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Effective managed moves

A fresh start at school for children and young people

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Information

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Effective managed moves

Audience	Local authority officials dealing with inclusion and support for pupils.
Overview	This document provides best practice information to assist local authorities to establish and implement effective protocols for managed moves.
Action required	None – for information.
Further information	Enquiries about this guidance should be directed to: Pupil Engagement Team Department for Children, Education, Lifelong Learning and Skills Welsh Assembly Government Cathays Park Cardiff CF10 3NQ Tel: 029 2082 1556 Fax: 029 2080 1051 e-mail: PETshare@wales.gsi.gov.uk
Additional copies	This document can be accessed from the Welsh Assembly Government website at www.wales.gov.uk/educationandskills
Related documents	<i>National Behaviour and Attendance Review (NBAR) Report</i> (2008) <i>Behaving and Attending: Action Plan Responding to the National Behaviour and Attendance Review</i> (2009) <i>Inclusion and Pupil Support</i> National Assembly for Wales Circular No: 47/2006 (2006) <i>Exclusions from Schools and Pupil Referral Units</i> National Assembly for Wales Circular No: 1/2004 (2004)

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Introduction

The Welsh Assembly Government recommends the consideration of *managed moves* to provide pupils with the opportunity to make a fresh start in a new school. This practice can also reduce the need for permanent exclusions and minimise the negative outcomes associated with them.

To maximise the likelihood of success, it is essential that managed moves are undertaken with the full consent and cooperation of both schools, parents and pupils and that all are made fully aware of the processes to follow. All those involved must also act in accordance with the School Admissions Code, and have regard to any protocols or guidance on this matter issued by the local admissions forum.

The National Assembly for Wales Circular 47/2006 – *Inclusion and Pupil Support* referred to the use of managed moves as one of the early intervention strategies that can be considered to help pupils in the management of their behaviour and attendance at school.

In response to recommendations made in the National Behaviour and Attendance Review (NBAR)¹, the Welsh Assembly Government committed to producing a best practice information document to assist schools to manage moves effectively.

It is in this context that this document was produced in collaboration with Welsh local authorities.

The document is set out in 2 brief sections:

Section 1: Explains when it is appropriate to consider a managed move for a pupil and describes processes, roles and responsibilities to manage the transfer and the integration process effectively.

Section 2: Provides exemplar materials that can be modified as necessary.

¹ Welsh Assembly Government (2009). *Behaving and Attending: Action Plan Responding to the National Behaviour and Attendance Review*.

Section 1: Best practice information

1.1 What is a managed move?

A managed move is a carefully planned transfer of a pupil from one school into another.

It enables a child or young person to move on to a new placement or programme in a way which is acceptable to all appropriate parties, especially the pupil. The process is designed to help the pupil move forward and make a fresh start. The best interest of the child, in line with the United Nations Convention on the Rights of the Child (UNCRC) and the seven core aims in Children and Young People: Rights to Action, needs to be at the core of any managed move. A description of the UNCRC articles that are of particular relevance is given in Appendix 1.

Where it is in the best interest of the pupil concerned, a managed move can be used as a strategy to support the pupil and/or prevent a permanent exclusion.

Evidence suggests that for a managed move to be successful, the full engagement of the pupil, parents/carers and the schools need to be fully considered and transport issues need to be addressed.

1.2 Pupils who might benefit from a managed move

A managed move is a strategy that is already being implemented for the following pupils:

- pupils who are at risk of permanent exclusion but who might succeed in a new environment;
- pupils with emotional and behavioural difficulties who have received a variety of supportive strategies in their school with limited success; and
- pupils who find that attendance at their current school is negatively affecting their emotional welfare.

Managed moves have to be considered when there is a genuine belief that a fresh start would be beneficial for the pupil. Prior to considering a managed move it is essential to establish the core reasons for the problems being experienced and/or the behaviours being displayed by the pupil.

For instance, moving a pupil with behavioural issues (e.g. displaying aggressive behaviours towards peers and teachers) to a new school without teaching the pupil the skills to interact effectively with peers and teachers might be of limited use. On the other hand, teaching the pupil how to form positive relationships and then, if really needed, giving him/her the opportunity to start fresh with new peers and teachers, might be a successful strategy.

Equally, if the core issues are rooted in family matters, moving a pupil to a new school without resolving the core family issues might also be of very limited use.

Finally, if problems displayed by the pupil might be partially attributed to a potential training gap in some of the teachers or other school staff (e.g. some may not be fully aware how to best manage a pupil with specific needs), it is important to resolve such a training gap prior to considering moving the pupil.

There has to be consideration as to whether the benefits of the move outweigh any disadvantages of the inevitable disruption to the pupil of adapting to a new environment, new arrangements and making new friends. This is particularly important for those pupils with additional learning needs who are getting additional one-to-one or small group support from learning support assistants, or who have needs which make it more difficult for them to adjust to new situations.

Managed moves should not be used merely as an alternative to permanent exclusion as this would be denying parents and pupils the right to appeal against the exclusion. At no point should a managed move be presented to parents and pupils as their only alternative. For this reason it is important that a range of options, including managed moves, are discussed before reaching crisis point and that relevant information is included in any documentation involving pupil support strategies available in the school.

The timing of the move also has to be carefully considered, and in particular how this fits in with the pupil starting new courses, undergoing teacher assessments or taking any external examinations. For instance, young people who are more than one term into Year 10 of their examination courses may face difficulties if they move school and there is a differing examination syllabus between the schools. On these occasions a late decision to make a managed move could have a lasting impact on the young person's examination success.

