

Fair Access Protocol

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Background and Introduction

The Education & Inspections Act 2006 introduced a requirement for each Local Authority to have in place a Fair Access Protocol (FAP). This Protocol is agreed by the majority of schools in the area and is there to ensure that, outside the normal admissions round, the most vulnerable children, are offered a place at a suitable school as quickly as possible and that the appropriate provision is put in place to ensure the needs of the children are met.

The Protocol also ensures that no school is asked to take a disproportionate number of children who have been excluded from their previous school or who have challenging behaviour. This is an important factor to consider as to overstretch a school and its resources would be detrimental to both the child being placed and the children currently at the school.

The School Admissions Code 2021, point 3.17, sets out the criteria to be used when considering applications under the Fair Access Protocol

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

The Fair Access Protocol is only intended to deal with exceptional circumstances and is **not** appropriate in the following circumstances:

- Children who are Looked After
- Children who have an EHCP
- Children moving into the county
- Children seeking to transfer school for personal/academic reasons
- Children who have been offered a place elsewhere but whose parents have declined that offer.

Parents **do not** have the right to request a Fair Access placement, even if the child meets the criteria for placement under the Protocol.

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

Section 1 - Key Principles of the Protocol

- 1.1 As outlined in the School Admission Code (section 3.10), the Fair Access Protocol sits outside of the normal admissions process and therefore:
- Schools cannot cite oversubscription as a reason not to admit a child who meets the criteria for placement under the Protocol. The school is, therefore, able to exceed their Published Admission Number (PAN) in order to offer a place for such pupils.
 - Formal admission appeals for hard to place children are not required before a pupil may be admitted under the Protocol and further, a pupil who has been denied a place at a school by the Independent Appeal Panel may still be admitted by that school, if it is identified under the terms of the Protocol, as being the most appropriate school for the child.
 - Children who meet the criteria for placement under the Protocol must be given priority for admission above other pupils who may be on the school's waiting list.
 - The parent retains the statutory right of appeal against the decision of their preferred school, to refuse their child a school place.
 - The parent retains the right to submit an in-year application for a place at an alternative school(s).
- 1.2 No school, including those with available places, should be asked to take a disproportionate number of children who have been excluded, who have challenging behaviour or who are placed via the Protocol.
- 1.2 There is no duty on local authorities or admission authorities to comply with parental preference when allocating places through the Fair Access Protocol, but their views must be taken into account. Consideration should always be given to:
- a. Home to school journey distance and whether or not it would be appropriate for the pupil to attend a school within or outside their immediate locality.
 - b. Representations made by the family regarding their preferred schools.
 - c. Representations made in advance by preferred schools as to the reason why it might not be appropriate for the child to be offered a place.
- 1.3 Decisions will be based on as comprehensive an understanding as possible of a child's needs and of the particular circumstances of the school or schools which might be approached with a view to offering the child a place. The aim being to seek to ensure the move to the new school will be successful.
- 1.4 This will include, where it is felt appropriate, the Authority convening a multi-agency meeting to which school representatives will be invited to agree how the child, family and the school at which a place will be offered can best be supported to ensure as smooth a transition as possible to that school.
- 1.5 All admission authorities recognise their collective responsibility for all pupils and will work collaboratively and with a sense of urgency to manage the admission of pupils referred through the Fair Access Protocol, involving multi-agency support, accessed where appropriate.

- 1.6 All admission authorities must participate fully in the operation of the Protocol. This includes making available a representative who is authorised to participate in discussions, make decisions on placing children via the Protocol and admitting pupils when asked to do so in accordance with the Protocol, even when the school is full. Decisions about admitting children under the Protocol can be made by one individual in an admission authority, provided that suitable authority has been delegated to that individual. The Local Authority will provide admission authorities with reasonable notice and information as to how and when discussions around the placement of children via the Protocol, will take place.
- 1.7 No school is automatically will be asked/approached to take another child with challenging behaviour, in the place of a child permanently excluded from that school. (Point 3.20 of the School Admissions Code.)
- 1.8 A child must be allocated a school place via the Protocol, within 20 school days. (Point 3.21 of the School Admissions Code.)
- 1.9 There is an effective process and decision-making framework for cases involving children who are or have been on roll at schools in neighbouring Authorities as a result of parental preference decisions.

This will include, where it is felt appropriate, the Authority convening a cross-border liaison meeting to which representatives from the neighbouring Authority, the school at which the child is on roll/has been on roll and Cambridgeshire schools which might be approached to take the child, with a view to reaching agreement on the best educational solution for the child in question.

Section 2 - Legislation and linked policies

- 2.1 Admission Authorities, Schools, Adjudicators, Appeals Panels, Local Authorities and Maintained Schools must comply with the **School Admissions Code** and the **School Admission Appeals Code**. Academies are required to comply with these codes as part of their Funding Agreements with the Secretary of State.
- 2.2 Other Local Authority linked policies are:

Cambridgeshire County Council's coordinated schemes of admission for Infant, Primary, Junior, Secondary and Academies (including free schools, and university technical colleges).

Cambridgeshire Behaviour and Attendance Improvement Partnership (BAIP) Funding and Service Level Agreement (SLA) 2021-2022. The BAIP work to try to prevent the requirement of 'Education Other than at School' and to ensure that if required, it is of high quality.

Section 3 - Home to School Transport Assistance

- 3.1 The Home to School Travel Assistance Policy applies to placements made under the Protocol. The Local Authority is required to provide free transport for all pupils of compulsory school age (5 to 16) to their *nearest suitable** school, when it is 2 miles or more (for primary age children) or 3 miles or more (for secondary age children). *This is

determined by the Authority as the nearest school with places available, that provides education appropriate to the age, ability and aptitude of the child and considering any SEN the child may have.

