

City of Doncaster Council

SECONDARY Fair Access Protocol

2023/24

(This protocol should be read in conjunction with the School Admission Code and Department for Education Guidance)

Variations from 2022/23 Document

09/23 - 5.23, 5.24 and Annex 1 – 4a updated to set out that that schools which had taken pupils in the same year group at either of the previous two meetings would not be considered for allocation, unless they chose to be considered.

03/24 – Minor rewording to reflect current practice, there have been no changes to context or definitions beyond the above.

03/24 – 5.23, 5.24 and Annex 1 – 4a updated to set out that the short/longlist would be based on distance and will be four schools regardless of parental preference. Parental preferences would be considered at the first stage.

03/24 - Annex 1 – Inserted Meeting Agenda Template.

1. Introduction

- 1.1 Every local authority has a duty to secure sufficient school places and equally parents have a duty to ensure their child receives a suitable education. The majority of parents will apply for school places at the normal point of transfer; however, there are occasions where parents need to utilise the in-year application process.
- 1.2 The purpose of this Secondary Fair Access Protocol (FAP) is to ensure that - outside the normal admissions round identified above – unplaced and vulnerable children, and those who are having difficulty in securing a school place in-year, are allocated a school place as quickly as possible. This is why the School Admissions Code requires every local authority to have in place a FAP, developed in partnership with local schools.
- 1.3 This includes participation by all admission authorities i.e. each trust, with each making available a representative who will be authorised to be part of the discussion and decision making process on placing children via the Protocol and admitting pupils when asked to do so in accordance with the protocol even when the school is full. The School Admissions Code also makes clear that, in agreeing this Secondary FAP, no school including those with available places - should be asked to take a disproportionate number of children who have been permanently excluded from other schools, who display challenging behaviour (see Annex 3), or who are placed via the Protocol.
- 1.4 This Doncaster Secondary FAP therefore exists to ensure that the needs of children and young people, who have difficulty in securing a school place, are met appropriately and efficiently through enrolment in a mainstream school setting, minimising the time that pupils spend out of school. The FAP has been developed to operate in a fair and transparent way so that the system is underpinned by consistency, openness and honesty that has the confidence of schools, children and young people and parents/carers.
- 1.5 It is important that all schools are asked to admit a balance of pupils under the protocol. When making decision panel members should take into account that no school should be asked to take a disproportionate number of pupils who have either been excluded from other schools, or who have been considered at Secondary IYFAP because they are viewed as being hard to place. The framework supports the equitable distribution of vulnerable learners into provision, with proportionate needs-led weighting criteria.
- 1.6 All schools recognise their collective responsibility for all pupils and will work collaboratively to manage pupils with challenging behaviour, involving multi-agency support, accessed where appropriate. All members will work together to secure commitment to the inclusion agenda and to reduce exclusion from schools.

2. Aims of the Secondary FAP

- 2.1 This Secondary FAP has been developed in partnership with the majority of secondary schools in Doncaster. Its aims are to ensure that:
 - Unplaced and vulnerable children, and those who are having difficulty in securing a school place in-year, are allocated a school place as quickly as possible.
 - Children who are subject to a school attendance order, who are deemed not to be receiving a suitable education appropriate to age, ability and aptitude are offered a school place that is appropriate to their needs.
 - All schools are treated in a fair, equitable and consistent manner and that no secondary school – including those with places available – is asked to take a disproportionate number of children who have been permanently excluded from other schools, who may display challenging behaviour, or who are to be placed via the Secondary FAP.