Similarly, the 14-19 phase is also a crucial time for the young person and consideration needs to be made to the learner's Learning Pathway, which may include part of the pupil's week being at a training agency, further education institution or work placement at a different location. There needs to be consideration of the potential impact on these other elements should a managed move take place and consideration of transport.

1.3 Points to consider

To enhance the likelihood of success, a managed move should be considered as a possible support mechanism before reaching crisis point and as such should be offered as one of the many support strategies and interventions available for the pupil.

According to research conducted by Barnardo's/SNAP, there are cases where parents/carers perceive the managed move with an element of cynicism and as a way of passing the responsibility for the pupil's education to someone else. To minimise the potential for this perception to occur, Barnardo's/SNAP suggest that it may be beneficial to include information on managed moves in any information pack on pupils' support that is provided to parents when their child joins a school.

A non-exhaustive list of other support strategies and interventions to be considered, depending on specific circumstances, before, in conjunction and following a managed move are the following:

- Educational Psychologist advice.
- School based counselling.
- Inclusion in a nurture group.
- Education Welfare Services input.
- Peer mentor and/or small group support.
- Change of class.
- Learning mentor.
- Specialist SEN Services.
- Parents/carers meeting with head teacher and LA representative.
- Involvement of relevant/appropriate support agencies, e.g. health sector, social services, outreach teams.
- Reduced taught timetable (however 25 learning hours should still apply).
- Alternative timetable/curriculum.
- Behaviour Support Team advice.
- Work-based training.
- Careers Wales.

If the pupil, parents/carers, headteacher and other relevant professionals genuinely believe that a change of school would be beneficial for the pupil, then it is important that the pupil is provided with the type of support that will facilitate his or her own inclusion in a new peer group (e.g. mentoring and buddy scheme).

The following – or similar – processes should be followed to manage a move effectively.

1.4 Setting up processes for a managed move: roles and responsibilities

1.4.1 Key players

- Pupil.
- Parent or carer.
- Head teacher of original school.
- Head teacher of receiving school.
- Relevant local authority official(s) responsible for inclusion, including admissions officers to act as facilitator(s).

- Advocate² to represent the voice of the pupil (and/or parent/carer) if needed.
- Social worker in the case of a looked after child.
- LA services/other agencies/health sector, depending on individual cases.

For the young person, the 14-19 Learning Pathways policy ensures through the implementation of the Learning and Skills (Wales) Measure 2009 that pupils will:

1. have access to learner support services via the Learning Coach function. This ensures that pupils receive appropriate guidance to help them overcome any barriers to learning which may prevent them from achieving their potential. Access to a Learning Coach will continue to be available after the pupils move to a new school; and
2. have the option of selecting from 30 courses from 2012 including at least 5 vocational courses from a locally agreed curriculum. Each local curriculum will be agreed by the local authority and learning institutions i.e. schools, colleges and training providers.

1.4.2 Step-by-step processes

Pupil, schools and parental/carer involvement and collaboration are required throughout the process.

1. Discussions between head teacher and parents/carers and the pupil

Parents/carers will already be aware of the difficulties the pupil is experiencing within the school. The head teacher, as part of any reviews of ongoing intervention or Pastoral Support Programme (PSP), should discuss at a review meeting with parents/carers and the pupil the possibility of exploring a managed move as a further strategy to help the pupil.

The parent/carer and the pupil are provided with information about managed moves (exemplar 1) and are referred to any previous documentation relating to pupil support that they might have received in the past.

Where the parent/carer or the pupil do not feel that the managed move is an option that they wish to explore, then, the head teacher, the parent/carer and the pupil together need to look for other possible solutions that meet the need of the pupil and builds on his/her strengths. Creative thinking may need to be used to find a solution. For example, in one case discussions revealed a young person's fascination with stones, hence the school then provided an opportunity to train with a stone mason.

² If an advocacy service is not provided in a specific Local Authority, it is the responsibility of such Local Authority to provide an advocate for a pupil taking part in managed move if one has been requested. If advocacy is needed by the parents/carers, these can access SNAP Cymru.

In the case of looked after children (LAC), where it is agreed that a change to a school placement would be in the looked after child's best interests then the corporate parent authority will be informed of this intention through the discussions between the social worker and the lead person for LAC at the school. The social worker will inform the relevant multi agency panel who are tasked with addressing the issue of the unstable school placement. There should also be a LAC review to consider the wishes of the child. It is important to realise that a change in school placement often results in a change in a foster placement. The disruption in a child's life can be considerable. Therefore moving a looked after child should be used only as a last resort.

Transportation costs will feature in a child's care plan. Representatives from the corporate parent local authority will need to be party to the discussions on a planned managed move.

If all are in agreement to proceed, the head teacher moves to Step 2.

2. Discussions between head teacher and local authority

Following consideration that the pupil might benefit from a fresh start in a new environment, the head teacher of the original school contacts the relevant officer in the local authority (LA) and requests a managed move. If the pupil has a Statement of SEN (or is undergoing statutory assessment) this should include the appropriate LA officer for SEN. If the pupil is at School Action Plus then the agencies involved with this pupil should also be invited.

3. Finding a potential receiving school

An appropriate alternative school is found and a placement agreed in principle with the head teacher of the receiving school, although decisions on admissions rest, in accordance with the School Admissions Code, with the relevant admissions authority.

