

**Peterborough  
Fair Access Protocol  
September 2019-2020**

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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, unplaced children, especially the most vulnerable, 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.

Together with ensuring the secure placement of these children, the Protocol 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.

One of the authority's core values is that all children should receive a good quality education to help them fulfil their potential and one of its associated aims is to increase the percentage of children attending a good or outstanding school.

The School Admissions Code, point 3.15, sets out the minimum criteria to be considered under the Fair Access Protocol. Peterborough has divided these into two key areas; *Fair Access 'Challenging Behaviour'* and *Fair Access 'Children who have difficulty securing a school place'*. In determining whether or not an individual pupil falls within the scope of the Protocol, the Local Authority will consider the extent to which the following criteria are met:

### **Fair Access 'Challenging Behaviour'**

A child with Challenging Behaviour is identified as such in the following circumstances only:

- A child subject to a managed move;
- A child previously permanently excluded from school;
- A child currently attending a Pupil Referral Unit (PRU) in Peterborough or another local authority area;
- Children from the Criminal Justice System or attending a PRU who need to be reintegrated back into mainstream education;
- A child identified as being at significant risk of permanent exclusion; or
- A child who is Elective Home Educated (EHE); this is **only** appropriate where there is evidence that the child meets any of the criteria above.

These applications will be automatically referred to the Fair Access Panel for consideration and recommendation on suitable placement.

In addition, applications in respect of children meeting the following criteria may be referred to the Fair Access Panel for consideration and recommendation on suitable placement under this category:

- Children known to the police, or other agencies;
- Children without a school place and with a history of serious attendance problems resulting in previous annual attendance of below 70% and/or where legal action has been taken in relation to non-school attendance, and a school is needed to be named for the School Attendance Order;

Placement allocations made under this category will be recorded as **Fair Access 'Challenging Behaviour'** admissions, against the appropriate school.

Also included in the Fair Access Challenging Behaviour category are 'School Attendance Order' admissions. A School Attendance Order (SAO) is issued when the Authority is not satisfied that education is being provided otherwise than at school and where the Authority considers it expedient that the child should attend school. SAO admissions will be referred to the Fair Access Panel to recommend the appropriate school to be named in the resulting SAO to be issued to the child's parent/carer.

### **Fair access 'Children who have difficulty securing a school place/unplaced children'**

The definition of 'unplaced children' is those not on a school roll, whose parents have been unable to secure a school place through the normal admissions process and it has not been possible to secure a place at their catchment school/nearest school

Children who fall under this category are those:

- who have been out of education for longer than two months;
- of Gypsies, Roma, Traveller, refugees or asylum seekers;
- who are homeless;
- with unsupportive family backgrounds, where a place has not been sought;
- who are carers;
- with special educational needs, disabilities (SEND) or medical conditions, but do not have an Education Health Care Plan (EHCP).
- whose parents have been unable to find them a place after moving to the area, because of a shortage of places;
- withdrawn from schools by their family, following fixed term exclusions and unable to find another place; or
- A child who is Elective Home Educated (EHE); this is **only** appropriate where there is evidence that the child meets any of the criteria above.

These applications will not usually be referred to the Fair Access Panel but processed as part of In-Year applications by the Admissions Team. The resulting placement allocations will be recorded as **Fair access 'Children who have difficulty securing a school place/unplaced children'** admissions against the appropriate school.

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

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 statements/EHCPs;
- Children moving into the county, unless in one of the identified Fair access - 'Children who have difficulty securing a school place/unplaced children' vulnerable groups;
- 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 does meet the criteria.