The following definition of challenging behaviour is taken from The School Admission Code:

***Footnote 76** - For the purposes of this Code, behaviour can be described as challenging where it would be unlikely to be responsive to the usual range of interventions to help prevent and address pupil misbehaviour or it is of such severity, frequency, or duration that it is beyond the normal range that schools can tolerate. We would expect this behaviour to significantly interfere with the pupil's/other pupils' education or jeopardise the right of staff and pupils to a safe and orderly environment.*

- For the purposes of Section 3.10 referrals, Secondary Headteachers have agreed a definition of challenging behaviour based upon above in Appendix 3.
- It sets out how the needs of children who have been excluded and/or are not ready for mainstream education will be met including those children who require additional, specialist provision. This will be recommended and actioned via the Doncaster Inclusion Panel, which runs alongside the In Year Fair Access Panel. This will be “needs led” and informed by assessment
- Be fair and transparent, to build confidence with all schools.
- Provide consistency across all secondary schools in Doncaster.

3. Principles

3.1 The majority of pupils are already admitted to Doncaster secondary schools through the usual in-year admission procedures operated by the Admissions Service. The Secondary FAP will be underpinned by a transparent, collaborative approach, with the best interests of children at heart, which seeks to:

- Minimise children's time out of education and secure appropriate school placements of children and young people who are having difficulty in securing a school place in-year.
- Secure an equitable distribution of children and young people across schools.
- Ensure that all schools participate and take an equitable share of children and young people, **irrespective of circumstances** and ensure that schools are held to account for complying with decisions under the Secondary FAP to admit without delay.
- The Secondary FAP should not be used as a means to circumvent the normal in-year admissions process. A parent can apply for a place as an in-year admission at any point and is entitled to an appeal when a place is not offered.
- Once the majority of schools have agreed the protocol, all schools **MUST** subscribe and take full part in accordance with the School Admissions Code.
- The Secondary FAP may require schools to admit pupils above their Published Admission Number (PAN) and ahead of pupils on their waiting list or awaiting an appeal.
- Undersubscribed schools must not be required to admit a greater proportion of children, particularly those with a recent history of challenging behaviour than other schools.
- Schools must respond immediately to decisions on admission so that the admission of the pupil is not unduly delayed.
- Schools cannot refuse to admit a child who has been denied a place at the school appeal, if the Secondary FAP identifies that school as the one to admit the child.

4. Children covered by the Secondary FAP

4.1 The Secondary FAP will only be triggered when an eligible child has not secured a school place through the usual in-year admission procedures – i.e. when all other avenues to secure a school place have failed. Eligibility for the Fair Access Protocol does not limit a parent's right to make an in-year application to any school for their child. Admission authorities must process these applications in accordance with their usual in-year admission procedures. They must not refuse to admit such children on the basis that they may be eligible to be placed via the Fair Access Protocol. The parent will continue to have the right of appeal for any place they have been refused, even if the child has been offered a school place via the Fair Access Protocol.

4.2 In accordance with the School Admissions Code the Secondary FAP may only be used to place the following groups of vulnerable and/or hard to place children, where they are having difficulty in securing a school place in-year, and it can be demonstrated that reasonable measures have been taken to secure a place through the usual in-year admission procedures

- a) children either subject to a Child in Need Plan or a Child Protection Plan or having had a Child in Need Plan or a Child Protection Plan within 12 months at the point of being referred to the Protocol;
- b) children living in a refuge or in other Relevant Accommodation at the point of being referred to the Protocol;
- c) children from the criminal justice system;
- d) children in alternative provision who need to be reintegrated into mainstream education or who have been permanently excluded but are deemed suitable for mainstream education;

Children and young people entering the City who have previously attended a PRU or AP setting outside of the City will be allocated a mainstream school via School Admissions following a school application or where no application is made a referral to the Fair Access Panel. They will receive an assessment placement at St Wilfrid's Academy for a minimum of 6 weeks through the next Inclusion Panel. St Wilfrid's Academy will report back to IYFAP (following a full assessment) of the pupils' suitability for mainstream or requirement for a PRU place. If a pupil requires additional support as outlined in the Doncaster Graduated Approach, this will be allocated at the Inclusion Panel. The mainstream school remain responsible for safeguarding and monitoring attendance for the duration of any placement. Doncaster PRU places are dual registered from KS1-3 and single registered at KS4.

