

MEETING:	SCHOOLS FORUM
DATE:	8 DECEMBER 2011
TITLE OF REPORT:	REVIEW OF IN YEAR FAIR ACCESS PLACEMENT PANEL AND FUNDING IMPLICATIONS FOR SCHOOLS
OFFICER:	HEAD OF SUFFICIENCY & CAPITAL COMMISSIONING

CLASSIFICATION: Open

Wards Affected

County-wide – All schools

Purpose

To report on the activity of the In Year Fair Access Placement Panel in 2010/11 and the resulting funding implications for schools.

Recommendation(s)

THAT SCHOOLS FORUM:

- (a) **Note the activity of the In Year Fair Access Placement Panel in the context of In Year Transfers in Herefordshire.**
- (b) **Determine whether the Budget Working Group should consider funding mechanisms to address the funding implications for schools receiving pupils and students through the In Year Fair Access Placement Panel, for future consideration by Schools Forum.**

Key Points Summary

- Herefordshire's In Year Fair Access Protocol establishes the In Year Fair Access Placement Panel as the body to determine the admission of hard to place children.
- The establishment and review of the In Year Fair Access Protocol is not within the remit of Schools Forum, but any funding implication resulting from the activity of the In Year Fair Access Placement Panel is for Schools Forum to consider and recommend appropriate funding arrangements.
- In 2010/11, there were a total of 340 in year transfers to high schools and 862 in year transfers to primary schools. Most of these were straightforward admissions as a result of house moves with families moving into Herefordshire and families moving within the County. Only a relatively small number result from families undertaking multiple moves (1 high school pupil moved more

than once and 8 primary pupils (3 families) moved more than once). In Year Fair Access Placement Panel decisions accounted for 17 in year high school admissions (5%) and 3 primary school admissions (0.35%).

- 13 of the 17 in year high school admissions, through the In Year Fair Access Placement Panel, were concentrated in, and largely between, 5 high schools in and near Hereford City.
- As with all in year transfers, the school receiving the pupil does not receive funding for the pupil until the April following the January School Census.
- The Department for Education advises not to make in year budget adjustments for the ebb and flow of pupils.
- Schools Forum has approved a mechanism for funding to follow pupils moving between schools and pupil referral units, through in year budget adjustments.
- If Schools Forum is minded to consider in year budget adjustments, or charging, between schools in respect of In Year Fair Access Placement Panel decisions, there are a number of options and arrangements that may be referred to the Budget Working Group to consider and develop for approval by Schools Forum.

Alternative Options

- 1 There are no alternative options.

Reasons for Recommendations

- 2 Pupils admitted to schools through the In Year Fair Access Placement Panel are those who are most difficult to place. This will be due to a number of factors, and often a combination of factors, that can provide significant challenges for the receiving school in terms of support needed for the pupil and the resource to provide that support at the time of admission.

Introduction and Background

- 3 At its meeting in June 2011, Schools Forum received a paper on a proposal for funding following the student from pupil referral units (PRUs).
- 4 The Forum considered a mechanism to allow 'funding to follow the student' when transferring to a different school after being on the roll of a PRU
- 5 The Forum considered it important that funding should be transferred for one school to another as soon as was practicable.
- 6 Concern was expressed about the financial implications of in-year moves of other pupils. It was noted that the Authority could not refuse a request for a pupil to transfer from one school to another where a place at the preferred school was available. A report could, however, be made to the Forum on the operation of the in year fair access placement panel and the funding implications for schools.
- 7 It was resolved that:
 - (a) The Forum endorsed the principle that funding will follow a student to their new school if they are permanently excluded and are admitted to a different Herefordshire secondary school or the school receives a pupil through the managed moves

programme, noting this would apply to all secondary schools including academies, with such funding to be transferred as soon as was reasonably practicable;

- (b) the local authority should collect the funding from the pupil's former school in order to fund the PRU provision as agreed by the Schools Forum in March 2011 and, where the pupil is allocated a place on the roll of a different school, the transference by the LA of the same level of funding to the receiving school; and
- (c) that a report be made to the next meeting on the operation of the In Year Fair Access Placement Panel and the funding implications for schools of in-year transfers.

8 The report was subsequently placed on the Schools Forum work programme for its December 2011 meeting.

Key Considerations

- 9 All admission authorities (including those schools for which the Governing Body is the admission authority) must have Fair Access Protocols in place and all schools must participate in the protocol in order to ensure that unplaced children are offered a place at a suitable school as quickly as possible. This includes admitting children to schools that are already full.
- 10 Admission authorities are tasked to ensure that no school, including those with places available, is asked to take an excessive or unreasonable number of children who have been excluded from other schools or have challenging behaviour. They must also ensure that all children who arrive outside the normal admissions round who may have difficulty securing a place are covered by a protocol.
- 11 All maintained schools and academies in Herefordshire are covered by the protocol, including community schools, foundation schools, trust schools, voluntary aided schools and voluntary controlled schools.
- 12 It is the duty of the Local Authority and schools to ensure that children and young people have access to education as soon as possible. Accordingly, the In-Year Fair Access Protocol covers any child who cannot obtain a place through the normal admissions process within 5 school days of becoming known to the Local Authority and those who it is considered it will be difficult to place. The Protocol is to:
 - Place a child or young person in school with as little delay as is possible (in line with Article 2 of the Human Rights Act, 1998).
 - Involve schools in a fair and transparent process in order to reduce the time that children spend out of school.
 - Acknowledge the need of young people who are not on the roll of any school to be dealt with quickly and sympathetically.
 - Recognise the success of proactive work already being undertaken cooperatively between schools to prevent exclusion, and to support children, e.g. through managed moves.
 - Ensure that schools admit children with challenging educational needs in a manner, which takes account of the proportion of children they have already admitted through the Placement Panel process.
 - Meet the need to ensure full entitlement for parents.

- 13 Herefordshire Council's School Admissions Team considered a total of 1,481 In Year Transfer enquiries during the course of the 2010/11 academic year (beginning August 2010 through to the end of July) with 1,200 actual admissions. Peaks of transfer application activity occurred throughout the year with a particular emphasis in the summer term and the month of September at the start of the Autumn term. A slackening of activity broadly mirrors that of the housing market dipping to a low point around Christmas before accelerating in the Spring term to the high point at the end of the summer term.
- 14 2010/11 saw a 10% increase on 2009/10, which can be accounted for in part by the introduction of the co-ordinating In Year Transfer role allocated to Local Authorities, from September 2010.
- 15 Families moving house are the majority customer for the In Year Transfer service. In 2010/11, 75% of primary school transfers were solely to accommodate children at a new school because of a change of address. The equivalent figure for high schools was 60%. However 50% of families, for whom School Admissions provided the In Year Transfer service, started the process whilst already attending a Herefordshire school. Although 600 additional children were admitted to Herefordshire schools during the year, year groups tend to remain fairly static, which suggests that approximately as many children leave the county as arrive year on year.
- 16 Appendix A provides details of In Year Transfer admissions to Herefordshire high schools. There were a total of 340 admissions, with 207 being straightforward admissions, predominantly due to house moves, and 133 with additional considerations. These comprised of 66 students moved during Key Stage 4, 18 moved with the support of an agency (for example Education Welfare, police, Youth Offending Service), 2 moved during a fixed term exclusion, 8 pupils had attendance issues, 1 child had a history of moving schools frequently, 9 children had special educational needs, 10 were Looked After Children, 2 children were reintegrated to schools (for example through a managed move or following attendance at a Pupil Referral Unit) and 17 placements were made by the In Year Fair Access Placement Panel (out of 40 cases considered by the Panel). For the purpose of this report, each child has been included just once, in the most relevant 'category'.
- 17 Appendix B provides details of In Year Transfer admissions to Herefordshire primary schools. There were a total of 862 admissions, with 798 being straightforward admissions, predominantly due to house moves and 64 with additional considerations. These comprised of 6 children designated alternative schools as their catchment schools were full, 27 moved with the support of an agency (for example Education Welfare, police, Youth Offending Service), 1 moved during a fixed term exclusion, 2 pupils had attendance issues, 8 children had a history of moving schools frequently, 9 children had special educational needs, 3 were Looked After Children, 5 children were reintegrated to schools (for example through a managed move or following attendance at a Pupil Referral Unit) and 3 placements were made by the In Year Fair Access Placement Panel (out of 5 cases considered by the Panel). For the purpose of this report, each child has been included just once, in the most relevant 'category'.
- 18 Consideration for high school places accounted for 40 of the 45 cases that went to the In Year Fair Access Placement Panel, reflecting the fact that 17 of the 20 placements agreed by the Panel were for high school places.
- 19 The number of placements that were agreed by the panel form a very small proportion of the total number of In Year Transfers (5% for high schools and 0.35% for primary schools).
- 20 13 of the 17 high school placements were made to the 5 high schools in and around Hereford City – Aylestone Business & Enterprise College (5), The Bishop of Hereford's Bluecoat School (1), The Hereford Academy (2), St Mary's RC High (3) and Whitecross High School and

Sports College (2). With a large concentration of pupils in Hereford City and relatively easy access to all of these schools, this is perhaps to be expected. Most of the In Year Fair Access Placement Panel transfers therefore take place between the Hereford City high schools. Whilst the movements overall in Hereford are result in little gain or loss of overall pupil numbers, Aylestone Business and Enterprise College in particular [net 10] and The Hereford Academy [net 4] to a lesser extent experience a net gain of difficult to place pupils. For parents in the market towns and rural areas, access to alternative schools is severely limited by the greater travelling distance to other schools and a lack of available transport.

- 21 Whilst the proportion of In Year Transfers that result from the In Year Fair Access Placement Panel are very low, there is of course a funding implication for those schools that gain more difficult to place pupils than they lose with funding not following pupils until the next financial year.
- 22 Ever since the introduction of the Dedicated Schools Grant, the clear advice from the Department for Education and its predecessor has been not to make in year budget adjustments for the ebb and flow of pupils. However, Schools Forum has agreed to in year budget transfers for pupils transferring between schools and Pupil Referral Units. In these cases a budget adjustment is actioned between the two establishments based on a whole year figure of £3,000 per pupil and adjusted according to the proportion of the financial year spent at each establishment.
- 23 If Schools Forum is minded to, a similar system could be introduced for In Year Fair Access Panel Placements, with various options available in terms of the amount of budget to transfer. For example this could be a fixed sum, as with the arrangement with Pupil Referral Units, or it could be Key Stage specific with the Age Weighted Pupil Units being roughly £2,400 for Key Stage 1; £2,300 for Key Stage 2; £3,000 for Key Stage 3 and £3,600 for Key Stage 4. Whichever amount is selected, Schools Forum may wish to consider whether there should be an automatic uplift of the agreed figure(s) each year. Schools Forum may also wish to consider whether a figure for grants, free school meals and pupil premium should also be included. Some pupils placed by the In Year Fair Access Placement Panel may have arrived in the County from outside Herefordshire. If the receiving school is to benefit from an in year budget adjustment for children who have not been in a Herefordshire school previously, then it would be necessary to 'top-slice' an element of DSG to provide for this. However, this would be considered a 'contingency' and therefore a proportion would be 'top-sliced' for academies.
- 24 An alternative mechanism that Schools Forum may like the Budget Working Group to consider is charging between schools, rather than a budget adjustment which would be complicated in the case of academies by requiring the agreement of, and a mechanism for, budget transfers between Local Authority maintained schools and academies.
- 25 Another alternative that may be considered for schools wishing to acquire immediate funding for pupils admitted through the In Year Fair Access Placement Panel, is to have a loan to cover the period from the date of admission to the date that funding is in place for that pupil through the normal budget process. Just as there may be a period where the pupil is on roll before funding is received, so too will the school receive a whole year's funding for the pupil in the April of the calendar year when the pupil leaves in July. The school could therefore repay the loan when the pupil leaves, or at anytime before that if the school chooses to. This practice is already in place and has been used where a school was required by the Local Authority to admit significantly over its PAN as part of a normal admissions round.
- 26 Whilst the proportion of In Year Transfers resulting from In Year Fair Access Placement Panel decisions is very low and a large proportion of these are transfers between a small number of Hereford City high schools, the introduction of a budget transfer arrangement or charging would ensure in year funding for a net recipient school and would introduce a further

consideration for the school from which the pupil is transferring. The loan system would not require the pupil's former school to transfer budget or be charged.

- 27 If School Forum is minded to explore in year budget adjustment options through the Budget Working Group, the Budget Working Group should be asked to consider an appropriate implementation date for any approved scheme. April 2012 may be considered appropriate, but earlier implementation would be possible if required. Schools Forum may also wish the Budget Working Group to consider a review of any in year budget transfer arrangements, perhaps 12 months after the implementation date.

Community Impact

- 28 None at this stage.

Financial Implications

- 29 If Schools Forum is minded to consider in year budget adjustments, the financial details will be further explored to determine the options available, the overall total financial consequence, and what level of contingency (if any) will need to be held.

Legal Implications

- 30 There are no legal implications arising from this consideration of funding implications and possible further consideration and development of in year budget adjustment options.

Risk Management

- 31 There are no risks arising from this consideration of funding implications and possible further consideration and development of in year budget adjustment options. Any such in year budget adjustment will seek to address any potential risk to the quality of education at schools that are a significant net recipient of pupils admitted through the In Year Fair Access Placement Panel.

Appendices

Appendix A – In Year Transfers to Herefordshire Primary Schools 2010/11

Appendix B – In Year Transfers to Herefordshire Secondary Schools 2010/11

Background Papers

- In Year Fair Access Protocol.