



Derby City Council

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DERBY CITY COUNCIL FAIR ACCESS AGREEMENT

Incorporating

- **Primary and Secondary Managed Moves**
- **Secondary Hard to Place**
- **Secondary New Arrivals, who do not speak or understand English Protocol**
- **Y11 late admissions)**

INTRODUCTION

The School Admissions Code requires that each local authority must have a Fair Access Protocol. (FAP) All schools including Free Schools and Academies must participate in their local authority's protocols in order to ensure that unplaced 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.

When revising the Fair Access Protocol (FAP) we must take into account the revised School Admissions Code 2012. The revised Code removes the listed circumstances in which a school may exceptionally refuse a child based on their behaviour. Instead it says that where a school proposes to do so - and it will normally only be appropriate where a school has a particularly high proportion of children with challenging behaviour or previously excluded children – it must do so in accordance with the Local Authorities Fair Access Protocol. The DfE is of the view that it is the responsibility of the LA, the circumstances they choose to describe for these purposes in the FAP. This means that it would be possible for such protection to be afforded if a) they had a particularly high proportion of children with challenging behaviour etc and b) the FAP described the relevant circumstances. This could be as explicit as being under a notice to improve, or could just say it is permissible where a school has a high proportion of difficult children. The emphasis is on local circumstances and local agreement.

It is not intended to cover the majority of children for whom in-year admissions are a straightforward process and for whom normal admission arrangements apply.

The FAP will be supported by clear and transparent funding arrangements. The Local Authority will support the Fair Access Agreement with appropriate specialist reintegration support. Schools will not normally be asked to take more pupils than outlined within the detail of the Fair Access Agreement.

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

The Protocol is triggered when a parent/carer of an eligible child has not secured a place under the in-year 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.

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

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

To ensure transparency, the processes involved and options available will be clearly explained to parents by the current schools designated teacher or by the LA's Admissions Manager as appropriate.

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 within a specified timeline. The school offer will be withdrawn pending the result of the appeal, or the deadline for lodging an appeal has passed. Should the appeal fail, they will be re-offered a school by the Placement Panel to avoid parents accessing an over subscribed school on demand, and should also prevent 'blocking' of a place in the offered school pending the result of the appeal.

THE FAIR ACCESS PANEL

The role of the Panel is to:

- ensure transparency and to provide a regular overview of all requests, moves and placements
- provide governance and receive reports for both the Primary Behaviour Panel and Secondary Placement Panels
- consider wider issues related to behaviour, attendance and Alternative Provision which may require a strategic response

The Fair Access Panel will meet for a summary meeting each half term. The Panel will consist of:

- ❖ An Independent Chair
- ❖ 2 Secondary Head Teachers from each of the three locality groups plus the Head Teachers from the KS3/4 PRU
- ❖ Primary Head Teacher representation from each of the three locality groups plus the Teacher in Charge of KS1/2 PRU
- ❖ Heads of Localities
- ❖ Representatives from the LA Admissions Section, Educational Psychology Service, Education Welfare Service and Inclusion teams.
- ❖ Specialist Education Welfare Officer linked to the process

Information for the Fair Access meeting will be circulated at least five working days in advance of the meeting. The only information accepted on the day will be relating to referrals for new arrivals that do not speak or understand English.

Accurate data on current allocations will be shared at the beginning of each meeting of the Fair Access Panel.

An annual report of the Fair Access Agreement allocations will be presented to the Secondary Heads' Business meeting and to the Fair Access Panel each autumn term. It will also be published in the LA's schools circular

THE SECONDARY PLACEMENT PANEL

As part of its agenda the SPP will consider all aspects of each referral (with the exception of New Arrivals) on behalf of the Fair Access Panel in order to determine whether a pupil is eligible for placement, based upon information and evidence received from the referring body. If the pupil falls within the agreed criteria, the SPP will apply the agreed principles to ensure suitable educational

provision is provided to an eligible pupil 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. Outcomes of each referral will be reported to the Fair Access Panel at the summary meeting.

