



# Doncaster Council

Draft Doncaster Fair Access Protocol September 2018

## **1. Introduction:**

The School Admissions Code sets out the mandatory requirements regarding the admissions process and makes clear that all local authorities and admission authorities are required to have a Fair Access Protocol and that all schools and academies must participate in their local authority's protocol in order to ensure that unplaced children and young people, especially the most vulnerable, are offered a place at a suitable school as quickly as possible.

This includes admitting children and young people above the published admission number to schools that are already full. The School Admissions Code 2014 also makes clear that, in agreeing the protocol, the local authority must ensure that no school - including those with available places - is asked to take a disproportionate number of children who have been excluded from other schools, or who have challenging behaviour.

The operation of Fair Access Protocols is outside the arrangements of co-ordination and is triggered when a parent of an eligible child has not secured a school place under in-year admission procedures.

*The School Admissions Code and the Schools Appeals Code should be read alongside this protocol which does not seek to repeat the contents of the same.*

## **2. Aims of the Protocol**

The protocol is designed to:

- Acknowledge the need for potentially vulnerable children and young people who are seeking a school place to be dealt with quickly and sympathetically;
- Reduce the time that these pupils spend out of school;
- Ensure that schools admit pupils including those with challenging needs on a fair basis;
- That is fair and transparent, to build confidence with all schools;
- To ensure that all schools accept a fair and equitable share of pupils within their area
- Provide consistency across all schools in Doncaster

## **3. Main Principles**

The majority of pupils are already admitted to Doncaster schools through the routine admissions procedures operated by the School Admissions Service. The Fair Access Protocol will be

underpinned by a transparent, collaborative approach, with the best interests of children at heart, which seeks to:

- Minimise children's time out of education and secure appropriate school placements of children and young people;
- Secure an equitable distribution of children and young people across schools within a locality;
- Ensure that all schools participate and take an equitable share of children and young people irrespective of circumstances; and ensure that schools are held to account for complying with decisions under the protocol to admit without delay.
- All secondary and primary schools take part.
- There will be a single point of entry and a coordinated approach for all in year admissions via the Admissions Service. These admissions include school to school transfers; new to the borough or country.
- The protocol will apply to all pupils of compulsory school age, with the partial exception of year 7 pupils. These pupils will only be admitted through the FAP process after 1st September and prior to that will be treated as Year 6 to Year 7 transfers, with the exception of children newly arrived.
- The protocol only applies to those pupils whose residence is within the borough boundaries with the exception of children permanently excluded from school. These children may be placed through the protocol regardless of where they reside or returned to the local authority concerned for placement through their own fair Access Protocol.
- All schools subscribe to this protocol and admissions under the School Admissions Code
- The protocol may require schools to admit pupils above their Published Admission Number (PAN) and ahead of pupils on their waiting list or awaiting an appeal.
- Undersubscribed schools must not be required to admit a greater proportion of children, particularly those with a recent history of challenging behaviour than other schools.
- Schools must respond immediately to decisions on admission so that the pupil is admitted within 10 days.

#### **4. Children and the Protocol**

##### **a) The following children are not part of the protocol:**

- Looked after Children and previously Looked after Children cannot be considered as part of the protocol as they are dealt with on an individual basis to separate timescales and must be admitted.
- Children with a statement of special educational needs or an Education, Health and Care Plan are not covered by this protocol as their needs must be considered separately.

##### **b) Children covered by the protocol**

In accordance with the School Admissions Code 2014 the protocol must cover children who fall into one of the following categories, who have difficulty in securing a school place and may be considered as more vulnerable than other pupils:

- Children from the criminal justice system or Pupil Referral Units who need to be reintegrated into mainstream education (following an assessment of need conducted via the behaviour service);
- Children who have been out of education for 8 weeks or more;
- Children of Gypsies, Roma, Travellers, refugees and asylum seekers;

- Children who are homeless;
- Children with unsupportive family backgrounds for whom a place has not been sought;
- Children who are carers; and
- Children with special educational needs, disabilities or medical conditions (but without a statement or Education, Health and Care Plan but receiving SEN Support).

Doncaster's Fair Access Protocol also extends to children in the following categories:

- Elective Home Educated Children
- Children at risk of permanent exclusion
- Children with significantly challenging behaviour (see below)
- Children of UK Service Personal or Crown Servants

### **c) When the protocol applies**

The protocol will only substitute normal admission processes when a child that has been identified in one of the categories above and are:

- Permanently Excluded
- Have significantly challenging behaviour (see below)
- Have been out of education for 8 weeks or more
- Are returning from EHE

Initially it is for the admissions service to determine when the protocol applies and that they are satisfied that the child should not be placed through in year normal admission processes.

Where a school does not wish to admit a pupil with challenging behaviour outside the normal admissions round (as in paragraph 3.12 of the Admissions Code) it must refer the child for action under the Fair Access Protocol via a written representation to the School Admissions Service.

### **d) Challenging behaviour is considered to be:**

- Where the young person has been permanently excluded for a serious one-off offence
- Where a pupil has had a number of fixed term exclusions with no positive impact on their behaviour.
- Where a graduated response and a range of strategies to improve the pupil's behaviour have been put in place and evaluated.
- Where a pupil has had a long history of challenging behaviour, but where a Pastoral Support Plan has not been successful.
- Where the relationship between the pupil and either a particular group of fellow pupils or staff has broken down to an irrevocable degree

## **5. Elective Home Education**

Children returning from EHE

- Any child or young person that has been on role at a school in Doncaster shall be returned to their previous primary or secondary school, unless exceptional circumstances apply.

Definition- Exceptional Circumstances for consideration are:

- Safeguarding issues,
  - Health & wellbeing,
  - Extreme or persistent bullying,
  - Relocation some distance from the school or
  - Other circumstances considered by the panel.
- Children and young people who are no longer of primary school age and who have been home educated in excess of 12 months must apply through normal admission. The child cannot be described as out of education for 8 weeks or more when EHE has been in place.
  - Children and young people who arrive in borough from another area who were EHE in their previous authority must apply through normal admission. The child cannot be described as out of education for 8 weeks or more when EHE has been in place.

## 6. Managed Moves

A managed move can only take place when a child or young person is on role at a school, and both the parents and the respective head teachers consent (Annex C). We fully support the strategy to use Managed Moves in order to avoid a permanent exclusion but it is intended that Managed Moves across schools may also be used where pupils experience social and emotional difficulties that prevent them from accessing learning. It is not intended for use in circumstances where parents themselves initiate a transfer from one school to another. In these cases the normal admission procedures for the new school should be followed.

When a school has taken a pupil as a result of a successful managed move and the pupil is entered as full registration with the receiving school, this should be recorded at the panel meeting, using the relevant proforma, so that a record can be kept and the weightings grid adjusted to reflect this permanent move. ***Managed moves outside of this process will not attract a score on the weightings grid.***

## 7. Placement Procedure

Admission of hard to place children and young people will be co-ordinated by the Schools Admission Service. Where they identify that an application meets the criteria for a 'Hard to Place' pupil as defined above, the case will be referred to the FAP panel based upon preference or home address in the absence of preference.

