

EXTRACTS FROM REGULATIONS GOVERNING SCHOOLS' POWERS TO DIRECT CHILDREN TO OFF SITE PROVISION AND ADVICE ON MANAGED MOVES

Can a child be "managed moved" from one school to another without the agreement of the parents?

No. The Statutory Guidance issued by the DFE states that **the parents** and both schools admissions authorities must be in agreement for a Managed Move to take place. The Statutory Guidance **encourages** Headteachers to use managed moves from one school to another as one often effective strategy in avoiding permanent exclusion. This is different from placing a child in Alternative Provision. The Guidance for AP gives schools the power to direct a pupil off-site for education to improve his or her behaviour.

Alternative Provision Statutory guidance for local authorities January 2013

Governing bodies of maintained schools have the power to direct a pupil off-site for education to improve his or her behaviour¹.

The Secretary of State has made regulations², as is required by the related primary legislation³, concerning schools' use of this power.

Under revised off-site regulations⁴ the governing body must:

- ensure that parents (and the local authority where the pupil has a statement of special educational needs) are given clear information about the placement: why, when, where, and how it will be reviewed;
- keep the placement under review and involve parents in the review. The regulations specify regular reviews but do not specify how often reviews must take place (that should be decided on a case-by-case basis). Reviews should be frequent enough to provide assurance that the off-site education is achieving its objectives and that the pupil is benefitting from it; and
- have regard to guidance from the Secretary of State on the use of this power – new statutory guidance on this issue can be found below at paragraph 41. 25.

This legislation does not apply to Academies. They can arrange off-site provision for similar purposes under their general powers, set out in the Academy Trust's Articles of Association.

Though the regulations and guidance do not apply, they can provide Academies with an example of good practice.

¹ See section 29A of the Education Act 2002, introduced by the Education and Skills Act 2008.

² The Education (Educational Provision for Improving Behaviour) Regulations 2010..

³ Section 29A of the Education Act 2002.

⁴ The Education (Educational Provision for Improving Behaviour) (Amendment) Regulations 2012, which came into force on 1 January 2013.

Exclusion from maintained schools, academies and pupil referral units in England 2017 Statutory Guidance for Schools

Maintained schools have the power to direct a pupil off-site for education to improve their behaviour⁶. **A pupil can also transfer to another school as part of a 'managed move' where this occurs with the consent of the parties involved, including the parents and the admission authority**

of the school. However, the threat of exclusion must never be used to influence parents to remove their child from the school.