- 3.2 Where the parents express a preference for their child to attend a school that is not the school designated by the Local Authority, and a place is offered, the parents will be responsible for making and funding the travel arrangements to and from that school.
- 3.3 In line with the requirements of the Education Act 2006, the local authority will provide free transport for all young people of secondary school age living in low income families **if** they are eligible for free school meals or their parents are in receipt of the maximum Working Tax Credit, to one of their three nearest schools, more than 2 miles away but no more than 6 miles; and the nearest suitable school preferred on the grounds of religion or belief, no more that 2 miles away but no more than 15 miles.
- 3.4 Where transport assistance is agreed it will be provided at the beginning and the end of the school day, to and from the child's home address only. It will not be made available to enable the child to attend before and after school clubs or revision sessions. Should a child move house after a managed move or fair access placement has been agreed, the previously agreed transport arrangements will not continue and the parent will resume responsibility for this transport.
- 3.5 The type of transport assistance provided will depend on the services already operating within the area. Travel options include a travel pass on an existing public/Council contract service, the offer of parental mileage, a personal transport budget (to assist families in making their own arrangements). The Local Authority will determine the most appropriate means of transport on a case by case basis

The Home to School Transport Policy can be viewed at www.cambridgeshire.gov.uk/education/transport

Section 4 - Challenging Behaviour

- 4.1 Admission authorities **must not** refuse to admit a child on behavioural grounds in the normal admissions round, or at any point in the normal year of entry.
- 4.2 Where an admission authority does not wish to admit a child because it has good reason to believe the child may display challenging behaviour, it may refuse admission and refer the child for placement under the Fair Access Protocol (point 3.10 of the School Admissions Code), This provision should only be used if the admission authority has a particularly high proportion of children either with challenging behaviour or previously permanently excluded pupils on roll compared to other local schools and it considers that admitting another child with challenging behaviour would prejudice the provision of efficient education or the efficient use of resources. (Point 3.11 of the School Admissions Code.)
- 4.3 Admission authorities cannot, under paragraph 3.10 of the Code, refuse the admission of children who have an EHCP naming the school in question.
- 4.4 Admission authorities **must not** refuse to admit a child thought to be potentially disruptive, or likely to exhibit challenging behaviour, on the grounds that the child is first assessed for special educational needs (point 3.13 of the School Admissions Code).

- 4.5 Any child moving from a PRU or alternative provision setting to placement in a mainstream school via the Protocol, will be dual registered for a period of 3 months, except in cases where the previous placement is outside the area for which the Local Authority has responsibility. This ensures the transition period is supported and minimises the risk to the pupil and the receiving school, in the event the placement is unsuccessful. This provision will not apply to a child with an EHCP naming the school in question as these children **must** be admitted (point 3.12 of the School Admissions Code).

Section 5 - Operation of the Protocol

- 5.1 The Fair Access Protocol operates alongside and is underpinned by the following:
- Managed Move Protocol;
 - Protocol to determine placement following Permanent Exclusion;
 - Approved Transfer Process;
 - In Year Admission Arrangements for all Maintained and Academy Schools 2021/2022
- 5.2 The Authority has established a Fair Access Panel for the specific purpose of considering and reaching decisions on the admission of children who meet one or more of the criteria set out in the Background Section above.
- 5.3 Cases can be referred to the Panel by any of its members, any school or by the Policy & Operations Manager for Admissions.
- 5.4 The Policy & Operations Manager: Education Appeals & Fair Access (Clerk to the Panel) will provide schools with all relevant information in respect of any child they are asked to admit through the Fair Access Protocol, to enable the school to build in appropriate integration support as necessary.
- 5.5 Schools will respond to requests for information from the Panel, within 5 days, to ensure the admission of vulnerable children is not delayed and that the requirement for children to be offered a place within 20 school days is met.
- 5.6 Parents are asked to provide information through the In-Year School Application Form, to help identify whether a child meets the Fair Access Protocol criteria. Information is also requested from the previous or current school, as appropriate. This will be used to inform consideration and decisions on how best to support a child's admission.

Section 6 - Identification of children who meet the Fair Access Protocol

6.1 Fair Access 'Challenging Behaviour'

- 6.1.1 Challenging behaviour is defined as where it would be unlikely to be responsive to the usual range of interventions to help prevent and address pupil misbehaviour or it is of such severity, frequency or duration that it is beyond the normal range that schools can tolerate. It is expected that this behaviour would be viewed to significantly interfere with the pupil's/other pupil's education or jeopardise the right of staff and pupils to a safe and orderly environment. A child with challenging behaviour may be disabled, as defined by the Equality Act 2010.

6.1.2 The School Admissions Code (Section 1.9g) states that when considering admission, reports from previous schools about past behaviour, attendance, attitude or achievement, **must not** be taken into consideration. Section 1.9g does not apply where an admission authority takes account of past behaviour as evidence for concerns about challenging behaviour, solely for the purpose of making a decision on whether it would be appropriate to refuse admission on the basis described in 3.10 of the School Admissions Code.

6.2 Managed Moves

6.2.1 A Managed Move is where a student may transfer to another school as a positive alternative to permanent exclusion, and where the Headteacher of the student's current school can evidence that the pupil could succeed in another mainstream setting.

6.2.2 Managed Moves for students from the second term of year 10 and beyond will not be considered by the Panel unless these are the result of a one-off incident or there are extenuating circumstances.

6.2.3 All Managed Move requests must be referred to the Behaviour Panel initially and if agreed, then be referred on to the Fair Access Panel for arrangements to be finalised.

6.2.4 A Managed Move Referral Form must be completed in all cases by the student's current school, providing as much information as possible to enable a decision to be made on how best to support the student's admission and transition to another school or educational setting. This must be agreed with the parent/carer and the relevant assigned Local Authority Officer. All parties must sign the form. A letter detailing the agreement must also be issued to the family, by the student's current school. The information provided **cannot** be cited by another school or educational setting as a reason to refuse admission.

6.2.5 The minimum information required by the Fair Access Panel before it will consider a case is as follows:

- Confirmation that it has been referred to and considered by the Behaviour Panel
- A fully completed and signed Managed Move Form
- A copy of the completed Early Help Assessment (EHA)
- A copy of the Individual Alternative Education Plan (IAEP)

6.2.6 If transport is likely to be required to the new school due to the distance involved, the Policy & Operations Manager: Education Appeals & Fair Access (Clerk to the Panel) must be informed of this at the earliest opportunity, in order for any costs involved to be taken into account as part of the decision-making process.

6.3 Admissions following Permanent Exclusion

6.3.1 Following a permanent exclusion being issued the admission authority must, without delay, notify the governing body and the Education Inclusion Officer/SEND Services.

6.3.2 The governing body must hold a Discipline Committee within 15 school days of the exclusion being issued. The Discipline Committee is responsible for reviewing the Headteacher's decision to exclude a pupil. The Local Authority must be invited to all Discipline Committees where the exclusion is permanent.

- 6.3.3 The excluding school will be asked to provide information about the needs and learning of the student. This will be used to inform consideration and decisions on how best to support a child's transition into a new school/education setting. The information provided **cannot** be cited by an admission authority, as a reason to refuse admission.
- 6.3.4 From the 6th day of the permanent exclusion, responsibility for the provision of education falls to the local authority who must put in place and monitor the appropriate provision.
- 6.3.5 When a decision to permanently exclude a child is upheld by the school's governors/trust board and, where applicable, been subject to independent review, the child's parent/carer will be contacted by the Education Inclusion Officer (EIO)/SEND Services to advise them to complete an In Year Application form naming up to three schools in order of preference. The relevant officer will alert both the Admissions Manager and the Policy & Operations Manager: Education Appeals & Fair Access (Clerk to the Panel) to expect an application from the parent.
- 6.3.6 On receipt by the Admissions Team, the application will be forwarded to the Policy & Operations Manager: Education Appeals & Fair Access (Clerk to the Panel) for consideration and collation of information, to be provided at the next available Fair Access Panel meeting.

