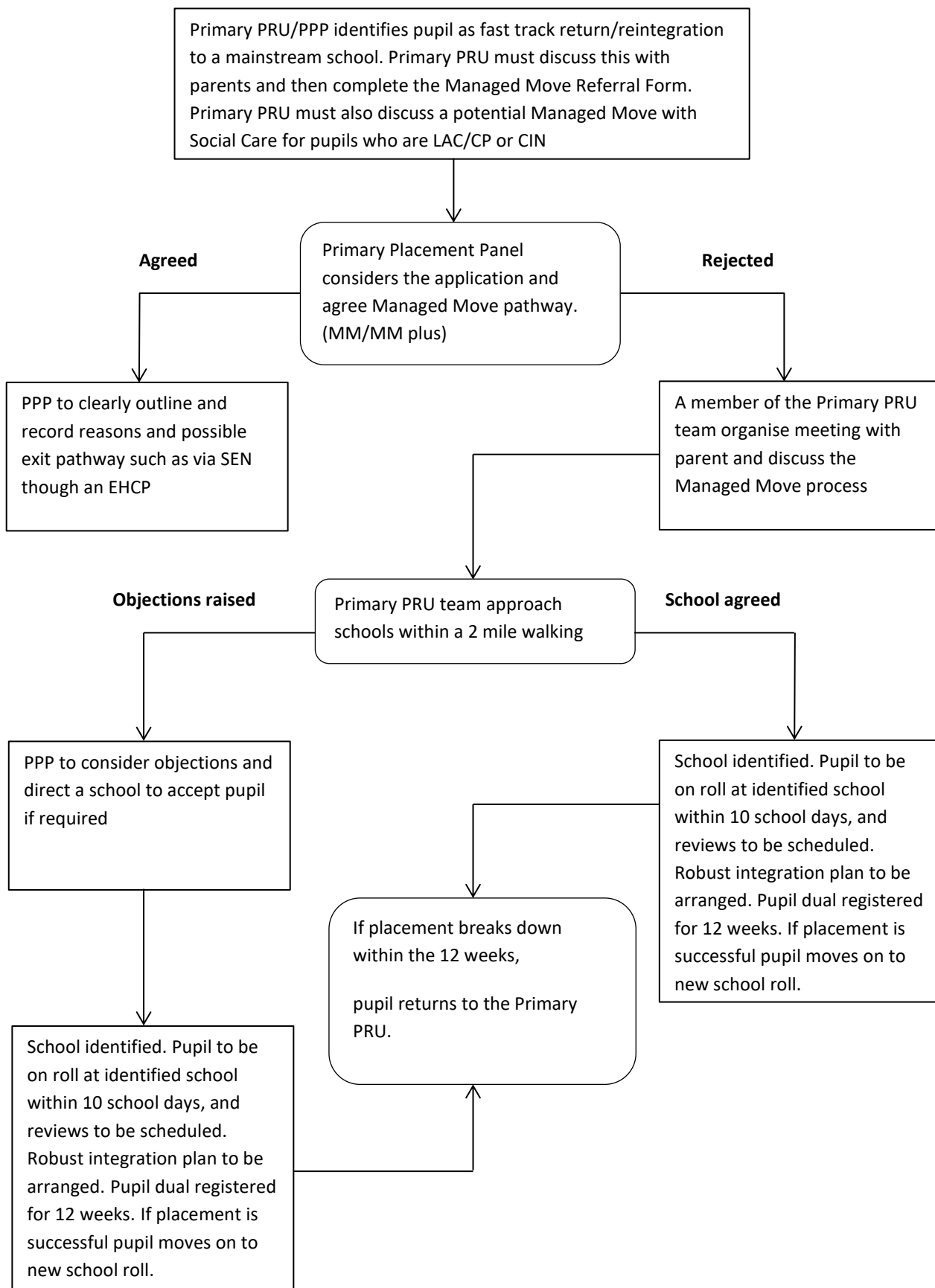
Where PPP considers that a school may be acting against the principles of the protocol then the 'Ladder of Consequences' will be implemented – see Appendix 1



