



# Derby City Council

## DERBY CITY COUNCIL PRIMARY FAIR ACCESS AGREEMENT 2023 – 2024

Including local processes,

- **FRESH START school to school**
- **FRESH START primary PRU to school**
- **Fresh Start PLUS**
- **Shared Placements**
- **Complex normal admissions**
- **Arrangements for managing permanent exclusions**

This agreement applies to all Derby City Schools, including free schools and academies.

The School Admissions Code 2021 requires that each local authority must have a Fair Access Protocol. All schools including Free Schools and Academies must participate in their local authority's Fair Access Protocols in order to ensure that children; who live within the relevant area, especially the most vulnerable, and/or those at risk of permanent exclusion are offered a place at a suitable school as quickly as possible. This includes admitting children to schools which have reached or exceeded their published admission limit.

It is **not** intended to cover applications on behalf of children for whom in-year admissions are a straight forward process and for whom normal admission arrangements apply.

The protocol requires clear and transparent processes to be followed and applied equitably; for schools and school leaders and the Local Authority to work in partnership with each other in a manner which is fair and honest and for strong and robust governance to be applied to ensure the protocol supports vulnerable and difficult to place pupils across Derby city.

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

Through the PFAP all schools agree to take over their Published Admission Number (PAN) in a year group, without the need for an admission appeal.

Eligibility for a placement under the PFAP does not remove the right of parents to express a preference for a particular school through the normal admissions procedures. Pupils can only be placed through the PFAP with parents' agreement.

## **PRINCIPLES ADOPTED FOR THE PROTOCOL**

These are agreed as follows:

- In the best interests of the pupil, all schools in Derby City agree to share a collective responsibility with the LA to ensure admission to a suitable school.
- The LA and its schools will work collaboratively and share information transparently, taking into account the needs of the pupil and those of the school.
- All schools and their leaders are committed to acting with integrity in their application of the protocol to ensure honesty, transparency and fairness.
- Accurate placement data will be used by the PPP to try, wherever possible, to avoid a school receiving an imbalance of in-year or group allocations and to achieve best outcomes for all pupils.
- Every effort will be made to ensure schools will not be asked to admit an excessive or unreasonable number of pupils excluded from other schools.
- The protocol will be supported by clear and transparent governance and funding arrangements.
- Schools cannot cite oversubscription as reason for not admitting under the protocol.
- Vulnerable pupils will be given priority for admissions over others on a waiting list or awaiting an appeal.
- Schools must respond immediately to requests for admission, and pupils must be on roll within 20 school days. 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 places via the protocol however, it is expected the wishes of the parents/carers and pupil are taken into account. The protocol must not be used as a means to circumvent the normal in-year admissions process.
- A parent/carer can apply for a place as an in-year admission at any point and is entitled to an appeal when a place is not offered.
- All primary headteachers will support and contribute to the protocol through attendance at either the Primary Placement Panel or Primary Fair Access Panel on a rota basis as required.
- Where due process has been followed in accordance with the guidance, the LA will follow the Ladder of Consequences if an academy school refuses to admit a pupil under the protocol.

The protocol will be reviewed and consulted on annually. The existing protocol however remains binding on all schools up until the point at which a revised protocol is adopted.

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

Acceptable travel access and distance will be taken into consideration when placing a pupil through the PFAP 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 school's head teacher, In Year Fair Access or School Admissions. Limited exceptions may be agreed to reflect local need. Any such exceptions must be reviewed in full at each Primary Fair Access Panel (PFAP) meeting.

### **School Admissions and the Primary Fair Access Protocol**

The Fair Access Panel provides a mechanism for allocating a school place to pupils who are not on a school roll and who are considered vulnerable or difficult to place through normal admissions procedures and for whom it is agreed would benefit from a supported placement.