Section 7 - Decision Making Process

- 7.1 In all cases, all of the following points will be considered by the Fair Access Panel when making their recommendations:
- a) Information obtained in discussion with the child, where appropriate.
 - b) Information obtained in discussion with the family.
 - c) Information from the current school and, where appropriate, other Local Authority.
 - d) Names and contact details of any professionals already working with the child and/or family together with relevant and up-to-date reports from them detailing their involvements and assessments of what they consider would be in the best interests of the child.
 - e) A list of possible alternative school placement options, including any named by the parent/carer or provision based on distance and geography.
 - f) The number of Fair Access 'admissions made previously in the academic year under this Protocol to the schools identified as possible options for admission.
 - g) The admission of looked after children, previously looked after children or children with a statement of special educational needs naming the school.
 - h) School Census information, namely numbers on roll and the PAN of the current year group.
 - i) The cost of transport to possible alternative schools.
 - j) Travel distances and likely travel times to possible alternative schools to ensure that these would comply with the Council's home to school/college travel policy of 45 minutes for a child of primary school age and 1 hour 15 minutes for a child of secondary school age each way, not including the time taken to reach a pickup/drop off point.
- 7.2 The Panel may:
- a) Require additional information in order to reach a decision.

- b) Decide that it would be appropriate to convene a multi-agency meeting as soon as practically possible to involve all the schools being considered as possible options for the offer of a school place, to inform the decision of what would be in the best interests of the child.
- c) Consider it appropriate to refer a case involving a child who is on roll/has been on roll at a school in a neighbouring Authority or who lives close to the border with a neighbouring Authority for identification of alternative school placement options in that Authority's area of responsibility.
- d) Decide that it would be appropriate to convene a liaison meeting as soon as practically possible to involve representatives from a neighbouring Authority and schools being considered as possible options for the offer of a school place to inform the decision of what would be in the interests of the child.

Section 8 - Process of approaching the school identified for admission of the child

- 8.1 Where the decision of the Panel is that the child should be admitted under the Fair Access Protocol, a letter including the reason why the application was considered as a Fair Access case, together with a copy of relevant referral form, will be sent to the identified school by the Policy & Operations Manager: Education Appeals & Fair Access (Clerk to the Panel). A pupil information form will also be sent, which aims to provide the receiving school with full details about the child's needs, academic level, subjects being studied etc. Please see Appendix 5 which outlines the content of this form.
- 8.2 All schools are expected to respond within **5 school days of receipt** of the Panel's request for admission, to avoid delay in the admission of vulnerable pupils. The School Admissions Code states that children must be allocated a school place via the Protocol, within 20 school days.
- 8.3 There is an expectation that the school will agree to the request, unless they can cite exceptional circumstances (outlined in Section 9 below). If a school wishes to express exceptional circumstances, they must respond to the request, in writing, within 3 days of the approach.
- 8.4 For Managed Move admissions, the child's parent/carer will be kept up to date, by the Education Inclusion Officer/SEND Services of both the Panel's decision and the school's response. Where a school refuses to offer the child a place, the parent/carer will be informed of their right of appeal against that decision.
- 8.5 For Fair Access In-year school application admissions, the child's parent/carer will be kept up to date of the status of their application by the designated Admissions Officer. Where a school refuses to offer the child a place, the parent/carer will be informed of their right of appeal against that decision and that the SENDIASS can offer support with the appeals process.
- 8.6 Where the school agrees to admit the child, but this is not one of the parent/carer's preferred schools, they will be informed by the Admissions team of their right of appeal for a place at one of their named preferences and that the SENDIASS can offer support with the appeals process.
- 8.7 The school will place the child on roll within **5 school days** of the date of having discussed the child's admission with the parent/carer and agreed any transitional and additional support arrangements deemed necessary. Fair Access admissions will be recorded in the Fair Access Management Information Data.

- 8.8 In exceptional circumstances, the Panel may agree a 'retrospective' Fair Access admission. If a child has been allocated a school under the normal admissions process and subsequent investigation established that the pupil meets the Fair Access Protocol criteria, then that admission authority may request the child be 'retrospectively' deemed as a Fair Access admission. Full details regarding the child and the reasons for a request for retrospective fair access consideration, must be sent to the Policy & Operations Manager: Education Appeals & Fair Access (Clerk to the Panel), within 6 weeks of the date the child started on roll. The case will be presented at the next available Panel meeting.

Section 9 – Exceptional circumstances for a school refusal to admit a child under the Fair Access Protocol

- 9.1 There are limited exceptional circumstances when the admission authority for a school can legitimately refuse admission. These are as follows:
- a) Exceptional physical illness of a child, where an established risk assessment for the child with a serious illness can evidence that an admission may pose a serious risk to their health and safety e.g. the child may suffer fatal injury due to potential behaviour issues or the size of the classroom the child would be taught in would pose a hazard to them (this could be the case if the child has a wheelchair).
 - b) Exceptional breakdown in the relationship between the school and the family.
 - c) Where the school has been asked to admit pupils under the Fair Access Protocol for the same year group, within the same term, which would make an additional admission disproportionate.
 - d) Infant Class Size legislation.
 - e) Where the child has been permanently excluded from the school in question.
 - f) Where the school has a particularly high proportion of children with challenging behaviour or previously excluded children **and** the school is judged as 'inadequate' or has recently come out of this category. It is important to note that the Panel will take into consideration the admissions that have come through the Fair Access process and have been formally recorded on the Management Information Data. The Panel **cannot** consider moves agreed between schools, outside of the Fair Access process.

Children **should** be admitted in all other circumstances.