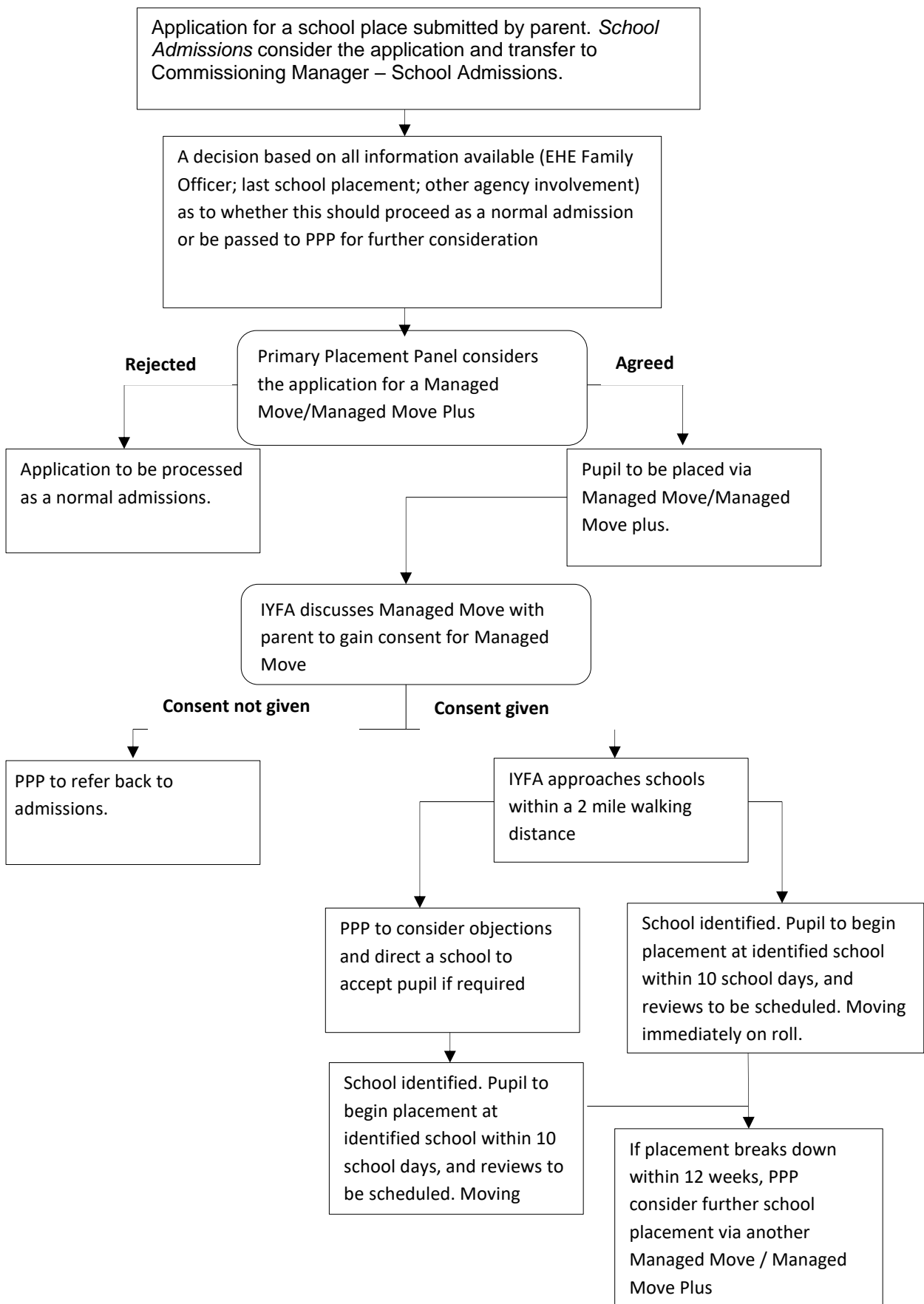
FLOWCHART – SCHOOL TO SCHOOL MANAGED MOVE PROCESS



FLOWCHART – PRU TO SCHOOL MANAGED MOVE PROCESS



FLOWCHART – EHE TO SCHOOL MANAGED MOVE PROCESS



FAP: ARRANGEMENTS FOR MANAGING PRIMARY PERMANENT EXCLUSIONS

It is acknowledged that there will be permanent exclusions, and that schools will be approached through the PFAP to accept excluded pupils both via a fast track route immediately after permanent exclusion or after a period of support via the Primary PRU.