- e) children with special educational needs (but without an Education, Health and Care plan), disabilities or medical conditions;
- f) children who are carers;
- g) children who are homeless;
- h) children in formal kinship care arrangements;
- i) children of, or who are, Gypsies, Roma, Travellers, refugees, and asylum seekers;

- j) children who have been refused a school place on the grounds of their challenging behaviour and referred to the Protocol in accordance with paragraph 3.10 of the Code and as set out in Annex 3;
- k) children for whom a place has not been sought due to exceptional circumstances;
- l) children who have been out of education for four or more weeks where it can be demonstrated that there are no places available at any school within a reasonable distance of their home. This does not include circumstances where a suitable place has been offered to a child and this has not been accepted; and
- m) previously looked after children for whom the local authority has been unable to promptly secure a school place.

5. Secondary In-Year Fair Access Panel (IYFAP)

- 5.1 The purpose of the Secondary In-Year Fair Access Panel (IYFAP) is to consider evidence to inform the appropriate decision making for the placement of children & young people. This support improves outcomes for children & young people and their families.
- 5.2 Members will provide resource and commitment to support the collaborative outcomes which focuses on the support for children and young people who are using the Secondary FAP process.
- 5.3 The Secondary IYFAP is a collaborative, locally agreed partnership between the Local Authority and schools and is reviewed annually in line with the requirements of the revised current Admission Code and Department for Education Guidance making is based on a collaborative agreement and robust, child-centred, needs-led discussion.
- 5.4 The Secondary IYFAP will continue to meet on a fortnightly basis.
- 5.5 The membership of the Secondary IYFAP is made up of:
 - Chair (Elected by DASH)
 - All secondary mainstream, AP and PRU Secondary school or their representative.
 - Local authority named representative – Admissions Service.
 - Local authority named representative – Inclusion Service.
 - Local authority named representative – Attendance & Pupil Welfare Service
 - Local authority Business Support representation – administration and clerking.
 - Other invited persons when appropriate.
 - The Doncaster Inclusion Panel will take place on the following day after the Secondary In Year Fair Access Panel and Inclusion Panel membership is outlined in the Inclusion Panel Terms of Reference

Secondary IYFAP roles

- 5.6 The Secondary IYFAP Chair will be determined following consultation with schools.
- 5.7 The Chair's role is pivotal to the success of the Secondary IYFAP, acting as a mediator with relevant admission authorities i.e. each trust when necessary.
- 5.8 The role of the Secondary IYFAP includes:
 - Where a child is considered under the Secondary FAP, the Secondary IYFAP must secure a place for that child within 20 school days. Where a child is placed in a school via the Secondary FAP,

- Once a place has been offered, the school must contact the child's parents within 5 school days and an admission meeting held within 10 school days. The Attendance & Pupil Welfare Service will support the school and parents with this arrangement. Parental Advocates will also attend this meeting to support families and ensure smooth transition into school.
- Holding schools to account through the Chair, with reference to the Department for Education and Secretary of State where necessary, to make sure they are following all Secondary FAP processes appropriately.
- Monitor schools after the allocation of any Secondary FAP children to ensure they are following agreed timescales.
- If a school refuses to accept a child following placement via the Secondary FAP process, asking the Local Authority to intervene and use its powers of direction (as detailed in section 7)

5.9 Local authority officers have no voting rights they are there to give advice and guidance to the Secondary IYFAP.

5.10 Participation by all admission authorities, will require each making available a representative who will be authorised to be part of the discussion and decision making process on placing children via the Protocol and admitting pupils when asked to do so in accordance with the protocol even when the school is full.

