



Derby City Council

**SECONDARY FAIR ACCESS AGREEMENT
2023 – 2024**



DERBY CITY COUNCIL SECONDARY FAIR ACCESS AGREEMENT

Including,

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

In accordance with the requirements of the School Admissions Code 2021, 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, including admission to UTC Derby in year 9), 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.

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.

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 Derby and its 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 pupil, 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 pupil 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/carers 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 follow the 'Ladder of Consequences' if any LA maintained school or academy 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.



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/carers by the current school's Behaviour Lead, IYFA or by School Admissions.

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 school 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 reoffered a school by SPP to avoid parents accessing an over-subscribed school on demand, and this should also prevent blocking a place in the offered school pending the result of the appeal.

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 pupil 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.

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.

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 Inclusion and Intervention 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

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.

GOVERNORS MEETINGS – REFUSAL OF AN ADMISSION

Related DfE guidance/legislation

3.9 Admission authorities **must not** refuse to admit a child on behavioural grounds in the normal admissions round or at any point in the normal year of entry, except for where paragraph 3.8 applies. (School Admissions Code 2021)

Please Note: The normal admissions round relate to the intake rounds; reception, infant to junior, year 6 to secondary and year 8 to a technical college.

Paragraph 3.8 refers to where a child has been permanently excluded from two or more schools – please contact Admissions Manager and IYFA & Exclusions Manager should you find yourself in this position.

3.10 Where an admission authority receives an in-year application for a year group that is not the normal point of entry and it does not wish to admit the child because it has good reason to believe that the child may display challenging behaviour (footnote 76), it may refuse admission (footnote 77) and refer the child to the Fair Access Protocol (footnote 78).

3.11 An admission authority should only rely on the provision in paragraph 3.10 if it has a particularly high proportion of either children with challenging behaviour or previously permanently excluded pupils on roll compared to other local schools and it considers that admitting another child with challenging behaviour would prejudice the provision of efficient education or the efficient use of resources.

Footnotes

76 For the purposes of this Code, 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.

77 A child with challenging behaviour may also be disabled as defined in the Equality Act 2010. When considering refusing admission on these grounds, admission authorities must consider their duties under that Act.

78 Paragraph 1.9(g) does not apply where an admission authority takes account of past behaviour as evidence for concerns about challenging behaviour, solely for the purpose of making a decision on whether it would be appropriate to refuse admission on the basis described in paragraph 3.10.

Process

- This should be used as a last resort after all possible pathways have been explored, including a referral to IYFA.
- The process is triggered by the family not engaging/consenting to the relevant IYFA process to place their child through a supported placement, managed move or any other local strategies that are in place.
- The school is in receipt of an admission for a child to attend their school, the school has significant concerns around the child's challenging behaviour and the effect the child will have within their cohort.
- The school to make Admissions and IYFA aware of their decision and the date of the Governors meeting.



- The school must organise a Governors meeting as soon as possible to discuss the admission, not all governors need to attend.
- The Head Teacher will put forward the case,
 - i explain that a place has become available and has been offered.
 - ii the possible admission of the child may result in the provision of efficient education or efficient use of resources.
 - iii explain the significant concerns around the admission and provide evidence where appropriate, including dates/times (if available) of incidents that have happened that include this child and any children currently attending the school.
- Once the decision has been reached, either the Head Teacher or Clerk to meeting must complete a letter (template available) outlining the reasons for the refusal to admit.
- The letter must be sent to Admissions Manager
- The Admissions Manager will write to parent outlining the reasons for the refusal, school will receive a copy of the letter and an electronic version will be placed on the pupil record at the Council.

Please bear in mind that refusal to admit does not refer to:

- Looked after children.
- Previously looked after children
- Children with an EHCP naming the school.

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 In Year Fair Access. The Secondary Fair Access Panel will consider such requests based on documentation and/or evidence provided by the school on a case by case basis.

THE SECONDARY FAIR ACCESS PANEL (SFAP)

The role of the SFAP is to:

1. Provide governance for the protocol and receive reports from IYFA relating to the local Fair Access processes, including information relating to
 - Permanent exclusions and suspensions
 - Y6/7 transition and Y9 transition into UTC Derby
 - Behaviour Strategy, including Fresh Start and Fresh Start PLUS processes
 - Elective Home Education (EHE)
 - Pupils on part time timetables
 - Pupils 'Without a School Place' (WASP)
 - Hospital medical provision
 - Admissions Managed Moves, Supported Places and Complex Admissions
 - Pre-Lexis pathway
2. Consider any requests from schools for protection over Fair Access admissions on a case-by-case basis
3. Ensure transparency and to provide a regular overview of all requests, moves and placements
4. Monitor and report on funding and spending related to the process
5. 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.