Depending on local authority protocol, the responsibility to find a receiving school can be fulfilled by either the head teacher of the original school or a senior LA officer responsible for inclusion.

School governors should be informed of the potential managed move.

In the case of a looked after child, the social worker's involvement is essential and will control the information discussed as the decision to move may require a referral to the multi-agency panel. The social worker for the child is employed by the corporate parent local authority and is expected to travel to a LAC review meeting. Because a planned move represents a major life change for the pupil, an independent reviewing officer should be present at the LAC review meeting.

Sharing information

In order to make an informed decision, all relevant information on the pupil should be shared with the receiving school prior to an acceptance of transfer being made. The information that can be shared is set out in the Education (Pupil Information) (Wales) Regulations 2004.

Regulation 5(3) of those regulations states that when a pupil is under consideration for admission to another school (including an independent school) or to a further education institution the head teacher must transfer to the responsible person, free of charge, the pupil's educational record within 15 days of receiving the request.

The responsible person is defined to mean the head teacher, or proprietor if it is an independent school, the teacher in charge of a PRU, the governing body of any other school, the person responsible for the conduct of the FEI or other place of education or training to which the pupil may be transferred.

Educational record is defined by regulation 3(2) to mean any information which is processed by or on behalf of the governing body or teacher at the school, and which originated from or was supplied by an employee of the LA, teachers, the pupil or the parent. This information must not include the results of any assessments nor must any document be disclosed that would be subject to an order under section 32(2) of the Data Protection Act 1998.

The Education (Pupil Information) (Wales) Regulations 2004 specify that information should be shared via the Common Transfer System (CTS). The CTS enables schools and local authorities to exchange pupil level information electronically using the School to School (S2S) website or via secure internet set up by or on behalf of a LA for the purpose of transferring data.

Further information on the Common Transfer System and what information should be shared can be found in National Assembly for Wales Circular 18/2006 *Educational Records, School Reports and the Common Transfer System – the keeping, disposal, disclosure and transfer of pupil information*.

Guidance on the requirements of the Freedom of Information Act 2000 is available at <http://www.rms-gb-org.uk>.

4. Invitation to managed move meeting

The original school contacts the parent/carer/social worker and all are invited along with the pupil, to a meeting to discuss the details of the transfer (exemplar 2).

The voice of the pupil

Children and young people have a right to have their views taken into account when decisions are being made that affect their lives, as set out in Article 12 of the *United Nations Convention on the Rights of the Child (UNCRC)*. The *National Children and Young People's Participation Standards for Wales* set out quality standards to be followed when involving children and young people in decision-making processes, so that they are placed in the best position to make decisions and contribute to solutions. For a managed move to be successful, it is essential that the pupil is informed, understands and, as much as possible, has the opportunity to influence decisions affecting their lives.

Explanations of the actual procedures should be provided by a familiar adult using age appropriate language prior to any meeting taking place, eg before the managed move meeting. At the same time, the pupil should be given the opportunity to share their thoughts and feelings with an adult that they feel comfortable with, as these need to be addressed.

If the pupil feels the need for support, it may be necessary to appoint an independent advocate to help elicit the pupil's views.

An advocate can be any person speaking on behalf of a child or young person. It is important that the pupil has an advocate of his or her choice. This may include, for example, parents, other adult relatives, carers, social workers, teachers or friends (ie, informal advocacy). It may also include friends or relatives who are the same age (ie, peer advocacy). Such people may look to advocacy services for advice and support in their role as advocates.

If the pupil is accessing a professional advocate service, it is important that he or she is able to change their advocate, without having to explain, if they are not happy or comfortable with them.

This process is intended to ensure the pupil's understanding, provide an opportunity to ask questions, clarify any issues and minimise the inevitable anxieties that the pupil might have, which may ultimately result in failure of the managed move.

Looked after children have a right to be supported by an advocate. The Advocacy Services and Representations Procedure (Children) (Wales) Regulations 2009 and subsequent guidance promotes the involvement of the advocate role in the child's review.

Local authorities must have a system in place to provide written, age appropriate information to each looked after child about the function and availability of an advocate and how to request one.

5. The managed move meeting

This meeting is attended by the following:

- the pupil (accompanied by an advocate as appropriate);
- the head teacher of the original school or a nominated senior member of staff who knows the pupil well;
- the head teacher from the receiving school or a nominated senior member of staff who has been delegated the authority to make decisions;
- the parent/carer (accompanied by an advocate as appropriate);
- the LA Officer;
- the social worker in the case of a looked after child; and
- other relevant agencies as needed.

At the meeting the LA officer will act as a facilitator. He or she will provide the context for the meeting and outline the reasons why it is thought that a fresh start in a new school may be beneficial to the pupil. The officer will also explain that the parent/carer and the pupil can decline the offer to move to a different school as they have no legal obligation to accept it.

If a pupil has a statement of SEN the meeting will need to be considered as a review of the statement. It therefore will need to be conducted to comply with procedures outlined in the SEN Code of Practice (Wales) and will include a representative from the Education Department. The specification of needs, provisions and placement will need to be considered and amendments to the statement formally recommended will be recorded.

Practicalities are discussed in detail, including transport issues, realistic expectations of the receiving school and an **integration strategy** for the pupil.