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

### **Who may be considered under the Derby City Fair Access Protocol**

Fair Access Protocols may only be used to place the following groups of vulnerable and/or hard to place children, where they are having difficulty in securing a school place in-year, and it can be demonstrated that reasonable measures have been taken to secure a place through the usual in-year admission procedures:

- Children either subject to a Child in Need Plan or a Child Protection Plan or having had a Child in Need Plan or a Child Protection Plan within 12 months at the point of being referred to the Protocol.
- Children living in a refuge or in other Relevant Accommodation at the point of being referred to the Protocol.
- Children from the criminal justice system
- Children in alternative provision who need to be reintegrated into mainstream education or who have been permanently excluded but are deemed suitable for mainstream education.
- Children with special educational needs (but without an Education, Health and Care plan), disabilities or medical conditions
- Children who are returning from EHE
- Children who are carers
- Children who are homeless
- Children in formal kinship care arrangements
- Children of, or who are, Gypsies, Roma, Travellers, refugees, and asylum seekers.
- Children who have been refused a school place on the grounds of their challenging behaviour and referred to the Protocol (behaviour can be described as challenging where it would be unlikely to be responsive to the usual range of interventions to help prevent and address pupil misbehaviour or it is of such severity, frequency, or duration that it is beyond the normal range that schools can tolerate. We would expect this behaviour to significantly interfere with the pupil's/other pupils' education or jeopardise the right of staff and pupils to a safe and orderly environment).
- Children for whom a place has not been sought due to exceptional circumstances highlighted in this protocol.
- Children who have been out of education for four or more weeks where it can be demonstrated that there are no places available at any school within a reasonable distance of their home. This does not include circumstances where a suitable place has been offered to a child and this has not been accepted.
- Previously looked after children for whom the local authority has been unable to promptly secure a school place.

### **Consideration is also given to all vulnerable and difficult to place pupils, which may or may not include:**

- Children whose family is subject to emergency housing by the authority or into a recognised refuge,
- Children recognised as having challenging behaviour where it is considered that a change of school is in their best interests,
- Children withdrawn from schools by their family, following fixed term exclusions and unable to find another place,
- Children with unsupportive family backgrounds, where a place has not been sought,

Pupils without a school place, according to the criteria above, will be discussed at PPP. A pupil will be allocated a school depending on the location of the catchment school and whether the pupil has siblings at a Derby city primary school. The pupil without a school place will be placed on roll even though the admission will take the school over PAN.

A pupil with an EHCP (or going through the EHC process) cannot be considered under this protocol.

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.

**Admission above PAN** - through the FAP all schools agree to take over their Published Admission Number (PAN) in a year group, without the need for an admission appeal.

The PFAP reserve the right to instruct the Local Authority to exercise its power to direct the admission authority for any maintained school in its area to admit a child even when the school is full.

#### **Allocating a school through the protocol:**

- The PPP will identify the school that should admit the pupil.
- To ensure transparency, the processes involved and options available will be clearly explained to parents by the current school's headteacher or by a member of the IYFA team, and nothing will revoke parents' legal rights.
- Acceptable travel access and distance will be taken into consideration when placing a pupil through the protocol.
- In the event that the nominated school place is rejected by parents in favour of another that is full and over their agreed allocation, they will be advised of their right to appeal to the Independent Appeal Panel for the preferred school. The school offer will be withdrawn pending the result of the appeal, or until the deadline for lodging an appeal has passed. Should the appeal fail, they will be re-offered a school by the PPP to avoid parents accessing an over-subscribed school on demand, and this should also prevent 'blocking' of a place in the offered school pending the result of the appeal.

#### **REFUSAL TO ADMIT OR COMPLY WITH THE PROTOCOL**

The PPP will record and report on a schools refusal to admit a pupil referred through the protocol, or where schools may not be operating within the requirements of any aspect of the protocol. For example, providing misleading information to the panel about the needs of the pupil, or making inappropriate referrals.

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

- Peer challenge from a current Headteacher representative on PPP
- Minuted as a concern at PPP with action for chair of PPP to make direct contact with the Headteacher of the school concerned.
- Head of Inclusion and Intervention is made aware and direct contact made with the Headteacher.
- Service Director – Learning, Inclusion and Skills is made aware

- Local Authority consider intention to issue direction
- Service Director – Learning, Inclusion and Skills to make direct contact with the Trust/RSC/DfE
- Local Authority issue direction procedures

The PPP and/or PFAP reserve the right to instruct the Local Authority to exercise its power to direct the admission authority for any maintained school in its area to admit a child even when the school is full.

Where they consider that an academy will best meet the needs of an individual pupil and the academy disagrees, PPP and/or PFAP can request the Local Authority to ask the Secretary of State to intervene. The Secretary of State has the power under an Academy's Funding Agreement to direct the Academy to admit a child.

