

Telford and Wrekin Primary Fair Access Protocol

September 2022



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Introduction

This Protocol describes the operation of the Fair Access Panel and sets this in the context of a graduated response to meet the needs of young people.

There are five key elements to this FAP protocol:

Part A - Hard to Place Protocol – the Hard to Place Protocol concerns the placement of young people who apply for a school during the course of the school year, called ‘in-year’ applicants, where it has not been possible to secure a school place quickly, or where the child meets the threshold for hard to place. Included within the scope of this protocol would be children moving into the authority from elsewhere in the country or overseas; children returning from Elective Home Education and children returning to mainstream education from a Pupil Referral Unit (PRU) where the referring PRU deems the child ready to make a successful return to mainstream.

Part B - Managed Move Protocol – the Managed Move Protocol describes the placement of students who are moving from one school to another within the local authority area as a mechanism to break a cycle of behaviour. The child should be scored against the points system described in the Hard to Place Protocol.

Part C - Request for Additional Support – the local authority and its partners provide a number of provisions and resources which support schools in meeting the needs of young people. This includes Assessment and Intervention Centres and the Student Engagement Programme. Request for and allocations of this support come through the Fair Access Panel.

Part D – Operation of the Fair Access Panel – the protocols and membership of the Fair Access Panel.

Part E – Permanent Exclusions – the processes and conditions when considering a Permanent Exclusion

Part A – Hard to Place Protocol

A1 Introduction

1.1 All in year school applications are co-ordinated by Telford & Wrekin LA. This ensures that no child is offered more than one school place and enables the LA to have an overview on the movement of children and therefore avoid possible safeguarding issues arising from children being without a school place.

1.2 “The Admissions Authority must not refuse to admit a child solely because:

- a) they have applied later than other applicants;
- b) they are not of the faith of the school in the case of a school designated with a religious character;
- c) they have followed a different curriculum at their previous school; or
- d) information has not been received from their previous school.” (paragraph 2.28 Admissions Code 2021)

1.3 “Admission authorities 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.” (3.13 Admissions Code 2021)

1.4 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, it may refuse admission and refer the child to the Fair Access Protocol 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. (adapted from paragraphs 3.10 and 3.11 Admissions Code 2021)

1.5 The protocol supports the inclusion of some of Telford and Wrekin’s most vulnerable children by ensuring that unplaced children, especially these most vulnerable, are offered a place at a suitable school as quickly as possible. It is a working partnership between the Local Authority and Telford and Wrekin publicly funded primary schools aimed at maintaining a continuity of education for all children, particularly the most vulnerable, by acknowledging that if they do need to move schools, they do so in a transparent, supported, managed and equitable way.

1.6 It is a legal requirement that ‘Children in Care’ and ‘Children Previously in Care’ are given first priority for admission at the normal point of entry to the school within an admission authority’s oversubscription criteria in line with the provisions set out in the School Admissions Code at paragraph 1.7. The protocol will not be used for these children as it is expected that they will not become ‘unplaced’ as all Telford and Wrekin admission authorities will take into account this high priority and will work with the Local Authority, including Social Care, in agreeing the most suitable school when transfer in year is required. Where a child in care or a child previously in care meets the Hard to Place Threshold, the receiving school should not delay in admitting but can refer the case to the Fair Access Panel so that the admission is recognised in considering fair distribution of Hard to Place young people.

1.7 The admission of children with Education, Health and Care (EHC) Plans naming the school are **not** covered by this protocol, as these children **must** be admitted.

1.8 The protocol applies to the academic year 2022-23 and subsequent years, subject to any review. If changes are proposed, these will be determined if supported by the majority of Telford and Wrekin publicly funded primary schools.

A2 Aims

2.1 This protocol has two aims:

- 1) To provide the mechanism for ensuring the speedy admission to schools of 'in year' unplaced children (children who meet the Hard to Place threshold), as defined in section A5 of this protocol. Its aim is **not** to delay admission. (para 3.14, School Admissions Code 2021)
- 2) To ensure that no school, including those with available places, is asked to take a disproportionate number of children who have been permanently excluded from other schools, or who have challenging behaviour. (para 3.16, School Admissions Code 2021)

A3 In-year Applications

3.1 The admissions process is as follows:

- Parents/guardian complete an in year application form and can include up to 4 school preferences.
- Once received, the admissions team will check the availability of places at the preferred school and where possible allocate. Numbers will be maintained by the schools via the SAM Portal. Schools are legally required to respond back to the admissions team on the availability of places within 2 days.
- The LA will then offer a place at the highest preference school with a place available in accordance with the oversubscription criteria.
- Should none of the preference schools have places, the admission will be referred to the Fair Access Panel, this would normally be before any appeals for preference schools are heard.
- For young people moving between schools in borough, the home school will complete the Pupil Passport and send to the receiving school. If this paperwork indicates that the young person meets the Hard to Place Threshold, the receiving school should refer back to the Admissions Team so that the case can be presented at the Fair Access Panel by the home school. The LA will advise parents of responses within 15 school days of receiving the original application or earlier if possible in order to minimise the amount of time that a child is out of school.
- If a school/academy has no place available, the parent will have the right of appeal and the relevant admission authority has to provide this information about lack of places to the parent.

3.2 For children who have been removed by their parents from a school roll to be electively home educated, and are now seeking a return to school education, potentially due to home provision being assessed as unsuitable, the expectation is that these children will be referred to their previous school and that school either readmits the child or makes arrangements for a managed move. However, if a parent does not wish their child to be referred to their previous school, then this should be treated in the same way as an out of borough in year admission and if necessary, the Hard to Place Protocol applied.

3.3 Where there is sufficient information on the admission form to identify that a child might be classed as Hard to Place, then the Admissions Team will refer this child to the Fair Access Panel under the Hard to Place Protocol.

3.4 On receiving an application for admission, the school **must respond within 2 working days to the school admissions team**. This should not be extended to gather further information. If a school named as a preference by the parent has a place available, i.e. the school has **not** reached its agreed admission number in the relevant year group, and the young person does not meet the Hard to Place Threshold then a place **must** be offered.