The panel will be made up of Head teacher or representatives (with delegated powers for admission) from each secondary school and will meet every fortnight when schools are open as required to consider the admission of Hard to Place children.

In reaching a decision on the placement of a Hard to Place child, the panel will consider the balance of circumstances of the pupil and the circumstances of the school, giving due reference to the factors within **Annex B** of the Protocol.

### ***The Education (Pupil Registration) Regulations 2006, regulation 5 (3)***

For the purposes of this regulation a child is a pupil at the school from the beginning of the first day on which the school has agreed, or has been notified, that the pupil will attend the school.

Pupils join the school roll on the expected first day of attendance and must be listed in both admissions and the attendance registers from that day any absence thereafter should be treated in the same way as any other pupil.

The expectation within this protocol is that children are admitted to the school within **10 school days** of the panel decision (the day of agreement/**notification**). The clerk of the panel must write to the parent **within 5 days** of the meeting notifying them of the admission date. Under the school admission code a school may not arrange a meeting to determine admission to the school. Therefore at the admissions meeting a school should address any needs or issues, such as uniforms, parent contracts/agreements thereafter.

When a pupil has been allocated a place at the school (through general admission or the FAP protocol or notified in another way) and fails to attend on the agreed date, the school must follow up the absence, establish the reason and mark it in the normal way. This will ensure that the pupil does not lose his/her place and that any safeguarding and missing from education concerns are addressed.

The school should maintain a record of contacts or attempted contacts with parents regarding admission, e.g. letter, e-mail, logged telephone call, home visit etc.

If the pupil has been delayed in joining the school then the school can agree a new first date of expected attendance. For example, a pupil might be relocating to the school from another part of the country and the relocation could be delayed. In this circumstance the school can agree to keep the pupil's place open and agree a new start date.

## **8. Outcomes of Panels**

The clerk to the panel will inform any school (**within 24 hours**) not represented at a location panel if the decision relates to that school. The clerk will inform parents of children and young people without a school place, in writing **within 5 days** with a copy to school and the schools admission service. (Annex A refers to the constitution and membership of panels)

Where the application relates to a school to school transfer Schools Admissions Service will write to these parents.

The panel may also request the Education Welfare Service to intervene with a family where it can be shown that one of the circumstances in 9 below applies or if a school is identified as the one to admit a child or young person and refuses to do so, the local authority may use their powers of direction (Appendix E Rules Governing Direction)

## **9. Local Authority Interventions**

Where a parent has not engaged with the process of the allocation of a school the Attendance Service (Annex D) will act as lead officers in making a swift determination as to the child's status in:

- A. Securing education at the named school because a parent is refusing a place at a school by way of a School Attendance Order or voluntarily
- B. Undertake proceedings as a result of being admitted to the school where the child has not attended as required and has not:
  - I. Been removed from IYFAP/role as a result of the parent opting to home educate

- II. Been removed from IYFAP/role as a result of the child no longer ordinarily residing at an address and identified as CME

Schools are responsible for marking of the registers from the date as determined above within the context of this protocol. From the first date of attendance schools from Day 1 to day 5 must make attempts to contact the parents and on day 6 following 5 days of consecutive unauthorised absence they must make a referral to the EWS and inform the Panel.

Where the Attendance Service , upon referral:

- Identify that a child is no longer ordinarily resident at the address and is determined as missing education the officer involved may agree to backdate the removal date of that child from the register, Regulation 8 (e) or one of the other mandatory sections to which the regulation applies.
- Identify that a parent is refusing to send their child to the allocated school and a school attendance order has to be pursued. The officer may agree to backdate the removal of the register. Once a child or young person becomes the subject of a School Attendance Order, he/she only becomes registered at the school on the day the parents present him/her at the school on the day agreed on which the child will attend. This differs to R5 above as the order requires the parent to register the child at the school. If this does not happen the parent(s) are in breach of the Order.

#### **10. In year applications and appeals whilst under IYFAP**

Notwithstanding a parents right to make an application at any time or to appeal any decision until such time as it is determined that a new application or appeal is successful the “protocol” still applies in allocating a place for the child unless that parent opts out of the state system.

Where a child is determined as Hard to Place there is nothing in either code to prevent the authority in securing the legitimate aim of a school place and adding the child to the register pending any outcome. Children out of borough considered as hard to place will be returned to the neighbouring authority for allocation.

#### **11. Administration of meetings:**

The Admissions team will ensure that:

- Cases are ‘triaged’ within the council prior to coming to panel in order to ensure fidelity to the process.
- Papers for the Fair Access meeting will be circulated on the Friday prior to the fortnightly meeting.
- Where a primary pupil is referred to the panel, representatives of the relevant school(s) in the area will be invited and consulted.
- A clear up to date data set will be presented with the papers for each meeting. This will record up to date exclusions, managed moves, part-time timetable data and EHE referrals for each school.

- Minutes will be taken for every panel meeting, recording the rationale for any decisions made. These will be circulated within one working day of each panel meeting.

Annex:

Annex A

## **Fair Access Panels**

### **Terms of Reference**

**Version: 1**

**Review Date: June 2019**

## **1 Role and Purpose**

- 1.1 The purpose of the Fair Access Panel is to consider evidence to inform the appropriate decision making for the placement of children & young people. This support improved outcomes for children & young people and their families.
- 1.2 Members will provide resource and commitment to support the collaborative outcomes which focuses on the support for young people who are identified as hard to place

### **Functions of the Panel**

- 1.3 The Panel will provide a forum for considering all new referrals that have been identified as hard to place under the protocol.
- 1.4 The panel will be made up of head teacher representatives or those with delegated admission powers plus members from the local authority including a lead officer for education outcomes, the School Admissions Service, Education Welfare Service and a representative from Behaviour & Exclusion.
- 1.5 Panels receive up-dates on previous cases enabling members to review progress ensuring that children and young people are on role or as appropriate, reviewing the allocation of placements in accordance with protocol.
- 1.6 Panels are responsible for monitoring that a child has been placed on the role of the school within **10 school days** of the decision of the panel where it is identified that this is not the case the Chair or Vice-chair must contact the affected school in order to discuss the case and, where necessary, instruct the admission.
- 1.7 Panels may consider managed moves under Annex C of the protocol and may only obtain a credit when undertaken through that format and the panel. Where possible the local authority will identify resources to support this. Any Managed Move outside of this process will not attract a credit.
- 1.8 All schools are members and only panel members have voting rights.

