



Derby City Council

**SECONDARY FAIR ACCESS AGREEMENT  
2022 – 2023**



## DERBY CITY COUNCIL SECONDARY FAIR ACCESS AGREEMENT

### Incorporating,

- **Admissions Managed Moves**
- **Supported Placements**
- **Pre-lexis pathway**
- **Fresh Start, Fresh Start PLUS and Complex Fresh Start PLUS moves**
- **Arrangements for managing permanent exclusions**

### INTRODUCTION

In accordance with the requirements of the School Admissions Code 2021 and Department for Education (DfE) Guidance and the Equality Act 2012, the Local Authority (LA) has adopted a Fair Access Protocol for all schools to deal with 'in-year' admissions (i.e. a pupil admission that takes place outside the normal Reception, Y3 and Year 7 admission rounds), as well as the admission of vulnerable children and hard to place pupils.

**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, are offered a place at a suitable school as quickly as possible. This includes admitting children to schools and academies that have reached or exceeded their Published Admission Limit.

This In Year Fair Access protocol only covers families residing in the administrative area of Derby City Council and that there is no cross border protocol between us and our neighbouring authorities.

The protocol does **not** cover applications on behalf of children for whom in-year admissions are a straightforward process and normal admission arrangements apply.

The protocol recognises that there is a need for children to be admitted to school quickly in order to minimise their risk of underachievement. However, it also seeks to find a balance between the need to ensure that pupils are placed quickly and the need to properly plan for the admission of difficult to place pupils, ensuring that each school takes its fair share of pupils.

The protocol describes the circumstances in which it will be applied and sets out how decisions about admissions of vulnerable and/or difficult to place pupils, outside of the normal admissions round, will be agreed. It will also be used to protect schools from admitting a disproportionate number of vulnerable pupils.

Children with Education, Health & Care Plans (EHCPs) are not covered by this protocol as the procedures for the admission of these children are governed by the Children and Families Act 2014 and its accompanying Code of Practice on the identification and assessment of Special Educational Needs and Disability (2015).

The Secondary Fair Access Panel (SFAP) provides governance for, and monitoring of the process and the Secondary Placement Panel (SPP) will ensure that this is delivered efficiently.



## 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 or alternative provision as quickly as possible.
- 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 Secondary Placement Panel 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.
- All schools should be treated in a **fair, equitable** and **consistent** manner. This means that **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, who display challenging behaviour, or who are otherwise being placed via the Fair Access Protocol.
- The protocol will be supported by **clear and transparent governance and funding arrangements**.
- 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. Schools **are unable to appeal** against the decision prior to admitting a child under the protocol.
- **Alternative provision** may not be appropriate for Looked after Children; in such cases a suitable mainstream school place should be identified quickly.
- 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.
- Wherever possible, pupils with religious affiliations will be matched to a suitable school – but this will not override the decision of the panel if the school is unable to take the pupil or if the pupil identified for the school does not have that affiliation.
- **All Secondary Heads** will support and contribute to the protocol through attendance at either the SPP or SFAP on a rota basis.
- 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 SPP will record and report on a school's 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, SPP will implement the actions outlined in the 'Ladder of Consequences' in order to resolve the situation as swiftly as possible. – see Appendix 1

SPP and/or SFAP 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, SPP and/or SFAP 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 SECONDARY FAIR ACCESS PANEL (SFAP)**

The role of the SFAP is to:

- Provide governance for the protocol and receive reports from the Secondary Placement Panel and data relating to the process as required, including information relating to
  - Permanent exclusions and suspensions
  - Y6/7 transition and Y9 transition into UTC
  - Behaviour Strategy, including Fresh Start and Fresh Start PLUS processes
  - Elective Home Education (EHE)
  - Pupils on reduced timetables
  - Pupils 'Without a School Place' (WASP)
  - Hospital medical provision
  - Admissions Managed Moves, Supported Places and Complex Admissions
  - Pre-Lexis pathway
- 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
- 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. **See Appendix 1**
- Consider wider issues related to behaviour, attendance and Alternative Provision which may require a strategic response

The SFAP will meet for a summary meeting each term. The panel will consist of:

- Chair of Panel (agreed by LA and Headteachers group)
- 8 secondary Headteacher representatives, the Head Teacher from the KS3/4 PRU and the Principal from Derby Pride Academy
- Nominated representative from the Early Help team
- Representatives from the LA, including IYFA, Admissions, Education Welfare Service and SEN.
- Designated Clinical Officer or their representative
- Specialist Education Welfare Officer (SEWO) linked to the process
- Clerk to SFAP



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

Accurate data on current allocations will be shared at each meeting of the SFAP

## **THE SECONDARY PLACEMENT PANEL (SPP)**

As part of its agenda the SPP will consider all aspects of each referral on behalf of the SFAP and determine whether a pupil is eligible for placement, based upon information and evidence received from the referring body. If the pupil is eligible, the SPP will apply the agreed principles to ensure suitable educational provision is secured, thus avoiding undue delay in meeting the statutory requirements.

Where a school has been nominated, arrangements must be made to ensure the pupil is placed on the school's roll within **10 working days** of the nomination (receipt of email from IYFA). This is in line with the School Admissions Code 2021, which states that children referred to the FAP should be allocated a school place within 20 school days. This timescale factors in the SPP scheduled meeting dates. Outcomes of each referral, including the number of working days to admission will be reported to the SFAP at the termly meetings.

Should it be determined that a pupil **does not** meet the eligibility criteria, then any parental preference application pending will be processed as a normal admission.

The SPP will meet at least every 3 weeks during term time and will be made up as follows:

- Chair of Panel agreed by LA and Headteachers group
- 3 Secondary Headteacher representatives\* (attending for up to one term on a rolling programme providing both continuity for the panel but also opportunity for the majority of headteachers to be involved and share the workload of SPP and SFAP)
- A designated leader from The Kingsmead School with delegated responsibility for decision making\*
- Principal - Derby Pride Academy\*
- Representative/s from LA School Admissions team
- Youth Offending Service Education Officer
- Virtual Headteacher for LAC (or representative) – as required
- Other representatives from the SEND team and New Communities Achievement Team manager or representative – as required
- Representative from Early Help Services.
- IYFA and Exclusions Advisory Officer
- Specialist EWO for IYFA process
- Clerk to SPP

\* Alternative Senior Leadership Team (SLT) representative may occasionally be substituted by agreement

The clerk to the panel will be the main point of communication for the SPP and all referrals will be sent to the clerk at [IYFA@derby.gov.uk](mailto:IYFA@derby.gov.uk)

The panel will also:

- maintain an overview of direct referrals to Alternative Provision at J16 / Kingsmead, DPA, and other providers
- consider any referrals for support for pupils 'unable to attend school for medical reasons'
- monitor long (5 or more day) suspensions and permanent exclusions



- review transition arrangements for vulnerable Y6 pupils in liaison with Primary Placement Panel in the summer term, and maintain an overview of these pupils in the autumn term of Y7
- consider any referrals that are appropriate for the Pre-Lexis pathway

The business of the SPP, including all elements of its work, will be monitored through the Secondary Fair Access Panel each term and all the necessary information including details of any financial arrangements will be presented and shared to maintain transparency.

**Revised July 2022**



## **ADMISSIONS MANAGED MOVE PUPILS**

### **Purpose**

To offer protection linked to an admission request from a parent / carer, for an individual pupil.

In some cases the School Admissions team may use the 'Admissions Concerns Flowchart' (**appendix 4**) to intervene and request that SPP consider an Admissions Managed Move where an in-year admission request has been made and the receiving school has places in order to offer protection to the receiving school.

If the receiving school have concerns around an in-year admission request they have received, they are able to refer the request back, before admitting the pupil, to the School Admissions team for consideration under SPP. For schools who choose to manage their own in-year admissions, IYFA should be contacted directly.

### **Exceptions**

- Pupils with an Education, Health and Care Plan, and pupils going through the assessment process
- Where there is professional evidence that a pupil is at risk of / involved in criminal behaviour within the local neighbourhood and the family have moved away to a different part of the city for a fresh start
- If there are significant evidenced safeguarding concerns

### **General Principles**

- If a 'Looked After Child' (LAC) is being considered for an Admissions Managed Move, this should be discussed in the first instance with the social worker and the Virtual School Headteacher.
- If a pupil is undergoing statutory assessment for an EHCP, an Admissions Managed Move should not be considered until this assessment is completed. Information collated as part of such an assessment should be presented along with any future referral.
- Once a pupil is involved in the Admissions Managed Move process a parent should be advised to not make an application to another school until the process is completed. Should the application be deemed not eligible by SPP, then at this point normal admissions procedures must apply, and the parent/carers can make applications to other schools.
- Any application to other schools, or the originating school, made within 12 months of an Admissions Managed Move being signed off would be assessed on a case-by-case basis by SPP. Any decision made by the panel should be clearly recorded and communicated to the schools and the parent/carers as soon as possible.

## **SCHOOLS & SCHOOL LEADERS MUST NOT**

- use the threat of a permanent exclusion to coerce parents into agreeing to an Admissions Managed Move,
- encourage children with behaviour or attendance concerns 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 roll to Electively Home Educate

**Where SPP considers that a school may be acting against the principles of the protocol then the 'Ladder of Consequences' will be implemented – (Appendix 1)**

### **Admissions Managed Moves – The Process**

- In recognition of the challenges an Admissions Managed Move can present, placements will be considered and allocated equitably by the Secondary Placement Panel.
- On receipt of in-year admission requests, the School Admissions team will assess the application and may request suitability from current/previous school, if suitability is agreed the School Admissions team will request a completed SPP form from the current/previous school. For schools who choose to manage their own in-year admissions, this process will be completed by IYFA.
- An Admissions Managed Move can only take place with parental consent. Parental consent will be obtained by a member of the School Admissions team or the SEWO, who is part of the IYFA team.
- On receipt of a completed SPP form, the School Admissions team will refer the application to SPP where the application will be tracked through both SPP and on occasions, SFAP.
- The IYFA team will collect as much information as possible from the original school and other multi agency teams, to present at SPP.
- The receiving school and the SEWO arrange an induction meeting with relevant personnel, pupil and parents/carers to plan the integration. A school leader from the original school should also attend this meeting to ensure expectations are clearly communicated and to determine the support the pupil will need to be successful.
- Where attendance has been an issue at the previous school, 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 will be held during the first 12 weeks of the Admissions Managed Move and the SEWO will be invited to attend all such meetings. These meetings provide the opportunity to review the support required for the pupil to be successful. A review form should be completed and sent to [IYFA@derby.gov.uk](mailto:IYFA@derby.gov.uk)
- Where a school placement becomes at risk of breakdown the SEWO must be informed immediately and there should be consultation with the previous school. It is recommended that the Headteacher or senior leader of both schools involved meet with the pupil and parent/carer to explain that the expectations from all schools are the same and to discuss how the placement can be further supported to be successful. The Inclusion Partnership may be able to offer support with this process (**see appendix 10**)
- During the first 12 weeks of the placement or until the placement is confirmed by SPP the pupil will be dual registered at both schools. SPP will determine the point at which a child may be removed from a school roll.



