



CHILDREN AND FAMILIES OVERVIEW AND SCRUTINY COMMITTEE

21 JANUARY 2020

REPORT OF THE DIRECTOR OF CHILDREN AND FAMILY SERVICES

PUPILS MISSING OUT ON EDUCATION IN LEICESTERSHIRE

Purpose of the report

1. The purpose of this report is to provide a summary of Leicestershire children who are missing from education and the work taking place across the county to support them.

Policy Framework and Previous Decisions

2. An information report on Pupils Missing Education was submitted to the Children and Families Overview and Scrutiny Committee on 4 June 2018. This provided an update on the current position in Leicestershire in relation to Children Missing Education (CME), Elective Home Education (EHE) and Pupils Missing out on Education (PME), and provided data relevant to the context of the Forgotten Children report.
3. On 5 November 2018 a report was submitted to the Children and Families Overview and Scrutiny Committee providing an overview of children who are missing out on education in response to the review of the 'Forgotten Children: Alternative Provision and the Scandal of Ever Increasing Exclusions'
4. Since this time additional Government reports and research have continued to be published to further highlight the need to respond to children and young people who are at risk of missing out on education, including The Timpson Review of Exclusion (2019) and Ofsted's Home Education Study: Exploring moving to home education in secondary schools (2019). This report therefore extends its focus to take into account the above reports.

Background

5. In November 2013 Ofsted published a report entitled 'Pupils Missing out on Education' which detailed how local authorities are required to fulfil their statutory duties regarding educational provision and safeguarding for those children who do not, or cannot, attend full time education. The report defined Pupils Missing out on Education (PME) as children of compulsory school age who are not accessing full-time education (either in school or in alternative provision). In its guidance to schools and local authorities, Ofsted advised that all schools (including academies, free, independent, private and non-maintained schools) must monitor pupils' attendance through their daily register and must inform local authorities of pupils who are regularly absent from school or have missed 15 days or more (whether consecutive or cumulative) without permission.

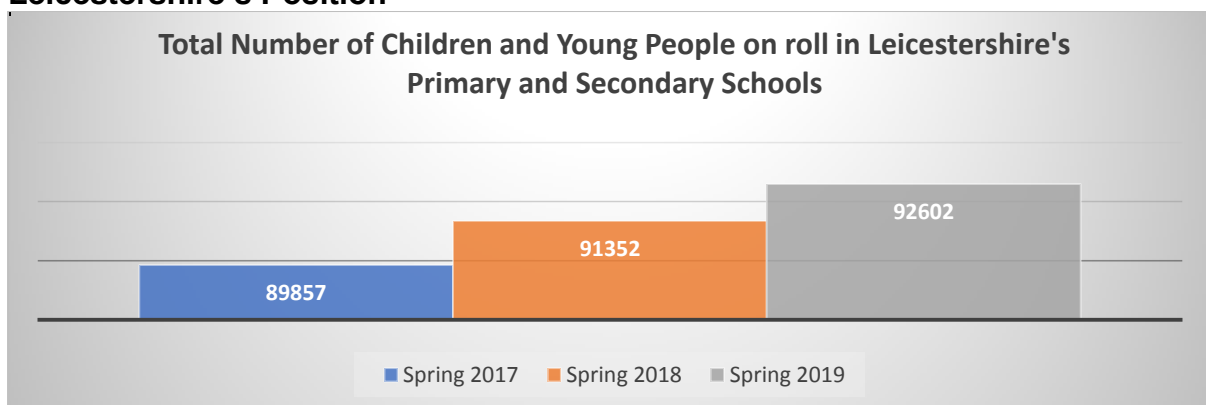
6. 'Forgotten Children' (July 2018) and 'Skipping School: Invisible Children' (2019) highlighted concerns around the children who are missing out on educational opportunities due to a rise in exclusions, an increase in the numbers of children having poor quality outcomes when accessing alternative provisions, families opting to home educate due to unmet Special Educational Needs (SEN) in mainstream settings, and children who are 'off rolled' when their needs are not being met within a mainstream setting.
7. Following these reports, there were two papers that set out recommendations in response:
 - a) The Timpson Review of School Exclusion (2019) highlights 30 recommendations to which the Government, Department for Education, Ofsted, Local Authorities and Schools should respond in order to develop a consistent approach, minimising the need to exclude and on which expresses that there is more that can be done to ensure that every exclusion is lawful, reasonable and fair and that permanent exclusions is always a last resort, used only when nothing else will do.
 - b) The Ofsted research study within the East Midlands explored 'Moving to home education in secondary school' (2019). It raised concern that the decision for parents to home-educate was not always a positive one for all concerned and suggests there is increasing evidence that home education can be a last resort for some families when relationships have broken down between schools and children or parents. The recommendations around this report strongly recommend that local authorities and schools develop clear processes for working together as soon as there is talk of a child home educating.
8. These reports and recommendations continue to conclude that if children are potentially 'invisible' they are at risk of not receiving an adequate education or at risk of harm.