## Section 1 - Key Principles of the Protocol

- 1.1 As outlined in the School Admission Code (section 3.9), the Fair Access Protocol sits outside of the normal admissions process and therefore:
- Schools cannot cite oversubscription as a reason not to admit a Fair Access child. The school is therefore able to go over their published admission number (PAN) 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 appropriate school to admit the child.
  - Fair Access children must be given priority for admission above other pupils who may be on the school's waiting list.
  - Under the terms of the Protocol, parents/carers of hard to place pupils who fall under the Fair Access 'Challenging Behaviour' category, do not have the right to demand a place at the school(s) they would prefer their child to attend.
  - The decision of the Fair Access Panel does not remove the parent's statutory right of appeal against the decision of their preferred school, to refuse their child a school place.
- 1.2 To ensure that:
- No school, including those with available places, is asked to take a disproportionate number of children who have been excluded from other school, or who have challenging behaviour.
  - There is no duty for local authorities or admission authorities to comply with parental preference when allocating places through the Fair Access Protocol. The Panel will however always consider:
    - 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;
    - Representations made by the family regarding their preferred schools; and
    - Representations made in advance by preferred schools as to the reason why it might not be appropriate for the child to be admitted;
  - Decisions are 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.
  - Due account will be taken of the need to strike an appropriate balance between finding a place quickly and finding a place that will best support the child's reintegration into school and their future educational prospects.
  - 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.
  - 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

with challenging behaviour, involving multi-agency support, accessed where appropriate.

- All admission authorities are able to participate fully in the operation of the Protocol. This will include open invitations to attend meetings of the Panel and multi-agency meetings convened to discuss and reach decisions on individual cases.
- No school is automatically asked/approached to take another child with challenging behaviour in the place of a child excluded from the school. (Point 3.14 of the School Admissions Code.)
- There is an effective process and decision-making framework for both the Authority and the schools in its area (maintained, academies and free schools) which limits the amount of time any child is without a school place or a place in Alternative Provision, where appropriate.
- 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 not linked to the fact that some parts of Peterborough have designated catchment schools in other local authority areas.
- 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 Peterborough schools which might be approached to take the child, and where appropriate, chair of the local Behaviour Attendance and Improvement Partnership (BAIP) or local schools' forum, 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:

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

## Section 3 - Home to School Transport Assistance

- 3.1 The School Transport Policy applies to placements made under the Protocol. The Local Authority is required to provide free transport for all pupils of compulsory school age (4 to 16) to their *nearest suitable*\* school, in the following circumstances:
- a) **Primary aged children in Year R to Year 3** who live at least 2 miles from the school;
  - b) **Primary aged children in Year 4 to Year 6** who live at least 3 miles from the school; or who attend their *nearest suitable* school where the parents are in receipt of the appropriate benefits, and live at least 2 miles from the school.
  - c) **Secondary aged children in Year 7 to Year 11** who:

- a. Attend their *nearest suitable* school and live at least 3 miles from the school; or
- b. Attend any one of the three *nearest suitable* schools, where the school is more than 2 miles and less than 6 miles from their home, where the parents are in receipt of the appropriate benefits, and they live at least 2 miles from the school; or
- c. Attend their nearest suitable school chosen on grounds of religion or belief, where that school is more than 2 miles and less than 15 miles from their home, where the parents are in receipt of the appropriate benefits.

\* 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 <https://www.peterborough.gov.uk/residents/schools-and-education/school-transport/>

#### **Section 4 - Challenging Behaviour**

- 4.1 Admission authorities **must not** refuse to admit a child thought to be potentially disruptive, or likely to exhibit challenging behaviour, on the grounds that the child is first to be assessed for SEND (point 3.13 of the School Admissions Code).
- 4.2 Where a governing body or Academy or Free School Trust does not wish to admit a child with challenging behaviour outside the normal admissions round even though places are available, it **must** refer the case to the Local Authority for action under the Fair Access Protocol. This will normally only be appropriate where a school has a particularly high proportion of children with challenging behaviour, or previously excluded children (point 3.12 of the School Admissions Code).

- 4.3 Any child moving from a PRU into a Fair Access placement in a mainstream school will be dual registered for a period of 12 school weeks, except in cases where the previous placement is outside the Local Authority. 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.
- 4.4 This provision will not apply to a looked after child, a previously looked after child or 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 2019/2020
- 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 above.
- 5.3 Cases can be referred to the Panel by any of its members, any school or by the Policy and Operations Manager for Admissions.