- If the placement breaks down within the first 12 weeks, the pupil will normally return to the referring school. However, SPP will review each case on an individual basis, signposting to appropriate support (**see appendix 10**), and discussing the most appropriate next steps. In some cases a further school may be considered.
- In all cases of placement breakdown a 'Placement Breakdown Form' must be completed by the receiving school, supported by the SEWO, providing information about steps and strategies that had been put in place to try to maintain the placement.

Following a successful Admissions Managed Move, which has been agreed by SPP, the new school will complete a final 'Review Form' and a payment of £1500 will be transferred from the IYFA central fund to them. Agreement to transfer any additional funding to support a more challenging pupil in the new school will be confirmed by the FAP dependant on successful review meetings.

- Once the placement has been finalised through the review process, then if during the first twelve months following an Admissions Managed Move a pupil is identified as being at risk of permanent exclusion then the school should ensure that the SEWO is informed and that the pupil is discussed at the next SPP. SPP will review each case on an individual basis signposting to appropriate support and discussing the most appropriate next steps, this may be through the Inclusion Partnership (**see appendix 10**). The panel may feel it is appropriate to allocate funding to support the placement from the IYFA central fund.
- If a school accepts an Admissions Managed Move and then permanently excludes the pupil once the review period has expired and funding has been released, then any additional funding agreed will not be withdrawn. At this point the school will follow the normal exclusions process.
- Normal transport rules will apply, and where the pupil is entitled to free transport, a bus pass may be provided. See the Home to School Travel Assistance Policy, section 5 and 6 for more details (**appendix 11**)

**See appendix 5 for the Admissions Managed Moves flowchart**



## SUPPORTED PLACEMENTS

### Purpose

The Fair Access Protocol 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.

This is also the mechanism through which permanently excluded pupils and Fresh Start PLUS pupils, who are considered ready for reintegration from The Kingsmead School or Derby Pride Academy, or who are considered by SPP to be suitable for a quick turnaround will be returned to a mainstream placement.

### WHO MAY BE CONSIDERED UNDER THE DERBY CITY FAIR ACCESS PROTOCOL

Secondary 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 hard 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 assessment process) cannot be considered under this protocol.

Pupils without a school place, according to the criteria above, will be discussed at Secondary Placement Panel. A pupil will be allocated a school depending on the location of the catchment school. The pupil without a school place will be placed on the roll of the nominated school even though the admission will take the school over PAN (**see appendix 12**)

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.

Where a receiving school has concerns over the direct admission of a pupil into mainstream they should follow the agreed procedure outlined in the '**Admissions Concerns flowchart**'. **See Appendix 4.** Schools who manage their own admissions should contact IYFA directly.

## **Principles**

- Supported Placement admissions will be considered and allocated equitably by the SPP.
- Where possible, pupils new to the authority will be expected to be placed in mainstream schools, however consideration will be given to whether good quality alternative provision provides a longer-term solution for children who are unable to cope in a mainstream environment.
- KS3 pupils and those in the first term at Year 10 may be placed through this protocol. In later stages of Year 10 and Year 11 pupils will only be considered for placement where SPP agree that they can successfully integrate into the exam programme.
- Statutory exclusion review procedures should be completed before a permanently excluded pupil is referred under this protocol.
- Permanently excluded pupils and Fresh Start PLUS pupils will be assessed by their current provider and only be presented to SPP where the pupil could be successful in a mainstream setting. Where a pupil has had more than one permanent exclusion in the secondary phase, then SPP will consider if they are appropriate for a return to mainstream.



## Supported Places – The Process

- Pupils will be referred by the LA's School Admissions team, The Kingsmead School, Derby Pride Academy or by SPP where a pupil is a permanent exclusion and identified as being suitable for an immediate return to mainstream. In the case of SPP referrals the excluding school is expected to support the process and provide relevant information to support a swift return to mainstream.
- Admissions and IYFA will work together to ensure that as much information as possible is available to provide a clear picture of the child's needs. This may require contact with another LA or out of area school, or to consider records from the point at which the child last attended a Derby city school.
- The Kingsmead School, through direction from SPP and IYFA, will carry out an initial assessment of all pupils who come into the authority and are identified as being at risk of permanent exclusion. Where a pupil's needs can be best met by an immediate return to a mainstream school then SPP will identify a placement based on the individual needs of the pupil and the current placement data.
- SPP will also consider any further support requirements, including transport; referrals for support from other agencies (**see appendix 10**) and any other additional resources considered appropriate.
- Multi-professional assessments and risk assessments will be undertaken when considered necessary. Risk assessments will be undertaken in cases of pupils with a history of violent or sexually aggressive behaviour towards pupils or staff.
- Parents may refuse the placement agreed by the panel and retain the right to apply directly to another school. If refused by the school, the parent retains the right to appeal. The Local Authority would defend the school's stance, even if the school had places available. In the event of the appeal being successful, the LA would count this towards the school's allocation of Supported Placements. A request for funding could then be made retrospectively at the next panel meeting.
- A trial placement may be offered. If successful, this trial could be funded and confirmed retrospectively by the panel.
- All reviews will be attended by parents/carers, the pupil and the SEWO. The school leader will complete a review form and send it to [IYFA@derby.gov.uk](mailto:IYFA@derby.gov.uk) after each meeting.
- On some occasions schools may request an extension to the 12 week induction period. The request should be made through the review process and the SEWO will bring the request to the next SPP for panel members to decide. Extensions should be for no more than 6 weeks after the 12 week induction period.
- For pupils returning from Alternative Provision, reintegration will be supported by the referring setting and additional support is provided through the IYFA team.
- In all cases of placement breakdown a 'Placement Breakdown Form' will be completed by the receiving school, supported by the SEWO, providing information about steps and strategies that had been put in place to try to maintain the placement. A second placement may be considered by SPP if appropriate.



- Funding of up to £4,000 per pupil is available for Supported Placement referrals. This will be agreed by the Headteacher / senior leader, SPP and the Specialist EWO who supports the Fair Access Protocol. The funding agreement will be confirmed by the Secondary Fair Access Panel (SFAP) once the pupil has been placed on the school's roll.
- If during the first twelve months following placement, a pupil is identified as being at risk of permanent exclusion, then the school should ensure that the SEWO is aware and that the pupil is discussed at the next SPP. SPP will review each case on an individual basis, signposting to appropriate support and discussing the most appropriate next steps (**see appendix 10**). The panel may feel it is appropriate to allocate funding to support the placement from the IYFA central fund.
- Even though the school may consider that the placement has broken down, only SPP will determine the point at which a pupil may be removed from a school roll and they should remain registered at the identified school until this point.
- If a school accepts a Supported Placement referral and then permanently excludes the pupil once the review period has expired and funding has been released, then any additional funding agreed will not be withdrawn. At this point the school will follow the normal exclusions process.
- Normal transport rules will apply, and where the pupil is entitled to free transport, a bus pass may be provided. See the Home to School Travel Assistance Policy, section 5 and 6 for more details (**see appendix 11**)

### **Retrospective Supported Placement**

On rare occasions a pupil may display unexpectedly challenging behaviour following a move to a new school through normal admissions. In such cases panel may decide that the pupil should be considered as a retrospective Supported Placement, dependent on the agreement of the pupil's parent/carers. In order for SPP to consider a retrospective placement, the school making the request must provide written evidence to support the request and submit it to IYFA. Any such request will only be considered within the first 6 weeks/half a term of the pupil being placed on roll at the school. If agreed, the Supported Placement will begin from the date agreed by the SPP.



## PRE-LEXIS PATHWAY

This pathway is designed for year 11 admissions from January to the end of May of year 11. Eligibility includes young people who are new to the country with no or limited English language and understanding, Unaccompanied Asylum Seekers and young people who have recently returned to the UK following a period of time back in their home country.

The main purpose of this pathway is to provide appropriate education for new arrivals, new to English language and pupils returning to the UK. Young people should be new to the UK and / or have not access education in the last 2 years. The main aim of the programme will primarily be to develop young people's English language skills in written and spoken English, to support transition into Post 16 education, work, or training. The programme will also incorporate functional maths, digital skills, citizenship, sport and building an awareness of employability pathways.

Learners' progress and achievements will be monitored and celebrated, as well as delivering personalised support and guidance through a qualified careers adviser.

The pathway will be an unaccredited course.

The course will have a minimum 20 contact hours and it will be located at Derby College, Roundhouse.

New Communities Achievement Team play a major role in supporting the new arrivals families, they explain the education system, entitlements, rights and responsibilities and manage parental expectations. They are the initial contact for the family. Usually NCAT support the family to apply for a place through admissions, they also speak to Derby College to support the pupil apply for college in the following September.

The pathway will be a flexible programme depending on when young people join the group. The programme will be delivered by a qualified team renowned for their experience in ESOL, community work and cultural awareness. Young people will benefit from having a member of staff from Derby College, who by developing trust and mutual understanding can support a smoother transition to next steps.

The programme will create meaningful participation by tailoring events, enrichment workshops and activities to build self-esteem, self-efficacy, and resilience. Using cultural magnets such as music, sport, art, and food will empower communities and create social belonging. Using a collaborative approach with other local organisations and networks, will enable our young people to recognise and utilise support networks in the future, breaking down any barriers.

As well as a programme for new arrivals, the programme will lead to better parental/carer and community engagement through events and workshops. There may be scope for Saturday sessions/ half terms and evening sessions if financially viable.

