



Derby City Council

**PRIMARY FAIR ACCESS AGREEMENT
2024 – 2025**



Derby City Council

Primary Fair Access Protocol 2024-2025

Including;

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Section 1 - Guidance and law

In accordance with the requirements of the ¹Schools Admissions Code 2021, each local authority must have a fair access protocol to ensure that unplaced and vulnerable children, and those who are having difficulty in securing a school placement in year are allocated a school place as quickly as possible.

This includes admitting children to schools and academies that have reached or exceeded their published admission number (PAN).

All schools including free schools and academies must participate in their local authority's Fair Access Protocol

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

This Fair Access Protocol only covers families residing in the administrative area of Derby City Council. There are no cross-border protocols between Derby and its neighbouring authorities.

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, there needs to be a balance between the timeliness of the process and the need to properly plan for the admission of hard to place pupils.

¹ [School admissions code 2021 \(publishing.service.gov.uk\)](https://publishing.service.gov.uk)



Children with Education, Health and Care plans (EHCP) 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 the SEND Code of Practice².

In the event that the majority of schools in the local authority can no longer support the principles of the protocol, all headteachers should initiate a review with the local authority. The existing protocol however remains binding on all schools up until the point at which the revised protocol is adopted.

Section 2 – Key principles

In the best interests of the child, all schools in Derby City agree to share a collective responsibility with the local authority to ensure a child is admitted to a suitable school or alternative provision as quickly as possible.

The local authority and all schools work collaboratively, and share information transparently, taking into account the needs of the child and those of the school. All school leaders are committed to acting with integrity in the application of the protocol to ensure honesty, transparency, and fairness.

Accurate placement data is used by the Primary Placement Panel to try, wherever possible, to ensure every effort is made for schools not to admit an excessive or unreasonable number of permanently excluded children, those who display challenging behaviour, or those otherwise placed through the Fair Access Protocol. To support the decision making process³, Primary Placement Panel will take into account relevant contextual information when considering placement, such as:

- Data, including the number of Fair Access children in other local schools
- Context of numbers on roll
- Number of exclusions and suspensions, and transfers into and out of the school
- Location of child's home address
- Most appropriate school to meet a child's needs

Schools cannot cite oversubscription as a reason for not admitting a child under the protocol.

Children placed through Fair Access will be given priority for admission over others on a waiting list or awaiting an appeal.

Schools must respond immediately to requests to admit a child. Schools are unable to appeal against the decision prior to admitting a child under the protocol.

There is no duty to comply with parental preference when allocating a place via the protocol. However, it is expected that the wishes and feelings of the parents / carers, and the child are taken into consideration when decisions are made. The protocol must not be used as a means to circumnavigate the normal in year admissions process.

The Primary Fair Access Panel (PFAP) provides governance for, and monitoring of, the processes, and the Primary Placement panel (PPP) ensures that this is delivered efficiently.

² [SEND Code of Practice January 2015.pdf \(publishing.service.gov.uk\)](#)

³ This is not an exhaustive list of all factors that may be taken into consideration



All primary headteachers will support and contribute to the protocol through attendance at PFAP on a rota basis.

Fair Access Criteria

The School Admissions Code 2021⁴ states that the Fair Access Protocols may only be used to place the following groups of vulnerable 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 admissions procedures.

- a) 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;
 - b) children living in a refuge or in other Relevant Accommodation at the point of being referred to the Protocol;
 - c) children from the criminal justice system;
 - d) 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;
 - e) children with special educational needs (but without an education, health and care plan), disabilities or medical conditions;
 - f) children who are carers;
 - g) children who are homeless;
 - h) children in formal kinship care arrangements;
 - i) children of, or who are, Gypsies, Roma, Travellers, refugees, and asylum seekers;
 - j) children who have been refused a school place on the grounds of their challenging behaviour and referred to the Protocol in accordance with paragraph 3.10 of this Code;
 - k) children for whom a place has not been sought due to exceptional circumstances;
 - l) 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;
- and m) previously looked after children for whom the local authority has been unable to promptly secure a school place.