3.5 For in-year applications where the receiving school identifies that the young person might be classed as Hard to Place, they should refer the case back to the Admissions Team, with evidence, within the 2 working day deadline. For in-borough applications the receiving school might identify the young person as Hard to Place through the Pupil Passport; the Home School will then present the case at the next Fair Access Panel with appropriate background information.

3.6 Under the equal preference scheme, the School Admissions Team work to place the pupil at the highest possible preference school with a place. If a school named as a preference by the parent does **not** have a place available, i.e. the school has reached or exceeded its agreed admission number in the relevant year group, then a place **may** be refused. In all cases, the parent **must** be provided with the decision and reasons for refusal in writing and **must** be advised of their legal right of appeal by the relevant admission authority.

3.7 If a young person is left without a school place after all preferences have been considered, the parent's application then falls under this protocol; which entitles them to additional support in securing a place at a suitable school through a referral to the Fair Access Panel. The Admissions Team will present the case to the Fair Access Panel, this will normally be before any appeals in preference schools are heard. The parent retains their legal right of appeal in relation to their unsuccessful school preferences and referral to the Fair Access Panel to receive an offer of a school place will not prejudice the parent's legal right of appeal in respect of the schools included as preferences on their application.

3.8 Where young people are unplaced, with all of the schools applied for being at or above their agreed admission number, and the young person is not identified as Hard to Place; the Fair Access Panel will allocate young people to schools ensuring that there is equity in the distribution of these young people across schools and that no one school is disadvantaged by the placement of a large number of young people into any one year group.

A4 General Principles

4.1 Where a child is on a school roll within Telford and Wrekin and the parent wishes to change schools to another Telford and Wrekin school, for reasons other than a house move, the In Year application will indicate the reason for the request. The home school will be able to see the In Year application through the SAM portal and it will be expected that this school will contact the family to discuss any issues they may have. It is expected that, in the majority of cases, working jointly with parents, the school will be able to find a solution that enables the child to remain. In the minority of cases, where there has been a breakdown of education within the current school, that school might work with parents to explore a Managed Move to another school.

4.2 The school where the child is currently on roll should complete the 'Pupil Passport' once an in-year application has been made and the admission confirmed by the receiving school (for pupils moving between schools in borough). The intention of this Pupil Passport is to provide current information and appropriate advice to the receiving school on how to support the child.

4.3 School Admissions have published guidance notes for parents relating to the pitfalls of a child moving school in year within the borough on their website, and schools may wish to refer parents to these, in addition to the admissions team pointing parents to the information.

4.4 To further support this process, the Local Authority has agreed with schools that, in exceptional circumstances, for example, to avoid permanent exclusion, some children can move to another school for a trial period outside the normal in year admissions process. This Managed Move Process involves an agreement between two schools to allow the child to move to a different school for an initial trial period with a view to the arrangement becoming permanent. This can be used for children where it has been agreed by all parties that they require a fresh start at another school. In cases where the parent, the child and the schools agree that a fresh start would be appropriate, the parent and the child will receive information about this process as a more appropriate alternative to normal in year admissions procedures. This will not prejudice the parents' right to apply for a school of their preference through the normal in year admissions process or their legal right of appeal if their application is unsuccessful. It is expected that if the child is taking part in a managed move that they will not then be expected to submit an in year application for the new school whilst that trial period is taking place. For further details please refer to the Telford and Wrekin Primary Managed Move Protocol, Part B of this document.

4.5 All decisions on admissions for students deemed Hard to Place will be made by the Fair Access Panel. The panel's responsibility is to identify the most suitable school for the child based on the needs of all parties involved. For all Telford and Wrekin residents, or those seeking places due to an imminent move into the borough, this will result in an offer of a school place. Places are not guaranteed through this process for residents from other local authorities. Parents resident in other authorities do have a right to request a school place in Telford and Wrekin but we would expect that where the young person meets the Hard to Place threshold, they would be referred to their local FAP.

4.6 When the Fair Access Panel meets to consider the application, the parental preferences will be taken into account in this decision-making process, although the school place offered may be for an alternative school. The duty to comply with parental preference, as set out in section 3 above, does not apply when allocating a school place through this protocol.

4.7 It is recognised that it is preferable for children to be admitted through this protocol into a school within their local area unless there are exceptional reasons not to do so.

4.8 It is expected that once a school place is identified, the child will be admitted to the school and included on the school roll **within no more than 10 school days** of a Fair Access Panel decision.

4.9 The Local Authority reserves the right to direct an admission authority of a Trust School or the admission authority of a Voluntary Aided school to admit a child, in accordance with the provisions set out in paragraphs 3.23 -3.29 of the School Admissions Code. For Community and Voluntary Controlled schools, where the Local Authority is the admission authority, the Assistant Director, Education and Corporate Parenting, may instruct the governing body to admit the child.

4.10 The Local Authority reserves the right to ask the Secretary of State to intervene (in accordance with the provisions set out paragraph 3.29 of the School Admissions Code) where it considers that a child should be admitted to an academy, but the academy has refused without sufficient reason for the refusal. The Local Authority will seek to find a resolution with the Academy and referral to the Secretary of State will be used as a last resort.

4.11 Where a school has been identified within the arrangements set out in this protocol, this school will be deemed the 'qualifying school' for the purpose of school transport assistance. A child of statutory school age (5-16 years) will be provided with transport assistance if the child attends the 'qualifying school' and meets the conditions set out in the Council's School Transport Policy. For the purpose of this protocol, the policy states that travel assistance will be provided for a child aged between 4 and 8 years who attends a qualifying school and lives more than 2 miles from the school, unless the parents voluntarily make suitable arrangements.

A5 Hard to Place Threshold

5.1 All children considered eligible for admission under this protocol are deemed vulnerable and are therefore entitled to receive additional support in securing a suitable school place if normal in year admission procedures are unsuccessful.

