

NORTHUMBERLAND

Pupil Placement Protocol

Arrangements and Support
September 2017

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Fair Access Protocols: Principles and Process (DfE November 2012)

Advice on school attendance (DfE July 2013)

Northumberland Fair Access Protocol (September 2015)

Northumberland Managed Moves Guidance (January 2016)

Alternative Provision statutory guidance for local authorities (DfE January 2013)

Policy paper: 2010 to 2015 government policy: children outside mainstream education (DfE May 2015)

Registration of independent schools: departmental advice for proprietors and prospective proprietors of independent schools in England (DfE July 2015)

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 re-integration 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;
- the referral form.

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 2014, 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

moved into the area, who have been out of education for longer than a term 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 and if they fall within the following Fair Access categories then the panel will consider the appropriateness of the referral.

12. The Fair Access categories are:

FAP1 – pupils who have been permanently excluded and who are not in educational provision.

FAP3 – pupils who have been out of education for longer than 20 school days, e.g. pupils who are home educated, parents have removed from school, pupils who choose not to attend who are not currently on a school roll (not including persistent absentees or pupils who have been removed from roll due to non-attendance) .

FAP5 – pupils with unsupportive home backgrounds where a school place has not been sought.

FAP7 – pupils without a school place and with a history of serious attendance problems, e.g. children who move into Northumberland.

FAP8 – pupils who move into the area with complex behaviour issues.

Managed Moves

13. 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.

14. 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.

15. Managed moves are implemented in order to maintain the education of the pupil while at the same time protecting the receiving school from taking a pupil where there is some doubt as to the outcome a move of school would have on the child's behaviour and/or attendance.

16. 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 involved over the responsibility for each pupil in relation to attendance and safeguarding, with a formal monitoring period (usually 6-8 weeks) agreed at the start of the process.

17. 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.

18. Managed moves will be time limited. They will be no shorter than 6 weeks (unless there is a display of behaviour which warrants a permanent exclusion or repeated fixed term exclusions) at the school/academy to which the pupil has moved to) and no longer than 12 weeks (unless for exceptional reasons an extension of the managed move is agreed by all parties at the review meeting). However even when exceptional circumstances apply they will be no longer than two academic terms.

19. The following categories apply to managed moves:

FAP4 – pupils who are currently identified as a persistently absent pupil, ie a pupil who has more than 52 sessions of absence by the end of the spring term.

FAP10 – pupils who would otherwise be permanently excluded for a serious but one-off offence, pupils whose behaviour generally conforms to school rules but who have on this occasion engaged in behaviour which is unacceptable (summary evidence of permanent exclusion to be included in the documentation sent to panel).

FAP11 – pupils who have a history of challenging behaviour but for whom all available interventions/strategies have been unsuccessful and who are at risk of permanent exclusion, pupils who have repeatedly challenged school rules (this behaviour is documented) and the school is able to evidence over a period of time the types of interventions tried including an IEP, EHA and the involvement of outside agencies.

FAP12 – pupils whose behaviour is adversely influenced by their peer group to a significant extent and who would benefit from the opportunity for a fresh start provided by a change of school. Evidence can be provided that this is an ongoing situation and how a change in school will provide a change in behaviour.

FAP13 - children whose relationships with fellow children, parents and/or staff have broken down irrevocably. Evidence can be provided that the school have used a variety of interventions to prevent this breakdown from happening over a period of time.

FAP15 - children of Gypsies, Roma, Travellers, Refugees and Asylum Seekers, children who are homeless.

FAP16 - children with SEND and medical conditions but without statements or EHC Plans.

FAP17 - children who are carers (A **young carer** is someone aged 18 or under who helps look after a relative who has a condition, such as a disability, illness, mental health condition, or a drug or alcohol problem. Most **young carers** look after one of their parents or care for a brother or sister.

Complex Transfers

20. The School Admissions Code, 2014 states that 'the list of children to be included in a Fair Access Protocol is to be agreed with the majority of schools in the area'. 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.