## **GOVERNORS MEETINGS – REFUSAL OF AN ADMISSION**

Related DfE guidance/legislation

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

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

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

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

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

Footnotes

76 For the purposes of this Code, behaviour can be described as challenging where it would be unlikely to be responsive to the usual range of interventions to help prevent and address pupil misbehaviour or it is of such severity, frequency, or duration that it is beyond the normal range that schools can tolerate. We would expect this behaviour to significantly interfere with the pupil's/other pupils' education or jeopardise the right of staff and pupils to a safe and orderly environment.

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

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

## **Process**

This should be used as a last resort after all possible pathways have been explored, including a referral to IYFA.

The process is triggered by the family not engaging/consenting to the relevant IYFA process to place their child through a supported placement, managed move or any other local strategies that are in place.

The school is in receipt of an admission for a child to attend their school, the school has significant concerns around the child's challenging behaviour and the affect the child will have within their cohort.

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

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

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

## **Protection against admissions under the PFAP**

It is the responsibility of the Primary Fair Access Panel (PFAP) to agree when a school is offered protection against the admission of children to be placed in line with the PFAP. 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 Primary Fair Access Panel (PFAP) provides governance for and monitoring of the protocol and associated processes through bi-annual meetings in September and February.

\*in exceptional circumstances, there may be a need for the panel to meet between meetings.

- The agenda will encompass the key aspects of the protocol and PFAP will receive data and reports relating to the process of the protocol. Additional reports and information may be requested to extend their knowledge and understanding as required.
  - Permanent exclusions and suspensions
  - Primary Fresh Start and Fresh Start PLUS moves
  - Shared Placements
  - LA commissioned PRU placements
  - Primary 'At Risk' register
  - Y6/7 transition for the most vulnerable
  - Elective Home Education
  - Pupils on a reduced timetable
  - Pupils 'Without a School Place' (WASP), including pupils presented at PPP
  - Behaviour Strategy Steering Group
- Receive and consider school 'At Risk' registers on a termly basis and ensure these are used to support the fair and equitable delivery of the protocol.
- 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 concerns raised by Primary Placement Panel and Behaviour Strategy Steering group which may need further consideration and a strategic response.

The PFAP 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
- Representative 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 the chair of PFAP and an agreed named representative substituted.

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

There will be occasions where a decision is required in the interim and members may be consulted by the Chair to gain agreement and determine a way forward.

## **The Primary Placement Panel (PPP)**

The Primary Placement Panel (PPP) will ensure that the day to day operation of the protocol is delivered efficiently.

The PPP will meet fortnightly during term time and will be made up as follows:

- Chair of Panel – IYFA and Exclusions Manager
- 5 Primary Headteacher Reps\* (attending for a half term on a rolling programme)
- Primary colleague linked to IYFA
- Representative from School Admissions Team
- Assistant Headteacher – Respect collaboration of schools
- Representative from the SEND team
- Representative from Early Help
- Virtual Head Teacher for LAC or representative (as required)
- New Communities Achievement Team Manager or representative (as required)
- Representative from Youth Offending (as required)
- Clerk to PPP

\* Alternative headteacher representation should be sought by agreement with the chair of PPP  
The clerk to the panel will be the main point of communication for the PPP and all referrals will be sent to the clerk at [IYFA@derby.gov.uk](mailto:IYFA@derby.gov.uk) by lunchtime on the Friday CoP, prior to the panel meeting.

The panel will also:

- monitor suspensions and permanent exclusions
- review placements at the primary PRU and identified pathways
- take account of school 'at risk' registers
- discuss and monitor challenging pupils alerted to IYFA from school leaders
- review transition arrangements for vulnerable Y6 pupils in the summer term
- alert the LA and SFAP to emerging issues which may need consideration
- agree and monitor Fresh Starts from school to school and PRU to school, Fresh Start PLUS and Shared Placements
- discuss pupils returning from EHE

The business of the PPP, including all elements of its work, will be monitored through the summary meeting of the PFAP bi-annually and all the necessary information including details of any financial arrangements will be presented and shared to maintain transparency.

### **Processes to Support the PFAP protocol**

Any personal data collected through IYFA processes MAY be shared between educational settings and providers, to support pupils transitioning to a new setting and to support the reduction in exclusions.