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

### **6.1 Fair Access 'Challenging Behaviour'**

- 6.1.1 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. Parents are asked to provide information through the In Year School Application Form, to identify whether a child does in fact meet the Fair Access Protocol criteria. Information is also requested from the previous school. This will be used to inform consideration and decisions on how best to support a child's admission. It **cannot** be cited as a reason to refuse admission.
- 6.1.2 Schools will respond to requests for information from the Panel, within 5 days, to ensure the admission of vulnerable children is not delayed.
- 6.1.3 The Admission Appeals and Fair Access Officer 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, if deemed appropriate.

### **6.2 Managed Moves**

- 6.2.1 The school's Inclusion Officer will complete the Managed Move Form and submit this to the Admission Appeals and Fair Access Officer for consideration at the next available Fair Access Panel. The Managed Move Form will identify whether a child does in fact meet the Fair Access Protocol criteria for a Managed Move. Information is also

requested from the previous school. This will be used to inform consideration and decisions on how best to support a child's admission. It **cannot** be cited as a reason to refuse admission.

6.2.2 Schools will respond to requests for information from the Panel, within 5 days, to ensure the admission of vulnerable children is not delayed.

6.2.3 The Admission Appeals and Fair Access Officer 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 appropriate integration support, if deemed appropriate.

### 6.3 Permanent Exclusion Admissions

6.3.1 Parents are asked to provide information through the In Year School Application Form, to identify whether a child does in fact meet the Fair Access Protocol criteria. Information is also requested from the previous school. This will be used to inform consideration and decisions on how best to support a child's admission. It **cannot** be cited as a reason to refuse admission.

6.3.2 Schools will respond to requests for information from the Panel, within 5 days, to ensure the admission of vulnerable children is not delayed.

6.3.3 The Admission Appeals and Fair Access Officer 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 appropriate integration support, if deemed appropriate.

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

### 6.4 Managed Moves

- A fully completed and signed Managed Move Form;
- A copy of the completed Early Help Assessment (EHA);

### 6.5 Admission following Permanent Exclusion

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, and the Pupil Referral Service has deemed it appropriate that the child return to mainstream education, the child's parent/carer will be supported by the Pupil Referral Service to complete an In Year Application form naming up to three schools in order of preference. The school will alert both the In Year Admission Officer for their area and the Admission Appeals and Fair Access Officer to expect an application from the parent. From the 6<sup>th</sup> day of the exclusion, the child will be removed from the excluding school's roll and become single registered at the Pupil Referral Service.

On receipt by the Admissions Team, the application will be forwarded to the Admission Appeals and Fair Access Officer 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, geography, partnership/network/cluster links
- f) Information from the school(s) identified as possible options for admission. There is an expectation that schools will respond within **five school days of receipt** of the Panel's request for information, to avoid delay in the admission of vulnerable pupils.
- g) The number of *Fair Access 'Challenging Behaviour'* admissions made previously in the academic year under this Protocol to the schools identified as possible options for admission.
- h) The admission of looked after children, previously looked after children or children with a statement of special educational needs naming the school.
- i) School Census information will be considered for every school.
- j) The cost of transport to possible alternative schools.
- k) 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 pick up/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;
- 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 the full application form, will be sent to the identified school by the Clerk to the Panel.
- 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.