During the COVID-19 outbreak, some parents of children who are clinically extremely vulnerable (at very high risk of serious illness from coronavirus) decided to electively home educate their child. Where a parent decides they want their child to return to school and subsequently apply for a school place, applications should be processed in accordance with

⁴ [School admissions code 2021 \(publishing.service.gov.uk\)](https://publishing.service.gov.uk)



the local in-year admissions process. Most children should secure a school place this way. For those experiencing difficulties, local authorities should be aware that those children with medical conditions qualify to be allocated a school place via the FAP under category (e) above. Other children in this situation may also qualify to be placed via the FAP under category (l) above.

Admissions authorities who manage their own in-year admissions are responsible for providing the local authority of details of all applications that they have received and the corresponding decision for that application. Where a child has failed to secure a place in-year and meets one or more of the above criteria, the case will be referred to the In Year Fair Access team.

Children admitted through the Fair Access process will be single registration in their allocated school (unless reintegrating from Bridge Street School).

Refusal to comply with the protocol

Primary Placement Panel will record and report on a school's refusal to admit a child 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 a child or making inappropriate referrals.

Where it is considered that a school may have deliberately provided misleading information Primary Placement Panel will implement the actions outlined in the **Ladder of Consequences** in order to resolve the situation as swiftly as possible.

Ladder of Consequences

1. Minute as a concern under AOB.
2. Chair of PPP/PFAP to make direct contact with the Headteacher of the school.
3. Head of Inclusion and Intervention is made aware and direct contact is 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/RD/DfE
6. Local Authority issue direction procedures.

Primary Placement Panel have the right to instruct the local authority to exercise its power to direct the admission authority of any maintained school in its area to admit a child, even when it is full. Where Primary Placement Panel consider that an academy will best meet the needs of a child and the academy disagrees, then the Chair of PPP can ask the local authority to ask the Secretary of State to intervene. The Secretary of State has the power under the Academy's Funding Agreement to direct the academy to admit the child⁵.

Refusal of an admission through the normal school admission process

Related DfE guidance/legislation

⁵ [Secretary of State direction to admit a child to an academy - GOV.UK \(www.gov.uk\)](http://www.gov.uk)



*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 any of the local processes 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 **must** make School 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,

- explaining that a place has become available and has been offered.
- the possible admission of the child may result in the provision of efficient education or efficient use of resources.
- 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 Headteacher or Clerk to the meeting must complete a letter (template available from School Admissions) outlining the reasons for the refusal to admit.

The letter must be sent to the Admissions Manager within 5 school days

The Admissions Manager will write to the parent/carer outlining the reasons for the refusal, school will receive a copy of the letter and an electronic version will be placed on the pupil's 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 against admissions through Fair Access

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

The Primary Fair Access Panel (PFAP)

The role of the Primary Fair Access Panel is to provide governance for the protocol and receive reports relating to the local Fair Access processes, including information relating to,

- Permanent exclusions and suspensions, including re-integration to mainstream
- Behaviour Strategy, including Fresh Start processes
- Local Authority commissioned placements at Bridge Street School
- Elective Home Education (EHE)
- Pupils on part-time timetables
- Pupils 'Without a School Place' (WASP)
- Health Needs Provision
- At Risk Registers
- Consider any requests from schools for protection over Fair Access admissions on a case by case basis
- Monitor and report on funding and spending related to the process.
- Consider any general or specific issues or areas of practice that may compromise the



effective operation of the protocol and decide on relevant actions, with reference to the Ladder of Consequences.

- Consider wider issues related to behaviour and alternative provision which may require a strategic response

Primary Fair Access Panels take place bi-annually in September and February, unless in exceptional circumstances. There may be occasions where a decision is required in the interim and members of the PFAP may be consulted by the Chair to gain agreement and determine a way forward.

The panel will consist of:

- Chair of PFAP – Head of Inclusion and Intervention
- 12 Primary Headteachers or Trust representatives* to ensure representation from across the city (representation from each trust where they have more than one school in the city is essential).
- Executive Director – Respect collaboration of schools
- In Year Fair Access and Exclusions Manager
- Representative from Early Help
- SEMH and Inclusion Advisor
- Representatives from School Admissions, the SEND team, In Year Fair Access, and Education Welfare. Plus, representation from Elective Home Education and New Communities Achievement Team as required.
- Clerk to the panel

* Alternative headteacher representation should be sought by agreement with In Year Fair Access and an agreed named representative substituted.

Information and reports for the Secondary Fair Access panel are circulated at least five working days, in advance of the meeting.

