

Northumberland County Council Pupil Placement Protocol



Arrangements and Support September 2023



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Introduction

The Pupil Placement Protocol aspires to achieve the following outcomes for Northumberland:

- improved opportunities (e.g., academic, enrichment, social emotional development) for pupils whose behaviour is challenging;
- admissions data showing reduced mobility of pupils mid-term in all phases;
- reduction in permanent exclusions;
- reduction in number of pupils in alternative provision;
- improvement in successful reintegration into mainstream school after alternative provision intervention;
- reduced numbers of pupils missing out on full time education;
- reduction in persistent absence;
- reduced risk of children missing from education.

This document provides information about Northumberland's Pupil Placement Protocol, including information on:

- the pupil placement panel process;
- information on Fair Access categories;
- the protocol for panel meetings;
- Terms of reference



General Principles

1. Every Local Authority must have a Fair Access Protocol, agreed with the majority of its schools and academies and which is legally binding. The purpose of the protocol is to ensure better education outcomes for vulnerable children and young people.
 2. This document captures the broader arrangements now being implemented in Northumberland regarding the placement of a specific minority group of pupils where there are particular difficulties in securing education provision. Commitment to the protocol was achieved from all partners during the process of consultation and development.
 3. From a school's perspective the purpose of this protocol is to establish a fair and transparent system, which ensures that all the schools/academies admit their fair share of pupils with challenging behaviour and educational needs on a turn-taking basis when appropriate.
 4. From a pupil's perspective the purpose of the protocol is to ensure that access to education is secured quickly where there is no school/ academy place and/or where a fresh start is indicated.
 5. This protocol will play a key role in helping to keep children safe and to achieve their potential. There is a particular focus on addressing the needs of vulnerable pupils and those with difficult and challenging behaviour who seek admission to a mainstream school/academy either following a permanent exclusion or to pre-empt such an exclusion, or who are otherwise not on a school roll.
 6. Our approach reflects a shared commitment to working in partnership to minimise the use of exclusion (fixed-term and permanent).
- Schools/academies, the local authority and other services will focus their efforts on early intervention and support for children experiencing difficulties in order to avoid the need for exclusion and/or school transfer.
7. In the event that the majority of schools in an area can no longer support the principles and approach of the local protocol, all the school heads should initiate a review with the Local Authority via the monthly panel meetings. The existing protocol however remains binding on all schools up until the point at which a new one is adopted.
 8. Schools/academies should work together collaboratively, taking into account the needs of the pupil and those of the school. There is no duty to comply with parental preference when allocating places through the protocol, but it is expected the wishes of the parents are taken into account. If a parent is unhappy with the panel decision regarding the placement of their child in a particular school, then they can appeal for a place in their chosen school through the normal independent appeals process.
 9. The protocol is divided into three sections, each outlining the different areas covered by the Pupil Placement Protocol in the placement of Hard to Place Pupils (HTPP), Managed Moves (MM) and Complex Transfers.
- ### Hard to Place Pupils
10. Under the School Admissions Code 2021, Hard to Place Pupils (HTPP) are defined as those who are 'unplaced'.
 11. It is important to emphasise that for the majority of children, securing a school place is achieved through the normal admission procedures.

Occasionally there will be children who move into the area, who have been out of education for longer than a term (Children Missing from Education) and/or those who have been home educated who might on this occasion have difficulty securing a school place. This does not mean that every home educated child who returns to mainstream schooling needs to be placed via the Fair Access process, nor does it mean that every child who moves into the area from outside of Northumberland needs to be placed via the Fair Access process. If these children have additional needs which would mean that either the child or the receiving school would benefit from transitional support, then the panel will consider the appropriateness of the referral.

Managed Moves

12. A managed move is an alternative to exclusion which a Head teacher might use in response to serious and/or persistent breaches of behaviour policy. These include *managed moves* to another school to enable the student to have a fresh start. Pupils suitable for a managed move are those who are vulnerable to educational failure and for whom it is even more important that any move of school/academy takes place quickly.
13. Under the School Admissions Code managed moves can be considered for the following reasons: those pupils who have been excluded from other schools and those who have challenging behaviour. It will also need to consider those pupils where the Governing Body of the receiving school does not wish to admit a pupil with challenging behaviour outside of the normal admissions round even though spaces are available.
14. This protocol has been written to ensure that, where a managed move is considered to be in the best interests of a pupil, their education is maintained, their parents' rights are

protected and there is clarity between the schools/academies.