5.2 The Admissions Code of 2021 defines 'hard to place' children who should, as a minimum, be considered under a Fair Access Protocol as:

- a) children either subject to a Child in Need Plan or a Child Protection Plan or having had a Child in Need Plan or a Child Protection Plan within 12 months at the point of being referred to the Protocol;
- b) children living in a refuge or in other Relevant Accommodation at the point of being referred to the Protocol;
- c) children from the criminal justice system;
- d) children in alternative provision who need to be reintegrated into mainstream education or who have been permanently excluded but are deemed suitable for mainstream education;
- e) children with special educational needs (but without an Education, Health and Care plan), disabilities or medical conditions;
- f) children who are carers;
- g) children who are homeless;
- h) children in formal kinship care arrangements;
- i) children of, or who are, Gypsies, Roma, Travellers, refugees, and asylum seekers;
- j) children who have been refused a school place on the grounds of their challenging behaviour and referred to the Protocol in accordance with paragraph 3.10 of the Code;
- k) children for whom a place has not been sought due to exceptional circumstances;
- l) children who have been out of education for four or more weeks where it can be demonstrated that there are no places available at any school within a reasonable distance of their home. This does not include circumstances where a suitable place has been offered to a child and this has not been accepted; and
- m) previously looked after children for whom the local authority has been unable to promptly secure a school place.

5.3 Following consultation with schools during the summer term of 2019, a local system for defining Hard to Place has been developed. This takes the above definitions as a minimum and adds criteria requested by schools. A 'threshold' which determines whether a child is 'Hard to Place' is determined by considering the factors in the following tables:

Table A Behaviour and Attendance based criteria – select the one criterion below which relates to the highest point score.

Characteristic	Points
Children currently attending a Pupil Referral Unit	15
Children who have been subject to the criminal justice system	15
Children who have previously been permanently excluded in the previous 24 months	15

Children with 2 or more managed moves which have failed within the previous 12 months	15
Children with 1 managed move which has failed within the previous 12 months	10
Fixed term exclusion of 5 days or less in any one term within the previous 12 months	5
Fixed term exclusion of between 5 and 15 days in any one term within the previous 12 months	10
Fixed Term exclusion of 15 days or more in any one term within the previous 12 months	15
In school exclusion (5+ days) within the previous 12 months	5
In school exclusion (10+ days) within the previous 12 months	10
Attendance below 90% in previous 12 months	5
Attendance below 80% in previous 12 months	10
Attendance below 70% in previous 12 months	15
None of the above apply – no significant behaviour or attendance concerns	0

Table B Demographic based criteria – select the one criterion below which relates to the highest point score.

Characteristic	Points
Children who have been out of education for two months or more at the point of in-year application received by the Admissions Team	15
Children of Gypsies, Roma, Travellers, refugees and asylum seekers	15
Children who are homeless or living in a refuge	15
Children classed as CME, for whom a place has not been sought	15
Children who are carers	15
Children with special educational needs, disabilities or medical conditions (who would normally meet the criteria for an Education Health and Care Plan [EHCP], but haven't had one issued, for example having moved from a country where EHCPs are not used).	15
Children in formal kinship care arrangements	15
Children who are in year admissions who would not otherwise hit hard to place criteria but for whom there are no places (schools at PAN) in all schools applied for and have been without a school place for 4 or more weeks	15
Children known to other professional agencies who may present as 'vulnerable' (eg CIN, CP) but with no obvious behavioural problems	15
Previously looked after children	15
Children returning from unsuitable EHE (EHE deemed unsuitable by the LA)	15
Children with EAL who have emerging levels of English (new arrivals)	10
Children who, following an overturn of an exclusion review, have no school place	10

None of the above apply	0
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The **combined score** is the highest score from Table A plus the highest score from Table B. **The threshold for Hard to Place would be a combined score of 15 or more.**

Those rows highlighted in orange represent criteria specified in the Admission Code and therefore automatically score 15 as they are defined nationally as hard to place.

A6 In Year Application Process

6.1 In all cases parents **must** have completed the Local Authority's in year application process expressing a preference for a school or schools.

6.2 Where there is sufficient information on the admission form to identify that a child meets the Hard to Place threshold, then the Admissions Team will refer this child to the Fair Access Panel under this Hard to Place Protocol.

6.3 On receiving an application for admission, the school **must respond within 2 working days to the school admissions team**. This should not be extended to gather further information. If a school named as a preference by the parent has a place available, i.e. the school has **not** reached its admission number in the relevant year group, and the young person does not meet the Hard to Place Threshold then a place **must** be offered.

6.4 For in-year applications the receiving school identifies that the young person meets the Hard to Place threshold, they should refer the case back to the Admissions Team, with evidence within the 2 working day deadline. For applications from out of borough, the Admissions Team will then present the case at the next Fair Access Panel with appropriate background information. For applications from within the borough, the current school should then present the case at the Fair Access Panel under the Hard to Place Protocol.

6.5 Under the equal preference scheme, the School Admissions Team work to place the pupil at the highest possible preference school with a place. If a school named as a preference by the parent does **not** have a place available, i.e. the school has reached or exceeded its agreed admission number in the relevant year group, then a place **may** be refused. In all cases, the parent **must** be provided with the decision and reasons for refusal in writing and **must** be advised of their legal right of appeal by the relevant admission authority.

6.6 If a young person is left without a school place after all preferences have been considered, the parent's application can then be considered through the process described in this protocol, which entitles them to additional support in securing a place at a suitable school through a referral to the Fair Access Panel. The parent retains their legal right of appeal in relation to their unsuccessful school preferences and can choose to exercise this rather than agree to a referral to a panel. By agreeing to a referral to the Fair Access Panel to receive an offer of a school place, the parent's legal right of appeal in respect of the schools included as preferences on their application, will not be prejudiced.

A7 The Admission of Vulnerable Children or Children with Challenging Behaviour

7.1 For the purpose of this protocol, vulnerable children or children with challenging behaviour are defined as those that reach the threshold score of 15 as described in paragraph 5.3.

7.2 Please Note: This process will not apply to a child in care, a child previously in care or a child with an Education, Health and Care Plan naming the school in question, as these children **must** be admitted. However, where a child in care or a child previously in care meets the threshold score of 15, this may be considered when ensuring a fair distribution of 'Hard to Place' children across schools. The receiving school should not delay in admitting any child in care but can refer the case to the next Fair Access Panel for a decision as to whether the child meets the threshold.

7.3 Where a child meets the Hard to Place threshold, their application will be considered by the Fair Access Panel and a decision made on which school to allocate. This decision will be informed by the parental preference although the panel is not bound by this. The decision is also informed by the distance from the child's home to each school. The panel should also ensure that no one school is adversely affected by placing several children in the same year group.

