



**Darlington Vulnerable Pupil Panel Protocol 2021-22**

This protocol concerns the relationship between Darlington schools / academies, the Pupil Referral Unit (PRU) and the local authority (LA), working collaboratively to support improvement in behaviour and attendance in Darlington (referred to as the partnership). The panel will be supported and attended by a nominated decision-maker or their named deputy.

<b>Agency / Organisation</b>
CAMHS
Educational Psychologists
School Nurses
Primary Schools
Secondary Schools
Darlington College
Police
Social Care
Early Help
Keeping Families Together
Virtual School for LAC
Home and Hospital Teaching Service
Pupil Referral Unit
LA SEND
Children Missing Education
Elective Home Education

There is an expectation that each representative will prepare information prior to the meeting and if they are unable to attend the case history / written report needs to be submitted to the chair ahead of the Friday VPP meeting.

The Vulnerable Pupil Panel (VPP) was established at the start of the academic year 2018-19, by combining the existing education partnerships and building on their previous work. The VPP aims to continue to take collective ownership across all schools / academies, other agencies and the local authority around issues resulting in pupils disengaging from education including fixed term and permanent exclusions and to work to identify the potential solutions to these issues.

Normal admission processes and procedures shall be used, wherever possible, to admit pupils. The Fair Access Protocol and Vulnerable Pupil Panel Protocol shall only be used when dealing with the most complex cases.

The Schools Admissions Code (December 2014) outlines guidance in relation to in-year Fair Access Protocols to ensure that education is quickly secured for pupils who have no school place and to ensure that schools in an area, irrespective of governance, admit their fair share of pupils. Schools and academies will work with the LA in the development and implementation of a Fair Access Protocol (FAP). All admissions authorities must participate in the FAP to ensure that unplaced pupils are

allocated a school place quickly. The FAP to be put in place will be for hard to place pupils. These protocols will operate alongside in-year transfers for other pupils.

In addition to this, in Darlington we will agree actions for other pupils who will be considered by the VPP. These are not pupils who meet the Fair Access criteria as laid down in the Schools Admissions Code, but pupils who are deemed vulnerable for a range of other reasons.

The VPP (incorporating the FAP) will meet three weekly during term time. The Chair will be reviewed annually.

The partnership will work closely with the LA with regard the admissions arrangements to Rise Carr College (RCC) and Home and Hospital Teaching Services (HHTS).

The partnership will examine service delivery and options for provisions and promote multi-agency and multi-disciplinary working where appropriate. As part of this the LA carries out annual safeguarding and health and safety visits and arranges twice yearly quality assurance visits that comprise lessons observations and pupil voice feedback. This is for alternative education providers on the Alternative Education Framework which can be found [here](#).

The partnership will monitor and evaluate individual and collected arrangements that can be used to develop more coherent, holistic, and effective delivery of services and strategies.

## **Aims**

The VPP aims to:

- 1) make the best possible organisational arrangements for all forms of support for behaviour and attendance in the schools / academies, including alternative provision, therapeutic and other interventions, and all forms of relevant advice and support by analysing and using data and previous case information to inform future approaches and decisions
- 2) ensure that all pupils in Darlington are treated as the collective responsibility of all the schools / academies and partners by having good attendance by relevant decision makers
- 3) establish conditions for sustainable continuous improvement in pupil behaviour and attendance in Darlington's schools / academies by ensuring open communication is in place and by providing professional advice and guidance
- 4) to establish a culture to develop teaching, learning and assessment processes that will support excellent pupil achievement as a foundation for the improvements in behaviour and attendance by ensuring an equitable distribution of the relevant resources and expertise
- 5) provide a mutually supportive environment for all pupils and staff by adopting a solution focussed approach to case resolution and by identifying and sharing good and best practice amongst the education community and partner agencies
- 6) work hard to fulfil pupil, parental and governor expectations for young people, schools and academies – by providing leadership of the highest quality to support and inspire pupils and staff in the partnership

## **Outcomes**

The partnership expects that this collaborative initiative will:

- minimise the amount of time that vulnerable pupils spend out of education

- ensure that schools admit pupils with challenging educational needs on a fair and equitable basis, through objective and transparent processes
- improve opportunities for young people whose behaviour is challenging
- significantly reduce exclusions in schools / academies
- reduce persistent absence
- significantly improve the behaviour and attendance in all schools / academies
- ensure that education is delivered for day 6 to excluded pupils (and on the first day for Children Looked After)
- significantly improve Ofsted judgements on behaviour and attitudes across all settings

### **Support and provision for pupils**

The partnership intends to ensure a better alignment of young people's needs in respect of behaviour with the provision available. It will continue the processes of:

- pooling information about available resources
- implementing FAP for relevant groups
- ensuring that schools have the main responsibility for their pupil placements at other providers on their role and to keep the VPP informed by updating the paperwork distributed at the start of the meeting
- considering opportunities for additional provision for pupils at risk of exclusion and / or disaffection
- using centrally held resources to support young people's behaviour and attendance in improving and maintaining the AP list

### **Other relevant documentation**

[The Children and Young People's Plan](#)  
[School Admission Code including Fair Access Guidance](#)  
[Exclusion from maintained schools, academies and pupil referral units in England](#)  
[Elective Home Education Guidance for Local Authorities](#)  
[Children Missing Education Guidance for Local Authorities](#)  
[Pupil Attendance Regulations](#)  
[Promoting the education of LAC and PLAC](#)  
[SEND Code of Practice](#)  
[Mental Health and Behaviour in Schools](#)  
[Keeping Children Safe in Education](#)  
[Alternative Provision](#)  
[Ensuring a good education for children who can't attend school](#)

### **Quality Assurance Panel**

The quality assurance panel will meet in advance of the VPP to review the referrals made to the panel. This is to ensure that the correct documentation is present and that the referrals meet the threshold of the panel. The panel will comprise of 2 Secondary Heads, 2 Primary Heads, Head of Rise Carr College, Head of Education and Inclusion, School Admissions Manager and other LA officers as appropriate. All other head teachers are welcome to attend as observers of the process. Of the 2 Secondary Heads and 2 Primary Heads, one will be a permanent seat and the other will rotate. The permanent HT roles are for the duration of one year, thereafter they will be reviewed by the 11-19 and Primary HT groups, who will nominate a permanent HT to sit on the QA panel for the duration of the year as the permanent Head Teacher.

The QA panel has four main functions:

- To ensure that referrals to the VPP meet the criteria agreed by the partnership
- To make a judgement on the sufficiency of the evidence provided
- To review sensitive information on behalf of the panel
- To communicate outcomes of the QA panel back to referring schools

If appropriate, the QA panel reserves the right to ask referring schools to provide additional information in advance of the VPP, if not originally supplied.

### **Fair Access Protocol**

It is the LA's expectation that FAP pupils will be placed in a new school within 20 working school days from when admissions receive the request. The VPP meeting may fall on day 15 within this process. Schools are encouraged to take pupils and put them on roll as soon as possible and this will be acknowledged at the next VPP meeting.

Schools / academies should work together collaboratively, considering the needs of the child and those of the school. There is no duty to comply with parental preferences when allocating places through the protocol, but it is expected that the wishes of the parent are considered.

If a parent is unhappy with the panel decision regarding the placement of their child in a particular school, they can appeal for a place in their chosen school through normal independent appeals processes.

### **Definition of Fair Access Pupils**

The School Admissions Code outlines a list of school age children who have difficulty in securing a school place to be included in FAP, these are:

- a) children from the criminal justice system or Pupil Referral Units who need to be reintegrated into mainstream education
- b) children who have been out of education for two months or more
- c) children of Gypsies, Roma, Travellers, refugees and asylum seekers
- d) children who are homeless
- e) children with unsupportive family backgrounds for whom a place has not been sought
- f) children who are carers
- g) children with special educational needs, disabilities or medical conditions (but without a statement or Education, Health and Care Plan)

In addition, the VPP has agreed the following during the Covid-19 period:

- children who have been electively home educated during the Covid-19 period that a school has not readmitted according to the agreed temporary mechanism (as agreed at the VPP meeting on 4<sup>th</sup> December 2020)\*

### **Definitions of Vulnerable Pupils**

In addition to the Fair Access categories, we would also add the following categories for consideration at the VPP:

- 1) Children displaying persistently challenging and disruptive behaviour
- 2) Permanently excluded children from both in and out of the borough

- 3) Children with unsupportive\*\* family backgrounds who are at risk of disengaging from education
- 4) Children returning to mainstream schools from Elective Home Education

(\*EHE pupils are readmitted to their original school when requested **unless** the original school presents a case to the next VPP with a valid reason why the pupil cannot be readmitted. In this instance VPP is the arbiter of this reason submitted and decision is immediate and final at date of submission)  
(\*\* taken from the School Admission Code)

N.B. – Looked after pupils or pupils with an EHCP or pupils who are undergoing statutory assessment for an EHCP will not be considered by the VPP for the purpose of school admission, they can be considered for access to services and resources provided by members of the VPP.

The panel will endeavour to ensure a fair and consistent placement of young people across all schools and across all year groups. When making decisions regarding the placement of young people in a school, the panel will consider a number of factors including the following:

- Percentage of pupils taken during the academic year (in relation to their pupil numbers)
- The number of pupils placed in a specific year group by the panel
- The make-up / challenges of a specific year group in a school, which would not be conducive to a successful move to that school
- Specific circumstances relating to the admission of a particular pupil e.g. known history of a serious breakdown of relationship between home and school

The above will be achieved by the use of collated data from the VPP, that will be made available to all partners.

Pupils should be admitted to the receiving school as soon as possible and in any case within 2 weeks of the panel decision being made. Appropriate parties should be involved in the initial meeting.

The placement of individual pupils will be logged on a per pupil / per school basis and reflected in the pupil placement allocation spreadsheet that will be shared at each meeting.

The VPP will aim to achieve consensus on placement decisions. If agreement can't be reached, the Chair will make the final decision considering available information and if required will seek to direct a school (see Appendix 4).

### **VPP in relation to Day 6 provision for permanently excluded pupils**

As soon as a permanent exclusion has been issued the Headteacher must notify the Local Authority and include a copy of the letter to the parent / carer by emailing the Inclusion Lead Officer [dianne.gage@darlington.gov.uk](mailto:dianne.gage@darlington.gov.uk). This notification must be done immediately to allow the 6-day provision process to be followed. Further details of the permanent exclusion process can be found in the guidance [here](#).

The Day 6 requirement will be met as follows:

For Key Stages 1 & 2 – Day 6 provision is the responsibility of the Local Authority and pupils will be placed as appropriate.

For Key Stages 3 & 4 – Day 6 will remain the responsibility of the LA with places within the secondary PRU provision.

Wherever the young person is permanently excluded within the cycle of VPP dates, the case will need to be presented at the forthcoming meeting, not only to discuss the case, but also to formally recognise the Day 6 allocation.

Pupils attending Day 6 for permanent exclusion will return to VPP after the Governing Body Disciplinary (GDC) Committee of the school / academy has met to determine whether to uphold the exclusion or direct reinstatement to the school and the appeal period has passed. VPP will then determine the longer-term education pathway for the young person. However, Head Teachers have agreed that VPP will be afforded the opportunity to discuss cases of permanently excluded pupils before the GDC meets to deliberate / consider the exclusion.

Wherever possible, depending on the incident that led to the permanent exclusion, an alternative solution will be sought. It remains the right of a Head Teacher to permanently exclude and recommend to VPP that the severity of the incident does not warrant consideration that the exclusion be withdrawn.

The Inclusion Lead Officer will be responsible to update relevant professionals as to the status of the young person in relation to the permanent exclusion, i.e.:

- paperwork in relation to permanent exclusion in order that Day 6 provision can be accessed
- date of Governing Body Committee (GDC) meeting
- discussions / decisions regarding potential withdrawing of permanent exclusion before GDC
- GDC outcome if permanent exclusion is not withdrawn
- Head Teachers are asked to complete the VPP referral form and a Risk Assessment at the point of the permanent exclusion process to assist entry into the Day 6 provision

During the first 5 days of the exclusion the school / academy is required to use the 'E' Coding. From Day 6 the responsibility falls to the LA to provide education and schools / academies should use an appropriate attendance code, such as Code B (Education Off-site) or Code D (Dual registration).