5.11 The Secondary IYFAP may set precedence in decision making which is then applicable in similar cases. The Secondary IYFAP because of its review function can identify where areas of the Secondary FAP may not be working and give advice on changes during the next review period. **At all times this must be in accordance with the current Admissions Code and all other relevant legislation and guidance.**

Expectations of IYFAP members

5.12 At all times, Secondary IYFAP members agree:

- To ensure the needs of children undertaking the Secondary FAP process are being met.
- To have full delegated powers and to act without the need to reference elsewhere.
- To attend Secondary IYFAP on a regular basis and send an appropriately briefed deputy with full delegated powers in case of non-attendance.
- To read papers in advance and prepare well to assist in effective decision making and questioning.
- To be accountable for best placement, support and outcomes for children.
- To participate in Secondary IYFAP discussion to ensure the best placement, support and outcomes for our children.
- To scrutinise pupil referrals and offer challenge to other professionals as appropriate
- To undertake follow-up actions as agreed in Secondary IYFAP.

Admissions Service

5.13 The Admissions Service will prepare for Business Support applications and all associated information and documentation to Secondary IYFAP at least one week before all meetings.

- 5.14 The Admissions Service will maintain all criteria weighting and information on behalf of the Secondary IYFAP.
- 5.15 Doncaster Locality Outreach services (comprising of Attendance & Pupil Welfare Service Officers, Behaviour Outreach Support Officers and Inclusion Officers (depending on individual pupil need and circumstance) will ensure that all children undertaking the Secondary FAP process will be tracked and monitored via the Local Authority's management information systems.
- 5.16 The Admissions Service has a responsibility for the statutory aspects of the current School Admissions Code and all associated codes, regulations and legislation, and the processing of any challenge under the codes, and those referrals for direction as recommended by IYFAP.

Administration and Business Support

- 5.17 The Local Authority will provide venue, bookings and clerking/administration of all Secondary IYFAP meetings. This will be facilitated via the Inclusion Service.
- 5.18 The Business Support officer has the responsibility to ensure that all documents are distributed in advance of the meeting and that decisions are recorded and forwarded to the Admissions Service and schools.
- 5.19 The Business Support officer present at the Secondary IYFAP meeting will ensure all minutes and outcomes agreed will be uploaded onto an electronic portal accessible by all schools by midday of the third full business day after the meeting (i.e. by midday Tuesday for a Thursday IYFAP meeting).
- 5.20 Local Authority officers are responsible for notifying any school that is not represented at the panel of any allocation agreed within one business day of the meeting.
- 5.21 Local Authority officers at Secondary IYFAP are responsible for issuing decision letters to parents and schools unless part of School Attendance Order process. This includes the start date at the school for each child which has to be within 5 school days of the Secondary IYFAP's decision.
- 5.22 Business Support officers have no voting rights.

Agenda

- 5.23 The agenda is set out in Appendix 1.

Secondary IYFAP and criteria for selection of receiving school

- 5.24 It is important that all schools are asked to admit a balance of pupils under the protocol. The decision follow the following process:-

Schools to be considered

1. Parental Preference, obtained by the Parental Advocate and will take into account the views of the child. If no preferred school is able to offer a place then;
2. Any school willing to offer a place. If no school is able to offer a place then;
3. The closest four schools based upon distance.

Factors to be considered

- Links to other challenging pupils recently admitted.
- Overall challenges on individual year groups where significant external support is in place.
- Number of placements made by Secondary IYFAP to individual schools within a reasonable distance as reflected in the allocation scoring system (**See Annex 1**)

Conduct of the Secondary IYFAP

- 5.25 All schools are open to Secondary FAP allocations regardless of whether a headteacher attends or does not attend the Secondary IYFAP. Adopting this principle will contribute to the equity of placements across all schools.
- 5.26 Decisions will be made fairly, consistently and transparently in the best interests of the young person's educational needs, the considered allocated school in accordance with relevant legislation and the School Admissions Code.
- 5.27 Access to education following Secondary IYFAP allocation is secured within agreed time scales both at the point of entry and exit from provisions. This applies not only to mainstream school placements but alternative provision (AP) settings.
- 5.28 Decision Making Process

Request for offer of placement by any admission authority including parental preference schools. Where no offer is made;

