Fair Access Protocols
for Primary and Secondary Schools
Approved March 2013
Fair Access Protocol for Primary Schools
Approved March 2013
1. Introduction

1.1 The School Admissions Code 2012 requires all Local Authorities to have a Fair Access Protocol 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.

1.2 The operation of the Fair Access Protocol is triggered when a parent of an eligible child has not secured a place under the Within-Year Transfer procedures. **APPENDIX ONE** sets out the *Within-Year Admission Arrangements 2013-14*. For school year 2012-13 the Local Authority must co-ordinate within-year transfers, and this is done through the Admissions Team. For school year 2013-14 onwards there is no such requirement, and schools that are their own admission authority will manage their own within-year transfers unless other arrangements are agreed with the Local Authority.

1.3 The Local Authority has developed this Protocol with Headteachers groups to address the inter-related issues around the in-year movement of children. The Rochdale Fair Access Protocol applies to all schools - and this version applies to primary schools and primary age range academies in the Borough, and covers pupils who:

- Cannot obtain a school place under the normal Within-Year Transfer arrangements;
- Are out of school and identified as “Hard To Place” (HTP);
- Are on the roll of a mainstream school for whom a move to another school will be beneficial and are identified as HTP;
- Move as a result of a referral to the Fair Access Panel (Managed Moves); and
- Are Permanently Excluded.

2. Aims of the Fair Access Protocol

2.1 The Fair Access Protocol is designed to facilitate the school placement of the most vulnerable children and/or challenging children in the Borough. In doing so it aims to:

- acknowledge the real need of vulnerable children to be dealt with quickly, sympathetically and to be placed appropriately;
- reduce the time that such children spend out of education;
- ensure that schools admit children with challenging behaviour and behavioural needs on as fair and equitable basis as possible;
- ensure that the process is transparent and fair for all schools; and
- facilitate appropriate challenge where necessary.


3.1 In order for the Protocol to be successful, fair and equitable the following principles will apply:

- schools and the Local Authority will provide a named contact under the Protocol to ensure effective communication and timely resolution of placement;
- over subscription / waiting list / failure to win an appeal will not be an obstacle to admitting children through the Protocol, but the Headteacher would be consulted prior to admitting a child;
admissions must be made within the current timescales, i.e. LAC – 20 days maximum;
children with statements of SEN who meet the criteria will be admitted under the usual SEN Code of Practice procedures;
all factors will be taken into consideration when allocating a place and it is agreed that schools will accept decisions made under the Fair Access Protocol;
the final decision about whether a child is identified as Hard to Place rests with the Local Authority;
all admissions made through the Protocol should be supported by an Admission Planning Meeting and Pastoral Support Plan;
the School Improvement Team will support and monitor admissions agreed through the Protocol; and
all child movement through the Fair Access Protocol will be fully recorded on a Movement Sheet so that decisions are fair, equitable and transparent. The Movement Sheet will be presented to Heads at the Fair Access Panel.

4. Hard To Place Children- The Rochdale Definition

4.1 The Rochdale definition of children who are Hard to Place and to whom the Protocol applies is as follows (this includes those children who must be included under the School Admissions Code):

- Children in public care (Looked After Children – LAC);
- Permanently excluded children. (Any child that has been recently excluded will be dealt with under the Procedures for Permanently Excluded Children as set out in APPENDIX FIVE);
- Children at Pupil Referral Service – reintegration to schools;
- Children not on a school roll e.g. new to area/withdrawn by family and all the local schools are genuinely full in the relevant year group. (e.g. within three miles of home);
- Children seeking transfer with a history of behaviour difficulties – evidence to be provided to the Local Authority;
- Children with unsupported backgrounds e.g. where parents have not sought a place;
- Children with history of poor attendance (e.g. less than 85% over the two previous consecutive full terms);
- Children currently on (or recently completed) Youth Offending Orders/ASBOs;
- Children returning from custody/secure accommodation;
- Children out of an educational setting for more than one term;
- Children moving into the Borough in Y6;
- Children on the Child Protection Register and/or those classed as a Child In Need;
- Children who are carers;
- Children with SEN (but without a Statement);
- Children with disabilities or medical conditions;
- Children from gypsy, Roma, traveller, refugee and asylum seeker groups; and
- Children of UK Service Personnel and other Crown Servants.

4.2 Many children who have characteristics described above will not be ‘Hard To Place’ and will be admitted to school under normal procedures. For example many children in public care will access education successfully and will not require the help of the Panel -but if a child in public care is also ‘Hard To Place’ for any reason at a given time, that child must be supported quickly and effectively.
4.3 **The procedure for identifying whether a child is subject to the Fair Access Protocol** and/or is identified as Hard To Place begins with the submission of a Within-Year Transfer request:

- **APPENDIX TWO** sets out a **simplified flow chart** to show the process; and
- **APPENDIX THREE** is the new **Within-Year Transfer Form**, which asks for information relevant to the determination of whether the child should be identified as Hard to Place and subject to the Fair Access Protocol.

4.4 On receipt of the application, and comments from the current school, the Inclusion Team will determine whether the Child is Hard To Place, and whether the Fair Access Protocol should be applied.

4.5 Once a school place has been allocated and offered, if during the schools usual admission procedures, information provided either by a previous school, the parent or child lead the school to feel the child should be classed as Hard To Place they must refer the case back to the Inclusion Team for consideration. If it is agreed, the child will be added be added to the Movement Sheet that is presented to the Fair Access Panel as well as being monitored by the relevant admissions officer to ensure it is taken into consideration in future placement decisions for that school.

4.6 Classing a child as Hard to Place must not delay his/her start and schools must not refuse a place based on the child being identified as Hard To Place.

5. **Process For Admission Of Primary Age Children**

5.1 Primary age children who fall within one of the categories for placement under the Protocol will be referred directly to a school by the Admissions Team.

5.2 Other than by agreement with the school, no more than 10% children who fall within one of the categories for placement under the Protocol will be referred to any one school to admit above the Planned Admission Number in any one year group during any one academic year.

5.3 Schools will comply with Infant Class Size Limits, and if a school already has class sizes of 30, a child will only be admitted if they can be considered to be an excepted pupil.

5.4 Where the Admissions Team identify from a Within-Year application that a child meets the criteria for the Protocol, the application will be referred to one of the parent/carer’s preferred schools for placement unless:

- A school is in Special Measures, has recently come out of them or is otherwise assessed by the Local Authority as needing support; or
- A school has no vacancies and the school already has admitted 10% of children under the Protocol within the last academic year; or
- To admit an extra child would breach infant class size legislation; or
- There are reasons why a school would not be an appropriate placement for the child.

5.5 If, for these reasons it is not possible to place the child within one of the preferred schools, the Admissions team will seek to place the child in the nearest and most suitable school that would not breach those conditions taking into account:

- Schools with vacancies;
• Any genuine concerns about the admission either by the parent/carer or by the school;
• A view of the parent/carer about the religious ethos of the school;
• The number of LAC and SEN children within each year group and the numbers and frequency of previous Fair Access Placements within each year group in the school; and
• A reasonable walking distance from home to school.

5.6 If a Governing Body does not wish to admit a child who falls within one of the Fair Access categories outside the normal admission round, even though places are available within the Published Admission Number, it should refer the case to the Admissions team setting out the reasons why they do not feel they can place the child. In these circumstances the provisions of the School Admissions Code on arrangements for direction by the Local Authority would become applicable.

6. The Fair Access Panel and Managed Transfers

6.1 The purpose of the Fair Access Panel is to consider referrals made under the Fair Access Protocol and decide on an appropriate placement in the best interests of the child who has been referred.

6.2 The Fair Access Panel will:
• ensure that wherever possible there is a fair and equitable sharing of challenging pupils;
• keep up-to-date and accurate records of the movements in and out of all Primary Schools under the Fair Access Protocol;
• take account of genuine school concerns, e.g. previous serious breakdown of relationship between school and family, strong parental preference/aversion re religious affiliation; and
• challenge appropriately where the within-year transfer/admission procedures are not followed correctly.

6.3 The Fair Access Panel is arranged and managed by the School Improvement Service. The Panel will meet each half term. The Membership of the Panel is as follows:

• Senior School Improvement Manager (Chair);
• Inclusion Officer;
• Principal of Brownhill Learning Community;
• 3 Primary School Headteachers on rotation;

ALSO
• A senior member of school staff with the remit for delegated decision making and any other relevant staff will be invited to present the case for a child that the school has referred; and
• Other agencies will be invited to attend as and when necessary.

6.4 Schools will need to follow the Guidelines for Referral attached as APPENDIX FOUR and use the pro-forma checklist and information forms when making a referral to the Fair Access Panel. A record is kept on a Movement Sheet and produced at each Panel meeting of the “outs” and “ins” listed by school. It details year group and category the child has been allocated under, so that fair allocations are made where possible in individual year groups. Challenges to the decision of the Panel will be dealt with through the Senior School Improvement Manager as Chair of the Panel.
6.5 Parental and child preferences will be considered formally, but will not override the protocol. Where the Protocol overrides the parental preference and a place is refused at the preferred school, the parent has a right of appeal to the independent Appeals Panel.

7. Funding And Additional Support To Managed Transfers

7.1 Funding will follow permanently excluded pupils under AWPU arrangements proportionate for each term in the school year. Funding will be paid by the donor school for pupils on managed transfers at a cost of £100 per week i.e. £1200 for a 12 week transfer period or per week pro rata if the trial breaks down and the child returns to the donor school. If the child is taken on roll, the payment will continue until the start of the new financial year.

7.2 The Inclusion Officer, in partnership with schools, will seek additional support for individual placements from other agencies e.g. where attendance is identified as the main problem, an Education Welfare Officer will be allocated. Brownhill Learning Community will support reintegration from PRS.

8. Monitoring And Review Of The Work Of The Panel

8.1 Termly reports will be compiled and sent to the members of the Panel. This report will also be given to the Chair of the Rochdale Association of Primary Headteachers (RAPH) for consideration and distributed to other relevant parties. A more detailed report will be compiled and distributed at the end of each academic year, no later than half term of the Autumn Term to be presented at RAPH.

9. School Admissions And Appeals Codes

9.1 This Protocol must be read in conjunction with the School Admissions Code and School Appeals Code 2012.
Introduction

1. In accordance with the School Admissions Code 2012, where a pupil applies for a place outside the normal admissions round, whether in-year or at the start of a school year which isn’t the normal point of entry to the school (i.e. Reception or Year 7), admission authorities must comply with the parental preference unless one of the statutory reasons for refusing admission applies (i.e. the requested Year Group is full or the child has been permanently excluded from two or more schools). All applications must be considered without delay and a formal decision either to offer or to refuse a place must be made and notified to the applicant. Applicants must not be refused the opportunity to make an application, or told that they can only be placed on a waiting list rather than make a formal application.

2. From September 2013, applications from Rochdale residents for a school place outside of the normal transfer time must be made on Rochdale’s standard Within-Year Transfer application form. This form can be obtained from the Local Authority or the current school (if in Borough). The form must be returned to the Local Authority for Community and Voluntary Controlled schools, or direct to schools and academies that are their own admission authority. Parents must ensure that the form is completed in full and submitted with any supplementary information. If in doubt parents should contact the Local Authority.

3. A secondary In-Year Fair Access Protocol is in place to consider children who are without a school/academy place who meet the criteria. This is in accordance with the School Admissions Code 2012.

4. A primary In-Year Fair Access protocol will be in place to consider children are without a place at a school or academy who meet the criteria. This is in accordance with the School Admissions Code 2012.

5. If, in the Admission Authority’s opinion, there is a statutory reason to refuse entry or a child meets the criteria in the Fair Access Protocol (Hard to Place), the application will be dealt with in accordance with the Fair Access Protocol. The operation of the Fair Access Protocols is outside the arrangements of co-ordination and is triggered when a parent of an eligible child has not secured a place under in-year transfer procedures.

6. Admission authorities must not refuse to admit a child solely because:
   a) they have applied later than other applicants;
   b) they are not of the faith of the school in the case of faith schools;
   c) they followed a different curriculum at their previous school;
   d) information has not been received from their previous school.
7. It is essential that children who have no school place are found one quickly. However in cases involving within-year transfers that do not require a house move, or where there is no need for an immediate transfer, the change of school will not normally be until the beginning of the next half term.

**Interviews**

8. Paragraph 1.9 (m) of the School Admissions Code, prohibits the interviewing of parents and/or children as a method for deciding whether a child is to be offered a place at a school. Interviews **must not** form part of the admissions process and admission authorities (or schools) **must not** use either face-to-face interviews or interviews by telephone or by other means.

**Children with Challenging Behaviour**

9. Admission authorities (and schools) **must not** refuse to admit children on the basis of their behaviour elsewhere, unless they have been permanently excluded from two or more schools within the past two years. They also **must not** refuse to admit a child thought to be potentially disruptive, or to exhibit challenging behaviour.

10. Where a governing body does not wish to admit a child with challenging behaviour outside the normal admission round, even though places area 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, subject to the provisions of the Fair Access Protocol.

**Applying for School Places – Rochdale Resident children**

11. **All** applications from Rochdale residents must be made on Rochdale's Within-Year Transfer Application form, regardless of which school they are applying for.

12. Application forms will be available from all Customer Contact Centres, schools, the Admissions Team in the School Organisation and Development Team and on Rochdale MBC's web site [www.rochdale.gov.uk](http://www.rochdale.gov.uk) and parents can make up to three school preferences either for a school in the Rochdale area or for a school outside the Authority (not including independent schools).

13. A pupil does not become resident in Rochdale until they actually live in Rochdale. Rochdale will however accept within-year applications from parents who are intending to move into the area when they can provide evidence of an exchange of contracts on a property or have a signed rental/lease agreement provided this is no more than 30 days before the intended start date. Children must be in the UK before an application can be considered.

14. If additional information is required by the Governing Body of a Foundation, Trust or Voluntary Aided school or Academy in order to apply its oversubscription criteria, parents may need to provide additional information usually on a supplementary form. Such information must be provided at the time of application because applications cannot be considered until such information has been received.
15. Parents are required to return the completed form to the Local Authority or the school, whichever is the admission authority.

16. The Local Authority, on request, will provide information to parents about the places still available in all schools within the Borough.

**Processing Applications: Community & Voluntary Controlled Schools**

17. The Local Authority will aim to process applications within 10 school days of receipt (subject to relevant background information being available and address verification being available).

18. All preferences will be considered equally and the Local Authority will aim to offer a place at the highest ranked preference school wherever possible.

19. Where there are more preferences received than places available at a school then the relevant admission authority will use its published oversubscription criteria to allocate the place(s) available (details of the oversubscription criteria for each admission authority in Rochdale can be found in the admission booklet published by the LA each year).

20. If the Local Authority is unable to meet any of the preferences requested by the parents, a place will be allocated at the school nearest to the child’s home address that has a place available.

21. The Local Authority will inform parents in writing of the outcome of their application, and of their right to appeal to an independent appeals panel if any of their preferences are not met.

**Processing Applications: Voluntary Aided, Foundation Schools & Academies**

22. Schools who are their own admission authority must, on receipt of an in-year application, notify the Local Authority of both the application and its outcome, to allow the Local Authority to keep up to date figures on the availability of places in the area. The admission authority must also inform the parent of their right to appeal against the refusal of a place.

23. Schools who are their own admission authorities should consider all applications without unnecessary delay. The school should admit the child if there is a vacancy within the admission number for the year group. If there are more applications than places available, the governing body must apply their oversubscription criteria.

24. Decisions to refuse admission cannot be made by an individual on behalf of an Admission Authority i.e. Headteacher of a Foundation school, Voluntary Aided school or an Academy. The decision must be taken by a committee of the Governing Body.
Application received from parent. Is there a place available in the relevant year group?

YES

Does the pupil have significant behaviour/other issues?

NO

Inclusion Team considers whether application should be dealt with through FAP. If so, refer case at next Fair Access Panel.

If pupil is not on a school roll, provision must be offered as soon as possible.

NO

Is pupil under one of the defined categories within the Fair Access Protocol?

YES

Inclusion Team considers whether application should be dealt with through the FAP. Either preferred school is offered or alternative place identified. Parent may appeal for preferred school if they wish.

Admissions Team offers advice on alternative schools and appeals process

NO

Identified school to admit pupil within 5 school days of decision or refer matter to Fair Access Panel.

If necessary, Fair Access Panel meets within xx school days to deal with case.

If required, appeal will be heard within 20 school days of receipt of appeal.

Appendix 2: Within Year School Transfers Process Flow Chart v1

Identified school to admit pupil within 10 school days if not on school roll or start of next term as appropriate.

If not to be dealt with by Fair Access Panel, pupil to be admitted at preferred school within 10 school days or start of next term.
Appendix 3: Within Year Transfer Application Form and Parental Guidance
WITHIN-YEAR TRANSFER APPLICATION FORM - PART ONE

This form must be used by residents in the Rochdale Metropolitan Borough for admission to or transfer between schools during the school year. Before completing the form, please read the guidance notes. Please ensure you complete the form in BLOCK CAPITALS in blue or black ink and sign the declaration at Section 8.

SECTION 1 - CHILD DETAILS

FORENAME(S) __________ LEGAL SURNAME __________

DATE OF BIRTH __________ GENDER M [ ] F [ ] YEAR GROUP [ ]

ADDRESS

________________________________________________________

________________________________________________________

POSTCODE __________

HOW LONG HAS YOUR CHILD LIVED AT THIS ADDRESS? __________ IS YOUR CHILD NEW TO THE UK? YES [ ] NO [ ]

IF YOU INTEND TO MOVE HOUSE IN THE NEAR FUTURE, PLEASE PROVIDE DETAILS:

NEW ADDRESS ____________________________________________ POSTCODE __________

MOVING DATE __________ DOES YOUR CHILD SPEAK ENGLISH? YES [ ] NO [ ] SOME [ ]

NOTE: If you have moved address recently or are planning to move, please provide evidence of your house purchase or rental with your application (e.g. utility bill, Council tax bill or tenancy agreement). Your application may be delayed if you do not provide the necessary documents.