Consideration needs to be given to pupils with SEND and the pathway they take. If a young person arrives in the city with additional needs or a disability (and no EHCP or equivalent), Derby College will use their SEND team to assess and guide the YP and their family. Young people must go on to the roll of a school, but use dual registration with Derby College, both schools will have safeguarding responsibility for the young person. There will be a Service Level Agreement in place between the mainstream school and Derby College which outlines both settings expectations.

From 1<sup>st</sup> January, School Admissions will discuss all year 11 applications with the In Year Fair Access team, and each case will be discussed at Secondary Placement Panel and a



decision made by the group of representative secondary headteachers which pathway the young person follows. For schools who choose to manage their own in-year admissions, contact should be made directly with IYFA.

Young people following the pre-Lexis pathway will be directed to the NCAT team. Baseline assessments would need to be undertaken to establish whether the young person goes into a mainstream school or follow the pre-Lexis pathway. This would be undertaken by the NCAT team at Rose Hill Children's Centre or via outreach in the family home, depending on circumstances. If the young person is capable of achieving qualifications, they will go into a mainstream school. This process will be decided by the Secondary Placement Panel. A representative from the NCAT team will attend SPP and inform the panel of the pupil profiles.

Year 11 pupils who are transferring from another school in Derby or from another city will move directly to the school they have applied for, as these pupils will not meet the criteria for the Pre-Lexis pathway, and parental preference will take precedent over the protocol.

Schools are not able to refer the young person back to Secondary Placement Panel once they have started at their school. The pathway will be robust enough to ensure the assessment process is rigorous and directs young people into the most appropriate setting. The pathway would also support links to Post – 16, either by a continuation to the Lexis course or signposting to other curriculum or vocational courses. This pathway will help prevent young people becoming NEET. This pathway will hopefully reduce the WASP figure in the city.

Consideration also needs to be given to safeguarding of vulnerable pupils and Derby College safeguarding team will work in partnership with the nominated mainstream school.

The Council's normal Home to School Transport Assistance Policy will apply and where the young person is entitled to free transport, a bus pass may be provided by the Local Authority for the remainder of the academic year. See the policy for more details (appendix 11 section 5 and 6)

The course can be established with a minimum of 6 learners. If the learners are defined as Supported Places, they carry £4,000 with them. This funding would not go to the school, it would go directly to Derby College. Therefore, the financial commitment from In Year Fair Access would be a minimum of £24,000 per annum. Additional places will be purchased for £4,000 each.



## ARRANGEMENTS FOR MANAGING FRESH START AND FRESH START PLUS PLACEMENTS

### Fresh Start process

1a - Having reviewed the guidance documentation a 'Fresh Start' has been considered as an appropriate step.

1b - Key aspects to note for students who will not be considered for this process:

- With an EHCP or undergoing statutory assessment
- LAC/CP – must have agreement from Virtual Headteacher and SPP
- Students who do not live in Derby city

1c – Fresh Start Referral and Challenge Guidance paperwork needs to be completed by the school Behaviour Lead with input from all colleagues who are best placed to know the student. This should include all aspects of the student, challenges but also success/positive aspects of the student. It is imperative that your head of school is aware of the referral and have countersigned this document. **The document must also be countersigned by the student and parent/carer.**

### Referral Process

2a- Referral paperwork will be sent to the following email address [IYFA@derby.gov.uk](mailto:IYFA@derby.gov.uk) **ten days** before the half termly 'Behaviour Lead Network' meeting.

2b – The referral will undergo a review of suitability for a Fresh Start, and an assessment of the risk of the student being placed in another mainstream school. This will be undertaken by the Deputy Headteacher from The Kingsmead School, the Behaviour Manager from Derby Pride Academy and members of the IYFA team. The QA for this process is via the LA Head of Education and Skills. The Exclusions Manager will contact each referring school to notify them of the outcome of the review of suitability.

2c – All Behaviour Leads will receive the referrals seven days in advance of the meeting. At the 'Behaviour Lead Network' referrals will be considered and challenged where necessary. At this stage the referral will be agreed or rejected.

### The referral is 'rejected'

2b - All parties will be informed by IYFA, and the school will benefit from peer advice, challenge and guidance (the expertise of Behaviour Leads will be utilised and is essential). This is where further interventions will be discussed and suggested. Please refer to [Home - The Derby Direction](#).

### Referral 'agreed'

2c - The move is agreed, and the 'Behaviour Leads Network' will discuss the most appropriate school for a Fresh Start. Consideration needs to be given to the holistic needs of the student but also the current placement allocation data to ensure fair shares. In the event of a referral being agreed for a Fresh Start, and no school offers a place, the referring school will be invited to complete the funding form requesting additional 'Stay Put' support.

2d – Following the 'Behaviour Leads Network' the chair will contact the referring school with a summary of discussion points and actions.

All Fresh Starts will commence during the identified 'Fresh Start' week.



### **Preparing for the 'Fresh Start'**

A meeting will be held with the student, their parents/carers and representatives from both schools. This unified approach is essential to ensure there is clarity around the process, high and consistent expectations between both schools, and also allows review dates to be scheduled from the outset. Both schools have a responsibility to monitor the placement and regular review meetings need to be scheduled and attended by all parties who attended the initial induction meeting.

### **Important**

The student will be **dual registered** until successful signoff of the placement is agreed between both schools. There is no time limit on this as the purpose of this 'Fresh Start' is to improve the life chances of this student. In some cases the student may remain dual registered for the duration of their school career.

### **Placement breakdown**

3a – Before placement breakdown is considered an emergency review should be called and reference should be made to the Emergency Review Guidelines and Placement Breakdown Protocol.

3b – If it is agreed that the 'Fresh Start' has been unsuccessful then the student returns to their original school. The student's return to their home school needs to be agreed by all parties (head of schools, behaviour leads and parents) and needs to be immediate to avoid time lost in school. A copy of all documents will be given to the home school, including the placement breakdown form.

Placement breakdown form must be presented at the next Behaviour Lead Network.

**See appendix 6 for the Fresh Start flowchart**



## Fresh Start PLUS

This process is to ensure that every student is given a final, well supported and structured opportunity to succeed.

At this point a school considers a student is at serious risk of being permanently excluded and feels that the extreme measure of moving schools needs to be undertaken.

### Fresh Start PLUS process

1a - Having reviewed the guidance documentation a 'Fresh Start PLUS' has been considered as an appropriate step.

1b - Key aspects to note for students who will not be considered for this process:

- With an EHCP or undergoing statutory assessment
- LAC/CP – must have agreement from Virtual Headteacher and SPP
- a student who is not at serious risk of being permanently excluded
- Students who do not live in Derby city

1c – Fresh Start PLUS Referral and Challenge Guidance paperwork needs to be completed by the school with input from all colleagues who are best placed to know the student. This should include all aspects of the student, challenges but also success/positive aspects of the student. **It is imperative that all parties are aware of the referral and that the Headteacher, student and parent/carer have all signed the document.**

### Referral Process

2a- Referral paperwork is sent to the following email address [YFA@derby.gov.uk](mailto:YFA@derby.gov.uk) ten days in advance of the half termly Secondary Headteachers meeting.

2b – The referral will undergo a review of suitability for a Fresh Start PLUS, and an assessment of the risk of the student being placed in another mainstream school. This will be undertaken by the Executive Headteacher from The Kingsmead School, the Principal from Derby Pride Academy, the Virtual School Headteacher and the Exclusions Manager. The QA for this process is via the LA Head of Education and Skills. The routes following this process are:

1. Referral presented to Secondary Headteacher group for Fresh Start PLUS decision
2. Referral not appropriate (**doesn't meet the criteria**) – Exclusion Manager to contact school to explore the rationale behind the referral, and consider other support processes
3. Referral appropriate but not suitable for another mainstream placement
4. Referral not appropriate for a Fresh Start PLUS, a Fresh Start to be considered

The Exclusions Manager will contact each referring school to notify them of the outcome of the review of suitability.

2c - Referral paperwork will be sent 7 school days in advance of the meeting and presented at the half termly Secondary Headteachers meeting. This will give Headteachers an opportunity to present any additional questions to the referring school in advance of the meeting. All questions must be sent to the In Year Fair Access [YFA@derby.gov.uk](mailto:YFA@derby.gov.uk) in good time to be collated and passed to the referring school ahead of the Secondary Headteachers meeting. The referral will be considered and challenged where necessary. At this stage the referral will be agreed or rejected.



### **Referral Rejected**

3a - All parties will be informed, and the school will benefit from peer advice, challenge and guidance (the expertise of all Heads will be utilised and is essential). This is where further interventions will be discussed and suggested. Please refer to [Home - The Derby Direction](#) and the Inclusion Partnership (appendix 10). The referring school will be invited to complete the funding form to request additional 'Stay Put' support. All requests will be discussed at SPP.

### **Referral agreed**

3a - The referral has been agreed based on the discussion at Heads level. In the first instance it is expected that an alternative mainstream school will be identified and that schools will offer to accept the referral. The referral form will be passed to SPP, along with details of possible school placement.

3b – A meeting needs to take place with the student, parents/carers and the specialist Education Welfare Officer to ensure all parties are happy with the proposed move. This meeting is essential as it allows for thoughts and feelings to be captured by an independent advocate. Following this meeting, information gathered by the SEWO is fed back to SPP and this is where an appropriate pathway is identified. This pathway will be determined based on the needs of the student to ensure they are provided with every opportunity to be successful.

3c - SPP will agree and confirm placement taking into consideration placement data and all information available.

3d – Once the alternative school has been identified the heads of the two schools will have a discussion about the placement to ensure that it has the best possible chance of being successful.

### **Preparing for the 'Fresh Start' PLUS**

4a - A meeting will be held with the student, their parents/carers and representatives from both schools/AP. This unified approach is essential to ensure there is clarity around the process, high and consistent expectations between both schools/placements and also allows review dates to be scheduled from the outset. Both schools/provision have a responsibility to monitor the placement and regular review meetings need to be scheduled and attended by all parties who attended the initial induction meeting.

4b – Where possible all Fresh Start PLUS placements in another mainstream school will commence during the identified 'Fresh Start' Week.

### **Important**

The student will be **dual registered** at the home and new school/AP until successful signoff of the placement is agreed between both schools. Placement reviews will continue and be monitored by SPP until single registration is agreed by all parties.

There is no time limit on this as the purpose of this 'Fresh Start PLUS' is to improve the life chances of this student. In some cases the student may remain dual registered for the duration of their school career. The young person does not need to be aware of the dual registration as it is important that they feel ownership of their new placement or personalised programme.