6. Consider wider issues related to behaviour and Alternative Provision which may require a strategic response

The SFAP will meet for bi-annual meetings in September and February, unless in exceptional circumstances. There may be occasions where a decision is required in the interim and members of the SFAP may be consulted by the chair to gain agreement and determine a way forward.

The panel will consist of:

- Chair of Panel (agreed by LA and Headteachers group)
- 8 secondary Headteacher representatives, including the Executive Headteacher – Respect Federation of Schools and the Principal from Derby Pride Academy
- Nominated representative from the Early Help team
- Representatives from the LA, including IYFA, Admissions, Education Welfare Service, Youth Justice Service and SEND.
- 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 protocol will be reviewed and consulted on annually. The existing protocol however remains binding on all schools up until the point at which a revised protocol is adopted.

THE SECONDARY PLACEMENT PANEL (SPP)

The SPP will ensure that the day to day operation of the protocol is delivered effectively. 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 from LA School Admissions team
- Youth Justice Service Education Officer
- Representative from Early Help Services
- IYFA and Exclusions Advisory 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
- 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

The panel will also:

- maintain an overview of direct referrals to Bridge Street School for full time J16 alternative provision places and Derby Pride Academy
- 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 and all the necessary information including details of any financial arrangements will be presented and shared to maintain transparency.

Revised September 2023



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 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.

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 to support schools in ensuring that such concerns are dealt with through an agreed process.

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 the Fair Access protocol. 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



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 a member 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 occasion, SFAP.
- The IYFA team will collect as much information as possible from the original school and other multi agency teams, to present at SPP.
- IYFA will arrange an induction meeting with the new school, 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 IYFA 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
- Where a school placement becomes at risk of breakdown IYFA 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.
- 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, 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 IYFA, 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 SPP, dependent on successful review meetings. It is the new school's responsibility to reclaim the AWPU and any PP funding from the original school at the end of the dual registration period.



- For pupils in year 11, if the placement is due to conclude towards the end of the autumn term, the pupil **MAY** remain dual registered throughout the rest of year 11 if both schools agree that it is in their best interests. Details regarding exam entries need to be formally agreed through the review process, and agreement for the original school to transfer the pupil's AWPU to the new school.
- 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 IYFA 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. 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. [Home to School Travel Assistance Policy Academic Year 2023-2024 \(derby.gov.uk\)](https://www.derby.gov.uk/home-to-school-travel-assistance-policy-academic-year-2023-2024)



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 Bridge Street 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, Travelers, 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.

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 normal admission of a pupil with identified challenging behaviour, they should contact School Admissions, who will follow the agreed protocol. 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.
- 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 DCC School Admissions, Bridge Street School, Derby Pride Academy or by SPP. 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.
- School Admissions and IYFA will work together to ensure that as much information as possible is available to provide a clear picture of the pupil's needs. This may require contact with another LA or out of area school, or to consider records from the point at which the pupil last attended a Derby city school.
- Bridge Street 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 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 IYFA. The school leader will complete a review form and send it to 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 a member of the IYFA team 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 IYFA, 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 school leader, SPP and IYFA. 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 IYFA 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. The panel may feel it is appropriate to allocate funding to support the placement from the IYFA budget.
- 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. [Home to School Travel Assistance Policy Academic Year 2023-2024 \(derby.gov.uk\)](#)



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 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.

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.

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 Commissioning Agreement in place between the mainstream school and Derby College which outlines both settings expectations, sets clear targets and the review process.

From 1st January, School Admissions will discuss all year 11 applications with the In Year Fair Access team, and each case will be discussed at SPP 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 SPP.

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 SPP 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. [Home to School Travel Assistance Policy Academic Year 2023-2024 \(derby.gov.uk\)](https://www.derby.gov.uk/home-to-school-travel-assistance-policy-academic-year-2023-2024)



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 the headteacher is aware of the referral and has 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 ten days before the half termly Behaviour Lead Network meeting. There is a maximum limit of TWO referrals every term.

2b – The referral will undergo a review of suitability for a Fresh Start. The purpose of the Suitability Group is to ensure the paperwork is accurate and thorough, the pupil fits the criteria for the process and an assessment of the risk of the student being placed in another mainstream school takes place. This will be undertaken by the Deputy Headteacher, Respect Collaboration of Schools, the Behaviour Manager from Derby Pride Academy and members of the IYFA team. The QA for this process is via the LA Head of Inclusion and Intervention. 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 Leads network, referrals will be considered and challenged where necessary.