- 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 *Fair Access 'Challenging Behaviour'* admissions, the Education Inclusion Officer/Access & Inclusion Co-ordinator will be informed of the application and made the point of contact for the parent. The child's parent/carer will be kept up-to-date, by the Education Inclusion Officer/Access & Inclusion Co-ordinator, 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 and that the SENDIASS can offer support with the appeals process.
- 8.5 For *Fair access 'Children who have difficulty securing a school place/unplaced children'* 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.
- 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.
- 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 'Challenging Behaviour'* admissions will be recorded in the Fair Access Management Information Data. *Fair access 'Children who have difficulty securing a school place/unplaced children'* admissions are not recorded in the Data.
- 8.8 In exceptional circumstances, the Panel may agree a 'retrospective' *Fair Access 'Challenging Behaviour'* or *Fair access 'Children who have difficulty securing a school place/unplaced children'* admission. If a child has been allocated a school under the normal admissions process and subsequent investigation established that the pupil has a history of poor behaviour and/or attendance then that school can request that the child to 'retrospectively' be deemed to be a *Fair Access 'Challenging Behaviour'* or *Fair access 'Children who have difficulty securing a school place/unplaced children'* admission and for this to be considered by the Panel when making future fair access admission referrals to that school. *Fair Access 'Challenging Behaviour'* admissions will be recorded in the Fair Access Management Information Data. *Fair access 'Children who have difficulty securing a school place/unplaced children'* admissions are not recorded in the Data. Full details regarding the child and the reasons for a request for retrospective fair access consideration, must be sent to the Admission Appeals and Fair Access Officer, 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;
- b) Exceptional breakdown in the relationship between the school and the family;
- c) Where the school has been asked to admit pupils under *Fair Access 'Challenging Behaviour'* for the same year group, within the same term;
- d) Infant Class Size limits;
- e) Where a child has been permanently excluded from two different schools and the last exclusion is less than two years ago;
- f) Where the child has been permanently excluded from the school in question;
- g) 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. Alternative Provision can be offered through a variety of methods, including education settings and individual tuition. Individualised support within a mainstream school setting is also a possibility.

### **Section 11 - Looked After Children**

11.1 The Fair Access Protocol does not apply to looked after children or previously looked after children. There is a national expectation that these children **must** be admitted, as outlined under the School Admissions Code (section 3.12).

### **Section 12 - Appeals against the Panel's Decisions**

#### **12.1 Maintained schools – foundation and voluntary aided schools**

The governing body of a foundation or voluntary aided school can appeal 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 appeal to be considered at the next meeting of the Fair Access Panel. Where the Panel decides not to uphold the appeal, 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 appeal against the Panel's decision, to the Office of the Schools Adjudicator. It must notify the Admission Appeals and Fair Access Officer 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 appeal, it will proceed to identify an alternative school placement.

## 12.2 Academies and Free Schools

The governing body or trust of an Academy or Free School can appeal by informing the Authority of its decision and reasons for refusal in writing. The appeal will be considered at the next meeting of the Fair Access Panel. Where the Panel decides not to uphold the appeal, 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 Funding Agency who acts on her 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 appeal, it will proceed to identify an alternative school placement.

## **Section 13 - Escalation Procedure**

13.1 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.

13.2 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 or an alternative school placement is sought by the Panel.

## **Section 14 – Seeking a Direction**

### 14.1 Procedure for a maintained school

The Local Authority can only make such a direction in respect of a child, 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/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.

## 14.2 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.

## 14.3 Procedure for an Academy

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.

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

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.

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 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.

## **15.0 General School Processes for Pupil Absence**

### **Pupils on roll at school but not attending**

15.0.1 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.

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

15.1.1 Schools and the Attendance Team have responsibility to intervene when a child is not attending school regularly and their whereabouts are unknown. If after 20 school days of starting the enquiry, the child's whereabouts have not been established, the school raises this with the Local Authority Children Missing Education Officer (CME). The Officer will make further enquiries.

### **15.2 Pupils with a School Attendance Order**

15.2.1 When a School Attendance Order has been issued, the parent is required to register the child with the school named therein.

15.2.3 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, as detailed above.

### **15.3 Procedure for securing a school place for a child subject to a School Attendance Order (SAO)**

15.3.1 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.

15.3.2 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 a School Attendance Order, the admission would be regarded as an admission under 'School Attendance Order' on the Fair Access Management Information Data.

## **Section 16 - Constitution of the Fair Access Panel**

16.1 The Panel will consider both Secondary and Primary Fair Access Admissions and will be chaired for the first academic year by Assistant Director, Education, Capital and Place Planning for Cambridgeshire and Peterborough, Hazel Belchamber or the Strategic Admissions and Attendance Manager

Other required panel members, to be quorate, will include:

- Attendance Manager;
- Policy and Operations Manager for Admissions;

- Pupil Referral Service;
- Senior SEN Services Officer;
- Secondary Headteacher – North of the city;
- Secondary Headteacher – South of the city;
- Primary Headteacher – North of the city;
- Primary Headteacher – South of the city;
- Multi-Academy Trust Executive Principal, or similar;
- Early Help Team representative;
- Clerk to the Panel.