Primary Placement Panel (PPP)

Primary Placement Panel ensures that the day-to-day operation of the protocol is delivered effectively. As part of its agenda, PPP will consider all aspects of each referral and determine whether a child is eligible for placement, based upon information and evidence received from the referring body. If the child is eligible, PPP will apply the agreed principles to ensure suitable educational provision is secured, thus avoiding undue delay in meeting the statutory requirements.

Primary Placement Panel will identify a school, or alternative provision if appropriate, that should admit a child through the Fair Access Protocol.

To ensure transparency, the processes involved and the options available **must** clearly be explained to parents/carers by In Year Fair Access or by School Admissions.

Acceptable travel access and distance is taken into consideration when placing a child through the protocol.

In the event that the nominated school place is rejected by parents/carers in favour of another school that is full and over their agreed Published Allocated Number (PAN), they will be advised of their right to appeal to an Independent Appeal Panel for their preferred school. Primary Placement Panel will withdraw the school offer pending the result of the appeal, or until the deadline for lodging an appeal has passed. Should the appeal fail, then the child will



be reoffered the same school by Primary Placement Panel to avoid parents/carers accessing an oversubscribed school on demand and circumnavigating the systems.

Where a school has been allocated, arrangements must be made to ensure the child is placed on the school's roll within **10 school days** of the allocation (receipt of email from IYFA).

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

Primary Placement Panel meets at least every 3 weeks during term time and the panel consists of;

- Chair of Panel – In Year Fair Access & Exclusions Manager
- Senior IYFA & Exclusions Advisory Officer
- Representative from LA School Admissions team
- Representative from Early Help
- Representation from the SEND team
- Director of Attendance and Safeguarding – Respect Collaboration of Schools
- Virtual Headteacher for LAC (or representative) – as required
- Clerk to the panel

*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 Primary Placement Panel and all referrals will be sent to the Clerk at IYFA@derby.gov.uk

The panel will also:

- Monitor permanent exclusions, and re-integrations to mainstream schools from Bridge Street School
- Monitor suspensions, especially repeat suspensions
- Monitor placements at Bridge Street School
- Discuss and monitor children with challenging behaviour, alerted to IYFA by school leaders
- Agree and monitor children referred into the Fresh Start and Fresh Start PLUS processes
- Discuss children returning from Elective Home Education
- Review transition arrangements for vulnerable year 6 pupils in the summer term

Reintegration from Alternative Provision

Children who have been permanently excluded and Fresh Start PLUS pupils, who are considered ready for reintegration from Bridge Street School, or who are considered by PPP to be suitable for a quick turnaround will be returned to a mainstream placement through PPP.

Bridge Street School will complete the Readiness for re-integration document and a Primary Placement Panel referral form. PPP will consider the appropriateness of the child returning to a mainstream setting and allocate a school.



⁶If a child has received a permanent exclusion from two or more schools, there is no need for an admission authority to comply with parental preference for a period of two years from the last exclusion.

Children returning from alternative provision will be supported by the referring setting and additional support is available through IYFA. Bridge Street School will also get an indication as to what schools, if any, a parent/carer would prefer their child to attend. This information will be reviewed by the current education provider and the LA before consideration through the Fair Access Protocol.

The process for a child re-integrating from alternative provision is as follows:

- Bridge Street School recommend the child is ready for reintegration to a mainstream school following appropriate assessments
- The child is discussed at PPP and a school is allocated through the Fair Access process
- The school are notified and induction is arranged by Bridge Street School
- A commissioning agreement is in place at the induction meeting, which is attended by all parties including IYFA
- The child is dual registered for 12 weeks and review meetings take place at 4,8 and 12 weeks of the placement.

If Bridge Street School confirms that the child is ready for reintegration; then a school will not be able to refuse under 3.10 of the School Admissions Code, as the child no longer presents as having challenging behaviour.

If the placement isn't successful, through the emergency review process, the alternative provision and the new school may decide for the child to return to Bridge Street School, or PPP may allocate another school setting.

Complex Normal Admissions

A Complex Normal Admission is a locally agreed process.

On occasions there are normal admission requests where the child may present with complex and challenging behaviours. Primary Placement Panel would decide if a child met the criteria for a Complex Normal Admission. This allows the receiving school to receive a level of support and funding from IYFA to ensure the child has a smooth transition from one school to another.