In the rare event of a child with an EHCP or undergoing statutory assessment being considered for a PX the school should call an emergency interim review and try to avoid a PX for this child. The school and LA should ensure that the Schools SEN case worker attends this meeting. A representative from the Primary PRU and IYFA should also be invited to attend.

Each term schools must provide PFAP with an updated 'At Risk' register of pupils at risk of permanent exclusion, identified as high, medium and low risk.

Permanent exclusions outside those identified on the 'At Risk' Register will be considered by PPP for immediate return to mainstream.

Full details of the funding arrangements linked to exclusions are explained in Appendix 2

At the point of exclusion an assessment will take place to identify a pathway that is most appropriate for the holistic needs of the child. This could include:

1. Immediate Fast Track return to a mainstream school via a Managed Move **or** via SEN for pupils who have an EHCP at permanent exclusion
2. Managed Move Plus following a short period of support at the Primary PRU
3. A longer period of support in the Primary PRU to allow more detailed planning about the most appropriate exit route which could include
 - A request for an EHCP assessment , which if successful would lead to a placement through SEN
 - A period of stability and assessment to identify the most appropriate support for the child to be successful.
 - For pupils who are excluded and attend the Primary PRU in year 6 comprehensive transition planning to minimise moves and maximise chance of success at Y6/7 transfer. Support will be available from the transitions team.

The initial pathway decision will be based on information from the excluding school and where appropriate from other professionals involved in working with and supporting the child and family. PPP will confirm the decision based on all the information available at that point.

PPP will maintain a robust process for the review and monitoring of all placement decisions which will be based on the information available from all professionals involved in working with that child and family.

Schools should note that should a pupil be excluded in Y2 or in Y6 then any assessment data for that child remains with the excluding school.



Managing Parental Expectations

The initial pathway for the pupil must be explained to parents so that they are fully aware at the outset that the pupil will not remain in PRU provision where professionals consider that they are able to return to a mainstream school.

If a parent(s) refuses a school place the pupil will be re-referred to the PPP. If the PPP still considers the school to be suitable, consideration will be given to imposing a School Attendance Order requiring the pupil to attend.

The Process at the point of permanent exclusion

School **must** inform the LA, the family and the governing body **without delay**. The governors meeting (GDM) has to take place within 15 school days

In some circumstances more detailed risk assessment may be required prior to Day 6 being offered, but there is a commitment to remain legally compliant.

There is an expectation that the primary permanent exclusion information form is completed by the excluding school **as soon as possible** to ensure that discussions about the most appropriate pathway for the pupil can be held and decisions made. A member of the Primary PRU team will visit the excluding school to complete a risk assessment and to gather additional information. A visit will be arranged for the pupil, parents/carers to visit the Primary PRU prior to starting.

PPP will consider the information provided, consider other relevant factors and make an initial recommendation for the most appropriate pathway. In exceptional circumstances decisions may be made virtually to ensure that the process is not delayed.

Parents and pupil will be kept informed about any decisions relating to placement by the PPP.

Pathways following exclusion:

At the point of exclusion, based on an assessment of all the information available PPP will identify the most appropriate pathway. This will be either:

- Immediate return to mainstream
- Short period of assessment in PRU and then return to school
- Longer placement in PRU provision

Pupils will be discussed half termly at the Primary PRU exit planning meeting where exit pathways are reviewed and these recommendations will be discussed at PPP. Processes will be established to ensure that pupils can be placed between meeting dates.

An initial exit pathway will be identified based on the information gathered at the point of exclusion. Pupils will continue to be assessed half termly during placement at the Primary PRU using the Readiness Integration Assessment (RIA), Boxall Profile and by reviewing behaviour incidents. Pupils will be discussed fortnightly at the exit planning meeting where exit pathways are reviewed.