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

### **At Risk Registers**

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

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



This will be provided on a termly basis in time for the first PFAP meeting of the term and will be sent to and held by the IYFA team, who will use this information to support the work of the 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](mailto:ARR@derby.gov.uk)

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.

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

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

### **Elective Home Education**

Where a pupil leaves a school roll to become EHE, all schools are requested to complete the agreed EHE return to record details of pupils who move to EHE. The document to complete can be found on the Schools Information Portal. Schools must also complete the EH1 form on the Schools Information Portal as part of the [DfE CME Guidelines 2016](#).

This will provide information to the Local Authority, School Admissions and PPP as to those pupils whose parents have opted for them to become EHE, the interventions or reasons why this has happened and any potential triggers. This will allow the LA and School Admissions to have an improved story behind those who choose to become EHE then appear back into the system at a later date.

Admissions will check all applications received for pupils returning from EHE and refer to PPP to decide whether the pupil needs any additional support when transitioning back into mainstream.

PFAP will consider data relating to pupils moving from schools to EHE and monitor emerging patterns or any concerns which may need further discussion and action.

### **Y6/Y7 transition arrangements for the most vulnerable**

Every year a small number of pupils struggle to make a successful transition between year 6 and year 7, causing distress for the pupil, anxiety for parents/carers and significant issues for the schools involved. The reasons why problems occur are varied and are often specific to the individual cases but do include:

- Issues relating to parental preference
- Where statutory assessment is still being processed
- Perceptions of both primary and secondary schools

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

## About the support

- This work will include liaison with The Bridge Street School and all primary and secondary schools as required. \*this work may be outsourced to an external provider within Derby.
- Intensive work takes place from May half term through to October half term each year to ensure the smooth transition of the most vulnerable children from primary to secondary settings.
- Pupils are supported as they take part in secondary transfer days and in other additional visits and activities at their new schools to assist in familiarisation
- Parents/carers are supported in preparing their child for secondary transfer, in appointments with key staff at the new school and for some, in discussions about the appropriateness of the identified placement and seeking support and guidance about any further decision making that may be required.
- Secondary schools are supported with detailed information sharing about the pupil's needs to provide as much clarity as possible – including liaison with other agencies who may be involved, in formulating appropriate support programmes and by having a clearly identified link person who could be used flexibly to support the transition process.

## Identifying Pupils for Support

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

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

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

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

The pupil's name will remain on a secondary school's roll; however they will attend 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 pupil has a named school through their EHCP.

## LOCAL PROCESSES TO SUPPORT THE PROTOCOL

### FRESH START process

'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 exclusion and/or to provide a fresh start where appropriate, for example evidenced safeguarding concerns or where a pupil is ready for reintegration from the primary PRU. Schools work in partnership with each other and the LA to provide a fresh start for pupils identified as being at risk of exclusion and/or vulnerable.

Derby City Council use a process called FRESH START to offer a pupil an opportunity to be successful in another mainstream school. The principle of the FRESH START process is based on traditional managed moves.

If criteria is met, then a FRESH START will be used to place pupils moving from school to school. A FRESH START will also be used to support a pupil without an Education Health and Care Plan (EHCP) or going through the assessment process, to move from the Primary PRU to a mainstream school.

A school should only consider a FRESH START as an option if they believe that a pupil will genuinely benefit from a move and that their behaviour will change or improve in a new environment.

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 pupil
- Where it can be evidenced that the pupil 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 pupil is at risk of/involved in criminal behaviour within the local neighbourhood and he/she would benefit from a FRESH START

Pupils with an Education and Health Care plan, or undergoing statutory assessment are exempt from this process

If a Looked After Child (LAC) is being considered for a FRESH START, this should be discussed in the first instance with the social worker and the Virtual School Headteacher for Children in Care.

If a child who is Child Protection (CP) or Child in Need (CiN) is being considered for a FRESH START, this should be discussed in the first instance with the social worker and relevant professionals. This should also relate to a child that has been CP or CiN within 12 months at the point of being referred.

Pupils in Y6 will only be considered for a FRESH START in exceptional cases and ideally before the start of the spring term.

It is acknowledged that there are and will be permanent exclusions and that schools will be approached through the Fair Access Protocol to accept previously permanently excluded pupils who are ready for reintegration to a mainstream school. Placements at the primary PRU are time limited and as soon as a pupil is ready for reintegration, PPP will support a return to a mainstream school as a PRU to school FRESH START. Where parents do not cooperate with this process this will be referred back to the PPP who will consider actions to ensure that the pupil can be placed without delay.