7.4 The allocation of a place in a school where the child meets the Hard to Place threshold will be recorded, this information will then be available in future Fair Access Panel meetings. The panel should consider any children who meet the Hard to Place Threshold who have previously been allocated to schools in making any decision around placement to ensure a fair and even distribution of these young people.

7.5 The LA will maintain an up to date 'School Data Table' describing each school's record in receiving FAP referrals to assist the panel in their decision making.

7.6 The parent of a child that meets the Hard to Place threshold referred for admission under this protocol will receive notification from the Local Authority within the standard **15 school days** that their application will be considered by the Fair Access Panel. The parent will not receive a decision on the application until this process has been completed. Their legal right of appeal to an independent appeals panel will not be prejudiced.

A8 Children Who Are Not Ready for Reintegration into Mainstream Schooling

8.1 Local authorities have a statutory duty to arrange suitable education for pupils who have been permanently excluded or who otherwise would not receive suitable education without such arrangements being made.

8.2 In Telford and Wrekin, the Pupil Referral Units (PRUs) – The Linden Centre (Key Stages 1 to 3) - is the school established to meet the educational needs of permanently excluded pupils.

8.3 An in-year admission pupil may be referred to a PRU by the Fair Access Panel where:

- The pupil has been permanently excluded from school and is referred to the PRU by the Local Authority to discharge its statutory duty to provide suitable education from the 6th day onwards;
- The pupil is referred to the PRU by the Fair Access Panel because the pupil has been identified as someone who would not receive a suitable full-time education without the referral.

8.4 While there is no statutory requirement as to when suitable full-time education should begin for pupils placed in alternative provision for reasons other than exclusion, the Local Authority will ensure that such pupils are placed as quickly as possible.

Part B – Managed Move Protocol

B1 Introduction

1.1 A Managed Move is where the home school presents the case at the Fair Access Panel for the panel to recommend a school to receive the Managed Move. A move to another school does not support the sense of belonging for the young person and therefore Managed Moves in the primary phase are rare and should only be used in exceptional circumstances, such as, where there has been an irrevocable breakdown in relationships in the home school and the only way forward is to consider a fresh start in a new school. A Managed Move to another school should be seen as one tool which can be used to avoid permanent exclusions.

1.2 Where a student is on the point of Permanent Exclusion or has been in receipt of multiple Fixed Term Exclusions, if the parents then submit an In-Year Application to a new school, the home school should identify this and refer back to the Admissions Team as a potential Hard to Place student. At this point, where all agree that a fresh start in a new school would be most appropriate, a Managed Move rather than an In-Year Admission should be considered. The Managed Move will mean that support can be planned into the integration into the new school and that there will be a high level of engagement from both the original and the new school in providing the right level of support.

1.3 For all Managed Moves, the Fair Access Panel will make a recommendation for a suitable receiving school. The SEMH Inclusion Officer will contact the potential receiving school and explain that FAP has asked them to consider the Managed Move. There is then an expectation that the potential receiving school meets with the home school and any support agencies to gain a full picture before making any decision on whether it can support this Managed Move or not.

1.4 Most Managed Moves will have a trial period, normally six weeks, before the young person goes on roll at the receiving school. Students will remain on the roll of the home school until the date on which (s)he is admitted to the receiving school.

1.5 Any requests to transfer students' files should be treated with the highest priority; all files must be transferred to the receiving school within 5 working days of any FAP recommendation for a Managed Move. This must include all safeguarding records. The student should start at the receiving school within 10 working days of the FAP recommendation. This is dependent on the parents attending an induction meeting within this timescale.

1.6 Managed Moves are most successful where both schools involved and any support agencies work together to provide mutual support. The receiving school should do everything possible to make the managed move work successfully including careful liaison with the previous school. It is strongly advised that a transition Early Help Planning Meeting be held when plans are being made for the student to start at their new school. It is also expected that a midway review is held after 3 weeks from the start of the Managed Move. At this point any concerns should be raised, rather than waiting until the end of the six week process.

1.7 The receiving school should identify a named person, e.g. pastoral head, tutor or teaching assistant, who will provide support for the student/family and be a key figure throughout the induction period.

1.8 Procedures to monitor the progress of the new student and strategies to support him/her should be put in place and discussed with both student and parent/carer.

1.9 Once the child goes on roll at the receiving school, the pro-rata AWPU and any Pupil Premium funding should be transferred from the home school to the receiving school, backdated to the date of admission.

B2 Managed Moves and Transport

2.1 The payment of any costs for transport associated with a managed move should be agreed in advance of the placement starting. The LA will not normally meet the cost of transport, unless the student is placed in a school which is beyond statutory walking distance and not one of the preferences on the FAP referral form. Otherwise, the cost of any transport will normally be met by the parents.

B3 Temporary Managed Transfers (without referral to FAP)

3.1 Where pupils are engaged in poor behaviour which can be fuelled by expectations and influences of other pupils, this can become a vicious circle which needs to be broken. It may be possible to break this vicious circle by giving the pupils a respite via a 'Temporary Managed Transfer' to another school. This Temporary Managed Transfer can be brokered between the two schools and should normally be no less than two weeks and no more than half a term in length. It is not permissible to arrange a Temporary Managed Transfer to a PRU or Assessment and Intervention Centre.

3.2 It is the responsibility of the Headteacher of the referring school to broker the managed transfer with the Headteacher of the receiving school.

3.3 The referring school should liaise with the Headteacher of the proposed school to arrange visits and meetings to discuss the integration of the pupil.

3.4 The referring school should identify a named person, e.g. SENCO, class teacher or teaching assistant, who will provide support for the pupil/family and be a key figure throughout the integration period.

3.5 The receiving school should do everything possible to make the managed transfer work successfully including careful liaison with the previous school.

3.6 The receiving school should initiate contact, within 5 working days, with the family, ensuring that the pupil and his/her family are made to feel welcome and included.

3.7 The receiving school should identify a named person, e.g. class teacher or teaching assistant, who will provide support for the pupil/family and be a key figure throughout the induction period.

3.8 Procedures to monitor the progress of the new pupil and strategies to support him/her should be put in place and discussed with both pupil and parent/carer.