15. It is not intended for use in circumstances where parents themselves initiate a transfer from one school/academy to another. In these cases, the normal admission procedures should be followed. However, in situations where a pupil's behaviour is of significant concern it will usually be more helpful to encourage the parents to agree a managed move so that the appropriate planning and ongoing support can take place.

Offsite Directions

16. Off-site direction is when a governing board of a maintained school requires a pupil to attend another education setting to improve their behaviour. Whilst the legislation does not apply to academies, they can arrange off-site provision for such purposes under their general powers. Where interventions or targeted support have not been successful in improving a pupil's behaviour, off-site direction should be used to arrange time-limited placements at an AP or another mainstream school. During the off-site direction to another school, pupils must be dual registered. Code B should be used for any off-site educational activity, if the provision is an approved educational activity that does not involve the pupil being registered at any other school.
17. When possible, in-school interventions or targeted support from AP schools should be used to meet a pupil's individual needs and circumstances – whether behavioural or special educational.
18. Depending on the individual needs and circumstances of the pupil, off-site direction into AP can be full-time or a combination of part-time support in AP and continued mainstream education. A proposed maximum period of time should be discussed and agreed upon as part of the planning phase for an

off-site direction. As part of planning, alternative options should be considered once the time limit has been reached, including a managed move on a permanent basis (if a pupil is in a mainstream school) upon review of the time-limited placement.

19. The governing board must comply with the Education (Educational Provision for Improving Behaviour) Regulations 2010 and must show regard to the Alternative Provision: Statutory guidance for local authorities, headteachers and governing bodies. Whilst the alternative provision guidance section does legally apply to maintained schools, academy trusts are also encouraged to follow this guidance.
20. The statutory guidance covers objectives and timeframes with appropriate monitoring of progress. For maintained schools, the governing board must ensure that parents (or the pupil if 18 or older) (and the local authority if the pupil has an Education, Health and Care (EHC) plan) are notified in writing and provided with information about the placement as soon as practicable after the direction has been made and no later than two school days before the relevant day.
21. Parents (or pupils aged 18 or over) and, where the pupil has an EHC plan, the local authority can request, in writing, that the governing board hold a review meeting. When this happens, governing boards must comply with the request as soon as reasonably practicable, unless there has already been a review meeting in the previous 10 weeks.
22. The length of time a pupil spends in another mainstream school or AP and the reintegration plan must be kept under review by the governing body, who must hold review meetings at such intervals as they, having regard to the needs of the pupil, consider appropriate, for as long as the requirement remains in effect. Not later than six days before the date of

any review meeting, a governing body must give a written invitation to parents (or the pupil if 18 or older) (and the local authority if the pupil has an EHC plan) to attend the review meeting, or to submit in writing before the date of the meeting their views as to whether off-site direction should continue to have effect. The governing body must ensure, insofar as is practicable, that any review meeting is convened on a date, and at a time, that is suitable for the parent.

23. The governing body must keep the placement under review for as long as the requirement remains in effect and must decide following each review meeting as to whether the requirement should continue to have effect and, if so, for what period of time. The meeting should include arrangements for reviews, including how often the placement will be reviewed, when the first review will be and who should be involved in the reviews.
24. For example, review meetings should take place between the school, parents, the pupil, and other agencies e.g., a pupil's social worker, Child and Adolescent Mental Health Services (CAMHS), Multi-Agency Safeguarding Hubs (MASH) and Youth Justice Teams, and the local authority (if a pupil has an EHC plan) to establish agreed monitoring points to discuss the pupil's ongoing behaviour. These reviews should be recorded in writing and be frequent enough to provide assurance that the off-site direction is achieving its objectives via monitoring points.
25. The governing body must give written notification of their decision as to whether the requirement to continue the placement should continue and if so, for what period of time including the reasons for it to the parent no later than six days after the date of the review meeting.
26. To support a pupil with reintegration into their referring school, the focus of intervention whilst off-site should

remain on ensuring that a pupil continues to receive a broad and balanced curriculum whilst any inappropriate behaviours which require intervention are being addressed. If a pupil with a disability or SEN has been moved off-site, the duties under the Equality Act 2010 and the Children and Families Act 2014 continue to apply (for example, to make reasonable adjustments or to put support in place to meet SEN).

27. The length of time a pupil spends in another mainstream school or AP will depend on what best supports the pupil's needs and potential improvement in behaviour.

Complex Transfers

28. For a number of children whose parents put in a transfer request, the receiving school may feel that there are enough issues raised regarding aspects of the child's circumstances that would warrant concern on the part of the receiving school.

29. The School Admissions Code, 2021 states that where a governing body does not wish to admit a child with challenging behaviour outside the normal admission round, even though places are available, it must refer the case to the local authority for action under the Fair Access Protocol. **This provision does not apply to a looked after child or a child with an Education Health and Care Plan naming the school in question, as these children must be admitted.**

30. FAPs are intended to act as a safety net for the most vulnerable. As such, they may only be used to place the following categories of children, where a child is 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 in-year admissions process:

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 FAP;

b) children living in a refuge or in other Relevant Accommodation at the point of being referred to the FAP;

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 FAP in accordance with paragraph 3.10 of the Code;

k) children for whom a place has not been sought due to exceptional circumstances (It is for the local authority to decide whether a child qualifies to be placed via the FAP on this basis, based on the circumstances of the case);

l) children who have been out of education for 4 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;

m) previously looked after children for whom the local authority has been unable to promptly secure a school place.

Protocol

31. Requests for admissions for hard to place children, managed moves, alternative provision placements and complex transfers will not fall evenly across the schools/ academies in the county. Nonetheless, the purpose of this protocol is to ensure easier and quicker access to education for individual children, within a fair and equitable context for schools/academies. The following paragraphs outline the methods for ensuring a fair distribution of hard to place children, managed moves, and complex transfers.
32. Schools/academies will agree to deal with all admission requests within 10 school days and in accordance with their own admissions policy if appropriate and the School Admissions Code, 2021. Where a school/academy or local authority service believes that a request for admission falls within the scope of this protocol, or where it is perceived that it is necessary to make an admission request on behalf of a pupil, that request will be referred via the Inclusion Team to the Pupil Placement Panel for consideration (unless a school/academy can offer a place quickly i.e. before the next meeting of the panel). Where it has been decided that a child is to be placed via the FAP, parents should be notified of this, and a school place must be allocated to that child within 20 school days.
33. Where a child has appealed for a place within a school and the appeal has been dismissed and subsequently a referral is made to the Pupil Placement Panel for a place at the same school, the school at which the appeal was lodged against and dismissed will be exempt from taking the child during that academic year.
34. The Pupil Placement Panel will be constituted and operate according to the terms of reference. The role of the panel will be to determine an appropriate placement/ managed move and agree with the Inclusion Team the way in which the placement will take place. This will include the issues of support, timing, and consultation with the child, parents, or carers. The decisions of the panel will be binding on schools.
35. Schools/academies have the right to request that the panel take into account exceptional circumstances which would mean that the placement in their school would not benefit either the school or the young person. All schools will be notified when the agenda is set for each panel. It is the responsibility of the school/academy to check the agenda and feedback any exceptional circumstances in writing to the panel about a young person being placed in their school/academy. Exceptional circumstances may include the young person's involvement in a violent incident (recorded by the police) with another member of the school population, domestic violence issues or sexual assault. Exceptional circumstances do not include; year group or make up of year group, number of young people already placed, behaviour of young people, general relationships with other young people, etc.
36. Under the Admissions Code, 2021 there is no duty for local authorities or admission authorities to comply with parental preference when allocating places through the Fair Access Protocol. However, it would remain 'best practice' to work with parents and parental choice. If a parent is unhappy with the panel decision, they can appeal for a place in their chosen school through the normal independent appeals process.
37. When completing the referral form, schools will ensure that there are a minimum of two schools identified for

the placing of a young person. If schools do not identify more than one school, the panel may choose to place the young person in a school which has not been discussed with the parent and/or return the referral to the school for consideration at a later panel.

38. In the case of managed moves, they will be children who are vulnerable to educational failure and for whom it is even more important that any move of school/academy takes place quickly. In the case of managed moves, the Head teacher should approach the parent/carer of the child for their agreement to implement the move. Only when the parent/carer has given consent should an application form be completed, and the process commence. Children with Education Health and Care Plans are not covered by this protocol as their needs are considered separately and are covered by specific legislation.
39. On occasion if a child is placed in a school and their behaviour/attendance gives rise for concern (and meets one of the FAP categories) the school can request that the child be considered as a retrospective referral for statistical purposes. The expectation is that the child remains in that school though.
40. Detail of the placement of children is recorded after each panel for that academic year and this information is one of the pieces of information which is used to inform future panel placement decisions. At the start of each new academic year a new list of placements will be recorded with previous year's placement information being used as a reference document.