Should it be determined that a pupil **does not** meet the necessary criteria, then any parental preference application pending will be processed in line with the statutory requirements by the Admissions Section. The SPP will meet every 3 weeks and will be made up as follows:

- 2 Secondary Head Teacher Reps* (attending for one term on a rolling programme)
- Head Teacher – The Kingsmead School*
- Head Teacher - Derby Pride Academy*
- Youth Offending Service Education Officer
- Virtual Head Teacher for LAC – as required
- Representative from SEN section – as required
- A minimum of one Locality Head – all to attend on a rolling programme
- Exclusions officer
- Specialist EWO for IYFA process
- Clerk to SPP

* Alternative SLT representative may occasionally be substituted by agreement

The meeting will be chaired on a rotational basis by a secondary head teacher.

The panel will also:

- receive and review individual school 'At Risk Registers' to support Secondary Placement Panel (SPP) and Admissions in decisions re Managed Move referrals
- monitor secondary fixed term and permanent exclusions
- review transition arrangements for more vulnerable Y6 pupils in liaison with PBP

Monitoring and Review:

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

THE PRIMARY BEHAVIOUR PANEL

The Primary Behaviour Panel will take the role of a primary placement panel and consider all aspects of each referral on behalf of the Fair Access Panel in order to determine whether a pupil is eligible for a Managed Move, based upon information and evidence received. Parents' views, geographical factors and transport arrangements will be taken into consideration, but these will not override the protocol;

The SPP will meet every week and will be made up as follows:

- Head of Inclusion and Intervention
- SLT representatives from KS1/2 PRU
- Representatives from KS1/2 Outreach Team as required
- HT of Lakeside Primary – Nurture Group
- HT Beckett Primary– Nurture group
- Adele Jones – Parenting Officer

The meeting will be chaired by the Head of Inclusion & Intervention.

The panel will also:

- receive and review individual school 'At Risk Registers'
- monitor primary fixed term and permanent exclusions
- review transition arrangements for more vulnerable Y6 pupils in liaison with SPP

Monitoring and Review:

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

FAP: MANAGED MOVE PUPILS

Purpose

Managed Moves are an early preventative intervention to avoid permanent exclusion and/or to provide a fresh start where appropriate. Schools will work in partnership with each other and the LA to provide a fresh start for pupils identified as being at risk of permanent exclusion. Only in exceptional cases will Y11 pupils be considered for a managed move.

Category of Need

A school must consider requesting a Managed Move:

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

Exceptions

Pupils with a statement of special educational needs

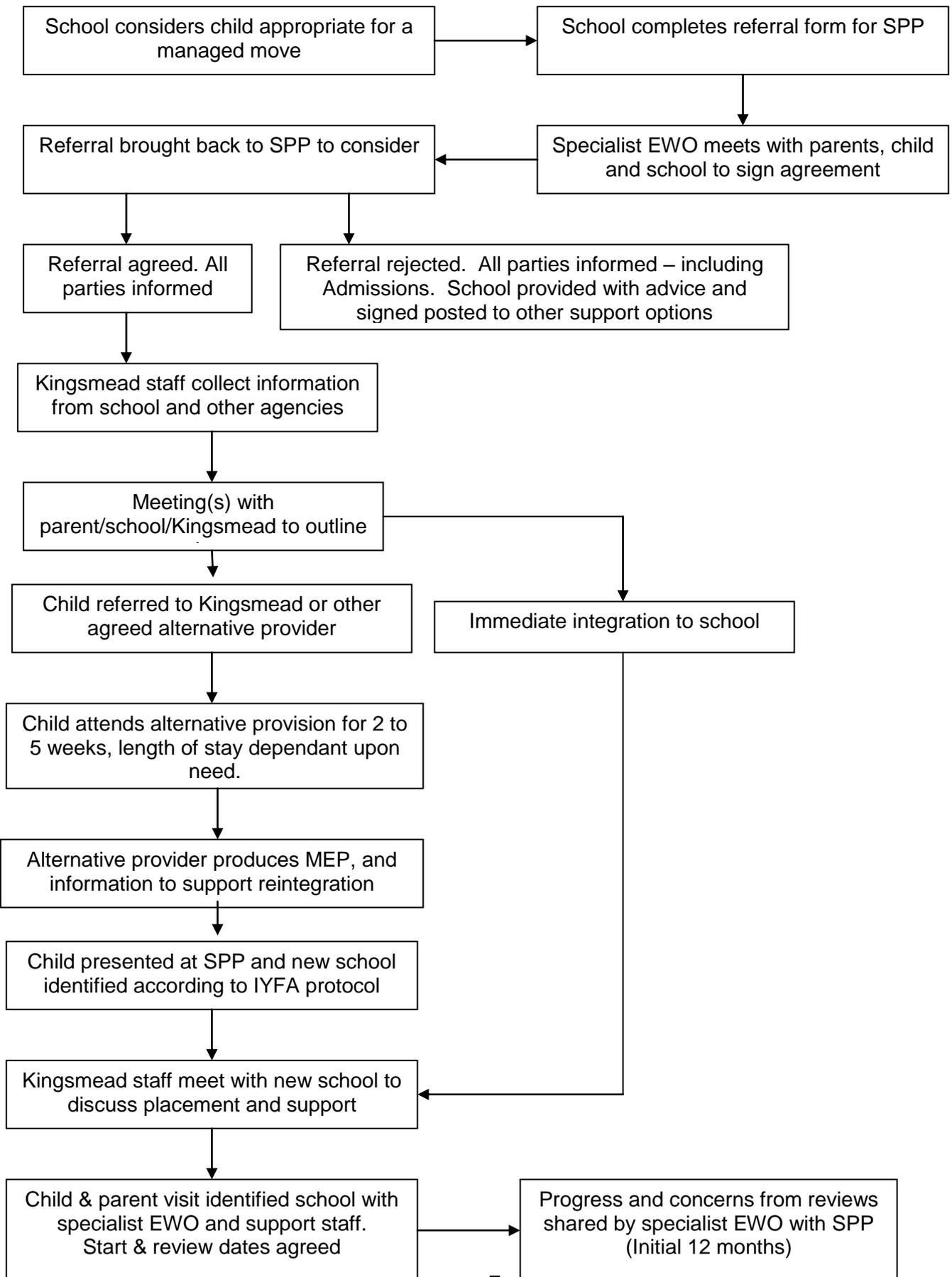
General Principles

- If a 'looked after child' (LAC) is being considered for a Managed Move, this should be discussed in the first instance with the social worker and the Virtual School Head Teacher for children in care.
- If a pupil is undergoing Statutory Assessment a 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.
- School will discuss the Managed Move with pupil, parent/carer to secure their agreement in principle and ensure that a consent form signed by all parties is presented as part of the referral. In all cases the school should include the Specialist EWO or Primary Complex Caseworker as part of the initial process. A Managed Move can only take place with the parents' consent.
- Once a school has initiated the Managed Move application a parent should be advised 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 parent/carer can make applications to other schools.
- Any application to other schools made within 12 months of a Managed Move would be assessed on a case-by-case basis by SPP or PBP in consultation with the Head teacher and the Admissions Manager. Any decision, and the reasons for this decision should be clearly recorded and communicated to the parent/carer as soon as possible
- An application to the originating school will not be considered at any time following the Managed Moves process