A school to school, or PRU to school FRESH START can only take place with the parents' consent.

When identifying a school placement the PPP will consider statistical data on placements that have already taken place together with the needs of the pupil. All schools within a 2 mile walking distance of the home address **could** be approached and it is an expectation that the school who offers a place to the pupil, will cooperate, and place the pupil on roll within 10 working days. If no schools offer a place to the pupil, then PPP can direct the most appropriate school if required.

The individual needs of the pupil and matching these to the most appropriate school placement will be the principle consideration in all primary FRESH START placements.

Support will be available from the primary PRU team, where a pupil is being reintegrated back into a mainstream placement as part of an agreed reintegration from the Primary PRU.

Advice and guidance will be available from In Year Fair Access to support all school to school FRESH START moves.

In normal circumstances, for children who have been identified as RED on the schools At Risk Register, a FRESH START wouldn't be appropriate as it is felt that the pupil would benefit from more intensive support through a Fresh Start PLUS or Shared Placement. Exceptional circumstances may be applied.

After a FRESH START has been signed off, an application to return to the originating school will be assessed on a case-by-case basis by PPP in consultation with the headteacher. Any decision and the reasons for this decision should be clearly recorded and communicated to the parent/carer as soon as possible.

## **About the Process**

Prior to any school to school FRESH START 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, or has been LAC, CP or CiN within 12 months at the point of referral, 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. The consent form attached to the detailed referral form must be signed by all parties and be provided as part of the referral. In all cases, the school should include the IYFA team as part of the initial process.

Where a pupil is eligible for a FRESH START, a school will be nominated based upon the agreed criteria below.

- Identify all schools in a 2 mile radius of the home address
- Liaise with the parent/carer, who selects 3 schools that would be appropriate for their child
- Approach the 3 schools
- Prepare the context of the 3 schools for the PPP (including NOR, Pupils with EHCP, Suspensions, ARR etc.)

PPP decide which school is the most appropriate setting to meet the pupil's needs

Arrangements must be made to ensure the pupil is placed on the school's roll within 10 school days of the nomination. In the case of school to school and PRU to school FRESH START, the pupil will be dual registered for as long as necessary.

The receiving school and a member of the IYFA team will arrange an induction meeting with pupil and parents/carers, the referring school and any other professionals working with the pupil, to plan the integration.

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.

A commissioning agreement will be in place and regular reviews are held during the placement. A representative from In Year Fair Access or the primary PRU team will be invited to attend all such meetings.

Any application to other schools made whilst the child is within the same key stage would be assessed on a case-by-case basis by the PPP. Any decision and the reasons for the decision should be clearly recorded and communicated to the parent/carer as soon as possible.

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

Each successful school to school FRESH START will be supported by £500 per pupil, which will be released at the point at which the pupil moves to single registration at the receiving school, or earlier if evidenced and supported through review meetings and PPP.

A successful FRESH START from the primary PRU will be supported by up to £1500. This will be agreed according to the needs of the pupil through discussion with the headteacher of the receiving school and the PPP.

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

Changing school mid-year can bring problems for children, not least the difficulties of making friendships in already established groups. Schools therefore need to be sure that the potential benefits of a change of school outweigh the further difficulties likely to be faced by the child.

Before considering a FRESH START, schools should have made every effort to support the pupil 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 pupil. Schools should consider an Early Help Assessment (EHA) as a means to identify emerging concerns and to access support.

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 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.

## **FRESH START PLUS process**

This process is to ensure that every pupil is given a well-supported and structured opportunity to succeed in another mainstream school.

The school need to evidence that they have exhausted all other strategies and interventions which are designed to improve a pupil's behaviour before making a referral for a Fresh Start PLUS.

**All** referrals must be discussed with a member of the IYFA team before submission. Advice and guidance will be available to support all Fresh Start PLUS moves.

If criteria is met, then a Fresh Start PLUS will be used to place pupils moving from school to school.

If agreed, a pupil moving to another school on a Fresh Start PLUS will need a bespoke package of support to help their transition and start in their new school. This package of support will be suggested by IYFA and the two schools and agreed at PPP.