Immediate Fast Track return to Mainstream

This will only apply where a pupil is clearly able to cope in a mainstream environment. Usually this will be following a one-off incident or limited history of fixed term exclusions and other sanctions, Pupils returning via the Fast Track pathway will usually move using the



Managed Move Plus process however pupils with an EHCP may immediately return to a new school or provision through consultation with SEND.

On a fast track pathway the pupil may not be allocated PRU provision whilst a new school is sought, but the pupil and parents **must** cooperate with any Day 6 provision offered and attend as required and until the GDM is complete.

Short period of assessment in PRU and return through Managed Move process

This will apply where a pupil needs to focus on specific aspects of their behaviour before they are able to be successful in a mainstream setting or where PPP is unsure about the position based on the information available. Pupils will be assessed at the Primary PRU using the Readiness Integration Assessment (RIA), when the pupil reaches 70% they will be considered for reintegration back into a mainstream school using the Managed Move Plus process.

Usually this will be where a pupil has a history of fixed term exclusions or other sanctions or where there has been a serious incident that requires risk assessment before it is felt that a mainstream school should be asked to offer a place.

Provision will be made for the pupil by the Primary PRU with a review after 6 weeks or sooner if the position becomes clear. At this point updated information will be presented to PPP so they can reconsider the most appropriate pathway for this pupil

Longer placement in PRU provision

This will only apply where it is felt that professionals consider that the pupil is not appropriate for return to mainstream at this point. Usually this is where a longer placement for assessment is required. This may include consideration of assessment for EHCP and interventions and referrals for further work to support the pupil at the point of reintegration. Where an EHCP is issued then the child will return to school through SEN processes and not the IYFA process.

This will also apply for pupils who are excluded and attend the Primary PRU in year 6 and require further work to support the pupil at the point of Y6/7 transition. This may include pupils who have the Primary PRU named on their EHCP and who have remained in the Primary PRU at year 6. In all cases the placement will be reviewed half termly by PPP and termly at each PFAP.



APPENDIX 1

GOVERNANCE: PRIMARY FAIR ACCESS PROTOCOL

The protocol requires clear and transparent processes to be followed and applied equitably; for schools and school leaders and the Local Authority to work in partnership with each other in a manner which is fair and honest and for strong and robust governance to be applied to ensure the protocol supports vulnerable and difficult to place pupils across Derby City.

The **Primary Fair Access Panel (PFAP)** provides governance for and monitoring of the protocol and associated processes through termly meetings.

The agenda will encompass the key aspects of the protocol and PFAP will receive data and reports relating to the process as set out on page 3 of the protocol. Additional reports and information may be requested to extend their knowledge and understanding as required.

There will be occasions where a decision is required in the interim and members may be consulted by the Chair to gain agreement and determine a way forward.

The **Primary Placement Panel (PPP)** will ensure that the day to day operation of the protocol is delivered efficiently.

School Admissions and the Primary Fair Access Protocol

The FAP provides a mechanism for allocating a school place to pupils who are not on a school roll and who are considered vulnerable or difficult to place through normal admissions procedures and for whom it is agreed would benefit from a supported placement.

The Protocol is triggered when a parent/carer of an eligible child has not secured a place under the normal admissions procedures. Eligibility for a placement under the protocol does not remove the right of parents to express a preference for a particular school through the normal admissions procedures. Children can only be placed through the protocol with parents' agreement.

Who may be considered under the Derby City Fair Access Protocol

Fair Access Protocols may only be used to place the following groups of vulnerable and/or hard to place children, where they are having difficulty in securing a school place in-year, and it can be demonstrated that reasonable measures have been taken to secure a place through the usual in-year admission procedures:

- Children either subject to a Child in Need Plan or a Child Protection Plan or having had a Child in Need Plan or a Child Protection Plan within 12 months at the point of being referred to the Protocol
- Children living in a refuge or in other Relevant Accommodation at the point of being referred to the Protocol
- Children from the criminal justice system
- Children in alternative provision who need to be reintegrated into mainstream education or who have been permanently excluded but are deemed suitable for mainstream education
- Children with special educational needs (but without an Education, Health and Care plan), disabilities or medical conditions
- Children who are returning from EHE