Schools are asked to email details of fixed term exclusions to the Inclusion Lead Officer [dianne.gage@darlington.gov.uk](mailto:dianne.gage@darlington.gov.uk)

### **VPP in relation to schools referrals for PRU places**

Referrals brought to VPP by mainstream schools for PRU placement must be accompanied by a OnePlan / Support Plan. Once the young person has entered the PRU, roll status appropriate to the Key Stage will be agreed by the panel dependent on the individual situation of the young person.

Where placed to the PRU as KS3 and 4 assessment provision, the PRU roll status will be S subsidiary roll status as M main roll status remains with referring school / academy.

Where the child has a placement is not returning to the school / academy, the PRU roll status will be S subsidiary roll as the main roll status remains with the referring school.

When a child is placed in the PRU as an alternative provision, their roll status will be reviewed at least annually, and long-term decision made as to the roll status by the panel.

If parents decline allocation, or the pupil fails to enrol, the case must be referred back to the VPP. If an agreement cannot be made with the parent on a placement, the responsibility for the education of the pupil reverts to the referring school / academy.

### **Reintegration from Rise Carr College (or other PRU)**

Excluded pupils will only be reintegrated into mainstream schools when they are ready and additional help will be provided where needed to ensure a smooth transition. Rise Carr Pupil Referral Unit will assess young people's readiness to be reintegrated into school. It is expected that new mainstream school / academy will be identified as early as it possible. The Readiness For Reintegration Scale will be used and shared with the receiving school / academy (See Appendix 2).

### **Managed Moves**

A managed move should be seen as a voluntary and timely child focussed intervention. Within a referral for a managed move the child's school / academy should clearly identify what they believe a move to a new school / academy can do additionally for the child. The evidence base within the referral must make specific reference to which of the child's needs can be better met in a different school / academy, and the skills set and / or capacity that will be needed within the new school / academy. It is preferable that the new school /academy is not named, rather that the features of a school / academy that would help to meet the needs of the child are clearly identified.

Managed moves must be time limited. After the initial meeting there must be a review meeting at 2 weeks, 4 weeks, 8 weeks and the final review at 12 weeks. The Inclusion Lead will be responsible for monitoring the process and updating VPP as to the progress of the managed move.

At the end of the managed move a decision will be made whether to end the managed move because the pupil has not met the required targets or to take the pupil onto the roll of the new school / academy because targets have been met. All meetings should include both schools / academies, the Inclusion Lead, the parent / carer and the pupil. In the case of a pupil with CIN / CP status, a separate initial meeting should also take place between the DSLs of both schools / academies. Progress will be reported and recorded at VPP meetings.

The initial meeting should identify three targets which the pupil must work to during the managed move (a standard proforma will be provided for this). These targets will provide the evidence base for the judgement on the success of the managed move. These targets must be reviewed at each meeting so that all parties are clear about the progress being made within the managed move.

If a managed move is successful, the pupil will go onto the roll of the new school / academy on the day following the 12-week final meeting. At this point the pupil should be treated as an equal member of the school / academy community. If the managed move is deemed a failure, then the young person would return to their original school / academy. These decisions must be made at the review meeting with parents / carers and both schools / academies present so that clear and consistent messages can be provided as to why the managed move has failed.

Outcomes from managed moves need to be reported at VPP and will recorded by the LA Inclusion Lead through the VPP meetings. If a managed move breaks down, the host school needs to report this to the LA Inclusion Lead Officer [dianne.gage@darlington.gov.uk](mailto:dianne.gage@darlington.gov.uk) on the same day to prevent the child becoming a CME.

Where a managed move is unsuccessful and the pupil returns to their original school / academy, any subsequent permanent exclusion should not be based solely on the behaviours from prior to the managed move. Pupils should be given a fair opportunity to reintegrate into their school with agreed targets.

There may be a very rare circumstance where a managed move should last longer than 12 weeks e.g. 1 Year 11 pupil who has moved; but these would be the exceptions. This would be discussed and agreed by all parties at the review meetings.

All managed moves should be agreed through the VPP to ensure a clear and transparent approach to pupil placements.

Difficulty in meeting the SEN needs of a pupil should not result in a managed move.