Section 10 – Where a Panel decide a child is not school ready

- 10.1 The needs of children who are not ready for mainstream schooling will be met, by the school designated, in accordance with the procedures established on a local basis for Alternative Provision. Given the size and diversity of the county, Alternative Provision is offered through a variety of methods, including education settings and individual tuition. Individualised support within a mainstream school setting is also a possibility.
- 10.2 Secondary schools hold a Service Level Agreement (SLA) with the Local Authority for the provision of the Behaviour and Attendance Improvement Partnership (BAIP). This agreement sets out the role and responsibilities for the funding of alternative education. Specifically, the SLA states *"All pupils will remain on or be placed upon a school roll. The principle is for all pupils to belong to a school and for schools to have continuing responsibility for the pupils and for their results. The default position is that a pupil will be placed on the roll of the catchment school."*

Section 11 - Appeals against the Panel's Decisions

11.1 Maintained schools – Local Authority Schools – Community and Voluntary Controlled

The governing body can request a review of the Panel's decision by informing the Authority of its decision to refuse to place the child on roll and reasons for refusal in writing. These must be both **relevant** and **substantial** in order for the review request to be considered at the next meeting of the Fair Access Panel. Where the Panel decides to uphold the original decision, a letter will be sent to the school informing them that:

- As the admission authority, the Local Authority is requesting the school offer the place to the child and they be put on roll immediately;
- the governing body of the school have the right to refer their case, setting out their decision to refuse admission to the child and the reasons given by the Panel for their decision, Strategic Admissions and Attendance Manager. It must notify the Policy & Operations Manager: Education Appeals & Fair Access (Clerk to the Panel) of its intention to do so and reasons for refusal in writing within **15 calendar days**.

The Local Authority will administer the appeals process for the school but will not support the refusal. The school will be responsible for presenting their argument against admission and must therefore attend the appeal hearing.

Where the Panel decides to uphold the governing body's decision not to offer the child a place, it will proceed to identify an alternative school placement.

11.2 Foundation and Voluntary Aided schools

The governing body of a foundation or voluntary aided school can request a review of the Panel's decision by informing the Authority of its decision to refuse to place the child on roll and reasons for refusal in writing. These must be both **relevant** and **substantial** in order for the review request to be considered at the next meeting of the Fair Access Panel. Where the Panel decides to uphold the original decision, a letter will be sent to the school informing them that:

- if they have not done so, they need to write to the parent refusing the offer of a school place and offering them their statutory right of appeal;
- the governing body of the school have the right to refer their case, setting out their decision to refuse admission to the child and the reasons given by the Panel for their decision, to the Office of the Schools Adjudicator. It must notify the Policy & Operations Manager: Education Appeals & Fair Access (Clerk to the Panel) of its intention to do so and reasons for refusal in writing within **15 calendar days**.

The Local Authority will not support or administer the appeals process for the school in this instance. The school will be wholly responsible for the administration and coordination of the appeal and appeal hearing.

Where the Panel decides to uphold the governing body's decision not to offer the child a place, it will proceed to identify an alternative school placement.

11.3 Academies and Free Schools

The governing body or trust of an Academy or Free School can request a review of the Panel's decision by informing the Authority of its decision and reasons for refusal in writing. These must be both **relevant** and **substantial** in order for the review request to be considered at the next meeting of the Fair Access Panel. Where the Panel decides to uphold the original decision, a letter will be sent to the school informing them that, if they have not done so, they need to write to the parent refusing the offer of a school place and offering the right of appeal and that alongside this, the Authority will be applying for a direction from the Secretary of State via the Education and Skills Funding Agency (ESFA) who acts on their behalf in these cases. A copy of the Authority's letter will also be sent to the Regional Schools Commissioner (RSC).

The Local Authority will not support or administer the appeals process for the school in this instance. The school will be wholly responsible for the administration and coordination of the appeal and appeal hearing.

Where the Panel decides to uphold the governing body or trust's decision not to offer a place to the child, it will proceed to identify an alternative school placement.

Section 12 - Escalation Procedure

- 12.1 Where the school refuses to admit the child following the Panel's decision, the case will be referred to the Strategic Admissions and Attendance Manager and the school will be notified of this. The Strategic Admissions and Attendance Manager will fully assess the circumstances of the case and determine how to proceed.
- 12.2 The Strategic Admissions and Attendance Manager will liaise with the school in question to seek to find a resolution. Where these discussions are unsuccessful, the Strategic Admissions and Attendance Manager will determine that a Direction be sought from the Secretary of State/Schools Adjudicator in the case of own admission authority schools, a place be offered in the case of maintained community and voluntary controlled schools, or an alternative school placement is sought by the Panel.

Section 13 – Seeking a Direction

13.1 Procedure for a maintained school

- 13.1 The Local Authority can only make such a Direction in respect of a child in the local area, where every school within a reasonable distance has refused entry.
- 13.2 Before applying for a Direction, the Local Authority will notify the school of their intention to do so and give them 5 school days to respond. If no response is received, the Direction will be sought.
- 13.3 The Education Inclusion Officer/Access & Inclusion Co-ordinator managing the case will advise the parent/carer regarding the education provision the child will receive whilst discussions to direct a school are taking place.

13.2 Procedure for Voluntary Aided (VA) or Foundation School

The Local Authority can only make such a direction in respect of a child in the local area, where every school within a reasonable distance has refused entry.

Before applying for a Direction, the Local Authority will notify the school of their intention to do so and give them 5 school days to respond. If no response is received, the Direction will be sought.

The Education Inclusion Officer/Officer managing the case will advise the parent/carer regarding the education provision the child will receive whilst discussions to direct a school are taking place.

The school can appeal by referring the case to the Schools Adjudicator within 15 days. They must advise the Local Authority if they do this.

If the case is referred to the Adjudicator, the Adjudicator may either uphold the direction or determine that another school must admit the child.

13.3 Procedure for an Academy

The Local Authority will request the Secretary of State (via the ESFA) to intervene and direct an Academy to admit under the academy's funding agreement.

On requesting a Direction from the Secretary of State, the Local Authority must provide evidence that the provisions of the Fair Access Protocol have been applied in a fair and appropriate manner. It must set out the Academy's reasons for refusal and the Local Authority's response as to why it still considers the Academy to be the most appropriate school for the child.

On receipt of the request to direct, the ESFA will inform the Academy that it has received a request for a Direction. The Academy will be asked to provide any evidence in addition to what has already been supplied to the ESFA, that the process has not been applied fairly.

The Academy will have 7 days to respond.

The ESFA will also consider whether the Academy has been asked to accept a disproportionate number of children under the Fair Access Protocol, compared to other local schools. The ESFA may either uphold the direction or determine that another school must admit the child.

14. General School Processes for Pupil Absence

Pupils on roll at school but not attending

14.1 Where a pupil is not attending school regularly, the school will make enquiries regarding the child's whereabouts. The school may also wish to refer a child with persistent absence levels to the Local Authority Attendance Team. If a child is not attending school regularly, the parent/carer may be liable for prosecution by the Attendance Team.

