

24 June 2020

Fair Access and Exclusions

Report of the Director of Children's Services

Author – Deborah Roberts, County Lead for the In Year and Fair Access Teams
Tel: - 01438 845725

1. Purpose

To provide a report to the Forum on the final arrangements for Fair Access and Inclusion Teams from September 2020, and to ask for the final part of the initial funding request to complete the new structure.

2. Summary

- 2.1 As previously reported to Schools Forum in February 2019, there has been a very substantial increase in the workload of the Integration Team since 2012
- Permanent exclusions – overall rise of 645%
 - Pupils who meet the Fair Access Protocol, (includes two streams: in year applicants and managed moves) – overall rise of 67%
- 2.2 In response to this, and to manage and mitigate the consequences on schools and pupils themselves, an initial enhancement of 3.76 fte in the staffing establishment of the Integration team was agreed for two additional Integration officers and two Administration officers to enable a service restructure/re-focusing for September 2019.
- 2.3 The Integration Team had two statutory duties which were divided to create two new teams from Sept 2019 with the following responsibilities: -
- Fair Access Team - who currently undertake the Local Authority's statutory responsibility relating to the Fair Access Protocol as outlined in The School Admissions Code, 2014
 - Inclusion Team - who currently undertake the Local Authority's statutory responsibilities around exclusions from school as outlined in Exclusion from maintained schools, academies and pupil referral units in England, 2017
- 2.4 The two teams have been in operation for the last academic year and therefore any operational issues have been ironed out during this time.

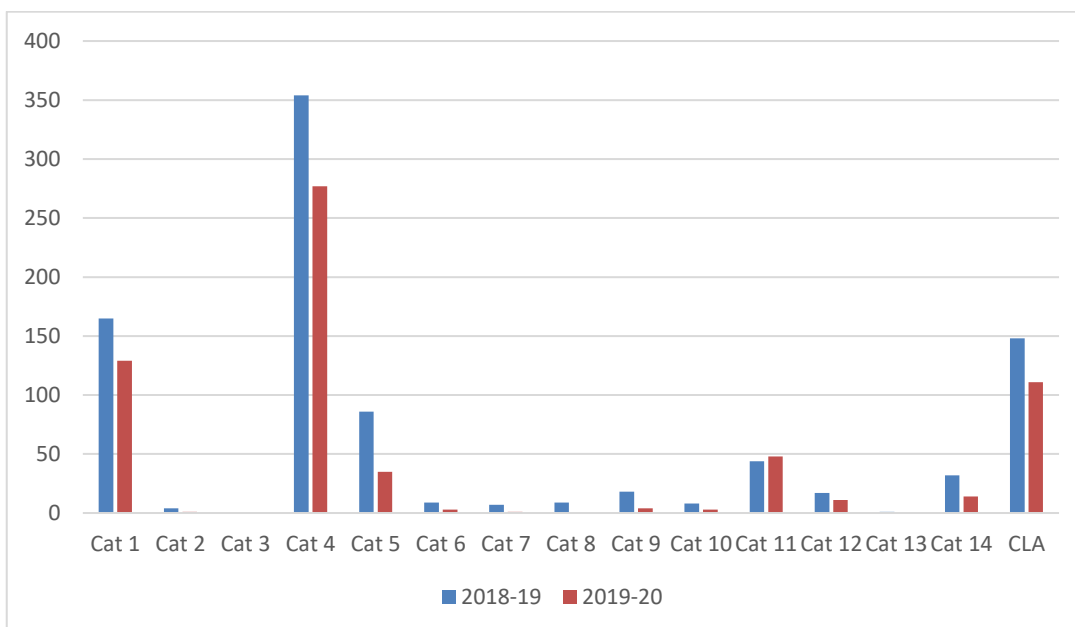
3. Recommendations

In line with the suggested outcomes from Schools Forum February 2019, it is requested that the Forum agree to fund the final additional outstanding H9 Officer at 0.88fte (total 1.76 fte) at an approximate annual cost of £39,794. This is to enable the final part of the new structure to be in place and create a preventative service for Hertfordshire schools. This expands on one of the more valued activities of the Integration/Fair Access Team – the provision of appropriate packages of support for pupils at risk of exclusion.

4. Background

4.1 The School Admissions Code advises on a minimum list of pupils that should be included in any Fair Access Protocol and these groups are specifically known to have difficulty in securing a school place. Children defined as “hard to place” have been included in one of two groups, A and B. Group A encompasses those categories of hard to place pupils who are likely to place a significantly higher demand on the resources of a school than the average child and who are likely to present challenging behaviour. Group B encompasses those categories of hard to place pupils who are likely to place a significantly higher demand on the resources of a school than the average child but who might not necessarily present challenging behaviour.