LAC would not normally be considered for a managed move. A managed move being considered for a LAC pupil should always be in consultation and agreement with the Virtual Head and requires an emergency PEP to be held as this is a proposed change to the LAC care plan.

All requests for managed moves must be supported by parental / carer consent.

The Inclusion Lead Officer will monitor and track the performance of managed moves and the standard procedure through the review meetings will be followed.

### **Dispute resolution process**

The VPP agreed in their meeting on 15.11.19 to a revision to the protocol for a dispute resolution process relating to in-year transfers and managed moves. The VPP will receive a report on all in-year school to school transfers to enable monitoring.

### **Key Stage 2**

#### **Year 5 / 6 pupils**

The partnership agrees that wherever possible Year 5 / 6 pupils should remain in their original school. The LA will monitor in year admissions within Year 5 and Year 6 and report on them accordingly.

### **Key Stage 4**

#### **Year 10 pupils**

The partnership agrees that wherever possible Year 10 pupils should remain in their original school and should not be considered by the panel after Christmas of Year 10. The reason for the referral should be based on Fair Access categories and/or exceptional circumstances.

#### **Year 11 pupils**

The partnership agrees that there should be no moves of Year 11 pupils within Darlington schools. At this point, schools should seek to create alternative education packages instead, to help those pupils succeed, unless there are exceptional circumstances as to why a move should occur. In the instance when a move of a Year 11 pupil it is necessary, the partnership will agree that it will be on a managed move basis until the pupil has left Year 11.

### Criteria for referrals to Clifton House

- Pupils are experiencing reoccurring FTEs or are at risk of exclusion
- Pupils have continued difficulties in social interactions/relationships with both adults and peers
  - Immature social skills, affecting their ability to establish and maintain friendships
- Pupils may have become socially and emotionally vulnerable, withdrawn, isolated and unpredictable patterns of behaviour are beginning to emerge; that impact on learning
- Pupils may prefer own agenda and be reluctant to follow instructions
  - Difficulties following adult direction e.g. regular incidences of non-compliance/ uncooperative behaviour/ defiance
- Difficulties with appropriate learning behaviour e.g. sustaining attention and concentration, motivation to engage with work-related tasks
- Pupils may have begun to experience short term behavioural crisis
- The pupil is operating at a level well below expected outcomes and there is evidence of an increasing gap between them and their peers
- Self-esteem and motivation may be an issue
  - Significant self-esteem issues affecting relationships and behaviour patterns

### Referrals to the Home and Hospital Teaching Service

- Referrals **must** be backed up by a full assessment carried out by an Educational Psychologists or a Clinical Psychologist, Clinical Psychiatrist or Primary Health Worker (usually based at CAMHs). Should a School Counsellor identify a pupil as being too anxious, the school must ask an Educational Psychologist or CAMHs to carry out a full assessment.
- An assessment from the pupil's G.P or a school counsellor is **not** deemed appropriate.

### Documentation required for VPP referral

All pupils being referred to VPP will need the following supporting documentation:

- Fully completed referral form, including completion of the parent / carer consent
- Current attendance certificate
- Pupil views
- Historical attendance information from previous 2 years (or length of time at the school / academy)
- Fixed term exclusions (number, reason, length) for every year in the school / academy
- Internal fixed term exclusions (number, reason, length) for every year in the school / academy
- Punctuality information for the last / current year in the school / academy
- School behaviour plans and support plans
- Involvement of any other agencies / services for every year since joining the school/academy
- Academic information (KS2, KS3, KS4 – targets and current progress)
- Evidence of the school's / academy's graduated response to the pupil's needs, directly linked to the Ranges guidance 2018 (include reports / recommendations e.g. EP reports)

### Standard Agenda Items

- 1) Fair Access
- 2) Referrals not progressed to Panel
- 3) Pupils at risk through persistently challenging and / or disruptive behaviour

- 4) Requests for Managed Moves
- 5) Reviews of Managed Moves and Placement Breakdowns
- 6) Requests for place at PRU / HHTS
- 7) Permanent Exclusions since last VPP
- 8) Re-integration from PRU / HHTS
- 9) Alternative Provision / restricted timetable update

### **Funding**

Funding follows the pupil and the receiving school invoices the base school for the proportion of AWPU left in that academic year e.g. (x days/190 \* AWPU) (see Appendix 3).