- 1.9 The panel will be chaired by a head teacher on a rota basis as determined by the panel and only head teachers (or their representatives) have voting rights, the chair has the casting vote when required.
- 1.10 The chair's role is pivotal to the success of the panel acting as a mediator with other head teachers, seeking representative views from local authority officers and negotiating or mediating with other head teachers when necessary.
- 1.11 Local authority officers have no voting rights they are there to give advice and guidance to the panel.
- 1.12 The panel because of its review function can identify where areas of the protocol may not be working and give advice on changes during the next review period.
- 1.13 Any difficulties or delay in securing the identified placement of a pupil shall be brought to the attention of the Panel who will make a decision about the most appropriate response which may include direction or the use of School Attendance Orders
- 1.14 All members of the Panel and will be signed up to the Information Sharing Agreement.

## **2 Primary School Panels**

- 2.1 Due to the irregularity of cases requiring discussion at primary level any referrals will trigger the representation of collaborative head teachers from the relevant area(s).
- 2.2 The named representative will be invited to the panel as and when a case comes up for consideration.
- 2.3 The panel's decision is binding upon primary schools but does not remove an individual head teacher's right to refuse admission.
- 2.4 The absence of a representative does not prevent the panel from making a decision.

## **3 Clerk**

- 3.1 The Local Authority will provide venue, bookings and clerking of all panels.
- 3.2 The clerk has the responsibility to ensure that decisions are recorded and forwarded to the School Admissions Service.

- 3.3 The clerk is responsible for notifying any school that is not represented at the panel of any allocation agreed within 24 hours of the meeting.
- 3.4 Clerks at panels are responsible for issuing decision letters to parents including the start date at the school for each child which has to be within **5 school days** of the panel's decision.
- 3.5 Clerks at the Panel must notify the respective school within 24 hours of the panel's decision indicating the start date for the child and copied to the parent.
- 3.6 Clerks have no voting rights

#### **4 School Admissions Service**

- 4.1 The School Admissions Service will prepare and distribute applications to Panels and the panel
- 4.2 The School Admissions Service will maintain the weightings grid in respect of each panel
- 4.3 The School Admissions Service has a responsibility for the statutory aspects of the School Admissions and Appeal Code and the processing of any challenge under the codes.

#### **5 Membership**

The panel is made up of:

- Chair (Head Teacher on a rota basis)
- School Representation each school. The head teacher or wherever this is not possible a senior leader with delegated powers to admit.
- Behaviour/Exclusion representative
- Representative of admissions service and/ or attendance service.

#### **6 Meeting structure**

6.1 Panels will meet fortnightly between 4 and 6 on a Thursday evening.

6.2 Panels will consider and take account of the social care, emotional and education needs of children, the distance involved for a child to travel and parent's preference must be considered when making a recommendation with regards to provision.

## **7 Quorum**

7.1 The panel will require a minimum of three head teachers to be quorate.

7.2 Delegation of membership due to absence must be to individuals within the named organisations who have sufficient authority to make decisions on behalf of their organisation.

## **8 Expectations of members**

8.1 To have full delegated powers and to act without the need to reference elsewhere

8.2 To attend panel on a regular basis and send an appropriately briefed deputy with full delegated powers in case of non-attendance.

8.3 To read papers in advance and prepare well to assist in effective decision making and questioning.

8.4 To be accountable for best placement, support and outcomes for children.

8.5 To participate in panel discussion to ensure the best placement, support and outcomes for our children.

8.6 To scrutinise pupil referrals and offer challenge to other professionals as appropriate

8.7 To undertake follow-up actions as agreed in panel.

## **9 Administration**

9.1 Meetings will be arranged by and recorded by DMBC.

9.2 Agenda and supporting papers will be circulated on the Friday before the meeting. The minute of a meeting will be circulated within one week of the meeting.

## **10 Review**

10.1 These Terms of Reference will be reviewed annually.

## **Appendix B – Decision Making**

In the determination of allocating schools fairly the following is used in their decision making

### **1. The School Weightings Grid**

#### **PRINCIPLES**

1. The weightings grid will adopt a 'one out, one in' principle.
2. The list will be open and transparent in its operation so that comparisons between schools and township locations in the admission, exclusion and transfer of pupils can easily be tracked
3. The weightings will enhance the priority of very vulnerable groups of children

#### **FORMAT OF THE WEIGHTINGS**

1. The list will be a simple excel spreadsheet identifying all secondary schools in the borough.
2. There will be columns to track pupils 'IN - Excluded' and pupils 'IN - transferred' i.e. these will be permanently excluded and other hard to place pupils admitted by the school which will attract positive weighting factors to the school's score.
3. Permanently excluded pupils will attract double weighting (2 points). Other hard to place pupils will attract single weighting (1 point)
4. Columns will also track 'Excluded - OUT' which will attract negative a weighting factor (-2 points) to the school score and 'Transfers OUT' of hard to place pupils.
5. The difference between the 'IN' and the 'OUT' columns will give a weighted score for the school. The school with the lowest or most negative weighted score will be deemed the next most likely school to admit a pupil.
6. The spreadsheet will also maintain a column that records the number of 'managed moves' involving each school in the borough. These pupils will attract a single weighting (+1 point for the receiving school and -1 point for the transfer out school), which will be added to weighted score for each school to give a total weighting.

### **2. Parental Preference**

The Fair Access Panel will take into consideration parental preference however, in doing so they will have regard to the current weightings grid to support the principle of a fair distribution of hard to place children.

### **3. Other considerations**

The panel will also take into consideration the following circumstances:

- Any right expressed by the parent of their religious affiliation
- The next nearest appropriate school and distance
- The implications of any transport arrangements and the local authority transport policy

#### **MAINTENANCE AND USE OF THE WEIGHTINGS**

1. The Admissions Service will maintain copies of the relative weightings and will ensure they are updated before the next relevant panel meeting.

2. The weightings will be used by location Panels to inform their decision making about the school indicated to admit a pupil
3. They will also be available to the panel.
4. Pupils will remain on the weighting grid until they leave the roll of the school, e.g. permanently excluded, complete their Year 11 studies or move to a new school etc.

## **Managed Move Protocol**

**September 2018**

**Policy Review due: September 2019**

***If you wish to discuss any aspect of this protocol please contact***

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## 1. Latest Statutory Guidance

***'Maintained schools have the power to direct a pupil off-site for education to improve their behaviour. A pupil at any type of school can also transfer to another school as part of a 'managed move' where this occurs with the consent of the parties involved, including the parents and the admission authority of the school.***

***However, the threat of exclusion must never be used to influence parents to remove their child from the school'.***

*Exclusion from maintained schools, academies and pupil referral units in England  
Statutory guidance for those with legal responsibilities in relation to exclusion  
September 2017*

'This guidance from the Department for Education provides a guide to the legislation that governs the exclusion of pupils from maintained schools, pupil referral units (PRUs), academy schools (including free schools, studio schools and university technology colleges) and alternative provision academies (including alternative provision free schools) in England..'

*Alternative Provision - Statutory guidance for Local Authorities (DfE, 2013)*

Managed moves should only be undertaken with the full knowledge and co-operation of all the parties involved, including the parents and the Local Authority, and in circumstances where it is in the best interests of the pupil concerned.