Other optional panel members will include:

- Transport Manager;
- Admissions Team Leader;
- Elective Home Education Officer;
- Youth Offending Service/Targeted Youth Support Service representative.

- 16.3 At least three officers need to be present for the Panel to be quorate.
- 16.4 In addition, officers representing specialist services and 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.
- 16.5 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.
- 16.6 In addition, there is an open invitation for any Head teacher who wishes to do so to attend and to provide opinion and insight from a school perspective in respect of each case heard. However, when a Head teacher does attend they will not be part of the decision-making process.
- 16.7 It is expected that all parties will act with a sense of urgency to identify a school place for any child who has had difficulty securing one or who falls under the Fair Access Protocol. Pupils identified as falling within the scope of the Protocol should be on roll no later than **20 school days** after the school identified under the Protocol has been approached.
- 16.8 The Panel will be supported and clerked by the Admission Appeals and Fair Access Officer.

### **Section 17 - Meetings; record of decisions, management recording and process for sharing agreed outcomes**

- 17.1 Meetings will be conducted in accordance with the Council's Code of Conduct.
- 17.2 During term time, the Panel will meet on a fortnightly basis. The agenda will be split between primary and secondary cases, to enable efficient use of officer and school staff time.

- 17.3 The Admission Appeals and Fair Access officer 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.
- 17.4 The Admission Appeals and Fair Access Officer 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.
- 17.5 Managed Moves  
The Admission Appeals and Fair Access Officer/Education Appeals Officer will act as the contact link for the school and parent and keep them up to date with panel decisions. For each new case, the preference school and three nearest schools will receive a letter from the Admission Appeals and Fair Access Officer/Education Appeals Officer, to advise them of the case and that their school will be taken into consideration. The schools are asked to respond to this letter, giving their representation and confirming whether they are able or unable to admit the child. Once a move has been formally confirmed, the Admission Appeals and Fair Access Officer 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.
- 17.6 Fair Access 'Challenging Behaviour'  
The Admission Appeals and Fair Access Officer/Education Appeals Officer will act as the contact link for the school and parent and keep them up to date with panel decisions. For each new case, the preference school and three nearest schools will receive a letter from the Admission Appeals and Fair Access Officer/Education Appeals Officer, to advise them of the case and that their school will be taken into consideration. The schools are asked to respond to this letter, giving their representation and confirming whether they are able or unable to admit the child. 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.
- 17.6 Admission following Permanent Exclusion  
The Admission Appeals and Fair Access Officer/Education Appeals Officer will act as the contact link for the school and parent and keep them up to date with panel decisions. For each new case, the preference school and three nearest schools will receive a letter from the Admission Appeals and Fair Access Officer/Education Appeals Officer, to advise them of the case and that their school will be taken into consideration. The schools are asked to respond to this letter, giving their representation and confirming whether they are able or unable to admit the child. 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 18 - Conduct of Panel Members and Officers and Head teachers invited to attend**

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

- 18.2 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.
- 18.3 Members of the Panel shall declare any personal interest or involvement in any of the cases under consideration.
- 18.4 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?
- 18.5 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 School Admissions Code, 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 Peterborough Primary Heads and Peterborough Secondary Heads groups. No one school is expected to admit a disproportionate number of students with challenging behaviour over the course of an academic year.

This protocol applies to all Peterborough Schools with the exception of Special Schools. Pupils reintegrating into a mainstream school from Education Other Than At School (EOTAS) will only be counted against the PRUf 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.

### 2. 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 Head teacher 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 Personal Support Plan (PSP) and the Individual Education Plan (IEP) (with involvement from the Pupil Referral/SEND Services Team), Personal Education Plan (if the child is looked after) and a Early Help Assessment (EHA) is in place. Department for Education (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, for example the child has been involved in a serious one-off incident.
- The parent/carer of the student has agreed to a Managed Move. Professionals working with the child/young person believe that a change in school may result in improved behaviour;
- There is a consensus that mainstream education is still appropriate.