Where a pupil has been agreed for a Fresh Start PLUS, a school will be identified based upon the agreed criteria below,

- Identify all schools in a 2 mile radius of the home address
- Liaise with the parent/carer, who selects 3 schools that would be appropriate for their child
- Approach the 3 schools
- Prepare the context of the 3 schools for the PPP (including NOR, Pupils with EHCP, Suspensions, ARR etc.)

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

It is an expectation that the school who offers a place to the pupil, will cooperate, and place the pupil on roll within 10 working days. If no schools offer a place to the pupil, then alternative support will be offered to the referring school.

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

Once the two schools have agreed the Fresh Start PLUS, a meeting will be held with the pupil, their parents/carers, IYFA and representatives from both schools. This unified approach is essential to ensure there is clarity around the process, high and consistent expectations between both schools and also allows review dates to be scheduled from the outset. This will be recorded in a commissioning agreement. 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.

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

There is no time limit on this as the purpose of this 'Fresh Start PLUS' is to improve the life chances of the pupil. In some cases, the pupil may remain dual registered for the duration of the

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

If the placement is at the point of break down, an emergency review should be called. If it is agreed that the Fresh Start PLUS has been unsuccessful due to behaviour or attendance, then the pupil is discussed at the next Primary Placement Panel meeting.

A school should only consider a Fresh Start PLUS as an option if they believe that a pupil will genuinely benefit from a move and that their behaviour will change or improve in a new environment.

Pupils with an Education and Health Care plan, or undergoing statutory assessment are exempt from this process.

If a Looked After Child (LAC) is being considered for a Fresh Start PLUS, this should be discussed in the first instance with the social worker and the Virtual School Headteacher for Children in Care.

If a pupil who is Child Protection (CP) or Child in Need (CiN) is being considered for a Fresh Start PLUS, this should be discussed in the first instance with the social worker and relevant professionals. This should also relate to a pupil that has been CP or CiN within 12 months at the point of being referred.

Pupils in Y6 will only be considered for a Fresh Start PLUS in exceptional cases and ideally before the start of the spring term.

A Fresh Start PLUS can only take place with the parents' consent.

After a Fresh Start PLUS has been signed off, an application to return to the originating school will be assessed on a case-by-case basis by PPP in consultation with the headteacher. Any decision and the reasons for this decision should be clearly recorded and communicated to the parent/carer as soon as possible.

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

Each successful Fresh Start PLUS will be supported by £1500 per pupil, which will be released at the point at which the pupil moves to single registration at the receiving school, or earlier to fund the bespoke package of support. If further funding is needed, this will be applied for and reviewed through PPP.

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

Changing school mid-year can bring problems for children, not least the difficulties of making friendships in already established groups. Schools therefore need to be sure that the potential benefits of a change of school outweigh the further difficulties likely to be faced by the child.

Before considering a Fresh Start PLUS, schools should have made every effort to support the pupil 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 pupil. Schools should consider an Early Help Assessment (EHA) as a means to identify emerging concerns and to access support.

School leaders should not,

- use the threat of a permanent exclusion to coerce parents into agreeing to a Fresh Start PLUS
- 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 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.

## **SHARED PLACEMENTS**

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

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

The school need to evidence that they have exhausted all other strategies and interventions which are designed to improve behaviour before making a referral for a SHARED PLACEMENT.

Pupils who will not be considered for this process:

- With an EHCP
- LAC/CP – unless have agreement from Virtual Headteacher / social worker
- a pupil who is not at serious risk of being permanently excluded
- Pupils who do not live in Derby city

All referrals must be discussed with a member of the IYFA team before submission. Advice and guidance will be available to support all applications for a SHARED PLACEMENT.

All referrals for a SHARED PLACEMENT will be presented and discussed at PPP.

In normal circumstances SHARED PLACEMENTS are appropriate for pupils who are at serious risk of permanent exclusion, and who need a SEMH intervention away from their home school. The intervention will include an appropriate curriculum, therapeutic input and a nurturing approach to regulate the pupil's behaviour before returning to their home school.

If agreed, a meeting will be held with the pupil, their parents/carers, IYFA and representatives from the home school and the shared placement provider. This unified approach is essential to ensure there is clarity around the process, high and consistent expectations between the home school and the shared placement provider and also allows review dates to be scheduled from the outset. This will be documented in a Commissioning Agreement. Both provisions 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.