The integration strategy **should** include a new detailed Pastoral Support Programme with a **named PSP coordinator** in the new school, and should be drawn-up in agreement with the pupil. The pupil should be made aware of what will happen if the managed move fails and be clear that he/she has control of the success or failure of his/her own managed move. The pupil needs to accept responsibility for their own behaviour and be prepared and willing to change the circumstances which brought about this managed move in the first instance.

The receiving school will need to analyse the strategies tried in the previous school and include and expand on the successful elements of these strategies by providing the relevant support. Such strategies and support will be recorded on the child's school file. The newly formed PSP

should also include an **induction plan** to gently introduce the pupil to the new environment and facilitate his or her inclusion in a new peer group.

Transport arrangements should be discussed at this meeting.

Other details regarding timetable, school uniforms, equipment required, etc can be discussed at this meeting or in a separate meeting between the receiving school, the pupil and the parent/carer prior to the pupil joining the school.

A **start date** and **final review date** are given to the pupil. All involved should also explore what will happen if the managed move is not successful.

Where appropriate and feasible, an interim placement in a Pupil Referral Unit (PRU) can be organised until the placement in the new school begins. This will enable the pupil to address the issues that led to the managed move in a smaller environment and prepare for re-entry. To supplement the curriculum provided in a PRU, schools should provide and assess in a continual process, any work relevant to the continuation of external examination courses where it is the intention to ensure the pupil receives the optimum opportunity to gain qualifications. Schools must provide suitable work for the pupil to do during the period at the PRU so that continuity of education is provided. The PRU should be informed of the date when the pupil is returning to school.

If a pupil does not need to or is not able to attend a PRU during the transition phase of leaving one school and being admitted to another school, the school where the pupil is registered should provide and assess the pupil's work and the pupil's name must remain on the original school roll. The issues of work provision and registration of attendance are particularly pertinent when attendance has been an issue for the pupil. The interim phase between schools must encourage the attendance to any education provision as a good habit and expected routine.

Legislation in The Children and Young Person Act 2008 requires every school to have a designated member of staff for LAC (ie, a lead person). During the period of transition between schools the lead person should be in close communication to enable a smooth transfer of placement. This will provide the opportunity for consistent support for the looked after child.

Pupils who have experienced a number of placement moves regularly relate how continuity is a major factor in easing the transition process and every attempt should be made to enable this. For example, occasionally, it may be possible for any identified support worker such as an LSA, to move with the child to the new school. This occurs when there is a nominated key worker for example.

At the end of the meeting, the Managed Move Agreement Form (MM1 – exemplar 3) is signed and provided for all appropriate parties. For

a looked after child a managed move should be recorded on the PEP and therefore will be noted in the Care Plan.

Minutes of the meeting are placed on the pupil's school record and a copy is given to the parent/carer and the pupil.

6. Implementing the managed move

The initial stage of the managed move will be on a trial basis, whereby the pupil remains on the roll of the original school and their progress is monitored closely.

During this trial period the funding for the pupil is negotiated between the original and receiving schools. In normal circumstances this would be according to well-established processes set out by the LA but the LA may need to be involved in facilitating the agreement of the funding arrangements if there are any particularly unusual circumstances.

It is essential that the transferring pupil should be well supported by the receiving school during the managed move. As a minimum, the pupil should have access to a named member of the teaching staff with whom the pupil can share anxieties and concerns, e.g. a learning mentor/behaviour mentor and peer support to facilitate the integration into a new peer group (e.g. buddy or mentoring scheme).

The PSP could, in addition, consider the following elements of support:

- Access to the SENCo or specialist SEN teacher for baseline testing and needs assessment in order to access specialist SEN teaching support.
- Access to small group support in, eg social skills or anger management.
- Access to a time-out base.
- TA/LSA support depending on employment arrangements that may be feasible for TA/LSA to move school with the pupil.
- In-school support procedures such as report cards.
- A mentor from the voluntary or community sector.
- Access to after-school clubs and activities.

This list is non-exhaustive and additional support strategies may be available.

7. Monitoring, reviewing progress and further action

The trial period of the managed move should last at least half a term with progress being monitored through recorded discussions between the pupil and the PSP coordinator and/or learning mentor. The original school

should be kept informed of the pupil's progress and levels of attendance during the managed move's process.

A formal review meeting between the same people involved in Step 5 should be conducted at the end of the trial period to assess the effectiveness of the transfer. If, however, there are concerns that the managed move may break down before the agreed review date, any of the parties concerned can request that the final review meeting is brought forward.

Three potential outcomes may stem from discussions at the formal review meeting:

- a. it may be agreed that the managed move should be extended until the end of the term or beyond, in which case a second review meeting is planned and a new date is agreed;
- b. the managed move is considered successful. In this case the permanent transfer is agreed. Processes are outlined in Sub-Section 7.1; or
- c. the managed move is considered to be unsuccessful. Processes are outlined in Sub-Section 7.2.

7.1 Successful managed move: making the move permanent

All appropriate parties complete the Managed Move Outcome Form (MM2 – exemplar 4). Copies should be signed by all present in the meeting and distributed to appropriate parties.

The pupil's school record is transferred to the receiving school in compliance with the Education (Pupil Information) (Wales) Regulations 2004 referred to in Step 3.

Following the signed agreement by all appropriate parties, the pupil will come off the roll at the original school and be placed on the roll of the receiving school. The remainder of the AWPU money and any SEN funding will be transferred to the receiving school from that date.

7.2 Unsuccessful managed move

The review meeting will address any ongoing concerns and may recommend that the placement in the new school is not viable. In such circumstances other options will be explored, including whether it would be preferable for the pupil to return to the original school.