SECTION 2 - PARENT OR CARER DETAILS - ADULTS WITH PARENTAL RESPONSIBILITY

TITLE [ ] FORENAME __________ SURNAME __________

RELATIONSHIP TO CHILD: MOTHER [ ] FATHER [ ] CARER [ ] SOCIAL WORKER [ ] OTHER [ ]

YOUR ADDRESS (if different from child) _____________________________________________ POSTCODE __________

CONTACT DETAILS

EMAIL ADDRESS __________

MOBILE TELEPHONE __________ HOME TELEPHONE __________

DO YOU SPEAK ENGLISH? YES [ ] NO [ ] SOME [ ]

HOME LANGUAGE __________

SECTION 3 - YOUR SCHOOL PREFERENCES

Where parents have shared responsibility for the child, they must discuss and agree on the preferred schools. Please list the names of your preferred schools in order. Remember to check the Admission Criteria for the school and whether or not a supplementary form is needed. Supplementary forms are available from the preference school directly.

<table>
<thead>
<tr>
<th>School Name</th>
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<tr>
<td>1st Preference</td>
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<td>2nd Preference</td>
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<td>3rd Preference</td>
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Are you applying for these schools for religious reasons? [ ]

Please state religion: ____________________________

NOTE: You may need to complete an additional form for these schools and provide evidence of baptism or church affiliation as required by the school.

You can find a list of all the schools in the Rochdale Borough by looking at the current admission booklet available at www.rochdale.gov.uk/admissions and the Department for Education website at www.education.gov.uk
SECTION 4 - YOUR CHILD'S SCHOOL HISTORY

Current or Most Recent School Name: 

Local Authority: 

Telephone Number: 

Date Last Attended: / / 

PREVIOUS SCHOOL HISTORY

Previous School 1
Name and Local Authority: 

Date Left: / /     Reason for Leaving: 

Previous School 2
Name and Local Authority: 

Date Left: / /     Reason for Leaving: 

Previous School 3
Name and Local Authority: 

Date Left: / /     Reason for Leaving: 

Please list any other previous schools on a separate sheet and attach to this application.

SECTION 5 - REASON FOR ADMISSION/TRANSFER REQUEST

Please give your reasons for requesting a transfer of schools. Continue on a separate sheet if required. If you want to transfer from a Rochdale Borough School to another school in the Rochdale Borough or if you want to move to a school outside the Borough, you must ask your child's current school to complete PART TWO of this form.

________________________________________________________________________
________________________________________________________________________
________________________________________________________________________

Have you met with your child's current school to discuss the reason you wish to transfer?     YES     NO

With whom have you discussed the transfer?    Head Teacher    Deputy Head    Head of Year    Class Teacher

OUTCOME OF MEETINGS
(continue on a separate sheet if required)

________________________________________________________________________
________________________________________________________________________
________________________________________________________________________
________________________________________________________________________

www.rochdale.gov.uk
SECTION 6 - SIBLINGS
Please provide details of an elder siblings currently attending your school(s) of preference. A sibling is defined as an elder brother or sister, step-brother or step-sister or half-brother or half-sister living at the same address as the child for whom the application is being made. No priority is given to cousins or other relatives regardless of their address.

<table>
<thead>
<tr>
<th>FULL NAME OF SIBLING</th>
<th>SIBLING DATE OF BIRTH</th>
<th>SIBLING’S CURRENT OR LAST SCHOOL</th>
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SECTION 7 - ADDITIONAL INFORMATION
This information is required to help the Council decide whether or not to apply the Fair Access Protocol to your application.

Does your child have a Statement of Special Educational Needs?  YES  NO  UNDERGOING ASSESSMENT

Is your child Looked After by a Local Authority (often know as ‘in care’)?  YES  NO

If yes, please state which Local Authority:

Are there any specific medical or psychological reasons for your preferred school?  YES  NO

If yes, please attach details and supporting evidence from a hospital consultant, social worker or other relevant professional to this application.

Does your child have a CAF (Common Assessment Framework)?  YES  NO

Please tick any of the following that apply to your application:

- Parents who are UK Service Personnel/Crown Servants:  Returning from a Youth Offending Institute:
- Asylum Seeker or Refugee:  Child is a young carer:
- Been out of Education for more than one term:  Not currently on a school roll:
- Disability or Medical condition:  Subject to a Child Protection Plan:
- Living in a hostel/safe house or homeless:  Permanently Excluded:
- Moved into the Borough during Year 11 or after Easter in Year 10:  History of behavioural issues:
- Previously electively home educated:  Returning from a Pupil Referral Unit:
- Youth Offending Order/ASBO:  None of the above:

Are any other agencies/services (e.g. Education Welfare Service; Social Worker; Behaviour Support Worker; Child & Adolescent Mental Health Service; Education Psychologist) involved with the child? If so, please state below:

<table>
<thead>
<tr>
<th>AGENCY</th>
<th>CONTACT NAME</th>
<th>CONTACT TELEPHONE NUMBER</th>
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www.rochdale.gov.uk
SECTION 8 - PARENT'S OR CARER'S DECLARATION

If your child has been attending a Rochdale Local Authority school or if you have not moved house, you must ask your child's previous or current school to complete Part Two of the form and return it to you for submission with this application. Failure to do so will delay the process.

I have attached a completed PART TWO to this application: YES ☐ NO ☐ N/A DUE TO HOUSE MOVE ☐

I declare that all the information which I have provided on this application is true. I understand that any school place offered on the basis of fraudulent or intentionally misleading information may be withdrawn.

SIGNED ___________________________ DATE ______________

Name in BLOCK LETTERS: ___________________________

Have you submitted any additional sheets with this application? YES ☐ NO ☐

If yes, please state number of additional pages: ___________

SECTION 9 - DATA PROTECTION ACT

The Council maintains a Register Entry in respect of Education which includes the administration relating to pupils. Personal information provided on this form is treated in confidence and complies with the requirements of the Act. This information may be shared with other Local Authorities.

Verification of Information - the Council may verify the information you have provided on this form which could involve contacting other departments of the Council who maintain appropriate records. In instances where the information provided is different from that held by them, they may use the information on this form.

WHAT YOU SHOULD DO NEXT

If you are requesting an admission or transfer because you have moved in to the Rochdale Borough, please return the completed form with evidence of your house purchase or rental to the address below. You do not need to ask your child's current or previous school to complete Part Two of the form, however we may contact them for more information.

If your child has been attending a Rochdale Local Authority school or if you have not moved house, you must ask your child's previous or current school to complete Part Two of the form and return it to you. Failure to do so will delay the process.

Once the form has been completed in full you should return the form to:

School Admissions Team
PO Box 70
Municipal Offices;
Smith Street;
Rochdale OL16 1YD

Telephone: (01706) 925982  Fax: (01706) 925030  Email: online.admissions@rochdale.gov.uk

PLEASE NOTE

Unless the request is submitted due to a house move or if your child is otherwise currently without a school place; if a place is available for your child at any of your preference schools, admission will be arranged for the beginning of the next half term.
WITHIN-YEAR TRANSFER APPLICATION FORM - PART TWO

**Information for Parents and Carers:**
If you are transferring between schools in the Rochdale Borough or if your child attends a school outside of the Rochdale Borough but you are not moving house; this part of the form must be completed by your child’s current school.

**Information for the current or previous school:**
Please complete this form as fully as possible, otherwise the form may be returned for more information which may delay the application.

**SECTION 1 - SCHOOL DETAILS**

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<tr>
<th>NAME OF SCHOOL</th>
<th>POST TITLE</th>
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<table>
<thead>
<tr>
<th>CONTACT NAME</th>
<th>CONTACT NUMBER</th>
<th>EMAIL ADDRESS</th>
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**SECTION 2 - CHILD DETAILS**

<table>
<thead>
<tr>
<th>NAME OF PUPIL</th>
<th>YEAR GROUP</th>
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<tbody>
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<table>
<thead>
<tr>
<th>DATE PUPIL STARTED AT THIS SCHOOL</th>
<th>IS THE CHILD STILL ATTENDING THIS SCHOOL?</th>
</tr>
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<tbody>
<tr>
<td></td>
<td>YES [ ] NO [ ]</td>
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</table>

**ATTENDANCE**

Please provide details of attendance over the past two terms:

<table>
<thead>
<tr>
<th>TERM</th>
<th>DATES</th>
<th>ATTENDANCE (%)</th>
<th>AUTHORISED ABSENCE (%)</th>
<th>UNAUTHORISED ABSENCE (%)</th>
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**SECTION 3 - ADDITIONAL INFORMATION**

This information is required to help decide whether or not the Fair Access Protocol is applicable to this child.

Does the child have a Statement of Special Educational Needs? YES [ ] NO [ ] UNDERGOING ASSESSMENT [ ]

Is the child Looked After by a Local Authority (often known as ‘in care’)? YES [ ] NO [ ]

If yes, please state which Local Authority:

Are any other agencies/services (e.g. Education Welfare Service; Social Worker; Behaviour Support Worker; Child & Adolescent Mental Health Service; Education Psychologist) involved with the child? If so, please state below:

<table>
<thead>
<tr>
<th>AGENCY</th>
<th>CONTACT NAME</th>
<th>CONTACT TELEPHONE NUMBER</th>
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www.rochdale.gov.uk
Does the child come under any of the following categories? Please tick all that apply.

Parents who are UK Service Personnel/Crown Servants: [ ]

Asylum Seeker or Refugee: [ ]

 Been out of Education for more than one term: [ ]

 Less than 85% attendance in last two terms: [ ]

 Disability or Medical condition: [ ]

 Living in a hostel/safe house or homeless: [ ]

 Moved into the Borough during Year 11 or after Easter in Year 10: [ ]

 Previously electively home educated: [ ]

 Returning from a Youth Offending Institute: [ ]

 Child is a young carer: [ ]

 Child from a traveller family: [ ]

 Not currently on a school roll: [ ]

 Subject to a Child Protection Plan: [ ]

 Permanently Excluded: [ ]

 History of behavioural issues: [ ]

 Returning from a Pupil Referral Unit: [ ]

 Youth Offending Order/ASBO: [ ]

 None of the above: [ ]

 Has the transfer request been discussed with the parent/carer? [ ]

 YES [ ]

 NO [ ]

 What attempts have been made by the school and the parent/carer to resolve any issues in Section 5 of Part One of the application? Please continue on a separate sheet if necessary.

________________________________________________________________________________________________________________________________________

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Does the pupil present challenging behaviour? If so, please provide information on any incidents including fixed term exclusions, internal exclusions etc. Please continue on a separate sheet if necessary.

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Would you consider the transfer to be detrimental to the pupil in any way?
If yes, please give reasons:

The In-Year Transfer Policy states that pupils should only change schools at the beginning of a new half term.
Would you consider that there are exceptional reasons relating to this transfer request that should be taken in to account?
If yes, please give reasons:

SIGNED

DATE

Have you submitted any additional sheets with this form?
If yes, please state number of additional pages:

PRINT NAME

SCHOOL STAMP

Please complete this form and return it to the Parent/Carer within 5 days of receipt for them to return to the Admissions Team.

Thank you for your co-operation.

www.rochdale.gov.uk
Dear Parent/Carer,

REQUEST FOR ENTRY INTO ALL ROCHDALE SCHOOLS AND ACADEMIES

I understand that you wish to apply for a transfer to a Rochdale school. Please make sure that you read all the following information so that you fully understand the process.

You must not complete this form if you are applying for a private fee-paying school. You must apply to private fee paying schools directly.

If your child has a Statement of Special Educational Needs you must contact the Local Authority.

If you have recently moved house or are new to the Rochdale Authority then you should complete the enclosed form and we will arrange a start date at a school as quickly as possible.

Please note where a change of address has taken place and the distance to the school is more than 2 miles for children aged under 8 and more than 3 miles away for children aged 8 and over we will process the request for an immediate transfer. If you have moved house you will have to provide documentary evidence of your new address.

If you have not moved house you can still request a transfer. We receive a large number of requests for children to transfer school during the school term but we believe that this has a disruptive effect on their education and on the education of the children in the new class. It is very important for children to remain in their current school whilst the transfer request is in progress unless there are specific reasons why this cannot happen.

What you should think about before completing a transfer request.

Behaviour
Some parents/carers want to change schools because they think that their child’s behaviour will improve with a change of school. Changing school does not always lead to an improvement in a child’s behaviour. This is because there are many reasons for the poor behaviour. It is more important for everybody to work together in trying to address and resolve the difficulties that are causing the poor behaviour.

Bullying
Sometimes a change of school is required because your child is being bullied. All schools have anti-bullying policies and, as such, if you think your child is being bullied you need to tell the school immediately. Moving school without confronting the problem may help in the short term but in the long run it may not help your child to understand that the bullies need to be challenged.
Disagreement with the current school
Occasionally there might be a disagreement between a parent/carer and the school. Changing school for such a reason even though your child may be happy at school is not always a good idea. Instead we suggest that parents/carers do everything possible to resolve the differences with the school.

Curriculum
Parents whose children are in years 6, 9, 10 and 11 especially need to be aware that a new school may not be able to exactly match a child’s existing curriculum commitments and a change of school during the school year can disrupt a child’s education particularly if they are already in the middle of a specific piece of coursework. Additionally, some parents think that a change in school will mean that their child will get better exam results. That may not always be the case because not all schools offer the same subjects at examination level and even if they do, they may use different examination boards or syllabuses. For secondary school children there are likely to be fewer subject options available part way through a year because of practical limits on group sizes.

Uniform
A change of school will mean a new set of uniform/school dress for your child, including for PE.

Transport
A change in school may lead to transport difficulties, both in getting your child to school and in disruption to your own day-to-day schedule. The Council only provides help with transport costs in certain limited circumstances – i.e. children who are eligible by law.

Peer Group Friends
A change in school means having to make new friends. Peer groups and friends can have a positive and negative influence. You should think carefully about the effects of moving schools because some children are having a negative influence on your child. It is often better to work with the current school to address matters. Moving a child away from an established peer group may adversely affect achievement.

What next?
If you are still of the view that you want to change schools, you should arrange to visit the school(s) you are interested in and then:

Complete Part One of the application form and give the completed Part One and a blank Part Two to the head teacher of your child’s current school for them to complete and return to you.

Send both completed Parts of the application form to the Local Authority at the following address:

School Admissions Team; Number One Riverside; Smith Street; Rochdale; OL16 1XU

Telephone: (01706) 925982                          Email: online.admissions@rochdale.gov.uk

If you have any further queries with regards to the process, please contact the Admissions Team directly.
Background and Scope of the Guidance

1. The Fair Access Panel and the Managed Transfers Protocol work under the umbrella of the Fair Access Protocol, covering Rochdale’s agreements to place the most vulnerable and challenging pupils in suitable provision. A copy of the Fair Access Protocol can be obtained from School Improvement. The success of the Protocol relies on a sense of fair and consistent practice across primary schools as well as trust between colleagues.

2. A child may be referred to the Fair Access Panel for one of the following reasons:
   - A critical one-off incident (as per 2008 DCSF Guidance on Exclusions, para. 17)
   - Persistent disruptive behaviour
   - Persistent disruptive behaviour and a critical incident
   - Transfer from PRS to a mainstream school

   The decision to refer is the responsibility of the Head teacher.

3. The following points are meant as a guide to referring a child to the Inclusion Officer for consideration at the Fair Access Panel. A referral will not be accepted unless the points below have been addressed. An incomplete referral will be returned to the Donor School detailing the necessary additions.

Process for Referrals

4. Prior to making a referral, a school must be in a position to demonstrate that all possible steps have been taken to meet a child’s needs and promote positive behaviours, unless the referral is in relation to a critical one-off incident (see ‘Steps to ensure Fair Access’).

5. It will be the responsibility of the donor school to gain parental agreement to the managed transfer and possible school preferences.

6. Referrals must be received by the Inclusion Officer with full and detailed information, including completion of the ‘Fair Access Panel Referral Checklist’, and must be presented to the Panel by a relevant professional.

7. If the child being referred has a statement of special educational needs, the process must be consistent with SEN procedures (contact the LA SEN and Children with Disability Team for advice).

8. Referral deadlines are the week before the Panel. These deadlines and the dates of the Panels will be published annually for the next school year at the end of the summer term in the previous year.
9. Local Authority staff will collate all relevant information to present to Panel and send to all members of Panel with plenty of notice. Schools and agencies are asked to respond to requests for information as a priority as any lack of information may result in a referral being deferred.

10. When a child has to spend some time at Brownhill Learning Community as part of the protocol, the child will not start a placement until all the relevant information has been given to the appropriate site. Children will not be moved unless they have spent the allotted time at Brownhill Learning Community.

11. As part of the Protocol it is agreed that the decision of the Panel will be accepted by all schools involved in the process. As such please ensure that requests for admission meetings are dealt with promptly and meetings are arranged as soon as possible to avoid delays.

12. All parties involved will be expected to sign an agreement detailing where responsibilities lie. This will include 4 weekly reviews during the 12 week trial placement and an undertaking that a child will return to the donor school if the placement breaks down during this period.