Schools should invoice the base school if a minimum of 15 days provision has occurred in the academic year at the rate specified above.

### **GDPR and Data Sensitivity**

The European Union's General Data Protection Regulation (GDPR) came into force from May 25<sup>th</sup> 2018.

Due to the sometimes highly sensitive and confidential nature of the VPP referral document and/or supporting documents, we would like to remind all panel members that it is their responsibility to ensure ongoing and continued compliance with data protection law. This includes the safe keeping, transportation and secure disposal of all VPP documents after the meeting.

Document holders will be held accountable for any breach of data protection law.

### **Appendix 1 - Known triggers (examples to use in the VPP passport referral form)**

- Peer provocation
- Work/task frustration
- Poor academic ability
- Noise levels
- Teacher Responses
- Social time incidents
- Lunch time incidents
- External factors
- Medications (ADHD)
- Formal lessons
- Free activities
- Exposing of self esteem
- Not getting own way
- Inability to comprehend instructions
- Task frustration due to motor or sensor difficulties
- Stigma-rejects or dislikes support
- Social relationships
- Inability to cope with physical demands of the day
- Erratic learning patterns, loss of concentration
- Adverse reaction to authority
- Moving around class
- Moving around school
- Unfamiliar adults (supply visitors etc.)
- Name calling
- Being bullied
- Manipulated
- Being ignored
- Peer rejection
- Pupil catalyst
- Late for lessons (misses instructions)
- Poor attendance (missed learning)
- Reprimands
- Just wants to be left alone

### **Appendix 2 - Reintegration from Rise Carr College - Scale of reintegration**



Appendix 2 - Scale  
of reintegration.docx

### **Appendix 3 - Financial Support**

The VPP has access to a small budget that can be used to meet the aims of the VPP. Requests to access the fund will be subject to the following:

#### **Principles**

- 1) It is expected that VPP partners would meet the vast majority of children's needs from within existing budgets
- 2) All other funding routes should be fully explored prior to a request for funding from the VPP
- 3) VPP funding is time-bound and there is an agreed plan and exit strategy to resume a regular funded resource
- 4) That funding is considered to be exceptional rather than *de rigueur*
- 5) Funding granted will be evaluated for effectiveness of impact and reported to the VPP

#### **Practice**

- 1) Requests should be submitted in writing to VPP email inbox for consideration by the QA panel
- 2) The QA panel will determine if the above principles apply
- 3) The QA panel will agree/deny access to the funding
- 4) The LA Inclusion Lead Officer will (in liaison with the requesting partner) draw up a time-bound and costed plan with SMART success criteria and monitor effectiveness towards agreed milestones during the funding period. Aliquots of funding will be released to the partner after each milestone has been achieved.
- 5) Evaluation of the effectiveness of the agreed plan will be reported to the VPP meeting immediately following the planned end date.

### **Appendix 4 - Mechanism for the Chair making fair access decisions in the absence of consensus**

The following procedure will be used to determine decisions by the Chair during the current academic year or until such time that the panel amend the protocols to insert a new mechanism.

Placement will be determined by assessing in sequence:

- 1) Previously placed fair access pupils in the year group in the current academic year, then;
- 2) Previously placed fair access pupils in the rest of the school in the current academic year, then;
- 3) Closest school by walking distance

In order to be proportionate, the size of the cohort needs to be accounted for. Each pupil in each school is a different proportion of the cohort. The following pupil coefficients will be used for each secondary school. These will only be required when all the schools have placed at least one child.

Calculation of Secondary School co-efficient based on PAN			
School	PAN	Proportion of Smallest PAN (x/80)	Inverse of proportion to calculate the pupil coefficient (1/y)
Carmel	180	2.25	0.4
Haughton	180	2.25	0.4
Hummersknott	240	3	0.3
Hurworth	127	1.5875	0.6
Longfield	180	2.25	0.4
Polam	80	1	1.0
St Aidan's	140	1.75	0.6
Wyvern	140	1.75	0.6

Version	Date	Comments
1	09.07.2021	Approved at VPP meeting 09.07.2021