7.3 Exceptional circumstances

If, during the trial period and in exceptional circumstances (e.g. following a serious incident), the receiving school wants to end the managed move before the pupil is registered at that school, the head teacher of the

receiving school will initiate a meeting of all personnel involved in the original managed move meeting.

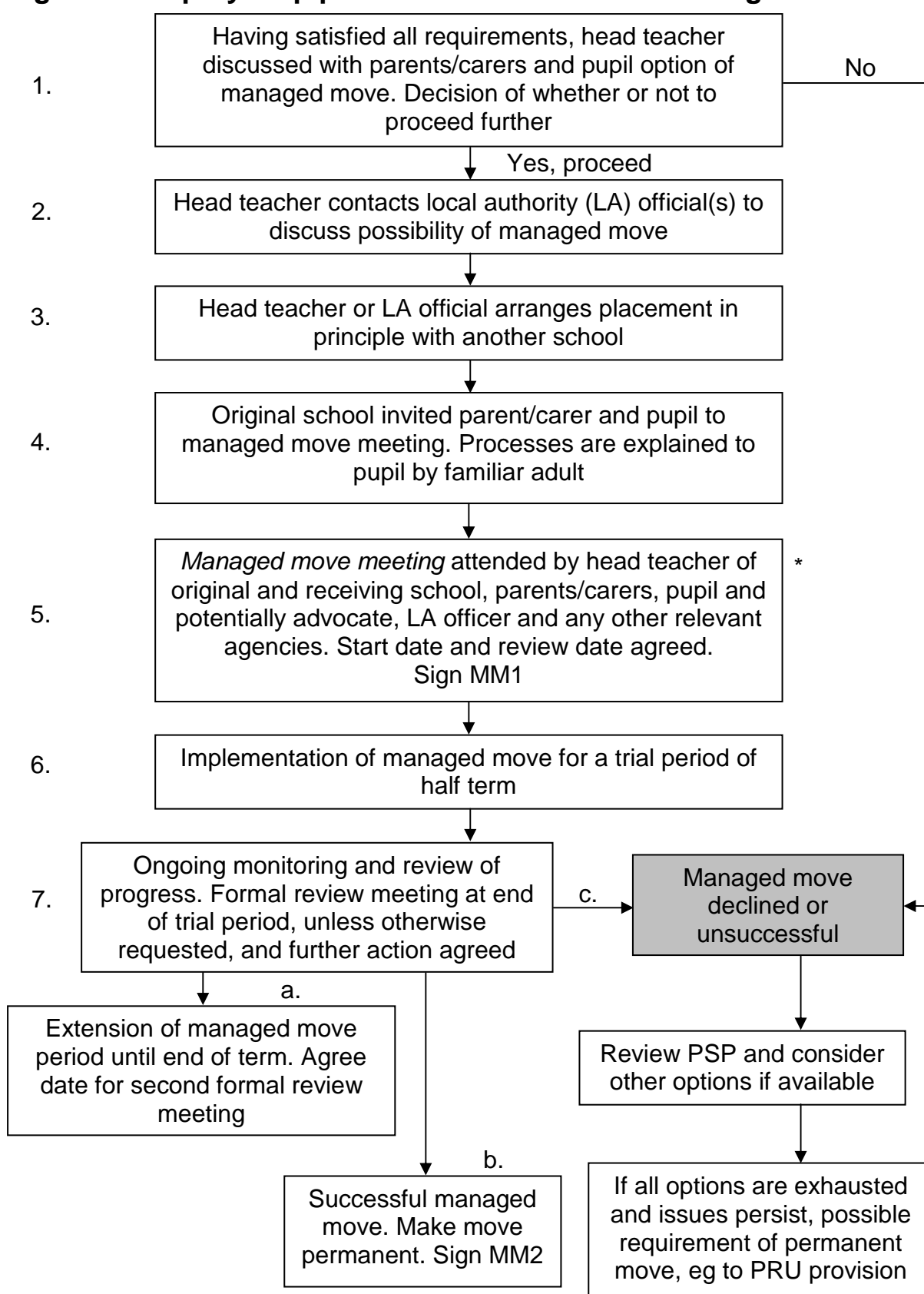
If, as a result of this meeting, the decision is to terminate this managed move trial, processes to deal with unsuccessful managed moves, as outlined in 7.2, will be followed.

The return of the pupil to his/her original school should not automatically constitute a permanent exclusion from either this or the school where the managed move has failed. However, if there are sufficient grounds for a permanent exclusion (e.g. due to a serious incident) then the original school may decide to permanently exclude the pupil in accordance with the appropriate guidance on exclusions.

Guidance on exclusions from schools is given in the circular NAFWC 01A/2004 - Exclusions from schools and pupil referral units and available at <http://wales.gov.uk/splash?orig=/publications/circular>.

Figure 1 overleaf gives a flowchart of the processes described above.

Figure 1: Step-by-step processes to an effective managed move



*** If a pupil has a statement of SEN the meeting will need to be considered as a review of the statement and all the relevant elements of the SEN Code of Practice should be followed.