21. The School Admissions Code, 2014 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 a statement of special educational needs naming the school in question, as these children must be admitted.**
22. In order to standardise the process and make it more transparent, the following guidance has been developed for schools to use when considering an application to the Fair Access Panel under the category of a Complex Transfer.
23. Guidance for a complex transfer might be:
- attendance below 90% with a historic pattern of attendance issues;
 - history and evidence of disruptive behaviour including fixed term exclusions totalling more than 2 days in any on term;
 - direct involvement of the child with external agencies such as; Family Support Team, children's social care, Northumberland Adolescent Services;
 - relationships with pupils in the requested school and/or the neighbourhood;
 - complexity of the year group in the receiving school in conjunction with other criteria e.g. high number of LAC, higher than average number of fixed term exclusions or students with SEND;
 - inappropriate behaviour (sexualised) for whom a risk assessment is deemed necessary;
 - an Early Help Assessment in place and Child in Need/Child Protection Plan in place.

The Northumberland Association of Secondary Heads (NASH) have defined a complex transfer as:

- children returning from the criminal justice system who need to be reintegrated into mainstream education;
- children missing from education (not on a school roll);
- children from a gypsy/roma/traveler/refugee background or those seeking asylum;
- permanently excluded children;
- children who have been educated outside of mainstream education but not permanently excluded;
- children who have been withdrawn from school at the point of permanent exclusion;
- children moving into the area with a history of challenging behaviour;
- children who are persistently absent;
- home educated children;
- children moving schools during Year 11;
- children who have had more than 2 changes of school (not including transition).

24. Complex transfers will generally be considered as a managed move when placing a child in a new school/academy.

25. The following category applies to a complex transfer:

FAP14 - Complex transfers where it is felt that the child would benefit from support to aid the transition process.

Fair Access Protocol for Children Missing from Education

26. Children fall out of education for a number of reasons including poor attendance, exclusion, poor transition arrangements and disaffection. Professionals actively seek out and identify those missing education with the help and support of stakeholders and agencies within children's services. If/when children are found the Pupil Placement Panel is the means by which they will be supported to re-engage with mainstream educational provision under the Hard to Place Pupils section of the protocol.

Fair Access Protocols and Elective Home Education

27. Elective Home Education is the right of every parent. However on occasion parents are unable or unwilling to provide suitable and appropriate education provision for their child(ren) and the child(ren) will need to return to mainstream school. Where a child who is in receipt of home education decides to return to mainstream school the Pupil Placement Panel is the means by which they will be supported to re-engage with mainstream educational provision under the 'Hard to Place Pupils' section of the protocol.

Protocol

28. 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.
29. 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, 2014. 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 EOTAS-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).
30. 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.
31. 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 EOTAS-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.
32. 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. The agenda is set out in preference order. 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 person, general relationships with other young people, etc.
33. Under the Admissions Code, 2014 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.
34. When completing the referral form, schools will ensure that there are a minimum of three (depending on locality) 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.

35. 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 Statements of Special Educational Need/Education Health and Care Plans are not covered by this protocol as their needs are considered separately and are covered by specific legislation.
36. 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 by completing the referral form and submitting it to the panel.
37. 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.
38. The scope of this protocol is for pupils who find themselves in one of the categories FAP1 – FAP18.

Placing pupils

39. 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.
40. 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.
41. When an individual school/academy has received a maximum of five young people (or equivalent depending on size of cohort) under the terms of this protocol in any one academic year it will not be expected to receive any more until all schools/ academies have been nominated to receive at least two young people. That is to say, that a school/academy will move to the bottom of the list for consideration.

42. Should a school/academy wish to accept more than five young people before it has taken its turn at the bottom of the list it may do so, and invoke the option to move to the bottom of the list at any time onwards.
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. The Belonging Regulations relate to a child who is looked after by a local authority:
- for whom an education statement of Education, Health and Care Plan is in place, or
 - is registered at a special school, or
 - who is a patient in hospital, and receives education either in a special school established in a hospital or education referred to in section 298(1) of the Education Act 1993 otherwise than at school, or
 - who is a further education student. In such cases the authority whom the pupil belongs to is the local authority area which looks after him.
53. In such circumstances where a child looked after by another authority is living in Northumberland and accessing education in Northumberland the home authority is financially responsible for the child's education and fees are accordingly recouped.

Monitoring and Quality Assurance

54. Data on looked after children, permanently excluded pupils and those awaiting placement will be shared at each panel.
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.
56. An annual report will be provided to all schools outlining the work of the panel for the previous year.
57. Where the panel has placed a child into an alternative provision setting, officers from the EOTAS-Inclusion team will oversee the quality assurance of providers as set out in the Alternative Provision framework and Catalogue.