13. The Movement Sheet details all movements within the borough and is an important part of the decision making. It will be completed before each panel and sent to Head Teachers as part of any request to take a child from Panel. It is vital that the Inclusion Officer is made aware of ALL movement, including Hard to Place children, so that the Movement Sheet is an accurate reflection and can be used to make decisions with confidence and in the spirit of fairness and honesty which underpins the Protocol.
### Whole school policy in place and consistently applied in practice
- Good teaching and learning experiences
- Appropriate curriculum for development and progression e.g. SEALs, Healthy Schools, Restorative Justice
- Assessment and tracking integrates academic and SEB Development data
- A culture and environment of respect and responsibility established
- Regular professional development for all staff

### Assessment of individual issues and needs e.g. in class observation, Southampton
- A personalised plan in place
- Parental involvement
- Access to a range of group/individual interventions e.g. mentoring, small group SEALs
- Specific development for identified staff and/or in a particular field of expertise

### Seek advice from centres of excellence e.g. outstanding schools, PRS
- Apply best practice that has had an impact elsewhere
- Specialist assessment of need e.g. Darnhill, CAMHS, Education Psychology
- Specific Staff development e.g. shadowing, observe in another school
- Involve outside agencies
- Engage parental support

### CAF completed
- Refer to TSS
- Statement of SEN where appropriate

### Refer to Fair Access Panel

---

**CHILDREN EXHIBIT POSITIVE BEHAVIOURS**

**ISSUES BEGIN TO ARISE**

**LITTLE CHANGE OR WORSENING**

**LIMITED IMPACT**

**NO IMPROVEMENT**

**EVIDENCE OF IMPACT**

**POSITIVE RESPONSE**

**ISSUES ARE OVERCOME**

**CHILDREN PROGRESS AND DEVELOP**
# FAIR ACCESS PANEL REFERRAL CHECKLIST

<table>
<thead>
<tr>
<th>NAME OF PUPIL</th>
<th>DOB</th>
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<tr>
<td>SCHOOL</td>
<td>YEAR GROUP</td>
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## Data from Previous 12 Months

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<th>Finish</th>
<th>Subject</th>
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<td>English NC Level</td>
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<td>Reading NC Level</td>
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<td>Number of times excluded:</td>
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<td>Number of Days Excluded:</td>
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<td>Number of behaviour incidents logged:</td>
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<td>Number of racist incidents logged:</td>
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<td>Number of bullying incidents logged:</td>
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<td>Attendance:</td>
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## Tick Any Assessments of Need Completed

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<th>Assessment</th>
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<tr>
<td>Classroom observation</td>
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<td>Solution Focus</td>
<td>Insight</td>
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<td>Boxall Profile</td>
<td>PIVATS</td>
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<td>Other (please name):</td>
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| PSP/PEP in place:             | Yes / No      |
| SEN Stage:                    | None / School Action / School Action Plus / Statement |
| Parental Involvement:         | Not Engaged / Limited / Engaged / Fully Engaged |

List related staff development undertaken:

List school to school support:

List specific strategies/programmes used:

List outside agency involvement:

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<tr>
<th>RCAF completed:</th>
<th>Yes / No</th>
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<td>Date referred to TSS:</td>
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Explanatory Note and Update

Exclusion from School Procedures
For a full and complete picture, or to clarify areas of uncertainty, Headteachers are advised to refer to Department for Education (DFE) Guidance - Improving Behaviour and Attendance: Guidance on Exclusion from Schools and Pupil Referral Units; September 2009 which includes material on preventing, and alternatives to exclusion, and on reintegrating excluded pupils (replacing chapter 5 of Circular 11/99, which draws upon the good practice reported to the DFE by schools and LAs. This edition replaces all other editions.

Changes and updates introduced in September 2007.
This guidance has been revised to reflect the implementation of the exclusions-related provisions of the Education and Inspections Act 2006. These take forward the recommendations of 'Learning Behaviour', the report of the Practitioners' Group on School Behaviour and Discipline, chaired by Sir Alan Steer, and the actions set out in the Government's White Paper, 'Higher Standards, Better Schools For All' (Cm 6677, October 2005), which are designed to improve the effectiveness of the arrangements for excluded pupils. Other revisions have been made in response to points raised by recent court judgments and by interested parties. The full guidance document Improving Behaviour and Attendance: guidance on exclusion from School and Pupil Referral Units 2009 is available on teachernet and the DFE website.

The main changes are:
- When deciding to exclude a pupil the head teacher should ensure a record is kept of their actions and those of other staff (see 1.3 – 1.5, 1.7, 1.8)
- Further guidance on breach of school rules on appearance (1.5)
- Revised guidance on what actions a school should take following a fixed period exclusion (section 2)
- New material on reintegration interviews (section 3)
- Changes to the guidance on what actions should be taken following a permanent exclusion (section 4)
- Revised guidance on Parenting Orders and Contracts for behaviour (section 5)
- Revised guidance on looked after children (paragraph 6)
- Revised model letters – see section 3

1. Guiding Principles and factors to consider before making the decision to exclude

1.1 Only the Headteacher has the power to exclude. This power can only be delegated to a senior teacher if the Headteacher is absent from school.

1.2 Exclusion should not be imposed in the heat of the moment, unless there is an immediate threat to the safety of others in the school or the pupil concerned. Before
deciding whether to exclude a pupil, either permanently or for a fixed period, the head teacher should:

- Ensure that a thorough investigation has been carried out;
- Consider all the evidence available to support the allegations, taking account of the school's behaviour and equal opportunities policies, and, where applicable, the Race Relations Act 1976 as amended and the Disability Discrimination Act 1995 as amended; head teachers and others involved in exclusion procedures have a positive duty to promote equality;
- allow and encourage the pupil to give their version of events;
- check whether the incident may have been provoked, for example by bullying, or by racial or sexual harassment;
- if necessary, consult others, but not anyone who may later have a role in reviewing the head teacher's decision, for example a member of the governing body; and
- keep a written record of the actions taken (and copies of written records made by other members of staff), including any interview with the pupil concerned. Witness statements must be dated and should be signed, wherever possible.

1.3 A decision to exclude a child for a lunchtime, fixed period or permanently should be taken only:

- In response to a serious breach of the school’s disciplinary policy; and
- once a range of alternative strategies, including a Pastoral Support Programme (see Section 4 of Circular 10/99), or a Parenting Contract (Anti-Social Behaviour Act 2003 – see DfES Guidance on Education-Related Parenting Contract, Parenting Orders and Penalty Notices – Ref: DCSF/0234/2004) have been tried and have failed;

and/or

- If allowing the pupil to remain in school would seriously harm the education or welfare of the pupil or of others in the school.

1.4 When they review an exclusion, if the governors’ Pupil Discipline Committee or the Independent Appeal Panel considers that the DCSF guidance and advice in Circular 10/99 had not been followed, they should normally direct reinstatement.

1.5 Exclusion should not be used for:

- minor incidents such as failure to do homework or failure to bring in dinner money;
- poor academic performance;
- lateness or truancy;
- pregnancy;
- breaches of school uniform rules or rules on appearance (for example, relating to jewellery, body-piercing, hairstyles, etc), except where these are persistent and in open defiance of such rules. (pupils may be sent home, their parents first having been contacted, on recorded authorised absence to change clothes without being excluded; this should be no longer than is necessary, otherwise it could amount to an unofficial exclusion)
- punishing pupils for the behaviour of parent(s)/carer(s), for example by extending a fixed period exclusion until the parent(s)/carer(s) agree to attend a meeting.
- Protecting victims of bullying by sending them home.

1.6 The law allows Headteachers to exclude a pupil for up to 45 days in a school year.

1.7 It is recommended that individual exclusions should be for the shortest time necessary, bearing in mind that exclusions of more than a day or two make it more
difficult for a pupil to be reintegrated into school. In all cases of more than one day’s exclusion, work should be set and marked.

1.8 Parents and pupils should also be invited to attend a reintegration interview for all primary exclusions, and secondary exclusions over 5 days. Attendance at this interview can be taken into account by a magistrate when making a decision on a parenting order if necessary in the future.

1.9 In August 2000, the DfE issued supplementary guidance to Circular 10/99, which made it clear that whilst the provisions of the Circular should be followed, they should not be seen as preventing a Headteacher from excluding violent or very disruptive pupils who may threaten the health and safety of themselves or others at the school. This guidance also stressed the need to make exclusions in the context of a school’s behaviour policy.

2. Procedures following a fixed term exclusion – with particular regard to the new 6 day provision legislation. Responsibilities of the Headteacher

2.1 The school’s obligation to provide education continues and must be met during a fixed period exclusion. Parents are not responsible for making educational provision for their excluded child, but are expected to co-operate with schools in this regard. Where a pupil is given a fixed period exclusion of six school days or longer, the school has a duty to arrange suitable full-time educational provision from and including the sixth school day of the exclusion. Schools in the former Behaviour Improvement Programme that are still in receipt of additional funding are expected to continue making educational provision for excluded pupils from the first day of exclusion.

2.2 During the initial period of up to five school days, the parents of the excluded pupil must ensure that he or she is not present in a public place during normal school hours without reasonable justification. This requirement applies whether or not the pupil is in the company of the parent. A failure to comply with this requirement is an offence. Parents can be prosecuted, or may be given a fixed penalty notice of £50 if they fail to do this. The penalty payable increases to £100 if unpaid after 28 calendar days, and if this is still unpaid after 42 days the parent is subject to prosecution for the original offence (see Guidance on Education-related Parenting Contracts, Parenting Orders and Penalty Notices 2007). The pupil may also be removed from the public place by the police and taken to designated premises.

2.3 During this period the school should set work for the pupil to complete and for it to be marked, unless the school has made arrangements, on a voluntary basis, for suitable full-time provision for the pupil to commence earlier than the sixth day. A head teacher considering whether to exclude a pupil for a period which will mean there is a duty to provide suitable full-time educational provision should plan:

- to make suitable full-time provision available to the pupil from the sixth school day of any period of fixed period exclusion of six school days or longer, and if he or she wishes, make provision available to the pupil at an earlier day than the sixth school day. Provision should normally be off-site, but a school may make provision on-site where arrangements for shared on-site provision have been made jointly with the governing body of at least one other school and is available to excluded pupils from that or those other schools (please see separate guidance on implementation/good practice on TeacherNet). Such provision does not have to be made for pupils in the final year of compulsory education who have already taken (or
missed) their public examinations. For a pupil with a statement of special educational needs, suitable full-time provision must be consistent with what is specified in the statement;

• to ensure that work is set for the pupil to complete during the first five school days of exclusion and that it is marked, unless during that time the pupil will be attending alternative provision;

• to ensure that the parent is fully informed of their duties in the first five days and of the school days on which the pupil will be provided with suitable full-time education and must attend that provision and of any sanctions that may be imposed for non-attendance (please see model letters 1-3);

• how the time might be used to address the pupil's problems; and

• what support will best help with the pupil's reintegration into the school at the end of the exclusion. This will include arrangements for a reintegration interview with a parent of the pupil.

3. Re-Integration Interview

3.1 The head teacher must arrange a reintegration interview with parents during or following the expiry of any fixed period exclusion of a primary-aged pupil, or of a fixed period exclusion of six or more school days of a secondary-aged pupil. An interview is not necessary where the pupil is leaving school within the period of the exclusion for a reason unconnected with his or her behaviour or where the first day of exclusion falls within the last ten school days in the school year. The pupil should normally attend all or part of the interview. The interview should be conducted by the head teacher or a senior member of staff. In some circumstances it may be helpful for another person to be present such as the designated teacher or Governor for Looked After Children or SEN.

3.2 The purpose of the reintegration interview is to assist the reintegration of the pupil and promote the improvement of his or her behaviour. It provides an opportunity to:

• Emphasise the importance of parents working with the school to take joint responsibility for their child's behaviour;

• discuss how behaviour problems can be addressed;

• explore wider issues and any circumstances that may be affecting the child's behaviour;

• reach agreement on how the child's education should continue, how best they can be reintegrated and what measures could be put in place to prevent further misbehaviour; and

• create a useful forum to consider with parents the possibility of a parenting contract.

3.3 The interview must be held during the period beginning with the first school day to which the exclusion relates and ending with the fifteenth school day following the day on which he or she returns to school. The head teacher must try to arrange the interview for a date and time that is convenient to the parent. If possible the interview should be held on the day the pupil returns to school. The interview date suggested by the head teacher should be a school day, but the interview can be held on a non-school day if the head teacher and parent agree. At least one of the child's parents is expected to attend the meeting. A parent's failure to attend will be one factor taken into account by a magistrates' court when deciding whether to impose a parenting order, if at any future date a parenting order has been applied for by the school or local authority.
3.4 Schools must keep records of the failure to attend a reintegration interview, and of any explanation given by the parent for failure to attend, as the court may need to see them. However, a fixed period exclusion must not be extended if such an interview cannot be arranged in time or the parents do not attend.

3.5 The interview must be conducted on school premises. The notice relating to a reintegration interview can be combined with the notice informing the parent of the exclusion or relating to the alternative educational provision that the pupil must attend whilst excluded (see the Education (Reintegration Interview) (England) Regulations 2007). The notice must be given no later than six school days before the date of the reintegration interview.

4. **Procedure following a permanent exclusion**

4.1 In the case of a permanent exclusion the pupil remains on the roll of the school until any appeal is determined; until the time limit for the parents to lodge an appeal has expired without an appeal being brought; or the parent has informed the LA in writing that no appeal is to be brought. During the first five school days of a permanent exclusion the school should send work home for the pupil to complete. During these initial five school days of exclusion parents must ensure that their child is not present in a public place during school hours without reasonable justification. They commit an offence if they do not.

4.2 Parents are subject to prosecution or a fixed penalty notice of £50 if they fail to do this. Service of a penalty notice prevents a prosecution being brought during the time for payment, and if the parent pays within that time, they may not be prosecuted. The penalty notice increases to £100 if unpaid after 28 calendar days and if this is still unpaid after 42 days the parent is once again subject to prosecution for the offence.

4.3 During the first five days of a permanent exclusion the LA should arrange to assess the pupil's needs and how to meet them including any special educational needs the pupil may have. The LA should also arrange a meeting with the parents to discuss options within the first week of the exclusion. From the sixth school day of a permanent exclusion, the LA is statutorily responsible for ensuring that suitable full-time education is provided. This will be the pupil's home LA in cases where the school is maintained by a different LA. Such provision does not have to be made for pupils in the final year of compulsory education who have already taken (or missed) their public examinations.

4.4 For a pupil with a statement of special educational needs, suitable full-time provision must be consistent with what is specified in the statement. Guidance for local authorities on making arrangements for provision of suitable full time education to excluded pupils is available on TeacherNet. If the school or LA considers that parenting is a factor in the behaviour of the pupil who has been excluded, they should consider whether it may be appropriate to offer a parenting contract or apply to the magistrates' court for a parenting order. Schools and LAs can also do this before the pupil's behaviour deteriorates to the point where exclusion is the only appropriate response. In accordance with the law on admissions, a school may not require a parent to sign a parenting contract as a condition of their child being admitted following permanent exclusion.
5. Exclusions from Pupil Referral Units

5.1 Teachers in charge of Pupil Referral Units (PRUs) have the same powers as head teachers of maintained schools to exclude pupils for a fixed period or permanently. There is further guidance on the review and appeal arrangements for exclusions from PRUs in paragraph 107 of the DfE Guidance. Local authorities must ensure that all permanently excluded pupils, including those in PRUs, are provided with full-time education from the sixth school day after exclusion. Local authorities have a similar duty in relation to pupils excluded for fixed periods from a PRU. Some local authorities seek to minimise the number of exclusions of pupils from PRUs. In doing so they must ensure that the PRU provision meets the particular needs of the pupils and they must have regard to their duty of care to other pupils and the health, safety and welfare of the workforce.

5.2 Where a local authority has more than one PRU, it may be possible to place a pupil in a different PRU from the one from which the pupil was excluded. However, where this is not possible or appropriate, local authorities should ensure that they maintain, and have access to, a wide range of suitable alternative educational provision to meet the needs of excluded pupils (see related documents for guidance on alternative provision).

6 Parenting contracts and orders

6.1 If the school or local authority considers that parental influence could be better brought to bear in improving the behaviour of the pupil, a parenting contract may be offered. It may help parents take responsibility for their children and strengthen their ability to do so. This can engender a productive relationship with parents and provide individualised support. It provides an early intervention to deal with emerging behaviour problems or after an exclusion of any duration. A parenting contract is a written voluntary agreement between the school governing body or the local authority and the parent under which the parent agrees to comply with certain requirements and the school or local authority agrees to provide, or help the parent access, the support that they need. Parenting contracts are appropriate where the parent is willing to engage with the school or local authority but is in need of (and will accept) support in order to help improve their child's behaviour. A school cannot require a parent to sign a parenting contract as a condition of his or her child being reinstated, being admitted to a school or not being excluded from it.

6.2 If the parent refuses or fails to engage with the school or local authority in attempting to improve his or her child's behaviour and the requisite standard of misbehaviour is met, the school or LA may consider applying to the magistrates' court for a parenting order to compel the parent to comply with certain requirements including attendance at parenting classes. The kind of misbehaviour that can trigger a parenting order is behaviour that has or could have resulted in exclusion.

7 Looked After Children

7.1 Children in care are no less able than other children but they often underachieve because they fall behind through missing school — in 2006 only 12% of children in care achieved 5 A*-C grades at GCSE (or equivalent) compared to 59% of all children. Care Matters: Time for Change (see related documents) sets out how the Government will improve outcomes for children and young people in care. Many children in care have unmet social and emotional needs and, as a group, are more likely to be at risk of exclusion. In 2005/6 children in care were eight times more likely
to be permanently excluded than their peers. Schools are expected to proactively support and co-operate with foster carers and the local authority as a corporate parent in doing everything possible to avoid excluding a looked after child.