## 2. Definition

A managed move involves the pupil remaining on the roll of their original school while trying a time limited fresh start opportunity at another nearby school. The time limit will usually be for a maximum of one term, from the time they are admitted on a full-time basis to the new school. The time frame together with success criteria and a proposed review date should be stated at the outset. If successful, the pupil transfers from the roll of their original school to that of the receiving school. If unsuccessful, the pupil returns to their original school where they have remained on roll. Both schools are equally responsible for the success of the managed move arrangements.

## 3. Key Principles

- The educational needs of the pupil should be paramount in any decision to instigate a managed move.
- The objective of a managed move should be to initiate a formal process leading to the transfer of a pupil to the roll of a new school.
- A managed move must occur with the consent of all parties.
- The managed move can be effective when used as a tool for early intervention, rather than simply as an alternative to permanent exclusion arising from repeated and serious instances of indiscipline.

- The managed move should be preceded by high quality information sharing between the parent schools and receiving school, including data on prior and current attainment, academic potential, a risk assessment and advice of effective risk management strategies.
- The managed move can only be terminated with the agreement of both schools

#### **4. A voluntary arrangement**

Parental support for a managed move is essential. Parental preference for the school to be approached will always be given consideration within the constraints of the scheme.

Where a parent does not agree to a managed move the head teacher must decide if the permanent exclusion process would apply. When considering a managed move the head teacher should be satisfied that the grounds for permanent exclusion already apply, or that a managed move is the last remaining option in order to avoid this eventuality. In all cases an Early Help Assessment should be completed unless a specialist assessment has already been completed.

Since a managed move is a possible alternative to exclusion, schools may seek more than one managed move and a placement in a Learning Centre or alternative provision to support keeping a pupil in education or training.

#### **5. Situations where a managed move may be appropriate**

A managed move should only be considered when it is in the best interests of the pupil concerned

- Where the young person is likely to be permanently excluded for a serious one-off offence
- Where a pupil has had a number of fixed term exclusions with no positive impact on their behaviour.
- Where a graduated response and a range of strategies to improve the pupils behaviour have been put in place and evaluated.
- Where a pupil has had a long history of challenging behaviour, but where a Pastoral Support Plan has not been successful.
- Where the relationship between the pupil and either a particular group of fellow pupils or staff has broken down to an irrevocable degree.

A school should be able to evidence that appropriate incremental and multi-agency support, including the need for statutory assessment, has been explored prior to a managed move.

#### **6. Children in Care**

For a Child in Care the pupil's social worker and The Head of the Virtual School for Children in Care must be consulted and a managed move must form part of the Personal Education Plan (PEP).

## **7. SEND**

Where a pupil has an Education Health Care Plan (EHCP) or a Statement of special educational need, the statutory review procedures must be implemented prior to any transfer request. An interim review meeting must be held and the appropriate LA Officer should be present. Appropriate changes to the EHCP/Statement have to take place before any transfer is undertaken. In the managed move process the school of origin has responsibility for the annual review during the initial trial period. The receiving school assumes responsibility when the trial period has been completed successfully.

## **8. The Role of the Local Authority (LA)**

The role of the Local Authority is to monitor and, where appropriate, facilitate a proposed managed move, giving advice on best practice and helping schools to liaise with relevant agencies.

Cases must be brought to the inclusion panel for information, tracking and support where appropriate. The LA must have information on the movement of young people around the authority.

Where a school decides not to pursue a managed move but subsequently permanently excludes a pupil, the LA representative may legitimately ask at the meeting of the Discipline Committee whether the head teacher had considered a managed move as an alternative to permanent exclusion as suggested by the DfE guidance.

The LA will collect and publish information termly on the number of managed moves made and accepted on a school by school basis.

The LA will collect and publish termly the number of transfers being made on a school by school basis where the address of the student has not changed.

The LA will review detailed arrangements with head teachers as part of its role in monitoring and quality assuring managed moves.

The LA will report on managed moves to OFSTED as requested in line with the Local Authority Inspection Framework.

## **9. Process**

Children and young people at risk of permanent exclusion are a priority for the LA and therefore support is available from The Learner Engagement Team. An LA officer or member of the Primary/ Secondary Learning Centre will be able to support this process should the need arise.

- Prior to requesting a managed transfer, the Head Teacher should satisfy him / herself that all reasonable steps have been taken to resolve the pupil's difficulties in school. This should include the involvement of support services; a PSP or IEP should be in place and active.

- The Head Teacher should inform the behaviour and Engagement Team of the possibility of a managed move being requested. This will ensure that such requests are recorded and can be supported if required. This information will be presented at either primary or secondary inclusion panel.
- The Head Teacher must then consult the parents and the pupil about their views on a transfer to another school at a review meeting as part of the pupils current PSP or IEP. The school should invite any other relevant professionals (e.g. for pupils with SEN, or Pupils in Care). The practice of suggesting to parents that they remove the child and find another school is inappropriate. All such cases, whereby parents are given this as a suggested option, will be formally investigated by the Local Authority with the option of referral to DfE, Adjudicator and/or Secretary of State.
- If parents agree that a managed transfer is appropriate, and written consent is obtained, they will be asked to express a preference for an alternative school. Parents must, however, be informed that there is no guarantee that their request will be approved and informed that transport will not be offered by the Local Authority
- It is envisaged that Head Teachers within Collaborative Partnerships will discuss requests for managed transfers with their colleagues within these partnerships.
- When a receiving school has been identified and the parents have agreed, a meeting at the receiving school will be held as soon as possible, parents and pupil in attendance. Details of the transfer, review and registration arrangements will be explained at this meeting. If the pupil refuses to engage at this interview he/she will remain at the original school.
- The school transfer forms should be submitted to the admissions team completed by all parties and indicating that this is a managed move.
- At the meeting, and if the parents and pupil agree to the managed move, the following arrangements should be recorded:-
  - background to the managed transfer request
  - the starting date for the transfer
  - any agreed attendance arrangements; e.g. an initial part-time programme may be agreed specific targets for the pupil
  - the length of the managed transfer (usually one term)
  - planning the response of the receiving school should instances of poor behaviour occur
  - the date set for the review meeting
  - any other issues needing clarification e.g. transport, learning support

The meeting should be recorded in the form of a new Pastoral Support Programme (PSP) and a dual registration agreement drawn up and signed by all parties. Where the parent acknowledges difficulties with the child's behaviour, consideration should be given to establishing a parenting contract.

A receiving school must admit the pupil in accordance with the principles outlined in the plan tailored to the child's individual needs. This might, for example, include mentoring or a period of attendance within a Learning Support Unit alongside full mainstream school activities for the duration of the managed transfer period.

Contact will be maintained throughout the period by both schools with regular reviews taking place.

At the final review meeting, a decision must be made as to whether the pupil transfers permanently to the receiving school or returns to the original school. In exceptional circumstances, one extension of the trial period may be appropriate but a firm decision will need to be made at the end of this period.