A suggested example of when a Complex Normal Admission might be agreed;

- If there are **significant, evidenced** safeguarding or behaviour concerns.

If a Complex Normal Admission is agreed at Primary Placement Panel, up to £500 is available for the receiving school to provide support for the child. The school must request the funding through submission of a funding form highlighting the specific costs that link to the intervention.

On occasions, a child may have already moved to a new school through School Admissions, on a normal admission. Within the first few weeks the child may start to display challenging behaviour that wasn't evident in their previous school. Children may be referred to In Year Fair

⁶ 3.8 [School admissions code 2021 \(publishing.service.gov.uk\)](https://publishing.service.gov.uk)



Access to consider whether a Retrospective Complex Normal Admission is appropriate. In Year Fair Access must be notified within 6 school weeks of the child's admission start date.

Challenging behaviour is difficult to define. The school will need to provide reasons why the case should be considered as an exceptional case, including evidence of the presenting difficulties, current support offered and what support is required to meet the child's needs. This should also include all information given to the new school from the previous school. Discussions will need to take place between the new school, the previous school and any other professionals working with the child. The final decision remains with Primary Placement Panel.

Fresh Start

'A managed move is used to initiate a process which leads to the transfer of a pupil to another mainstream school permanently. If a temporary move needs to occur to improve a pupil's behaviour, then off-site direction should be used. **Managed moves should only occur when it is in the pupil's best interests'**

Behaviour in schools – Advice for headteachers and school staff (September 2022)

Managed Moves are primarily seen as an early preventative intervention to avoid permanent exclusion and repeat suspensions. Schools work in partnership with each other and the LA to provide a fresh start for children identified as being at risk of exclusion and/or vulnerable.

Derby City Council uses a process called Fresh Start to offer a child an opportunity to be successful in another mainstream school. The principle of the Fresh Start process is based on a traditional managed move. This process sits outside of the School Admissions Code 2021 and is a locally agreed process.

The Fresh Start process is a mechanism for a supported transfer between local schools coordinated by the In Year Fair Access team. This process seeks to support all parties involved to enable a 'fresh start' and strive for a successful move.

Fresh Starts are appropriate for;

- Children whose behaviour is challenging, where a change in school is felt will have a positive impact on the child, and where the behaviours would be responsive to the usual range of interventions available to schools in Derby City.
- Children with a history of internal/external support as an early intervention to avoid further suspensions, with the full support of parents/carers and the child.
- Children who have significant attendance concerns (less than 70% over a 12 month period), and it is felt that attendance will improve with the opportunity to attend a new school; and services such as educational welfare have been involved to address their attendance concerns.
- Children for whom a change of school is necessary because of a significant safeguarding concern, supported by relevant professionals

Children who will not be considered for this process are:

- With an EHCP or undergoing statutory assessment
- LAC/CP – unless agreement from the Virtual Headteacher or Social Worker
- Children who do not live in Derby City
- Children in year 6 (unless in exceptional circumstances and ideally before the start of the spring term)



A Behaviour Strategy referral form needs to be completed by the school's Headteacher with input from all colleagues who are best placed to know the child. This should include all aspects of the child, challenges, but also successes and positive attributes. It is imperative that the headteacher has signed this document. **The document must also be countersigned by the child and parent/carer (the referral will not be accepted unless signed by all parties).** A Fresh Start can only take place with parental consent.

A school should only consider a Fresh Start as an option if they believe that a child will genuinely benefit from a move and that their behaviour will change or improve in a new environment. Schools should have made every effort to support the child in their current placement. This will depend on the individual case but the referral must clearly determine and evidence what has already been put in place to support the child. Schools should consider an Early Help Assessment (EHA) as a means to identify emerging concerns and to access support.

In normal circumstances, for children who have been identified as red on the school's At Risk Register, a Fresh Start wouldn't be appropriate, as it is felt that the child would benefit from more intensive support through a referral to the Behaviour Strategy Panel. Exceptional circumstances may be applied.

A school must **only** consider requesting a Fresh Start,

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

School leaders should not,

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

Where Primary Placement Panel considers that a school may be acting against the principles of the protocol then the '**Ladder of Consequences**' will be implemented.

Process

Prior to any Fresh Start referral, the school should in the first instance discuss the option with a member of the In Year Fair Access team.