3.9 Pupils will remain on the roll of the home school. The home school will retain responsibility for monitoring attendance.

3.10 There is no need to notify the LA of a temporary managed transfer, this is a private arrangement between Headteachers.

3.11 Any transfer of funding for the period of the managed transfer will be arranged privately between the two heads.

Part C – Request for Additional Support

C1 Introduction

1.1 For students whose behaviour causes concern, despite the measures that have been put in place to support them, there is no improvement and therefore additional support is needed, referral to the Fair Access Panel for additional support would be appropriate.

1.2 The options which may be available are:

1. Request for Advice and Support
2. Intervention at The Linden Centre for an assessment and intervention programme then a supported reintegration to their own school
3. A Managed Move to another school

1.3 For any referral to FAP it should be clear which of these options is being requested and there should be parental agreement to the details being shared and consent for the option requested. The details of each of these options are:

C2 Request for Advice and Support

2.1 Where a school has exhausted its normal processes to support the needs of a young person, that school can refer the case to the Fair Access Panel for advice and support.

2.2 Where a school is requesting Advice and Support, it is particularly important that the details of any interventions tried so far are included. Where appropriate, Behaviour Intervention Plans demonstrating the Assess-Plan-Do-Review cycles could be included with the referral. The school will need to demonstrate that they have parental permission to share this plan in addition to the FAP referral form.

2.3 The school should also submit a copy of the school behaviour policy, so that any advice and support given is tailored to the circumstances of the school.

2.4 The Advice and Support provided by the panel can take the form of suggestions for the school to try directly or to signpost the school to other support agencies. Some of the agencies the school might be referred to will charge for their services.

2.5 It is desirable that any referral for Advice and Support comes before any exclusions. This can be in parallel with a call to the Pre-exclusions Hotline and any associated review from the BSATs.

C3 Intervention at The Linden Centre for an assessment and intervention programme then a supported reintegration to their own school

3.1 It is the responsibility of the Headteacher at The Linden Centre (or their representative) to liaise with the school to negotiate the arrangements for the assessment and intervention programme.

3.2 The student will remain on roll at the referring school for the period of intervention, during this time the student will be dual registered, with the PRU registering as a 'guest'.

3.3 The referring school will have the responsibility for organising and funding transport for the young person for the period of the intervention.

3.4 The student will either be allocated a full time, or a part-time place at the Linden Centre. Where this is part-time, the student will remain in their home school for half of the timetable, **this should be provision in school not a modified timetable.** *(Please refer to the Modified Timetable protocol. The Local Authority does not endorse the use of modified timetables other than in exceptional medical circumstances.)*

3.5 It is the responsibility of the Headteacher at The Linden Centre (or their representative) to liaise with the school and the parents to arrange visits and a support package.

3.6 The referring school must identify a named person, e.g. pastoral head, tutor or teaching assistant, who will provide support for the pupil/family and be a key figure throughout the intervention period.

3.7 It is the responsibility of the school to attend all review meetings and continue to lead on the educational provision for the child, particularly if there becomes a decision to request an education and health care needs assessment.

3.8 The referring school should do everything possible to make the intervention work successfully, it is strongly advised that a transition Early Help Assessment and Planning meeting is held at both the start and towards the end of the intervention.

3.9 Where a school has not attended review meetings, or has not held Early Help Planning meetings and does not engage in the process to support a successful intervention, this will be considered by the Fair Access Panel for any future referrals to FAP for additional support.

3.10 A key element of the intervention programmes will be regular assessments of behaviour and attitudes to ensure pupils are ready for return to school. Staff at the referring school are expected to work in conjunction with the staff at the Linden Centre on completing these.

3.11 The Fair Access Panel will define the length of the period of intervention at the Linden Centre, this will be communicated to the school. In exceptional circumstances, if the Linden Centre assesses that there is a need to extend this provision, the Linden Centre will refer the student back to the Fair Access Panel to be heard as an update to gain approval for this extension.

3.12 When the pupil is believed ready for reintegration to school the Headteacher at The Linden Centre (or their representative) will liaise with the school and the parents to arrange visits and a supported reintegration package. This will follow a planned meeting agreeing the return to school with the referring school.

3.13 When considering an assessment and intervention place at the Linden Centre, the Fair Access Panel will also consider a suitable package of support for reintegration. This might include support from a Behaviour Support Inclusion Mentor or a part-time place at the Student Engagement Programme (SEP). The whole package will be agreed with the school in advance of the Linden Centre placement. There will be a cost for an Inclusion Mentor or for a SEP place, this will also be agreed in advance with the school. There will be no direct charge for the place at the Linden Centre.

3.14 It is the responsibility of the referring school to ensure that the student re-starts after the agreed period of intervention. Any refusal to receive the student back will result in a charge being levied to the referring school of £180 per day to cover the cost of additional PRU provision.

3.15 Ensuring that the process of reintegration of students back into school following an assessment and intervention place at the Linden Centre is carefully planned is crucial. When a student is accepted for an assessment and intervention place at the Linden Centre, the following processes are essential:

- The home school will be expected to nominate a senior member of staff to liaise with the centre.
- Dates for review meetings will be set at the start of the placement by the Linden Centre and agreed with the school. They will also be made known to the parents from the outset.
- Recommendations for the reintegration process will be made by the Linden Centre, these will be written into a pastoral support plan or an Individual Behaviour Plan (IBP) which will be agreed jointly with the school
- The pastoral support plan or IBP will also outline timescales for the student to return to mainstream provision, for the intervention and assessment place to be successful the student will need to be working towards mainstream provision rather than in any internal unit within the school.

C4 A Managed Move to another school

Managed Moves are described on the Managed Move Protocol, Part B of this document.

Part D - Operation of the Fair Access Panel

D1 Introduction

1.1 The Fair Access Panel will meet every three weeks. The agenda will be constructed to allow the most efficient use of time for all concerned, for example:

Part 1 – Requests for Additional Support

Part 2 – Hard to Place Protocol

1.2 The panel will consist of:

A Headteacher representative from each cluster, with delegated authority to make decisions on behalf of all of the cluster. This will enable all decisions to be made at the meeting with the agreement on behalf of the receiving school.