Arrangements for the transfer of funding associated with this student will be managed on a school-to-school basis by the schools concerned.



## **Placement breakdown**

5a – Before placement breakdown is considered an interim review should be called and reference should be made to the Emergency Review Guidelines and Placement Breakdown Protocol.

5b – Where the reason for breakdown is attendance, the other schools offered during the initial Secondary Headteachers meeting, will be considered and the SEWO will liaise with the parent/carers, the student and the schools.

5c – If it is agreed that the Fresh Start PLUS has been unsuccessful due to behaviour, then an emergency review is called, attended by the chair of SPP and a bespoke package is proposed and discussed with panel members at the next SPP. A personalised programme may need to be explored to meet the needs of this student at this time. A copy of all documents will be sent to [IYFA@derby.gov.uk](mailto:IYFA@derby.gov.uk) including the placement breakdown form.

**See appendix 8 for the Fresh Start PLUS flowchart**



## **Complex Fresh Start PLUS**

This process is to ensure that every student is given a final, well supported and structured opportunity to succeed.

At this point a school considers a student is at serious risk of being permanently excluded and their complexities present a safeguarding risk to themselves and others in the school.

### **Fresh Start PLUS process begins**

1a - Having reviewed the guidance documentation a 'Fresh Start PLUS' has been considered as an appropriate step by the Suitability Group because,

- The student poses a significant risk to themselves or others on site, and / or
- The student is involved in criminal activity, and / or
- The student's dual registered placement has broken down at Derby Pride Academy, and / or
- The student has multi agency involvement that all agree that a Fresh Start PLUS referral is in the best interests of the student

1b - Key aspects to note for students who will not be considered for this process:

- With an EHCP or undergoing statutory assessment
- a student who is not at serious risk of being permanently excluded
- a student who could be successful in another mainstream school
- LAC/CP students must have agreement from Virtual Headteacher, social worker and SPP

1c – Fresh Start PLUS Referral and Challenge Guidance paperwork needs to be completed by the school with input from all colleagues who are best placed to know the student. This should include all aspects of the student, challenges but also success/positive aspects of the student. It is imperative that all parties are aware of the referral and that the Headteacher, student and parent/carer have all signed the document.

### **Referral Process**

2a- Referral paperwork is sent to the following email address [IYFA@derby.gov.uk](mailto:IYFA@derby.gov.uk) **ten days** in advance of the half termly Secondary Headteachers meeting.

2b – The referral will undergo a review of suitability for a Fresh Start PLUS, and an assessment of the risk of the student remaining in the current / referring school. This will be undertaken by the Executive Headteacher from The Kingsmead School, the Principal from Derby Pride Academy, the Virtual School Headteacher and the Exclusions Manager. The QA for this process is via the LA Head of Education and Skills. The routes following this process are,

1. Referral directed to AP with the approval from the HT group
2. Referral not appropriate - Exclusion Manager to contact school to explore the rationale behind the referral, explore other options and signpost to other support networks.

The Exclusions Manager will contact each referring school to notify them of the outcome of the review of suitability.

2c - Referral paperwork will be sent seven days in advance of the HT meeting for agreement. This will give Headteachers an opportunity to raise any concerns relating to the



decision made by the Suitability Group. See flowchart regarding any objections to the Suitability Group's decisions.

### **Referral Rejected**

3a - All parties will be informed by the Exclusions Manager. This is where further interventions will be discussed and suggested. Please refer to [www.derbydirection.org.uk](http://www.derbydirection.org.uk) and the Inclusion Partnership. The referring school will be invited to complete the funding form to request additional 'Stay Put' support. All requests will be discussed at SPP.

### **Referral agreed**

3a - The referral has been agreed based on the discussion at Suitability Group.

3b – A meeting needs to take place with the student, parents/carers and the referring school to ensure all parties are happy with the proposed move. This meeting is essential as it allows for thoughts and feelings to be captured. This information is passed to the Exclusions Manager.

3c - SPP will agree and confirm placement.

3d – The lead from the Alternative Provision contacts the family and a bespoke package of support is offered. The student starts at the AP provision and is dual registered with the referring school.

3e – If the placement in Alternative Provision needs a bespoke package, then the exceptional funding form should be used to request additional resources above the allocated amount for a commissioned place.

### **Important**

The student will be **dual registered** at the referring school and AP. Placement reviews will continue between the referring school and the AP setting for the duration of the placement, this will be monitored at SPP.

There is no time limit on this as the purpose of this 'Fresh Start PLUS' is to improve the life chances of the student. In some cases, the student may remain dual registered for the duration of their school career. In other cases, the student may return to the referring school or another mainstream school through the Supported Place process, or indeed move to single registration in the Alternative Provision setting (**see flowchart in appendix 9**)

The young person does not need to be aware of the dual registration as it is important that they feel ownership of their new placement or personalised programme.

Arrangements for the transfer of funding associated with this student will be managed by following the Behaviour Strategy funding agreement (**see appendix 2**)



## ARRANGEMENTS FOR MANAGING SECONDARY PERMANENT EXCLUSIONS

It is acknowledged that there will be permanent exclusions, and that schools will be approached through the FAP to accept excluded pupils.

In the rare event of a pupil with an EHCP or undergoing statutory assessment being considered for a PEX, the school should call an emergency interim review and try to avoid a PEX for this pupil. The school and LA should ensure that the school's SEN officer attends this meeting. A representative from IYFA should also be invited to attend.

**Note:** Schools still have the option of being able to direct pupils to Alternative Provision, but these will be charged to the school at current cost for the duration of that placement.

From April 2020 the 40 schools allocated places are managed as one collective pot and not on an individual school basis.

Should Headteachers choose to permanently exclude and not use the Fresh Start Plus process for an individual pupil then this will incur a 15K charge.

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

At the point of permanent exclusion, an assessment will take place to identify a pathway. There are three possible pathways at this point:

- an immediate return to mainstream
- a short period of assessment whilst attending AP and then review
- a longer period of assessment and placement in AP with regular reviews

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.

SPP 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.

### 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 Alternative Provision where professionals consider that they are able to return to a mainstream school.

If a parent/carer refuses a school place the pupil will be re-referred to the SPP. If the SPP 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. Day 6 provision will be made as soon as possible, but in some circumstances a risk assessment may be required prior to this being offered.



The IYFA team will consider the information provided, consider other relevant factors and make an initial recommendation to SPP about the most appropriate pathway. This will be discussed at the first SPP meeting following the PEX. In exceptional circumstances decisions may be made virtually to ensure that the process is not delayed. Parents/carers and pupil will be kept informed about any decisions relating to placement by the IYFA team.

### **Pathways following exclusion:**

At the point of exclusion, based on an assessment of all the information available SPP will identify the most appropriate pathway. The pathway can be reviewed and amended at any time based on new information.

### **Immediate 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 suspensions and other sanctions.

On this pathway the pupil will not be allocated AP provision whilst a new school is sought, but the pupil and parents **must** cooperate with Day 6 provision and attend as required and until the GDM is complete.

### **A short period of assessment in AP and then review**

This will only 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 SPP is unsure about the position based on the information available. Usually this will be where a pupil has a history of suspensions or other sanctions, or where there has been a serious incident that requires a risk assessment before it is felt that a mainstream school should be asked to offer a place. SPP will place the pupil at either Kingsmead or DPA with a review after 6 weeks, or sooner if the position becomes clear. At this point updated information will be presented to SPP so they can reconsider the most appropriate pathway for this pupil.

### **Referral to AP for placement**

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 at either Kingsmead or DPA for assessment is required. This may include consideration of assessment for EHCP and interventions and referrals for further work to support the pupil. The placement will be reviewed half termly by SPP and termly at each SFAP.



## APPENDIX 1

### GOVERNANCE: SECONDARY FAIR ACCESS PROTOCOL

The protocol requires clear and transparent processes to be followed and applied equitably for schools, 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 **Secondary Fair Access Panel (SFAP)** 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 SFAP will receive data and reports relating to the process as set out earlier in 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 **Secondary Placement Panel (SPP)** will ensure that the day to day operation of the protocol is delivered efficiently.

#### School Admissions and the Secondary Fair Access Protocol

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.

**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 SFAP 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 SFAP 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 SFAP to consider and agree where and how a school is offered protection against the admission of pupils through the In Year Fair Access. **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 SPP will identify the school that should admit the child, or alternative provision if appropriate.



- To ensure transparency, the processes involved and options available will be clearly explained to parents by the current school's behaviour lead, the SEWO or by the LA's Admissions 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 SPP 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 and review of placement pathways**

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

Even though a school may consider that the placement has broken down, only SPP will determine the point at which a child may be removed from a school roll, they should remain registered at the identified school until this point.

### **Where schools refuse to admit or comply with the protocol**

The SPP will record and report on a school's 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,

1. Peer challenge from current Headteacher representative on SPP
2. Minute as a concern at SPP with action for chair of SPP/SFAP to make direct contact with the Headteacher of the school
3. Head of Education and Skills is made aware and direct contact made with the Headteacher of school
4. Local Authority consider intention to issue direction
5. Service Director – Learning, Inclusion and Skills to make direct contact made with the Trust/RSC/DfE
6. Local Authority issue direction procedures

### **Cross Border Issues:**

In Year Fair Access is committed to the continuation of work with schools in other Local Authorities to ensure that the best possible outcomes are achieved for Derby city pupils.

When dealing with referrals for pupils who attend Derby city schools but are residents in another Local Authority, consideration needs to be given to the potential outcome for that pupil if the placement is unsuccessful. Such cases will be considered on a case-by-case basis. For example - A city school may direct a pupil who is resident in another Local Authority to Alternative Provision in the city as they are making the direction and not In Year



Fair Access, however if the placement is unsuccessful then the pupil would remain the responsibility of the school.

## **Processes to Support the Secondary Fair Access Protocol**

### **Elective Home Education (EHE)**

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.

This will provide information to the LA, School Admissions and In Year Fair Access as to those young people 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 to have a full picture of the history of the pupil before the decision of EHE was made. Many of these pupils have complex backgrounds and require careful consideration when in-year admissions applications are made, which currently the information collected only provides a parents perspective.