School must discuss the Fresh Start with social care where the child is LAC, CP or CiN, before the process begins, and must ensure PPP is fully aware of all professionals involvement.

School must discuss the Fresh Start with the parent/carer and secure their agreement and views.

All schools within a 2 mile statutory walking distance of the home address will be approached and invited to a locality meeting to discuss the referral. It is an expectation that the school sends a senior leader to the meeting, a colleague who is able to make strategic decisions.

The locality meeting is organised by In Year Fair Access, and data is recorded on schools who offer Fresh Start opportunities to children.



The individual needs of the child and matching these to the most appropriate school placement will be the principle consideration in all primary Fresh Start placements.

Once a school has been agreed for a child, an induction meeting will be held with the child, 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.

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

If the placement starts to break down, an emergency review should be called and clear, achievable targets should be set and a timeline for review agreed.

If it is agreed, by all parties, that the Fresh Start has been unsuccessful then the child returns to their home school, the return needs to be immediate to avoid time lost in school. A copy of all documents will be given to the home school, including the end of placement form, which must also be sent to IYFA@derby.gov.uk and recorded at PPP.

Where attendance has been an issue at the previous school, the fast track prosecution process should be discussed with the Education Welfare Service and be carefully monitored. Other measures, such as parenting contracts, may also be considered.

Funding is available to provide appropriate interventions to support children moving to another mainstream school on a Fresh Start move. Advice, guidance and support will also be available from In Year Fair Access team.

Following a successful Fresh Start sign off, the referring school will transfer the AWPU balance and pupil premium allocation to the receiving school.

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/education-welfare/home-to-school-travel-assistance-policy-academic-year-2023-2024)

Behaviour Strategy Panel and Multi Agency Panel

Two new panels have been introduced to support schools with children with challenging behaviours.

The purpose of the panels are to,

- Support schools with managing children who are at risk of exclusion
- Ensure children are given well supported and structured opportunities to be successful
- Offer advice, guidance, signposting or strategies to support 'stay put' work
- Give schools every opportunity to identify and meet children's needs at the right time and in the right place

The criteria for referring a child to the Behaviour Strategy Panel is, **the child is at risk of**



permanent exclusion or placement breakdown.

The Behaviour Strategy panel members include,

- Respect Collaboration of Schools
- Derby Pride Academy
- In Year Fair Access
- Virtual School
- 2 x secondary headteachers
- 2 x primary headteachers
- SEMH & Inclusion Advisor
- Youth Alliance
- Inclusion Partnership

Process

- School makes a referral for a child who is at significant risk of exclusion, to the Behaviour Strategy Panel
- IYFA screen the referral, ensuring accuracy and appropriateness
- Behaviour Strategy Panel meets every half term
- Referrals are sent to IYFA 5 school days in advance of the panel (deadline dates are on the Fair Access calendar)
- Schools must complete the Behaviour Strategy referral form and clearly outline what they want to achieve from the referral
- The headteacher or member of SLT presents the child to the panel
- Referrals are triaged by the panel
- Support, advice and guidance is immediately given to the referring headteacher (or deputy) – minutes are taken by IYFA
- Panel may also suggest,
 - a Fresh Start referral to another mainstream school
 - a Fresh Start PLUS referral to another mainstream school
 - a Fresh Strat PLUS referral to alternative provision (this is a time limited placement of 12 weeks, the pupil is dual registered with their home school, and a clear commissioning agreement is in place to ensure all parties are aware of the purpose of the placement.)
 - a referral to the Multi Agency Panel for further consideration

The Multi Agency Panel meets every half term, one week after the Behaviour Strategy Panel

The Multi Agency Panel members include,

- In Year Fair Access
- SEND
- Early Help
- Social Care
- CRE
- Youth Justice Service

The purpose of the panel is to find a solution focused approach to managing children who are at serious risk of exclusion or who are out of education because of their complex, challenging behaviour. To find the root cause of the behaviour and employ a solution focused approach to try to address their holistic needs.



Fresh Start PLUS

This process is to ensure that every child is given a final, well supported and structured opportunity to succeed in another setting. This may be to another mainstream school or a time limited placement in alternative provision.