1.5 Managed moves: unacceptable school practices

- Managed moves should not be used merely as an alternative to permanent exclusion as this would be denying parents and pupils the right to appeal against the exclusion. At no point should a managed move be presented to parents and pupils as their only alternative. For this reason it is important that a range of options, including managed moves, are discussed before reaching crisis point and that relevant information on support strategies available (including managed moves) are included in any documents made available to parents/carers.
- Voluntary/illegal exclusions ie, advising/encouraging parents to remove their child from the school roll and 'find another school' under the threat of permanent exclusion, are not acceptable and must be avoided (National Assembly for Wales Circular 1A/2004 Part 1, section 11, para. 11.1, 11.2). Schools should also avoid advising parents to remove their child from roll to be educated at home or elsewhere.
- Managed moves without adequate induction or support are ineffective and not acceptable.

1.6 Accepting or declining a managed move

The person with parental responsibility may refuse to move their child. Parental responsibility is defined in section 579 of the Education Act 1996 as having the meaning given to it in section 2 in the Children Act 1989.

A school may refuse to admit a pupil, and an admission authority is only obliged to admit pupils who meet the criteria in its admission policy. However, admission authorities must also comply with the Admissions code. This states that:

“admission authorities **should not** refuse to admit a child on the basis of their behaviour elsewhere. Schools **should not** refuse to admit a child thought to be potentially disruptive, or to exhibit challenging behaviour, on the grounds that the child ought first to be assessed for SEN. If following admission, a child is found to be seriously and persistently disruptive, then the school may consider disciplinary action, including temporary and, ultimately, permanent exclusion procedures. However it is important to note that children with challenging behaviour may be disabled as defined in the Disability Discrimination Act 1995 and therefore require reasonable adjustments to be made for them in the school or require SEN support. The school **must** be proactive in promoting disability equality in relation to these pupils, as with all disabled pupils” (Admissions Code 3.52).

School admission authorities will also need to bear in mind that there is a duty on them to make arrangements for parents/pupils to express a preference as to the school they would like their children to attend. The admission authority must comply with that unless compliance would prejudice the provision of efficient education or efficient use of resources, or the school admits pupils based wholly on ability/aptitude with the aim of only admitting pupils of high ability/aptitude, and compliance would be incompatible with that (sections 86 and 86A of the

School Standards Framework Act 1998). In relation to handling late applications and applications outside the normal admission round admission authorities **must** (in accordance with the Admissions Code) ensure this does not prejudice vulnerable children.

As noted above a school does not have to comply with a parental preference if it would prejudice the provision of efficient education or efficient use of resources. A consequence of this is that if the school is full, it will not have to comply with a parental preference. Further, where children have been excluded from two or more schools, within the last two years, there is no requirement to comply with parental preference (section 87 of the School Standards and Framework Act 1998). However, there are exceptions to this principle outlined in para 3.54 of the Code.

Section 96 of the School Standards and Framework Act 1998 provides that a LA may direct the governing body for a maintained school for which it is **not** the admission authority to admit any child in their area where the child has been refused admission to, and/or is permanently excluded from, each school which is a reasonable distance from his/her home and provides suitable education, except where the child has been permanently excluded from that school". Please also refer to para 3.37 of the School Admissions Code.

Also, para 3.36 of the School Admissions Code provides that under section 88(1A) of the School Standards and Framework Act 1998 (as inserted by section 42 of the 2006 Act), it is the duty of a governing body of a community or voluntary controlled school, for which a LA is the admissions authority, to implement any decision taken by the admission authority relating to the admission of pupils.

Such a direction cannot specify a school which has selection by ability (see Sections 99 and 100 of the 1998 Act) unless the pupil meets those criteria. Section 97 of the School Standards and Framework Act 1998 also sets out the procedure for the direction. However, to maximise the likelihood of success, it is recommended that managed moves are undertaken with the consent and full cooperation of all parties, which may be lost if a school is directed to admit a pupil against their will.

In the case of looked after children, the *Education (Admission of Looked After Children) (Wales) Regulations 2009* specify that looked after children must in certain circumstances specified in those regulations, have priority for admission to a school. In the case of a managed move, the corporate parent local authority and the admissions authority will work together to ensure the school nominated is appropriate in the light of the child's background and meeting his/her needs.

The school admissions Code states: "Some undersubscribed schools may find that they have been required to admit an undue proportion of children with a recent history of challenging behaviour, which may have led to a permanent exclusion from another school. Admission forums **should** discuss how local admission arrangements might allow all schools to admit a more even share of such children, including children excluded from other schools, and to agree protocols for the admission of hard to place children. Admission authorities **must** have regard to their admission forum's advice" (3.53 of the code).

Section 2: Exemplar materials

The following exemplar materials can be modified to suit local protocols:

Exemplar 1: Information leaflet for parents/carers.

Exemplar 2: Letter to parents inviting them to managed move meeting.

Exemplar 3: Managed move agreement form (MM1).

Exemplar 4: Managed move outcome form (MM2).

Exemplar 1: Managed moves – information for parents/carers

What are managed moves?

A managed move offers a pupil the opportunity to move to a new school and have a fresh start. The transfer to the new school is carefully planned and the pupil is fully supported during the process.

When should I consider a managed move for my child?

You may consider the possibility of a managed move if your child:

- is at risk of permanent exclusion but might succeed in a new environment;
- has emotional and behavioural difficulties that have not improved as a result of the supportive strategies put in place by the current school; or
- finds that attendance at the current school is having a negative impact on his/her welfare.

What do I need to do?

You and [child's name] will be invited by the head teacher of the current school to attend a meeting to discuss a way forward.

A representative of the local authority with experience in this area, the head teacher of the current school and the head teacher of the new school will also be attending the meeting.