4.2 To finalise this restructure, we are proposing to split Group A and Group B of the Fair Access Protocol categories to ensure that the most complex SEMH/behaviour needs work is within the ISL Directorate with more efficient pathways for these children and better accountability management, and reporting lines. Please see table below showing the proportionate split of this work



4.3 Group B (Categories 5-14) and CLA admissions will be dealt with by the Fair Access Team. This team will remain within the Admissions & Transport Team under the current Operations Directorate for Education.

To some degree this split within the work has quietly been in place for approximately six years. The In Year Team have allocated Fair Access Officers who undertake the less

complex of the Group B categories. Complex Group B cases have been undertaken by the Integration Fair Access officers. Schools are already familiar with this split and familiar with the officer undertaking this work therefore it is not envisaged to be controversial.

- 4.4 Group A (Categories 1- 4) embrace most of the pupils with complex SEMH/behaviour needs within the Hertfordshire education system. These will move across to Integrated Services for Learning, Directorate of Services for Children and Young People, together with local authority duties and responsibilities for permanent exclusions.

Group A categories: -

1. Children attending Pupil Referral Units (PRUs), in Hertfordshire referred to as Education Support Centres (ESCs), who need to be reintegrated back into mainstream education – to include both permanently excluded pupils and those who have not been permanently excluded (DfE required)
 2. Children withdrawn from schools by their families following fixed period exclusions and unable to find another place – this provision will apply where there is a history of fixed period exclusions for persistent disruptive behaviour rather than for a few isolated incidents (multiple hoppers as outlined in the Managed Move Protocol 2019)
 3. Children returning from the criminal justice system (DfE required)
 4. Children who are at serious, but not imminent, risk of permanent exclusion – the transfer of a child between schools in these circumstances will be referred to as a managed move.
- 4.5 Historically Managed Moves (Category 4) have been placed within the Hertfordshire Fair Access Protocol. However, they are not part of the DfE requirements for Fair Access Protocols. This as a 'standalone' category is further supported by the implementation of the new Managed Move Protocol in Sept 2019 written via stakeholder working groups which offers a clear pathway and toolkit for this procedure. This has been highly welcomed by school partners and successfully implemented.
- 4.6 Whilst returners from ESCs to mainstream provision (Category 1) are a DfE defined Fair Access category and will need to remain within the protocol, due to the nature of many of these pupils' needs, they may benefit from a tight LA/ESC package of support to ensure they are successful in their new placements. These are the pupils who will have for the most part, previously been raised with preventative services and sit comfortably alongside managed move work.
- 4.7 Please see below the new teams structures: -

The Fair Access Team

Fair Access Team to sit within the In Year Admissions within the Admissions & Transport Team, under the Operations Director for Education. This team will hold responsibility for both general and complex Group B Fair Access cases and securing mainstream school places for such children

| | | |
|---|-------------------|----------------------|
| H6 Group B Fair Access Officer (full time) | Currently in post | Across Hertfordshire |
| H9 Group B Fair Access Officer (term time + 3 weeks only) | Currently in post | Across Hertfordshire |
| H9 Group B Fair Access Officer (term time + 3 weeks only) | Currently in post | Across Hertfordshire |

The Inclusion Team

The Inclusion Team will sit within Integrated Services for Learning and hold responsibility for pupils at risk of permanent exclusion and those who have been permanently excluded.

The Inclusion Gateway Team hold responsibility for:

- securing mainstream and ESC school places for Group A Fair Access cases
- functions of the local managed move/ESC admission panels

| | | |
|--|-------------------|---|
| H9 Group A Inclusion Gateway Officer (term time +3 weeks only) | Currently in post | Stevenage & North Herts Primary and Secondary phase, |
| H9 Group A Inclusion Gateway Officer (term time +3 weeks only) | Currently in post | Broxbourne & East Herts Secondary phase |
| H9 Group A Inclusion Gateway Officer (term time +3 weeks only) | Currently in post | Watford & Three Rivers Secondary and Primary phase, St Albans Secondary phase |
| H9 Group A Inclusion Gateway Officer (term time +3 weeks only) | Currently in post | WGC/Hatfield & Herts mere Secondary and Primary phase |
| H9 Group A Inclusion Gateway Officer (term time +3 weeks only) | Currently in post | Dacorum Primary and Secondary phase, Broxbourne & East Herts Primary phase |
| H3 Admin Officer (term time only) | Currently in post | Across Hertfordshire |
| H3 Admin Officer (term time only) | Currently in post | Across Hertfordshire |

The Inclusion Preventative Team will hold responsibility for:

- orchestrating preventative packages to support schools in keeping pupils in their current mainstream or special settings
- to attend local At Risk Panels
- undertake the Local Authority's statutory responsibilities around permanent exclusions from school
- undertake the functions of the Inclusion telephone enquiry line

| | | |
|---|--------------------------|----------------------|
| M1 Inclusion Lead Officer (full time) | Currently in post | East Hertfordshire |
| H9 Inclusion Preventative Officer (term time +3 weeks only) | Request to Schools Forum | West Hertfordshire |
| H6 Inclusion Preventative Officer (full time) | Currently in post | Across Hertfordshire |
| H6 Inclusion Preventative Officer (full time) | Currently in post | Across Hertfordshire |

4.8 There is a budget for pupils who meet the Fair Access Protocol of £170,223 which is inclusive of a recent increase in funding of £66,000 for this financial year. The request for additional funding for this year was made for three specific needs.

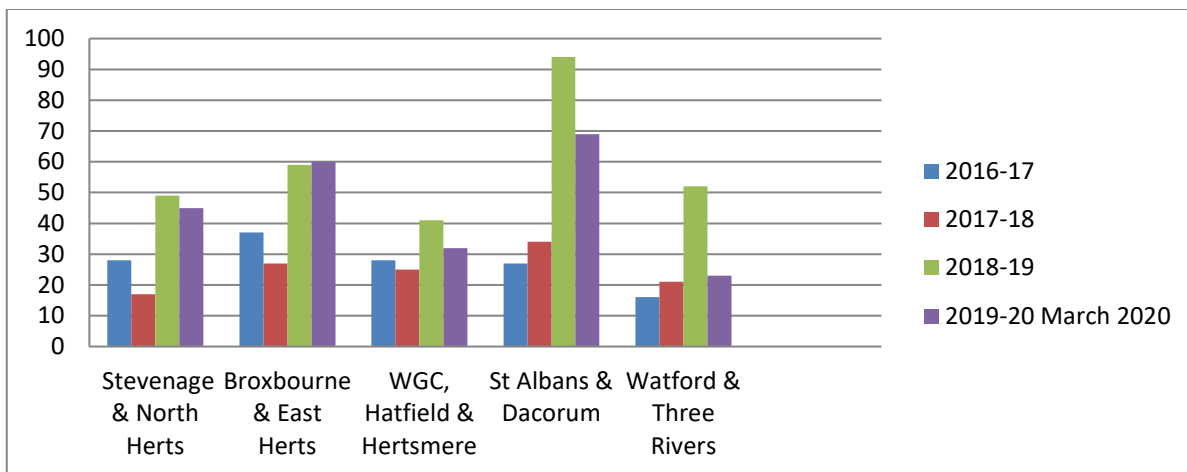
- Movers into Hertfordshire who are Category 11 – pupils who are SEN but without an EHCP
- Complex movers into Hertfordshire who are not indicated for mainstream provision and where ESC provision is not viable
- Day 6 provision where local ESC is not able to accommodate

The following table indicates how this additional funding, and the original budget will be divided proportionally based on Fair Access category forecasts using data from last two years.

| Type of funding | Reason for funding | Where this budget will now sit:- | Additional amount previously agreed via Schools Forum |
|--|--|----------------------------------|---|
| Original budget | Group B student forecast | Fair Access Team | £35,430 |
| New funding agreed at Schools Forum Feb 2019 | Group B Category 11 – pupils who are SEN but without an EHCP | | £15,218 |
| | Group B who are complex movers into Hertfordshire forecast | | £9,151 |
| Total: | | | £59,800 |
| Original budget | Group A student forecast | Inclusion Team | £68,793 |
| New funding agreed at Schools Forum Feb 2019 | Day 6 provision where ESC is not able to accommodate | | £23,865 |
| | Group A who are complex Movers into Hertfordshire forecast | | £17,765 |
| Total: | | | £110,423 |

5. Current position in Hertfordshire

- 5.1 Focus on a more preventative strategy and the new Managed Move Protocol for 2018-19 saw a sharp rise in managed moves with an accompanying 26% drop in permanent exclusions. Managed Moves for 2019 until 20 March 2020 Covid19 lockdown remained on an upward incline, with forecast for higher numbers than 2018-19 if the academic year had concluded as usual. Therefore the 2018-19 restructure has been successful in beginning to re-orientate schools towards prevention. Please see table below: -



5.2 The number of permanent exclusions has slightly declined for primary phase, and whilst there has been a reduction in secondary permanent exclusions, schools have shown more resistance to withdrawing these permanent exclusions due to new dual registration arrangements at local ESCs for the whole statutory period of education. Some areas were previously able to single register year 11 pupils from Spring Term at their local ESCs and therefore they were more receptive to withdrawing the permanent exclusions. Full engagement in a more preventative model may also mean that when schools are permanently excluding, there may be a strong professional conviction that alternatives to permanent exclusion are not viable. Please see table below: -

| | Primary | | | Secondary | | |
|----------------|--|---|--|--|---|--|
| | Total no. of notified permanent exclusions | No. of these permanent exclusions withdrawn via Integration Team intervention | Actual number of permanent exclusions that went through to GDC | Total no. of notified permanent exclusions | No. of these permanent exclusions withdrawn via Integration Team intervention | Actual number of permanent exclusions that went through to GDC |
| 2017-18 | 48 | 10 | 38 | 224 | 98 | 126 |
| 2018-19 | 53 | 22 | 31 | 196 | 106 | 90 |
| 2019-20 | 41 | 14 | 27 | 145 | 64 | 81 |

5.3 Independent Review Panels also appear to have slightly declined reflecting a lower level of permanent exclusions

| Year | Number of Independent Review Panels | Decision to Uphold exclusion | Decision to Recommend reconsideration | Decision to Quash and direct reconsideration | Withdrawn |
|---------|-------------------------------------|------------------------------|---------------------------------------|--|-----------|
| 2019-20 | 11 | 3 | 4 | 4 | 0 |
| 2018-19 | 18 | 6 | 8 | 4 | 0 |
| 2017-18 | 14 | 7 | 4 | 3 | 0 |

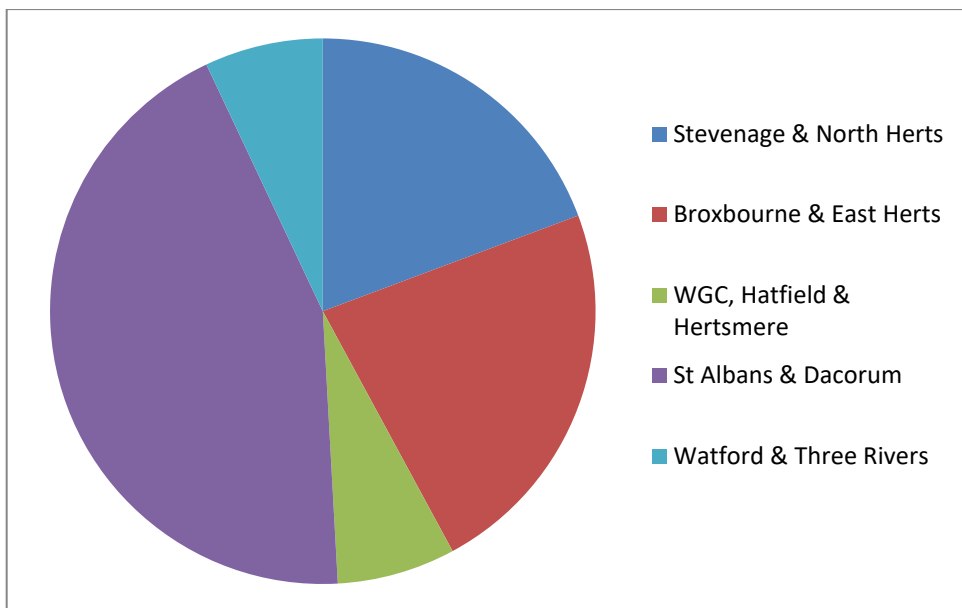
5.4 By undertaking the responsibilities around the permanent exclusion process, the Inclusion Team by default have ability to discuss permanent exclusions with Head teachers and potentially offer an alternative package, where appropriate. Pressure continues from school partners find solutions for pupils at risk, and with the formation of a preventative arm of this team, this could be achieved. It is anticipated that this preventative role will also encompass the organisation of packages of support for mainstream EHCP children in order to prevent their untimely moves through permanent

exclusion rather than a managed change of provision via review of the Education and Health Care Plan.

5.5 The Local Authority will be making a request that schools further move to a preventative model by

- Notifying the Local Authority of any pupils who are at risk of permanent exclusion via the Inclusion line or via link to undertake this quickly and efficiently
- Ensuring that they contact the Inclusion Team prior to completing paperwork for permanent exclusion

5.6 The introduction in Sept 2019 of the Inclusion telephone line available as a direct line for schools only has received positive feedback from schools and the team. The information can potentially be used to advise primary At Risk/DSPL Panels, Secondary SLT Clusters, ISL and preventative services planning. Please see the split of contact for this academic year



6. **Conclusion**

6.1 The arrangements recommended above are the final part of what could be a shift to a more preventative model of intervention for those children at risk of permanent exclusion and would expand the service most requested by schools – the need for a central figure at point of SEMH/behaviour crisis to bring together relevant services.

6.2 We request that Schools Forum support these changes and going forward, give support for a proposed minimum number of Inclusion pupils to be admitted each year by each school. This work is currently being explored and is likely to take account of school size, finance, performance data and OFSTED windows. If a nominal admission amount for Inclusion children could be agreed across each school in Hertfordshire, it would save an extraordinary amount of resource currently spent in protracted admission negotiations with schools. This would enable the re-orientation of some of the Inclusion Team resource to expand the preventative model outlined above even further.