Children who will not be considered for this process:

- With an EHCP or undergoing statutory assessment
- LAC/CP – unless there is agreement from the Virtual School Headteacher and Social Worker
- A child who is not at serious risk of being permanently excluded (a child not at serious risk of permanent exclusion may go through the Fresh Start process)
- Children who do not live in Derby City

A Behaviour Strategy referral form needs to be completed by the school with input from all colleagues who are best placed to know the child. This should include all aspects of the child, challenges, but also successes and positive attributes. **It is imperative that all parties are aware of the referral and that the Headteacher, child and parent/carer have all signed the document (referrals will not be accepted unless signed by all parties).**

Process

- The referral process for Fresh Start PLUS to another mainstream school will follow the same process as Fresh Start referrals (see page 12)
- The referral will be an action from the Behaviour Strategy Panel. The panel will have considered this process to be the most effective way in reducing the risk of a permanent exclusion for the child and ensuring the child has every chance of success in a different setting.
- If a placement breaks down, the child will be discussed at PPP and may be referred back to the Behaviour Strategy Panel. Before placement breakdown is considered, an emergency review should be called and involve both schools, the child, parents/carers and IYFA. A copy of all documents will be sent to IYFA@derby.gov.uk including the end of placement form.

Permanent Exclusions

At the point of issuing a permanent exclusion, schools must inform the local authority (through the online notification form), the parent/carer, the social worker (if one is involved) and the governing body, without delay. The Governors Disciplinary Meeting (GDM) must be arranged without delay and has to take place within 15 school days.

On the 6th day of permanent exclusion the local authority becomes responsible for the child's education. Through the Service Level Agreement between the local authority and Bridge Street school, arrangements are made to induct and admit the child into day 6 provision and they will be dual-registered with their home school, until they are legally able to be removed from the home school's roll⁷.

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 children and

⁷ Paragraph 141 [Suspension and permanent exclusion guidance September 2023 \(publishing.service.gov.uk\)](#)



staff. Where the 6th Day provision is not achieved, Bridge Street School will notify the Local Authority through annual reporting.

In the rare event of a child with an Education, Health and Care Plan (EHCP) being considered for a permanent exclusion, the school should call an emergency review and explore alternative strategies. The school should ensure that the school's SEND officer attends this meeting. A representative from IYFA should also be invited to attend.

At the point of permanent exclusion, an assessment at Bridge Street School 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 child 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 child will not be allocated a place in Alternative Provision whilst a new school is sought, but the child and parents **must** cooperate with Day 6 provision and attend as required until the Governors Disciplinary Meeting has taken place.

A short period of assessment whilst attending Alternative Provision and then review

This will only apply where a child needs to focus on specific aspects of their behaviour before they are able to be successful in a mainstream setting, or where PPP is unsure about the position based on the information available. Usually this will be where a child 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. PPP will place the child 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 PPP so they can reconsider the most appropriate pathway for this child.

A longer period of assessment and placement in Alternative Provision with regular reviews

This will only apply where it is felt that professionals consider that the child is not appropriate for a return to mainstream education at this point. Usually this is where a longer placement at Bridge Street School is required. This may include assessments, interventions and referrals for further work to support the child.

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 their family. PPP will maintain a robust process for the review and monitoring of all placement decisions. The initial pathway for the child must be explained to parents/carers so that they are fully aware at the outset that their child may 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 child will be re-referred to the PPP. If the PPP still considers the school to be suitable, consideration will be given to imposing a School Attendance Order requiring the child to attend.

Schools who choose to permanently exclude a child will incur a financial charge.

Funding arrangements and financial implications relating to the Protocol

The funding arrangements are reviewed annually to take into account the placement requirements, exclusion information and other pressures in the systems. The arrangements



are set out in the Service Level Agreement between Bridge Street School and the Local Authority.

Currently, the Local Authority commission 90 places at Bridge Street School for primary and secondary children. The places are allocated for permanently excluded children and referrals through the Fresh Start PLUS process.

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 children's risk assessments can be adhered to. However, this will be following a review of unused places in the previous term. The IYFA manager and the Executive Leaders of the Respect Collaboration of Schools will agree on any recoupage of funding or any funding for additional places. All arrangements are set out in the Service Level Agreement between Bridge Street School and the local authority.

Permanent exclusion charges

Schools are charged a 'one off' £5,000 fee (this includes AWPU, any PP funding). The school is invoiced for £5,000 immediately at the point when a child's name is removed from their roll.⁸

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.*

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.

A Local Authority has the right to reclaim the funding that has been or is due to be allocated to the child and will be used to contribute to the cost of the child's ongoing education.