7.2 Exclusion from school, and permanent exclusion in particular, can place great strain on care placements and lead to even more disruption in a child's life if the care placement breaks down as a result. Much more needs to be done to reduce the need for exclusion of children in care. Local authorities, schools, social workers and carers all share the responsibility for reducing exclusions of children in care. Schools, supported by their local authority, should put in place strategies to reduce the need for exclusion for children in care. Virtual school heads will be introduced to help support schools and local authorities, and we will revise the National Minimum standards for residential children's homes to ensure that they take action to reduce the need for exclusion. Tackling exclusion will provide a firm foundation for improving their educational attainment.

7.3 Exclusion of children in care should be an absolute last resort. It is vital that schools and social workers work together in partnership with other professionals and try every practicable means to maintain them in school and to exclude them only in the most exceptional circumstances. Before excluding, schools, in conjunction with the local authority, should first consider alternative options for supporting the child or young person in care. No child in care should be excluded from a school without discussion with the local authority to ensure that there is suitable alternative provision available elsewhere.

7.4 The document Supporting Looked After Learners — a practical guide for school governors (see related documents) provides information on what effective schools do to help staff understand and manage challenging behaviour where it occurs. Those schools which are most successful in preventing exclusion have policies which tackle underlying causes of poor behaviour with strategies such as pastoral support programmes and intervention from behaviour support specialists. Local authorities are under a statutory duty to promote the educational achievement of the children they look after and social workers must be involved at the earliest opportunity working with the school to avoid the need to exclude. The role of designated teacher for children in care in a school is central to involving other children's services and, where appropriate, securing additional support.

7.5 In cases where a child or young person in care is excluded, anyone who is legally defined as a parent will have the right to make representations and to appeal. The definition of a parent for the purposes of the Education Acts is broadly drawn and includes any person who has parental responsibility (which includes the Local Authority where they have a care order in respect of the child) and any person (for example, a foster carer) with whom the child lives. These are in addition to the child's birth parent(s). This means that there could be a number of people who will have the right to make representations and appeal. At any exclusion hearings, especially where support for the child may not be consistent or robust, the school should ensure that children and young people have a voice and that they feel they are being listened to. The hearing should take place in an atmosphere where they feel comfortable and able to speak openly.

7.6 Even where the Local Authority does not have parental responsibility, (i.e. where the child is accommodated under section 20 of the Children Act 1989 but is not the subject of a care order) the child's social worker should be involved at the earliest
opportunity about the possibility of any exclusion. The designated teacher for children in care will be able to advise on the legal status of pupils in public care in the school.

7.7 Although the Education and Inspections Act 2006 only requires full time education to be provided from the sixth day of an exclusion, such a break in education will have an impact on the education of children in care. To ensure there is minimal disruption to their education, where a child or young person in care is excluded, it is the Government's view that schools and local authorities as appropriate should arrange alternative provision from the first day of the exclusion.

8 Responsibilities of the Head Teacher

8.1 **Informing the parent(s)/carer(s)** - The Headteacher, on excluding a pupil, should notify the parent(s)/carer(s) immediately, ideally by telephone, and a letter MUST follow the telephone call within one school day.

8.2 An Exclusion should normally begin on the next school day. Exclusion letters should explain:
- why the Headteacher decided to exclude the pupil and the steps taken to try to avoid exclusion;
- the arrangements for enabling the pupil to continue their education, including setting and marking the pupil's work;
- if the exclusion is longer than 5 days, the school must inform the parent of the alternative arrangements for full time education provision.
- **The parents responsibility to ensure their child is not in a public place during the school days of the exclusion without justification. The letter must state that the parent is liable for a fixed penalty and/or prosecution if the child is found in public without justification.**
- the parent(s)/carer(s) right to state their case to the governors;
- the latest date the parent(s)/carer(s) can put a written statement to the governors;
- the parent(s)/carer(s) right to see their child’s school record;
- in the case of a fixed period exclusion details of how to contact the SEN and Disability Tribunal (SENDIST) if parent(s)/carer(s) think that the exclusion relates to a disability of their child;
- if the exclusion is for a fixed period, the length of the exclusion and the date and time the pupil should return to school (it is not acceptable to put “until the parent(s)/carer(s) have met with the Headteacher” or named member of staff);
- if the exclusion is for lunchtimes only, the length of the exclusion (normally no more than five school days) and the arrangements for providing a meal for any pupil entitled to a free school meal;
- if the exclusion is permanent, the date the permanent exclusion takes effect and details of any relevant warnings, fixed period exclusions or other disciplinary measures taken before the present incident (this may take time to collate and could be contained in a prompt follow-up letter rather than delay the letter notifying the parent(s)/carer(s) of the exclusion);
- if the exclusion is permanent the school must inform the parents that the local authority will provide alternative full time education from day 6 of the exclusion and if known detail this in the letter.
- the name and telephone number of a contact at the LA who can provide advice on the exclusion process and the telephone number for the Advisory Centre for Education (ACE) helpline on exclusions 0808 8000327 all other matters on 0808 8005793 [www.ace-ed.org.uk](http://www.ace-ed.org.uk).

Sample letters can be obtained from the Inclusion Officer
8.3 **Informing the Governors’ Pupil Discipline Committee and the LA**—The Headteacher should inform the Governors’ Pupil Discipline Committee and the LEA immediately of:

- all permanent exclusions;
- all fixed period exclusions;
- all lunchtime exclusions.

All lunchtime exclusions see DCSF guidance Part 2 Removing Pupils from a School Site and the Decision to Exclude paragraph 31.

8.4 It is essential that all the grounds for exclusion are included in the written evidence sent to the parent(s)/carer(s). It is also helpful to include details of support strategies offered by the school and of contact with parent(s)/carer(s) prior to the exclusion. The Headteacher may only use the evidence in the written papers to support the exclusion at the disciplinary meeting or at an appeal. See Part 5 Independent Appeal Panels of DCSF guidance ‘Improving Behaviour and Attendance – guidance on Exclusions from Schools and Pupil Referral Units’ September 2008 – paragraphs 149 - 154 Evidence and Witnesses.

9 **Responsibilities of the Governing Body**

9.1 **Set up a Pupil Discipline Committee to:**

- consist of either three or five governors (not including the headteacher). If a governor has a connection with either the pupil or the incident, they should not serve at the meeting (i.e. consider carefully whether it is appropriate for teacher governors to be included);
- review the use of exclusions within the school;
- consider representations from parents/carers;
- decide whether or not to confirm exclusions of more than five days in a school term, including permanent exclusions;
- consider whether or not to confirm exclusions where a pupil would miss an opportunity to take a public examination;
- appoint a clerk to the governors’ Pupil Discipline Committee to handle the administrative arrangements for considering exclusions (the clerk should be familiar with the new DCSF guidance and the relevant school policies).

9.2 In setting up the meeting the clerk to the Pupil Discipline Committee should:

- for an exclusion of fewer than 5 days in the term arrange the date as soon as possible if representations have been received from the parent(s)/carer(s);
- for an exclusion of fewer than 5 days in the term that causes the pupil to miss sitting a public examination try to arrange a meeting before the public examination;
- for an exclusion of between 6 and 15 school days inclusive arrange a meeting date between the 6th and 50th school day, **only** if this is requested by a parent(s)/carer(s);
- for an exclusion of over 15 school days arrange the meeting between the 6th and 15th school day; (compulsory)
- for a permanent exclusion arrange the meeting between the 6th and 15th day after receiving notice from the Headteacher of the exclusion;
- ask for all written statements in advance of the meeting and send to parent(s)/carer(s) and ensure that all the written statements and a list of all those who will be present at the meeting, are circulated to all parties attending, at least 5 days before the meeting. All written statements should be attributed and signed unless the school has good reason to wish to protect the anonymity of pupils. These statements will include the report of the incident(s) resulting in the exclusion and any background reports to be used.
9.3 At the meeting itself the following protocol should be observed:

- the Chair of the Pupil Discipline Committee should call the Headteacher, parent(s)/carer(s) and any representatives, the pupil and the LA Officer to join the meeting all at the same time. The Headteacher must not have previously discussed the case with any committee member;
- the Chair welcomes everybody to the meeting, introduces everybody and explains the procedure to be followed;
- the Headteacher is asked to present his/her case giving the reason(s) for the exclusion and the circumstances surrounding the decision to exclude. The Headteacher should also outline the steps taken to try and avoid the exclusion;
- the parent(s)/carer(s) or their representative will then have the opportunity to question the Headteacher on his/her statement;
- the members of the Pupil Discipline Committee may then ask questions of the Headteacher;
- the parent(s)/carer(s) or their representative will then be given the opportunity to give their statement to support their case;
- the Headteacher and/or committee members may then question the parent(s)/carer(s) or representative and the pupil, if present, in order to clarify any of the issues raised;
- following this the LA Officer will be invited to ask questions of both parties and give the Authority’s views on the appropriateness of the exclusion (Inclusion Officer is only required to be present for permanent exclusions but can be invited for fixed period exclusions);
- Finally, all parties will be invited to ‘sum-up’. Parent(s)/carer(s) should always be given the opportunity to have the ‘last word’;
- the Pupil Discipline Committee must be satisfied that all possible strategies (including a Pastoral Support Programme or Parenting Contract in the case of permanent exclusions) have been tried and have failed. The committee must also consider whether, in the case of a pupil with a statement of SEN, the statement should be reviewed rather than resorting to a permanent exclusion;
- the Chair’s role is to make sure that all the necessary information has been provided so that the Pupil Discipline Committee may make an informed decision on the exclusion;
- once the Chair is satisfied that the parties involved have completed their presentation, she/he will close the meeting and ask everyone, apart from the Committee members and the Clerk, to leave the room;
- the Pupil Discipline Committee, under the guidance of the Chair, should consider all the evidence they have heard and decide, if appropriate, whether to reinstate the pupil. In reaching their decision the Pupil Discipline Committee should:
  - consider the parent(s)/carer(s) and the LA’s statements;
  - have regard to the guidance on the appropriate use of exclusions;
  - in the case of a fixed period exclusion, consider whether the Headteacher has tried sufficient approaches to improve a pupil’s behaviour before resorting to exclusion;
  - in the case of a permanent exclusion, satisfy itself that all possible strategies to improve a pupil’s behaviour were tried and had failed. Strategies should include those in DCSF guidance, Part 1 Promoting Positive Behaviour and Early Intervention, including a Pastoral Support Programme, Circular 10/99 – ‘Social Inclusion: Pupil Support’.

If a Headteacher has not used exclusion in line with the DCSF guidance, the Pupil Discipline Committee should normally direct re-instatement.

9.4 If the Pupil Discipline Committee decides to direct re-instatement it should:
• discuss with the LA whether extra short-term support could be made available to help to ensure successful reintegration;
• notify the parent(s)/carer(s) and the LA of their decision within one school day of the meeting, giving the reasons.

The Pupil Discipline Committee may not attach any conditions to the re-instatement of the pupil.

9.5 If the Pupil Discipline Committee confirms the Headteacher’s decision to exclude it should:
• in the case of a fixed period exclusion be satisfied that there are satisfactory arrangements for the pupil to continue their education while away from school;
• in the case of a permanent exclusion write within one school day to the parent(s)/carer(s) with a copy to the LA, giving the reasons for the decision;
• explain the parent(s)/carer(s) right to appeal to an independent appeal panel to which they can make oral and written statements;
• give the name and address of the person the parent(s)/carer(s) should contact if they wish to appeal, explaining that any notice of appeal should explain the grounds of the appeal and stating the last date for giving notice of appeal (15 school days from the Pupil Discipline Committee’s decision).

The parent(s)/carer(s) have the right to appeal to an Independent Appeal Panel, (even if they did not attend the Pupil Discipline Committee meeting).

Where schools do not wish to set up a Pupil Discipline Committee a full Governing Body Meeting would need to be called when considering exclusions.

10 Responsibilities of the LA

10.1 Advising the Pupil Disciplinary Committee:- The LA’s role is to give their view on the appropriateness of the exclusion. The LA can make a statement to the Pupil Discipline Committee when they are considering whether to uphold exclusion, for example about how other schools in the Authority have responded to similar incidents.

10.2 Advising the Parent(s)/Carer(s):- If a Pupil Discipline Committee decides not to re-instate a permanently excluded pupil the LA must also write within three working days of the Pupil Discipline Committee meeting confirming the details of the parent(s)/carer(s)’ right to appeal. The LA’s letter must tell the parent(s)/carer(s) the last date on which the appeal can be made (i.e. 15 school days from the Pupil Discipline Committee’s decision). The letter should give the name and contact details for the clerk to the independent appeal panel and explain that the parent(s)/carer(s) notice of appeal must be in writing and must set out the grounds for the appeal.

10.3 Attending the Independent Appeal Hearing:- A nominated LA Officer is entitled to attend a meeting of the Independent Appeal Panel and may make oral or written representations.

10.4 Setting up an Independent Appeal Panel to Hear Appeals Against a Permanent Exclusion:- Within Rochdale LA the Committee Services Section of the Corporate Services Department has undertaken this task in order that all parties can be confident in the independence of the panel. The name and address of the officer parents should contact is:
The process and procedures for the Independent Appeal Panel Hearings against a permanent exclusion are stipulated in Schedule 18 to the School Standards and Framework Act 1998. They are also clearly set out in DCSF Guidance Part 5: Independent Appeal Panels.
1. Introduction

1.1 The School Admissions Code 2012 requires all Local Authorities to have a Fair Access Protocol 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.

1.2 The operation of the Fair Access Protocol is triggered when a parent of an eligible child has not secured a place under the Within-Year Transfer procedures. APPENDIX ONE sets out the Within-Year Admission Arrangements 2013-14. For school year 2012-13 the Local Authority must co-ordinate within-year transfers, and this is done through the Admissions Team. For school year 2013-14 onwards there is no such requirement, and schools that are their own admission authority will manage their own within-year transfers unless other arrangements are agreed with the Local Authority.

1.3 The Local Authority has developed this Protocol with Headteachers groups to address the inter-related issues around the in-year movement of children. The Rochdale Fair Access Protocol applies to all schools - and this version applies to primary schools and primary age range academies in the Borough, and covers pupils who:

- Cannot obtain a school place under the normal Within-Year Transfer arrangements;
- Are out of school and identified as “Hard To Place” (HTP);
- Are on the roll of a mainstream school for whom a move to another school will be beneficial and are identified as HTP;
- Move as a result of a referral to the Fair Access Panel (Managed Moves); and
- Are Permanently Excluded.

2. Aims of the Fair Access Protocol

2.1 The Fair Access Protocol is designed to facilitate the school placement of the most vulnerable children and/or challenging children in the Borough. In doing so it aims to:

- acknowledge the real need of vulnerable children to be dealt with quickly, sympathetically and to be placed appropriately;
- reduce the time that such children spend out of education;
- ensure that schools admit children with challenging behaviour and behavioural needs on as fair and equitable basis as possible;
- ensure that the process is transparent and fair for all schools; and
- facilitate appropriate challenge where necessary.


3.1 In order for the Protocol to be successful, fair and equitable the following principles will apply:

- schools and the Local Authority will provide a named contact under the Protocol to ensure effective communication and timely resolution of placement;
- over subscription / waiting list / failure to win an appeal will not be an obstacle to admitting children through the Protocol, but the Headteacher would be consulted prior to admitting a child;
• admissions must be made within the current timescales, i.e. LAC – 20 days maximum;
• children with statements of SEN who meet the criteria will be admitted under the usual SEN Code of Practice procedures;
• all factors will be taken into consideration when allocating a place and it is agreed that schools will accept decisions made under the Fair Access Protocol;
• the final decision about whether a child is identified as Hard to Place rests with the Local Authority;
• all admissions made through the Protocol should be supported by an Admission Planning Meeting and Pastoral Support Plan;
• the School Improvement Team will support and monitor admissions agreed through the Protocol; and
• all child movement through the Fair Access Protocol will be fully recorded on a Movement Sheet so that decisions are fair, equitable and transparent. The Movement Sheet will be presented to Heads at the Fair Access Panel.

4. Hard To Place Children - The Rochdale Definition

4.1 The Rochdale definition of children who are Hard to Place and to whom the Protocol applies is as follows (this includes those children who must be included under the School Admissions Code):

• Children in public care (Looked After Children – LAC);
• Permanently excluded children. (Any child that has been recently excluded will be dealt with under the Procedures for Permanently Excluded Children as set out in APPENDIX FIVE);
• Children at Pupil Referral Service – reintegration to schools;
• Children not on a school roll e.g. new to area/withdrawn by family and all the local schools are genuinely full in the relevant year group. (e.g. within three miles of home);
• Children seeking transfer with a history of behaviour difficulties – evidence to be provided to the Local Authority;
• Children with unsupported backgrounds e.g. where parents have not sought a place;
• Children with history of poor attendance (e.g. less than 85% over the two previous consecutive full terms);
• Children currently on (or recently completed) Youth Offending Orders/ASBOs;
• Children returning from custody/secure accommodation;
• Children out of an educational setting for more than one term;
• Children moving into the Borough in Y11 or after Easter in Y10
• Children seeking to change schools in Year 11 without a change of address;
• Children on the Child Protection Register and/or those classed as a Child In Need;
• Children who are carers;
• Children with SEN (but without a Statement);
• Children with disabilities or medical conditions;
• Children from gypsy, Roma, traveller, refugee and asylum seeker groups; and
• Children of UK Service Personnel and other Crown Servants.

