

## In-year fair access protocol for secondary schools and academies

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### Contents

In-year fair access protocol for secondary schools and academies .....	1
Summary .....	3
Aims of the scheme .....	3
Background .....	4
Scope .....	4
Main principles of the protocol .....	4
Pupil placement panel .....	5
Core members .....	5
School to school managed moves .....	5
Permanently excluded pupils .....	5
Pupils new to Luton with significantly challenging behaviour .....	6
Vulnerable pupils .....	6
Documentation required by PPP .....	7
Decision making process .....	8
Recording and reporting processes .....	9
AWPU .....	9
Trial period .....	9
Pupils living outside of the borough .....	10
Returnees from elective home education .....	10
Bladed weapons incident .....	11
In-year admissions .....	11
Schools in Ofsted categories .....	12
Shortfall of school places .....	12

Appendix A - managed move trial period assessment grid ..... 13  
    Example managed move trial period assessment grid ..... 14  
Appendix B - bladed weapons incident..... 15

**Education and learning | school admissions**

## Summary

Luton Council and all schools and academies in Luton are committed to inclusive education, the in-year fair access protocol sets out how those pupils most at risk of exclusion from education will be supported.

Secondary head teachers and principals have agreed to share permanently excluded pupils and those whose parents have agreed to a managed move under the in-year fair access protocol, this protocol also covers vulnerable unplaced children and other vulnerable children on a school roll who require a managed move.

The protocol doesn't cover normal in-year admissions (see explanation below), the operation of the protocol is overseen by the pupil placement panel, Luton's secondary headteacher group and the Luton Council.

## Aims of the scheme

The scheme is designed to:

- acknowledge the real need of vulnerable young people<sup>1</sup> who aren't on the roll of any school/academy to be dealt with quickly, sympathetically and in a personalised way
- ensure that persistently disruptive pupils receive early interventions to maximise their chances of remaining on the school roll, supported through school based strategies
- ensure that where a 'fresh start' or managed move is considered to be in the pupil's best interest, the transfer is managed by the current school within the remit of this protocol
- support schools to develop strategies in relation to vulnerable children at risk of leaving education
- reduce the time that 'difficult to place' pupils spend out of education
- ensure that no school including those with available places, is asked to take a disproportionate number of children who have been excluded from other schools, or who have challenging behaviour
- ensure that there is a supportive reintegration process for pupils who have been permanently excluded and, following a period of intervention, are able to reintegrate into mainstream education
- be fair and transparent, and to have the confidence of all schools and academies

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<sup>1</sup> Includes the following who have difficulty in securing a school place:

- a) children from the criminal justice system or pupil referral units
- b) children who have been out of education for two months or more
- c) children of Gypsies, Roma, Travellers, refugees and asylum seekers
- d) children who are homeless
- e) children with unsupportive family backgrounds for whom a place has not been sought
- f) children who are carers
- g) children with special educational needs, disabilities or medical conditions (but without a statement/EHC plan)

## Background

The school admissions code requires all local authorities to have an in-year fair access protocol, all schools and academies in Luton must take part in the agreed protocol.

## Scope

The admissions code allows for pupils to be admitted under this protocol, this protocol overrides usual admission arrangements even if:

- the school has reached or exceeded its admissions number in the relevant year group creating additional places in schools that are full
- there is a waiting list for the year group in question

The admission of children in care is not covered by the in-year fair access protocol instead local authorities are required to ensure children in care are admitted to the most appropriate school/academy quickly, using powers of direction if necessary where they are not the admission authority.

## Main principles of the protocol

In order for the scheme to be successful:

- **all** schools and academies must take part - this is required by the school admissions code
- schools and academies must not advise parents to seek a 'fresh start' at an alternative school through the normal admissions process where the pupil has a history of persistently disruptive behaviour or is at risk of permanent exclusion
- school staff should actively discourage parents from opting for elective home education where this is likely to be unsuccessful, particularly where there are safeguarding concerns
- schools and academies must continue to admit pupils who apply for an available place, under normal admission arrangements
- when a school has been identified for a pupil under this protocol, the transition planning must commence without delay, the receiving school must notify the access to education manager of the date of admission for record keeping purposes - in the case of managed moves the pupil should have started their trial period or have a start date for their trial period by the next month's PPP
- no school requesting a managed move will take the pupil off roll until a new school admits the pupil
- managed moves are not appropriate if the current school could not have the pupil back if the managed move fails

Schools can contact the 'Educational Psychology Learning Support Service' or 'Alternative Learning and Progression Service' at anytime for advice.

