



Directorate of Children's Services

The Hard to Place Pupil Protocol

Consultation Document

'Putting children and young people first for Dudley'

8 December 2005

John Freeman

Director of Children's Services

Directorate of Children's Services

Dudley Metropolitan Borough Council

Westox House

1 Trinity Road

Dudley

West Midlands DY1 1JQ

This page has been left blank deliberately

Consultation Document

Consultation on: **The Hard to Place Pupil Protocol**

Summary: The protocol, which is required by the DfES to be agreed through the local Admissions Forum, sets the framework through which the admission of hard to place pupils to secondary schools can be agreed through township hard to place panels. It is intended to facilitate the speedy placement of children in vulnerable categories and for the process of allocation to schools to be fair, open and transparent to all stakeholders.

Deadline: All responses must be received by **28 February 2006**

Consultees: Headteachers
The Governing Bodies of all Dudley Schools

Responses to: Carol Williams -Team Leader
Executive Support Team
Directorate of Children's Services
Westox House
Trinity Road
Dudley DY1 1JQ
carol.williams@dudley.gov.uk

All responses may be published. **A large print version**, and versions in other languages are available on request to the above address.



John Freeman
Director of Children's Services
December 2005

Directorate of Children's Services

The Hard to Place Pupil Protocol

Background Document

Policy Context

1. The Government's Five Year Strategy for Children and Learners, and more recently the White Paper, Higher Standards, Better Schools for All, set out a number of ways in which schools will enjoy greater independence and freedom. However, strategy also highlighted the need for schools to work together on their wider responsibilities, such as the provision of places for hard to place children. All schools should recognise that they share a collective responsibility to ensure that these children are admitted to a local school as quickly as possible.
2. In Every Child Matters there is clear expectation that children should receive a good education to help them fulfil their potential. However, for some children that can be harder than for others. Sometimes children can find themselves without a school place, because their personal circumstances are such that they have had to move home, or they are looked after children, or they have been excluded from a school. It is important that, in the best interests of the child, a local school place should be found quickly – certainly it should take no longer than 15 school days in the case of an excluded child and 20 school days in the case of a looked after child.
3. However, there is often a balance to be struck between finding a place quickly, say in an under-subscribed school or one facing challenging circumstances, and finding a school place that is local for the child. It is also important that no school should be asked to take an excessive or unreasonable number of pupils who have been excluded from other schools.
4. To ensure that the needs of the child and the needs of the school are taken into account, the Government expects that every local Admissions Forum which does not already have one, will agree a protocol for sharing hard to place pupils, and that those protocols will be agreed with secondary schools and in place as soon as possible and by no later than September 2007.
5. The School Admissions Code of Practice, to which all admission authorities must have regard, will in due course be amended to reflect this guidance.

6. In November 2004, the Secretary of State for Education expanded on the commitment, in the Five Year Strategy, to encourage groups of schools to work together, and with their local authority, to manage provision for pupils at risk of exclusion, and those that are excluded, and the support and provision for them.
7. This was followed by a request that School Admissions Forums should seek schools' agreement to protocols for sharing 'hard to place' pupils more equitably across all schools and encouraging groups of schools to work together in foundation partnerships. If the Forum fails to agree a protocol the Government may take powers to impose one.
8. In February 2005 the Secretary of State set the clear expectation that by September 2007 all secondary schools would be working together, with agreed 'hard to place' admission protocols, in collaborative partnerships ("collaborations") to manage support and provision for pupils at risk of exclusion, persistent truants and pupils that have been excluded.
9. The DfES has issued guidance on such collaboration. Typically these will consist of clusters of 8-12 secondary schools. Using devolved 'behaviour support' budgets, schools will collaborate to commission a range of in-school and out-of-school support and services to reflect pupil needs. This will include in-school Learning Support Units and LA maintained PRUs e.g. under the Preventing Exclusions Strategy.

The Dudley Hard to Place Protocol

10. The protocol is more than just a shared aspiration to collaborate. There has to be a firm voluntary agreement from all parties. **The protocol will apply to all mainstream secondary schools, including voluntary aided and foundation schools, within Dudley.**
11. All secondary schools are expected to sign up to the principle that they play their part in taking hard to place children through this protocol. The protocol, when triggered, will identify the school that should admit
12. Schools will continue to admit local pupils who apply for an available place under normal admission arrangements
13. The general principle should be that no school should be required to admit an unreasonable number of hard to place children.

14. The Admissions Forum has considered and decided to establish local township placement panels (rather than a central panel) as a means of identifying which school is appropriate for the child. The panels will include representation from the Directorate of Children's Services, representatives of other agencies where appropriate and local township head teachers.

Children Covered by the Protocol

15. The Government expects Admissions Forums to include looked after children and permanently excluded pupils as priorities in the protocol.
16. Other groups which need to be considered for inclusion in the protocol are:
 - a) children attending PRUs who need to be reintegrated back into mainstream education;
 - b) children who have been out of education for longer than one school term;
 - c) children whose parents have been unable to find them a place after moving to the area, because of a shortage of places; this group will include Year 11 pupils up to the Christmas holiday in Year 11;
 - d) new arrivals including children of refugees and asylum seekers not in accommodation centres;
 - e) homeless children;
 - f) children with unsupportive family backgrounds, where a place has not been sought by the parents;
 - g) children without a school place and with a history of serious attendance problems;
 - h) traveller children;
 - i) children who move because of domestic violence;
17. Children with a statement of special educational needs, including those in special schools, are not covered by these protocols as their needs must be considered separately under the SEN Code of Practice.
18. The key point to remember is that the children covered by the protocol will be the ones who are hard to place in a school and who need to be admitted to a school quickly.
19. The protocol should apply to all admissions of hard to place children, but the local panels will need to agree how to balance the circumstances of the pupil and the circumstances of schools, giving due reference to the weighting formula.