In addition to the Headteachers, each panel will also consist of:

- Service Delivery Manager, Alternative Provision and Children in Care
- Service Delivery Manager, Access & Sufficiency
- SEMH Inclusion Officer
- Head of Linden Centre (or suitable representative)
- Linden Centre Assistant Headteacher, Behaviour Support
- Admissions Team Leader
- Student Engagement Programme Team Leader

1.3 The panel will 'elect' a chair at the first meeting of each academic year, this would normally be one of the Headteachers.

1.4 At each Fair Access Panel meeting, the LA will present the panel with data on the mobility of Hard to Place students in and out of each school so that due consideration can be given to the relative number of students moving into each school in line with the Hard to Place Protocol.

1.5 At each Fair Access Panel meeting, the LA will present the panel with up to date reports on the number of students on roll and studying at the Linden Centre. As well as updates from the Student Engagement Programme and the Behaviour Support Team. This will help inform the panel and support them in making appropriate recommendations.

1.6 Once a course of action has been agreed by the Fair Access Panel a feedback form summarising the agreed outcomes will be sent to the Headteacher (or their representative) who presented the case and to the organisations being asked to provide additional / alternative support.

1.7 All requests for further information or clarification about pupils in these circumstances should be treated with the highest priority by all parties.

1.8 For all pupils referred to FAP the school should complete, in full, the appropriate referral form (*Appendix 3*) and provide as much detail as possible about the pupil and the events which have lead up to the referral. The form must be signed by the Head teacher, otherwise the case cannot be heard.

1.9 It is expected that any students presented will be subject to an Early Help Assessment before a FAP referral; for Children in Care the latest PEP should be available.

1.10 Where a school is presenting a Child in Care, a child on a Child Protection Plan or a Child in Need the school should invite the social worker and the Virtual School Team to join the meeting for the presentation.

1.11 If a school wishes to consider a Managed Move for a Child in Care this must be discussed with the Virtual School Head before any decision is made. The school must have the pupil's parents/carers' (or social worker's for children in care) written consent to any move, if not the case cannot be heard. The form must be signed by the parent / carer

1.12 The school must ensure that the parents/carers understand clearly that they lose any right of hearing or appeal to the governors or an Exclusion Review Panel if the case is being presented to prevent a permanent exclusion.

1.13 The completed forms should be sent to the SEMH Inclusion Officer, at least one week prior to the Fair Access Panel meeting. They must be received no later than 12.00 noon on the Thursday preceding the FAP meeting at which they will be considered. Any papers received after this time will not be accepted, without exception. If it is not possible to gain the parental signature by this time, the sheet with the parental signature must be received no later than 12.00 noon on the Friday preceding the FAP meeting at which they will be considered. However the completed papers must be submitted on time. Cases cannot be heard without a parental signature.

1.14 Schools will receive the Summary of Outcomes Form (*Appendix 4*) within two working days of the FAP meeting. This should be returned with feedback from the school as soon as possible following the resolution of a FAP recommendation.

1.15 The school are responsible for informing parents of the outcome of FAP.

D2 Students with an EHCP

2.1 It is appropriate to present students with EHCPs to FAP for the following support:

Request for Advice and Support

Intervention at The Linden Centre for an assessment and intervention programme then a supported reintegration to their own school. (However, in addition to any other evidence, schools will be expected to demonstrate how they have used any additional funding provided through the EHCP to support the young person. They will also be expected to contribute an element of SEN funding towards the cost of the Linden Centre provision.)

2.2 It is **not** appropriate to present students with EHCPs to FAP for:

A Formal Managed Move to another school. (SEND processes need to be followed, an Annual Review should be called whenever considering a change of school placement.)

Part E - Permanent Exclusion

E1 Introduction

1.1 It is recognised that, whilst every effort to avoid Permanent Exclusion should be made, that once all of the strategies described have been exhausted and in cases of extreme behaviour, there may be no option other than to permanently exclude when triggered by another incident.

1.2 School must inform the Local Authority within 24 hours of the issue of a permanent exclusion. This will give the LA time to organise provision from Day 6 of the exclusion.

1.3 Once notified of a Permanent Exclusion, the LA will gather as much information on the young person as possible. In particular they will consult with the excluding school. This information will be used to decide whether a new mainstream school or a PRU place would be most appropriate. Where a mainstream school is identified, the LA will consult with parents to name a new school. The young person will then be placed in the new school under the Hard to Place Protocol.

1.4 Where a Permanently Excluded young person is placed in a new school following the exclusion, that young person should remain on roll at their current school until such time that the permanent exclusion is confirmed at a Pupil Disciplinary Committee. Should the Permanent Exclusion be withdrawn at any stage before the young person goes on roll at the new school, the child should return to their home school. The home school, could consider following the Managed Move process at this stage as an alternative to the Permanent Exclusion.

1.5 The LA will make provision for those pupils who are permanently excluded from the 6th day of any permanent exclusion. This is a legal requirement.

1.6 The Education and Inspections Act 2006 requires full time education from the sixth day of an exclusion. However, to ensure that there is minimal disruption to the education, when a child or young person in care is permanently excluded, it is the Government's view that the school should arrange alternative provision from the first day of a permanent exclusion.

1.7 Before considering permanent exclusion for any child in care either in Telford and Wrekin or another authority where a pupil is attending an education setting, you should contact and liaise closely with the Virtual School Team. The school should call an urgent review of the pupil's PEP and invite a representative of the Virtual School Team to discuss issues / provision. The DfE Exclusion Guidance (2022) states that exclusion of children in care should be an absolute last resort.

1.8 In cases of exclusions, schools should inform parents/carers that during the first five days of any exclusion parents/carers must ensure that their children are not present in a public place during school hours without reasonable justification and may be committing an offence. Parents/carers are subject to prosecution or a fixed penalty notice if they fail to do this.

1.9 Within one school day, the Headteacher must inform the governing body and the LA SEMH Inclusion Officer of a permanent exclusion. This is a legal requirement. If a school is considering a permanent exclusion, the LA must be told at the earliest opportunity rather than delay this until it has actually happened.