Placing pupils

41. When placing pupils, schools/academies will be asked to provide information to the panel on the context of the school. This information is crucial to the panel decision making process as it allows the panel to consider the impact a placement will

have in a particular school. When placing children consideration will be paid to the following:

- number of fair access placements in the academic year;
- number of LAC admitted and leaving schools in the academic year;
- distance from home to school (and parents' ability to transport child);
- cohort/context of individual school, assuming this is provided by the potential receiving school when asked.

42. Head teachers also agree to give consideration when placing a KS4 young person into a school if the receiving school is in an Ofsted category. It would be the decision of the Head teachers on each panel to take this into consideration and each panel would make decisions based on the nature of the young person being placed. Once the school in question was taken out of the category this consideration would cease.
43. All young people of statutory school age who require a school place will be placed on school rolls.

Funding

44. All schools and academies in Northumberland will be treated equitably regarding funding following permanently excluded pupils, managed moves and hard to place pupils. This means on a pro-rata basis according to the academic year:
45. Per pupil funding will be deducted from the school or academy's funding as per regulations.
46. Pupil Premium (FSM element) will be deducted as per regulations.
47. If the school or academy admits a permanently excluded pupil, a hard to place pupil or a managed move becomes a success and goes on roll, funding will be paid as per regulations.

48. When a pupil is moved to another school/academy under a 'managed move' the schools will follow DfE guidance on dual registration.
49. The receiving school will be responsible for safeguarding the needs of the pupil, undertaking *first day response*, and making sure that if the pupil is not in school the reasons for this are known and that there are no safeguarding concerns which are not being addressed.
50. The originating and receiving school need to work closely together to monitor the attendance and address the needs of the pupil, especially as the originating school will have a greater understanding of the history and issues surrounding the pupil. In issues of poor or non-attendance it is the attendance officer of the originating school (maintained school or academy) that is responsible for working with the pupil and their family to improve their attendance.
51. If the 'managed move' is successful and the pupil goes onto the roll of the receiving school permanently, at such time the receiving school will assume full responsibility for attendance

52. Requests to the Local Authority for funding to support alternative provision placements for pupils at risk of permanent exclusion will be allocated through the Inclusion panel and monitored for impact. This DSG funding will be managed and monitored by the School Admissions and Inclusion Manager.

Monitoring and Quality Assurance

53. Data on looked after children, permanently excluded pupils and those awaiting placement will be shared at each panel.
54. Financial information will also be provided on the funding used for prevention of exclusion through alternative provision.
55. Notes from each panel will be sent to all schools/academies outlining the decisions made by the panel and highlighting any learning outcomes from the panel.

An annual report will be provided to all schools outlining the work of the panel for the previous year.

Terms of Reference

All schools/academies including the PRU and when appropriate alternative providers will participate in the Pupil Placement Panel and the Head teacher, and a senior member of school staff will be available on a rotating basis throughout the academic year.

56. Local Authority lead officers e.g., from admissions and Inclusion, will meet to coordinate referrals and the administration of the Panel.
57. The Pupil Placement Panel will meet every 4 weeks with a minimum of 5 panel members in attendance to take part in the decision making, at least one of whom is a Head teacher, to be quorate. There should be at least once panel member in attendance to represent the North, West, Central and South East localities of Northumberland.
58. Panel meetings will be scheduled on a regular cycle agreed before the start of each academic year. The Inclusion team will assist and facilitate such meetings.
59. The Inclusion team will ensure that adequate documentation from schools/academies, agencies, services, young people, and parents/carers is available to consider each case.
60. The Local Authority will ensure that members of the Inclusion team are available at the meeting to offer additional information and to carry forward the panel's decisions.

61. The decisions of the panel will be binding on the receiving school/academy, although young people and parents may choose not to accept the first placement offered.
62. Middle and secondary age placements will be determined on a county wide basis but with regard wherever feasible to where the young person lives.
63. When placing children consideration will need to be paid to the following:
 - number of fair access placements in the academic year
 - number of LAC admitted and leaving schools in the academic year
 - distance from home to school (and parent's ability to transport child)
 - cohort/context of individual class/school, assuming this is provided by the potential receiving school when asked
64. Head teachers also agree to give consideration when placing a KS4 young person into a school if the receiving school is in an Ofsted category. It would be the decision of each panel to take this into consideration and each panel would make decisions based on the nature of the young person being placed. Once the school in question was taken out of the category this consideration would cease.