Secondary Managed Moves

- In recognition of the challenges a managed move admission can present, placements will be considered and allocated equitably by the Secondary Placement Panel.
- A tiered approach to the process provides an option for both a 'direct' and 'supported' managed move.
- Applications will be completed by the referring school and sent to the clerk to be presented at the next scheduled SPP and will be processed according to the agreed process. This application will then be tracked at the next Fair Access Panel
- Following a Managed Move the referring school will transfer the AWPU balance to the receiving school plus £1500 to the central fund, overseen by the SPP to support the provision of reintegration support and allow for additional funding to be provided for more complex managed moves. The £1500 is a one-off amount and is transferred in full, irrespective of the date of the Managed Move.
- Agreement to transfer any additional funding to support a more challenging pupil in the new school will be confirmed by the Fair Access Panel dependant on successful review meetings.
- The original school retains responsibility for the pupil until pupil is placed on the new school's roll. This must be **within 10 working days** of SPP confirming the placement. If the placement breaks down within the first 8 weeks then the pupil will return to the referring school and will be considered at SPP who will review each case on an individual basis, signposting to appropriate support, and discussing the most appropriate next steps. Alternative placement may be considered at this point.
- The receiving school and the Specialist EWO arrange an induction meeting with relevant personnel, pupil and parents to plan the integration. 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 two terms of the Managed Move and the Specialist EWO will be invited to attend all such meetings.
- If during the first twelve months following a Managed Move pupil is identified as being at risk of permanent exclusion then the school should ensure that the specialist EWO 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. Alternative placement may be considered at this point.
- If a school accepts a Managed Move and then permanently excludes the pupil within 12 months of the pupil being placed on the school roll, then any additional funding agreed will not be withdrawn. The agreed financial penalty will be applied for the exclusion.
- Normal transport rules will apply, and where the pupil is entitled to free transport, a bus pass will be provided, with the receiving school funding the first 12 months and the LA funding the remainder of the pupil's compulsory education.