E2 Reintegration of Permanently Excluded students following intervention at a PRU

2.1 Where a permanently excluded young person is allocated a place at the Linden Centre, pupils will be reintegrated to another mainstream school after a period of intervention of usually 12 weeks. A key element of the programme of work in the PRU will be regular assessments of behaviour and attitudes to ensure pupils are ready for return to school.

2.2 The school which is permanently excluding a child will present the case to the first Fair Access Panel Meeting following the Pupil Disciplinary Committee meeting, having completed the 'Request for Additional Support' Form, *Appendix 3*, including the parental signature page with alternative schools identified. The Fair Access Panel will then recommend a school at which this child should be placed following a period of Assessment and Intervention. This will be under the terms of the Hard to Place protocol. This will allow The Linden Centre to work with the receiving school to prepare for re-integration.

2.3 The Fair Access Panel will arrange for the re-admission of permanently excluded pupils or pupils at risk of permanent exclusion fairly among all schools. A permanently excluded young person will automatically reach the Hard to Place threshold. Once identified, the receiving school will be contacted by the LA. This will happen as soon as practically possible following the FAP Meeting.

2.4 If the receiving school decides to apply a trial period for a reintegrated student, this should normally be no more than 6 weeks.

2.5 The pro rata funding will transfer to the receiving school for the remainder of the year from the time the student is entered on roll, at the end of any trial period.

2.6 In order to ensure a smooth and successful return to school for pupils, the School and other appropriate agencies will provide support through the Early Help planning process. The PRU will also support the reintegration where staffing permits.

2.7 Where FAP considers that it is appropriate to the needs of the young person, an Inclusion Mentor from the Behaviour Support Team will be allocated to support this reintegration. There will be no charge to the receiving school for this support.

2.8 A meeting should be arranged between the appropriate parties to ensure a smooth integration. The meeting should discuss previous difficulties and the strategies to be put into place in order to minimize a repetition in the new school. This meeting will take place as far in advance as possible before the pupil's return to school.

Appendix 1 – Vision, Ethos and Principles

1. Vision

Every child deserves, and should receive, an excellent education and the chance to fulfil their potential, whatever their background, needs or location in the borough.

2. Ethos

All schools, settings, provisions and the Local Authority within Telford and Wrekin should work together in partnership, sharing information, ideas and best practice to achieve this vision. We are all collectively responsible for the young people of Telford and Wrekin and hold a shared responsibility for emotional wellbeing, and for fairness and equity for all.

3. Principles

These principles underpin the ethos of partnership working, it is recognised that schools, settings and provisions are autonomous and will manage and implement these principles in their own way.

1. Successful outcomes and wellbeing for all children and young people should inform all decisions.
2. Access to mainstream provision will be fair and equitable for all.
3. No child should be without a school place for more than 15 school days.
4. All transitions within the borough, including reintegration into mainstream schools and managed moves, should be carefully planned to support the needs of the young person, the school and the school community.
5. Permanent exclusion is rarely the right outcome for a young person and should only be used as an absolute last resort.
6. Fixed-term exclusions add to the sense of rejection for many young people and therefore should rarely be applied and if so for as short a period as possible.
7. Early identification of need and early intervention is essential in supporting young people.
8. All pupils have access to the right provision when required; there is equality of access to all provisions based on need.
9. A range of appropriate, flexible provisions is available to meet needs, interests, wishes and aspirations of young people and is accessible to all pupils.
10. Children, young people, parents and carers are fully informed and involved in decision-making about their options and opportunities.
11. All provision must be of a high quality to meet the specific needs of children and young people and enable them to fulfil their potential and aspirations.
12. Staff in all provisions and schools are passionate, enthusiastic and motivated to support young people and have appropriate training available to enable them to meet need.
13. There should be transparency in all communication and in all processes to foster the partnership and to ensure equity.

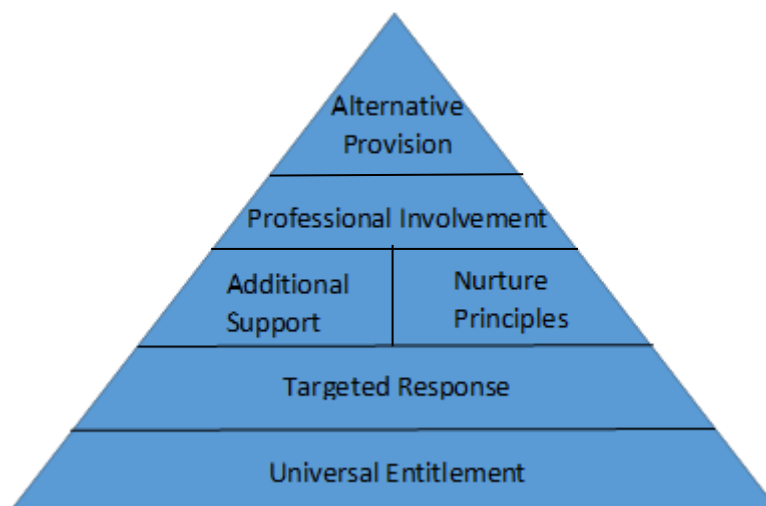
Appendix 2 – Graduated Response to Support Young People

It is expected that before any application to the Fair Access Panel for Additional Support that the school is able to demonstrate that it has followed a 'graduated response' to support the needs of the young person. A graduated response is a cycle of support following an Assess-Plan-Do-Review cycle.



There is no pre-requisite for particular approaches or interventions to be followed before presentation at the Fair Access Panel for Additional Support. However, schools will be expected to have demonstrated support and interventions appropriate to the needs of the young person under each heading. There should not be an automatic step-up to a higher level intervention if the current interventions don't have an impact, it might be that different interventions at the same level would be appropriate. Conversely, in exceptional circumstances, for young people showing significant needs, it might be appropriate to provide support at a higher level without using some of the interventions at a lower level. However, for most young people there would be an expectation that early interventions will mean that lower level approaches should be employed.