- Children who are carers
- Children who are homeless
- Children in formal kinship care arrangements
- Children of, or who are, Gypsies, Roma, Travellers, refugees, and asylum seekers
- Children who have been refused a school place on the grounds of their challenging behaviour and referred to the Protocol (behaviour can be described as challenging where it would be unlikely to be responsive to the usual range of interventions to help prevent and address pupil misbehaviour or it is of such severity, frequency, or duration that it is beyond the normal range that schools can tolerate. We would expect this behaviour to significantly interfere with the pupil's/other pupils' education or jeopardise the right of staff and pupils to a safe and orderly environment).
- Children for whom a place has not been sought due to exceptional circumstances highlighted in this protocol
- Children who have been out of education for four or more weeks where it can be demonstrated that there are no places available at any school within a reasonable distance of their home. This does not include circumstances where a suitable place has been offered to a child and this has not been accepted
- Previously looked after children for whom the local authority has been unable to promptly secure a school place.

Consideration is also given to all vulnerable and difficult to place pupils, which may or may not include:

- Children whose family is subject to emergency housing by the authority or into a recognised refuge,
- Children recognised as having challenging behaviour where it is considered that a change of school is in their best interests,
- Children withdrawn from schools by their family, following fixed term exclusions and unable to find another place,
- Children with unsupportive family backgrounds, where a place has not been sought,

These vulnerable groups are not necessarily difficult to place and to label them as such could be seen as discriminatory. Some however, may have emerging needs and therefore require special consideration for placement where they also fall within one of the other criteria listed.

A pupil with an EHCP (or going through the EHC process) cannot be considered under this protocol.

Schools 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.

Admission above PAN - through the FAP all schools agree to take over their Published Admission Number (PAN) in a year group, **without** the need for an admission appeal.

The PFAP reserve the right to instruct the Local Authority to exercise its power to direct the admission authority for any maintained school in its area to admit a child even when the school is full.

Where the PFAP considers that an Academy will best meet the needs of any children, it can request the Local Authority to ask the Secretary of State to intervene.



The Secretary of State has the power under an Academy's Funding Agreement to direct the Academy to admit a child.

Protection over Fair Access Admissions - It is the responsibility of the PFAP to consider and agree where and how a school is afforded protection against the admission of children to be placed in line with Derby City's Fair Access Panel / In Year Fair Access (FAP/IYFA). The **Fair Access Panel will consider such requests based on documentation and/or evidence provided by the school on a case by case basis.**

Allocating a school through the protocol:

- The PPP will identify the school that should admit the child
- To ensure transparency, the processes involved and options available will be clearly explained to parents by the current school's designated teacher or by a member of the IYFA team, as appropriate.
- Acceptable travel access and distance will be taken into consideration when placing a pupil through the protocol and nothing will revoke parents' legal rights.
- In the event that the nominated school place is rejected by parents in favour of another that is full and over their agreed allocation, they will be advised of their right to appeal to the Independent Appeal Panel for the preferred school. The school offer will be withdrawn pending the result of the appeal, or until the deadline for lodging an appeal has passed. Should the appeal fail, they will be re-offered a school by the PPP to avoid parents accessing an over-subscribed school on demand, and this should also prevent 'blocking' of a place in the offered school pending the result of the appeal.
- Monitoring of pupils in each year group and each school will be cumulative and take account of pupils already in any year group, including previously excluded pupils already in year group – unless they have been in school for 2 years without a fixed period exclusion.

Monitoring and review of PRU placements and placement pathways

PPP will maintain accurate records of all placements.

Initial placement pathway decisions will be recommended by PPP but will be reviewed in line with agreed process to ensure transparency and to provide a regular overview of all requests, moves and placements.

Where a pupil continues to be provided for by the Primary PRU on a long term basis then the PFAP will consider if this is appropriate, taking into account steps taken to reintegrate the pupil, the year group, SEN needs and wider factors.

This information will be summarised and shared in a termly report to PFAP.