On the agreed date, the pupil's name must be deleted from the admission register of the original school and amending to main subsidiary base from dual subsidiary base

Where a managed move takes the pupil outside his or her catchment area, there is no automatic right of entry to the next school phase within the pyramid of the receiving school. Parents/carers also need to be aware that there is no guarantee of a place in the receiving school for the siblings of the transferred pupil. In both scenarios, application will need to be made through the normal admissions process.

#### **10. Information to support a managed move**

- Copy of Pastoral Support Programme (PSP).
- Looked After Child's Personal Education Plan (PEP)
- Pupils with attendance issues Action Plan (AP)
- School's intervention and support given in respect of issues causing concern.
- Record of referrals to external agencies.
- SEND support plan and/ or EHCP
- Pastoral Support Programme and reviews.
- Individual Education/Behaviour Plan
- Behaviour log sheet including threshold document and frequency chart
- Record of Attendance.
- Record of Parental Interviews / Discussions including parental preference.
- Record of engagement with the young person in discussing the move and their preference.
- Key Stage 4 pupils – record of options.
- Strengths and potential areas for future development - a positive statement detailing the pupil's strong points/subject preferences.

#### **11. Registering at both schools**

The home school should mark the pupil as D 'dual registered.'

If the pupil is absent the home school should record a D code and the receiving school should mark the pupil present / \ or absent 0 in the usual way.

#### **12. Exclusions and breaches of the school discipline codes**

Both school behaviour policies apply to the pupil and as such all disciplinary action should be reported to the home school. In the case of Fixed Term Exclusion a copy of the exclusion letter should be sent to the Head Teacher of the home school who will report the exclusion to the Governing Body and Local Authority.

The Head Teacher of the home school may wish to call a meeting with the pupil to discuss the matter and reinforce the importance of good behaviour while on the managed move.

Exclusions should be marked as 'E' on the receiving schools register. The home school should continue to mark the register with the D code.

It is good practice for schools to review their behaviour policy and school discipline code in light of this Protocol.

### **13. Safeguarding**

Any incident of concern that is recorded under Doncaster's Safeguarding protocol must be reported to the home school who will need to recognise their responsibility to ensure it is followed up appropriately.

### **14. Placement breakdown**

Prevention and early action will achieve the best results but it is recognised that this is not always possible.

Should a managed move be at risk of breakdown the receiving school should arrange a review meeting as soon as possible and also contact the Learner Engagement Team at the LA.

At no time should the receiving school ask the pupil to leave the school or inform parents that their child has to return to the home school without holding a review meeting to discuss the reasons for the placement breakdown.

### **15. Transport**

Transport arrangements and any funding of these are the responsibility of parents or those with parental responsibility. In the interests of giving a pupil a genuinely fresh start; Head teachers may take the view that a managed move to a local school might not be appropriate. Where a move to a school further a field is felt to be more appropriate, the viability of travel arrangements will need to be investigated and discussed with parents/carers and pupils involved.

### **16. Funding**

Funding will be transferred to a receiving school at the end of the managed transfer period, only if the pupil is formally admitted to the receiving school. This will be the balance remaining of the AWPU plus any other appropriate amounts such as Pupil Premium and Special Educational Needs funding, according to the agreed current formulae. Once the pupil is formally admitted, the funding transferred will be backdated to the beginning of the trial period. The receiving school will need to invoice the home school.

### **17. If things go wrong**

Should the managed move be deemed not to have succeeded at the end of the managed move period, the pupil will return to the school of origin. However, if reviews have been held regularly and other partners engaged, any barriers to successful transfer should have already been identified and addressed. This may have required early termination of the transfer and return to school, seeking an alternative school or Alternative Provision outside of the mainstream setting. Support is available through LA officer and the Primary/ Secondary Learning Centres throughout this process.

### **18. Managed Moves Summary**

#### **Reason for consideration of a pupil for a managed move**

There must be clear and valid reason to consider a managed move and the decision should be made in discussion with colleagues. Cases should come through the IYFA panel for information, discussion and monitoring of pupils moving between schools. Credits may be awarded at the end of a successful placement when the receiving school places the pupil on role.

There are three reasons where a managed move might be considered:-

- Preventative
- Crisis
- Parents refusing to engage with current school

Once clear that a managed move would be beneficial for the pupil there are definite steps to follow.

#### **Steps to take when considering a managed move**

- Multi-agency meeting to include parents. All parties need to agree to this move, including parents; managed moves must not be used as a threat.
- Gain parental preference, whilst trying to stay within your partnership model. Parents may have a definite preference for a school outside your partnership. LA can advise when this is the case.
- Head to Head discussion to gain initial agreement. This may also happen through your senior leaders or Learning Centre managers; however the head must have full knowledge.
- Case brought to inclusion panel for information and support
- Parental/pupil visit to the proposed school.
- Meeting at the proposed school with all parties where a contract should be drawn up. (LA can support if required) It is good practice to complete a full Individual Education Plan (IEP) or support plan at this meeting to give the pupil the best chance of success.

- Contracts should be short and clear, they usually run over a 12 week period with regular agreed reviews. Time scales can be extended to ensure success but this should be avoided where possible.
- Once the 12 week period has passed the pupil should transfer on to the roll of the new school.

## Notes

- Managed moves are there to help pupils succeed in mainstream school.
- When a managed move is needed, all parties should act in a timely and confidential manner.
- Meetings need to be specific, clear, time bound and well managed.
- Should a pupil fail a managed move they have the right to return to their original school without delay
- Managed moves are an agreement between schools with the LA being kept informed as to the movement of pupils.

## 18. Contract

An example contract is attached on the next page for ease of copying.



Doncaster  
Council

### Managed Move Trial Placement Contract

Name: \_\_\_\_\_ DOB: \_\_\_\_\_

UPN: \_\_\_\_\_

This is a trial placement / managed move contract which has been agreed by the Pupil, Parent and Carers,

\_\_\_\_\_ (name of school) and \_\_\_\_\_ (trial placement school)

It is agreed that \_\_\_\_\_ (pupil name) will begin a trial placement \_\_\_\_\_ (date)

The placement will be for a period of 12 weeks and will end on \_\_\_\_\_ (date)

During the placement the pupil will remain on the roll of \_\_\_\_\_ (name of school)

On that date a decision will be made regarding the success of the trial placement.  
Trial placement targets:

- Attendance – aspirational target of \_\_\_\_%.
- Punctuality – aspirational target of \_\_\_\_%.
- Equipment – must be equipped for each lesson.
- Uniform – must wear correct school uniform.
- The School behaviour code must be followed.
- All classwork and homework must be completed to the teachers' satisfaction.  
(Others may be added that are appropriate for the pupil)

During the placement reviews of progress will take every 4 weeks between schools, parents and pupil on the following dates:

- (1).....
- (2) .....
- (3) Final review and decision .....

I have read and accept the conditions of the trial placement at  
(school name)

Pupil..... Date.....