The Behaviour Leads 'own' this system, they challenge each other regarding the appropriateness of the referrals and offer support, guidance and advice as appropriate. At this stage, the referral will be agreed or rejected.

The referral is 'rejected'

2b - All parties will be informed during the Behaviour Leads network, and the school will benefit from peer advice, challenge and guidance (the expertise of Behaviour Leads will be utilised and is essential). At this point, it is NOT appropriate to direct a school to admit a referred student. It is important to note that the Fresh Start process is a Derby city local process that sits outside of the School Admissions Code 2021. It is a process to support schools who work collaboratively together in the best interests of the student. To support the student, further interventions will be discussed and suggested, this can be accessed through [Home -The Derby Direction](#) and the Inclusion Support Panel.

The purpose of the Inclusion Support Panel is:

- To offer support to schools following the use of the Behaviour Strategy processes, Fresh Start and Fresh Start PLUS. This can include referrals which don't meet the criteria for either Fresh Start or Fresh Start PLUS, referrals which do meet the criteria however a suitable school place cannot be offered (Fresh Start) and placements that have broken down
- To signpost schools to external support for individual students
- To pool resources to be able to create bespoke packages of support for students
- To help schools develop an 'inclusion toolkit'



Referral 'agreed'

2c - The move is agreed, and the Behaviour Leads network will discuss the most appropriate schools 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, and/or will be discussed at the Inclusion Support Panel.

2d – Following the Behaviour Leads network the referring school discusses the options of schools with the student and the parents/carers.

Preparing for the 'Fresh Start'

A meeting will be held with the student, their parents/carers and representatives from both schools and organised by the referring school. 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. All of this information is documented in a Commissioning Agreement produced by the referring school.

Important

The student will be dual registered until successful sign off of the placement is agreed between both schools. There is no time limit on this as the purpose of the Fresh Start is to improve the life chances of this student. However, after TWO terms, schools should consider the length of the placement and decide whether it is in the student's best interests to extend the dual registered placement for a further review period or move to single registration. In some cases, the student may remain dual registered for the duration of their school career.

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

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 (Behaviour Leads, student 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, which must also be sent to IYFA and recorded at SPP.



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. There is a maximum limit of two referrals every term.

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 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. The purpose of the Suitability Group is to ensure the paperwork is accurate and thorough, the pupil fits the criteria for the process and an assessment of the risk of the student being placed in another mainstream school takes place. This will be undertaken by the Executive Headteacher, Respect Collaboration of Schools, 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 Inclusion and Intervention. 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 (1b)) – Exclusion Manager to contact school to explore the rationale behind the referral, and consider other support processes, through [Home -The Derby Direction](#) and the Inclusion Support Panel.
3. Referral appropriate but not suitable for another mainstream placement (Complex Fresh Start PLUS)
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 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 and/or discussed at Inclusion Support Panel. Schools can also refer to [Home - The Derby Direction](#) 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 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 (in the event a Fresh Start PLUS is agreed, however no schools offer a place, then the referring school will be invited to complete the funding form to request additional 'Stay Put' support. All requests will be discussed at SPP). The agreed Fresh Start PLUS will be passed to SPP, along with details of possible school placement or placements.

3b – A meeting needs to take place with the student, parents/carers and IYFA 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 IYFA 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 the 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. 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. All of this information is documented in a Commissioning Agreement produced by the referring school.

Important

The student will be dual registered at the home and new school until successful sign off 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 a Fresh Start PLUS is to improve the life chances of the student. However, after TWO terms, schools should consider the length of the placement and decide whether it is in the student's best interests to extend the dual registered placement for a further review period or move to single registration. 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.

Arrangements for the transfer of funding (AWPU and PP) 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 IYFA 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, this MAY include a full time alternative provision placement. A copy of all documents will be sent to IYFA@derby.gov.uk including the placement breakdown form.



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.

Complex Fresh Start PLUS process begins

1a - Having reviewed the guidance documentation a Complex 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 Complex 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

Referral Process

2a- The Behaviour Strategy referral form may have already been completed and reviewed by the Suitability Group. But if not, the referral will undergo a review of suitability for a Complex Fresh Start PLUS. The routes following this process are,

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

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 LA 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, a Commissioning Agreement will be in place and this will be monitored at SPP.

There is no time limit on this as the purpose of a Complex 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.