- a) A long list of four schools based upon distance will then be considered for possible placement. Schools who have taken a pupil in the relevant year group at one of the last two meetings will not be considered.
 - b) Considering the factors noted in 5.24 above, each of these schools have an opportunity to put forward a case for removal. A decision will be reached regarding removal, based on a majority vote with a single vote being cast from each of the school representatives present at the meeting.
 - c) The remaining shortlisted schools will be considered in ranked order and the ranked table to allocate a place with the school highest ranked allocated.
 - d) Where there are less than 4 schools within point c) above, the next nearest schools will be added to maintain a minimum of four schools on the short list.
- 5.29 When making decision panel members should take into account that no school should be asked to take a disproportionate number of pupils who have either been excluded from other schools, or who have been considered at Secondary IYFAP because they are viewed as being hard to place. The decision system provides a framework for supporting the equitable distribution of vulnerable learners into provision, with proportionate needs-led weighting criteria.
- 5.30 All schools recognise their collective responsibility for all pupils and will work collaboratively to manage pupils with challenging behaviour, involving multi-agency support, accessed where appropriate. All members will work together to secure commitment to the inclusion agenda and to reduce exclusion from schools.

Communication of IYFAP decisions

- 5.31 Upon determination, the allocated school will be formally notified by the Admissions Service (if not present at the meeting) and required to admit the applicant on the school roll within 15 school days of notification APWS will also be notified and will contact the parents of the child to support the reintegration.
- 5.32 Schools are required to respond within 7 calendar days of notification if they do not agree to admit. In the event of a refusal, the Local Authority has the power to direct any maintained school in accordance with the School Admissions Code. Maintained schools may refer the case to the Schools Adjudicator who will determine which school is to admit the student. In the case of a refusal by an academy, the Local Authority will refer the case to the Secretary of State and request a direction.
- 5.33 Nominated school representatives have responsibility to feedback and update their headteacher and other appropriate colleagues on Secondary IYFAP discussions and outcomes, and to oversee the admission of pupils placed under Secondary FAP at their school.

5.34 Formal notification of the allocation will be confirmed within the action log.

6. Secretary of State's power of direction (academies)

- 6.1 The following section should be read in conjunction with the flow chart process in **Annex 2**.
- 6.2 Where the Local Authority considers that a secondary academy school will best meet the needs of any child, it will ask the academy to admit that child but has no power to direct it to do so. It is anticipated that the Local Authority and academy school concerned will usually come to an agreement, but if an academy school refuses to admit the child, the Local Authority may ask the Secretary of State to intervene. The Secretary of State has the power under an academy's Funding Agreement to direct the academy to admit a child, and can seek advice from the Adjudicator in reaching a decision.
- 6.3 The Local Authority will use its best endeavours to work in partnership with all secondary schools through the Secondary FAP process to avoid any need to ask the Secretary of State to intervene. However, if it believes an academy school is being unreasonable it will look to escalate to the Multi-Academy Trust, Regional Schools Commissioner and Her Majesty's Inspection in the first instance.
- 6.4 If the Local Authority provides education for a pupil that an academy school has refused to take after going through the Secondary FAP process, it will consider reclaiming all necessary costs from the academy school, should it be found the school acted unreasonably by the Secretary of State.

ANNEX 1

In Year Fair Access Agenda Template

- 1) Apologies and introductions
- 2) Case By Case Consideration of individual referrals.

Current Table Data (Debits from the above exclusions have been deducted.)	Previous Allocations For the same Year Group Removed from the above Long List*
<i>Current Table</i>	<i>Previous Allocations</i>
<p><i>*Italics – Substitute Schools (to maintain a shortlist of 4).</i> Strikethrough - Took a pupil at one of last 2 meetings in the same year group. Italics and Strikethrough - Took a pupil at this meeting in the same year group.</p>	

3) Review of paperwork.