Parent/Carer..... Date.....

School..... Date.....

Trial Placement School.....

## Annex C

### Annex C.1

#### *Defining the difference between 'Behaviour' and 'SEMH'*

In Doncaster, we want to make a distinction between 'behaviour' and 'SEMH' to allow accurate identification to inform intervention, pathways of support and funding.

- The way in which one acts or conducts oneself, especially towards others.
- The way in which an animal or person behaves in response to a particular situation or stimulus. *Oxford Dictionary definition 'Behaviour'*

Many children will exhibit anti-social behaviour but do not have a special educational need. These children are characterized by an ability to reach their age expected levels of attainment and progress in school in spite of experiencing, for example, anxiety difficulties or friendship difficulties or family problems etc.

Behaviour difficulties become special educational needs (as defined by the SEND Code of Practice 2015) called 'SEMH' when there is a detrimental impact of social, emotional or mental health needs, resulting in the child not attaining at age expected levels. For example, a child who is having difficulty regulating their emotions at school (either due to their own internal regulation difficulties or external factors) and who is unable to implement the behaviours-for-learning required to make expected progress and attainment, may be described as having a special educational need.

SEMH can be a primary, secondary or tertiary need just like any other type of SEN. For these children, they do not reach their age expected levels of attainment despite long periods (2-3 terms) of additional intervention coordinated by a SENCO.

#### Disabled children and young people

xviii. Many children and young people who have SEN may have a disability under the Equality Act 2010 – that is '...a physical or mental impairment which has a long-term and substantial adverse effect on their ability to carry out normal day-to-day activities'. This definition provides a relatively low threshold and includes more children than many realise: 'long-term' is defined as 'a year or more' and 'substantial' is defined as 'more than minor or trivial'. This definition includes sensory impairments such as those affecting sight or hearing, and long-term health conditions such as

asthma, diabetes, epilepsy, and cancer. Children and young people with such conditions do not necessarily have SEN, but there is a significant overlap between disabled children and young people and those with SEN. Where a disabled child or young person requires special educational provision they will also be covered by the SEN definition.

[https://www.gov.uk/government/uploads/system/uploads/attachment\\_data/file/398815/SEND\\_Code\\_of\\_Practice\\_January\\_2015.pdf](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/398815/SEND_Code_of_Practice_January_2015.pdf) p16.

### **Behaviour in schools**

A recent DFE report, March 2017, written by Tom Bennett as part of an independent review refers to behaviour and culture in schools:

*'Behaviour' in this report means any actions performed by any members of the student and staff communities. It includes conduct in classrooms and all public areas: how members work, communicate, relax and interact; how they study; how they greet staff; how they arrive at school, transition from one activity to another; how they use social media, and many other areas of their conduct. It does not merely refer to how students do or do not act antisocially. P12*

*Poor behaviour can describe many things. It can describe behaviour that is distracting to oneself, to others, or to the teacher. It can range from actions that insult, to ones that endanger safety. This report considers any behaviour that detracts from the academic and social success of the school community, along with behaviour that diminishes the dignity of staff or students (for example harassment or name-calling). P22*

[https://www.gov.uk/government/uploads/system/uploads/attachment\\_data/file/602487/Tom\\_Bennett\\_Independent\\_Review\\_of\\_Behaviour\\_in\\_Schools.pdf](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/602487/Tom_Bennett_Independent_Review_of_Behaviour_in_Schools.pdf)

### **Identifying children with possible mental health problems**

Schools need to know how to support a child or young person whose behaviour - whether it is disruptive, withdrawn, anxious, depressed or otherwise - may be related to an unmet mental health need.

*2.1. Behavioural difficulties do not necessarily mean that a child or young person has a possible mental health problem or a special educational need (SEN). Negative experiences and distressing life events can affect mental health in a way that brings about temporary change in a young person's behaviour. However, consistent disruptive or withdrawn behaviour can be an indication of an underlying problem, and where there are concerns about behaviour there should be an assessment to determine whether there are any causal factors such as undiagnosed learning difficulties, difficulties with speech and language or mental health issues.*

*2.2. Only medical professionals should make a formal diagnosis of a mental health condition. Schools, however, are well-placed to observe children day-to-day and identify those whose behaviour suggests that they may be suffering from a mental health problem or be at risk of developing one. This may include withdrawn pupils whose needs may otherwise go unrecognised.*

*2.3. There are often two key elements that enable schools to reliably identify children at risk of mental health problems:*

- *effective use of data so that changes in pupils' patterns of attainment, attendance or behaviour are noticed and can be acted upon;*
- *an effective pastoral system so that at least one member of staff (e.g. a form tutor or class teacher) knows every pupil well and can spot where bad or unusual behaviour may have a root cause that needs addressing. Where this is the case, the pastoral system or school policies should provide the structure through which staff can escalate the issue and take decisions about what to do next.p14*

[https://www.gov.uk/government/uploads/system/uploads/attachment\\_data/file/508847/Mental Health and Behaviour - advice for Schools 160316.pdf](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/508847/Mental_Health_and_Behaviour_-_advice_for_Schools_160316.pdf)

### **SEND code of practice**

Behaviour difficulties become special educational needs (as defined by the SEND Code of Practice 2015) called 'SEMH' when there is a detrimental impact of social, emotional or mental health needs, resulting in the child not attaining at age expected levels. For example, a child who is having difficulty regulating their emotions at school (either due to their own internal regulation difficulties or external factors) and who is unable to implement the behaviours-for-learning required to make expected progress and attainment, may be described as having a special educational need.

SEMH can be a primary, secondary or tertiary need just like any other type of SEN. For these children, they do not reach their age expected levels of attainment despite long periods of additional intervention coordinated by a SENCO.

*6.21 Persistent disruptive or withdrawn behaviours do not necessarily mean that a child or young person has SEN. Where there are concerns, there should be an assessment to determine whether there are any causal factors such as undiagnosed learning difficulties, difficulties with communication or mental health issues. If it is thought housing, family or other domestic circumstances may be contributing to the presenting behaviour a multi-agency approach, supported by the use of approaches such as the Early Help Assessment, may be appropriate. In all cases, early identification and intervention can significantly reduce the use of more costly intervention at a later stage.p96*

*6.22 Professionals should also be alert to other events that can lead to learning difficulties or wider mental health difficulties, such as bullying or bereavement. Such events will not always lead to children having SEN but it can have an impact on wellbeing and sometimes this can be severe.p96*

*6.23 Slow progress and low attainment do not necessarily mean that a child has SEN and should not automatically lead to a pupil being recorded as having SEN. However, they may be an indicator of a range of learning difficulties or disabilities. Equally, it should not be assumed that attainment in line with chronological age means that there is no learning difficulty or disability. Some learning difficulties and disabilities occur across the range of cognitive ability and, left unaddressed may lead to frustration, which may manifest itself as disaffection, emotional or behavioural difficulties.p96*