The council also encourages school staff to make use of the [research in practice](#) website which is available to Luton schools and provides information and advice on behaviour management.

## **Pupil placement panel**

**Frequency of meetings:** the panel will meet for two hours once a month

### **Core members**

- One representative from each school (academy trusts may decide to send one representative for all the schools in their trust) - the school/trust representative would need to have sufficient authority to make decisions on behalf of the headteacher of the school(s) they are representing
- Manager of the 'Alternative Learning and Progression Service' (chair)
- ALPS advisory teacher for secondary schools
- Head of ACE or nominated representative
- Senior education officer or access to education manager
- Education psychology service representative
- Youth offending team representative

### **School to school managed moves**

All school to school managed moves, to oversubscribed year groups within a school, must be routed through the pupil placement panel, school to school managed moves outside of the protocol to oversubscribed schools are not lawful - unless the pupil was top of the waiting list, which must be ranked using the published oversubscription criteria - any school to school managed moves to an undersubscribed year group must be notified to the access to education manager.

Managed moves should be used as an early intervention strategy, focused on KS3 pupils, where there is a clearly articulated rationale for why a change of school is appropriate and where a new school can offer something different to the current school - managed moves are not appropriate for those pupils who are at risk of permanent exclusion.

Any SEN must have been identified, with interventions put in place, before a managed move is proposed.

For a managed move to be successful it's essential to have parental and pupil engagement and support for the managed move process.

A chronology of significant events, support and the impact of intervention needs to be provided to the receiving school to enable accurate risk assessments to take place.

### **Permanently excluded pupils**

All permanently excluded pupils will have a 'cooling off' period', during which appropriate assessments are made, these will determine whether another school or an alternative provision is the best solution for the pupil's future education.

The Headteacher of ACE or the manager of the 'Alternative Learning and Progression Service' will make referrals to PPP when a pupil is ready for reintegration back into mainstream education.

- Pupils who have previously been permanently excluded will initially be dual registered at their new school and ACE, a careful transition programme will be drawn up and ACE support will remain in place until the pupil is ready to transition full time into mainstream education - ACE support can be increased or decreased to accommodate the needs of the pupil

- The reintegration of permanently excluded pupils will be overseen by PPP (see decisionmaking section below)
- Details of the original permanent exclusion, together with up to date ACE assessments and details of interventions, will need to be submitted to PPP

### **Pupils new to Luton with significantly challenging behaviour**

The panel may also consider the appropriate placement for pupils new to Luton who have a history of significant challenging behaviour or have been permanently excluded or are a risk of permanent exclusion.

Factors that will be considered when determining eligibility for placement under this protocol include the following:

- Current/previous education provision and whether this was full time, mainstream provision
- Severity, nature, frequency and timing of behaviour incidents
- Whether the pupil has been permanently excluded from school or has a history of fixed term exclusions in the last two years
- Level of the child's vulnerability
- Known behaviours/risks outside of school
- Other evidence that suggests the pupil is likely to require significant support over that which would ordinarily be put in place for an in-year admission

Schools should make referrals to the hub allocation meeting where they admit a pupil, through the normal admission process, and the pupil subsequently exhibits a high level of challenging behaviour, consideration will be given to supporting such pupils through centrally held funding.

**Reintegration of pupils to mainstream education:** the panel will also consider placements for pupils needing reintegration to school following intervention managed by ACE/ALPS.

### **Vulnerable pupils**

Vulnerable pupils within Luton who are not on a school roll or vulnerable pupils on a school roll for whom a managed move would be appropriate, only cases of extreme vulnerability would be considered by the panel, as the vast majority of cases should be placed by the normal in-year admissions process.

For pupils new to Luton, PPP will need to identify a school for the pupil at the early stages of intervention and the pupil should be placed on the school's roll - ALPS staff would seek to work in partnership with a named key worker at the school to shape the intervention, set formal review dates and decide when/if the pupil would be integrated into the School.

The School would be expected to transfer the pupil's AWPU funding (on a pro rata basis) to the ALPS service to support any alternative provision arranged for pupil, the only exception to this approach would be for pupils in years 10 and 11 who are unlikely to be able to access mainstream provision at any time in key stage 4.

The Council would look to place such pupils at ACE or at an alternative provision which is a registered school.

## **Documentation required by PPP**

All cases referred to PPP must be accompanied by the following documentation, failure to provide all the documentation will result in a case being deferred until all documents are provided.