Protocol Categories

FAP1

who have been permanently excluded and who are not in educational provision

FAP2

Attending PRUs and seeking reintegration to mainstream provision

FAP3 - who have been out of education for longer than one school term e.g. pupils who are home educated, parents have removed from school, pupils who choose not to attend who are not on currently a school roll (*this does not apply to persistent absentees or to pupils who have been taken off a school roll due to non-attendance*)

FAP4 (Managed move)

who are currently identified as a persistent absence pupil e.g. a pupil who by the end of the spring term

(half term 4), has more than 52 sessions of absence in that school year

FAP5 (Hard to place)

with unsupportive family backgrounds, where a place has not been sought

FAP6

who are referred by the Police, Youth Offending Team or other similar agency

FAP7 (Hard to place)

without a school place and with a history of serious attendance problems e.g. *pupils who move into Northumberland*

FAP8 (Hard to place)

who move into the area with complex behaviour issues

FAP9 (Hard to place)

who move into the Local Authority coming up to or in Years 10 or 11 (*not pupils who move between Northumberland schools*)

FAP10 (Hard to place)

who would otherwise be permanently excluded for a **serious but one-off offence** *pupils whose behaviour generally conforms to school rules, but who have on this occasion engaged in behaviour, which is unacceptable (summary evidence of permanent exclusion to be included in the documentation sent to panel)*

FAP11 (Managed move)

who have a history of challenging behaviour but for whom an IEP has been unsuccessful and who are at increasing risk of permanent exclusion *pupils who have repeatedly challenged school rules (this behaviour is documented) and the school is able to evidence over a period of time, the types of interventions tried including an IEP, EHA and the involvement of outside agencies*

FAP12 (Managed move)

whose behaviour is adversely influenced by their peer group to a significant extent and who would benefit from the opportunity for a fresh start provided by a change of school *evidence can*

be provided that this is an ongoing situation and how a change in school will provide a change in behaviour

FAP13 (Managed move)

whose relationships with fellow children, parents and/or staff has broken down irrevocably
evidence can be provided that the school have used a variety of interventions to prevent this breakdown from happening over a period of time

FAP14 (Managed move)

Complex transfers where it is felt that the child would benefit from support to aid the transition process

FAP15 (Hard to Place / Managed move)

Children of Gypsies, Roma, Travellers, refugees and asylum seekers, children who are homeless

FAP16 (Managed move)

Children with special educational needs, disabilities and medical conditions (but without statement)

FAP17 (Managed move)

Children who are carers (A **young carer** is someone aged 18 or under who helps look after a relative who has a condition, such as a disability, illness, mental health condition, or a drug or alcohol problem. Most **young carers** look after one of their parents or care for a brother or sister.).

FAP18 (Managed move)

Request for PRU placement. PRU to PRU transfer

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.

1. Local Authority lead officers eg from admissions and EOTAS-Inclusion, co-ordinate referrals and the administration of the Panel. When possible, this process will involve agreement about pupil placement with schools/academies before the Panel meets.
2. For secondary age pupils the 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. At every Panel attendance should include 4 Head teachers or senior pastoral leads.
3. Panel meetings will be scheduled on a regular cycle agreed before the start of each academic year. The EOTAS-Inclusion team will assist and facilitate such meetings.
4. The EOTAS-Inclusion team will ensure that adequate documentation from schools/academies, agencies, services, young people and parents/carers is available to consider each case.
5. The Local Authority will ensure that members of the EOTAS-Inclusion team are available at the meeting to offer additional information and to carry forward the panel's decisions.
6. 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.
7. Middle and secondary age placements will be determined on a county wide basis but with regard wherever feasible to where the young person lives.
8. 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
9. 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.
10. When an individual school/academy has received a maximum of five young people under the terms of this protocol in any one academic year it will not be expected to receive any more until all schools/academies in its group have been nominated to receive at least two young people. That is to say, that a school/academy will move to the bottom of the list for consideration.
11. Should a school/academy wish to accept more than five young people before it has taken its turn at the bottom of the list it may do so and invoke the option to move to the bottom of the list at any time onwards.

12. However, the panel reserves the right to make decisions based on the best interests of the young person in the first instance.