4.2 Many children who have characteristics described above will not be ‘Hard To Place’ and will be admitted to school under normal procedures. For example many children in public care will access education successfully and will not require the help of the Panel - but if a child in public care is also ‘Hard To Place’ for any reason at a given time, that child must be supported quickly and effectively.
4.3 The procedure for identifying whether a child is subject to the Fair Access Protocol and/or is identified as Hard To Place begins with the submission of a Within-Year Transfer request:

- **APPENDIX TWO** sets out a simplified flow chart to show the process; and
- **APPENDIX THREE** is the new *Within-Year Transfer Form*, which asks for information relevant to the determination of whether the child should be identified as Hard to Place and subject to the Fair Access Protocol.

4.4 On receipt of the application, and comments from the current school, the Inclusion Team will determine whether the Child is Hard To Place, and whether the Fair Access Protocol should be applied.

4.5 Once a school place has been allocated and offered, if during the school's usual admission procedures, information provided either by a previous school, the parent or child lead the school to feel the child should be classed as Hard To Place they must refer the case back to the Inclusion Team for consideration. If it is agreed, the child will be added to the Movement Sheet that is presented to the Fair Access Panel as well as being monitored by the relevant admissions officer to ensure it is taken into consideration in future placement decisions for that school.

4.6 Classing a child as Hard to Place must not delay his/her start and schools must not refuse a place based on the child being identified as Hard To Place.

5. Process for the Admission of Secondary Age Children

5.1 Secondary age children who fall within one of the categories for placement under the Protocol will be referred directly to a school by the Admissions Team.

5.2 Other than by agreement with the school, no more than 10% children who fall within one of the categories for placement under the Protocol will be referred to any one school to admit above the Planned Admission Number in any one year group during any one academic year.

5.3 Where the Admissions Team identify from a Within-Year application that a child meets the criteria for the Protocol, the application will be referred to one of the parent/carer's preferred schools for placement unless:

- A school is in Special Measures, has recently come out of them or is otherwise assessed by the Local Authority as needing support; or
- A school has no vacancies and the school already has admitted 10% of children under the Protocol within the last academic year; or
- To admit an extra child would breach infant class size legislation; or
- There are reasons why a school would not be an appropriate placement for the child.

5.5 If, for these reasons it is not possible to place the child within one of the preferred schools, the Admissions team will seek to place the child in the nearest and most suitable school that would not breach those conditions taking into account:

- Schools with vacancies;
- Any genuine concerns about the admission either by the parent/carer or by the school;
- A view of the parent/carer about the religious ethos of the school;
• The number of LAC and SEN children within each year group and the numbers and frequency of previous Fair Access Placements within each year group in the school; and
• A reasonable walking distance from home to school.

5.6 If a Governing Body does not wish to admit a child who falls within one of the Fair Access categories outside the normal admission round, even though places are available within the Published Admission Number, it should refer the case to the Admissions team setting out the reasons why they do not feel they can place the child. In these circumstances the provisions of the School Admissions Code on arrangements for direction by the Local Authority would become applicable.

6. The Inclusion Panel and Managed Transfers

6.1 Rochdale currently has an Inclusion Panel for secondary schools, which was set up in January 2003 in order to facilitate and co-ordinate the placement of vulnerable children into mainstream schools or other appropriate provision e.g. Pupil Referral Service as quickly as possible.

6.2 The Panel was created with the full support for the Rochdale Association of Secondary Headteachers and it has been effective in ensuring that the distribution of vulnerable pupils has been shared equally amongst schools.

6.3 The Inclusion Panel will:

• ensure that wherever possible there is a fair and equitable sharing of challenging pupils;
• keep up-to-date and accurate records of the movements in and out of all Secondary Schools under the Fair Access Protocol;
• take account of genuine school concerns, e.g. previous serious breakdown of relationship between school and family, strong parental preference/aversion re religious affiliation; and
• challenge appropriately where the within-year transfer/admission procedures are not followed correctly.

6.4 The Inclusion Panel is arranged and managed by the School Improvement Service. The Panel meets fortnightly during term time. The Membership of the Panel is as follows:

• Senior School Improvement Manager (Chair);
• Inclusion Officer;
• Pupil Referral Service Deputy Heads;
• Principal of Brownhill Learning Community;
• 2 Secondary School Headteachers on rotation;

ALSO

• A senior member of school staff with the remit for delegated decision making and any other relevant staff will be invited to present the case for a child that the school has referred; and
• Other agencies will be invited to attend as and when necessary such as Youth Offending Team, Education Welfare Service, Connexions.

6.5 Referrals much be received within timescales and with full and detailed information and must be presented by a relevant professional. Referral deadlines are the week
before the panel and both these deadlines and the dates of the Panels are published annually for the next school year at the end of the summer term in the previous year.

6.6 All Permanent Exclusions and movements under the Managed Transfer Protocol will be referred to the Inclusion Officer who will then follow procedures for the allocation of school places and refer to the Panel for consideration.

6.7 School Improvement Service staff will collate all relevant information to present to Panel and will ensure that relevant paperwork is sent to all members of Panel with plenty of notice. Schools are agencies are asked to respond to requests for information as a priority as any lack of information may result in a referral being deferred.

6.8 Schools will need to follow the Managed Transfers Protocol attached as APPENDIX FOUR and use the pro-forma checklist and information forms when making a referral to the Inclusion Panel. A record is kept on a Movement Sheet and produced at each Panel meeting of the “outs” and “ins” listed by school. It details year group and category the child has been allocated under, so that fair allocations are made where possible in individual year groups. Challenges to the decision of the Panel will be dealt with through the Senior School Improvement Manager as Chair of the Panel.

6.9 Parental and child preferences will be considered formally, but will not override the protocol. Where the Protocol overrides the parental preference and a place is refused at the preferred school, the parent has a right of appeal to the independent Appeals Panel.

7. Funding And Additional Support To Managed Transfers

7.1 Funding will follow permanently excluded pupils under AWPU arrangements proportionate for each term in the school year. Financial arrangements for Managed Transfers are detailed in the Managed Transfers Protocol and are managed centrally by the Local Authority. No additional funding is available for other children. Transport costs may be met if children are placed outside statutory walking distances, although those placed through the Fair Access Protocol may be eligible for assistance. Cases will be considered on an individual basis.

7.2 The Inclusion Officer, in partnership with schools, will seek additional support for individual placements from other agencies e.g. where attendance is identified as the main problem, an Education Welfare Officer will be allocated; where a young person is on a YOT order the YOT Officer will be expected to support the admission and Brownhill Learning Community will support reintegration from PRS.

7.3 Schools will be expected and encouraged to use their Learning Support Units and Mentors to manage the admission and to draw up a PSP to clarify support and monitor progress.

8. Monitoring And Review Of The Work Of The Panel

8.1 Children will be place on roll at the school and thereafter normal procedures apply unless the child has been permanently excluded and the Inclusion Officer is monitoring a re-integration period (for a maximum of 1 term), in which case the pupil
may be withdrawn after a formal review without receiving a further permanent exclusion.

8.2 Termly reports will be compiled and sent to the members of the Panel. This report will also be given to the Chair of the Rochdale Association of Secondary Headteachers (RASH) for consideration and distributed to other relevant parties. A more detailed report will be compiled and distributed at the end of each academic year, no later than half term of the Autumn Term to be presented at RASH.

9. School Admissions And Appeals Codes

9.1 This Protocol must be read in conjunction with the School Admissions Code and School Appeals Code 2012.
Introduction

1. In accordance with the School Admissions Code 2012, where a pupil applies for a place outside the normal admissions round, whether in-year or at the start of a school year which isn’t the normal point of entry to the school (i.e. Reception or Year 7), admission authorities must comply with the parental preference unless one of the statutory reasons for refusing admission applies (i.e. the requested Year Group is full or the child has been permanently excluded from two or more schools). All applications must be considered without delay and a formal decision either to offer or to refuse a place must be made and notified to the applicant. Applicants must not be refused the opportunity to make an application, or told that they can only be placed on a waiting list rather than make a formal application.

2. From September 2013, applications from Rochdale residents for a school place outside of the normal transfer time must be made on Rochdale’s standard Within-Year Transfer application form. This form can be obtained from the Local Authority or the current school (if in Borough). The form must be returned to the Local Authority for Community and Voluntary Controlled schools, or direct to schools and academies that are their own admission authority. Parents must ensure that the form is completed in full and submitted with any supplementary information. If in doubt parents should contact the Local Authority.

3. A secondary In-Year Fair Access Protocol is in place to consider children who are without a school/academy place who meet the criteria. This is in accordance with the School Admissions Code 2012

4. A primary In-Year Fair Access protocol will be in place to consider children are without a place at a school or academy who meet the criteria. This is in accordance with the School Admissions Code 2012

5. If, in the Admission Authority’s opinion, there is a statutory reason to refuse entry or a child meets the criteria in the Fair Access Protocol (Hard to Place), the application will be dealt with in accordance with the Fair Access Protocol. The operation of the Fair Access Protocols is outside the arrangements of co-ordination and is triggered when a parent of an eligible child has not secured a place under in-year transfer procedures.

6. Admission authorities must not refuse to admit a child solely because:
   a) they have applied later than other applicants;
   b) they are not of the faith of the school in the case of faith schools;
   c) they followed a different curriculum at their previous school;
   d) information has not been received from their previous school.
7. It is essential that children who have no school place are found one quickly. However in cases involving within-year transfers that do not require a house move, or where there is no need for an immediate transfer, the change of school will not normally be until the beginning of the next half term.

**Interviews**

8. Paragraph 1.9 (m) of the School Admissions Code, prohibits the interviewing of parents and/or children as a method for deciding whether a child is to be offered a place at a school. Interviews **must not** form part of the admissions process and admission authorities (or schools) **must not** use either face-to-face interviews or interviews by telephone or by other means.

**Children with Challenging Behaviour**

9. Admission authorities (and schools) **must not** refuse to admit children on the basis of their behaviour elsewhere, unless they have been permanently excluded from two or more schools within the past two years. They also **must not** refuse to admit a child thought to be potentially disruptive, or to exhibit challenging behaviour.

10. Where a governing body does not wish to admit a child with challenging behaviour outside the normal admission 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, subject to the provisions of the Fair Access Protocol.

**Applying for School Places – Rochdale Resident children**

11. **All** applications from Rochdale residents must be made on Rochdale’s Within-Year Transfer Application form, regardless of which school they are applying for.

12. Application forms will be available from all Customer Contact Centres, schools, the Admissions Team in the School Organisation and Development Team and on Rochdale MBC’s web site [www.rochdale.gov.uk](http://www.rochdale.gov.uk) and parents can make up to three school preferences either for a school in the Rochdale area or for a school outside the Authority (not including independent schools).

13. A pupil does not become resident in Rochdale until they actually live in Rochdale. Rochdale will however accept within-year applications from parents who are intending to move into the area when they can provide evidence of an exchange of contracts on a property or have a signed rental/lease agreement provided this is no more than 30 days before the intended start date. Children must be in the UK before an application can be considered.

14. If additional information is required by the Governing Body of a Foundation, Trust or Voluntary Aided school or Academy in order to apply its oversubscription criteria, parents may need to provide additional information usually on a supplementary form. Such information must be provided at the time of application because applications cannot be considered until such information has been received.
15. Parents are required to return the completed form to the Local Authority or the school, whichever is the admission authority.

16. The Local Authority, on request, will provide information to parents about the places still available in all schools within the Borough.

**Processing Applications: Community & Voluntary Controlled Schools**

17. The Local Authority will aim to process applications within 10 school days of receipt (subject to relevant background information being available and address verification being available).

18. All preferences will be considered equally and the Local Authority will aim to offer a place at the highest ranked preference school wherever possible.

19. Where there are more preferences received than places available at a school then the relevant admission authority will use its published oversubscription criteria to allocate the place(s) available (details of the oversubscription criteria for each admission authority in Rochdale can be found in the admission booklet published by the LA each year).

20. If the Local Authority is unable to meet any of the preferences requested by the parents, a place will be allocated at the school nearest to the child’s home address that has a place available.

21. The Local Authority will inform parents in writing of the outcome of their application, and of their right to appeal to an independent appeals panel if any of their preferences are not met.

**Processing Applications: Voluntary Aided, Foundation Schools & Academies**

22. Schools who are their own admission authority must, on receipt of an in-year application, notify the Local Authority of both the application and its outcome, to allow the Local Authority to keep up to date figures on the availability of places in the area. The admission authority must also inform the parent of their right to appeal against the refusal of a place.

23. Schools who are their own admission authorities should consider all applications without unnecessary delay. The school should admit the child if there is a vacancy within the admission number for the year group. If there are more applications than places available, the governing body must apply their oversubscription criteria.

24. Decisions to refuse admission cannot be made by an individual on behalf of an Admission Authority i.e. Headteacher of a Foundation school, Voluntary Aided school or an Academy. The decision must be taken by a committee of the Governing Body.
Application received from parent. Is there a place available in the relevant year group?

Yes

Does the pupil have significant behaviour/other issues?

No

Is pupil under one of the defined categories within the Fair Access Protocol?

Yes

Inclusion Team considers whether application should be dealt with through the FAP. If so, refer case at next Fair Access Panel.

If pupil is not on a school roll, provision must be offered as soon as possible.

No

Admissions Team offers advice on alternative schools and appeals process.

If required, appeal will be heard within 20 school days of receipt of appeal.

If not to be dealt with by Fair Access Panel, pupil to be admitted at preferred school within 10 school days or start of next term.

Identified school to admit pupil within 5 school days of decision or refer matter to Fair Access Panel.

If necessary, Fair Access Panel meets within xx school days to deal with case.

Appendix 2: Within Year School Transfers Process Flow Chart v1
Appendix 3: Within Year Transfer Application Form and Parental Guidance
WITHIN-YEAR TRANSFER APPLICATION FORM - PART ONE

This form must be used by residents in the Rochdale Metropolitan Borough for admission to or transfer between schools during the school year. Before completing the form, please read the guidance notes. Please ensure you complete the form in BLOCK CAPITALS in blue or black ink and sign the declaration at Section 8.

SECTION 1 - CHILD DETAILS

FORENAME(S) ____________________________ LEGAL SURNAME ____________________________

DATE OF BIRTH ____________________________ GENDER M [ ] F [ ] YEAR GROUP [ ]

ADDRESS

________________________________________

________________________________________

POSTCODE ____________________________

HOW LONG HAS YOUR CHILD LIVED AT THIS ADDRESS? ________ IS YOUR CHILD NEW TO THE UK? YES [ ] NO [ ]

IF YOU INTEND TO MOVE HOUSE IN THE NEAR FUTURE, PLEASE PROVIDE DETAILS:

NEW ADDRESS

MOVING DATE ____________________________ DOES YOUR CHILD SPEAK ENGLISH? YES [ ] NO [ ] SOME [ ]

NOTE: If you have moved address recently or are planning to move, please provide evidence of your house purchase or rental with your application (e.g. utility bill, Council tax bill or tenancy agreement). Your application may be delayed if you do not provide the necessary documents.

SECTION 2 - PARENT OR CARER DETAILS - ADULTS WITH PARENTAL RESPONSIBILITY

TITLE ____________________________ FORENAME ____________________________ SURNAME ____________________________

RELATIONSHIP TO CHILD: MOTHER [ ] FATHER [ ] CARER [ ] SOCIAL WORKER [ ] OTHER [ ]

YOUR ADDRESS (If different to child) ____________________________

CONTACT DETAILS

EMAIL ADDRESS ____________________________ POSTCODE ____________________________

MOBILE TELEPHONE ____________________________ HOME TELEPHONE ____________________________

DO YOU SPEAK ENGLISH? YES [ ] NO [ ] SOME [ ] HOME LANGUAGE ____________________________

SECTION 3 - YOUR SCHOOL PREFERENCES

Where parents have shared responsibility for the child, they must discuss and agree on the preferred schools. Please list the names of your preferred schools in order. Remember to check the Admission Criteria for the school and whether or not a supplementary form is needed. Supplementary forms are available from the preference school directly.

<table>
<thead>
<tr>
<th>Preference</th>
<th>School Name</th>
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<tr>
<td>1st Preference</td>
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<tr>
<td>2nd Preference</td>
<td></td>
</tr>
<tr>
<td>3rd Preference</td>
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</tbody>
</table>

Are you applying for these schools for religious reasons? YES [ ] NO [ ]

Please state religion: ____________________________

NOTE: You may need to complete an additional form for these schools and provide evidence of baptism or church affiliation as required by the school.

You can find a list of all the schools in the Rochdale Borough by looking at the current admission booklet available at www.rochdale.gov.uk/admissions and the Department for Education website at www.education.gov.uk

www.rochdale.gov.uk
SECTION 4 - YOUR CHILD'S SCHOOL HISTORY

Current or Most Recent School Name: 

Local Authority: __________________________ Telephone Number: __________________________

Date Last Attended: ________ / ________

PREVIOUS SCHOOL HISTORY

Previous School 1
Name and Local Authority: __________________________
Date Left: ________ / ________
Reason for Leaving: __________________________

Previous School 2
Name and Local Authority: __________________________
Date Left: ________ / ________
Reason for Leaving: __________________________

Previous School 3
Name and Local Authority: __________________________
Date Left: ________ / ________
Reason for Leaving: __________________________

Please list any other previous schools on a separate sheet and attach to this application.

SECTION 5 - REASON FOR ADMISSION/TRANSFER REQUEST
Please give your reasons for requesting a transfer of schools. Continue on a separate sheet if required.
If you want to transfer from a Rochdale Borough School to another school in the Rochdale Borough or if you want to move to a school outside the Borough, you must ask your child's current school to complete PART TWO of this form.