It 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 will usually be for a period of up to 12 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 reverts to become the sole responsibility of 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 Authority.

Prior to a managed move taking place, it is the responsibility of the school and the Officer managing the case, to inform the parents of their rights in this process. Whilst a parent/carer does not have a choice of school, parental preference should be taken into account, 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 and signed by all parties once the move has been agreed.

The Authority must agree with this position, which will be the responsibility of the Fair Access Panel for consideration and decision

A letter confirming the Managed Move has been agreed will be issued by the current school to the child's parent/carer copied to the Fair Access Panel.

In all cases an Early Help Assessment (EHA) should be completed for the child concerned, unless a specialist assessment has already been completed, for example, a Social Care Assessment.

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 – 2017"](#).

Where either the parent/carer or the Authority do not agree to a Managed Move, the Head teacher 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.

Managed Moves are **not** appropriate for children in Year 6 or Year 11 under any circumstances. Any referrals submitted for Year 6 or Year 11 children will not be considered by the Panel.

### **3. Process for submitting a Managed Move Referral Form for consideration by the Fair Access Panel.**

All referrals for Managed Move should be sent to the Admission Appeals and Fair Access Officer for authorisation by the Fair Access Panel.

Once approved the school will provide to the Clerk to the Panel the following, in order that an appropriate educational provision can be identified:

- The fully completed and signed referral form
- A copy of the EHA
- A copy of the letter from the referring school confirming that a Managed Move has been agreed with the parent/carer
- Further information relevant to the case, including full details of the events which have led up to decision to a Managed Move being requested.

If any documentation is missing, this will delay the Panel's consideration of the case. The Clerk will request any outstanding information be provided no later than two working days before the next Panel meeting is scheduled to take place.

#### **4. Criteria for selection of receiving school**

The identification of a possible alternative school will be determined by the Fair Access Panel.

The Panel will make a decision on the basis of the following factors, taking account of professional advice from the referring school and possible alternative schools, including any named by the parent/carer as their preferences on the Managed Move form and appropriate professionals:

- Geographical proximity and potential transport costs
- Frequency of approach to alternative schools and number of Fair Access admissions to that school in the last academic year
- The number of in-year admissions to the relevant year group and the current number of roll at the school and class organisational arrangements
- The number of in-year admissions in proportion to the size of the school
- The number of admissions for EHCP, LAC, medical need without an EHCP,

It is anticipated that all schools will assist each other, wherever possible, and be willing to both accept as well as refer children for managed moves.

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

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 EHA processes. The Pupil Referral Service/SEND Team must be involved in this to support the move.

Coordination and monitoring of the Managed Move will be undertaken by the Pupil Referral Service, or another named Local Authority officer, if this is felt to be more appropriate.

While a Managed Move is being arranged the current school retains responsibility for full time education of the child. Education can take place either on or off site. It must be clear where and how the education is to 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 Head teacher of the referring school is able to exclude the pupil in the event that such a course of action is deemed to prove necessary.

During the initial 15 week period the current 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 in respect of provision and attendance so that both records can be accurately maintained. 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.

If a child has had any fixed term exclusions during the course of the academic year, these remain part of the child's record and transfer with them to the new school. It is important that

this is clear so that the receiving school are aware of any possible trigger points for convening a Discipline Committee.

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.

Age-weighted Pupil Unit (AWPU) funding will follow the pupil at the current agreed rate. When a pupil is placed on roll at another school following 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 their current 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. If both schools agree to continue the dual registration arrangement beyond 15 weeks this is also acceptable. Schools must make sure that their records are updated accordingly.

When transfer to the receiving school is agreed by all, the student will be placed on that school's roll from the start date agreed. Categories of registration are listed below.

The receiving school should continue, or commence, the PSP and 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.

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.

## **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 Head teacher to ensure that this does not happen.

Schools are expected to respond positively to requests to accept students on Managed Moves.