- a) Presentation of case by excluding or referring school.
- b) Questions on the information given.
- c) Any additional information from other agencies including current provision.
- d) Details of any support available.
- e) Request for offer of placement by any admission authority including parental preference schools.

4) Identification of school to be allocated.

Process to determine single school

- a) The initial long list of the closest four schools.
- b) Each of the long list schools can put forward a case for removal based on the factors noted below*. Panel should only consider the points noted below* and vote if placement at an individual school would be inappropriate. This is a simple majority vote. There is no casting vote.
- c) Each school accepted at b) above will require the nearest school to be added to the long list.
- d) The final remaining four short listed schools will be considered against the ranked table with the place offered to the school with the least points.

***Factors for Panel to Consider Removal from Long List**

- a. Links to other challenging pupils recently admitted.
- b. Overall challenges on individual year groups where significant external support is in place.
- c. Number of placements made by Secondary IYFAP to individual schools within a reasonable distance as reflected in the allocation scoring system.

7) Actions and who is responsible

8) Notification of admission dates by schools

9) Any other business

ANNEX 2

SECONDARY SCORING FRAMEWORK

1. The system will aim to ensure fairness and equity in the distribution of those children identified in the Secondary FAP process. It is intended to support the principle that all secondary schools are inclusive and already take a wide and diverse population whilst recognising particular circumstances which may mitigate against admitting Secondary FAP children.
2. The system is designed to be easy to calculate, clear to understand and accurately represent the position of each school. The system will be managed and maintained by the Admissions Service as part of their membership of the Secondary IYFAP.
3. It is important that all secondary schools are asked to admit a balance of pupils under the protocol. The decision making process should be as follows:
 - o Are any of the parents preferred schools able to meet the preference?
 - o Review of paperwork
 - o Presentation of case by excluding or referring school
 - o Questions on the information given
 - o Any appropriate additional information from other agencies including current provision
 - o Support available
 - o Request for offer of placement by any admission authority
 - o Identification of school to be allocated which will be either within a reasonable distance and/or a parental preference
 - o Actions and who is responsible
4. An initial score for each Secondary school in Doncaster will be set at the start of the academic year and will be calculated from the latest pupil census data (Years 7 to 11) using the following categories and weightings:

Baseline weighting criteria	% base weighting
EHCP percentage	15%
Children looked after or previously looked after percentage	15%
Pupil premium percentage	15%
Children with a Child in Need Plan or a Child Protection Plan percentage	15%
Mobility - pupils who joined outside the usual start time percentage	15%
Deprivation - Average deprivation score based on IMD	25%
	100%

5. An initial index score is then calculated for all schools based on these categories and weightings based around the average score for Doncaster being 100.

Weighting	15% EHCP	15% CLA	15% Pupil Premium	15% CiN/CPP	15% Mobility	25% Deprivation	Total	Diff From Doncaster	Index Score: Ave = 100
Doncaster	1.7	1	18.3	3.4	3.2		27.6	0.00%	100
School G	1.5	0.5	18.2	2.7	3.1		26	-1.70%	106
School A	2.4	1.8	18.3	2.4	4.2		28.8	1.20%	96
School E	1.3	1.4	22.7	3.2	2		30.6	3.00%	89
School D	2.1	1	21.7	4.2	1.8		30.8	3.20%	88
School F	1.4	1	25.4	5.9	4.3		38	10.4	62
School C	1.6	0.3	29.8	2.5	6.2		40.3	12.70%	54
School B	2.6	1.9	29.3	3.4	4.8		42.1	14.40%	48

6. A final weighting is added which takes into account the size of the school, Year 7 to 11. All schools are ranked in order based on the proportion of excluded pupils and scores adjusted

based upon their relevant pupil populations (0.0 to 1.0).