Pupils on roll at school but not attending and whose whereabouts are unknown

14.2 Local authorities have a duty to put in place arrangements for identifying (as far as possible) children of compulsory school age who are not school registered or receiving

suitable education otherwise that at a school. Local authorities should trace those children and ensure that they receive full-time education,

- 14.3 Schools and the Attendance Team have responsibility to intervene when a child is not attending school regularly and their whereabouts are unknown. If after 10 school days of starting the investigations the child's whereabouts have not been established, the school must refer the case to the Local Authority's Children Missing Education Officer (CME) for them to complete the 20-day investigations.

Pupils with a School Attendance Order (SAO)

- 14.4 When a School Attendance Order has been issued, the parent is required to register the child with the named school.
- 14.5 If a pupil who has a School Attendance Order is registered at a school but not attending regularly, or the parent fails to register the child at the school, the parent may be liable for prosecution by the Attendance Team.

Procedure for securing a school place for a child subject to an SAO

- 14.6 As part of the Fair Access Protocol, the Panel will be approached by the Attendance Team/CME Officer to determine the school to be named on the Order.
- 14.7 The Panel will take into consideration the following factors:
- a) The nearest school to the child's home address, or the nearest school that has not admitted a child subject to an SAO during the academic year.
 - b) The child would not need to be placed on roll until and unless the parents had registered the child at the school.
 - c) If a child is admitted as a result of being named on an SAO, the admission would be regarded as an admission under 'School Attendance Order' on the Fair Access Management Information Data.

Section 15 - Constitution of the Fair Access Panel

- 15.1 The Panel will be chaired by the Assistant Director for Education.

Other Local Authority Officers invited to attend Panel members will be include:

- Strategic Admissions & Attendance Manager.
- County Alternative Education Provision & Inclusion Manager.
- Senior Exclusions Officer.
- Representative from the 0-25 SEND Service.
- Representative from the Schools Intervention Service.
- Policy and Operations Manager for Admissions.
- Access and Inclusion Coordinator.
- Representative from the Early Help Service.
- Representative from the Virtual School in cases involving children who were previously looked after.
- Policy & Operations Manager: Education Appeals & Fair Access (Clerk to the Panel).

Other optional panel members will include:

- Admissions Team Leader;
- Early Help Assistant Manager (EHAM).

15.2 At least three officers need to be present for the Panel to be quorate.

15.3 In addition, officers representing specialist services and the locality who have had direct involvement with the children who are the subject of the Fair Access process will be invited to attend and share their knowledge to help inform the Panel's consideration of and decision on those cases.

15.4 Head teachers who have referred a case to the Panel or whose school has been identified as a possible option for admission of a child subject to the Fair Access process will be invited to attend and provide information to aid the Panel's consideration and decision of those cases.

15.5 It is expected that all parties will act with a sense of urgency to identify a school place for any child referred through the Fair Access Protocol. Pupils identified as falling within the scope of the Protocol **must** be on roll no later than **20 school days** after the school identified under the Protocol has been approached.

15.6 The Panel will be supported and clerked by the Policy & Operations Manager: Education Appeals & Fair Access.

Section 16 - Meetings; record of decisions, management recording and process for sharing agreed outcomes

16.1 Meetings will be conducted in accordance with the Council's Code of Conduct.

16.2 During term time, the Panel will meet on a fortnightly basis.

16.3 The Policy & Operations Manager: Education Appeals & Fair Access (Clerk to the Panel) will keep suitable and appropriate records of cases and a record of decisions made and actions agreed, which will track progress through the various stages of the process for all children dealt with under the Protocol. The record of decisions and agreed actions will only be shared internally to Local Authority officers and will not be made available to schools.

16.4 The Policy & Operations Manager: Education Appeals & Fair Access (Clerk to the Panel) will maintain a management recording tool, to advise the Panel which schools are currently under consideration for active cases. Maintaining this record will ensure the decisions made by the Panel are fair and considered.

16.5 The fair access admission data will be shared on a termly basis with admission authorities and maintained schools.

16.6 Managed Moves

The Education Inclusion Officer/SEND Services will act as the contact link for the school and parent and keep them up to date with panel decisions. Once a move has been formally confirmed, the Policy & Operations Manager: Education Appeals & Fair Access (Clerk to the Panel) will write to the receiving school to formally acknowledge the move and to confirm the admission will be logged as part of the Management Information Data.

16.7 Fair Access Admissions

The Education Inclusion Officer/SEND Services/Admissions Officer will act as the contact link for the school and parent and keep them up to date with panel decisions. Once an admission has been formally confirmed, the Policy & Operations Manager: Education Appeals & Fair Access (Clerk to the Panel) will write to the receiving school to formally acknowledge the admission and to confirm the admission will be logged as part of the Management Information Data.

16.8 Admission following Permanent Exclusion

The Education Inclusion Officer/SEND Services will act as the contact link for the school and parent and keep them up to date with panel decisions. Once an admission has been formally confirmed, the Admission Appeals and Fair Access Officer will write to the receiving school to formally acknowledge the admission and to confirm the admission will be logged as part of the Management Information Data.

Section 17 - Conduct of Panel Members and Officers and Head teachers invited to attend

- 17.1 Members should act in accordance with the seven principles of public life: selflessness, integrity, objectivity, accountability, openness, honesty and leadership.
- 17.2 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.
- 17.3 Members of the Panel shall declare any personal interest or involvement in any of the cases under consideration.
- 17.4 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 that interest?
- 17.5 Any member with such an interest shall be asked by the Chair to withdraw from the meeting until discussion and decision on the case in question has been concluded.

Managed Move Protocol

Note that this protocol does not apply to students with an Education Health Care Plan (EHCP). These students 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 overnight 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 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.

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 or provider 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 – March 2021”.

It requires the agreement of the parent/carer of the pupil, the current school, and the Local Authority Education 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 15 weeks from the time they are admitted on a full-time basis to the new school. However, this period can be extended if all involved believed that this will be appropriate, it is agreed within a review meeting and deemed in the best interests of the young person. 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 Education 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. At this stage transport should have been confirmed and agreed before offer is made to parents and 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 an Early Help Assessment (EHA) should be considered for the child/family 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 school must continue to provide appropriate education. 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.

Managed Moves for students from the second term of year 10 and beyond will not be considered by the panel unless it is deemed a one-off incident or in extenuating circumstances.

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 student 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 relevant Local Authority Officer), Personal Education Plan (if the child is looked after) and an EHA 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 Local Authority must agree with this position informed by evidence provided of the previous interventions and assessments undertaken that have led to support in order to prevent permanent exclusion (see appendix A for checklist).
- The parent/carer of the pupil 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 referring school must provide appropriate education.
- Professionals working with the pupil believe that a change in school may result in improved behaviour/attendance.
- There is a consensus that mainstream education is still appropriate.

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

All referrals for Managed Move should be sent by email to the Education Inclusion Officer and Clerk to the Fair Access Panel for discussion.