### **Social, emotional and mental health difficulties**

*6.32 Children and young people may experience a wide range of social and emotional difficulties which manifest themselves in many ways. These may include becoming withdrawn or isolated, as well as displaying challenging, disruptive or disturbing behaviour. These behaviours may reflect*

*underlying mental health difficulties such as anxiety or depression, self-harming, substance misuse, eating disorders or physical symptoms that are medically unexplained. Other children and young people may have disorders such as attention deficit disorder, attention deficit hyperactive disorder or attachment disorder.*

*6.33 Schools and colleges should have clear processes to support children and young people, including how they will manage the effect of any disruptive behaviour so it does not adversely affect other pupils. The Department for Education publishes guidance on managing pupils' mental health and behaviour difficulties in schools –*

### **SEN support in schools**

*6.44 Where a pupil is identified as having SEN, schools should take action to remove barriers to learning and put effective special educational provision in place. This SEN support should take the form of a four-part cycle through which earlier decisions and actions are revisited, refined and revised with a growing understanding of the pupil's needs and of what supports the pupil in making good progress and securing good outcomes. This is known as the graduated approach. It draws on more detailed approaches, more frequent review and more specialist expertise in successive cycles in order to match interventions to the SEN of children and young people.p100*

[https://www.gov.uk/government/uploads/system/uploads/attachment\\_data/file/398815/SEND\\_Code\\_of\\_Practice\\_January\\_2015.pdf](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/398815/SEND_Code_of_Practice_January_2015.pdf)

The following extract is copied from **Mental Health and Behaviour in Schools**, DfE advice for school staff, March 2016 that clarifies the position on SEN further:

2.12. Persistent mental health difficulties may lead to pupils having significantly greater difficulty in learning than the majority of those of the same age. Schools should consider whether the child will benefit from being identified as having a special educational need (SEN). Any special education provision should ensure it takes into account the views and wishes of the child and their family.

2.13. When deciding whether a pupil has SEN, schools should use the definition of SEN used in the SEND Code of Practice: 0 to 25 years. Stated as:

**A child or young person has SEN if they have a learning difficulty or disability which calls for special educational provision to be made for him or her.**

A child of compulsory school age or a young person has a learning difficulty or disability if he or she:

- Has a significantly greater difficulty in learning than the majority of others of the same age, or
- Has a disability which prevents or hinders him or her from making use of educational facilities of a kind generally provided for others of the same age in mainstream schools or mainstream post-16 institutions?

For children aged two or more, special educational provision is educational or training provision that is additional to or different from that made generally for other children or young people of the same

age by mainstream schools, maintained nursery schools, mainstream post-16 institutions or by relevant early years providers.

2.14. A wide range of mental health problems might require special provision to be made. These could manifest as difficulties such as problems of mood (anxiety or depression), problems of conduct (oppositional problems and more severe conduct problems including aggression), self-harming, substance abuse, eating disorders or physical symptoms that are medically unexplained. Some children and young people may have other recognised disorders such as attention deficit disorder (ADD), attention deficit hyperactive disorder (ADHD), attachment disorder, autism or pervasive developmental disorder, an anxiety disorder, a disruptive disorder or, rarely, schizophrenia or bipolar disorder. 2.15. Where a school has identified that a pupil needs special educational provision due to their mental health problems, this will comprise educational or training provision that is additional to or different from that made generally for others of the same age. This means provision that goes beyond the differentiated approaches and learning arrangements normally provided as part of high quality, personalised teaching. It may take the form of additional support from within the setting or require the involvement of specialist staff or support services.

2.15. Where a school has identified that a pupil needs special educational provision due to their mental health problems, this will comprise educational or training provision that is additional to or different from that made generally for others of the same age. This means provision that goes beyond the differentiated approaches and learning arrangements normally provided as part of high quality, personalised teaching. It may take the form of additional support from within the setting or require the involvement of specialist staff or support services.

2.16. Schools should identify clear means to support such children. Many schools offer pastoral support, which may include access to counselling sessions to help their pupils

2.17. Schools need to have a good understanding of the mental health support services that are available in their local area, both through the NHS and voluntary sector organisations. They should work closely with local health partners to ensure that they are clear when referrals to CAMHS are appropriate.

2.18. The majority of children and young people with SEN will have their needs met through mainstream education providers and will not need Education, Health and Care plans (EHC plans) or Statements.

The SEND Code of Practice: 0 to 25 years sets out the steps that schools should take in identifying and meeting SEN.

- Is any delay in learning a short term or long term issue? Is this evidence through a solution focused outcomes based asses-plan-do-review cycle?
- Is there enough analysis of the child's learning context to rule out poor first quality teaching or poor targeted support?
- Do they have a recognized and diagnosed disability?
- Do they continue to learn effectively despite experiencing social, emotional or mental health issues, or not?

The reason for clarity over 'behaviour' and 'SEMH' is to prevent children being categorised unnecessarily as having a special educational need. In turn, this will help identify the correct provision or placement. The lack of identification over need type or the presence of SEN should not

inhibit the lack of support for the pupil, which should be sought through the usual routes of pastoral care in schools, or medical services in the local area as appropriate.

### **Enabling or disabling practices: The Ethics**

Another factor that is important to include when making these decisions is whether or not having SEMH (SEN) could in any way **disable** a pupil's long term outcomes. A formal recognition of special educational need can influence school provision, future employability and access to economic resources both positively or negatively. Ultimately, decisions on the formal recognition of SEN cannot be taken lightly and as such, best practice has absolutely got to include the views of parents and the child themselves to determine what is in their best interests and whether or not being labeled as SEN is enabling them for the long term or not.

### **Two helpful rules to apply are as follows:**

1. Deal with the external and internal factors manifesting in as social, emotional and mental health difficulties and children will engage in learning, reducing the need to consider SEN as a factor.
2. Give a child the label of SEN only when all those involved collectively agree that the difficulty reaching expected levels of attainment and engagement is long term and high quality specialist teaching provision is the only way to enable positive long term outcomes.

## **Annex D**

### **Education Welfare Intervention**

Where a child or young person has failed to attend the school from the first expected date of attendance as notified within the correspondence from the clerk of the panel and the school has recorded 5 consecutive days of unauthorised absence a referral should be made to the Education Welfare Service.

### **Attendance**

Where officers have established that the absence is due to parental responsibility they may use the various tools at their disposal to hold parents to account.

### **Child Missing Education**

Where an officer identifies that a child is no longer ordinarily resident at their address and one of the requirements under Regulation 8 of the mandatory requirements to remove a child from the role they shall agree the removal date with the school concerned and follow up on the local authority duties as determined with S436a Education Act 1996

### **School Attendance Orders**

- ***To ensure equity, the school named at the location panel will be the preferred choice of school named in any school attendance order.***
- ***Where possible the Education Welfare Service will secure admission at the allocated school without the need to resort to an order.***

Any intervention by the Education Welfare Service has to be based on the evidence; the central allegation is that a parent or carer is failing to ensure that a child is being educated, and thus is alleged to be potentially committing an offence.

Therefore, if a prima facie case is identified and a prosecution follows, officers have to record and exhibit all the evidence available and allow the best evidence to be put to the court to allow them to come to an impartial decision.

The Education Welfare Service whilst employed by the Local Authority must act independently and the criminal procedural rules apply to their work.

If a school attendance order is made, the school do not have to enter the pupil onto the register until he/she has attended on the day or subsequent agreed day for admission. The order requires that the parent to cause the child to attend the school. Once on role normal absence policies apply.

## **Appendix E**

### **Rules Governing Direction**

**Local authority powers of direction (general)** - A local authority has the power to direct the admission authority for any maintained school in its area to admit a child even when the school is full. The local authority can only make such a direction in respect of a child in the local authority's area who has been refused entry to, or has been permanently excluded from, every suitable school within a reasonable distance.

The local authority **must** choose a school that is a reasonable distance from the child's home and from which the child is not permanently excluded. It **must not** choose a sixth-form that selects by ability unless the child meets the selection requirements, or a school that would have to take measures to avoid breaking the rules on infant class sizes if those measures would prejudice the provision of efficient education or the efficient use of resources.

Before deciding to give a direction, the local authority **must** consult the governing body of the school, the parent of the child and the child if they are over compulsory school age. If, following consultation, the local authority decides to direct, it **must** inform the governing body and head teacher of the school. The governing body can appeal by referring the case to the Schools Adjudicator within 15 days. If it does this, the governing body **must** tell the local authority. The local authority **must not** make a direction until the 15 days have passed and the case has not been referred.

If the case is referred to the Adjudicator, the Adjudicator may either uphold the direction or determine that another maintained school **must** admit the child. The Adjudicator's decision is binding. The Adjudicator **must not** direct a school to admit a child if this would require the school to take measures to avoid breaking the rules on infant class sizes and those measures would prejudice the provision of efficient education or the efficient use of resources.

**Secretary of State's power of direction (Academies)** - Where a local authority considers that an Academy will best meet the needs of any child, it can ask the Academy to admit that child but has no power to direct it to do so. The local authority and the Academy will usually come to an agreement, but if the Academy refuses to admit the child, the local authority can ask the Secretary of State to

intervene. The Secretary of State has the power under an Academy's Funding Agreement to direct the Academy to admit a child, and can seek advice from the Adjudicator in reaching a decision.

## **Annex F**

### **Complaints and Appeals**

#### **➤ Complaints**

Individual head teachers should in the first instance raise any concerns regarding this protocol through the panel itself.

The Chair of the Panel may, where a resolution has not been achieved should raise concerns with the Head of Inclusion within Doncaster MBC.

#### **➤ Appeals**

Parents retain their individual right to appeal any decision of a panel under the School Admissions appeals Code of which the process will be managed by the School Admissions Service.



## **Annex H**

### **Fair Access Protocol – General Data Protection Regulations**

Doncaster Metropolitan Borough Council Fair Access Panel collects, uses and is responsible for certain personal information about children referred to the panel under the Fair Access Protocol.

Each local authority **must** have a Fair Access Protocol, agreed with the majority of schools in its area to ensure that – outside the normal admissions round - unplaced children, especially the most vulnerable, are offered a place at a suitable school as quickly as possible.

The operation of Fair Access Protocols is outside the arrangements of co-ordination and is triggered when a parent of an eligible child has not secured a school place under in-year admission procedures

The Fair Access Panel consists of nominated representatives from schools and the local authority within the Metropolitan Borough of Doncaster responsible for collecting, using or reviewing personal information to aid the effective allocation of a school.

In doing so we are regulated under the General Data Protection Regulation which applies across the European Union (including in the United Kingdom) and we are responsible as ‘controller’ of that personal information for the purposes of those laws.

### **Personal information we collect and use**

#### **Information collected by the panel**

In the course of supporting and monitoring the Fair Access Protocol we may have cause to collect or discuss the following personal information:

- Personal details of children (such as name, gender, age, date of birth, address, contact details, language, nationality, country of birth)
- The personal names and addresses of parents or carers to notify them of decisions made in relation to their child.
- Special category characteristics (such special educational needs)
- Educational history (such as schools previously attended and attendance, attainment, behaviour and exclusion information)
- Other professional involvement (such Attendance and Inclusion, Early Help, Social Care, SEN)

We may also obtain personal information from the following other sources:

- Personal details
- Characteristics

- Educational history
  - Professional involvement from previously attended schools
  - Other local authorities
- 
- Other Doncaster departments

### **How we use personal information**

We use personal information to:

- We will share information between nominated panel members to aid appropriate decision making
- We will share information between nominated panel members for the purposes of updating panel members about a child's access to education
- Once a decision has been made we will only share information to the nominated school about the child identified by panel members, to support needs and access to education.
- Maintain a record of children seeking an education placement in Doncaster who are being offered access to such through the Fair Access Protocol and the panel members responsible for making decisions.
- Provide reports to support agencies to ensure that the welfare of the child is paramount (for example children missing education, safeguarding referrals, attendance related referrals, referrals for directing a school to admit, social care or the Police)
- Inform families about how to access the education provision provided and facilities from other agencies that would generally be delivered via school
- Advise and support families who request support with returning children to school or identifying a school place

### **How long your personal data will be kept**

We will hold your personal information securely and only retain it until the child is allocated a school place and admitted onto the role.

Data will not be retained by the Fair Access Panel for longer than the necessary purpose of securing a child's access to education

Within 12 months of the child being entered onto the school role the information is archived or securely destroyed.

## **Annex H1.**

### **Fair Access Panel Confidentiality Agreement (insert date of panel)**

By signing this document of attendance I acknowledge that as part of my role within the Fair Access Panel, I will be given access to information that is of a personal, confidential and/or sensitive nature that may relate to children, young people and adults. The sharing of information through the activities of the panel aims to ensure that the welfare of the child is paramount.

I, therefore agree:

- To hold all confidential information in trust and strict confidence and agree that it shall be used only for the purposes required to fulfil obligations I am responsible for, and shall not be used for any other purpose, or disclosed to any third party.
- To keep any confidential or sensitive information in my control or possession physically secure to which only I and other authorised persons have access for the purposes of the panel or any named school.
- I agree to take all necessary steps to keep such Confidential Information secure and to protect such Confidential Information from unauthorised use, reproduction or disclosure.
- To maintain the absolute confidentiality of personal, confidential and sensitive information in recognition of the rights of others at all times, and in both professional and social situations.
- To comply with all privacy laws and regulations, which apply to the collection, use and disclosure of personal information?
- At the conclusion of any discussions, or upon demand by management, to secure all confidential information, including written notes, photographs, sketches, models, memoranda or notes taken.
- To only disclose confidential, personal or sensitive information to members of the fair access panel or a named school to which a child has been allocated/admitted.

\*\*\*\* Insert table of names/position/signature