20. If a school is identified as the one to admit a child and refuses to do so, the local authority can refer the matter to the Secretary of State (in the case of a community or voluntary controlled school) or it can direct the school to admit the pupil (in the case of a foundation or voluntary aided school).
21. In due course the School Admissions Code of Practice will be amended to make it clear that schools can be directed to comply with agreed protocols.

Funding

22. As currently happens, if a pupil is permanently excluded the remainder of the AWPU for the financial year, and the Pupil Retention Grant funding will be removed by the local authority, to be used for alternative provision or to be passported to the receiving school.
23. Additionally £25,000 has been earmarked to support the inclusion of hard to place pupils through local Hard to Place panels.

24. **Key Principles for the Protocol**

- a) **All schools** in the area must agree to take part, even if they are responsible for their own admissions;
 - b) Schools will continue to admit local pupils who apply for an **available** place under normal admission arrangements;
 - c) Schools cannot cite over-subscription as a reason for not admitting a pupil under the protocol;
 - d) Hard to place pupils should be given priority for admission over others on a waiting list or awaiting an appeal;
 - e) Schools must respond immediately to requests for admission so that the admission of the pupil is not delayed;
 - f) Schools should not insist on an appeal being heard before admitting a child under this protocol;
 - g) The LA and/or placement panel should take account of any genuine concerns about the admission, for example a previous serious breakdown in the relationship between the school and the family, or a strong aversion to, or desire for, the religious ethos of a school;
 - h) Wherever possible, parents' views will be considered, but will not override the protocol if the preferred school is unable to take the pupil.
25. With the agreement of the School Admissions Forum, on 3rd November 2005, this 'Hard to Place' Protocol will be applied to admissions of all hard to place

pupils to all DMBC secondary schools on a pilot basis from March 2006 until July 2007. Following review and amendment as necessary a final protocol will be applied from September 2007.

Aims of the Protocol

26. The protocol is designed to:
- a) acknowledge the real need of vulnerable young people who are not on the roll of any school to be dealt with quickly and sympathetically;
 - b) reduce the time that these pupils spend out of school;
 - c) ensure that schools admit pupils including those with challenging educational needs on a turn-taking basis;
 - d) be fair and transparent, and to have the confidence of all schools.

Main Principles

27. In order for the protocol to be successful:
- a) **all** secondary schools will take part;
 - b) schools will continue to admit local pupils who apply for an available place, under normal admission arrangements. Headteachers should not refuse to admit a child if there is a place available, even if the child has some behavioural issues or comes from a difficult family background;
 - c) schools cannot say that they are over-subscribed if they are asked to admit a pupil under the protocol, and hard to place pupils will be given priority for admission over any others on a waiting list or awaiting an appeal;
 - e) schools must respond immediately to requests for admission so that the admission of the pupil is not unduly delayed;
 - f) the LA and/or the township Hard To Place Panels will take account of any genuine concerns about the admission, for example a previous serious breakdown in the relationship between the school and the family, or a strong aversion by the family to the religious ethos of the school. If there is the potential to make a choice between a young person who has a denominational affiliation or one who doesn't then normally a 'denominational pupil' will be offered to the denominational school;
 - g) for schools which are their own admissions authorities, Headteachers and Governors are requested to agree a procedure for the Head in

consultation with the Chair to be empowered to make immediate decisions about the placement of a hard to place pupil.

28. **Placement Procedure**

- a) If a pupil is identified by the LA as being hard to place, a weighted list will be referred to in order to identify the school whose turn it is to admit next. A single list will be used for both permanently excluded pupils and hard to place pupils;
- b) Weighting factors will include the number of statemented children in the relevant year group and the number of excluded pupils accepted in the previous two terms. It will also incorporate the 'one out one in' principle from existing exclusion arrangements;
- c) When an excluded or hard to place pupil is admitted, the rank of the school on the list will go down. Schools will not normally be expected to admit two pupils in quick succession, unless they have excluded more than one pupil recently;
- e) To ensure fair distribution of pupils across all schools including over-subscribed schools, all schools will be required to admit at least two pupils per year group as part of this protocol subject to the weighting rules.

29. **Funding**

- a) In addition to the AWPU, secondary schools continue to receive Pupil Retention Grant funds and delegated behaviour support funding;
- b) A fund of £25,000 across the townships is available to support additional arrangements for the admission of pupils subject to criteria agreed between Headteachers and the LA;
- c) Schools will be expected to use delegated funds, individually and collaboratively, and with the support of Directorate officers e.g. through the Preventing Exclusions Strategy, and Reintegration Strategy, to support the effective inclusion of hard to place pupils.

30. **Monitoring**

- a) In order to maintain transparency in the placement process and to facilitate the work of the Hard to Place Panels the LA will maintain data on admissions and the weighted list of schools;
- b) This data will be published regularly through the Admissions Forum and to Headteachers' forums and will be reported to members' Select Committees.

Review

31. A review of the operation of the protocol will be made by April 2007, in order that a finalised protocol may be submitted to the Admissions Forum in Summer 2007.

Key to abbreviations

AWPU	Age Weighted Pupil Unit
LA	Local Authority
PRU	Pupil Referral Unit
SEN	Special Educational Needs