Where schools refuse to admit or comply with the protocol

The PPP will record and report on a school refusal to admit a pupil referred through the protocol, or where schools may not be operating within the requirements of any aspect of the protocol and will implement the actions outlined in the '**Ladder of Consequences**' in order to resolve the situation as swiftly as possible.

- Peer challenge from a current Head representative on PPP



- Minuted as a concern at PPP with action for chair of PPP/PFAP to make direct contact with the Head of the school
- Head of Education and Skills is made aware and direct contact made with the Head of school
- Service Director – Learning, Inclusion and Skills is made aware
- Local Authority consider intention to issue direction
- Service Director – Learning, Inclusion and Skills to make direct contact with the Trust/RSC/DFE
- Local Authority issue direction procedures

Processes to Support the PFA Protocol

At Risk Registers

This will be provided in the agreed format and will RAG rate those who are most at risk of permanent exclusion (RED), at potential risk (AMBER) and have light interventions (GREEN)

This is not designed to make comparisons across schools, but to help strategic planning and to offer guidance and support to the FAP process.

This will be provided on a termly basis in time for the first PFAP meeting of that term and will be sent to and held by the IYFA team, who will use this information to support the work of the PPP and PFAP.

Should a school feel they need to add pupils to this register at an interim point they should do so by contacting the ARR@derby.gov.uk

PPP would not normally expect to receive referrals for a Managed Move for a pupil who is rated Red on a schools at risk register, however for children who have been identified as 'Red' on the schools At Risk Register PPP can consider a Managed Move PLUS if this is felt to be appropriate by all involved.

PPP would also expect that a pupil who is permanently excluded but does not appear on the schools At Risk register would normally be able to make an immediate return to another school.

Any pupil who is on a part-time timetable should be recorded as **at least green** on the At Risk Register.

Elective Home Education

Where a pupil leaves a school roll to become EHE all schools are requested to complete the agreed EHE return to record details of pupils who move to EHE. The document to complete can be found on the Schools Information Portal.

This will provide information to the Local Authority, School Admissions and PPP as to those pupils whose parents have opted for them to become EHE, the interventions or reasons why this has happened and any potential triggers. This will allow the LA and admissions to have an improved story behind those who choose to be EHE then appear back into the system at a later date.

Many of these are complex pupils or have complex families that are 'tricky' when they are in year admissions, and currently the information collected only provides a parents' perspective



Admissions will check all applications received for pupils returning from EHE and follow the process outlined in the EHE to School flowchart.

PFAP will consider data relating to pupils moving from schools to EHE and monitor emerging patterns or any concerns which may need further discussion and action.

Y6/7 Transition arrangements for the most vulnerable

Every year a small number of pupils struggle to make a successful transition between Y6/7, causing distress for the pupil, anxiety for parents/carers and significant issues for the schools involved. The reasons why problems occur are varied and often specific to the individual cases but do include:

- Issues relating to parental preference
 - The pupil has a right to a fresh start at a secondary school, but for some this is a big step from the provision they have been able to access at Y6. Some parents insist on a fresh start, potentially setting up both the child and the new school to fail.
 - In a number of cases pupil/parent have unrealistic expectations about a mainstream secondary school placement and the ability of the child to cope in this setting.
- Where statutory assessment is still being processed/has recently been confirmed
 - Failure to identify an appropriate placement in time for a prompt start in September.
 - The level of support required in the process of finding a new school can be a difficult experience for pupil and parent/carer.
- Perceptions of both primary/secondary schools
 - Y6 pupils not being identified by their primary school as being at risk at secondary transfer owing to social, emotional and mental health needs (SEMH) – including cross border issues.
 - Secondary schools making the assumption that any intervention re behaviour at KS1/2 indicates that the child will not be successful.

Enhanced support is offered to an identified cohort of Y6 pupils at this transition point through dedicated funding.