'MFEP' means 'Money Following Excluded Pupils' and relates to the charges or payments made under the School and Early Years Finance (England) Regulations 2015 in relation to pupils permanently excluded from school.

The £5,000 charge is used to facilitate the Behaviour Strategy processes, which support schools in preventing permanent exclusions and repeat suspensions.

Financial arrangements to support the Primary Fair Access Protocol

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

⁸ [Suspension and permanent exclusion guidance September 2023 \(publishing.service.gov.uk\)](https://publishing.service.gov.uk)



The agreed amount for 2025/26 (financial year) is outlined in a financial legal agreement sent to schools at the start of the financial year. The contributions from each school are based on NOR in October 2024.

This funding is used to facilitate the effective delivery of the protocol and to provide additional funding to schools and children associated with all local processes which support reducing exclusions and suspensions.

Primary Fair Access Panel monitors and reports 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.

Fresh Start PLUS – the mainstream school is charged APWU whilst the placement is dual registered with Bridge Street School.

Complex Normal Admissions – up to £500 is available to support children who have been agreed as a Complex Normal Admission. This is to fund a specific intervention or strategy to ensure their transition to a new school is successful.

Information sharing and data protection

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

All information gathered for the use of administering fair access will be stored securely on the Council's computer network and systems. Information about children will be stored digitally on the network and within the council's Education Management System.

Completed cases will be shared with relevant staff members at schools/academies, alternative providers and other agencies as appropriate. Any information may be shared with other council services/local authorities as required.

Case information and personal data will be transferred by secure electronic means, such as encrypted email or secure file transfer.

All parties receiving information from Fair Access will have to comply with the data handling requirements stipulated by the council. This includes ensuring that personal information sent to them is stored securely and is only shared to relevant senior leadership or support staff. If any documents are printed, they will ensure the safe storage and destruction of the data.

Privacy notices are available on request from IYFA@derby.gov.uk

Transition arrangements for children at risk of exclusion

Primary to secondary

Every year a small number of children struggle to transition from primary to secondary school due to their behaviour. These children are identified on the primary At Risk of Exclusion



Register in year 6. Enhanced support is offered to the children through dedicated funding from primary schools.

Intensive work takes place from May half term through to October half term each year to ensure a smooth transition of the identified children from primary to secondary settings. Children 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 also supported in preparing their child for secondary transfer, in appointments with key staff at the new school.

Secondary schools are supported with detailed information sharing about the child's needs to provide as much clarity as possible – including liaison with other agencies who may be involved, in formulating appropriate support programmes and by having a clearly identified link person who could be used flexibly to support the transition process.

Identifying Pupils for Support

Information is collected from a range of sources to ensure that children who may be 'at risk' at secondary transfer, owing to their Social, Emotional and Mental Health needs (SEMH) needs are identified. This includes:

- All children who have been discussed at Primary Placement Panel whilst in year 5 or year 6
- All children identified by primary schools as being at significant risk at secondary transfer as identified on the spring At Risk Register
- Children who are raised by secondary schools who have concerns about the information they receive about an individual child through the transition portal.

The needs of each child are carefully considered, further information sought, and detailed discussions held to identify the likely level of success at secondary transfer. Children 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 children from one primary setting to another, and from primary to secondary settings. The information should be consistent with the details in the transition portal.

Children without a confirmed Education, Health and Care plan (EHCP) (EHC assessment in process) transitioning to a new setting from Bridge Street School may remain in the setting whilst their plan is being written. In these circumstances, In Year Fair Access, the SEND manager and Bridge Street School colleagues will agree the most appropriate provision for the child until a time when the plan is at consultation stage. The child's name will remain on a secondary school's roll; however they will attend Bridge Street school on a dual registration placement. A commissioning agreement and a charging agreement will be in place between Bridge Street school and the mainstream secondary school to include the transfer of AWPU and PP funding until the child has a named school through their EHCP.

Bridge Street School will continue to assume all responsibility for supporting the transition of children from Bridge Street School to a mainstream setting for children who do not have an Education, Health and Care plan (EHCP).



Primary At Risk Register

Primary At Risk Registers will be received by the Local Authority on a termly basis, and will be sent to and held by the IYFA team, who will use this information to support the work of the PPP and PFAP.

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

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

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

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