The approaches follow a 'Pyramid of Numbers' principle, with 'Universal Entitlement' intended for all young people, through to 'Alternative Provision' intended for a very small number of young people. This is illustrated below:



Universal Entitlement	
Description	Engagement of learners in lessons to ensure that they have a positive attitude to learning; with behaviour management techniques used as early interventions to diffuse situations arising. All staff have a clear understanding of the needs of the young people, including vulnerable groups, with systems and processes in place to respond to these needs in everyday practice. Support includes universal health entitlements such as that provided by School Nurses and the Future in Mind programme. This is a minimum offer for all young people.
Examples	<p>Quality First Teaching – schools' and settings' teaching and learning policy and performance management practice ensures that teaching engages young people in learning and caters for the range of learning needs and styles within any class.</p> <p>Behaviour Policies – behaviour policies and staff implementation of these are consistently effective in managing most presenting behaviours. Policies meet the needs of all learners and allow for the range of needs. Staff have relevant training to make appropriate responses to the needs of the learners.</p> <p>Communication – systems are in place so that teachers have full knowledge of the needs of all young people, including vulnerable groups.</p> <p>Transition – arrangements are in place to support a smooth transition between phases for all young people with systems and processes in place to share information and practice for the more vulnerable learners.</p>
Support Available	<p>The Behaviour Support Team Leader can work with the leadership team to review and evaluate behaviour policies and practice to ensure that this is able to meet the needs of all learners. This will be a traded offer.</p> <p>Support for individual teachers ties into the performance management process, including observations of classroom practice and development of behaviour management techniques.</p> <p>Support to develop transitions programmes such as STARS.</p>

Targeted Response	
Description	Responses, beyond the universal offer, that meet the needs of individuals and are bespoke to the needs of that individual. This will often include the setting of targets for individuals to demonstrate improvements in their approaches to learning with regular review of these targets. At this level, young people will remain in mainstream lessons but may need a short period out of class for an assessment of their needs. The link with parents/carers is essential and an Early Help Assessment might be appropriate.
Examples	<p>Assessment of need is important - this could include assessment of reading, spelling, comprehension, dyslexia screening as well as other assessments such as Pupil's Attitude to Self and School (PASS), Strengths and Difficulties Questionnaire (SDQ) and Boxall Profile. It is also important to gain the child's view.</p> <p>The outcomes of the assessment are used to develop an Individual Behaviour Plan (IBP). This might include use of a pupil passport or report card to monitor responses in lessons. Other interventions may be required as an outcome of the assessment of need.</p>
Support Available	Training available for staff to develop and use the assessment tools described and in developing suitable interventions through the IBP.

Additional Support	
Description	Modification of the universal offer to better meet the needs of the individual.
Examples	This could include modifications to the curriculum, for example where a young person struggles in a particular subject, they might be withdrawn for one to one support to diffuse the situations arising. They might be withdrawn for behaviour reflection, anger management, resilience or emotion coaching. Use of support staff to help meet the needs of the individual could also be employed. This would also include modifications made to support individual needs such as 'Exit' cards and Safe Spaces. Use of restorative justice. Early Intervention for mental health related issues, eg BEAM, KOOH, Mental Health First Aid.
Support Available	ELSA training for support staff. Restorative Justice training for schools or key members of staff. Co-regulation and Emotion Coaching training – helping the young person to understand and regulate emotions.

Nurture Principles	
Description	Withdrawal from elements of mainstream lessons for small group targeted support to reduce anxiety or help the young person to develop resilience or to develop behaviour self-management techniques.
Examples	Nurture Units, small classes or 'mini-school' aimed at increased resilience and providing a therapeutic response to the young person's needs. One-to-one support outside of the classroom; counselling from school based counsellors. Use of external providers to provide a nurture environment, for example this could be based on equine therapy or other animal therapy.
Support Available	Nurture Group Training. Audit of school/setting based nurture provision.

Professional Involvement	
Description	Once in-school/setting approaches have been exhausted, further assessment or support from professionals outside of the school or setting should be employed. Advice can then lead into at least one further Assess-Plan-Do-Review cycle. Advice and support could include: BSATS, LSATS, EP and a CAMHS (BeeU) referral Referral to the Behaviour Inclusion Advice and Support Panel to gain a wider view of other strategies available could also be used at this stage. If an Early Help Assessment isn't in place by this tier, it is now essential.
Examples	Example of Professionals that could be employed include: Behaviour Support Advisory Team Learning Support Advisory Team Educational Psychology Mental Health Services (CAMHS / BeeU) Anger Management, Counselling, Therapies etc.
Support Available	For example, the Behaviour Support Advisory Team can support through a package of support over a defined period. This will include an observation and potentially an assessment of the young person's needs. Throughout this support, a range of strategies to use with the young person will be discussed with the school/setting and an appropriate menu of strategies will be agreed and developed.

Alternative Provision	
Description	<p>Alternative provision involves the young person learning outside of mainstream for part of their timetable, usually with an aim to re-engage their interest in learning. Alternative provision takes many forms from in-school alternative provision centres through alternative provision across a group of schools (cluster) to external alternative provision with places bought in. Observation from the Head of the Linden Centre, Head of Kickstart or the Head of the Student Engagement Programme to assess suitability for placements at Linden Centre (for a 12 week assessment and intervention placement), Kickstart or House 1. Any FAP presentation will include feedback from this visit.</p> <p>N.B. As part of Priority 5, we will review the offer from the PRUs.</p>
Examples	There are several providers that offer Alternative Provision placements. A menu of these is in development.
Support Available	<p>The Student Engagement Programme offers Alternative Provision Packages at AFC Telford, Sutton Hill and House 1.</p> <p>The Behaviour Support Advisory Team can support the quality assurance of in-school or in-cluster based alternative provision.</p> <p>Visits to the Linden Centre or Kickstart to learn from approaches used there.</p>

Appendix 3 – FAP Referral Form

(The referral form is included as a separate Word document)

Appendix 4 – Summary of Outcomes Form

Date of FAP

Name of
School

Name of
student

DOB

Gender

Ethnicity

SEN

CiC

Key issues identified

-
-
-

Further information sought by panel

-
-
-

Recommendations of the panel

Headteacher / Presenter feedback

Did you feel you had adequate opportunity to present all aspects of the case?

Did you feel the level of challenge by the panel to be appropriate?

Were the panel's recommendations supportive in meeting the individual needs of the student?

Any other comments?

Please complete and return this form to Safeguarding, Inclusion and Transport Officer;
accessandinclusion@telford.gov.uk