

Southend-on-Sea Borough Council

John Williams – Strategic Director of Legal & Democratic Services

Our ref: RH/Education Board

Telephone: 01702 215000

Your ref:

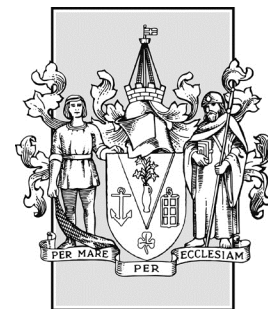
Fax: 01702 215994

Date: 29th October 2018

E-mail: committeesection@southend.gov.uk

Contact Name: Robert Harris

DX 2812 Southend



EDUCATION BOARD - TUESDAY, 30TH OCTOBER, 2018

Agenda Item 9 – Fair Access Protocol

Please find enclosed, for consideration at the next meeting of the Education Board taking place on Tuesday, 30th October, 2018 at 8.15am the following report that was unavailable when the agenda was printed.

Agenda No	Item
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| 9. | <u>Fair Access Protocol</u> (Pages 1 - 4) – report attached |
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Robert Harris
Principal Democratic Services Officer
Clerk to the Board
Legal & Democratic Services

Southend-on-Sea Education Board

Agenda
Item No.

9

On

Tuesday 30th October 2018

Report prepared by:
Catherine Braun, Head of Access and Inclusion

Fair Access Protocol – Managed Moves

1. Purpose of Report

- 1.1. To update Education Board on the use of Managed Moves within the current Fair Access Protocol (FAP) 2018, as agreed through the Headteacher consultation May 2018.
- 1.2. To identify to Education Board the concerns raised by one school regarding the inclusion of managed moves, (placed children) within the protocol.

2. Recommendations

- 2.1 Continue to include Managed Moves at the point of permanent exclusion as Fair Access criteria within the protocol and provide guidance for Fresh Start Managed Moves.

3. Background

- 3.1. The School Admissions Code 2014 s3.9 - 3.15 states: 'Each Local Authority must have a Fair Access Protocol, agreed with the majority of schools in its area to ensure that, outside the normal admissions round, unplaced children, especially the most vulnerable, are offered a place at a suitable school as quickly as possible.'
- 3.2. Southend Schools and Local Authority agreed the first Fair Access Protocol in 2013 which included a protocol for managed moves. The protocol identified two types of managed moves: 'fresh start' and 'at the point of permanent exclusion'.
- 3.3. An initial consultation with Headteachers in May 2016 identified that 80% of schools wanted managed moves at the point of permanent exclusion to remain within the FAP protocol and be counted as a FAP placement. In addition, there were a number of requests to tighten the managed move protocol and provide greater clarity on the two managed move options within the Fair Access Protocol.
- 3.4. Managed moves although not identified in legislation, are referenced in the DfE's statutory guidance, *Exclusion from maintained schools, academies and pupil referral units in England September 2017*: 'A pupil at any type of school can also transfer to another school as part of a managed move where this

occurs with the consent of the parties involved, including the parents and the admission authority of the school.'

- 3.5. The 2018 updated Fair Access Protocol continues to include a protocol and guidance for managed moves with greater clarity for both managed move options as requested. (Pages 10-12 and 14-16 *Making a Fresh Start Fair Access and Managed Move Protocols Southend on Sea May 2018*).
- 3.6. A 'Fresh Start Managed Move' is where a school and parents feel that a change of school might benefit the pupil as a strategy to address issues such as poor behaviour or persistent noncompliance with school policy. The protocol emphasises this option is not for the pupil who is at the point of permanent exclusion. Fresh start managed moves are voluntary, organised between schools and not counted within Fair Access admission placements. They involve a trial period where the child is dual registered before a decision is made to formally move a child onto the roll of the new school.
- 3.7. A 'Managed Move at the Point of Permanent Exclusion' (often referred to as an APEX) is considered where a child has reached the point of permanent exclusion. It is often after a permanent exclusion letter has been provided to a parent but before governor's have met and made a decision and is considered as an option for schools and parents to avoid the exclusion on the child's record. Again it is voluntary, requiring parental agreement but unlike the fresh start move, the child moves directly onto the home roll of the new school and removed from the excluding schools register, thus cancelling the permanent exclusion. The move is counted under one of the placement categories of Southend's Fair Access Protocol
- 3.8. During the academic year 2017/18 a total of 21 children avoided being permanently excluded by being admitted under category 3 of the Fair Access Protocol as a child at the point of permanent exclusion (APEX). The majority of these placements were made available at Victory Park Academy. These were for four primary and seventeen secondary children.
- 3.9. Forty-Seven fresh start managed moves were reported by schools to have taken place last academic year. Of those reported 60% were unsuccessful and pupils returned to the original school. It is due to the low success rate that schools requested greater clarity and guidance within the Fair Access and Managed Move Protocol to encourage schools to consider managed moves earlier, provide recommendations for timescales, information sharing, expectations, integration plans and outreach support.
- 3.10. The revised 2018 protocol reinforces the difference of the two managed move methods and which is counted under the protocol as a fair access admission (APEX). In relation to the statutory duty, schools can only be held to account regarding unplaced children and those reintegrating from a pupil referral unit, however schools have responded positively to having a local agreement for managed moves, reinforced through the FAP, to increase schools working together towards a shared agenda. The majority of schools have agreed to work to the principles of the statutory and non-statutory elements of the protocol to enhance joined up working in this area.