Secondary Managed Moves Process

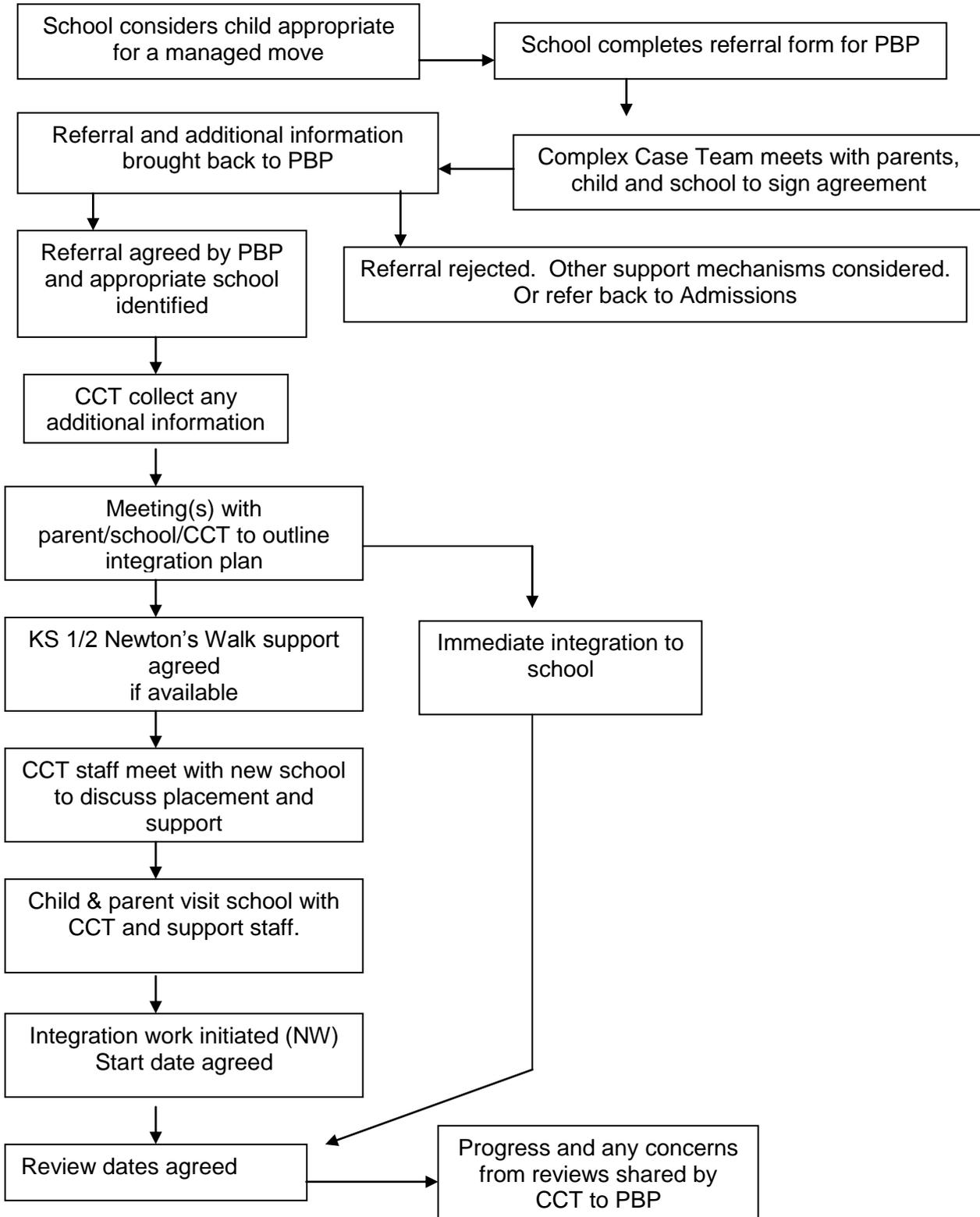


Primary Managed Moves

Primary Managed Moves

- The individual needs of the child and matching these to the most appropriate school placement will be the primary consideration in all primary managed moves
- Where a pupil is eligible for a Managed Move, a school will be nominated based upon information and evidence received. Arrangements must be made to ensure the pupil is placed on the school's roll within **10 working days** of the nomination.
- A tiered approach to the process provides an option for both a 'direct' and 'supported' managed move.
- Support will be available from KS1/2 PRU staff, for the reintegration of pupils from the PRU and for other Managed Moves subject to availability.
- Following a Managed Move the referring school will transfer the AWPU balance to the receiving school.
- Funding from the Pupil Support Grant may be allocated to provide additional resources to support a managed move. This will be considered and allocated through the PBP
- The receiving school and the representative from the KS1/2 Complex Case Team will arrange an induction meeting with relevant personnel, pupil and parents to plan the integration. Where attendance has been an issue at the previous school, 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 two terms and a representative from the KS1/2 Complex Case Team will be invited to attend all such meetings.
- Normal transport rules will apply.

Primary Managed Moves Process



FAP: SECONDARY HARD TO PLACE PUPILS

Purpose

It is acknowledged that there will be permanent exclusions, and that schools will be approached through the FAP to accept excluded pupils. The FAP also provides a mechanism for allocating a school place to other pupils, not on a school roll and who are considered difficult to place through normal admissions procedures.

Aim

Schools will work in partnership with each other and the LA to provide a fresh start for pupils at risk of permanent exclusion, and to provide school placement for pupils who meet the criteria, and are difficult to place through normal admission procedures.

Category of Need

- Permanently excluded pupils
- PRU pupils ready for reintegration
- Children whose parents have been unable to find a place after moving to an area because of shortage of places
- Children who have been out of education for longer than one school term
- Children withdrawn from schools by parents following a fixed-term exclusion or other incident and unable to find a place
- Children without a school place and with a history of serious attendance problems
- Children of refugee/asylum seekers
- Children from homeless families
- Children who are carers
- Children with special educational needs but without a statement
- Children involved with YOS/ASB team or known to the police or other agencies
- *Looked After Children involved with YOS/ASB team or known to the police or other agencies
- Traveller children
- Children from unsupportive family backgrounds, where a place has not been sought
- Children returning from the criminal justice system
- *Looked after children returning from the criminal justice system
- Children of UK service personnel and other Crown Servants

Exceptions

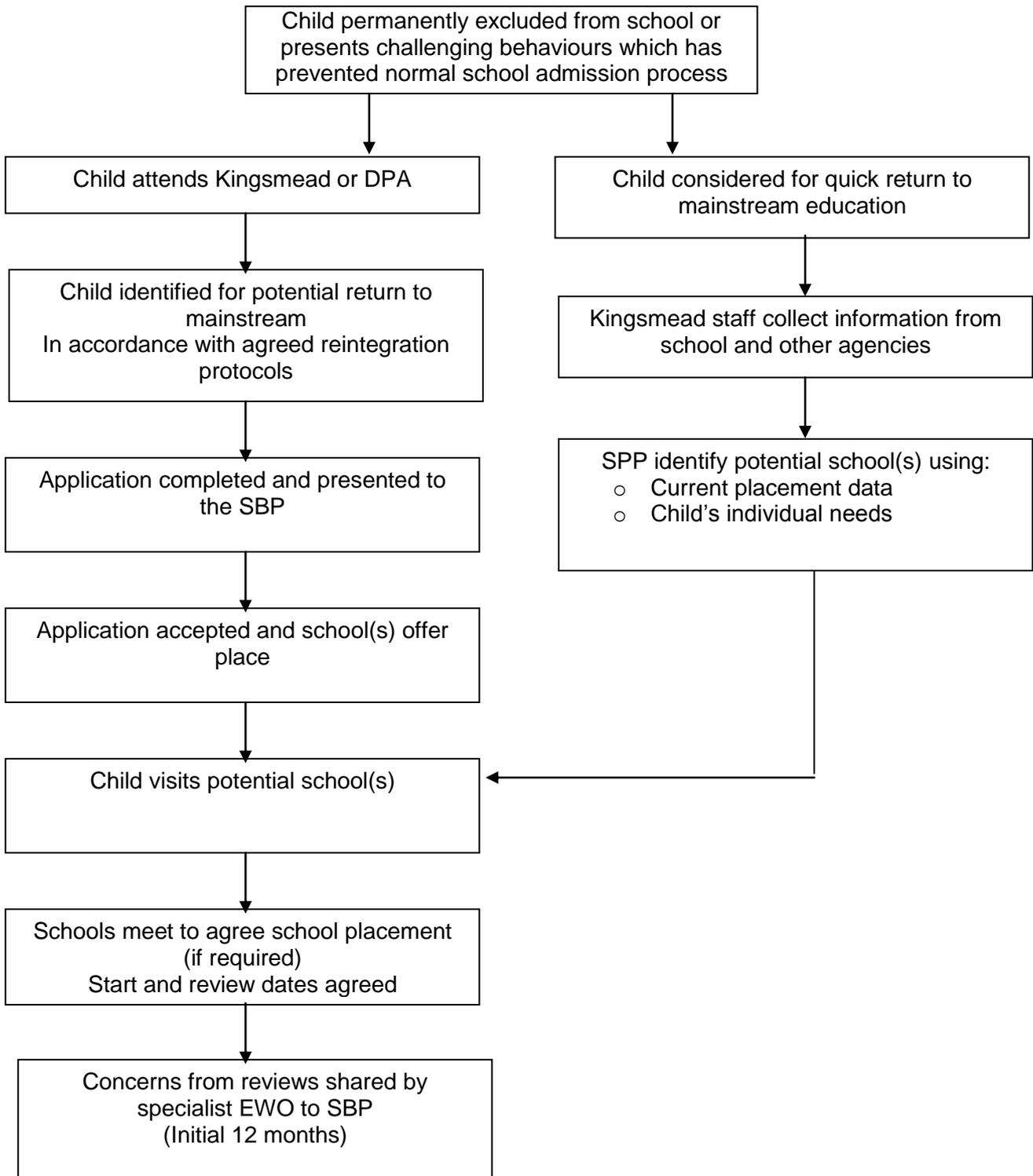
- The School Admissions Code is explicit in its requirement that this provision **will not** apply to a looked after child, a previously looked after child*or a child with a statement of special educational needs naming the school in question as these children must be admitted –where places are available - without undue delay.
- 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 Admissions section or 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' (Appendix 1)

* It is recognised by the Fair Access Panel that exceptionally, children who meet this category of need should be considered under this protocol.