If you feel that you would like to bring someone with you to the meeting to represent your views, you have the opportunity to do so.

If you are a **foster carer** and receive notification that a managed move is to be considered, you should immediately inform [child's name] social worker. A Looked After Children review meeting should be convened by the social worker and the designated member of staff for looked after children at the school should present a case for or against a managed move.

Before the meeting

It is important to find out what are [child's name] views.

What happens at the meeting?

The local authority representative will set the context of the meeting and answer any initial queries that you and/or [child's name] might have.

Discussions will then focus on the needs of your child and the best way to support him/her to make the most of the fresh start.

[Child's names] current Pastoral Support Programme will be reviewed and new objectives will be agreed with you and [child's name].

A start date in the new school and a formal review date to discuss progress will also be agreed.

What happens if I don't want to proceed with a managed move?

You and [child's name] have no legal obligation to accept the offer of the managed move and can decline it but we invite you to consider whether it may be beneficial in the long-term for [child's name].

Exemplar 2: Invitation to managed move meeting – draft letter to parents/carers

Dear

Re (Name of Pupil)

Following our previous discussions, I am writing to invite you to attend a meeting on [date, time and location] to further explore whether a managed move may be beneficial for [name of pupil] in the long-term.

The meeting will be attended by a representative of the Local Authority with experience in this area, by the head teacher of [name of original school] and by colleagues from [name of other agencies attending if necessary].

If you wish, you may choose to bring a representative with you.

Yours sincerely

Signed by head teacher of original school

Exemplar 3: Managed move agreement form (MM1)

This agreement follows on from a meeting held at [name of school] on [date] involving the following:

- Head teacher/Principal of the old school [name].
- Head teacher/Principal of the new school [name].
- Pupil [name].
- Parent/Carer [name].
- Social worker (in the case of a looked after child) [name].
- Local Authority Representative [name].
- Other agencies [names].

It was agreed by all parties that a managed move would be the most suitable way forward for [name of child].

The Local Authority Representative clearly explained to the parents/carers the right to decline the offer of a managed move.

Name of Pupil			
Date of Birth			
Year Group			
Male/Female			
Old School			
New School			
Home Address			
Parent's/Guardian's Contact No			
Period of Transfer	From:		To:
Final Review meeting date			
Reason(s) for Managed Move			
Terms and Conditions of Managed Move			

Signed **Date**
Pupil

Signed **Date**
Parent/Carer

Signed **Date.....**
Head teacher/Principal, old school

Signed..... **Date.....**
Head teacher/Principal, new school

Signed..... **Date.....**
LA Representative

Signed..... **Date.....**
[other agency]

Copies to: Parent/carer.
 Old school.
 New school.
 Local Authority.
 Educational Welfare Officer.

The new school/college keeps a daily record of the pupil's attendance during the transfer period and sends details of weekly attendance to the old school. These records must be maintained by the old school for legal purposes.

Exemplar 4: Managed move outcome form (MM2)

Pupil Name				
Date of Birth				
Year Group				
Male/Female				
Home Address				
New School				
Old School				
Was the move successful?	YES		NO	
Period of transfer	From:		To:	
Cessation Date (if unsuccessful)				
Please state reasons why the move was unsuccessful				

Signed.....
Pupil

Date.....

Signed
Parent/Carer

Date.....

Signed
Head teacher/Principal old school

Date.....

Signed.....
Head teacher/Principal new school

Date.....

Signed.....
LA Representative

Date.....

Copies to: Parent/carer.
Old School.
New school.
Local Authority.
Educational Welfare Officer.

Appendix: United Nations Convention on the Rights of the Child

The best interest of the child, in line with the United Nations convention on the rights of the child, needs to be at the core of any managed move. Particularly relevant are the following articles:

Article 2: Non-discrimination.

Article 3: Best interests of the child.

Article 6: Right to life.

Article 12: Participation and respect for the views of children and young people.

Article 13: Information and Freedom of Expression.

Article 14: Freedom of Thought.

Article 15: Freedom of Association and Peaceful Assembly.

Article 16: Protection of Privacy.

Article 23: Disabled Children.

Article 28: Education.

Article 29: Aims of Education.

Article 31: Leisure, Recreation and Culture.

Article 2

1. States Parties shall respect and ensure the rights set forth in the present Convention to each child within their jurisdiction without discrimination of any kind, irrespective of the child's or his or her parent's or legal guardian's race, colour, sex, language, religion, political or other opinion, national, ethnic or social origin, property, disability, birth or other status.
2. States Parties shall take all appropriate measures to ensure that the child is protected against all forms of discrimination or punishment on the basis of the status, activities, expressed opinions, or beliefs of the child's parents, legal guardians, or family members.

Article 3

1. In all actions concerning children, whether undertaken by public or private social welfare institutions, courts of law, administrative authorities or legislative bodies, the best interests of the child shall be a primary consideration.
2. States Parties undertake to ensure the child such protection and care as is necessary for his or her well-being, taking into account the rights and duties of his or her parents, legal guardians, or other individuals legally responsible for him or her, and, to this end, shall take all appropriate legislative and administrative measures.
3. States Parties shall ensure that the institutions, services and facilities responsible for the care or protection of children shall conform with the standards

established by competent authorities, particularly in the areas of safety, health, in the number and suitability of their staff, as well as competent supervision.

Article 6

1. States Parties recognize that every child has the inherent right to life.
2. States Parties shall ensure to the maximum extent possible the survival and development of the child.