Arrangements for the transfer of funding associated with this student will be managed by following the Behaviour Strategy funding agreement.



ARRANGEMENTS FOR MANAGING SECONDARY PERMANENT EXCLUSIONS

At the point of issuing a permanent exclusion, schools must inform the LA, the family, a social worker (if one is involved) and the governing body without delay. The governors meeting (GDM) must be arranged without delay and has to take place within 15 school days.

DAY 6

If after the 5th day of exclusion, the excluding school have made the decision to permanently exclude, the Local Authority then becomes responsible for that child's education. Through this service level agreement, Bridge Street School will begin the education of that child on the 6th Day.

Bridge Street School must be given appropriate notice (notification on day 1 of the intention to permanently exclude) to identify capacity and ensure safety and wellbeing of all stakeholders. Where the 6th Day provision is not achieved, Bridge Street School will notify the Local Authority through annual reporting.

Factors that may affect not achieving Day 6 provision include but are not limited to:

- Late notification by school
- No notification by school or LA
- Parent/carer refuse offer
- Day 6 oversubscribed
- Pupil is out of authority

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 review and try to avoid a permanent exclusion for this pupil. The school should ensure that the school's SEND 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.

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

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 whilst attending 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 Bridge Street School 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.

A longer period of assessment and placement in AP with regular reviews

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 Bridge Street School for assessment is required. This may include consideration of assessment for EHCP and interventions and referrals for further work to support the pupil.

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 the family. SPP will maintain a robust process for the review and monitoring of all placement decisions.

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.

Should schools choose to permanently exclude a pupil and not use the Fresh Start Plus process then this will incur a financial charge. Full details of the funding arrangements linked to permanent exclusions are explained in Appendix 2.



APPENDIX 1

PROCESSES TO SUPPORT THE 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.

Information Sharing and GDPR

Any personal data collected through IYFA processes MAY be shared between educational settings and providers, to support pupils transitioning to a new setting and to support the reduction in exclusions, this includes information on SPP referrals, Fresh Start / Fresh Start PLUS / Complex Fresh Start PLUS referrals and At Risk Registers.

The sharing of information is in accordance with all Derby City Council Data Protection, GDPR principles and Information Sharing agreements. Privacy notices are available on request from IYFA@derby.gov.uk

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 parent's 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
- Where statutory assessment is still being processed/has recently been confirmed
- Perceptions of both primary / secondary schools

Bridge Street School will continue to assume responsibility for supporting the transition from Bridge Street School to a mainstream or alternative setting for pupils who do not have an EHCP.

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



About the support

This work will include liaison with The Bridge Street School and all primary and secondary schools as required. *this work may be outsourced to an external provider within Derby.

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.

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 are supported with detailed information sharing about the pupil'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 all those pupils who may be 'at risk' at secondary transfer, owing to their Social, Emotional and Mental Health needs (SEMH) needs are identified. This includes:

- All pupils who have been discussed at PPP whilst in Y5 or Y6
- All pupils identified by primary schools as being at significant risk at secondary transfer as identified on the spring At Risk Register
- Pupils who are raised by secondary schools who have concerns about the information they receive about an individual pupil through the transition portal.

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

Information on the primary At Risk Register may be shared between schools to support the transition of pupils from one primary setting to another, and from primary to secondary settings. The information should be consistent with the details in the Y6/Y7 transition portal.

Pupils without a confirmed EHCP (EHC assessment in process) transitioning to a new setting from The Bridge Street School KS2 PRU may remain in the setting whilst their plan is being written. In these circumstances, IYFA, the SEND manager and The Bridge Street School will agree appropriate provision for the pupil until a time when the plan is at consultation stage.

The pupil's name will remain on a secondary school's roll; however they will attend The Bridge Street school on a dual registration placement. A commissioning agreement and a charging agreement will be in place between The Bridge Street school and the mainstream secondary school to include the transfer of AWPU and PP funding until the pupil has a named school through their EHCP.



UTC Derby Y9 - Transition arrangements for the most vulnerable

Local arrangements are in place to support transition for those who may be vulnerable when moving from year 8 in mainstream schools in the city to a year 9 place at UTC Derby. The transition point is treated as a main round / phase transfer and must follow the School Admissions Code 2021. However, in Derby, schools can request support through a Complex Normal Admission in recognition of the challenging behaviour identified by some pupils.