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



The pupil will be dual registered at the home school and shared placement provider for the duration of the placement.

The SHARED PLACEMENT will last for a maximum of 12 weeks, at which point the pupil will return to their home school. If this is not appropriate, the pupil will be discussed at PPP and an alternative placement will be sought.

## **COMPLEX NORMAL ADMISSIONS**

On occasions there are normal admission requests where the pupil may have a history of challenging behaviour, including suspensions. On these occasions, PPP would decide for the pupil to move on a normal admission, but recognise the complexities around the school transfer and the difficulties the pupil may experience. Therefore, agreeing a Complex Normal Admission. This allows the receiving school to receive a level of support and funding from IYFA to ensure the pupil has a smooth transition from one school to another.

### *Criteria*

- Significant safeguarding concerns
- Significant behaviour concerns, including suspensions
- Discussed at Primary Placement Panel

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

All pupils applying to return to school from EHE will in the first instance be School Admissions and if appropriate PPP, in order to establish if they would benefit from the support of a Complex Normal Admission at this transition point.

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

This relates to a young person who lives in another Local Authority, but has applied for a Derby city school. The protocol above applies to these pupils, they will also be considered as a Complex Normal Admission.

## **ARRANGEMENTS FOR MANAGING PERMANENT EXCLUSIONS**

### **The Process at the point of permanent exclusion**

It is acknowledged that there will be permanent exclusions. School must inform the Local Authority, the family and the governing body without delay. If the child has a social worker, they must also be notified. The governors meeting (GDM) has to take place within 15 school days.

### **DAY 6**

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

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

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

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

There is an expectation that the primary permanent exclusion information form is completed by the excluding school as soon as possible to ensure that discussions about the most appropriate pathway for the pupil can be held and decisions made. A member of the primary PRU team will visit the excluding school to complete a risk assessment and to gather additional information. A visit will be arranged for the pupil, parents/carers to visit the primary PRU prior to starting.

Bridge Street School is a KS2 – KS4 PRU. If a pupil is permanently excluded in KS1 then a bespoke provision will be created to suit the individual needs of the pupil.

Pupils will be discussed half termly at the primary PRU panel meeting, where exit pathways are reviewed and these recommendations will be discussed at PPP. Processes will be established to ensure that pupils can be placed between meeting dates.

In the rare event that a pupil with an EHCP is recommended for a permanent exclusion the school should call an emergency review and try to avoid a permanent exclusion. The school and LA should ensure that the school's SEND officer and a member of IYFA attends this meeting.

Full details of the funding arrangements linked to permanent exclusions are explained in Appendix 1.

At the point of exclusion an assessment will take place to identify a pathway that is most appropriate for the holistic needs of the child. This could include:

1. Immediate fast track return to a mainstream school via a FRESH START PRU to school **or** via SEN for pupils who have an EHCP. This will only apply where a pupil is clearly able to cope in a mainstream environment. Usually this will be following a one-off incident or limited history of suspensions and other sanctions, On a 'fast track' pathway, the pupil may not be allocated PRU provision whilst a new school is sought, but the pupil and parents must

cooperate with any Day 6 provision offered and attend as required and until the GDM is complete.

2. Short period of assessment in the primary PRU and return through FRESH START PRU to school process. This will apply where a pupil needs to focus on specific aspects of their behaviour before they are able to be successful in a mainstream setting or where PPP is unsure about the position based on the information available. Pupils will be assessed at the primary PRU. Usually this will be where a pupil has a history of suspensions or other sanctions, or where there has been a serious incident that requires a risk assessment before it is felt that a mainstream school should be asked to offer a place.
  
3. A longer period of support in the primary PRU to allow more detailed planning about the most appropriate exit route which could include
  - A request for an EHCP assessment, which if successful would lead to a placement through Inclusion Placement Panel
  - A period of stability and assessment to identify the most appropriate support for the child to be successful.
  - For pupils who are excluded and attend the primary PRU in year 6, comprehensive transition planning to minimise moves and maximise chance of success at Y6/7 transfer. This may include pupils who have the primary PRU named on their EHCP and who have remained in the primary PRU at year 6.  
This will only apply where it is felt that professionals consider that the pupil is not appropriate for return to mainstream at this point. Usually this is where a longer placement for assessment is required.

The initial pathway decision will be based on information from the excluding school and where appropriate from other professionals involved in working with and supporting the child and family. PPP will confirm the decision based on all the information available at that point.