About the support

- Part time (0.5) HLTA based at The Kingsmead School, but working across the Primary PRU, Kingsmead and all schools as required.
- Intensive work takes place from May half term through to October half term each year to ensure the smooth transition of the most vulnerable children from primary to secondary settings.
- Liaison with primary and secondary schools, working with Kingsmead and other specialist provision as appropriate to ensure that the relevant support is in place to facilitate successful transition.
- Pupils are supported as they take part in secondary transfer days and in other additional visits and activities at their new schools to assist in familiarisation
- Parents/carers are supported in preparing their child for secondary transfer, in appointments with key staff at the new school and for some, in discussions about the appropriateness of the identified placement and seeking support and guidance about any further decision making that may be required.
- Secondary schools and identified special school placements are supported with detailed information sharing about the child's needs to provide as much clarity as



possible – including liaison with other agencies who may be involved, in formulating appropriate support programmes and by having a clearly identified link person who could be used flexibly to support the transition process.

Identifying Pupils for Support

Information is collected from a range of sources to ensure that as far as possible we had identified all those pupils who may be at risk at secondary transfer owing to their Social, Emotional and Mental Health needs (SEMH) needs. This includes:

- All pupils who have been discussed at the Primary PRU panel or PPP whilst in Y5 or Y6
- All pupils who have accessed any provision at the primary PRU during Y5 or Y6
- All Y6 pupils currently on roll at the Primary PRU or who have been on roll at the Primary PRU during KS2
- All pupils identified by primary schools as being at significant risk at secondary transfer as identified on the city At Risk Register
- Pupils who are raised by secondary schools who have concerns about the information they receive about an individual pupil or following incidents/concerns at secondary transfer days or in the first few days of the autumn term

The needs of each pupil are carefully considered, further information sought, and detailed discussions held to identify the likely level of success at secondary transfer. Pupils are then allocated support according to their needs.



APPENDIX 2

Primary Fair Access – Funding Arrangements

This document includes the details of the charges which will be made to schools at the point of a permanent exclusion and the financial arrangements that support the Primary Fair Access process.

These financial arrangements will be reviewed annually to take account of placement requirements, exclusion information and other pressures and will be approved by the sector and the LA. Schools forum would need to be involved in this decision making process where changes were being proposed to the commissioning arrangements.

Financial Charges for Primary Permanent exclusions

As part of the LA commission there are 40 places commissioned at the Primary PRU and funded through the High Needs Block. These places are allocated for permanently excluded pupils.

Where a permanent exclusion is confirmed the excluding school will be charged either £2000 or £5000 as a one off payment plus the balance of the AWPU will be charged pro rata. Where schools have agreed to re pool as outlined below, then they will be charged £2000. Schools who do not contribute to this fund which supports the work of the Primary Fair Access Protocol will be charged £5000.

Financial Arrangements to Support the Primary FAP

Schools funding regulations allow schools to pool funding for agreed purposes. All primary schools in Derby City have been asked to commit to pooling to support the costs associated with this protocol. These will be reviewed on an annual basis.

This funding will be used to support staffing to facilitate the effective delivery of the protocol and to provide additional funding to schools and pupils associated with Managed Moves and Managed Moves Plus.

The PPP will have a role in monitoring placements and triggering and confirming payments and transactions for both Managed Moves and Managed Moves Plus.

All payments will be triggered by PPP minutes through arrangements with Local Authority finance.

PFAP will monitor and report on funding and spending related to the process to ensure that there is transparency and to ensure that accurate information is available to support recommendations for future adjustments to the funding arrangements through the annual review of the process.

Managed Moves

Following a successful school to school Managed Move the referring school will transfer the AWPU balance to the receiving school. The receiving school will also be supported by £500 which will be released at the point at which the pupil goes onto the roll of the receiving



school. The £500 is a one-off amount and is transferred in full, irrespective of the date of the Managed Move.

A move may be identified as a Managed Move Plus where the pupil is red on the referring schools At Risk Register, is an EHE to School or a PRU to School move. A Managed Move Plus placement will be supported by up to £1500. The amount will be discussed with the school by IYFA and a recommendation made to PPP for approval to reflect the needs of the child.

Agreement to transfer any additional funding to support a more challenging pupil in the new school will be confirmed by PPP dependant on the individual circumstances of each move and the needs of the child.

All payments are a one-off amount, transferred in full, irrespective of the date of the Managed Move Plus.