Article 12

1. States Parties shall assure to the child who is capable of forming his or her own views the right to express those views freely in all matters affecting the child, the views of the child being given due weight in accordance with the age and maturity of the child.
2. For this purpose, the child shall in particular be provided the opportunity to be heard in any judicial and administrative proceedings affecting the child, either directly, or through a representative or an appropriate body, in a manner consistent with the procedural rules of national law.

Article 13

1. The child shall have the right to freedom of expression; this right shall include freedom to seek, receive and impart information and ideas of all kinds, regardless of frontiers, either orally, in writing or in print, in the form of art, or through any other media of the child's choice.
2. The exercise of this right may be subject to certain restrictions, but these shall only be such as are provided by law and are necessary:
 - a. For respect of the rights or reputations of others; or
 - b. For the protection of national security or of public order (ordre public), or of public health or morals.

Article 14

1. States Parties shall respect the right of the child to freedom of thought, conscience and religion.
2. States Parties shall respect the rights and duties of the parents and, when applicable, legal guardians, to provide direction to the child in the exercise of his or her right in a manner consistent with the evolving capacities of the child.
3. Freedom to manifest one's religion or beliefs may be subject only to such limitations as are prescribed by law and are necessary to protect public safety, order, health or morals, or the fundamental rights and freedoms of others.

Article 15

1. States Parties recognize the rights of the child to freedom of association and to freedom of peaceful assembly.
2. No restrictions may be placed on the exercise of these rights other than those imposed in conformity with the law and which are necessary in a democratic society in the interests of national security or public safety, public order (*ordre public*), the protection of public health or morals or the protection of the rights and freedoms of others.

Article 16

1. No child shall be subjected to arbitrary or unlawful interference with his or her privacy, family, or correspondence, nor to unlawful attacks on his or her honour and reputation.
2. The child has the right to the protection of the law against such interference or attacks.

Article 23

1. States Parties recognize that a mentally or physically disabled child should enjoy a full and decent life, in conditions which ensure dignity, promote self-reliance and facilitate the child's active participation in the community.
2. States Parties recognize the right of the disabled child to special care and shall encourage and ensure the extension, subject to available resources, to the eligible child and those responsible for his or her care, of assistance for which application is made and which is appropriate to the child's condition and to the circumstances of the parents or others caring for the child.
3. Recognizing the special needs of a disabled child, assistance extended in accordance with paragraph 2 of the present article shall be provided free of charge, whenever possible, taking into account the financial resources of the parents or others caring for the child, and shall be designed to ensure that the disabled child has effective access to and receives education, training, health care services, rehabilitation services, preparation for employment and recreation opportunities in a manner conducive to the child's achieving the fullest possible social integration and individual development, including his or her cultural and spiritual development.
4. States Parties shall promote, in the spirit of international cooperation, the exchange of appropriate information in the field of preventive health care and of medical, psychological and functional treatment of disabled children, including dissemination of and access to information concerning methods of rehabilitation, education and vocational services, with the aim of enabling States Parties to improve their capabilities and skills and to widen their experience in these areas. In this regard, particular account shall be taken of the needs of developing countries.

Article 28

1. States Parties recognize the right of the child to education, and with a view to achieving this right progressively and on the basis of equal opportunity, they shall, in particular:

- a. Make primary education compulsory and available free to all.
- b. Encourage the development of different forms of secondary education, including general and vocational education, make them available and accessible to every child, and take appropriate measures such as the introduction of free education and offering financial assistance in case of need.
- c. Make higher education accessible to all on the basis of capacity by every appropriate means.
- d. Make educational and vocational information and guidance available and accessible to all children.
- e. Take measures to encourage regular attendance at schools and the reduction of drop-out rates.

2. States Parties shall take all appropriate measures to ensure that school discipline is administered in a manner consistent with the child's human dignity and in conformity with the present Convention.

3. States Parties shall promote and encourage international cooperation in matters relating to education, in particular with a view to contributing to the elimination of ignorance and illiteracy throughout the world and facilitating access to scientific and technical knowledge and modern teaching methods. In this regard, particular account shall be taken of the needs of developing countries.

Article 29

1. States Parties agree that the education of the child shall be directed to:

- a. The development of the child's personality, talents and mental and physical abilities to their fullest potential.
- b. The development of respect for human rights and fundamental freedoms, and for the principles enshrined in the Charter of the United Nations.
- c. The development of respect for the child's parents, his or her own cultural identity, language and values, for the national values of the country in which the child is living, the country from which he or she may originate, and for civilizations different from his or her own.
- d. The preparation of the child for responsible life in a free society, in the spirit of understanding, peace, tolerance, equality of sexes, and friendship among all peoples, ethnic, national and religious groups and persons of indigenous origin.
- e. The development of respect for the natural environment.

2. No part of the present article or article 28 shall be construed so as to interfere with the liberty of individuals and bodies to establish and direct educational institutions, subject always to the observance of the principle set forth in paragraph 1 of the present article and to the requirements that the education given in such institutions shall conform to such minimum standards as may be laid down by the State.

Article 31

1. States Parties recognize the right of the child to rest and leisure, to engage in play and recreational activities appropriate to the age of the child and to participate freely in cultural life and the arts.

2. States Parties shall respect and promote the right of the child to participate fully in cultural and artistic life and shall encourage the provision of appropriate and equal opportunities for cultural, artistic, recreational and leisure activity.