SFAP 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 r.e. 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 working across Newton's Walk, The Kingsmead School, mainstream schools and specialist provisions 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 The Kingsmead School and other specialist provisions 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 IYFA have identified all 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 Primary Placement Panel whilst in Y5 or Y6
- All pupils who have accessed any provision at the Primary PRU during Y5 or Y6
- All Y6 pupils identified by primary schools as being at significant risk of exclusion, as identified on the city At Risk Register (RED and AMBER)
- Pupils who are raised by secondary schools, who have concerns about the information they receive about a pupil or following incidents/concerns at secondary transfer days or in the first few days of the autumn term

## UTC Derby Y9 - Transition arrangements for the most vulnerable

Arrangements are in place to support transition for those who may be vulnerable when moving from Y8 placements in mainstream schools in the city to a Y9 place at UTC Derby.

Pupils who may be at risk at this transition point could be identified by:

- School Admissions team
- By mainstream schools who become aware that a parent/pupil is considering making an application for a place at the UTC Derby
- By UTC Derby

The In Year Fair Access team will liaise with the schools involved to gather information, including liaison with other agencies, and present the information at Secondary Placement Panel.



## APPENDIX 2

### Secondary Fair Access – Funding Arrangements

This appendix outlines the way schools will be charged when pupils are educated through Alternative Provision provided by either The Kingsmead School or Derby Pride Academy.

It also includes the financial arrangements that support the Secondary 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.

AP funding is split into 2 elements; base funding and individual top up funding. This is funded from a combination of the DSG - the High Needs Block, schools individual budgets and/or other local authorities.

There are several commissioning arrangements within the system:

1. As part of the LA commission there are 66 AP places commissioned and therefore fully funded by the LA through the High Needs Block. These are allocated as follows:
  - 36 (30 commissioned from Kingsmead and 6 DPA) These places are allocated for permanently excluded pupils (pre September 2020) and Fresh Start PLUS referrals. Schools are only able to access additional placements (post September 2020) for PEX pupils through payment of the agreed costs as outlined below.
  - 30 LA allocated places, to be used for pupils referred through Secondary Placement Panel, who have been identified as a 'Supported Placement' and that are unable to access mainstream placements.

\*the number of places at Kingsmead are subject to review in April 2023, due to changes in the high needs budget

2. Individual schools are responsible for the full costs of commissioning direct places in alternative provision.



<b>Permanent Exclusion (pre September 2020)</b>	<b>Fresh Start PLUS</b>	<b>LA Allocated Place</b>	<b>Restricted PEX (post September 2020)</b>
<b>Permanent Exclusion</b>  <i>All charges will be administered by the city council.</i>	<b>Kingsmead place:</b>  Mainstream school charged APWU whilst placement is dual registered.	<b>Kingsmead place:</b>  No charge up to maximum of 30 LA places.	<b>Kingsmead place:</b>  Year 1: £15K charged pro rata depending on the number of weeks left in the current financial year. Charge includes balance of AWPU and Pupil Premium.  Subsequent years: £15K, subject to placement review process through SPP/SFAP
	<b>DPA place:</b>  Mainstream school charged APWU whilst placement is dual registered.	<b>DPA place:</b>  NA	<b>DPA place:</b>  Year 1: £15K charged pro rata depending on the number of weeks left in the current financial year. Charge includes balance of AWPU and Pupil Premium.  Subsequent years: £15K, subject to placement review process through SPP/SFAP
<b>Directed to AP</b>  <i>All charges will be administered by the individual AP provider</i>	Schools may purchase AP provision directly from individual AP providers at the current rate subject to availability.  Schools are responsible for the full costs and the QA of these provisions.		
<b>Medical</b>  <i>All charges will be administered by The Kingsmead School in line with the 'Children Who cannot Attend School Because of Health Reasons' policy</i>	There is a funding protocol now in place for pupils who are referred to LA provision for Hospital / Medical tuition. This will be reviewed annually. The pupil remains on the school roll and schools should identify a member of staff as a point of contact for liaison, provide work as appropriate and attend termly review meetings (or more frequently if required). See <a href="http://derby.gov.uk">Hospital medical provision - Schools' Information Portal (derby.gov.uk)</a> for more details.		

**Please note:**

- AP places are costed for the full academic year. This includes Y11 students where a full year charge is levied to take account of the additional costs associated with Y11 provision even though a student may finish before the last day of the summer term.
- Costs of allocated places will be reviewed annually. If the need allows and overall places are decommissioned then there is an opportunity to review the number of places funded. There is currently no financial capacity within the High Needs Block to



increase the commissioned places. Efficiencies can be achieved from within the whole system if places can be decommissioned.

### **Financial Arrangements to Support the Secondary Fair Access Protocol**

Schools funding regulations allow schools to pool funding for agreed purposes. All secondary schools in Derby city have committed 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 Admissions Managed Moves, Complex Normal Admissions, Supported Placements and Pre-Lexis places.

SPP has a role in monitoring placements, and triggering and confirming payments and transactions for Admissions Managed Moves, Complex Normal Admissions and Supported Placements.

All payments will be triggered by SPP minutes through arrangements with the LA finance team.

SFAP 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.

### **Funding for Admissions Managed Moves**

Following a successful Admissions Managed Move £1500 is transferred to the receiving school from the IYFA central fund. Or up to £1500 is available for the receiving school to provide support during the 12 week transition period, with the balance being transferred following a successful sign off.

In addition, the school the pupil has originated from will transfer the AWPU balance to the receiving school following a successful sign off (this is organised by the two schools).

### **Funding for a Complex Normal Admission who is not appropriate for an Admissions Managed Move**

On occasions there are admission requests that require a young person to move schools. The young person may not be able to return to their previous school and by granting an admissions managed move would mean the current protocol wouldn't be appropriate. On these occasions Secondary Placement Panel would decide for the pupil to move on a normal admission. However, panel recognise the complexities around the school transfer and the difficulties the young person may experience.

If a Complex Normal Admission is agreed at SPP, the following funding protocol applies. Up to £1500 is available for the receiving school to provide support for the pupil. It is transferred to the receiving school from the IYFA central fund.

#### *Criteria*

- House move across the city
- Significant safeguarding concerns
- Significant behaviour concerns
- Discussed at Secondary Placement Panel



- Panel decide, because the situation is complex, that the pupil moves on a normal admission, however the above funding principle applies

If a young person meets the criteria above, they will qualify to receive the same level of funding as an Admissions Managed Move.

On occasions a pupil may have already moved to a new school through School Admissions, on a normal admission. The pupil may start to present with challenging behaviour in the first few weeks. Pupils may be passed back to In Year Fair Access to consider whether a Retrospective Complex Normal Admission is appropriate. In Year Fair Access must be notified within 6 school weeks of the pupil's admission start date. Challenging behaviour is difficult to define and discussions will need to take place between the new school, the originating school and any other professionals working with the pupil. The final decision remains with SPP.

### **Out of area moves to a Derby school**

This would also be treated as a Complex Normal Admission. It relates to a young person who lives in another Local Authority, but has applied for a Derby city school.

If agreed at SPP, the following funding protocol applies. Up to £1500 is available for the receiving school to provide support for the pupil. It is transferred to the receiving school from the IYFA central fund.

### **Supported Placements**

Funding of up to £4,000 per pupil is available for Supported Placement referrals. This will be agreed by the Head teacher / Behaviour Lead of the receiving school, SPP and the Specialist EWO who supports the Fair Access Protocol. The funding agreement will be confirmed by SFAP once the pupil has been placed on the school's roll.



## APPENDIX 3

### SECONDARY FAIR ACCESS PROTOCOL – FORMS TO SUPPORT PROCESS

A range of documentation has been developed to support the process and it is expected that this will continue to be reviewed and developed.

The clerk can be contacted at [IYFA@derby.gov.uk](mailto:IYFA@derby.gov.uk) and is able to provide current versions of documents. Where versions of paperwork change then these will be shared with schools via the clerk who acts as the main point of communication for the SPP and SFAP. Where appropriate these will also be made available on the Schools Information Portal.

Examples of paperwork that support the process **include**:

- SPP referral form – Derby City schools
- SPP referral form – Out of Area
- Placement Review form – for both Admissions Managed Moves and Supported Placements
- Placement Breakdown form – for both Admissions Managed Moves and Supported Placements
- Placement allocations by school
- Leaflets for parents – Admissions Managed Moves, Supported Placements, Fresh Start and Fresh Start PLUS
- EHE form – for schools to complete and submit where a pupil moves to Elective Home Education
- Fresh Start referral and challenge paperwork
- Fresh Start PLUS referral and challenge paperwork
- Fresh Start and Fresh Start PLUS review form
- Fresh Start and Fresh Start PLUS breakdown protocol and form
- IYFA funding form
- Behaviour Strategy funding form

Schools should note that there is an expectation that:

- Documents that need to be submitted to SPP or SFAP should be provided in line with set timeframes.
- Current versions of all paperwork should be used, and where this does not occur then SPP or SFAP may reasonably request for the information to be resubmitted