- 3.11. When the revised protocol was shared with schools in May 2018 for final consent and sign off, one secondary school raised 'serious reservations' regarding managed moves being included in the protocol. Their reasoning was due to managed moves not being a statutory process and requested that they operate under a separate protocol. They identified that 'FAP is for placing children who do not have a school place. By definition managed moves only apply to children who already have a school place.' The school in question requested further discussion at the Fair Access Panel and to refer the matter to Education Board.
- 3.12. According to the Admissions Code 2014, The list of children to be included in a Fair Access Protocol is to be agreed with the majority of schools in the area but must, as a minimum, include seven categories of children of compulsory school age who have difficulty securing a school place. The minimum categories include children currently placed within alternative provision pupil referral units who need to be reintegrated into mainstream provision. These are placed children on roll at Alternative Provision settings. Many Local Authorities have additional categories, including placements through managed moves.
- 3.13. Since the initial consultation and resulting preliminary revisions of the protocol piloted in 2017 and later reinforced in the 2018 revised protocol, there has been far greater attendance and engagement in Fair Access panels and practice of schools taking their fair share of children with challenging behaviours.
- 3.14. As a direct request from schools and Fair Access members, separate referral forms have been designed to support both types of managed moves. Information will continue to be analysed regarding numbers, year groups, schools and success rates, where information is shared with the local authority.
- 3.15. The protocol will continue to be reviewed annually with schools unless a decision is made to review earlier.

4. Other Options

- 4.1. If the Board share concerns for the inclusion of managed moves in the Fair Access Protocol and specifically reservations for identifying those at the point of permanent exclusion within the categories for fair access placement, the board may wish to recommend a working group with the aim of further consultation and revisions to the protocol.
- 4.2. Due to the Admissions Code 2014 stating that every Local Authority must have a protocol, the current 2018 protocol will remain in place until the working party reach agreement with the majority of schools for a revised protocol.

5. Reasons for Recommendations

- 5.1. By continuing to include managed moves for children at the point of permanent exclusion within the FAP placement criteria, Southend will reduce numbers of children requiring permanent exclusion for one off incidents. These are often out of character and not foreseen but where the Headteacher has made a decision that the child cannot return to the school.

- 5.2. In order to identify this area within the protocol, clarity and explanation regarding general managed moves referred to as fresh start managed moves is also necessary to avoid confusion. If schools sign up to the local agreement as laid out within the protocol, it may increase the success rate of these trial placements but also reinforce schools duty to readmit if the move does not work.

6. Corporate Implications

- 6.1 Financial Implications
None

- 6.3 Legal Implications
None. The statutory placements where not adhered to, are considered and where appropriate, upheld through the powers of the Secretary of State through the Admissions Code legislation. The non-statutory, fresh start managed moves are a local agreement where the aim, is all schools subscribe to and follow.

- 6.6 Consultation
Further changes to the protocol will require further consultation and agreement from the majority of schools. All admission authorities, including any that did not agree to the protocol, must participate in the Fair Access Protocol in order to ensure that unplaced children are allocated a school place quickly. (School Admissions Code 2014).

- 6.8 Risk Associated with the report
If rejected there is likely to be an increase in permanent exclusions both in the primary and secondary sectors.

6. Background Papers

- 6.1. School Admissions Code 2014
https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/389388/School_Admissions_Code_2014_-_19_Dec.pdf
- 6.2. Making a Fresh Start Fair Access and Managed Move Protocols Southend on Sea, May 2018
<http://www.southendlearningnetwork.co.uk/Article/57730>