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 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.
- Managed Moves will not be heard by panel unless they are presented by an Education Inclusion Officer or by the referring school after the Managed Move has been agreed by that officer and paperwork completed.

5. Criteria for selection of receiving school

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

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 FAP
- 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.
- Both schools involved should continue to support the PSP and/or EHA process to ensure a high level of support for the pupil on transfer. Reviewing the PSP and EHA

regularly should make up part of agreed transfer meetings to assess how the move is working.

The identified receiving school will be approached by either the EIO or the County and Deputy County lead for Alternative Provision and Inclusion.

6. 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.

A plan must be put in place 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 EHA processes. The EIO (Secondary) or Specialist Teaching Service (Primary) must take a lead on this to support the move.

EIO's will chair Managed Move meetings both initial and reviews for the duration of the move. EIO's will be responsible for sending meeting notes and agenda to all parties involved.

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 day's 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 student 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 student 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 student placement is at risk of breaking down within the agreed timescales, a review meeting must be held in order to discuss support needed for success before the student's return to the original referring school. If the move is successful the student 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.

7. Other school responsibilities

- **Terminating a managed move**

If it reaches the point where it should prove untenable for the move to continue, the Head teacher of the proposed school must contact the referring school and the Education Inclusion Officer by phone if possible, detailing the reason for considering terminating the arrangement. This should be followed by an emergency review meeting involving all parties where new targets are considered to enable that young person to have every chance of success prior to termination being considered.

- **The one-off incident**

Occasionally, a Headteacher will be faced with possible incident that warrants a permanent exclusion of a pupil in response to a serious one-off offence. Such situations will mean that a Managed Move ends immediately. These incidents may include:

Serious violence against another pupil or a member of staff.
Sexual abuse or assault
Supplying an illegal drug
Carrying an offensive weapon with intent to harm

When such incidents occur the Local Authority requests that a discussion takes place with the EIO to explore the context around the above.

- 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 EIO before any action is taken in this regard
- It is not expected that a Managed Move would have been deemed to have failed due to low level behaviours or poor attendance. In these instances, school should follow their usual process.

8. Monitoring and quality assurance arrangements

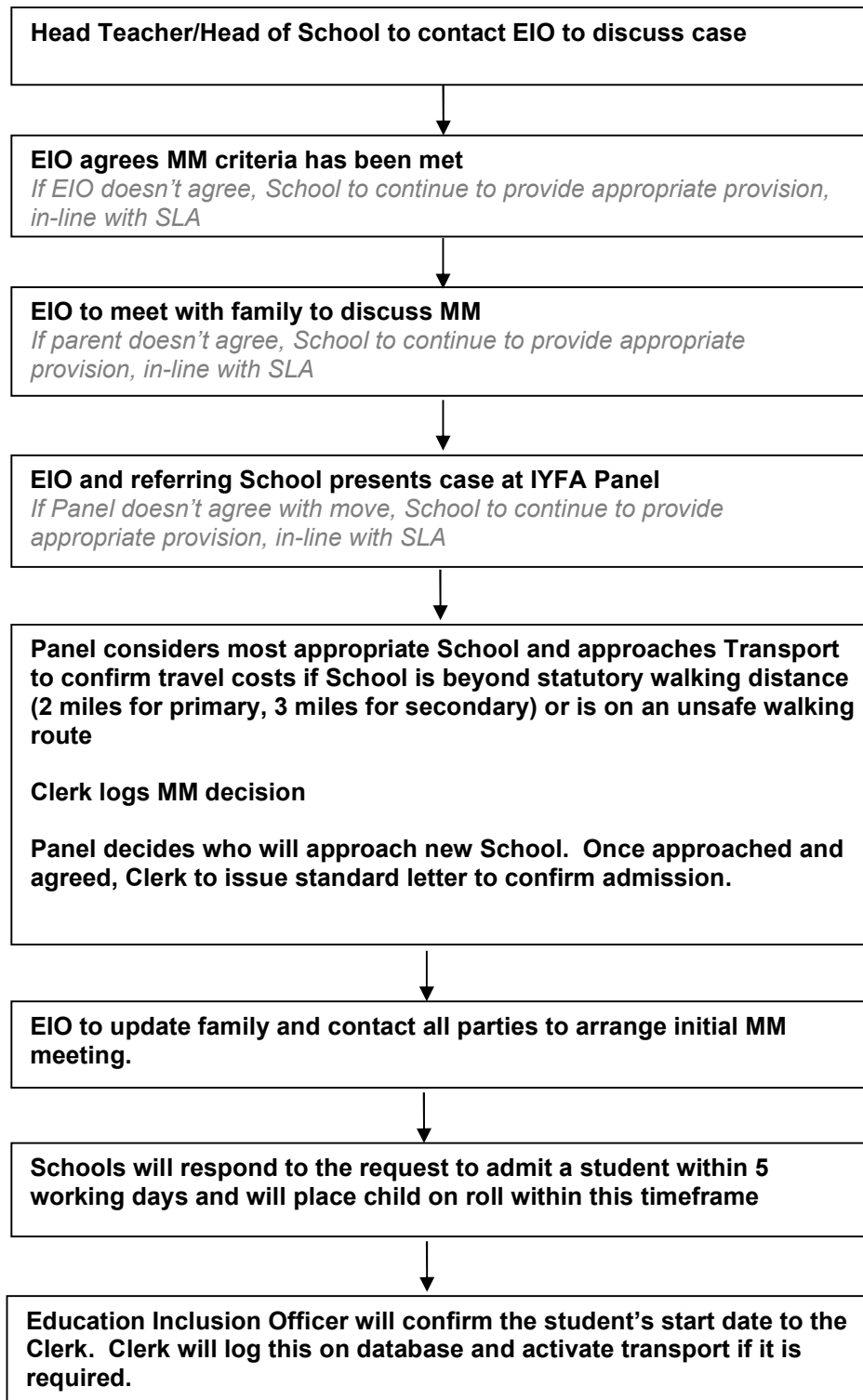
The LA will collect and publish information termly on the number of managed moves made and accepted on a school-by-school basis.

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.

9. Responsibility for the coordination of Managed Moves

LA Responsible Officer: Anna Wahlandt/Michael Kaoura

Managed Move process



MANAGED MOVE REQUEST FORM

<u>Type of Move:</u>			
Section 1: This section should be completed 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		Gender	
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			
Is the Student Looked After?	Yes / No		
Pupil Premium?	Yes / No		
Date of EHA		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	

Concerns

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 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.

Please also give a general comment.