- An accurate account of the pupil's behaviour, interventions put in place (including alternative provision) and the success of such strategies - the school's documentation should also explain why a fresh start at a new Luton school is appropriate
- A copy of the pupil's behaviour log
- A copy of the pupil's attendance record
- A copy of any documents in place to support the student eg IEP, PSP, BSP, EHA, EP report
- A copy of the pupil's KS2 assessment data and the most recent assessment data, including CAT scores

It's recognised that, for pupils new to Luton, the previous school is not obliged to provide the documentation set out above, however, the admissions team will attempt to gather this information for cases it refers to the panel.

The following information must be sent to ALPS at least ten school days before the panel meets, to enable all paperwork to be distributed five school days before the panel meets - the ALPS manager will contact the referring school to discuss any cases which do not appear to fall within the remit of this protocol.

## **Actions to be taken before a pupil is referred for a managed move on the grounds of behavioural issues**

When considering a managed move the school will usually be expected to have exhausted the following strategies:

- Any attendance issues have been addressed with the parents and student
- Behaviour log has been analysed and support has been targeted to problem areas
- The student has been raised at school liaison meetings or internal behaviour meetings
- PSP is in place with appropriate targets and pastoral support
- Referrals have been made to appropriate professionals including the 'Educational Psychology Service'.
- Advice given by professionals has been followed and evaluated
- Reward and recognition schemes have been used and negotiation strategies developed
- Sufficient support has been put in place including TA support, personalised pupil support from ACE (formerly outreach), mentoring either internal or external, counselling, drug and alcohol support, CAMHS, LYOS for prevention work or anger management workshops
- School SENCO has reviewed any learning needs and that work is sufficiently differentiated
- Customised timetable and alternative curriculum to increase engagement
- Referral for early help assessment team

Vulnerable children can be considered by the panel in very exceptional circumstances where the school can demonstrate that this route is appropriate, in these instances the above steps may not necessarily be relevant but the school must be able to show evidence that appropriate support has been offered.

Managed moves must not be proposed unless the parents are in agreement with this course of action, parents must not be offered a managed move as an alternative to permanent exclusion.

In addition, parents must not be encouraged to opt for elective home education as an alternative to a managed move or permanent exclusion.

### **Decision making process**

The pupil placement panel will review the case and, where appropriate, a school will be identified at this meeting, in considering the most appropriate school placement for a pupil, the PPP will need to take the following into account:

- The list of pupils previously admitted under this protocol to ensure that there is an equitable distribution of challenging pupils between schools
- Parental preference, although there is no duty for local authorities or admission authorities to comply with parental preference when allocating places through the fair access protocol
- Pupil information provided by their current school/ACE/ALPS to identify the most appropriate school place for the pupil
- Whether the pupil has connections with any other Luton schools or pupils in the local area which are likely to jeopardise the success of any new placement
- A strong aversion by the family to the religious ethos of the school (where applicable), if there were the potential to make a choice between a pupil who has a denominational affiliation or one who doesn't, the protocol would offer the 'denominational pupil' to the denominational school
- Where a school has a particularly difficult year group and is engaging support from outside agencies to manage behaviour
- Ability of the pupil to travel to alternative schools, taking into account any specific family circumstances
- Whether a challenging pupil has recently been admitted into the same year group via this protocol, the LAC admissions process or via the pupil's EHCP

In the event that the panel can't reach agreement regarding the placement of a pupil, the local authority will take the above points into account and name a school which will then be required to admit the pupil under the protocol.

Representatives from all schools are invited to the monthly PPP meeting, if a school is not represented this does not prevent the panel from allocating a pupil to that school, in this event the school can't refuse as this would result in unnecessary delay.



## Recording and reporting processes

- All panel decisions with rationale and timescales for action are recorded during the meeting
- Panel decisions to be notified to all relevant parties within 48 hours
- At PPP school reps will briefly feedback on progress of those pupils on a reintegration plan or a trial managed move at their school and the progress of pupils who are awaiting a managed move to their school (eg new arrivals to Luton currently receiving intervention in alternative provision)
- Data will be gathered on admissions via (1) the normal in-year process (2) LAC admissions process (3) admissions via the in-year fair access protocol (4) admissions via statements of SEN/EHC plans so that the panel will be aware of all pupils recently admitted via the four pathways
- Six monthly reports will be submitted to the head teachers' group
- The access to education manager will keep a log of the pupils admitted under this protocol and this information will be made available as part of the agenda papers for PPP
- Reintegration of permanently excluded pupils will be logged separately to managed move pupils on the PPP data to ensure an equitable distribution of both groups of pupils between schools

## AWPU

It's expected that the pro rata AWPU funding will be transferred to the receiving school.