Principles

- Pupils will be referred by the LA's Admissions, Kingsmead School/PRU and Derby Pride Academy only. Referrers will complete a Hard to Place referral form. In all cases, evidence should be presented which clearly indicates that the pupil is appropriate for a mainstream school placement at this time.
- KS3 pupils and those in the first term at Year 10 will be placed through this process. In later stages of Year 10 and in Year 11 pupils will only be brought to panel where it is felt they can successfully integrate into the exam programme.
- Exclusion appeals procedures must be completed before a permanently excluded pupil is referred under this protocol.
- Previously excluded pupils will be fully assessed and will only be presented if it is felt that the pupil could be successful in a mainstream setting.
- SPP 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 mainstream school then SPP will identify a school based on the individual needs of the pupil and the current placement data.
- 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 target of Hard to Place 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.
- In recognition of the challenges a hard to place admission can present, placements will be considered and allocated equitably by the Secondary Placement Panel.
- Reintegration will be supported by the Specialist Education Welfare Officer and, where appropriate, by the provision with responsibility for reintegration.
- Funding of up to £4,000 per pupil is available to support Hard to Place referrals. This will be agreed by the Head teacher/designated representative of the receiving school, SPP and the Specialist EWO who supports the Fair Access Protocol. The funding agreement will be confirmed by the half termly placement panel 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 exclusion, then the school should ensure that the Specialist EWO 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. Alternative placement may be considered at this point.
- If a school accepts a Hard to Place referral and then permanently excludes them within 12 months of the pupil being placed on the school roll, then any funding agreed to support the reintegration will not be withdrawn. The school will however be subject to a financial penalty for the exclusion.
- Normal transport rules will apply, and where the pupil is entitled to free transport, a bus pass will be provided, with the receiving school funding the first 12 months and the LA funding the remainder of the pupil's compulsory education.

HARD TO PLACE PROCESS - SECONDARY



NEW ARRIVALS, WHO DO NOT SPEAK OR UNDERSTAND ENGLISH

Background

The provision of a Language Centre is the outcome of dialogue between the local authority and Secondary School Head teachers and Governors. All parties had significant concerns that the induction of growing numbers of new arrival students coming to Derby should be managed and that allocation to schools should be in the best interest of the child and as equitably as possible. The New Arrivals' Language centre has capacity to take a maximum of 40 pupils in any one time.

Purpose

To evenly and equitably allocate a school place on a rotational basis for pupils who are new arrivals to the City and who do not speak or understand English. Schools will be expected to take 2 pupils per year group, resulting in a maximum of 10 per academic year. The New Arrivals' Language Centre (LC) is situated at The Bemrose School. Students attend the centre for approximately six weeks. The twin aim of the provision is to also induct students into the expectations and processes of the English educational system. It is an expectation that the receiving secondary school will continue to support both aims when the student leaves the centre.

Principles

Admissions Team will refer applications that are marked 'do not speak or understand English' to the New Communities Support Team (NCST) who will contact parents and send them a 'Welcome Pack' which explains the process for placement.

Allocation to a Learning Centre will be on the following order of priority up to 20 per session at any one time

1. Those new to the City who have no UPN
2. Those new to the City who do have a UPN
3. Those who have been in the City before and have now returned.

Students who have successfully attended the six week LC induction programme should be placed and supported in their **allocated secondary school**. Students placed in their allocated schools will also receive the following level of support:

- One half day a week language /curriculum support and HSL support from the NCST
- Support for interpreting and/or translation as required by members of the NCST
- Cultural awareness training to staff delivered by members of the NCST
- Clarification and follow up advice about an individual students attainment, progress and behaviour from LC Manager
- Additional support for new entrants could be provided from the LC staff if there is only one session needed in a term due to low numbers and/or during the planning week at the beginning of each half term.