Have you met with your child's current school to discuss the reason you wish to transfer?  YES  NO

With whom have you discussed the transfer?  Head Teacher  Deputy Head  Head of Year  Class Teacher

OUTCOME OF MEETINGS
(continue on a separate sheet if required)

Other (please state) __________________________ Date of Meeting ________ / ________

www.rochdale.gov.uk
SECTION 6 - SIBLINGS
Please provide details of an elder sibling currently attending your school(s) of preference. A sibling is defined as an elder brother or sister, step-brother or step-sister or half-brother or half-sister living at the same address as the child for whom the application is being made. No priority is given to cousins or other relatives regardless of their address.

<table>
<thead>
<tr>
<th>FULL NAME OF SIBLING</th>
<th>SIBLING DATE OF BIRTH</th>
<th>SIBLING’S CURRENT OR LAST SCHOOL</th>
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SECTION 7 - ADDITIONAL INFORMATION
This information is required to help the Council decide whether or not to apply the Fair Access Protocol to your application.

Does your child have a Statement of Special Educational Needs?  YES ☐ NO ☐ UNDERGOING ASSESSMENT ☐

Is your child Looked After by a Local Authority (often known as 'in care')?  YES ☐ NO ☐

If yes, please state which Local Authority:  ☐

Are there any specific medical or psychological reasons for your preferred school?  YES ☐ NO ☐

If yes, please attach details and supporting evidence from a hospital consultant, social worker or other relevant professional to this application.

Does your child have a CAF (Common Assessment Framework)?  YES ☐ NO ☐

Please tick any of the following that apply to your application:

Parents who are UK Service Personnel/Crown Servants: ☐ Returning from a Youth Offending Institute: ☐
Asylum Seeker or Refugee: ☐ Child is a young carer: ☐
Been out of Education for more than one term: ☐ Not currently on a school roll: ☐
Disability or Medical condition: ☐ Subject to a Child Protection Plan: ☐
Living in a hostel/safe house or homeless: ☐ Permanently Excluded: ☐
Moved into the Borough during Year 11 or after Easter in Year 10: ☐ History of behavioural issues: ☐
Previously electively home educated: ☐ Returning from a Pupil Referral Unit: ☐
Youth Offending Order/ASBO: ☐ None of the above: ☐

Are any other agencies/services (e.g. Education Welfare Service; Social Worker; Behaviour Support Worker; Child & Adolescent Mental Health Service; Education Psychologist) involved with the child? If so, please state below:

<table>
<thead>
<tr>
<th>AGENCY</th>
<th>CONTACT NAME</th>
<th>CONTACT TELEPHONE NUMBER</th>
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www.rochdale.gov.uk
SECTION 8 - PARENT'S OR CARER'S DECLARATION
If your child has been attending a Rochdale Local Authority school or if you have not moved house, you must ask your child's previous or current school to complete Part Two of the form and return it to you for submission with this application. Failure to do so will delay the process.

I have attached a completed PART TWO to this application: YES ☐ NO ☐ N/A DUE TO HOUSE MOVE ☐

I declare that all the information which I have provided on this application is true. I understand that any school place offered on the basis of fraudulent or intentionally misleading information may be withdrawn.

SIGNED ___________________________ DATE ___________________________

Name in BLOCK LETTERS: ___________________________

Have you submitted any additional sheets with this application? YES ☐ NO ☐

If yes, please state number of additional pages:

SECTION 9 - DATA PROTECTION ACT
The Council maintains a Register Entry in respect of Education which includes the administration relating to pupils. Personal information provided on this form is treated in confidence and complies with the requirements of the Act. This information may be shared with other Local Authorities.
Verification of Information - the Council may verify the information you have provided on this form which could involve contacting other departments of the Council who maintain appropriate records. In instances where the information provided is different from that held by them, they may use the information on this form.

WHAT YOU SHOULD DO NEXT
If you are requesting an admission or transfer because you have moved in to the Rochdale Borough, please return the completed form with evidence of your house purchase or rental to the address below. You do not need to ask your child's current or previous school to complete Part Two of the form, however we may contact them for more information.

If your child has been attending a Rochdale Local Authority school or if you have not moved house, you must ask your child's previous or current school to complete Part Two of the form and return it to you. Failure to do so will delay the process.

Once the form has been completed in full you should return the form to:

School Admissions Team
PO Box 70
Municipal Offices;
Smith Street;
Rochdale OL16 1YD

Telephone: (01706) 925982 Fax: (01706) 925030 Email: online.admissions@rochdale.gov.uk

PLEASE NOTE
Unless the request is submitted due to a house move or if your child is otherwise currently without a school place; if a place is available for your child at any of your preference schools, admission will be arranged for the beginning of the next half term.
WITHIN-YEAR TRANSFER APPLICATION FORM - PART TWO

Information for Parents and Carers:
If you are transferring between schools in the Rochdale Borough or if your child attends a school outside of the Rochdale Borough but you are not moving house; this part of the form must be completed by your child's current school.

Information for the current or previous school:
Please complete this form as fully as possible, otherwise the form may be returned for more information which may delay the application.

SECTION 1 - SCHOOL DETAILS

NAME OF SCHOOL

CONTACT NAME

POST TITLE

CONTACT NUMBER

EMAIL ADDRESS

SECTION 2 - CHILD DETAILS

NAME OF PUPIL

YEAR GROUP

DATE PUPIL STARTED AT THIS SCHOOL

IS THE CHILD STILL ATTENDING THIS SCHOOL?

YES

NO

ATTENDANCE

Please provide details of attendance over the past two terms:

<table>
<thead>
<tr>
<th>TERM</th>
<th>DATES</th>
<th>ATTENDANCE (%)</th>
<th>AUTHORISED ABSENCE (%)</th>
<th>UNAUTHORISED ABSENCE (%)</th>
</tr>
</thead>
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</table>

SECTION 3 - ADDITIONAL INFORMATION

This information is required to help decide whether or not the Fair Access Protocol is applicable to this child.

Does the child have a Statement of Special Educational Needs?

YES

NO

UNDERGOING ASSESSMENT

Is the child Looked After by a Local Authority (often known as 'in care')?

YES

NO

If yes, please state which Local Authority:

Are any other agencies/services (e.g. Education Welfare Service; Social Worker; Behaviour Support Worker; Child & Adolescent Mental Health Service; Education Psychologist) involved with the child? If so, please state below:

<table>
<thead>
<tr>
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</table>

www.rochdale.gov.uk
Does the child come under any of the following categories? Please tick all that apply.

Parents who are UK Service Personnel/Crown Servants: ☐ Child is a young carer: ☐

Asylum Seeker or Refugee: ☐ Child from a traveller family: ☐

Been out of Education for more than one term: ☐ Not currently on a school roll: ☐

Less than 85% attendance in last two terms: ☐ Subject to a Child Protection Plan: ☐

Disability or Medical condition: ☐ Permanently Excluded: ☐

Living in a hostel/safe house or homeless: ☐ History of behavioural issues: ☐

Moved into the Borough during Year 11 or after Easter in Year 10: ☐ Returning from a Pupil Referral Unit: ☐

Previously electively home educated: ☐ Youth Offending Order/ASBO: ☐

Returning from a Youth Offending Institute: ☐ None of the above: ☐

Has the transfer request been discussed with the parent/carer? YES ☐ NO ☐

What attempts have been made by the school and the parent/carer to resolve any issues in Section 5 of Part One of the application? Please continue on a separate sheet if necessary.

___________________________________________________________________________
___________________________________________________________________________
___________________________________________________________________________
___________________________________________________________________________
___________________________________________________________________________

Does the pupil present challenging behaviour? If so, please provide information on any incidents including fixed term exclusions, internal exclusions etc. Please continue on a separate sheet if necessary.

___________________________________________________________________________
___________________________________________________________________________
___________________________________________________________________________
___________________________________________________________________________
___________________________________________________________________________
___________________________________________________________________________
___________________________________________________________________________

www.rochdale.gov.uk
Would you consider the transfer to be detrimental to the pupil in any way?
If yes, please give reasons:

The In-Year Transfer Policy states that pupils should only change schools at the beginning of a new half term.

Would you consider that there are exceptional reasons relating to this transfer request that should be taken into account?
If yes, please give reasons:

Signed

Have you submitted any additional sheets with this form?
If yes, please state number of additional pages:

Print Name

School Stamp

Please complete this form and return it to the Parent/Carer within 5 days of receipt for them to return to the Admissions Team.

Thank you for your co-operation.

www.rochdale.gov.uk
Dear Parent/Carer,

REQUEST FOR ENTRY INTO ALL ROCHDALE SCHOOLS AND ACADEMIES

I understand that you wish to apply for a transfer to a Rochdale school. Please make sure that you read all the following information so that you fully understand the process.

You must not complete this form if you are applying for a private fee-paying school. You must apply to private fee paying schools directly.

If your child has a Statement of Special Educational Needs you must contact the Local Authority.

If you have recently moved house or are new to the Rochdale Authority then you should complete the enclosed form and we will arrange a start date at a school as quickly as possible.

Please note where a change of address has taken place and the distance to the school is more than 2 miles for children aged under 8 and more than 3 miles away for children aged 8 and over we will process the request for an immediate transfer. **If you have moved house you will have to provide documentary evidence of your new address.**

If you have not moved house you can still request a transfer. We receive a large number of requests for children to transfer school during the school term but we believe that this has a disruptive effect on their education and on the education of the children in the new class. **It is very important for children to remain in their current school whilst the transfer request is in progress unless there are specific reasons why this cannot happen.**

**What you should think about before completing a transfer request.**

**Behaviour**
Some parents/carers want to change schools because they think that their child’s behaviour will improve with a change of school. Changing school does not always lead to an improvement in a child’s behaviour. This is because there are many reasons for the poor behaviour. It is more important for everybody to work together in trying to address and resolve the difficulties that are causing the poor behaviour.

**Bullying**
Sometimes a change of school is required because your child is being bullied. All schools have anti-bullying policies and, as such, if you think your child is being bullied you need to tell the school immediately. Moving school without confronting the problem may help in the short term but in the long run it may not help your child to understand that the bullies need to be challenged.
Disagreement with the current school
Occasionally there might be a disagreement between a parent/carer and the school. Changing school for such a reason even though your child may be happy at school is not always a good idea. Instead we suggest that parents/carers do everything possible to resolve the differences with the school.

Curriculum
Parents whose children are in years 6, 9, 10 and 11 especially need to be aware that a new school may not be able to exactly match a child’s existing curriculum commitments and a change of school during the school year can disrupt a child’s education particularly if they are already in the middle of a specific piece of coursework. Additionally, some parents think that a change in school will mean that their child will get better exam results. That may not always be the case because not all schools offer the same subjects at examination level and even if they do, they may use different examination boards or syllabuses. For secondary school children there are likely to be fewer subject options available part way through a year because of practical limits on group sizes.

Uniform
A change of school will mean a new set of uniform/school dress for your child, including for PE.

Transport
A change in school may lead to transport difficulties, both in getting your child to school and in disruption to your own day-to-day schedule. The Council only provides help with transport costs in certain limited circumstances – i.e. children who are eligible by law.

Peer Group Friends
A change in school means having to make new friends. Peer groups and friends can have a positive and negative influence. You should think carefully about the effects of moving schools because some children are having a negative influence on your child. It is often better to work with the current school to address matters. Moving a child away from an established peer group may adversely affect achievement.

What next?
If you are still of the view that you want to change schools, you should arrange to visit the school(s) you are interested in and then:

Complete Part One of the application form and give the completed Part One and a blank Part Two to the head teacher of your child’s current school for them to complete and return to you.

Send both completed Parts of the application form to the Local Authority at the following address:

School Admissions Team; Number One Riverside; Smith Street; Rochdale; OL16 1XU

Telephone: (01706) 925982 Email: online.admissions@rochdale.gov.uk

If you have any further queries with regards to the process, please contact the Admissions Team directly.
Introduction

1. Vision Statement

1.1 Working towards a community of Rights, Responsibilities and Respect we will, where possible, educate pupils within mainstream settings, making adjustments to facilitate inclusion. To achieve this, schools and services will continuously develop positive and preventative strategies to promote positive behaviour.

1.2 We recognise the very poor outcomes for the great majority of children and young people who are permanently excluded from school. In developing alternatives to permanent exclusion we will do what is best for the individual young person, while also balancing this with the need to do what is best for the school community. The rights of other pupils, teachers and other staff will be recognised in this Protocol.

1.3 There is a strong demand for resources for meeting the needs of children and young people with significant social, emotional and behavioural difficulties (SEBD). We will use these resources transparently, wisely and fairly.

1.4 We aim in Rochdale to secure a position where permanent exclusions become unnecessary and reduce to zero.

2. Aim of this Protocol

2.1 To clarify the process of secondary Managed Transfers within Rochdale Local Authority, and to establish a formal and fair system within the authority to which all secondary schools and the Federation (Brownhill and PRS) have agreed.

3. Types of Situation Often Leading to Exclusion

3.1 For the purpose of this strategy, we refer to three types of situations which can lead to exclusion. These are:

- Critical One-Off incidents
- Persistent Disruptive Behaviour
- Combination: Persistent disruptive behaviour combined with a critical incident

3.2 We are defining a critical incident as one which is serious enough, on its own, to warrant permanent exclusion from school. Examples (see 2008 DCSF Guidance on exclusions, para. 17) are serious assault on member of staff, carrying an offensive weapon, and supplying an illegal drug. In a ‘Critical One-Off Incident’, the offence is committed by a pupil who is not otherwise at risk of exclusion.

3.3 A Critical One-Off incident is defined as one where:
• the incident which on its own is so serious that it would, without a Managed Transfer, result in permanent exclusion; and
• the behaviour of the pupil in the current or last academic year is unlikely to have led to high levels of within-school sanctions; and
• behaviour in the current or last academic year unlikely to have led to fixed-term exclusions.

3.4 Experience from other Local Authorities indicates that it is very important in establishing trust between schools that a school does not pass on a pupil as a ‘Critical One-Off Incident’ when the young person has significant levels of behaviour difficulties. Obviously, this is not an exact science and Headteachers will exercise their professional judgement; the key question to consider is whether or not a trial placement at the Receiving School is necessary because of the overall behaviour of the young person.

4. Why Transfer to Another School? What are the Benefits of This?

4.1 The reasons for using a managed transfer to another school are:

• We have found in Rochdale that a transfer to another school can, for some young people, result in an improvement in their behaviour. This has been linked to the fact that the young person is removed from the ‘role’ they are expected to fulfil and from a peer group that reinforces particular behaviours
• The transfer can be part of a structured series of consequences, with further consequences if behaviour does not improve at the Receiving school. The transfer gets the message across to the young person that their behaviour has been unacceptable.
• In consultation with young people who had been permanently excluded it was clear that it came as a shock to them that they had been excluded, despite the warnings they had received. Managed Transfers bring the reality of their situation into focus for those young people.

4.2 It is recognised in this Protocol that a Transfer will sometimes not result in improved behaviour, despite the efforts of the Receiving School to put in place appropriate support. Where appropriate, Rochdale’s Inclusion Panel (see below) may make a recommendation that a young person might be given access to a place at the Pupil Referral Service until behaviour has improved. This would be subject to parental approval. A key principle of this Protocol is that access to the PRS resource must be fair between schools. This is in contrast to the situation where different schools have historically had different levels of permanent exclusions.

General Agreements Under This Protocol

5. Agreement to go Over Published Admission Numbers

5.1 Schools which are signed up to this Protocol agree to go over their standard pupil numbers in order to accommodate pupil transfers. However, within this Protocol, a Managed Transfer is of course subject to the agreement of the Receiving School. This does not remove the right of the Local Authority, in appropriate circumstances, to direct a school to admit a child.

5.2 The Local Authority will keep rigorous records on Managed Transfers to ensure that the process is fair overall.
6. Factors to take into Account in Identifying an Appropriate Receiving School

6.1 In identifying a Receiving School for a transfer, the Donor school will not necessarily approach a school in the same township. The school may wish to take the following factors into account:

- Fairness between schools in terms of the transfer of children in and out
- Care to avoid too many transfers being made to the same Year Group in a school
- The recent specific circumstances of potential Receiving School (e.g. recent issues with knives)
- Links and sharing arrangements that the Donor school has established with other schools
- Family links (such as siblings) and peer group associations which the child has at other schools and the possible negative or positive implications of this
- Curriculum issues
- Geography and travel issues – how many buses to reach receiving school?
- Parental preference. It must be stressed that, given the complexity of the issues to take into account, it must be the school (in collaboration with other schools and the Local Authority) – parents who identify a new placement. However the views of parents/carers and the young person themselves may be taken into consideration

7. Secondary Fair Transfer Record - Movement Sheet

7.1 A ‘Movement Sheet’ will be maintained. This will show:

- Secondary School Managed Transfers
- permanent exclusions
- admissions under the ‘Hard-to-Place’ protocol.

This Record will be shared with, and scrutinised by ‘Private RASH’ on a termly basis to ensure that there is transparency and fairness. It is recognised that it is important for this record to be as accurate as possible.

7.2 A Transfer will be recorded as an ‘In’ (for the Receiving School) and an ‘Out’ (for the Donor School) when the child formally transfers from the roll of one school to the roll of the other. If a trial placement at a Receiving School does not succeed, and the Inclusion Panel then recommends placement at the PRS, the transfer to the PRS will be logged against the Donor School, not the Receiving School.

7.3 Up-to-date data will also be available at Inclusion Panel meetings to ensure resources are accessed transparently and fairly.