## Trial period

- There will be no set trial period for pupils who have previously been permanently excluded as these students will be dual registered with their new school and ACE, ACE will initially be the main school and the receiving school will be the subsidiary school - where the placement is working well, and the majority of the school week is spent in school, the receiving school will become the main school, with ACE being the subsidiary school - these decisions will be made jointly by the headteachers of ACE and the receiving school and will be subject to continual review - ACE involvement will remain in place until such time as this is no longer required
- All other pupils will be admitted to a school or academy on a 'trial basis' of one term/13 school weeks, at the end of the trial period the school or academy must place the pupil on its roll or refer the case back to the manager of the 'Alternative Learning and Progression Service' for an alternative placement - whilst it's possible for the time frames to be flexible, and in some instances it would be in the interests of the pupil for the trial period to be extended (eg if they have been unable to attend full time for some of the trial), this should be the exception and the aim should be to have as many pupils as possible on roll and settled at their new school in the 13 week time frame - should an extension to this time scale be felt to be necessary, it shouldn't normally exceed four weeks
- Managed move students will remain on their home school roll until the move is finally agreed
- At the initial meeting an integration plan will be agreed which sets out the responsibilities of all parties, at this meeting the main expectations the receiving school has of its students are outlined - the receiving school must ensure that parents and student are given a copy of the new school's behaviour policy - any behavioural lapses should be raised at review meetings so that extra support can be introduced if this would help the pupil to improve their behaviour and help them to make a success of their move - schools should use the

'managed move trial period assessment grid' (see Appendix A) to monitor pupil progress and to aid decision making with regards to the outcome of the trial

- During the trial period regular meetings will be held, these meetings should be attended by the student, their parents, representatives of both schools and any other relevant professionals including the ALPS advisory teacher, YOS worker, mentor or key worker from alternative provision - at these meetings the 'integration plan' will be reviewed and updated as necessary, it's suggested that these meetings are held monthly
- If any difficulties occur, the receiving school should contact the relevant parties in order to put in additional support to help the managed move succeed, the sending school should be prepared to fund internal school interventions that would help to ensure the success of the managed move where necessary
- If it's agreed that there should be a phased integration, for example where a student is already attending an alternative provision, the timetable for the integration should be agreed at the initial meeting with the proviso that this is subject to change according to the needs of the student
- Should the managed move fail, the student must return to their sending school

### **Pupils living outside of the borough**

Pupils living outside of the borough, who have been permanently excluded from school or have a history of challenging behaviour, will be referred back to their 'home' authority for placement via their in-year fair access protocol.

### **Returnees from elective home education**

Pupils, with a history of challenging behaviour or who are hard to place due their vulnerabilities eg mental health issues/attendance issues, who opt for elective home education and then, within a 14 week period, apply for a school place at an alternative school will be placed back on their previous school roll.

This School will then put them forward for a managed move under the in-year fair access protocol, if appropriate, the council's access to education team are available to support/facilitate a child's return to their previous school roll where engagement from the parents is limited and/or the relationship is difficult.

The local authority will ensure that parents are aware of this approach.

In exceptional cases where families refuse to reengage with their previous school, despite intervention and mediation by the access to education team, the previous school can refer the case to the pupil placement panel to discuss whether placement at an alternative Luton school, under this protocol, is likely to be successful.

Funding for any external interventions required to support an alternative school placement will need to be negotiated between the previous school and new school identified, where a new school placement is unlikely to be successful and the pupil needs to be educated offsite, the previous school will be responsible for the funding and oversight of an alternative package of education.

Parents retain their right to appeal for a place at their preferred schools, where their application to transfer to an alternative school has been declined.

## Bladed weapons incident

The flowchart at Appendix B is applicable where students are found to be in possession of a bladed weapon.

Where it's considered that a pupil didn't intend to use the weapon, and there is no significant history of challenging behaviour, a headteacher can opt to either direct the pupil offsite or issue a long fixed term exclusion to undertake a specialist intervention programme provided by the ACE extended services strand.

Students will work through a bespoke knife crime awareness programme (including inputs from YOS, police and The Flavasum Trust) as well as continuing with their core subjects, staff from directional will also work with students to look at positive relationships, anti-social behaviour and dangerous behaviours - the length of this programme can be flexed, but could be up to 25 school days.