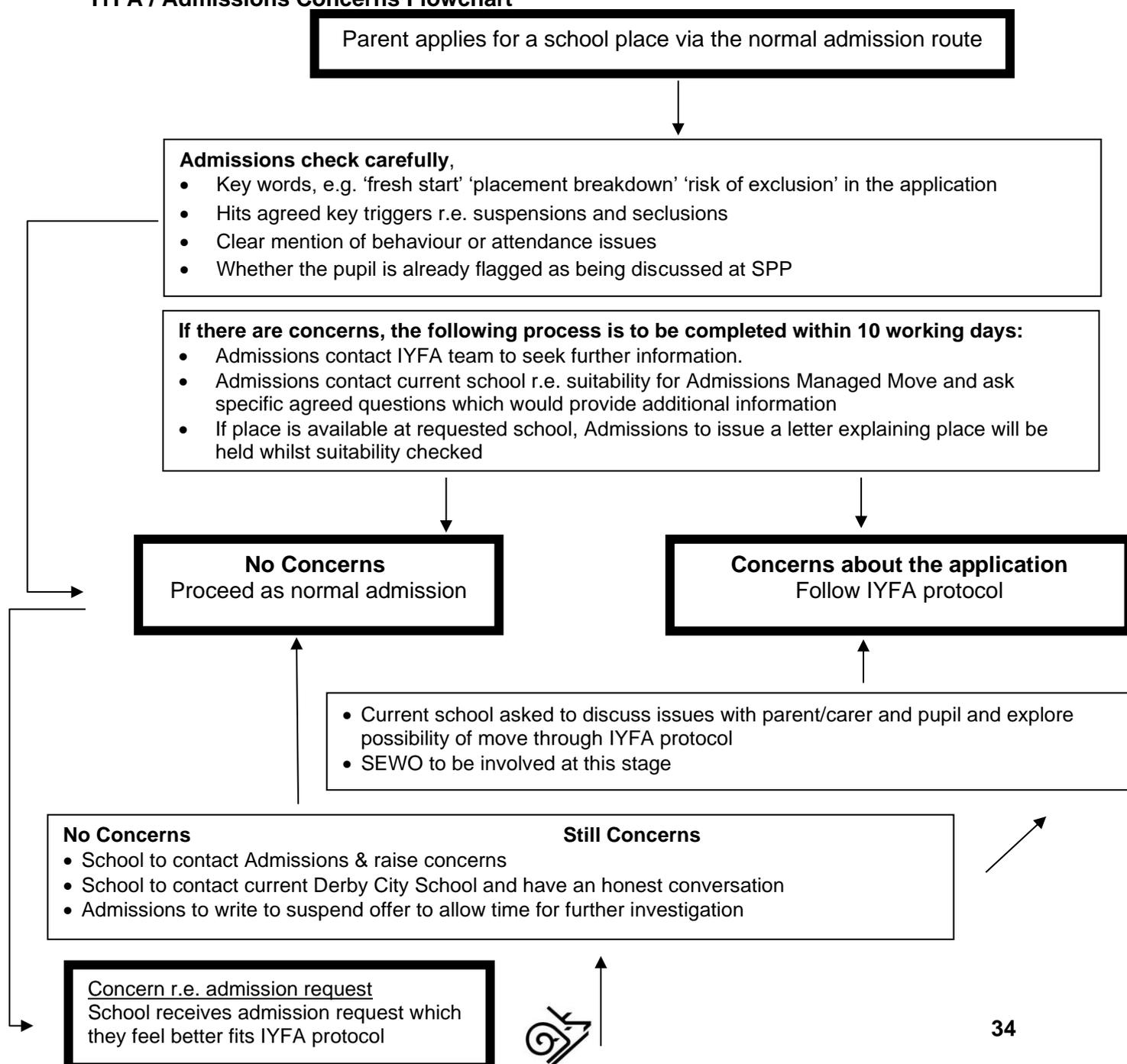
## APPENDIX 4

### SECONDARY FAIR ACCESS PROTOCOL – ADMISSIONS CONCERNS

Following consultation with the Local Authority, Derby city secondary schools agree that wherever possible, pupils with identified behaviour who are indicating that they wish to move to another school should be provided with information and advice about the Admissions Managed Move process. For situations where a potential mid-year admission is causing concern and questions may need to be asked about the appropriateness of the normal admissions process for this case, clear guidelines have been developed in the form of a flowchart to support the School Admissions team and schools in ensuring that such concerns are dealt with through an agreed process.

*This process is for schools who use the Council's in-year coordination scheme. For schools who choose to manage their own in-year admissions, then they must contact In Year Fair Access with any concerns.*

#### IYFA / Admissions Concerns Flowchart



## APPENDIX 5 IYFA Admissions Managed Move Flowchart

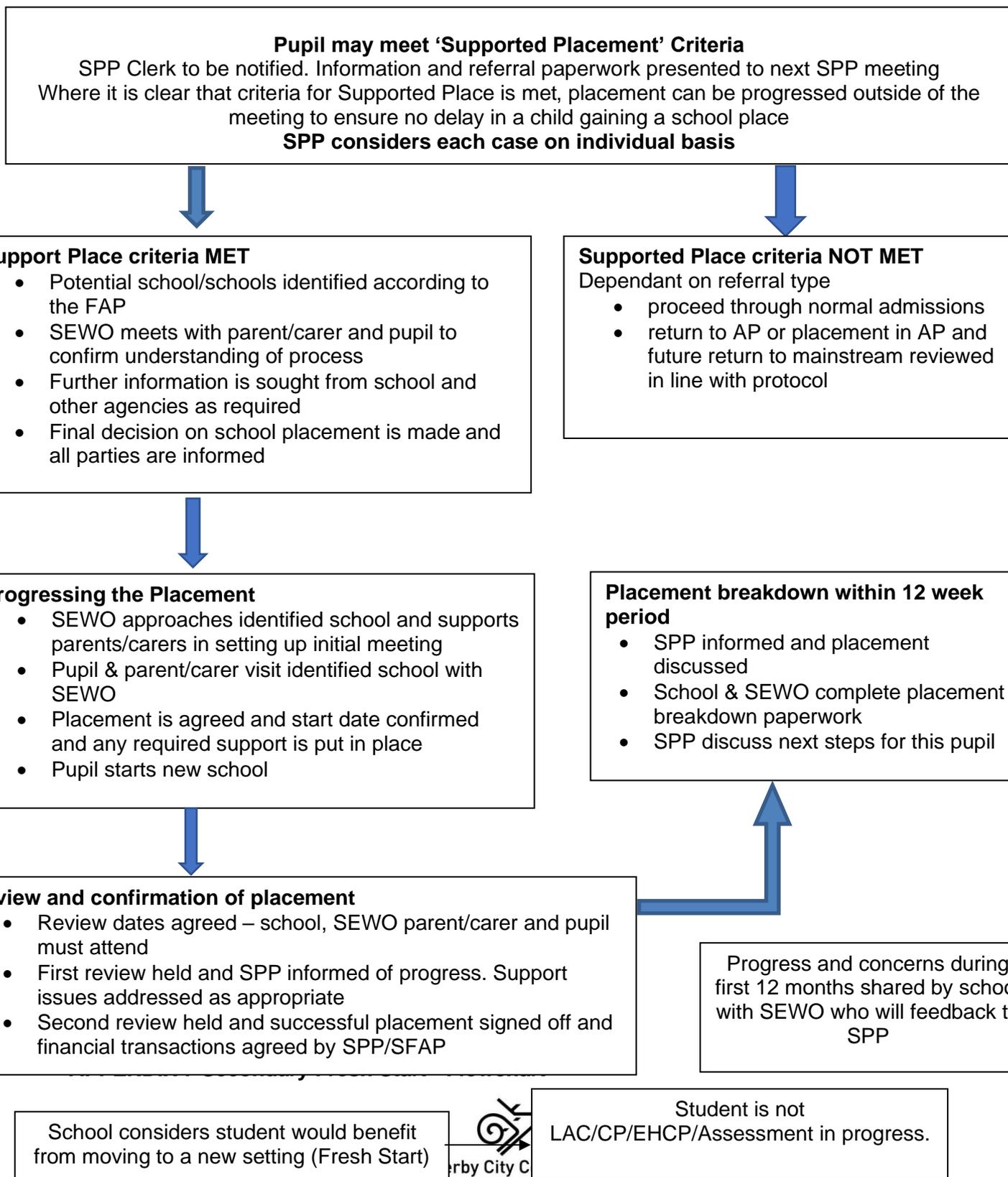




## SUPPORTED PLACEMENT FLOWCHART

School Admissions identify factors which might suggest the normal school admission process may not be in the best interests of the pupil or the receiving school **or** a pupil is applying for a school placement from EHE (**Action by Admissions**)

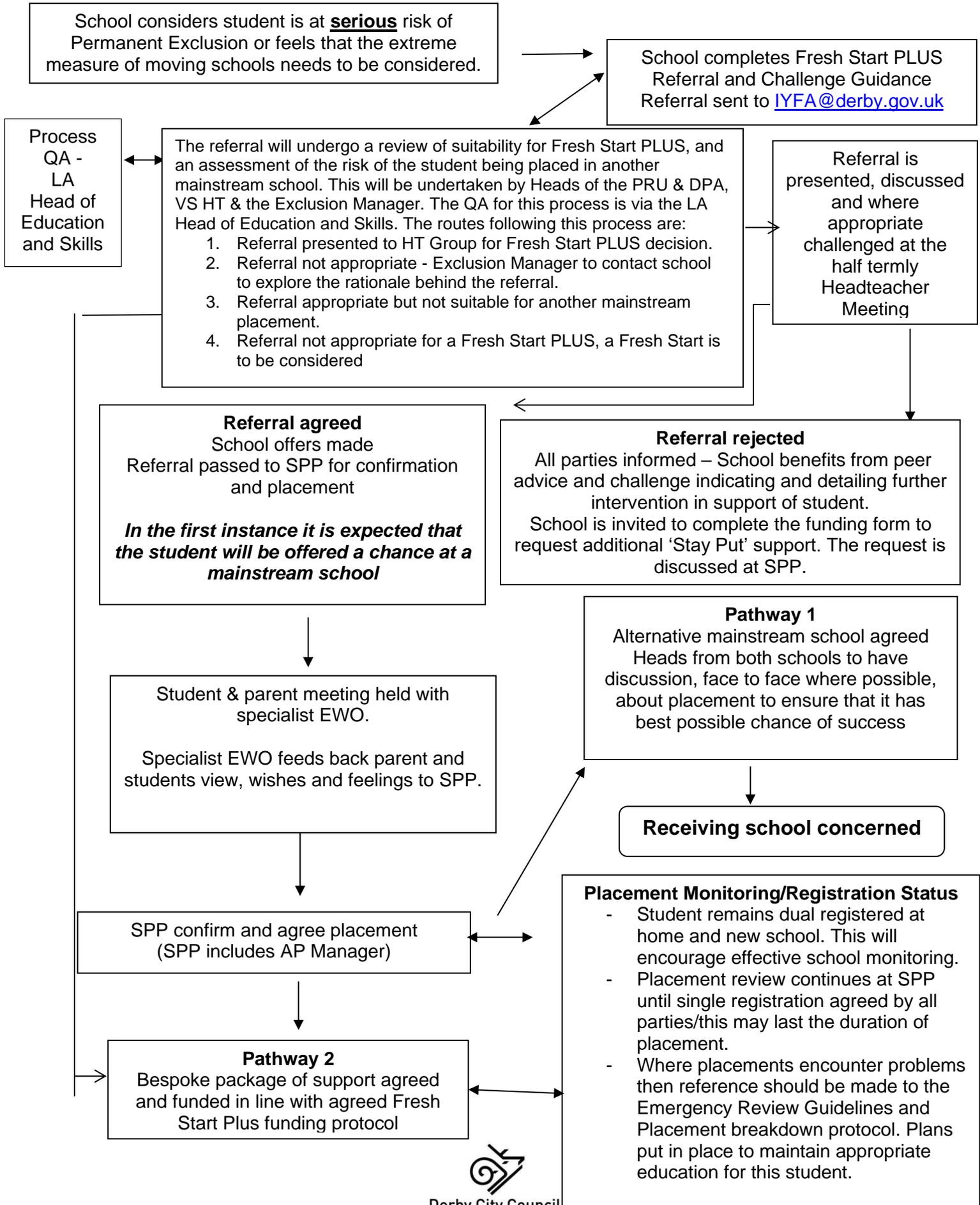
A pupil is ready for reintegration from Alternative Provision **or** is identified at the point of permanent exclusion as appropriate for a fast track return to mainstream by SPP (**Action by AP or SPP**)