PPP will maintain a robust process for the review and monitoring of all placement decisions which will be based on the information available from all professionals involved in working with that child and family.

Schools should note that should a pupil be excluded in Y2 or in Y6 then any assessment data for that child remains with the excluding school.

The monitoring and reviewing of PRU placements and placement pathways will be summarised and shared in the bi-annual report to PFAP.

### **Managing Parental Expectations**

The initial pathway for the pupil must be explained to parents/carers so that they are fully aware at the outset that the pupil will not remain in PRU provision where professionals consider that they are able to return to a mainstream school.

If a parent/carer refuses a school place, the pupil will be re-referred to the PPP. If the PPP still considers the school to be suitable, consideration will be given to imposing a School Attendance Order requiring the pupil to attend.

## **APPENDIX 1**

### **Primary Fair Access – Funding Arrangements**

This document includes the details of the charges which will be made to schools at the point of a permanent exclusion and the financial arrangements that support the Primary Fair Access process.

These financial arrangements will be reviewed annually to take account of placement requirements, exclusion information and other pressures, and will be approved by school leaders and the Local Authority. Schools Forum need to be involved in this decision making process where changes are being proposed to the commissioning arrangements.

#### **Financial Charges for primary permanent exclusions**

As part of the LA commission Bridge Street School is funded for 100 places (KS2 – KS4). In the event that there is a requirement to exceed this number, the LA will provide additional financial support to ensure that all school and pupil risk assessments can be adhered to. In KS2, these places are allocated for permanently excluded pupils and pupils on Shared Placements (this figure is subject to change in April 2024, depending on current needs within the PRU and Kingsmead Special School).

Where a permanent exclusion is confirmed by Governors, the excluding school will be charged £5000 as a one off payment, plus the balance of the AWPU will be charged pro rata.

The £5,000 charge will be added to the Behaviour Strategy budget to financially support schools with interventions and strategies to prevent further exclusions and reduce school moves.

#### **Financial Arrangements to Support the Primary FAP**

Schools funding regulations allow schools to pool funding for agreed purposes. All primary schools in Derby City have been asked to commit to pooling to support the costs associated with this protocol through a legal agreement. These will be reviewed on an annual basis through consultation with all primary school leaders.

The funding will be used to support staffing to facilitate the effective delivery of the protocol, interventions to prevent exclusions and suspensions, and to provide additional funding to schools and pupils associated with Fresh Start, Fresh Start PLUS moves and Shared Placements.

The PPP will have a role in monitoring placements and triggering and confirming payments and transactions for Fresh Start and Fresh Start PLUS moves.

All payments will be triggered by PPP minutes through arrangements with Local Authority finance.

PFAP will monitor and report on funding and spending related to the process to ensure that there is transparency and to ensure that accurate information is available to support recommendations for future adjustments to the funding arrangements through the annual review of the process.

## **FRESH START**

Following a successful school to school FRESH START, the referring school will transfer the AWPU balance to the receiving school. The receiving school will also be supported by £500 (for school to school moves), £1500 (for PRU to school moves), which will be released at the point at which the pupil goes onto the roll of the receiving school. The £500 / £1500 is a one-off amount and is transferred in full, irrespective of the date of the FRESH START.

Agreement to transfer any additional funding to support a more challenging pupil in the new school will be confirmed by PPP dependant on the individual circumstances of each move and the needs of the child.

## **FRESH START PLUS**

Following a successful FRESH START PLUS, the referring school will transfer the AWPU balance to the receiving school. The receiving school will also be supported by £1500 which will be released at the point at which the pupil goes onto the roll of the receiving school. The £1500 is a one-off amount and is transferred in full, irrespective of the date of the FRESH START PLUS.

Agreement to transfer any additional funding to support a more challenging pupil in the new school will be confirmed by PPP dependant on the individual circumstances of each move and the needs of the child.

## **COMPLEX NORMAL ADMISSION**

Following the agreement at Primary Placement Panel, the receiving school will be supported by £500 to help the smooth transition from school to school. If the pupil is transferring from a Derby city school, then the AWPU balance will also be transferred to the new school.

Agreement to transfer any additional funding to support a more challenging pupil in the new school will be confirmed by PPP dependant on the individual circumstances of each move and the needs of the child.