8. Passing Information About the Young Person to the Receiving School

8.1 The Back on Track White Paper has highlighted the importance of schools sharing information when a child is taught outside their school (such as at another school, PRU or Alternative Provision). At some stage, the Government will introduce a ‘Pupil Passport’ or similar for sharing information. In the meantime, schools are asked to complete Form PTI (Pupil Transfer Information Form) or a CAF Form and send it to the Receiving School. Both Receiving Schools and the Local Authority have found the information on PTI to be very valuable – please will all Donor Schools complete the form fully.
9. Involving Young People

9.1 There is an increasing recognition of the importance of involving young people in decisions which affect them, and proposed new legislation has been announced that will strengthen requirements about young people’s participation. The procedures in this Protocol acknowledge this.

10. Use of Restorative Justice

10.1 Restorative Justice (RJ) is very effective for allowing young person to see and understand the consequences on their actions on others. It is strongly recommended as a preventative strategy for helping young people to address their behaviour at a level before a Managed Transfer or Permanent Exclusion is considered. School-Based Police Officers have been trained in RJ and can deliver RJ sessions, or support the school in delivering restorative approaches.

10.2 Restorative Justice (RJ) will now be a part of the Managed Transfers process for all Critical One-Off Incidents where appropriate, and in some circumstances for ‘Combination’ incidents. RJ sessions can be run by a member of Rochdale’s pool of trained RJ Facilitators, which include School Based Police Officers, YOT Team, Inclusion Officer, your trained school staff, PAYP, Education Welfare Officers, and Federation staff. Rochdale’s Inclusion Officer can advise.

11. School Uniforms

11.1 Children attending a new school will need a new school uniform. However, the circumstances vary greatly. In some cases there will be evidence that the family suffer financial hardship. In other situations, the child will be going to another school on a trial placement and it may be preferable for the family to buy a uniform only when the child has a confirmed place and is on roll at the school, though in these situations, a school tie is often purchased by parents.

11.2 It is not always appropriate to have a single approach to school uniform because circumstances can vary with each individual case. In each case, schools are asked to agree an approach together with the family concerned, and to bear the following in mind:

• agree the approach you will take regarding uniform with parents at an early stage in the process so as to avoid misunderstandings later;
• where appropriate, make use of the Receiving School’s stock of new and second-hand uniforms for supporting inclusion;
• where appropriate, families can be expected to purchase a new uniform, as they would if their child were permanently excluded and then were admitted to a new school;
• where actual funds (rather than clothes) are needed, the Donor School rather than the Receiving School should provide those funds.

12. Children And Young People with SEN

12.1 All of the procedures outlined in this Protocol run alongside procedures for the identification and assessment of children with Special Educational Needs.

12.2 If a young person has a statement of special educational needs, the Local Authority will advise on how to apply this Protocol in a way which is consistent with SEN
procedures: contact the SEN Assessment Team on 01706 925 128 and inform the Inclusion Officer when this is the case.

**Persistent Disruptive Behaviour**

**13. Implementing Strategies and Pastoral Support Programme**

13.1 In the case of Persistent Disruptive Behaviour (and where possible Persistent Disruptive Behaviour and Critical Incident Combined), schools will be expected to have a Pastoral Support Plan (PSP) in place, and to be implementing a range of strategies. In most cases, a CAF process will have been implemented. The case may also have been considered by Targeted Youth Support Panel, Joint Support Panel or Inclusion Panel to consider strategies and provision.

13.2 The appropriateness of a Managed Transfer is likely to have been discussed at a PSP meeting (no earlier than week 12 of the PSP).

**14. Common Assessment Framework**

14.1 The 2008 DCSF Guidance on exclusions places an emphasis on the value of the CAF process. In line with the DCSF Guidance, it is suggested that a CAF should be undertaken as part of the process of assessing a pupil’s needs (and the needs of the child’s family) during a Pastoral Support Programme.

**15. Inclusion Panel**

15.1 Rochdale’s Inclusion Panel is attended by two Secondary Headteachers (on a rotational basis), the Principal of the Federation, a Senior School Improvement Officer (Chair) and the Inclusion Officer. Other professionals are invited as required and appropriate.

15.2 The Inclusion Panel plays an important role in the Managed Transfers Protocol in ensuring that there are transparent processes and an appropriate and fair access to resources. The Movement Sheet will be available at Inclusion Panel Meetings to indicate the level of moves in and out of each High School and the PRS.

*For a child with Persistent Disruptive Behaviours, a school must bring the case to Inclusion Panel before a Trial Placement is made.*

**16. Trial Placements in Receiving School**

16.1 In cases where a child has persistent disruptive behaviours, the Receiving School admits the young person for a trial placement. We have found in Rochdale that 12 weeks/one term works well – it is long enough to make improved behaviour more ‘embedded’ and it allows time for the young person to come round to the idea of a new school, with all that this entails.

16.2 Near the end of the trial placement, a Review takes place at the Receiving School, and information from this Review is taken to the Inclusion Panel. In most cases, the child would then go on the roll of the Receiving School, though the Panel can make a number of other recommendations (see Protocols 2 and 3).

**17. Fixed Term Exclusions During Trial Periods**
17.1 The situation may arise during a trial placement in a Receiving School where the child’s behaviour merits a fixed-term exclusion. In this situation, the Receiving School should discuss the situation with the Donor School. The Donor School can then either issue a fixed-term exclusion, or have the pupil attend the Donor School for an agreed number of days using facilities available to the Donor School.

Development and Maintenance of the Protocol

18. Single Point of Contact

18.1 In matters relating to exclusions and the day-to-day operation of this Protocol, the Local Authority’s single point of contact is the Inclusion Officer on 01716 925020.

19. Maintaining the Protocol

19.1 The experience of other Authorities is that it is important to meet with schools on a regular basis in order to ‘maintain’ the operation of a Protocol such as this. In Rochdale, the Inclusion Officer will then meet with the Behaviour/Inclusion Leads in each school once per term to discuss cases of young people at risk of permanent exclusion, and the operation of the Protocol.

20. Review of the Protocol

20.1 This Protocol will be reviewed in academic year 2012/2013, in preparation for the following academic year.

21. Financial Arrangements

21.1 This present Protocol is supported by an agreement between the Rochdale Association of Secondary Headteachers and the Local Authority about financial arrangements relating to Managed Transfers and permanent exclusions. These arrangements are contained in the Service Level Agreement ‘Financial Arrangements Relating to Permanent Exclusions and Managed Transfers’ (see summary in Appendix 2). Briefly, £6000 is paid by mainstream schools on permanently excluding a pupil, and received on admitting a permanently excluded pupil. Schools pay £4500 to a Receiving School admitting on roll a pupil on a Managed Transfer. This becomes £2500 for Critical One-Off Incidents. Placements at the PRS are at the rate of £60 per day.

22. Acknowledgements

Rochdale MBC and its Secondary Schools would like to thank Wigan Council, and particularly Pauline Robinson, for their advice and support in drawing up this Protocol. Many of the forms in the Protocol are based on those in Wigan Council’s ‘Supported Transfers in the Secondary Sector’.

FURTHER DETAILS OF THE INDIVIDUAL PROTOCOLS PROCEDURES AND PROFORMAS ARE AVAILABLE ON REQUEST FROM THE INCLUSION OFFICER
Appendix 5: Procedures for permanently excluded pupils

Explanatory Note and Update

Exclusion from School Procedures
For a full and complete picture, or to clarify areas of uncertainty, Headteachers are advised to refer to Department for Education (DFE) Guidance - Improving Behaviour and Attendance: Guidance on Exclusion from Schools and Pupil Referral Units; September 2009 which includes material on preventing, and alternatives to exclusion, and on reintegrating excluded pupils (replacing chapter 5 of Circular 11/99, which draws upon the good practice reported to the DFE by schools and LAs. This edition replaces all other editions.

Changes and updates introduced in September 2007.
This guidance has been revised to reflect the implementation of the exclusions-related provisions of the Education and Inspections Act 2006. These take forward the recommendations of 'Learning Behaviour', the report of the Practitioners' Group on School Behaviour and Discipline, chaired by Sir Alan Steer, and the actions set out in the Government's White Paper, 'Higher Standards, Better Schools For All' (Cm 6677, October 2005), which are designed to improve the effectiveness of the arrangements for excluded pupils. Other revisions have been made in response to points raised by recent court judgments and by interested parties. The full guidance document Improving Behaviour and Attendance: guidance on exclusion from School and Pupil Referral Units 2009 is available on teachernet and the DFE website.

The main changes are:

- When deciding to exclude a pupil the head teacher should ensure a record is kept of their actions and those of other staff (see 1.3 – 1.5, 1.7, 1.8)
- Further guidance on breach of school rules on appearance (1.5)
- Revised guidance on what actions a school should take following a fixed period exclusion (section 2)
- New material on reintegration interviews (section 3)
- Changes to the guidance on what actions should be taken following a permanent exclusion (section 4)
- Revised guidance on Parenting Orders and Contracts for behaviour (section 5)
- Revised guidance on looked after children (paragraph 6)
- Revised model letters – see section 3

1. Guiding Principles and factors to consider before making the decision to exclude

1.1 Only the Headteacher has the power to exclude. This power can only be delegated to a senior teacher if the Headteacher is absent from school.

1.2 Exclusion should not be imposed in the heat of the moment, unless there is an immediate threat to the safety of others in the school or the pupil concerned. Before
deciding whether to exclude a pupil, either permanently or for a fixed period, the head teacher should:

- Ensure that a thorough investigation has been carried out;
- Consider all the evidence available to support the allegations, taking account of the school's behaviour and equal opportunities policies, and, where applicable, the Race Relations Act 1976 as amended and the Disability Discrimination Act 1995 as amended; head teachers and others involved in exclusion procedures have a positive duty to promote equality;
- allow and encourage the pupil to give their version of events;
- check whether the incident may have been provoked, for example by bullying, or by racial or sexual harassment;
- if necessary, consult others, but not anyone who may later have a role in reviewing the head teacher's decision, for example a member of the governing body; and
- keep a written record of the actions taken (and copies of written records made by other members of staff), including any interview with the pupil concerned. Witness statements must be dated and should be signed, wherever possible.

1.3 A decision to exclude a child for a lunchtime, fixed period or permanently should be taken only:

- In response to a serious breach of the school’s disciplinary policy; and
- once a range of alternative strategies, including a Pastoral Support Programme (see Section 4 of Circular 10/99), or a Parenting Contract (Anti-Social Behaviour Act 2003 – see DfES Guidance on Education-Related Parenting Contract, Parenting Orders and Penalty Notices – Ref: DCSF/0234/2004) have been tried and have failed;

and/or

- If allowing the pupil to remain in school would seriously harm the education or welfare of the pupil or of others in the school.

1.4 When they review an exclusion, if the governors’ Pupil Discipline Committee or the Independent Appeal Panel considers that the DCSF guidance and advice in Circular 10/99 had not been followed, they should normally direct reinstatement.

1.5 Exclusion should not be used for:
- minor incidents such as failure to do homework or failure to bring in dinner money;
- poor academic performance;
- lateness or truancy;
- pregnancy;
- breaches of school uniform rules or rules on appearance (for example, relating to jewellery, body-piercing, hairstyles, etc), except where these are persistent and in open defiance of such rules. (pupils may be sent home, their parents first having been contacted, on recorded authorised absence to change clothes without being excluded; this should be no longer than is necessary, otherwise it could amount to an unofficial exclusion)
- punishing pupils for the behaviour of parent(s)/carer(s), for example by extending a fixed period exclusion until the parent(s)/carer(s) agree to attend a meeting.
- Protecting victims of bullying by sending them home.

1.6 The law allows Headteachers to exclude a pupil for up to 45 days in a school year.

1.7 It is recommended that individual exclusions should be for the shortest time necessary, bearing in mind that exclusions of more than a day or two make it more
difficult for a pupil to be reintegrated into school. In all cases of more than one day’s exclusion, work should be set and marked.

1.8 Parents and pupils should also be invited to attend a reintegration interview for all primary exclusions, and secondary exclusions over 5 days. Attendance at this interview can be taken into account by a magistrate when making a decision on a parenting order if necessary in the future.

1.9 In August 2000, the DfE issued supplementary guidance to Circular 10/99, which made it clear that whilst the provisions of the Circular should be followed, they should not be seen as preventing a Headteacher from excluding violent or very disruptive pupils who may threaten the health and safety of themselves or others at the school. This guidance also stressed the need to make exclusions in the context of a school’s behaviour policy.

2. Procedures following a fixed term exclusion – with particular regard to the new 6 day provision legislation. Responsibilities of the Headteacher

2.1 The school’s obligation to provide education continues and must be met during a fixed period exclusion. Parents are not responsible for making educational provision for their excluded child, but are expected to co-operate with schools in this regard. Where a pupil is given a fixed period exclusion of six school days or longer, the school has a duty to arrange suitable full-time educational provision from and including the sixth school day of the exclusion. Schools in the former Behaviour Improvement Programme that are still in receipt of additional funding are expected to continue making educational provision for excluded pupils from the first day of exclusion.

2.2 During the initial period of up to five school days, the parents of the excluded pupil must ensure that he or she is not present in a public place during normal school hours without reasonable justification. This requirement applies whether or not the pupil is in the company of the parent. A failure to comply with this requirement is an offence. Parents can be prosecuted, or may be given a fixed penalty notice of £50 if they fail to do this. The penalty payable increases to £100 if unpaid after 28 calendar days, and if this is still unpaid after 42 days the parent is subject to prosecution for the original offence (see Guidance on Education-related Parenting Contracts, Parenting Orders and Penalty Notices 2007). The pupil may also be removed from the public place by the police and taken to designated premises.

2.3 During this period the school should set work for the pupil to complete and for it to be marked, unless the school has made arrangements, on a voluntary basis, for suitable full-time provision for the pupil to commence earlier than the sixth day. A head teacher considering whether to exclude a pupil for a period which will mean there is a duty to provide suitable full-time educational provision should plan:

- to make suitable full-time provision available to the pupil from the sixth school day of any period of fixed period exclusion of six school days or longer, and if he or she wishes, make provision available to the pupil at an earlier day than the sixth school day. Provision should normally be off-site, but a school may make provision on-site where arrangements for shared on-site provision have been made jointly with the governing body of at least one other school and is available to excluded pupils from that or those other schools (please see separate guidance on implementation/good practice on TeacherNet). Such provision does not have to be made for pupils in the final year of compulsory education who have already taken (or
missed) their public examinations. For a pupil with a statement of special educational needs, suitable full-time provision must be consistent with what is specified in the statement;

- to ensure that work is set for the pupil to complete during the first five school days of exclusion and that it is marked, unless during that time the pupil will be attending alternative provision;
- to ensure that the parent is fully informed of their duties in the first five days and of the school days on which the pupil will be provided with suitable full-time education and must attend that provision and of any sanctions that may be imposed for non-attendance (please see model letters 1-3);
- how the time might be used to address the pupil's problems; and
- what support will best help with the pupil's reintegration into the school at the end of the exclusion. This will include arrangements for a reintegration interview with a parent of the pupil.

3. Re-Integration Interview

3.1 The head teacher must arrange a reintegration interview with parents during or following the expiry of any fixed period exclusion of a primary-aged pupil, or of a fixed period exclusion of six or more school days of a secondary-aged pupil. An interview is not necessary where the pupil is leaving school within the period of the exclusion for a reason unconnected with his or her behaviour or where the first day of exclusion falls within the last ten school days in the school year. The pupil should normally attend all or part of the interview. The interview should be conducted by the head teacher or a senior member of staff. In some circumstances it may be helpful for another person to be present such as the designated teacher or Governor for Looked After Children or SEN.

3.2 The purpose of the reintegration interview is to assist the reintegration of the pupil and promote the improvement of his or her behaviour. It provides an opportunity to:

- emphasise the importance of parents working with the school to take joint responsibility for their child's behaviour;
- discuss how behaviour problems can be addressed;
- explore wider issues and any circumstances that may be affecting the child's behaviour;
- reach agreement on how the child's education should continue, how best they can be reintegrated and what measures could be put in place to prevent further misbehaviour; and
- create a useful forum to consider with parents the possibility of a parenting contract.

3.3 The interview must be held during the period beginning with the first school day to which the exclusion relates and ending with the fifteenth school day following the day on which he or she returns to school. The head teacher must try to arrange the interview for a date and time that is convenient to the parent. If possible the interview should be held on the day the pupil returns to school. The interview date suggested by the head teacher should be a school day, but the interview can be held on a non-school day if the head teacher and parent agree. At least one of the child's parents is expected to attend the meeting. A parent's failure to attend will be one factor taken into account by a magistrates' court when deciding whether to impose a parenting order, if at any future date a parenting order has been applied for by the school or local authority.
3.4 Schools must keep records of the failure to attend a reintegration interview, and of any explanation given by the parent for failure to attend, as the court may need to see them. However, a fixed period exclusion must not be extended if such an interview cannot be arranged in time or the parents do not attend.

3.5 The interview must be conducted on school premises. The notice relating to a reintegration interview can be combined with the notice informing the parent of the exclusion or relating to the alternative educational provision that the pupil must attend whilst excluded (see the Education (Reintegration Interview) (England) Regulations 2007). The notice must be given no later than six school days before the date of the reintegration interview.

4. Procedure following a permanent exclusion

4.1 In the case of a permanent exclusion the pupil remains on the roll of the school until any appeal is determined; until the time limit for the parents to lodge an appeal has expired without an appeal being brought; or the parent has informed the LA in writing that no appeal is to be brought. During the first five school days of a permanent exclusion the school should send work home for the pupil to complete. During these initial five school days of exclusion parents must ensure that their child is not present in a public place during school hours without reasonable justification. They commit an offence if they do not.