Students who have successfully attended the six week LC induction programme should only be **readmitted** to the LC under the following exceptional circumstances:

- a) A student fails to achieve at least Step 1 in all four key areas of the QCA language assessment
- b) A student fails to demonstrate the ability to successfully follow daily mainstream school routines (based on the Language Centre Manager's assessment)

The LC will only support students **referred** through other routes if there is existing capacity in the LC and only if they meet the following criteria:

- c) A student fails to achieve at least Step 1 in all four key areas of the QCA language assessment
 - d) A student fails to demonstrate the ability to successfully follow daily mainstream school routines (based on the Language Centre Manager's assessment)
 - e) Inadequate experience of formal education in England requiring additional induction and support beyond that which might reasonably be expected of the allocated school.
- Pupils will be allocated a school place on a rotational basis, but after having regard to their home address and any siblings already at a school. The NCST will then submit a paper to the SBP stating the pupils name, address, date of birth and school to be allocated.
 - The SBP meeting will be informed of the number of applicants, and the schools allocated. It is not possible to have detailed information on applicants as assessments will be undertaken at the centre after the Panel meeting. Detailed information will, however, be available to the allocated school prior to the student transferring from the Language Centre to the school. Pupils will be placed on the receiving school's roll the day following the SBP meeting.
 - Each school will have a named contact who will liaise with the New Communities Support Team prior to the pupil attending their school. This staff member will facilitate the transition from the Language Centre to the school and provide the pupil with a known contact / familiar face.
 - Support will continue to be given by the Team to the allocated school up to six weeks after the pupil starting at the school.
 - Should there be no available places at the Language Centres; application will be returned to the Admissions Team to be processed in the normal way. This may lead to schools receiving pupils who do not speak and understand English, but who have not been allocated a place through the Fair Access Panel. Priority one pupils allocated to the schools in this way will count towards the total allocation for the academic year.
 - Normal transport rules will apply, and where the pupil is entitled to free transport, a bus pass will be provided,

YEAR 11 PUPILS – MID-YEAR ADMISSION ARRANGEMENTS

Purpose

It is recognised that the late admission of a Year 11 pupil into a school needs careful management to achieve the best possible outcomes for each individual pupil. Although the statutory requirements do not allow for refusal of admission it is agreed under Derby City's FAP that any applications for Year 11 received **from the start of the Spring Term** will be referred to SPP for consideration on a case by case basis. The Panel will seek to determine if a pupil is suitable for admission into a mainstream setting and nominate a receiving school or provide alternative educational provision if not.

Principles

In compliance with sections 3.9 – 3.15 of the Schools Admissions Code 2012 for all Year 11 applications received by the Admissions Section up until the end of the autumn term schools **must** make arrangements for pupils who do not meet the FAP criteria to be admitted into the school **within 10 working days**.

All Year 11 applications received by the Admissions Section from the beginning of the spring term will be referred to the SPP.

APPENDIX 1

In Year Fair Access/Admissions Concerns

Mid year admissions cause significant pressure on secondary schools and these are compounded when the young person has identified behaviour and/or attendance issues. From a young person's perspective, evidence shows that many of these moves do not prove successful and the placement breaks down.

Derby City has an agreed In Year Fair Access Agreement which includes a Managed Move protocol which should be used:

- As an early intervention to avoid behaviour problems escalating into permanent exclusion.
- If a fresh start would be regarded as having a positive impact.
- Where a pupil is at risk of or involved in criminal behaviour within the local neighbourhood and would benefit from a fresh start.

Following consultation with the local authority, Derby City secondary schools agree that wherever possible pupils with identified behaviour and/or attendance issues who are indicating that they wish to move to another school should be provided with information and advice the Managed Move process.

For situations where potential mid-year admissions 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 Admissions and schools in ensuring that such concerns are dealt with through an agreed process.

Appendix 1 Cont

IYFA/Admissions Concerns