**Behaviour Leads will have delegated decision making power on all placement decisions.**



## APPENDIX 8 – Secondary Fresh Start PLUS - Flowchart

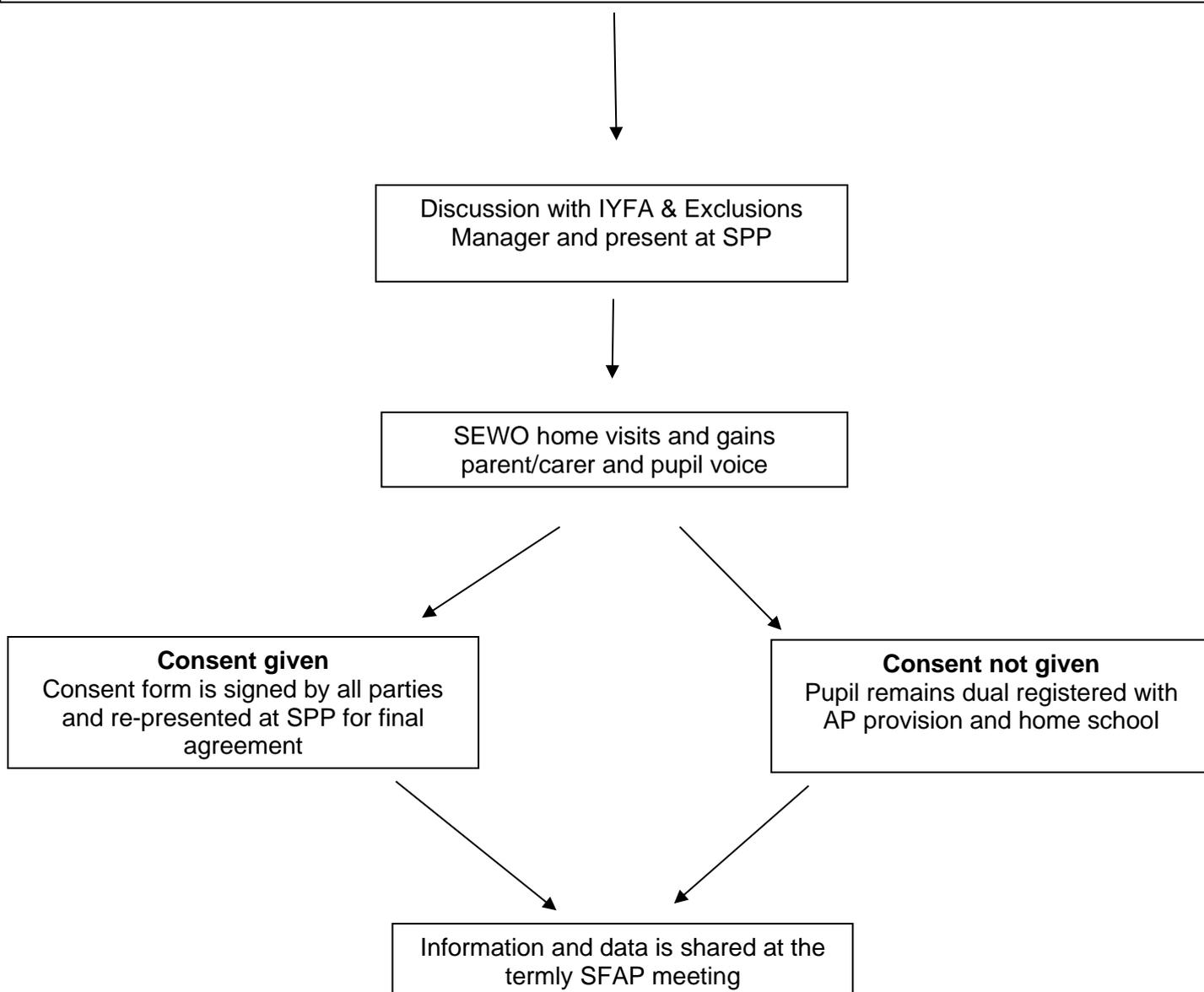


## APPENDIX 9 – Fresh Start PLUS to mainstream

### **Kingsmead / DPA identify that the student should move to single registration – Alternative Provision**

Based on the following criteria,

- The relationship has broken down between the home school and the family
- All agencies working with the student are in agreement
- Parent/carer agreement and consent form is signed
- The length of time in the AP is significant
- Reviewed and signed off through SPP / IYFA once written consent has been given by all parties
- **It is in the best interests of the student**



## APPENDIX 10 – Inclusion Partnership (inc. Inclusion Charter)



## INTRODUCING THE DERBY CITY SCHOOLS INCLUSION CHARTER

The Inclusion Charter will act as a common code of practice for schools in Derby. Developed by the Inclusion Group, it sets out 5 key principles for an inclusive school.

Underpinning this is a universal approach, cycle of support and a directory of support to enable schools to fulfil the charter.

The vision is to see an inclusive school culture across the city, supporting key strategies to ensure there is one overarching inclusion plan for Derby.

The Inclusion Charter can have a positive impact on children and young people by supporting schools to:

- Create a positive school culture
- Provide a sense of belonging
- Improve mental health and well-being
- Increase engagement
- Ensure equitable opportunities
- Raise aspirations and expectations
- Improve outcomes

"Together we can make a difference to the educational experience of all children and young people so they feel safe and happy at school, and can live their best life".

Pauline Melvin OBE, Director of Learning, Inclusion and Skills, Derby City Council

## CHARTER SCHOOL STATUS

If you are interested in becoming a 'Charter School' please click below to access the registration form. From September, you will then be able to access the Charter School Portal on the Derby Direction website, giving you access to a range of resources.

[Click here to complete the Inclusion Charter Registration Form](#)



Please get in touch if you require further information:  
Jo Wilkinson, Inclusion Manager  
[Jo.wilkinson@dccct.co.uk](mailto:Jo.wilkinson@dccct.co.uk)



## DERBY CITY SCHOOLS INCLUSION CHARTER



Every school ensuring that their culture and practice is inclusive so every learner can live their best life

1 CITY : 5 PRINCIPLES



## DERBY CITY SCHOOLS INCLUSION CHARTER

1 CITY : 5 PRINCIPLES



## HOW WE CAN SUPPORT YOU

### INCLUSION LEADERS

We will train and develop a city wide network of Inclusion Leaders across education settings. This network will be committed and passionate about improving outcomes for learners and drive the implementation of the Inclusion Charter.

### UNIVERSAL INCLUSIVE APPROACH

We will provide ongoing support, training and development including:

- Inclusion Leader Network Meetings
- CPD offer
- Conferences
- Derby Direction Charter Schools portal
- Online resources and tools

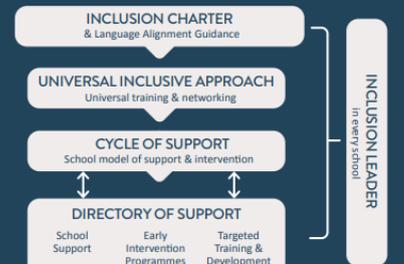
### CYCLE OF SUPPORT

We will share a cycle of support and work with schools to develop your own model of support and intervention.