4.2 Parents are subject to prosecution or a fixed penalty notice of £50 if they fail to do this. Service of a penalty notice prevents a prosecution being brought during the time for payment, and if the parent pays within that time, they may not be prosecuted. The penalty notice increases to £100 if unpaid after 28 calendar days and if this is still unpaid after 42 days the parent is once again subject to prosecution for the offence.

4.3 During the first five days of a permanent exclusion the LA should arrange to assess the pupil's needs and how to meet them including any special educational needs the pupil may have. The LA should also arrange a meeting with the parents to discuss options within the first week of the exclusion. From the sixth school day of a permanent exclusion, the LA is statutorily responsible for ensuring that suitable full-time education is provided. This will be the pupil's home LA in cases where the school is maintained by a different LA. Such provision does not have to be made for pupils in the final year of compulsory education who have already taken (or missed) their public examinations.

4.4 For a pupil with a statement of special educational needs, suitable full-time provision must be consistent with what is specified in the statement. Guidance for local authorities on making arrangements for provision of suitable full time education to excluded pupils is available on TeacherNet. If the school or LA considers that parenting is a factor in the behaviour of the pupil who has been excluded, they should consider whether it may be appropriate to offer a parenting contract or apply to the magistrates' court for a parenting order. Schools and LAs can also do this before the pupil's behaviour deteriorates to the point where exclusion is the only appropriate response. In accordance with the law on admissions, a school may not require a parent to sign a parenting contract as a condition of their child being admitted following permanent exclusion.
5. Exclusions from Pupil Referral Units

5.1 Teachers in charge of Pupil Referral Units (PRUs) have the same powers as head teachers of maintained schools to exclude pupils for a fixed period or permanently. There is further guidance on the review and appeal arrangements for exclusions from PRUs in paragraph 107 of the DfE Guidance. Local authorities must ensure that all permanently excluded pupils, including those in PRUs, are provided with full-time education from the sixth school day after exclusion. Local authorities have a similar duty in relation to pupils excluded for fixed periods from a PRU. Some local authorities seek to minimise the number of exclusions of pupils from PRUs. In doing so they must ensure that the PRU provision meets the particular needs of the pupils and they must have regard to their duty of care to other pupils and the health, safety and welfare of the workforce.

5.2 Where a local authority has more than one PRU, it may be possible to place a pupil in a different PRU from the one from which the pupil was excluded. However, where this is not possible or appropriate, local authorities should ensure that they maintain, and have access to, a wide range of suitable alternative educational provision to meet the needs of excluded pupils (see related documents for guidance on alternative provision).

6 Parenting contracts and orders

6.1 If the school or local authority considers that parental influence could be better brought to bear in improving the behaviour of the pupil, a parenting contract may be offered. It may help parents take responsibility for their children and strengthen their ability to do so. This can engender a productive relationship with parents and provide individualised support. It provides an early intervention to deal with emerging behaviour problems or after an exclusion of any duration. A parenting contract is a written voluntary agreement between the school governing body or the local authority and the parent under which the parent agrees to comply with certain requirements and the school or local authority agrees to provide, or help the parent access, the support that they need. Parenting contracts are appropriate where the parent is willing to engage with the school or local authority but is in need of (and will accept) support in order to help improve their child’s behaviour. A school cannot require a parent to sign a parenting contract as a condition of his or her child being reinstated, being admitted to a school or not being excluded from it.

6.2 If the parent refuses or fails to engage with the school or local authority in attempting to improve his or her child’s behaviour and the requisite standard of misbehaviour is met, the school or LA may consider applying to the magistrates’ court for a parenting order to compel the parent to comply with certain requirements including attendance at parenting classes. The kind of misbehaviour that can trigger a parenting order is behaviour that has or could have resulted in exclusion.

7 Looked After Children

7.1 Children in care are no less able than other children but they often underachieve because they fall behind through missing school — in 2006 only 12% of children in care achieved 5 A*-C grades at GCSE (or equivalent) compared to 59% of all children. Care Matters: Time for Change (see related documents) sets out how the Government will improve outcomes for children and young people in care. Many children in care have unmet social and emotional needs and, as a group, are more likely to be at risk of exclusion. In 2005/6 children in care were eight times more likely
to be permanently excluded than their peers. Schools are expected to proactively support and co-operate with foster carers and the local authority as a corporate parent in doing everything possible to avoid excluding a looked after child.

7.2 Exclusion from school, and permanent exclusion in particular, can place great strain on care placements and lead to even more disruption in a child's life if the care placement breaks down as a result. Much more needs to be done to reduce the need for exclusion of children in care. Local authorities, schools, social workers and carers all share the responsibility for reducing exclusions of children in care. Schools, supported by their local authority, should put in place strategies to reduce the need for exclusion for children in care. Virtual school heads will be introduced to help support schools and local authorities, and we will revise the National Minimum standards for residential children's homes to ensure that they take action to reduce the need for exclusion. Tackling exclusion will provide a firm foundation for improving their educational attainment.

7.3 Exclusion of children in care should be an absolute last resort. It is vital that schools and social workers work together in partnership with other professionals and try every practicable means to maintain them in school and to exclude them only in the most exceptional circumstances. Before excluding, schools, in conjunction with the local authority, should first consider alternative options for supporting the child or young person in care. No child in care should be excluded from a school without discussion with the local authority to ensure that there is suitable alternative provision available elsewhere.

7.4 The document Supporting Looked After Learners — a practical guide for school governors (see related documents) provides information on what effective schools do to help staff understand and manage challenging behaviour where it occurs. Those schools which are most successful in preventing exclusion have policies which tackle underlying causes of poor behaviour with strategies such as pastoral support programmes and intervention from behaviour support specialists. Local authorities are under a statutory duty to promote the educational achievement of the children they look after and social workers must be involved at the earliest opportunity working with the school to avoid the need to exclude. The role of designated teacher for children in care in a school is central to involving other children's services and, where appropriate, securing additional support.

7.5 In cases where a child or young person in care is excluded, anyone who is legally defined as a parent will have the right to make representations and to appeal. The definition of a parent for the purposes of the Education Acts is broadly drawn and includes any person who has parental responsibility (which includes the Local Authority where they have a care order in respect of the child) and any person (for example, a foster carer) with whom the child lives. These are in addition to the child's birth parent(s). This means that there could be a number of people who will have the right to make representations and appeal. At any exclusion hearings, especially where support for the child may not be consistent or robust, the school should ensure that children and young people have a voice and that they feel they are being listened to. The hearing should take place in an atmosphere where they feel comfortable and able to speak openly.

7.6 Even where the Local Authority does not have parental responsibility, (i.e. where the child is accommodated under section 20 of the Children Act 1989 but is not the subject of a care order) the child's social worker should be involved at the earliest
opportunity about the possibility of any exclusion. The designated teacher for children in care will be able to advise on the legal status of pupils in public care in the school.

7.7 Although the Education and Inspections Act 2006 only requires full time education to be provided from the sixth day of an exclusion, such a break in education will have an impact on the education of children in care. To ensure there is minimal disruption to their education, where a child or young person in care is excluded, it is the Government's view that schools and local authorities as appropriate should arrange alternative provision from the first day of the exclusion.

8 Responsibilities of the Head Teacher

8.1 **Informing the parent(s)/carer(s)**- The Headteacher, on excluding a pupil, should notify the parent(s)/carer(s) immediately, ideally by telephone, and a letter MUST follow the telephone call within one school day.

8.2 An Exclusion should normally begin on the next school day. Exclusion letters should explain:

- why the Headteacher decided to exclude the pupil and the steps taken to try to avoid exclusion;
- the arrangements for enabling the pupil to continue their education, including setting and marking the pupil's work;
- if the exclusion is longer than 5 days, the school must inform the parent of the alternative arrangements for full time education provision.
- **The parents responsibility to ensure their child is not in a public place during the school days of the exclusion without justification. The letter must state that the parent is liable for a fixed penalty and/or prosecution if the child is found in public without justification.**
- the parent(s)/carer(s) right to state their case to the governors;
- the latest date the parent(s)/carer(s) can put a written statement to the governors
- the parent(s)/carer(s) right to see their child’s school record;
- in the case of a fixed period exclusion details of how to contact the SEN and Disability Tribunal (SENDIST) if parent(s)/carer(s) think that the exclusion relates to a disability of their child
- if the exclusion is for a fixed period, the length of the exclusion and the date and time the pupil should return to school (it is not acceptable to put “until the parent(s)/carer(s) have met with the Headteacher” or named member of staff);
- if the exclusion is for lunchtimes only, the length of the exclusion (normally no more than five school days) and the arrangements for providing a meal for any pupil entitled to a free school meal;
- if the exclusion is permanent, the date the permanent exclusion takes effect and details of any relevant warnings, fixed period exclusions or other disciplinary measures taken before the present incident *(this may take time to collate and could be contained in a prompt follow-up letter rather than delay the letter notifying the parent(s)/carer(s) of the exclusion)*;
- if the exclusion is permanent the school must inform the parents that the local authority will provide alternative full time education from day 6 of the exclusion and if known detail this in the letter.
- the name and telephone number of a contact at the LA who can provide advice on the exclusion process and the telephone number for the Advisory Centre for Education (ACE) helpline on exclusions 0808 8000327 all other matters on 0808 8005793 [www.ace-ed.org.uk](http://www.ace-ed.org.uk).

Sample letters can be obtained from the Inclusion Officer
8.3 **Informing the Governors’ Pupil Discipline Committee and the LA** - The Headteacher should inform the Governors’ Pupil Discipline Committee and the LEA immediately of:

- all permanent exclusions;
- all fixed period exclusions;
- all lunchtime exclusions.
- all lunchtime exclusions see DCSF guidance Part 2 Removing Pupils from a School Site and the Decision to Exclude paragraph 31.

8.4 It is essential that all the grounds for exclusion are included in the written evidence sent to the parent(s)/carer(s). It is also helpful to include details of support strategies offered by the school and of contact with parent(s)/carer(s) prior to the exclusion. The Headteacher may only use the evidence in the written papers to support the exclusion at the disciplinary meeting or at an appeal. See Part 5 Independent Appeal Panels of DCSF guidance ‘Improving Behaviour and Attendance – guidance on Exclusions from Schools and Pupil Referral Units’ September 2008 – paragraphs 149 - 154 Evidence and Witnesses.

9 **Responsibilities of the Governing Body**

9.1 **Set up a Pupil Discipline Committee to:**

- consist of either three or five governors (not including the headteacher). If a governor has a connection with either the pupil or the incident, they should not serve at the meeting (i.e. consider carefully whether it is appropriate for teacher governors to be included);
- review the use of exclusions within the school;
- consider representations from parents/carers;
- decide whether or not to confirm exclusions of more than five days in a school term, including permanent exclusions;
- consider whether or not to confirm exclusions where a pupil would miss an opportunity to take a public examination;
- appoint a clerk to the governors’ Pupil Discipline Committee to handle the administrative arrangements for considering exclusions (the clerk should be familiar with the new DCSF guidance and the relevant school policies).

9.2 In setting up the meeting the clerk to the Pupil Discipline Committee should:

- for an exclusion of fewer than 5 days in the term arrange the date as soon as possible if representations have been received from the parent(s)/carer(s);
- for an exclusion of fewer than 5 days in the term that causes the pupil to miss sitting a public examination try to arrange a meeting before the public examination;
- for an exclusion of between 6 and 15 school days inclusive arrange a meeting date between the 6th and 50th school day, **only** if this is requested by a parent(s)/carer(s);
- for an exclusion of over 15 school days arrange the meeting between the 6th and 15th school day; (compulsory)
- for a permanent exclusion arrange the meeting between the 6th and 15th day after receiving notice from the Headteacher of the exclusion;
- ask for all written statements in advance of the meeting and send to parent(s)/carer(s) and ensure that all the written statements and a list of all those who will be present at the meeting, are circulated to all parties attending, at least 5 days before the meeting. All written statements should be attributed and signed unless the school has good reason to wish to protect the anonymity of pupils. These statements will include the report of the incident(s) resulting in the exclusion and any background reports to be used.
9.3 At the meeting itself the following protocol should be observed:

- the Chair of the Pupil Discipline Committee should call the Headteacher, parent(s)/carer(s) and any representatives, the pupil and the LA Officer to join the meeting all at the same time. **The Headteacher must not have previously discussed the case with any committee member**;
- the Chair welcomes everybody to the meeting, introduces everybody and explains the procedure to be followed;
- the Headteacher is asked to present his/her case giving the reason(s) for the exclusion and the circumstances surrounding the decision to exclude. The Headteacher should also outline the steps taken to try and avoid the exclusion;
- the parent(s)/carer(s) or their representative will then have the opportunity to question the Headteacher on his/her statement;
- the members of the Pupil Discipline Committee may then ask questions of the Headteacher;
- the parent(s)/carer(s) or their representative will then be given the opportunity to give their statement to support their case;
- the Headteacher and/or committee members may then question the parent(s)/carer(s) or representative and the pupil, if present, in order to clarify any of the issues raised;
- following this the LA Officer will be invited to ask questions of both parties and give the Authority’s views on the appropriateness of the exclusion (Inclusion Officer is only required to be present for permanent exclusions but can be invited for fixed period exclusions);
- Finally, all parties will be invited to ‘sum-up’. Parent(s)/carer(s) should always be given the opportunity to have the ‘last word’;
- the Pupil Discipline Committee must be satisfied that all possible strategies (including a Pastoral Support Programme or Parenting Contract in the case of permanent exclusions) have been tried and have failed. The committee must also consider whether, in the case of a pupil with a statement of SEN, the statement should be reviewed rather than resorting to a permanent exclusion;
- the Chair’s role is to make sure that all the necessary information has been provided so that the Pupil Discipline Committee may make an informed decision on the exclusion;
- once the Chair is satisfied that the parties involved have completed their presentation, she/he will close the meeting and ask everyone, apart from the Committee members and the Clerk, to leave the room;
- the Pupil Discipline Committee, under the guidance of the Chair, should consider all the evidence they have heard and decide, if appropriate, whether to reinstate the pupil. In reaching their decision the Pupil Discipline Committee should:
  - consider the parent(s)/carer(s) and the LA’s statements;
  - have regard to the guidance on the appropriate use of exclusions;
  - in the case of a fixed period exclusion, consider whether the Headteacher has tried sufficient approaches to improve a pupil’s behaviour before resorting to exclusion;
  - in the case of a permanent exclusion, satisfy itself that all possible strategies to improve a pupil’s behaviour were tried and had failed. Strategies should include those in DCSF guidance, Part 1 Promoting Positive Behaviour and Early Intervention, including a Pastoral Support Programme, Circular 10/99 – ‘Social Inclusion: Pupil Support’.

If a Headteacher has not used exclusion in line with the DCSF guidance, the Pupil Discipline Committee should normally direct re-instatement.

9.4 If the Pupil Discipline Committee decides to direct re-instatement it should:
• discuss with the LA whether extra short-term support could be made available to help to ensure successful reintegration;
• notify the parent(s)/carer(s) and the LA of their decision within one school day of the meeting, giving the reasons.

The Pupil Discipline Committee may not attach any conditions to the re-instatement of the pupil.

9.5 If the Pupil Discipline Committee confirms the Headteacher’s decision to exclude it should:
• in the case of a fixed period exclusion be satisfied that there are satisfactory arrangements for the pupil to continue their education while away from school;
• in the case of a permanent exclusion write within one school day to the parent(s)/carer(s) with a copy to the LA, giving the reasons for the decision;
• explain the parent(s)/carer(s) right to appeal to an independent appeal panel to which they can make oral and written statements;
• give the name and address of the person the parent(s)/carer(s) should contact if they wish to appeal, explaining that any notice of appeal should explain the grounds of the appeal and stating the last date for giving notice of appeal (15 school days from the Pupil Discipline Committee’s decision).

The parent(s)/carer(s) have the right to appeal to an Independent Appeal Panel, (even if they did not attend the Pupil Discipline Committee meeting).

Where schools do not wish to set up a Pupil Discipline Committee a full Governing Body Meeting would need to be called when considering exclusions.

10 Responsibilities of the LA

10.1 Advising the Pupil Disciplinary Committee:- The LA’s role is to give their view on the appropriateness of the exclusion. The LA can make a statement to the Pupil Discipline Committee when they are considering whether to uphold exclusion, for example about how other schools in the Authority have responded to similar incidents.

10.2 Advising the Parent(s)/Carer(s):- If a Pupil Discipline Committee decides not to re-instate a permanently excluded pupil the LA must also write within three working days of the Pupil Discipline Committee meeting confirming the details of the parent(s)/carer(s)’ right to appeal. The LA’s letter must tell the parent(s)/carer(s) the last date on which the appeal can be made (i.e. 15 school days from the Pupil Discipline Committee’s decision). The letter should give the name and contact details for the clerk to the independent appeal panel and explain that the parent(s)/carer(s) notice of appeal must be in writing and must set out the grounds for the appeal.

10.3 Attending the Independent Appeal Hearing:- A nominated LA Officer is entitled to attend a meeting of the Independent Appeal Panel and may make oral or written representations.

10.4 Setting up an Independent Appeal Panel to Hear Appeals Against a Permanent Exclusion:- Within Rochdale LA the Committee Services Section of the Corporate Services Department has undertaken this task in order that all parties can be confident in the independence of the panel. The name and address of the officer parents should contact is:
The process and procedures for the Independent Appeal Panel Hearings against a permanent exclusion are stipulated in Schedule 18 to the School Standards and Framework Act 1998. They are also clearly set out in DCSF Guidance Part 5: Independent Appeal Panels.