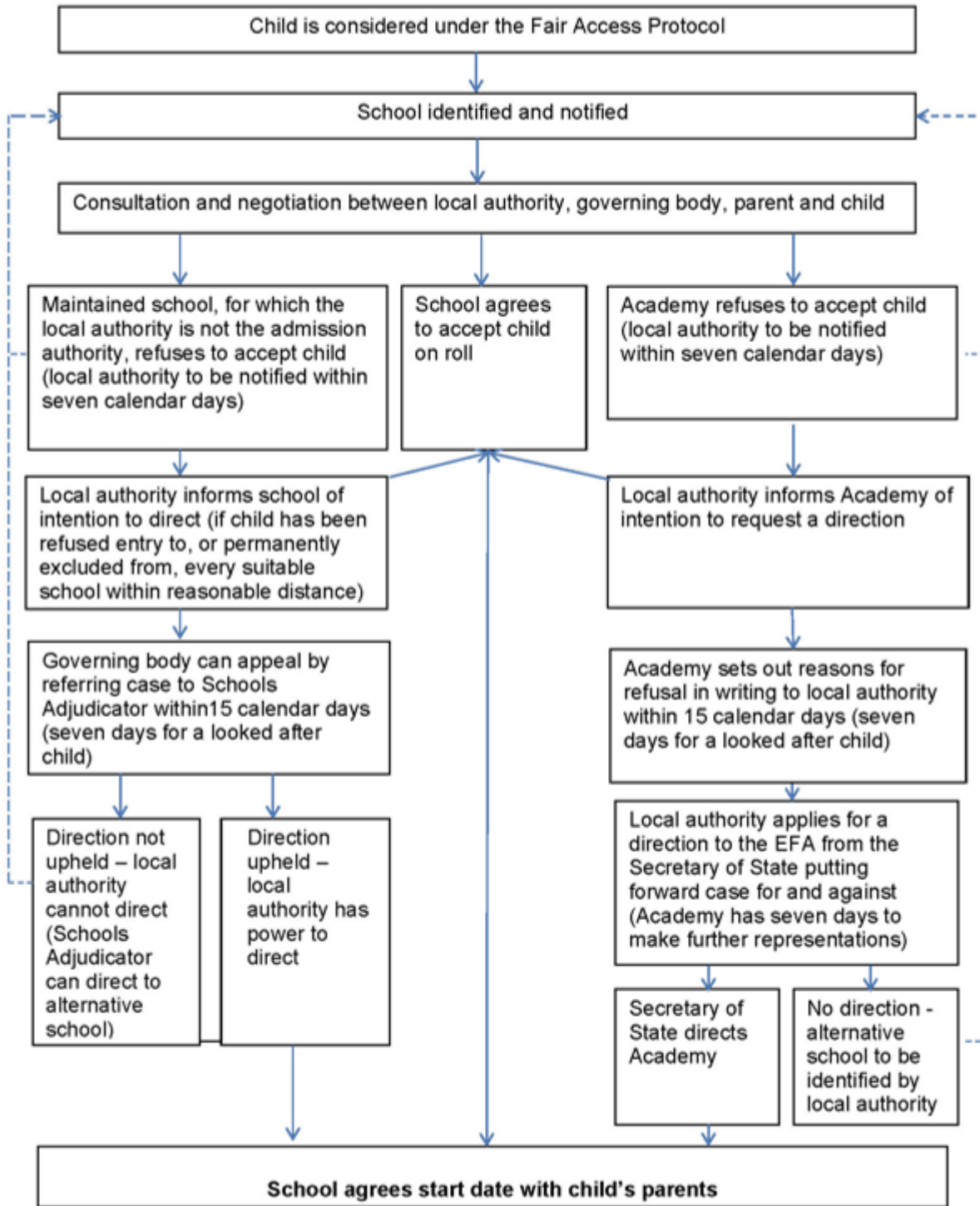
7. In each case the shortlisted schools will be considered as outlined in the main document. The school with the lowest total score would be ranked highest. The following example gives an indication of the initial index score.