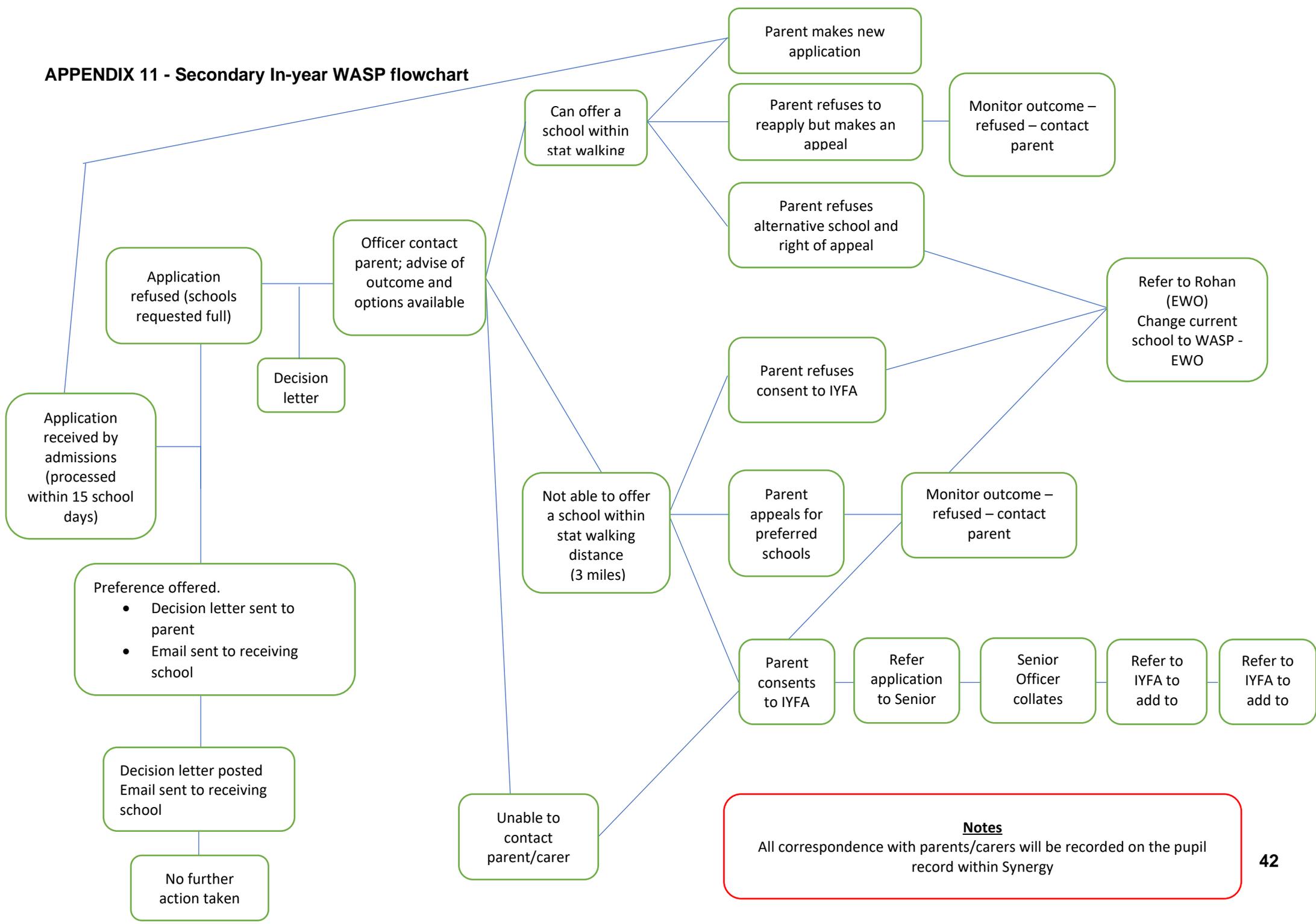
### DIRECTORY OF SUPPORT

We will produce a directory of support for schools to access including:

- Sharing expertise between schools
- Early intervention programmes
- Targeted training and development



**APPENDIX 11 - Secondary In-year WASP flowchart**



**Notes**  
All correspondence with parents/carers will be recorded on the pupil record within Synergy

## **5. Eligibility Criteria**

- 5.1 The Council's main criteria set out what we consider when deciding if a pupil qualifies for home to school travel assistance to their nearest suitable school. They are:-
- Statutory walking distance
  - Extended rights
  - Unsafe walking route
  - SEND
- 5.2 The Council will provide home to school travel assistance to the nearest suitable school for any full-time pupil where there is no suitable school within the statutory walking distance as stated in the 1996 Education Act.

The distances are:

- 2 miles – for pupils who are under eight years old
- 3 miles – for pupils who are eight years old and over

### **Example**

**Child A** is six years old and attends their nearest suitable school. It is 2.3 miles from their home. Child A is eligible for free home to school travel assistance because their school is beyond the statutory walking distance for a child of their age. **Child A** would receive a free bus pass.

**Child B** is eleven years old and attends their nearest suitable school. It is 2.6 miles from their home. Child B is not eligible for free home to school travel assistance because the school is not beyond the statutory walking distance for a child of their age.

- 5.3 Parents can request a review of the decision the Council has made about walking distances. The Council will only allow a review if the original measurement is within 10% of the statutory walking distance.
- 5.4 To request a review of a walking distance, please contact the Home to School Travel Service, Derby City Council, Corporation Street, Derby. DE1 2FS. Email: [schooltravel@derby.gov.uk](mailto:schooltravel@derby.gov.uk) Telephone: 01332 642716.



## Extended rights category

5.5 The Council will provide home to school travel assistance to the nearest suitable school for any full-time pupil eligible for free school meals, or if the parent is in receipt of the maximum level of Working Tax Credits, or equivalent under Universal Credit.

- The distance is 2 miles for children over 8yrs and under 11 yrs.
- For secondary schools, home to school travel assistance will be provided if the school is between 2 and 6 miles from the home address and there are not three or more suitable nearer schools, or
- The school is between 2 and 15 miles from the home address and is the nearest school preferred on the grounds of religion or belief (age 11-16 yrs). For example, to qualify for travel assistance to a catholic school, proof of baptism will be required in addition to meeting the extended rights criteria outlined above.

### Example

**Child C** is eleven years old and eligible for free school meals. The nearest suitable school is 2.5 miles away from the home. The second nearest suitable school is 3 miles away. The third nearest is 5 miles away. Child C would be eligible for free home to school travel assistance to any of these schools because they qualify under extended rights (free school meals) and all nearest schools are over 2 miles away.

**Child C** would receive a free bus pass.

5.6 If, during a school year, a pupil stops being eligible for free school meals, or a parent stops receiving maximum Working Tax Credit or equivalent, the Council will continue to provide free home to school travel to the nearest suitable school for the remainder of that school year. Proof of free school meals/maximum Working Tax Credit will need to be produced annually.

## Unsafe Walking Route Category

5.7 For each application, the Council will consider if a journey to the nearest suitable school is a safe walking route. When considering this category of eligibility, the Council will assess whether a pupil could reasonably be expected to walk, if accompanied, and whether the pupil's parent can reasonably be expected to accompany that child.

### Example

**Child D** is 12 years old. They attend their nearest suitable secondary school. It is 2 miles from their home. The only walking route to their school is along a busy country lane with no pavements. The Council carries out an assessment of the route and



decides it would be unsafe for them to walk to school along this road. Child D is eligible for free home to school travel assistance.

**Child D** would receive a free bus pass.

### **Special educational needs, disability or mobility issues category**

- 5.8 The Council will provide home to school travel assistance where a pupil cannot reasonably be expected to walk to the school named on their EHCP, because of their mobility issues or other health and safety concerns related to their special educational needs or disability.
- This will be assessed on a case-by-case basis to identify the individual travel requirements. The case will be assessed using the information in the application form, the pupil's EHCP, plus any accompanying medical documentation.
  - The usual eligibility criteria (e.g. the statutory walking distances) are not considered when assessing the transport needs of children and young people who are eligible due to special educational needs or disability.
  - The Council will consider whether the child could reasonably be expected to walk, if accompanied, and whether the child's parent can reasonably be expected to accompany the child.
  - A pupil with an EHCP does not have automatic entitlement to travel assistance.

### **Example**

Child E is fourteen years old and has cerebral palsy. They attend their nearest suitable school which is 1 mile from their home address. The nature of their condition requires them to use crutches to walk and they need to take their time to ensure they are balanced. The Council decides that they could not reasonably be expected to walk to school. Child E is eligible for free home to school travel assistance and the Council would consider either ITT, a free bus pass, a fuel reimbursement or a seat in a minibus or taxi.

## **6. Other Considerations**

### **Looked after children**

- 6.1 As the corporate parent, the Council has a responsibility to meet the care and development needs of its children. Like all other children and young people, Looked After Children should walk or use public transport to get to their nearest suitable school. If this is not possible, other types of travel assistance may be considered to ensure their attendance. Travel assistance for Looked After Children will only be considered if the child is placed at an address within the Derby City boundary.



- 6.2 If the child's residential placement is moved outside of the Derby City boundary, travel assistance will cease and the corporate parent will be required to submit a new application to the Local Authority where the child is placed (even if the school they are attending remains in Derby City).

### **Single Parents**

- 6.3 We are unable to apply any discretion for pupils from single parent families. All applications for home to school travel assistance are subject to the same main eligibility criteria.

### **Families receiving Income Support/Job Seeker's Allowance or other benefits apart from Working Tax Credit or equivalent under Universal Credit**

- 6.4 Other than the extended rights category, as set out in section 5.5, the Council is unable to make any exceptions for families receiving other benefit payments.

### **Moving to a new address and temporary homes**

- 6.5 The Council may provide home to school travel assistance to pupils going to the nearest suitable secondary school who:-
- Are in year group 10 or 11, and
  - Move to a new permanent address, or
  - Move to a temporary address

However, this can only be considered if the pupil remains at the same school and the journey can be made by public transport.

In any other circumstances, it is important that you let us know if you change address or your child changes school, as you will need to re-apply. The new application will be assessed under the transport policy in place at that time.

If you are planning on moving address, please make the Home to School Travel Service aware by email: [schooltravel@derby.gov.uk](mailto:schooltravel@derby.gov.uk) or call 01332 642716.

### **Notes**

- We will stop any home to school travel assistance if pupils move out of the Derby City boundary because the responsibility for travel assistance transfers to the new authority where the pupil is living.
- Pupils who move into the Derby City boundary area, from another authority, will need to apply to Derby City Council for home to school travel assistance and will be assessed under the transport policy in place at that time.

### **Pupils placed out of Derby City for 38 or 52-week residential educational provision**

- 6.6 **38-week placement** – the Council will fund 12 return journeys to take the pupil to the residential education provision and return home for each half term,



plus one journey for the parents to attend the Annual Review of the pupils EHCP.

- 6.7 Where parents can transport a pupil themselves, they can claim a fuel reimbursement for the same numbers of return journeys. Claims can only be made after the journey has been completed.
- 6.8 **52-week placement** – as above. The Council will fund a maximum of 12 return journeys per academic year, plus one journey for the parents to attend the Annual Review of the pupils EHCP.

### **Pupils who are permanently excluded from school**

- 6.9 The Council will aim to organise a suitable school within the statutory walking distance for pupils who are permanently excluded. If the school that the Council has organised for the pupil to attend is beyond the statutory walking distance, a free bus pass may be issued.

### **Pupil Referral Units (PRU's)**

- 6.10 For pupils attending a PRU, this will be classed as their nearest suitable school. Applications for home to school travel assistance will be assessed using the same eligibility criteria as pupils who go to their nearest suitable school, as outlined in section 5.
- 6.11 The Home to School Travel Service will consider any evidenced safeguarding risks to identify the safest way pupils to travel to and from the school.

### **Pupils who go to college who are under 16**

- 6.12 Where a pupil attends a full-time college course, arranged by the PRU, we expect the pupil to use any available free transport provided by the college. The Council will consider providing home to school travel assistance where a college service is not available, and the pupil lives beyond the statutory walking distance. This will usually be a free bus pass.
- 6.12 If the previous school has agreed to the pupil attending the college, but the pupil has stayed on the school roll, the Council is unable to provide home to school travel assistance.

### **In Year Fair Access (IYFA)**

- 6.14 For pupils attending a school named by the IYFA scheme, this will be classed as their nearest suitable school. Applications for home to school travel assistance will be assessed using the same eligibility criteria as pupils who got to their nearest suitable school, as outlined in section 5.