KS 1/2/3 (see KS4 separately)

Key Stage Level

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

KS4 Only

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

GCSE	BOARD	CURRENT LEVEL	PREDICTED LEVEL

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 Student

Social Care	Yes / No	Contact:
CAMHS	Yes / No	Contact:
YOS	Yes / No	Contact:
Early Help District	Yes / No	Contact:
Health	Yes / No	Contact:
Other	Yes / No	Contact:

Headteacher Signature

Print Name _____ **Date** _____

Education Inclusion Officer Signature

Print Name _____ **Date** _____

Part B – To be filled in by the Student’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 preference option. I would like to express a preference for the following school. I understand that my preference will not necessarily be met.

Preferred alternative school: _____

Parent/Carer Signature _____ **Date** _____

Parent/Carer Signature _____ **Date** _____

Student Signature _____ **Date** _____

Part B – To be filled in by the Student’s parent/carer

I have attended a review meeting of my child’s progress on _____ 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 may not be met.

Preferred alternative school: _____

Travel Arrangements to allocated school

Travel assistance will be considered to the school, determined by the Local Authority, to be the nearest suitable school.

Should you choose for your child to attend an alternative school/a school further away, you will be responsible for making and funding those transport arrangements.

If transport is approved, the Local Authority will determine the most appropriate type of travel arrangement. This may include a travel pass for bus/rail or personal transport budget (to assist families in making their own arrangements or securing their own taxi). **Assistance by taxi is only considered in exceptional circumstances and agreed by the budget holder.**

Parent/Carer Signature		Date	
Parent/Carer Signature		Date	
Student Signature		Date	

Section 4. This section to be completed by Managed Move Officer and Headteacher of receiving school	
Name of receiving School:	Contact details:
Headteacher:	Agreed start date for pupil:
School contact person:	
Date of meeting to agree planning and start date for Managed Move:	
Headteacher's signature	Date:
Managed Move Officer signature	Date:

Appendix A completed and attached

Yes / No

Intervention Checklist to evidence support before request for Managed Move

Intervention	Date completed	Comments
Strengths and difficulties questionnaire		
Social and communication descriptors		
Dyslexia assessment		
Counselling		
Educational Psychologist		
CAMH		
EHA		
Speech and language assessment		
PSP Reports		
Amended timetable		
Discussion with EIO		
Working with external agencies		

Initial Managed Move Meeting Agenda

Attendees:

- EIO
- School staff from receiving school
- School staff from referring school
- Parent
- Carer
- Student
- Other agencies e.g. CAMH, YPW, Family Worker

Agenda

- Introductions
- Explanation of Managed Move by EIO
- Student view
- Parent view
- Referring school view
- Expectation of receiving school
- Practicalities – transport, school uniform, support to be put in place
- Review dates agreed

Managed Move Initial Meeting Form

Name of Student		Year:
Lead Staff for Original School		EIO:
Lead Staff for Receiving School		EIO:
Other Professionals involved (E.g. YPW, School Nurse, CAMH, CASUS)		

PSP and/or EHA (Y/N & state which)		Lead Professional:	
Date of next PSP/TAF Review			

Present at Meeting:	Date:
Name	Role

Student's Strengths (Subjects, extra-curricular etc.)	
Contribution from Student	
Contribution from	

Original School	
Contribution from Parent/Carer	
Contribution from EIO (if relevant)	
Strategies/Interventions discussed to support Move (list all strategies)	
Person Responsible	

Any Concerns (from student, parent/carer or School)	What can be done to support/resolve	Person responsible
Uniform to be provided by:		
Transport arrangements:		

Arrangements for first day (including date and start time)	
Staff contact for student/parent (from Receiving School)	

Actions	Person responsible	Timescale
Signature		Date
Original School:		
Receiving School:		
Student:		
Parent/Carer:		
EIO:		

Date of first Managed Move Review

Managed Move Review Form

Name of Student		Year:
Date of next PSP/TAF Review (if relevant)		
Present at Review:	Date:	Week No:
Name	Role	
Update from Receiving School (Including successes/improvements/progress etc)		
Student's Voice (What's going well? What are they enjoying? Anything they're finding difficult?)		
Contribution from Parent/Carer		
Contribution from EIO (if relevant)		

Strategies/Interventions currently in place to support Move (list all strategies)		
Additional Strategies /Interventions agreed (if above isn't working)		
What's in place to promote Positive Behaviour	Successful (Y/N)	If No, what else can be done
Any Concerns (from student, parent/carer &/or School)	What can be done to support/resolve	Person responsible
Actions	Person responsible	Timescale

Date of next Managed Move Review:

Signature	Date
Original School:	
Receiving School:	
Student:	
Parent/Carer:	
EIO:	

APPROVED TRANSFER

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

The request for an Approved Transfer can be submitted by the school, the Locality Team (LT) officer involved with the child/family, any other professional working with the child/family, the Admission Officer managing the application or the parent/carer.

To be deemed an Approved Transfer, the application must meet the following criteria and evidence provided by the officer/party making the referral request:

- 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 assessment of the professionals working with the child is that they 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 case will need to be referred to the Policy & Operations Manager: Education Appeals & Fair Access (Clerk to the Panel) to check that all the criteria have been met and supporting evidence provided. The Officer will then log the case and add it to the agenda for the next available meeting of the Fair Access Panel.

If a place is available at the parent/carer's preferred school and the Panel agree to approve the transfer, the school will be approached with the view of securing agreement to the offer of a school place.

If it is not possible to meet the parent's preference, the parent will be notified of this, together with their right of appeal against that decision, and asked to consider whether they would want to pursue the option of a securing a place at another school.

Assistance with travel costs will be only considered to the school, determined by the Local Authority, to be the nearest suitable school and that school is beyond the statutory walking distance, in line the Local Authority's Home to School Travel Assistance Policy. Should a parent/carer choose for their child to attend an alternative school/a school further away, they will be responsible for making and funding those transport arrangements.

The Local Authority will determine the most appropriate type of travel arrangement. This may include a travel pass for bus/rail or personal transport budget (to assist families in making their own arrangements). Assistance by taxi is only considered in exceptional circumstances and agreed by the budget holder.

REQUESTS FOR 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 Local Authority Attendance Service.

School Attendance Orders (SAO)

The Local Authority is obliged to take enforcement measures where it is established that there is no suitable education in place for a child of statutory age, and issue a School Attendance Order (Section 437, Education Act 1996).

In most cases, the situation is often resolved by the Children Missing in Education Officer who liaises with these identified families to find a solution, prior to any order. However, a number of cases do require the Local Authority to issue a School Attendance Order.

Where a School Attendance Order is deemed appropriate, the child's case will be referred to Fair Access, to determine appropriate the school placement. In determining the appropriate school placement, the Panel will consider the nearest schools to the home address and their current numbers in the year group. A school will be identified and the admission will be logged as part of the Management Information Data.