A parent/carer 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;

When an exit strategy is thought necessary the Head teacher must discuss this with the Education and Inclusion Officer/Access & Inclusion Coordinator before any action is taken in this regard

## **7. Monitoring and quality assurance arrangements**

The Authority will collect and publish information as part of its annual report to the Schools Adjudicator 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 Authority will, from time-to-time review the detailed arrangements in consultation with Head teachers.

## MANAGED MOVE REQUEST FORM

<b>Type of Move: Managed Move</b>			
<b>This form must be completed following a meeting with parents/carers and the appropriate officer from the School, before any school can be approached as a possible receiver.</b>			
<b><u>To be filled in by referring school</u></b>			
Date of Meeting			
Inclusion Officer/Pupil Referral Service 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		Year Group	
School Contact Person		Telephone Contact Details	
Does the student have any identified Special Educational needs? Please circle.  Yes/No	Cognition and Learning  Speech, Language & Communication Difficulties  Social, Emotional and Mental Health	Please tick	Please tick to confirm that SEN Profile has been attached.
Is the Student Looked After?			

Is the Pupil eligible for Pupil Premium					
Date of EHA		Lead Professional:			
Date of PSP (please attach)					
Number of Reviews		Most Recent Review to Date			
<b>Previous schools attended (including those outside of Peterborough) if known:</b>					
Name		To		From	
Name		To		From	
Name		To		From	
<b><u>Please explain what has led to the school requesting a Managed Move.</u></b>					
<p>Total Number of Fixed Term Exclusions this Academic Year:</p> <p>Total Number of Internal Seclusions this Academic Year</p> <p>Total Number of Fixed Term Exclusions last 2 Academic Years</p> <p>Total Number of Internal Seclusions last 2 Academic Years</p>					
<b>Strategies</b>					
<p>Please briefly outline what positive strategies have been used to support the inclusion of this pupil prior to the Managed Move request. Please provide an assessment of the impact of these and how successful they have been judged to have been.</p> <p>Please outline sanctions that have been used:</p>					

Please detail below any issues that you consider may affect the success of a Managed Move at any school and why. Please providing supporting evidence as appropriate. :

**Academic Ability – Teacher Assessments**

Please comment upon the Pupil's progress in the following subjects.

Please also give a general comment.

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

KS4 Only

GCSE and qualifications being undertaken by the Pupil.

<b>GCSE</b>	<b>BOARD</b>	<b>CURRENT LEVEL</b>	<b>PREDICTED LEVEL</b>
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**Outside Agency Involvement**

Please indicate if the following agencies are involved with the Student

- |                        |                          |          |
|------------------------|--------------------------|----------|
| Social Care            | <input type="checkbox"/> | Contact: |
| CAMHS                  | <input type="checkbox"/> | Contact: |
| YOS                    | <input type="checkbox"/> | Contact: |
| District Team          | <input type="checkbox"/> | Contact: |
| Health                 | <input type="checkbox"/> | Contact: |
| Other (please specify) |                          |          |

<b>Head teacher Signature</b>			
<b>Print Name</b>		<b>Date</b>	
<b>Pupil Referral Service Officer signature</b>			
<b>Print Name</b>		<b>Date</b>	

**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 schools (name up to three). I understand that my preference may not be met.

<b>Preferred alternative school:</b>			
<b>Travel Arrangements to allocated school</b>	<p><i>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.</i></p> <p>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.</p> <p>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).  <b><u>Assistance by taxi is only considered in exceptional circumstances and agreed by the budget holder.</u></b></p>		
<b>Parent/Carer Signature</b>		<b>Date</b>	
<b>Parent/Carer Signature</b>		<b>Date</b>	

<b>Pupil Signature</b>		<b>Date</b>	

### 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, 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 relevant external and internal agencies 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 Admission Appeals and Fair Access Officer 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 Attendance Service.

The Attendance Officer will carefully review the case. The Attendance Officer can make three 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 Attendance Officer 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. In this instance, an In Year application needs to be completed by the parent and submitted to the Admissions Team. The application needs to clearly cite the reason for the move as 'bullying' and this will be referred to the Panel for consideration and a school placement agreed.

**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.