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

- School Admissions team
- Mainstream schools who become aware that a parent/pupil is considering making an application for a place at the UTC Derby
- UTC Derby during their application process
- Other professionals working with pupils and their families

IYFA will liaise with all Derby city secondary schools and UTC Derby to support a pupil's transition and ensure the sharing of information is accurate, thorough and enables the pupil to have a successful start in a new school.

Secondary At Risk Register

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

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

This will be provided on a termly basis in time for the first SFAP meeting of the term and will be sent to and held by the IYFA team, who will use this information to support the work of the SPP and SFAP. Should a school feel they need to add pupils to this register at an interim point they should do so by contacting the ARR@derby.gov.uk

SPP would expect that a pupil who is permanently excluded and does not appear on the schools At Risk Register to be able to make an immediate return to another school.

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

Cross Border protocols

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. As a Local Authority, Derby recognises the challenges this presents and such cases will be considered on a case-by-case basis.

Please note: 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.



APPENDIX 2

Secondary Fair Access – Funding Arrangements

This appendix outlines the way schools will be charged when pupils are permanently excluded and educated through alternative provision (Fresh Start PLUS), which is provided by either Bridge Street 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 school leaders 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, school's individual budgets and / or other local authorities.

The current commissioning arrangements in place are,

The Local Authority fund 100 commissioned places at Bridge Street School. The places are allocated for permanently excluded pupils, referrals through the Fresh Start PLUS and Complex Fresh Start PLUS processes, and for pupils who have been identified as a Supported Placement and that are unable to access mainstream placements.

In the event that there is a requirement to exceed this number, the Local Authority will provide additional financial support to ensure that all school and pupil risk assessments can be adhered to.

Places in the school are funded in full, from April 2023, with a review in January 2024 for the following financial year. Places are funded in this way to ensure that all stakeholders are kept safe, and that the appropriate curriculums can be efficiently delivered from the 6th day where required.

Permanent exclusion charges

For permanent exclusions issued from September 2023, schools will be charged a 'one off' £15,000 fee.

The school will be invoiced for £15,000 immediately at the point when a pupil's name is removed from their roll.

141. The governing board must ensure that a pupil's name is removed from the school admission register if:
- 15 school days have passed since the parents were notified of the governing board's decision to not reinstate the pupil and no application has been made for an IRP
 - the parents have stated in writing that they will not be applying for an IRP. after the appeal window closes, 15 days following the Governing Board meeting.

143. Where an application for an IRP has been made within 15 school days, the school must wait until the review has been determined, or abandoned, and until the governing board has completed any reconsideration that the panel has recommended or directed it to carry out, before removing a pupil's name from the register. Where a pupil's name is to be deleted from the school admissions register because of a permanent exclusion the school must make a return to the local authority.

[Suspension and Permanent Exclusion guidance July 2022 \(publishing.service.gov.uk\)](https://publishing.service.gov.uk)

The £15,000 charge will be added to the Behaviour Strategy budget to financially support schools with interventions and strategies to prevent exclusions and reduce school moves.

The pupil will take a commissioned place at Bridge Street School.

Bridge Street School will receive the pupil's APWU and PP funding, pro rata, from the Local Authority.

There are still a number of pupils who have been issued a permanent exclusion by schools before September 2023, and are currently educated at Bridge Street School. The funding arrangements for these pupils are as follows,

There will be a 'one off' charge of £15,000 to the school who issued the permanent exclusion. This will be invoiced in the autumn term of 23/24

This money will also be added to the Behaviour Strategy budget to support inclusive work in the city.

Fresh Start PLUS / Complex Fresh Start PLUS charges

The mainstream school is charged APWU and PP funding whilst the placement is dual registered with Bridge Street School or Derby Pride Academy.

The 'one off' charge of £6000 is invoiced by the LA, to the mainstream school. This money is added to the Behaviour Strategy budget to support the inclusive work in the city.

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.

Schools may purchase AP provision directly from individual providers at the current rate, subject to availability. All charges will be administered by the individual provider. In Derby, full time AP places can be commissioned directly from Bridge Street School and Derby Pride Academy.

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.

The agreed amount for 2023/24 is £70,000. The contributions from each school are based on NOR in October 2022, and is capped at £6,000 for larger schools.

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 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. 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 SPP would decide for the pupil to move on a normal admission. However, SPP recognise the complexities around the school transfer and the difficulties the pupil 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.

- Possible 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.

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. IYFA 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 negotiated by the Behaviour Lead and IYFA, and agreed at SPP. The funding agreement will be confirmed by SFAP once the pupil has been placed on the school's roll.

APPENDIX 3

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 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 time frames
- 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.