Approach to School – Example Letter

Dear

Fair Access Panel – Admission Request

Child's Name: XXXXXX (DOB XXXXXXX) – Year X

I am writing to you on behalf of the Fair Access Panel in relation to the above-named child.

XXX's case was referred to the Panel by XXXXX.

xxx Information provided about the case xxxx

The Panel have discussed the case at length and have taken into consideration schools close to the home address, and which might be suitable for xxxx. Your school has been stated as a preference and/or also being one of the closest schools, it was agreed that an initial approach be made to you to request your consideration to offering xxx a school place.

As a vulnerable student who has exhibited challenging behaviour, xxxx's admission would be recorded as a FAP admission.

If you have concerns about the admission and wish to discuss these with the Panel, please do let me know, providing me with your concerns/reasons for refusal, and the case will be schedule for discussion at the next meeting. In order for your concerns to be considered they must be relevant and substantial.

If the Panel maintain their decision that xxxx should be offered a place at your school, you retain the right to refer the case to the Office of the Schools Adjudicator/Education Skills and Funding Agency. The Local Authority will not support or administer this process so you will be wholly responsible for the administration and coordination.

Thank you in advance for taking the time to consider the Panel's request and I look forward to hearing from you.

Yours sincerely

Pupil Information Form

FAIR ACCESS PANEL – PUPIL INFORMATION FORM

<p>This form provides all known information relating to the pupil you have been approached for, to consider admission. If there is any information you would like to know that is not contained within this form, please contact samantha.bacon@cambridgeshire.gov.uk</p>			
Date of Request			
PUPIL PERSONAL DETAILS			
Name of Pupil		DOB	
Ethnicity		Sex	
Name of Parent/Carer		Relationship to child	
Address of Parent/Carer			
Contact Numbers: Home: Mobile: Work:			
Living Arrangements	At Home <input type="checkbox"/> With Extended Family <input type="checkbox"/> Fostered <input type="checkbox"/> Children's Home <input type="checkbox"/> Other <input type="checkbox"/> (please specify)		
Receiving Free School Meals?	Yes <input type="checkbox"/> No <input type="checkbox"/>		
CURRENT SCHOOL INFORMATION			
Current School (if applicable)		School Year	
School Contact Person		Contact Email and Phone Details	
SEN/PROFESSIONAL SUPPORT			
Pupil's SEN Status	K – SEN Support <input type="checkbox"/> E – EHCP <input type="checkbox"/> Current level of funding required Is additional TA support in place/required? YES <input type="checkbox"/> NO <input type="checkbox"/> Currently going through the advices stage in the EHCP Statutory Process YES <input type="checkbox"/> NO <input type="checkbox"/> EHCP declined <input type="checkbox"/> If declined – please provide the date and reason why.		

SEN Primary Need and short description	Communication and Interaction (C&I) <input type="checkbox"/> Social, Emotional and Mental Health (SEMH) <input type="checkbox"/> Cognition and Learning (C&L) <input type="checkbox"/> Sensory and/or Physical Needs (S&P) <input type="checkbox"/> Please include a short description below;	LAC/CiC	YES <input type="checkbox"/> NO <input type="checkbox"/>
--	--	---------	---

EHA completed?	YES <input type="checkbox"/> Lead Professional Lead Professional Contact Details Support Offered/Put in Place NO <input type="checkbox"/> If no, why not? Please provide more details in the school interventions section below
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MANAGED MOVES

Has the pupil been the subject of a Managed Move previously?
 YES
 NO

If yes, please provide the name of the school and whether the move was successful/unsuccessful.

Why was the move unsuccessful?

EXCLUSIONS

Permanent Exclusion: Reason

Fixed-Term Exclusions

Please detail how many days exclusion received and the reason for the exclusion.

Total Number of Fixed Term Exclusions this Academic Year:

Total Number of Internal Seclusion this Academic Year

Total Number of Fixed Term last 2 Academic Years

Total Number of Internal exclusions last 2 Academic Years

Date PEX was issued:

Date Discipline Committee Meeting took place:

Date pupil removed from school roll:

Have parents indicated they will be pursuing Independent Review?	YES NO	<input type="checkbox"/> <input type="checkbox"/>	
Has the student been referred to the LA for 6 th day provision?	YES NO	<input type="checkbox"/> <input type="checkbox"/>	
Please detail the provision that is currently in place			
Is pupil engaging with the provision?			
Education Information (attendance prior to permanent exclusion, unauthorised absence)			
MEDICAL/HEALTH INFORMATION			
Eating Disorder <input type="checkbox"/> Substance Misuse <input type="checkbox"/> Alcohol misuse <input type="checkbox"/> Inappropriate Sexual Conduct <input type="checkbox"/> SEMH e.g. anger management, self-esteem, anxiety, depression <input type="checkbox"/>			
Criminal Behaviour <input type="checkbox"/> Anti-social Behaviour <input type="checkbox"/> Challenging Behaviour <input type="checkbox"/>			
Has there been any Early Childhood Trauma or any links with Child Sexual Exploitation (CSE) or gang related incidents?			
Other Agency Involvement			
Please indicate if the following agencies are involved with the pupil			
Social Care	<input type="checkbox"/>	Contact:	
<table border="1"> <tr> <td data-bbox="65 1541 1262 1682">Outcome/Impact of involvement</td> </tr> </table>			Outcome/Impact of involvement
Outcome/Impact of involvement			
CAMHS	<input type="checkbox"/>	Contact:	
<table border="1"> <tr> <td data-bbox="65 1765 1262 1906">Outcome/Impact of involvement</td> </tr> </table>			Outcome/Impact of involvement
Outcome/Impact of involvement			
YOS	<input type="checkbox"/>	Contact:	

Outcome/Impact of involvement

Locality Team Contact:

Outcome/Impact of involvement

Health Contact:

Outcome/Impact of involvement

Other (please specify) Contact:

Outcome/Impact of involvement

Attendance Service Contact:

Outcome/Impact of involvement

EDUCATION/ASSESSMENT INFORMATION

Assessment Data in English (level/grade)	Y7	Y8	Y9	Y10	Y11
Assessment Data in Maths (level/grade)	Y7	Y8	Y9	Y10	Y11
Assessment Data in Science (level/grade)	Y7	Y8	Y9	Y10	Y11

GCSE Subjects

Subject	Exam Board	Minimum Target grade	Expected grade

Exam Board:

TRANSITION SUPPORT

What support will you be able to offer the receiving school?

Is there any ongoing support in place now, such as counselling, that could continue into the new school?

Preferred date of admission to selected school:

Review of placement at FAP calendared for: