

In-Year Fair Access Protocol

September 2011

Background

The Education & Inspections Act 2006 introduced a requirement for each local authority to have in place an In-Year Fair Access Protocol (IYFAP) by September 2007. Further guidance of this requirement is provided in the School Admissions Code 2010, published in February 2010..

As identified in "Every Child Matters" the Government believes that all children should receive a good education to help them fulfil their potential. However for some children that can be harder than for others. Sometimes children can find themselves without a school place, because their personal circumstances are such that they have to move home or they have been excluded from school. The government considers that it is important that, wherever possible and in the best interests of the child, a suitable school place should be found quickly.

Aims of the Protocol

Fair Access Protocols exist for those **children who cannot obtain a place through normal admissions procedures**, as outlined within the In Year Co-ordination arrangements, to ensure that

- access to education is secured quickly for children who have no school place but for whom a place at a mainstream school or alternative provision is appropriate; and
- all schools in an area admit their fair share of children with challenging behaviour, including children excluded from other schools.
- Local Authorities and schools work together in partnership to improve behaviour, tackle persistent absence and help support improving behaviour partnerships.
- balance is struck between finding a place quickly, when the place might be in an undersubscribed school or one facing challenging circumstances, and finding a school place that is appropriate for the child.
- no school, including those with places available, is asked to take a disproportionate number of children who have been excluded from other schools or who have challenging behaviour or who are known to have a history of behavioural problems.

Definition of “Challenging Behaviour”

In consultation with the Cambridgeshire Secondary and Primary Heads Inclusion Groups, a Cambridgeshire definition of Challenging Behaviour has been agreed as follows:

A child with Challenging Behaviour in Cambridgeshire will be identified as such in the following circumstances:

- A child subject to a managed move; or
- A child identified at significant risk of permanent exclusion.

Main Principles

All applications made for a school place outside the normal admissions round must be considered as a matter of urgency. A formal decision either to offer, or to refuse, a place must be made and notified to the applicant, within 10 working days, unless specified differently within this protocol document. All parents must be advised of their statutory right of appeal when a place cannot be offered.

It is a legal requirement, under the School Admissions Code, which came into force on 10th February 2010, for all schools to participate in their Local Authority's protocol in order to ensure that unplaced children, especially the most vulnerable, are offered a place at a suitable school as quickly as possible. This includes admitting children above the published admission number (PAN) to schools that are already full.

Oversubscription cannot be cited as a reason for not admitting a pupil under the In-Year Fair Access Protocol, and schools must respond within 3 working days following a request from the Local Authority (LA) to a request for admission so that the admission of the pupil is not delayed.

The School Admissions Code has identified as "vulnerable" the following categories as a minimum:

- children attending a Pupil Referral Unit (PRU) who need to be reintegrated back into mainstream education;
- children who have been out of education for longer than one school term;
- children whose parents have been unable to find them a place after moving to the area, because of a shortage of places;
- children withdrawn from schools by their family, following fixed term exclusions and unable to find another place;
- children of refugees and asylum seekers;
- homeless children;
- children with unsupportive family backgrounds, where a place has not been sought;
- children known to the police or other agencies;
- children without a school place and with a history of serious attendance problems;
- traveller children;
- children who are carers;
- children with special educational needs (but without a statement);

- children with disabilities or medical conditions;
- children returning from the criminal justice system; and
- children of UK service personnel and other Crown Servants.

The effectiveness of the protocol must be monitored by the LA, and in order to do this, it is essential that the admission of children identified as vulnerable are co-ordinated by the LA Admissions Team.

An assessment of the operation and effectiveness, and a statement about how well the protocol has worked, including how many children have been admitted to each school in the area under the protocol, must be included in the Local Authority Annual Report to the Schools Adjudicator.

The protocol will be reviewed annually as part of the annual consultation of admission arrangements for Cambridgeshire.

Process

Local Authority (LA) officers, schools and the LA Admissions Team already work in partnership to manage the process of placing pupils with complex needs in schools and alternative provision. Officers have worked effectively with Headteachers and Governing Bodies and devised a number of protocols and processes that are embedded in our practice for some of those children identified as vulnerable by the School Admissions Code.

This document brings together those locally agreed protocols, and the protocol to be followed for those other children identified within the protocol, where, in exceptional circumstances, the circumstance of the child, or the circumstances of the preferred school, or both, mean that the **normal admissions process cannot ensure that the child will be admitted.**

The locally agreed protocols/processes already in place are to be found as appendices to this document.

Appendix 1

In – Year Applications Protocol

LA Contact Officer: Sam Surtees, Education Officer, Infrastructure

Date last reviewed: December 2011

Appendix 2

Children Looked After Protocol

LA Contact Officer: Sue Hains, Head of Virtual School

Date last reviewed: December 2011

Appendix 3

In-Year over-admission protocol which gives guidelines on when it may be appropriate for a Cambridgeshire admission authority to admit beyond a school's PAN.

LA Contact Officer: Sam Surtees, Education Officer, Infrastructure

Date last reviewed: December 2011

Appendix 4

Managed Move protocol .
LA Contact Officer: Carol Way
Date last reviewed: December 2011

Appendix 5

Protocol to determine placement following Permanent Exclusion
LA Contact Officer: Carol Way
Date last reviewed: December 2011

Appendix 6

Protocol relating to admission of children of, and provision of education, "otherwise than at School" or to pupil referral units and for re-integration into mainstream education
LA Contact Officer: Janet Heathcote/Carol Way
Date last reviewed: December 2010

Appendix 7

Protocol for a change of placement for a child/young person with a statement of special educational needs.
LA Contact Officer: Michelle Docking
Date last reviewed: December 2011

Appendix 8

Process for the admission of children with a Statement of Special Educational Needs transferring into Cambridgeshire where the previous Statement names another Local Authority (LA) school/independent provision.
LA Contact Officer: Michelle Docking
Date last reviewed: March 2011

Appendix 9

Officer Panel – Constitution and terms of reference
LA Contact Officer: Sam Surtees
Date last reviewed: December 2011

Appendix 10

Approved Transfer
LA Contact Officer: Sam Surtees
Date last reviewed – December 2011

The Protocol to be followed for those children, identified as being vulnerable under the School Admissions Code, **not covered** by the above locally agreed protocols, will be as follows:

- Applications will be processed in accordance with the In Year Applications Protocol (appendix 1).
- The LA Admission Team must comply with parental preference unless; one of the statutory reasons for refusing admission applies as defined by the School Admissions Code Chapter 3:

- paragraphs 3.30, regarding children who have been permanently excluded twice;
 - paragraphs 3.31 - 3.33 regarding Children with Challenging Behaviour
- Where in exceptional circumstances, the circumstance of the child, or the circumstances of the preferred school, or both meant that the **normal admissions process cannot ensure that the child will be admitted to one of their preference schools**, the Admission Officer will determine, in conjunction with the Senior Admissions Officer, whether the information provided at Part of the application form, requires that the application should be considered as an In Year Fair Access case.
 - Where the determination of the Senior Admission Officer is that the application should be considered as an In Year Fair Access case, the case will be referred to an Officer Panel. The procedure for referral to Officer Panel, its constitution and terms of reference are found at Appendix 8.
 - The Panel will consider the circumstances of the case, the number of admissions made previously in the academic year under this Protocol to the school to be considered and will identify the appropriate school for admission.
 - A letter outlining the decision of the Officer Panel, including the reason why the application was considered as an In Year Fair Access Case, and a copy of the Part 2 of the application form will be sent to the identified school/governing body/admissions sub-committee by the Clerk to the Panel.
 - The Senior Admission Officer will issue a offer letter to the applicant confirming the admission to the school under the IYFA protocol, no later than 3 school days following the decision of the Panel.
 - The school will arrange, in discussion with the parents the admission of the child within 5 school days of the date of the decision letter.
 - It may not be possible in all In Year Fair Access cases to meet parental preference. Where this occurs, parents will be informed of their right of appeal.
 - Where the Officer Panel feels that further support is required in ensuring the successful admission of a child to a school, or issues are highlighted through the application process, they may make a referral to the Locality Team.
 - If the governing body of a Foundation or Voluntary Aided school refuses to admit the child the LA may chose to direct the school to admit the pupil under Section 96 of the School Standards and Framework Act 1998.
 - If the governing body of an Academy refuses to admit the child the LA may chose to ask the Secretary of State to intervene. The Secretary of State has the power under an Academy's Funding Agreement to direct the Academy to admit a child.
 - Under Section 97 of the School Standards and Framework Act (1998), the Governing Body of a Foundation or VA school may refer this decision to the School's Adjudicator within 15 days of notification of the direction.

- Where the governing body of a community or voluntary controlled school refuses to admit a child, and the matter cannot be resolved locally the matter may be referred to the Secretary of State, who will, in his consideration of the case include taking into account where the local authority has complied with the School Admissions Code.
- Where an Academy refuses to admit the child, the local authority can refer the matter to the Secretary of State for consideration of whether or not to direct the Academy to admit the child.

Admission of a “Vulnerable” Child to a Preferred School

Where the information provided in Part 2 of the application form identifies the child as “vulnerable” under the School Admissions Code definition, and the normal admissions process has applied ie. a place has been offered to the child at one of the preferred schools, the Admission Officer will, in conjunction with the Senior Admissions Officer, determine whether the application should be considered as an In Year Fair Access case.

In such cases, the application will be referred to an Officer Panel for consideration as outlined above.

Retrospective In Year Fair Access Admissions

On occasion, following the admission of a child, information subsequently received following the transfer of the file from the previous school, may identify that, had this information been available at the time of admission, the application would have been considered as an In Year Fair Access admission by the LA Admissions Team.

In such cases, the Headteacher of the admitting school, may seek a Retrospective In-Year Fair Access admission.

The process for such a request is as follows:-

- the headteacher emails the Senior Admissions Officer, In Year Admissions providing full details of the new information received, evidence of issues which have arisen since the child was admitted to the school, and the reasons why it is felt that this child should be considered as “vulnerable” within the context of the School Admissions Code definition described within this protocol.
- the request will be presented and considered by officers at the next available In Year Fair Access Panel Meeting.
- the decision of the Panel will be communicated to the school within 5 working days of the Panel meeting.

Where the Panel feel that the circumstances of the case were such that, at the time of admission, this information would have identified the admission as an “In Year Fair Access” admission, the case will be recorded as such and the management information updated accordingly.

Management Information

All admissions made under the Fair Access Protocol will be recorded and monitored by the Admissions Team.

A termly report will be provided to Cambridgeshire Secondary Heads (CSH), Cambridgeshire Primary Heads (CPH) Groups & the Cambridgeshire Admissions Forum, on request.

IN YEAR APPLICATIONS

1. GENERAL NOTE

Under the School Admission (Co-ordination of Admission Arrangements) (England) Regulations 2008:

From the 2010-2011 academic year, local authorities must formulate schemes for co-ordinating applications made during the academic year and applications for admission to age groups other than the normal year of entry ("In year applications").

This means that from 1st September 2010, all applications for children seeking a place at a school can only be considered on receipt of a completed In-Year application form by the LA Admissions Team.

Offers of school places will all be made in writing by the LA School Admissions Team.

2. THE APPLICATION

The In-Year Application Form, appendix 12, will be available throughout the academic year to be given to parents by school, the LA Admissions Team, or can be downloaded from the county council website, www.cambridgeshire.gov.uk/admissions.

Part 1 of the application form requests information from the applicant about their child, and should be completed and signed by them.

Part 2 of the application form requests information from the child's previous school, and should be completed by that school before the application is sent to the LA Admissions Team.

3. APPLICATION RECEIVED BY THE LA ADMISSIONS TEAM

On receipt the application will be dated stamped and processed in strict date order.

Where a child is moving to a new address, proof of the address will be required before the application can be processed. Where this is not provided with the application form a letter will be sent requesting this information and the application will be held pending receipt of this information.

Where a child is not a UK or EEA resident, proof of entitlement to education in the UK will be required before the application can be processed. Where this is not provided with the application form a letter will be sent by the LA Admissions Team requesting this information and the application will be held pending receipt of this information. The application will not be treated as complete until the information outlined above is received.

Where Part 2 of the application form has not been completed by the child's current school, the form will be emailed by the LA Admissions Team to the current school for

completion, where appropriate to do so. Where the child is seeking a move from a school and has not moved homes, the school will also receive a copy of the application form completed by the applicant stating the reasons the request is being made.

Completion of this form cannot be enforced on an out of county school, but it is hoped that all schools within Cambridgeshire will co-operate with this request, especially where the child concerned is not moving home. Schools have up to 2 school days to complete and return this electronically, or by fax, to the LA Admissions Team. The application form will be held pending receipt of this information, or until the 2 days has passed before being passed to the Admission Officer for processing.

Use of Part 2 Information.

The information provided at Part 2 of the application form will not be used by the LA Admissions Team or other Admission Authorities, to determine the admission, but to assist the admitting school in ensuring the smooth transition of the child, or to determine the consideration of the application as an In Year Fair Access case, as described above.

4. PROCESSING THE APPLICATION FORM

The LA Admissions Team, and all Admission Authorities, have a statutory duty to comply with parental preference where it is able to do so (Section 86 of the School Standards and Framework Act 1998).

The Admissions Officer will process the application in accordance to the order of the preferences expressed by the parent.

To determine the availability of a place at the first preference school the Admission Officer will check:-

- School Organisation Chart
- ONE
- By email to the school.

The Admission Officer will email the school in all cases, unless the school is over-subscribed, and it is identified that this child would not be offered the next place should one become available.

The school must respond by email, confirming either, the availability of a place, or that no place is available, to the Admissions Officer within 3 school days.

Where the first preference school cannot be offered, the Admissions Officer will rank the application according to the over-subscription criteria for the school for all Voluntary-controlled, Community and Foundation Schools and add the child's name to the school's reserve list.

Where the first preference school is a Voluntary-aided school the application will be sent to the school for ranking by the admissions sub-committee or governing body as appropriate. Once ranked the child's name will be added to the school's reserve list by the Admissions Officer.

Where it has not been possible to offer a place at the first preference school, the Admissions Officer will then look to the next preference and process the application as described above, until all preferences have been considered.

At this point, if completed, the information provided at Part 2 of the application form will be considered to determine whether the child should be considered as “vulnerable” in accordance with the definitions provided with the School Admissions Code. If the case should be considered as an In Year Fair Access case, the process outlined in the over-arching document will be applied.

Where Part 2 has not been completed, resulting in additional information regarding the child is not known and it is not possible to meet any preferences expressed, a place will be offered at the next nearest school with places available, in accordance with our published guidance for parents.

Once a place has been allocated for a child the Admissions Officer will send in writing the offer of the place to the applicant. A copy of this letter will be emailed to the school at which the offer has been made. A copy of part 2 of the application where this has been completed will be sent to the school, as well as any other appropriate information requested by the school.

Where it has been necessary to refuse a parental preference, the parent will be advised of their right of appeal, and will be advised about their child’s name being added to the reserve list for that school(s), and when their child’s name will be removed from that list.

Where the child is leaving a Cambridgeshire school, the school they are leaving will also receive a copy of this letter for their records, although the child should not be removed from the school’s roll until confirmation has been received of a start date at the new school.

5. INFORMATION REQUIRED FROM SCHOOLS

Class Organisation Charts

Completed class organisation charts, accurately reflecting the number of children in each year group and the way in which the classes have been organised must be received by the Senior Admissions Officer (In-Year) by the end of the first week of each Autumn Term.

These charts will be maintained by the Admission Officers, recording details of places being offered and where notification is received of children leaving the school, (see below).

Notification of children leaving the school

Children must only be withdrawn from the school roll in accordance with the “Guidance for Headteachers on Pupil Registration” document, which was issued in August 2011.

When a child leaves, the school must notify the Admissions Team immediately by email to the admissions@cambridgeshire.gov.uk address. The subject heading of the email should be the school name. The email should confirm

that the procedures within the guidance have been followed, details of the child, the year group they are leaving and where they will be receiving education when they leave the school.

Reserve Lists

Reserves lists for all school will be held and maintained by the LA Admissions Team for all year groups.

Ranking of applications for over-subscribed schools will be carried out by the Admissions Team for all voluntary-controlled, community and foundation schools. Ranking of applications for voluntary-aided school will be undertaken by the admissions sub-committee or governing body as appropriate.

Children Looked After

Admission requirements

Regulations made under the School Standards and Framework Act 1998 require admission authorities to give looked after children highest priority in their admission arrangements. This will ensure that they are guaranteed admission to preferred schools at the normal time of entry.

Outside the normal admissions round, local authorities may direct other admission authorities for any maintained school to admit a child in their care to the school best suited to his or her needs. Such action must be taken in the best interests of the child. Before giving a direction, the local authority must consult the admission authority for the school they propose to specify in the direction. The admission authority then has seven days to inform the local authority if it is willing to admit the child without being directed to do so.

If, following the consultation, the local authority decides to issue the direction it must first inform the admission authority, the governing body (if the governing body is not the admission authority), the head teacher and, if the school is in another local authority area, the maintaining local authority. If the admission authority (or the governing body if it is not the admission authority and only in relation to a looked after child who has previously been excluded from at least two schools) considers that admission of the child would seriously prejudice the provision of efficient education or efficient use of resources, the admission authority has seven days in which to refer the case to the Schools' Adjudicator. The Adjudicator may either uphold the direction or, if the local authority that looks after the child agrees, determine that another school in England must admit the child. The Adjudicator's decision is binding.

Adoption

Some looked after children are placed for adoption and will live with their prospective new parents prior to the final Adoption Order. When that happens, if they are of statutory school age, they may stay at their existing school or move to a new school. Before the final Adoption Order is made by the courts the child will retain his or her looked after legal status. That means, for example, that although placed for adoption he or she will have an adoption plan and a PEP. It also means that the child should continue to be treated in the same way as any other looked after child for the purpose of school admission priority arrangements and in relation to the designated teacher's role.

Once the final Adoption Order is made, the child will no longer be looked after. However, his or her educational, social and emotional needs will not change overnight simply as a result of the final Adoption Order. Schools and designated teachers will, therefore, need to be sensitive to the arrangements for supporting the educational needs of children post-adoption.

Applications for school places for Looked After Children (LAC) are treated in the same way as all other applications, except in the following circumstances:.

Parents

Applications are accepted from any adult who has parental responsibility for the child. This is usually a social worker acting as corporate parent.

Priority

LAC are given top priority in the oversubscription criteria at all schools. This is a legal requirement. The only exception to this is for faith schools, where schools must give priority to LAC of faith above other children of faith and then must give priority to other LAC above other children.

In Year applications

All in-year applications for LAC, and for a period of 6 months after the date of an Adoption Order, must be made through the Local Authority Admissions team, who will then co-ordinate with the Education Service for Looked After Children (ESLAC) in order to determine a place for the child.

Where an application is made by Cambridgeshire County Council (as corporate parent) for a school place, it is expected that it will be for the local, catchment area school, unless there are exceptional circumstances which indicate a different school is appropriate.

When an In-Year application is received by the Local Authority Admissions Team, the Assistant Admission Officer will check for completion of Part 2 of the application. In **all** cases, where not completed, Part 2 will be sent to the previous school for completion. The previous school should complete and return this application to the Assistant Admissions Officer within 2 days of receipt of this request. Where not returned this is to be highlighted to the Senior Admissions Officer, when the application is passed for allocation.

Where the Part 2 is not completed by the previous school, the Senior Admissions Officer will contact the ESLAC team working with this child, to request this information from the assigned worker.

Following receipt of this information the circumstances of the case will be considered by the Senior Admissions Officer to determine whether the admission of this child should be considered as an In-Year Fair Access admission. Where it is considered that this should be the case, the case will be considered by virtual panel to ensure the allocation of a place is not delayed beyond the 10 school day processing time.

Once a school has been identified, and the place agreed with the school and offered by the LA Admissions Team, the Senior Admissions Officer will advise the ESLAC worker. The ESLAC worker will then contact the school to discuss the admission of the child, and ensure that the appropriate strategies are in place to support the admission to the school.

Where an application is made by another local authority for a place in a Cambridgeshire school, ESLAC will be approached for a recommendation regarding the placement.

Where the corporate parent has elected to apply for a school which is not the catchment school for the child's new address, usually the corporate parent will be responsible for the cost of the home to school transport for the child. Where in exceptional circumstances it is not possible for the child to be placed at the catchment school, these reasons are to be included on the application form, and will be considered by the Education Officer (Transport Policy and Strategy) for consideration on a case by case basis, and in discussion with the ESLAC Team Manager.

LOCAL PROTOCOL ON IN-YEAR OVERADMISSION

Child:..... D.O.B.

Overadmitting school:..... Application Date:

Checklist

From 1 st June 2008, overadmission may be made for In-Year applications:	Condition met?
1. in all circumstances, and all year groups, where the “exceptions” to Infant Class Size Legislation would apply (2.63 of the School Admissions Code);	
2. for any child where the admission has been made under the In Year Fair Access Protocol;	
3. for any child where there are other compelling reasons to admit to that particular school and no other;	
4. for an out of catchment child, where the catchment area school is unable to accommodate and there is no reasonable alternative (can be legitimate exception to ICS, but usually only in Y2);	
5. for an out of catchment child whose older sibling was allocated a place at the school due to oversubscription at the catchment area school ¹ ;	
6. for an out of catchment child whose sibling attends the school, where ALL the following conditions are met:	
• the overadmission will not result in the total number of children exceeding the net capacity of the school; and	
• the overadmission will not result in the school being unable to take the next catchment area child who applies for that NCY; and	
• the overadmission will not result in the school being able to accommodate all catchment area children the following September; and	
• the headteacher and governing body of the catchment area school have no objection to the overadmission; and	
• the headteacher and governing body of the preference school support the overadmission; and	
• there is no concern about the school’s ability to meet infant class size legislation, either at the time or in the future; and	
• class sizes in KS2 are not expected to exceed 32 for a mixed year group class or 34 for a single year group class.	
7. for any child where, following application of the conditions in point 6, it is felt that should the parent go to appeal, the appeal would be unlikely to be successful based on the circumstances of the case. In all such cases the case should be referred to an Officer Panel for consideration.	

¹ The older sibling must have applied on time and still be in attendance at the school at the time of admission of the younger.

Managed Move Protocol

Note that this protocol does not apply for students with a statement of special educational needs who are subject to separate guidance.

1. Purpose

The purpose of a Managed Move is to provide a positive alternative to permanent exclusion. A carefully planned transfer to another school, with the agreement and cooperation of all involved provides the opportunity to secure a more positive and creative outcome for everyone. It is important to recognise that this process will not happen over night but that the transfer should not take longer than 6 weeks from initial discussion to beginning at another school. During this period the pupil remains on the roll of the original school and that school retains responsibility for providing appropriate education

Managed Moves will be underpinned by a data collection exercise designed to ensure that, in compliance with the Code of Practice on Admissions, there is fairness in the number of approaches made to individual schools. This data will be available to schools on request and will be published on a termly basis via CPH and CSH Inclusion groups. No one school is expected to admit a disproportionate number of students with challenging behaviour over time.

This protocol applies to all Cambridgeshire Schools with the exception of Special Schools. Pupils reintegrating into a mainstream school from an EOTAS school will only be counted against an EOTAS school if they are solely registered there. If the reintegration to a new school is as the result of a failed reintegration to their original school the Managed Move will be logged as a move from the original school.

The process of a managed move and request form can be found later in this document.

2. Definition

A Managed Move is where a student may transfer to another school where the Headteacher believes that the criteria for permanent exclusion have been met, but that at the same time believes that the pupil could succeed in another mainstream setting.

Guidance regarding the Managed Move process and the steps which must be followed before a Managed Move can be agreed can be found in the "Exclusions Guidance – April 2010".

It requires the agreement of the parent/carer of the pupil, the current school, and the Local Authority Inclusion Officer.

A Managed Move involves the pupil remaining on the roll of their original school while trying a time limited fresh start opportunity at another near-by school. This time limit will usually be for a period of up to 15 weeks from the time they are admitted on a full-time basis to the new school. 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 responsible for the success of the Managed Move and are equally responsible for the Managed Move arrangements alongside the LA.

Prior to a managed move taking place, it is the responsibility of the school and the Inclusion Officer managing the case, to inform the parents of their rights in this process. Parents, the school and the LA are required to agree to the Managed Move before it can take place. This must be confirmed by both the Managed Move Referral Form being completed and signed by all parties, and the letter confirming the Managed Move being issued by the school.

Where a managed move is being considered either grounds for permanent exclusion should already apply, or the Headteacher feels that a Managed Move is the last remaining option in order to avoid this eventuality, and it is felt by the parties concerned that the child can succeed in mainstream education. In all cases a Common Assessment Framework (CAF) should be completed for the child concerned, unless a specialist assessment has already been completed eg. Social Care Assessment.

Where the parent or the LA does not agree to a Managed Move the Headteacher must decide if the permanent exclusion process would apply. Parents should never be pressured into removing their child via a Managed Move from a school under threat of a permanent exclusion. Discussion around a permanent exclusion or Managed Move should not come as a surprise to a parent as they should be involved in any ongoing discussion and planning about their child and his/her behaviour. The exception to this will be where there has been a one off serious incident that may necessitate a move.

3. Situations where a managed move may be appropriate

A Managed Move will normally only be considered when all of the following are in evidence:

- The Headteacher is confident that the school has done all that it can to support the inclusion of the pupil and there are valid grounds for permanent exclusion. This should include exhaustion of all school strategies as outlined in the PSP and the Individual Education Plan (IEP) (with involvement from the In School Support Staff or Specialist Teaching Team), Personal Education Plan (if the child is looked after) and a CAF is in place. DfE guidance suggests that a PSP must have been in place for some time (16 weeks example guide) unless a serious and unexpected breach of the school Discipline Policy occurs. The exception to this is where there has been a serious one-off incident.
- The LA must agree with this position. This will be agreed either by the County Inclusion Manager or the appropriate Managed Move Officer (It may on rare occasions be the case that the LA disagrees with the school's assessment. The LA would not sanction a Managed Move in such circumstances but expect the school to exclude the pupil permanently so that the school's decision could be tested through formal processes);
- The parent/carer of the student has agreed to a managed move. A parent can withdraw their support for a Managed Move at any point if they are unhappy. Should this happen the pupil will return to the referring school;
- Professionals working with the student believe that a change in school may result in improved behaviour;
- There is a consensus that mainstream education is still appropriate.

4. Process for submitting a Managed Move Referral Form for consideration by the In Year Fair Access Panel.

All referrals for Managed Move should be sent to the County Inclusion Manager for authorisation by email.

Once authorised by the County Inclusion Manager this email will be forwarded to the Clerk to the Panel, confirming that this should be processed.

The Clerk to the Panel will check for the completeness of the referral, which includes;

- The fully completed and signed referral form;
- A copy of the CAF for this child;
- A copy of the letter from the referring school confirming that a Managed Move has been agreed; and
- Further information relevant to the case, including full details of the events which have led up to decision to a Managed Move being made.

5. Criteria for selection of receiving school

It is important that all schools are asked to admit a balance of pupils under the In Year Fair Access Protocol (IYFAP). The Managed Move protocol forms part of this Protocol.

The identification of a possible alternative school will be determined by the In Year Fair Access Panel (Panel), using the preferences expressed by the parent on the Managed Move Referral Form. The process and criteria for determining the appropriate school is shown in Appendix 9 (Officer Panel – Constitution and Terms of Reference).

The identity of the school to be approached will be communicated to the County Inclusion Manager, by the Clerk to the Panel. Coordination and monitoring of the Managed Move will be undertaken by the County Inclusion Manager or a named LA officer, if this is felt to be more appropriate. Further details are available in the flow chart later in this document.

The Panel will make a decision on the basis of the following factors and taking account of professional advice from the referring school and “possible” schools, the Managed Move form and appropriate professionals:

- Parental preference;
- Geographical proximity and potential transport costs;
- Frequency of approach to alternative schools.
- The number of inward moves in the relevant year group under IYFAP
- The number of moves in proportion to the size of the school

A parent does not have a choice of school but parental preference should be taken into account in this process where possible. If a parent is supportive this is more likely to make the placement successful and parents may have relevant reasons for preferring specific schools (e.g. previous relationships between pupils). These considerations should be included on the managed move form that is completed once the move has been agreed. A parent can withdraw their support of a Managed Move at any point. If this happens the child will revert to their original school.

- Transport will be provided where the alternative provision is beyond statutory walking distance or the walking route to school is deemed unsafe (in accordance with the County Council's Home to School Transport Policy) **and** there is no appropriate provision available within statutory walking distance or via a safe walking route.
- When transfer to the receiving school is agreed by all, the student will be placed on that school's roll from the day they start. Categories of registration are listed below.
- The receiving school should continue, or commence, the PSP and CAF process to ensure a high level of support for the pupil on transfer. Reviewing the PSP and CAF regularly should make up part of agreed transfer meetings to assess how the move is working.

5. Responsibilities, Funding and Registration arrangements during a Managed Move

While a managed move is being arranged the original school retains responsibility for full time education of the child. Education can take place either on or off site. It must be clear where the education is being provided and how it will be provided. Attendance registers will be marked accordingly. Until the Managed Move is complete (i.e. the pupil has fully transferred onto the roll of the new school) only the Headteacher of the referring school is able to exclude the pupil.

An agreement must be drawn up at the beginning of the Managed Move to make clear the roles and responsibilities of all parties, timescales, strategies/sanctions to be used etc. This should be part of the PSP and CAF processes. The In School Support Service (Secondary) or Specialist Teaching Service (Primary) must be involved in this to support the move.

A decision must be agreed in regard to school uniform for the transferring child. This agreement should be part of planning prior to the move.

If a child has had any fixed term exclusions at the original school the number of days exclusion for that academic year must follow the child. It is important that this is clear so that the receiving school are aware of any possible trigger points for calling a Discipline Committee.

During the initial 15 week period the original school maintains the pupil's record with an Enrolment Status of "M" (Main dual-registration).

The receiving school maintains the pupil's record with an Enrolment Status of "S" (Subsidiary dual-registration). The receiving school must liaise with the original school re: provision and attendance so that both rolls can be accurately marked. It is the responsibility of both schools to ensure that the pupil is correctly registered so that it is clear where the student is attending.

Funding in the form of AWPU will follow the pupil at the current agreed rate. When a pupil is placed in another school, through a managed move, the receiving school will invoice the referring school for the appropriate pro-rata amount at the end of the next calendar month after transfer.

If the pupil placement breaks down within the agreed timescales the pupil will return to the original referring school. If the move is successful the pupil should fully transfer to the roll of

the receiving school at the end of the initial 15 week period, or earlier if everyone is in agreement with this. Schools must make sure that their roll is updated accordingly.

6. Other school responsibilities

- Schools **must not** suggest to parents that they should seek another school via an In Year Application to avoid permanent exclusion or Managed Move. It is the responsibility of the Headteacher to ensure that this does not happen.
- Schools are expected to respond positively to requests to accept students on managed moves.
- When an exit strategy is thought necessary the Headteacher must discuss this with the County Inclusion Manager before any action is taken in this regard

7. Monitoring and quality assurance arrangements

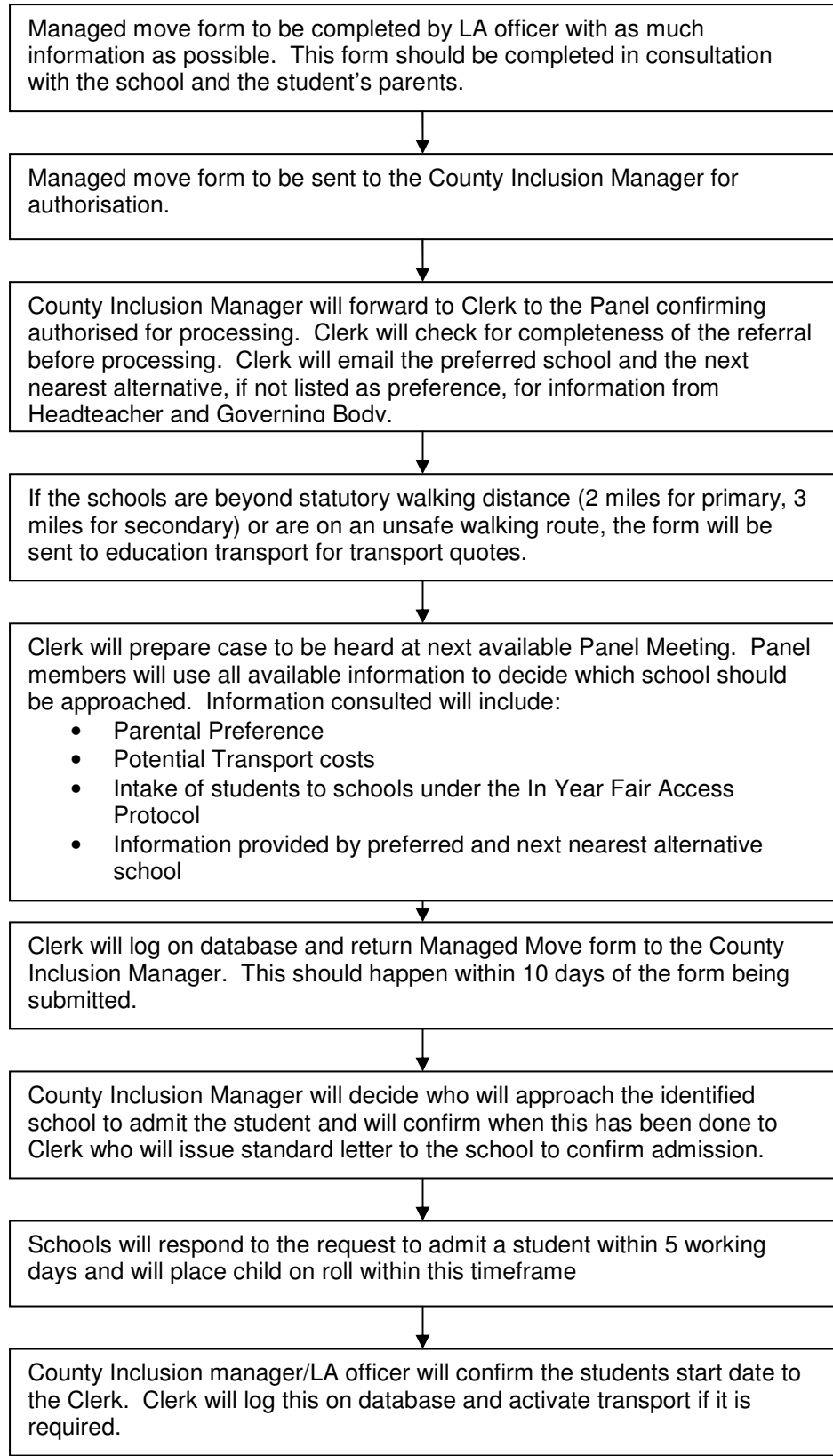
The LA will collect and publish information termly on the number of managed moves made and accepted on a school by school basis.

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.

Whilst the principles set out above will continue to apply, the LA will from time to time review the detailed arrangements in consultation with Headteachers.

8. Responsibility for the coordination of Managed Moves

LA Responsible Officer: Carol Way
Managed Move process



MANAGED MOVE REQUEST FORM

<u>Type of Move:</u>					
1. This section should be completed and passed to Admissions before any school is approached as a possible receiver					
<u>Part A – To be filled in by referring school</u>					
Date of Request					
LA Managed Move Officer		Headteacher			
Name of Pupil		DOB			
Ethnicity		Sex			
Name of Parent/Carer		Relationship to child			
Address of Parent/Carer					
Contact Numbers: Home: Mobile: Work:					
Current School		School Year			
School Contact Person		Contact Details			
Pupil's SEN Status		Statement			
Is the Pupil Looked After?					
Does the Pupil receive free school meals?					
Date of CAF		Lead Professional:			
Date of PSP					
Number of Reviews		Most Recent Review to Date			
Previous schools attended (including those outside of Cambridgeshire) if known:					
Name		To		From	
Name		To		From	
Name		To		From	
<u>Concerns</u>					
Incidents in school that have given rise to concern:					
Other (Please Specify):					
Total Number of Exclusions this Academic Year:					

Strategies		
Please briefly outline what positive strategies have been used to support the inclusion of this pupil prior to Managed Move request and any sanctions that have been used:		
Any issues that may affect the success of a Managed Move at any school. Please give reasons:		
Academic Ability – Teacher Assessments		
Please comment upon the pupil's progress in the following subjects with reference to National Curriculum attainment levels. Please also give a general comment.		
KS 1/2/3 (See KS 4 separately)		
Key Stage Level		
Subject	NC Level	Teacher Assessment/comment
English		
Maths		
Science		
ICT		
Overall Estimate and other appropriate information		
KS4 Only		
GSCE etc currently being undertaken by the pupil. Please list subjects and include details of examination board/syllabus etc		
Current assessment of performance – please indicate most recent assessment results, for example modular tests and portfolio assessments		
Agency Involvement		
Please indicate if the following agencies are involved with the pupil		
Social Care	<input type="checkbox"/>	Contact:
CAMHS	<input type="checkbox"/>	Contact:
YOS	<input type="checkbox"/>	Contact:
Locality Team	<input type="checkbox"/>	Contact:
Health	<input type="checkbox"/>	Contact:
Other (please specify)	<input type="checkbox"/>	Contact:

Headteacher Signature			
Print Name		Date	
County Inclusion Manager Signature			
Print Name		Date	

Part B – To be filled in by the Pupil’s parent/carer			
I have attended a review meeting of my child’s progress and agree that a Managed Move to an alternative school is my preferred option. I would like to express a preference for the following school. I understand that my preference will not necessary be able to be met.			
Preferred alternative school:			
Parent/Carer Signature		Date	
Parent/Carer Signature		Date	
Pupil Signature		Date	

2. This section should be completed by the Admissions Team with assistance from Education Transport and passed back to Senior Admissions Officer				
Admissions Officer				
Contact Number				
Possible Receiver Schools				
School	Distance from home (miles)	Place available?	Method of transport	Cost – per annum & for planned time at that school

3. This section should be completed by the Senior Admissions Officer			
Part A – to be filled in by Admissions			
Identified School/Schools			
Please give reasons as to why this school has been identified to be able to accept this child and any reasons as to why any other possible receiver schools should not take this child.			
Signature of Senior Admissions Officer:		Date	
Part B- to be filled in by Admissions			
Date of contact with proposed school by Admissions			
Date transfer to proposed school is agreed in principal			
Date Information passed to Managed Move Officer to			

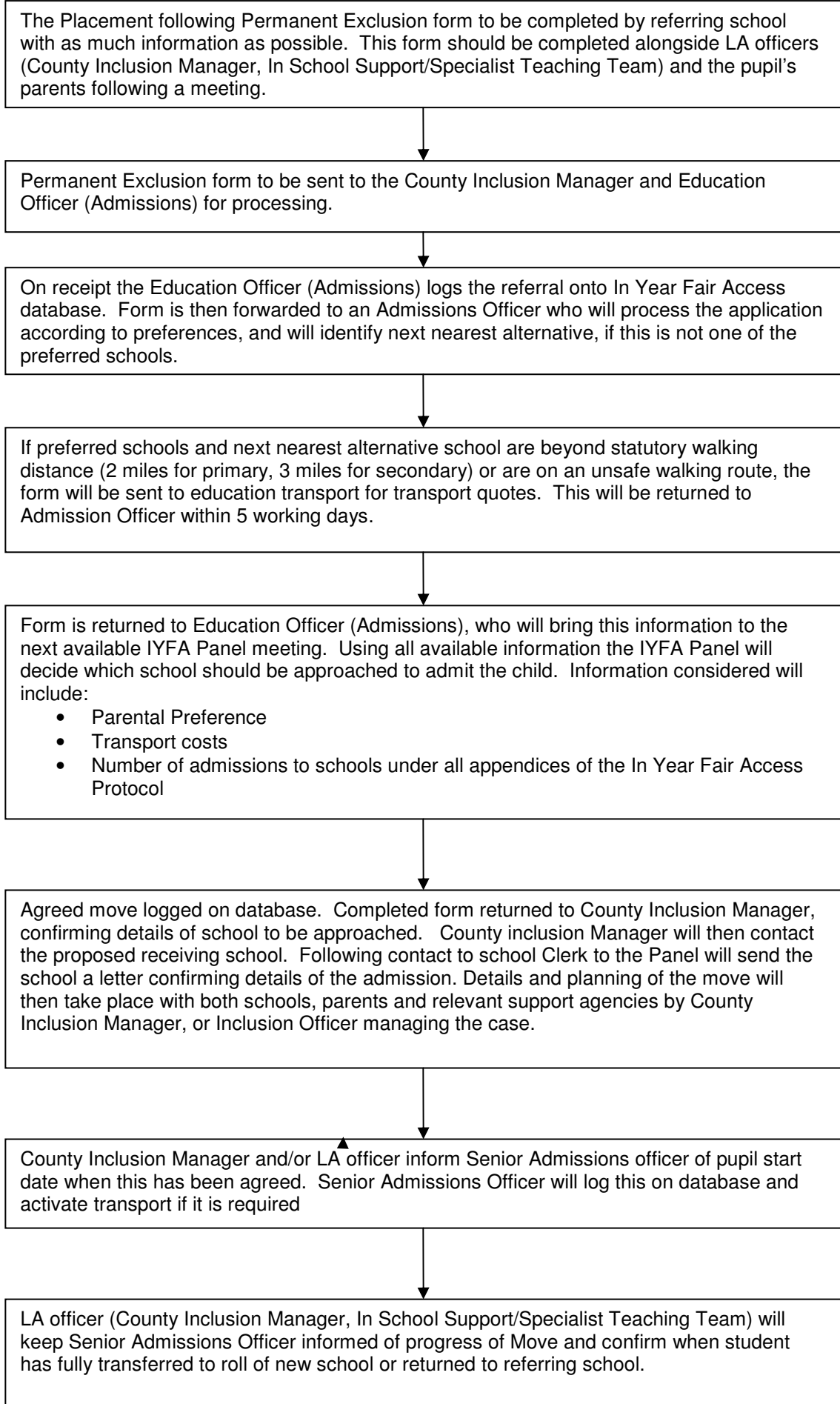
take forward	
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4.This section to be completed by Managed Move Officer and Headteacher of receiving school			
Name of Receiving School			
Headteacher			
School Contact Person		Contact Details	
Date of Meeting to agree planning and start date for Managed Move		Agreed Start Date for pupil	
Headteacher's Signature		Date	
Managed Move Officer Signature		Date	

PROTOCOL TO DETERMINE PLACEMENT OF A CHILD FOLLOWING PERMANENT EXCLUSION

For information and advice on the exclusion process please refer to “Exclusion Guidance April 2010” available on the Education Portal or contact County Inclusion Manager on 01223 706342

Following the first permanent exclusion of a child the following process should be followed:



REQUEST FOR PLACEMENT FOLLOWING PERMANENT EXCLUSION FORM

<u>Type of Move:</u>				
1. This section should be completed and passed to Admissions before any school is approached as a possible receiver				
<u>Part A – To be filled in by referring school</u>				
Date of Request				
LA Inclusion Officer		Headteacher		
Name of Pupil		DOB		
Ethnicity		Sex		
Name of Parent/Carer		Relationship to child		
Address of Parent/Carer				
Contact Numbers: Home: Mobile: Work:				
Current School		School Year		
School Contact Person		Contact Details		
Pupil's SEN Status		Statement		
Is the Pupil Looked After?				
Does the Pupil receive free school meals?				
Date of CAF		Lead Professional:		
Date of PSP				
Number of Reviews		Most Recent Review to Date		
Previous schools attended (including those outside of Cambridgeshire) if known:				
Name		To		From
Name		To		From
Name		To		From
<u>Concerns</u>				
Incidents in school that have given rise to concern:				
Other (Please Specify):				
Total Number of Exclusions this Academic Year:				
<u>Strategies</u>				

Please briefly outline what positive strategies have been used to support the inclusion of this pupil prior to Managed Move request and any sanctions that have been used:

Any issues that may affect the success of a Managed Move at any school. Please give reasons:

Academic Ability – Teacher Assessments

Please comment upon the pupil's progress in the following subjects with reference to National Curriculum attainment levels. Please also give a general comment.

KS 1/2/3 (See KS 4 separately)

Key Stage Level		
Subject	NC Level	Teacher Assessment/comment
English		
Maths		
Science		
ICT		
Overall Estimate and other appropriate information		

KS4 Only

GCSE etc currently being undertaken by the pupil. Please list subjects and include details of examination board/syllabus etc

Current assessment of performance – please indicate most recent assessment results, for example modular tests and portfolio assessments

Agency Involvement

Please indicate if the following agencies are involved with the pupil

Social Care Contact:

CAMHS Contact:

YOS Contact:

Locality Team Contact:

Health Contact:

Other (please specify) Contact:

Headteacher Signature			
Print Name		Date	
County Inclusion Manager Signature			
Print Name		Date	

Part B – To be filled in by the Pupil’s parent/carer			
I have been advised fully of my rights as a parent in relation to the permanent exclusion of my child and would like to express a preference for the following school. I understand that my preference will not necessary be able to be met.			
Preferred alternative school:			
Parent/Carer Signature		Date	
Parent/Carer Signature		Date	
Pupil Signature		Date	

2. This section should be completed by the Admissions Team with assistance from Education Transport and passed back to Senior Admissions Officer				
Admissions Officer				
Contact Number				
Possible Receiver Schools				
School	Distance from home (miles)	Place available?	Method of transport	Cost – per annum & for planned time at that school

4. This section should be completed by the Senior Admissions Officer			
Part A – to be filled in by Admissions			
Identified School/Schools			
Please give reasons as to why this school has been identified to be able to accept this child and any reasons as to why any other possible receiver schools should not take this child.			
Signature of Senior Admissions Officer:		Date	
Part B- to be filled in by Admissions			
Date of contact with proposed school by Admissions			
Date transfer to proposed school is agreed in principal			
Date Information passed to Managed Move Officer to			

take forward	
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4.This section to be completed by Managed Move Officer and Headteacher of receiving school			
Name of Receiving School			
Headteacher			
School Contact Person		Contact Details	
Date of Meeting to agree planning and start date for Managed Move		Agreed Start Date for pupil	
Headteacher's Signature		Date	
Managed Move Officer Signature		Date	

Reintegration from Alternative Provision

It is acknowledged that some students may be referred to alternative provision sometime during their school career. These referrals will be made according to the local BAIP arrangements. If a child is engaged in alternative provision the following is assumed:

- Students will remain on the roll of their mainstream school.
- School, parents, student and alternative provider will meet regularly to review provision etc
- Students will be expected to return to their mainstream school at an appropriate point
- Parents are supportive of the school and the strategy being used to maintain their child's education and are involved in the process
- The aim should be for the student to return to mainstream school if all concerned agree and a planned strategy is in place.

For these reasons Admissions would not expect to see an application from parents for an In Year Transfer while their child is in alternative provision.

There may be occasions following a period of time in alternative provision when all parties agree that a transfer to a different mainstream provider would offer a better chance of successful ongoing education. In these rare circumstances it would be appropriate for the alternative provider to complete a 'Reintegration from EOTAS Referral Form' (at the end of this appendix). This should be forwarded to the Senior Admissions Officer and the County Inclusion Manager. The form will then be process in the same way as a Managed Move form. A student entering a school in these circumstances would be counted as a Fair Access admission.

Fair Access Protocol – students engaged in EOTAS

EOTAS students will fall into the following categories in terms of the provision made for them:

- PRU – KS3; and
- PRU – KS4

All students retain right of access to mainstream education. However, students who have been subject to two permanent exclusions or managed moves (the latter can only take place in Cambridgeshire when there are tested grounds for permanent exclusion), or who have a statement of special educational need that stipulates that their needs are best met 'other than through a mainstream school', a mainstream placement is extremely unlikely.

PRU students

All Cambridgeshire's PRUs are involved with the education of KS3 and KS4 students, with the exception of the Pilgrim PRU based on the Ida Darwin and Addenbrooke's sites (students referred here will always return to school once medical advice indicates that they are able so to do). At the point of referral (or exclusion) an Individual Action Plan/Programme will be drawn up between the PRU and the referring (or excluding) school. This plan/programme will identify the educational needs of the student and the provision to be made to meet those needs. Such provision may be made with a view to return to the referring school or as a full time alternative to school throughout the remainder of the

student's KS4 provision. Equally the plan may involve shared provision with the referring school. It is the joint responsibility of PRU heads, referring (excluding) schools and locality Connexions workers to ensure that every student has access to appropriate advice and support in accessing KS5 education, employment or training once they attain school leaving age.

Where KS3 students are *referred* out of a school for a period of EOTAS, it is expected that the school will agree with the EOTAS provider:

- a review date
- the nature of the programme to be followed.

The responsibility for ensuring a return to school lies between the Head of the PRU (or the appointed member of staff from the PRU) and the appointed member of senior staff in the mainstream school.

Medical support and tuition:

Education (other than in hospital) for students with medical needs that prevent them from attending school is provided by the students' current school in liaison with the medical practitioners involved with the individual student.

Schools will only provide education for students who are medically certified to be unable to attend school on receipt of information confirming illness/absence from a medical specialist, e.g. community paediatrician or secondary specialist (e.g. Psychiatrist, Cardiologist, Orthopaedic Surgeon).

Medical needs students should have their needs re-assessed at a minimum of six monthly intervals. At each review a decision will be taken as to what is in the best interest of the young person. Whenever medical colleagues are of the opinion that a full return to mainstream provision is in the student's best interests, then this should be negotiated with the school.

At all stages the advice of medical practitioners must be sought and heeded in terms of the nature of provision made.

REINTEGRATION FROM EOTAS REQUEST FORM

<u>Type of Move:</u>					
1. This section should be completed and passed to Admissions before any school is approached as a possible receiver					
<u>Part A – To be filled in by referring school</u>					
Date of Request					
Named LA Officer		Headteacher			
Name of Pupil		DOB			
Ethnicity		Sex			
Name of Parent/Carer		Relationship to child			
Address of Parent/Carer					
Contact Numbers: Home: Mobile: Work:					
Current School		Year Group			
School Contact Person		Contact Details			
Pupil's SEN Status		Statement			
Is the Pupil Looked After?					
Does the Pupil receive free school meals?					
Date of CAF		Lead Professional:			
Date of PSP					
Number of Reviews		Most Recent Review to Date			
<u>Previous schools attended (including those outside of Cambridgeshire) if known:</u>					
Name		To		From	
Name		To		From	
Name		To		From	
<u>Concerns – Please provide full details</u>					
Incidents in school that have given rise to concern:					

Other (Please Specify):

Total Number of Exclusions this Academic Year:

Strategies

Please briefly outline what positive strategies have been used to support the inclusion of this pupil prior to the reintegration request and any sanctions that have been used:

Any issues that may affect the success of a reintegration to any school. Please give reasons:

Academic Ability – Teacher Assessments

Please comment upon the pupil's progress in the following subjects with reference to National Curriculum attainment levels. Please also give a general comment.

KS 1/2/3 (See KS 4 separately)

Key Stage Level		
Subject	NC Level	Teacher Assessment/comment
English		
Maths		
Science		
ICT		
Overall Estimate and other appropriate information		

KS4 Only

GSCE etc currently being undertaken by the pupil. Please list subjects and include details of examination board/syllabus etc

Current assessment of performance – please indicate most recent assessment results, for example modular tests and portfolio assessments

Agency Involvement

Please indicate if the following agencies are involved with the pupil

Social Care Contact:

CAMHS Contact:

YOS Contact:

Locality Team Contact:

Health	<input type="checkbox"/>	Contact:
Other (please specify)	<input type="checkbox"/>	Contact:

Headteacher Signature			
Print Name		Date	
County Inclusion Manager Signature			
Print Name		Date	

<u>Part B – To be filled in by the Pupil’s parent/carer</u>			
I have attended a review meeting of my child’s progress and agree that reintegration to an alternative school is my preferred option. I would like to express a preference for the following school. I understand that my preference will not necessary be able to be met.			
Preferred alternative school:			
Parent/Carer Signature		Date	
Parent/Carer Signature		Date	
Pupil Signature		Date	
NB a copy of the CAF and standard letter K from County Exclusion Guidance must be attached before the move can be processed			

2. This section should be completed by the Admissions Team with assistance from Education Transport and passed back to Senior Admissions Officer				
Admissions Officer				
Contact Number				
Possible Receiver Schools				
School	Distance from home (miles)	Place available?	Method of transport	Cost – per annum & for planned time at that school

5. This section should be completed by the Senior Admissions Officer	
<u>Part A – to be filled in by Admissions</u>	
Identified School/Schools	
Please give reasons as to why this school has been identified to be able to accept this	

child and any reasons as to why any other possible receiver schools should not take this child.			
Signature of Senior Admissions Officer:		Date	
<u>Part B- to be filled in by Admissions</u>			
Date of contact with proposed school by Admissions			
Date transfer to proposed school is agreed in principal			
Date Information passed to Managed Move Officer to take forward			

4.This section to be completed by Named LA Officer and Headteacher of receiving school			
Name of Receiving School			
Headteacher			
School Contact Person		Contact Details	
Date of Meeting to agree planning and start date for Managed Move		Agreed Start Date for pupil	
Headteacher's Signature		Date	
Managed Move Officer Signature		Date	

PROTOCOL FOR A CHANGE OF PLACEMENT FOR A CHILD/YOUNG PERSON WITH A STATEMENT OF SPECIAL EDUCATIONAL NEEDS

1. Purpose

A child/young person with a Statement cannot be subject to a Managed Move as described in appendix 4.

The following sets out the protocol for changing the placement named in a child's Statement of Special Educational Needs (Statement) when it is agreed that the current setting can no longer meet the child's needs. This should be considered as an exceptional situation and every effort taken to resolve difficulties so that the child can remain within the setting. While a change of setting is being agreed responsibility for the full time education of the child remains with the current setting.

2. Annual or Emergency Review

If a headteacher is seeking an exit strategy an Annual Review **must** be called and the SEN Casework Officer (CO) invited. It may not be possible at short notice for a CO to attend the meeting but every effort to re-arrange appointments should be made. The review must consider all the issues relating to the situation and ensure that the Statement has been implemented and all possible strategies and managed solutions explored. Having completed this and, if there is still concern that the current setting cannot meet the child's needs, the review needs to document that there is a recommendation for an alternative placement. Responsibility for the full time education of the child remains with the current setting until enrolment at a new setting is agreed and confirmed.

The review documentation will be received by the Statutory Assessment and Resources Team (START) and forwarded to the next available County Resourcing Panel (CRP) for consideration. If parents were not at the review meeting the CO will liaise with parents/carers about the outcome of the meeting. CRP will consider all relevant documentation and decide on the next steps. These may include recommending additional resources in the current setting, a specialist placement or a move to another mainstream school.

3. Process when the recommendation is that a move to another mainstream school is required

When the recommendation of the CRP is for a change in placement, the CO will write to parents advising them of the recommendation from CRP that a move to another school is required. START will ascertain whether the parents/carers have a preference of mainstream school placement. START will then formally consult with the nearest mainstream school and the parents/carers preference of school (if not their local school). The school will then have 15 days in which to respond to the request. If the school confirm that they are able to meet the child/young person's needs as outlined in their Statement or the Local Authority do not receive a response to the consultation, arrangements will be made for the school to be named in Part 4 of the Statement.

Should the school raise concerns regarding the proposed admission START will consider each case on an individual basis.

It must be remembered that the child's name remains on roll at their current setting until advised by the CO to remove the name from their roll.

The Local Authority must provide the parent/carer choice of maintained school, mainstream or special, for a child with a Statement provided it

can be clearly identified that:

- the school is suitable for the child's age, ability and aptitude and the special educational needs set out in part 2 of the Statement;
- the child's attendance is not incompatible with the efficient education of other children in the school; and
- the placement is an efficient use of the Local Authority's resources.

Process for the admission of children with a Statement of Special Educational Needs transferring into Cambridgeshire where the previous Statement names another Local Authority (LA) school/independent provision.

In accordance with the Department for Education Special Educational Needs Code of Practice (COP) paragraph 8:113:

'When the responsibility for a child with special educational needs changes from the LA maintaining the Statement (the old authority) to another authority (new authority) the old authority must transfer the Statement of Special Educational Needs to the new authority. Upon the transfer of the Statement the new authority becomes responsible for maintaining the Statement and for providing the special educational provision specified in the Statement.'

When a parent/carer of a child with a Statement of Special Educational Needs decides to move from another LA to Cambridgeshire they should contact the Statutory Assessment and Resources Team (START) to advise them of their intention to move into county giving details of their child's special educational needs. START will ask the parent/carer for specific details regarding the child's needs and will contact the old authority for copies of the Statement of Special Educational Needs and associated paperwork.

When a mainstream school is named in Part 4 of the Statement :-

If the Statement issued by the old authority names a maintained local mainstream school in Part 4, START will ascertain parents/carers preference of school. START will then formally consult with the local mainstream school and parents preference of school if not their local school. Once a place has been confirmed START will arrange the provision outlined in Part 3 of the Statement to the school offered. The Admissions Team will receive confirmation of the placement.

When a LA maintained special school is named in Part 4 of the Statement :-

If the Statement issued by the old authority names a LA special school in Part 4, START will formally consult with the local area special school for consideration. Once a school place has been identified parents will be asked to arrange a visit to the school. Following the visit school, parents and the LA will liaise and by agreement will confirm the offer of a school place. It will be important for Cambridgeshire LA to consider the needs of the child against the criteria for admission to an area special school/specialist provision, as LAs have very different criteria and thresholds for placing in special schools. In these instances the papers will be submitted to the County Resourcing Panel for consideration.

When an independent or non-maintained special school or a boarding school is named in Part 4 of the Statement :-

If the Statement issued by the old authority names an independent or non-maintained special school or boarding school in Part 4, Cambridgeshire LA will continue to maintain the school placement until such time that an Annual Review has taken place and the Statement has been formally amended. Any change of placement would be considered by the County Resourcing Panel.

When a parent/carer expresses a preference for a type of provision that is different to that named in Part 4 :-

If the parent/carer is requesting a change in the type of provision to the type of provision named in Part 4 this will need to be discussed in detail with START. START will then arrange for the paperwork to be considered by the County Resourcing Panel.

Following the move to Cambridgeshire a Transfer In Notice is issued which confirms that Cambridgeshire LA have adopted the Statement issued by the previous LA. It would then be the responsibility of Cambridgeshire LA to arrange the provision outlined in the Statement.

The COP paragraph 8:115 states that:

'The new authority, on the transfer of the Statement, brings forward the arrangements for the review of the statement, and may conduct a new assessment regardless of when the previous assessment took place. The new authority must tell the parents, within six weeks of the date of transfer, when they will review the Statement and whether they propose to make an assessment under section 323.

Officer Panel - Constitution and terms of reference

1.0 Title

- 1.1 The title of the Panel shall be "In Year Fair Access Panel", herein after referred to as the "Panel".

2.0 Role

- 2.1 The Panel is a body established by Cambridgeshire County Council in accordance with the In-Year Fair Access Protocol.
- 2.2 The role of the Panel is to:-
- (i) have regard to the aims and principles of the In-Year Fair Access Protocol
 - (ii) consider and identify for each case referred:
 - appropriate maintained school or alternative provision
 - transport implications and funding of transport
 - multi-agency support required
 - any other additional resources considered appropriate.
 - (iii) strike a balance between finding a place quickly and finding a place that is appropriate for the child
 - (iv) ensure that no school is asked to take an excessive or unreasonable number of pupils in relation to the nature of the pupils concerned

3.0 Constitution

- 3.1 The Panel will be made up of a minimum of 3 officers from the following list:

- County Inclusion Manager
- Education Officer (Admissions)
- Education Officer (Transport Policy and Strategy)
- Assistant Education Officer (Organisation and Planning Officer)

And

- A Cambridgeshire Primary School Headteacher
- A Cambridgeshire Secondary School Headteacher

- 3.2 The role of the headteachers will be to provide opinion and insight from a school perspective in respect of each case heard. However, the headteachers present will not be part of the decision making process for each case.
- 3.3 The Senior Admissions Officer – In Year Admissions, will act as Clerk to the Panel and will record, in note form, the discussions and decisions of the Panel.
- 3.4 Appointments to the pool of Panel members will be made by the Head of Infrastructure.

4.0 Meetings

- 4.1 Meetings shall proceed in accordance with the Council's Code of Conduct.

4.2 The Panel shall meet at least fortnightly and at such other times as shall be deemed necessary.

5.0 Conduct of Members

5.1 Members should act in accordance with the seven principles of public life: selflessness, integrity, objectivity, accountability, openness, honesty and leadership.

5.2 Panel members will necessarily acquire information that has not been made public. Panel members should never disclose or use confidential information for the personal advantage of themselves or of anyone known to them, or to the disadvantage of the Panel or anyone else.

6.0 Declaration of Interests

6.1 Members of the Panel shall declare an interest in any individually referred case.

6.2 In considering the declaration of any interest a Panel member should apply the following test: would a member of the public, knowing the facts of the situation, reasonably think that the member might be influenced by the interest?

6.3 Any member with an interest shall withdraw from any discussion of the proposal concerned and should not be present in any room where discussion and decisions are taking place, on request of the remaining Panel members. Any member remaining is expected to take a neutral role in discussions and decision making.

7.0 Quorum

7.1 For meetings to be valid there shall be present at least 3 of the listed officers.

8.0 Voting

8.1 Decision shall be reached by a consensus (general or widespread agreement) sought among the whole membership. Further meetings and/or further information may be required to achieve consensus.

9.0 Decisions of the Panel

9.1 The Panel shall determine the school to be asked to admit the child, the “named” or “identified” school, in the following cases:

- Managed Moves (Appendix 4 of IYFA Protocol);
- Reintegration of children from EOTAS (Appendix 6 of IYFA Protocol);
- Permanently excluded children (Appendix 5 of IYFA Protocol);
- In Year Fair Access cases for children not covered by the above appendices

9.2 Managed Move Cases – Cases will only be heard by the Panel where the following has been received by the Senior Admissions Officer:-

- A fully completed Managed Move form;
- A copy of the completed CAF;

- A copy of the letter issued to parents (as per CCC Exclusion Guidance – April 2010);
- Information has been received from all “identified” schools

9.3 Permanently excluded children – Cases will only be heard by the Panel where the following has been received by the Senior Admissions Officer:-

- A fully completed Permanent Exclusion form;
- A copy of the completed CAF;
- A copy of the letter issued to parents (as per CCC Exclusion Guidance – April 2010)
- Information has been received from all “identified” schools

9.4 The decisions of the Panel will be discussed with the “identified” school by the County Inclusion Manager, or a named LA Officer.

9.5 The County Inclusion Manager will advise the Clerk to the Panel following the discussion with the school. The Clerk will then write to the school to confirm the decision of the Panel. The letter will confirm to the school

- the decision to admit the child;
- the appropriate section of the In Year Fair Access Protocol under which the admission has been made;
- expected action regarding admission to the school; and
- the name of the officer managing the case, where this is not the County Inclusion Manager.

10.0 Admission to School

10.1 Admission to identified provision is expected within 2 weeks, and the child is to be placed on roll within 5 school days of the date of the letter from the Clerk to the Panel.

10.2 If a Cambridgeshire County Community or Voluntary Controlled school is identified as the one to admit refuses to do so, the Council will refer the matter to the Secretary of State, if agreement cannot be reached locally.

10.3 If a Voluntary Aided, Foundation or non-Cambridgeshire County Community school identified as the one to admit refuses to do so, the Council will direct the school to admit the pupil.

10.4 If an Academy is identified as the one to admit, and refuses to do so the Council will refer the matter to the Secretary of State for a decision.

11.0 Right of Appeal

11.1 Should any decision be in conflict with the preferences of parents the Council will inform parents of their right of appeal. Any decisions made by the Panel shall be made available for the admission authority when establishing their case for refusal.

12.0 Procedure for Referral and Consideration by Officer Panel of In Year Fair Access Cases submitted by Admission Officer

- 12.1 Admission Officer will identify the criterion under which the case should be considered as an In Year Fair Access Case, and complete a Panel referral form.
- 12.2 Completed referral form will be considered by the Senior Admissions Officer to determine whether this should be considered at this Panel.
- 12.3 Where it is considered appropriate for the case to be heard by the Panel, the Senior Admissions Officer will pass the form back to the Admissions Officer to seek any further information required prior to the meeting. The information required might include the following;
- Information obtained in discussion with the child, where appropriate;
 - Information obtained in discussion with the family;
 - Information from the current school;
 - Information from the preferred school/governing body as to why it is not appropriate to admit the child to the school;
 - Suitable alternative provisions and transport costing in preparation for the Panel Hearing.

APPROVED TRANSFER

An Approved Transfer is a move between schools agreed by the relevant services within the LA as being the only appropriate course of action for a child, given the exceptional circumstances of the situation.

The request for an in-year transfer to be treated as an Approved Transfer can be requested by the school, the Locality Team (LT) officer involved with the child/family, the admission officer managing the application or the parent/carer.

For any request for the in-year transfer to be deemed an Approved Transfer, the following criteria should all be met:

- parents/carers and school staff have exhausted the strategies available to resolve any difficulties the child is experiencing in the current school;
- support from the LT has been sought and strategies available have been exhausted;
- the child would benefit from a move to another school, i.e. the child is unlikely to encounter the same difficulties in the new school; and
- the child has not been permanently excluded, is not at risk of permanent exclusion and has not been the subject of a Managed Move.

The final decision whether an application for Mid-Phase Transfer should be treated as an Approved Transfer and free transport provided, where appropriate, will rest with an Officer Panel, constituted as per Appendix 9 of the protocol.

The case will be presented to the Officer Panel by the Admissions Officer handling the application.

If the outcome is 'Approved Transfer' and a place is available the place will be offered at the preferred school, unless there are legitimate grounds for refusal (see relevant extract from School Admission Code 3.31-3.32).

If it is not possible to meet the parent's preference, a place will be offered at the next nearest school with places and the parent informed of their right of appeal for a place at the preferred school.

Where an Approved Transfer is agreed, support with home to school transport will be given, where the school is beyond the statutory walking distance. Such cases are expected to be rare and will not include parental preference moves.

APPROVED TRANSFERS IN CASES OF ALLEGED BULLYING

When a parent/carer alleges that their child has been bullied at school, it may be because they feel that the school has not dealt with the matter to their satisfaction and may refuse to send their child to the school, whilst seeking a place at an alternative school.

A deadlock situation can occur when the parent feels that the school has not done enough to deal with the alleged bullying, and therefore will keep the child out of school, whilst the school feels that it has done all that is reasonable to address the issue. In this situation the school will decline to authorise the absence and should at this stage (if they have not already done so) refer the case to the Education Welfare Service (EWS).

The Education Welfare Officer (EWO) will carefully review the case. The EWO can make 3 recommendations following the conclusion of the review:

- the parents have behaved unreasonably and that they are using the pretext of the alleged bullying as an unacceptable reason for not ensuring the child's attendance, and therefore the case against the parents should continue to be pursued by the EWO in the normal way;
- an element of doubt exists as to whether the parents have behaved reasonably and that attempts should be made to renew dialogue between the school and the parents to bring about the child's return to regular attendance; or
- all reasonable steps have been taken by both parties, and the situation cannot be resolved successfully at the school, and therefore a change of school is required.

Where the EWO determines that the situation can only be resolved as an Approved Transfer assistance with transport will be offered as appropriate.