Score adjustment system

8. Under the system the baseline index score detailed above would be adjusted on a case by case basis when a school permanently excludes a student or admits a pupil via Secondary IYFAP. Successful managed moves would also be credited as will other IYFAP categories.
9. The figure is added or subtracted to the index score identified above to determine the relevant school score and ranked position at any given point during the school year as follows:-
 - a. **A nominal value of 20 points will be subtracted** to the baseline index score when a school permanently excludes a pupil.
 - b. **A nominal value of 20 points will be added** to the baseline weighting index score when a school admits a pupil via Secondary IYFAP.
 - c. Successful Managed Moves **will be added a nominal value of 10 points.**
 - d. Other categories, for example **accepted** Section 3.10 referrals **will be added a nominal value of 10 points.**
 - e. The nominal values will be adjusted in proportion to the size of the school, so that larger schools (where each pupil makes up a smaller percentage of the overall cohort) will have less than 20 points added/subtracted for each pupil, and smaller schools will have more than 20 points added/subtracted for each pupil.
10. The information and live scores and ranking for all relevant school will be available at all Secondary IYFAP meetings and will be updated after each individual decision.
11. At the start of each academic year the previous five years data will be included, starting from September 2019.

ANNEX 2

Directions flow chart (overview of process)



* Note: A community or voluntary controlled school cannot refuse to admit a pupil if requested by its own admissions authority.

ANNEX 3 - SECTION 3.10 CRITERION

A decision to refer must meet all of the three following requirements as set out by the DfE in its Admission Code and Guidance:-

1) Pupil Behaviour*

The benchmark for Section 3.10 Referrals is very high and requires a consistent of approach from all schools as to whether a pupils behaviour can be described as challenging where ***'it would be unlikely to be responsive to the usual range of interventions to help prevent and address pupil misbehaviour or it is of such severity, frequency, or duration that it is beyond the normal range that schools can tolerate. We would expect this behaviour to significantly interfere with the pupil's/other pupils' education or jeopardise the right of staff and pupils to a safe and orderly environment.'***

2) School Context

The school has a particularly high proportion of children with challenging behaviour or previously excluded pupils on roll in comparison to other schools; and

3) Causes Prejudice

The school believes admitting another child with challenging behaviour would prejudice the provision of efficient education or the efficient use of resources.

4) The following is NOT considered Challenging Behaviour in this context:

- poor attendance elsewhere;
- a defined number of suspensions, without consideration of the grounds on which they were made;
- special educational needs;
- having a disability.

5) If satisfied the Panel will need to allocate the pupil via the normal IYFAP process.

6) Local Criteria – Challenging Behaviour

1. Pupil is an open case to social care or to early help services (including single agency). In addition, there is a lack of family or child engagement with services or plans, and escalating concerns and evidence of targets not being met. This is supported by comment from external agencies. *(comments relating to lack of engagement or evidence of targets not being met)*
2. Police Involvement and/or Youth Offending Services where the pupils' behaviour in the community would directly impact on the population of the chosen school.
3. Complex needs which directly and consistently impact on a pupils' personal safety and/or that of others in school. This is assessed by professionals.
4. A history of support from Inclusion Panel (or school-based AP/commissioned Ap) where needs cannot be met following short/medium term intervention and therefore mainstream reintegration cannot be achieved.
5. Failed Managed Move (at any school) within last calendar year on the grounds of behaviour. Schools referring pupils to IYFAP under 3:10 must evidence that a managed move has been unsuccessful due to sustained poor behaviour– Managed confirmed and managed by the Local Authority
6. Previous PEX (within the last 3 school terms)
(This does not include where a pupil has moved house and requires a new school.)
7. Moving into City where last known school was a single registered PRU or provider where challenging behaviour was the factor for the registration.

8. Repeated suspensions of 15 days in any one school term and where intervention following school Governor's meetings has not reduced incident of suspension. Examples can be:
 - Persistent Violence towards Staff (Frequent Or Severe)
 - Persistent Assault on other pupils (Frequent Or Severe)