There may be circumstances where it could be more appropriate for a school to offer an alternative inhouse intervention programme, supported by outside agencies.

Headteachers will consider the individual circumstances of each case when determining the most appropriate course of action.

**Note:** where a school directs a pupil offsite for education to improve their behaviour (pursuant to section 29(3) Education Act 2002 and the education (Educational Provision for Improving Behaviour) (Amendment) Regulations 2012), they must:

- ensure that parents are given clear information about the placement - why, when, where, and how it will be reviewed (where the pupil has an 'Education, Health and Care Plan (EHCP), the local authority must also be kept informed)
- keep the placement under review and involve parents in the review (reviews should be frequent enough to provide assurance that the offsite education is achieving its objectives and that the pupil is benefitting from it)
- have regard to guidance from the Secretary of State on the use of this power (statutory guidance on this issue can be found in ['alternative provision - statutory guidance for local authorities'](#) (January 2013) at paragraph 41)

Where a headteacher issues a long 'fixed term' exclusion they must notify the governors, provide suitable full time education and ensure that governors meet to consider parental representations/reinstatement.

## In-year admissions

Normal in-year admissions are not covered by the protocol, in these cases, parental preference determines which schools/academies are asked to admit the child.

It's expected that the current school will make every effort to retain pupils, except where pupils move house, where parents seek a school move within Luton the headteacher will need to sign the application form (if the parent is completing a paper application form) or will need to respond to the email notification from the admissions team (where an application has been made online).

Where the parent is seeking to move school due to 'issues in the current school' it may still be necessary to route the admission via this protocol.

## **Schools in Ofsted categories**

In year requests to join schools/academies in a grade 4 Ofsted category will be reviewed, any request where the pupil has exhibited challenging behaviour will be discussed with the headteacher and admission may be refused if the school has a particularly high proportion of children with challenging behaviour, even if there are spaces available.

This provision will not apply to a looked after child, a previously looked after child or a child with a statement of SEN/EHC plan naming the school in question, as these children must be admitted.

## **Shortfall of school places**

In a scenario where there are no Luton schools with available places in a year group, the in-year fair access protocol will be used to place children, new to Luton, in schools to ensure they have a school place - the council would evenly distribute such children between schools to ensure no one school admitted a disproportionate number of pupils over its PAN.

## Appendix A - managed move trial period assessment grid

- Based on three reviews over a 13 week trial

**Green** = no concerns , **Amber** = some concerns, **Red** = serious concerns

	Review 1 (RAG)	Actions/Targets	Review 2 (RAG)	Actions/Targets	Review 3 (RAG)	Decision
Engagement in learning						
Attendance						
Attitude to school						
Relationships with adults						
Relationship with peers						
Behaviour						
Achievements						
Significant incident/s* (*apply schools behaviour policy)						
<b>Overall assessment</b>		Establish targets and risks success		<b>Consider taking on roll if five more green and no reds</b>  <b>Consider ending trail if four or more reds</b>		

## Example managed move trial period assessment grid

- Based on three reviews over a 13 week trial

**Green** = no concerns , **Amber** = some concerns, **Red** = serious concerns

	Review 1 (RAG)	Actions/Targets	Review 2 (RAG)	Actions/Targets	Review 3 (RAG)	Decision
Engagement in learning	Green		Green		Amber	Provide additional literacy support
Attendance	Green		Green		Green	
Attitude to school	Green		Green		Green	
Relationships with adults	Green		Amber	Possibly as a result of assertive behaviour management	Green	
Relationship with peers	Red	Increase ACE mentoring support	Amber	Develop mentoring work Refer for directional input	Amber	Continue ACE mentoring to secure progress
Behaviour	Amber	Meeting to clarify school behaviour expectations, focus sessions at ACE to support	Amber	Data showing signs of improving trends	Green	
Achievements	Amber	ACE to link with school on art/creative subjects to develop talents	Green	Reward and recognition	Green	
Significant incident/s* (*apply schools behaviour policy)	Green		Amber	On lunchtime report	Green	
<b>Overall assessment</b>	Amber	Establish targets and risks success	Amber	<b>Consider taking on roll if five more green and no reds</b>  <b>Consider ending trail if four or more reds</b>	Green	Trial period successfully completed.  On roll of school

## Appendix B - bladed weapons incident

Pre incident work including agreements, targeted groups work, knife arch assembly etc, police school liason team support