Statutory Duties of the Local Authority

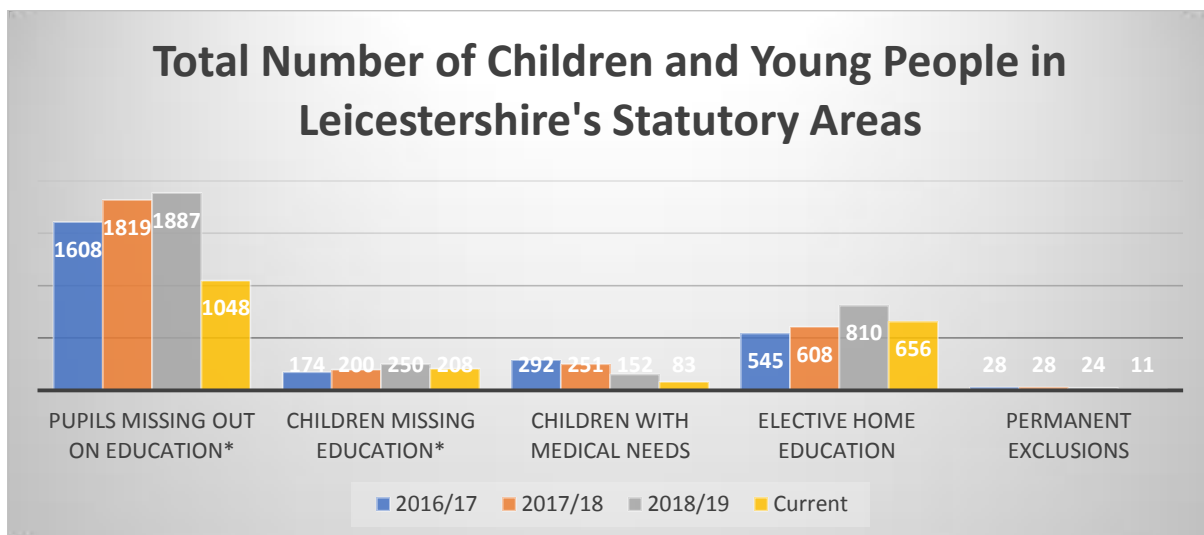
9. Schools must monitor pupils who are missing out on education and in most cases, they will remain the responsibility of the school where they are on roll. However, in some cases the statutory duty for a child's education becomes the responsibility of the local authority, for example Children Missing Education, Children with Medical Needs, Elective Home Education and Excluded Pupils.
10. Children Missing Education (CME) are children of compulsory school age who are not registered pupils at a school and are not receiving suitable education otherwise than at a school. Local authorities have a duty under section 436A of the Education Act 1996 to make arrangements to establish the identities of children in their area who are not registered pupils at a school and are not receiving suitable education otherwise.
11. Children with Medical Needs: local authorities must arrange suitable fulltime education (or as much education as the child's health condition allows) for children of compulsory school age who, because of illness would otherwise not receive suitable education.

12. Elective Home Education: Since April 2019 local authorities duties have been further clarified by the Department for Education (DfE) as there is no direct legal requirement for the authority regarding Home Education; however, the local authority does have powers at its disposal if it appears that a child is not receiving an adequate, safe or appropriate education as set out in the Education Act 1996.
13. This states that a local authority in England must ensure that its relevant education functions and training functions are (so far as they are capable of being so exercised) exercised by the authority with a view to promoting high standards, ensuring fair access to opportunity for education and training, and promoting the fulfilment of learning potential by every person to whom this subsection applies. The Act also requires parents to provide an efficient, full time education suitable to the age, ability and aptitude of the child and any special educational needs which the child may have, and states that the local authority must act if it appears that parents are not providing a suitable education. The Act also requires authorities to make arrangements for ensuring that their education functions are exercised with a view to safeguarding and promoting children's welfare.
14. Within Leicestershire, DfE guidance is followed in that informal enquiries will be made that include a request to see the child, either in the home or in another location which is offered by the Inclusion Team, but the parent is under no legal obligation to agree to this simply in order to satisfy the local authority as to the suitability of home education, although a refusal to allow a visit can in some circumstances justify service of a notice or if safeguarding concerns exist, a report to social care.
15. Excluded Pupils: The Education Provision of Full-Time Education for Excluded Pupils (England) Regulation 2007 states that for permanent exclusions, the local authority must arrange suitable full-time education for the pupil to begin no later than the sixth school day of the exclusion. This will be the pupil's 'home authority' in cases where the school is maintained by (or located within) a different local authority. In addition, where a pupil has an Education, Health and Care Plan (EHCP), the local authority may need to review the plan or reassess the child's needs, in consultation with parents, with a view to identifying a new placement.

Leicestershire's Position



Sourced: School Census



Pupils Missing Education

16. The data around Pupils Missing Education (PME) is significantly higher than other cohorts as they are children and young people who may remain on the roll of a school. As defined by the 2013 Ofsted report 'Pupils Missing out on Education', a pupil is classed as PME if they fall into one of the PME groups listed below and are not receiving a full-time education on the specified 'census' date of the monthly data return.

17. The main PME groups include pupils whom:

- have been permanently excluded;
- have particular social and behavioural difficulties and have personalised learning plans: this means that, by arrangement, they do not attend their usual school full time;
- have mental health needs and access Child and Adolescent Mental Health Services (CAMHS), either as an in-patient or through services provided in the community;
- have medical needs other than mental health needs;
- rarely attend school and have personalised learning plans as part of attempts to reintegrate them into full-time education;
- are pregnant or are young mothers of compulsory school age;
- have complex needs and no suitable school place is available.
- Or (Children Missing Education) not attending school due to:
 - are returning from custody and a school place has not been found for them;
 - are new to the country and are awaiting a school place;
 - are from a Traveller background and alternative provision has been made;
 - have moved from another area and a school place has not been secured; this may include children who are looked after.

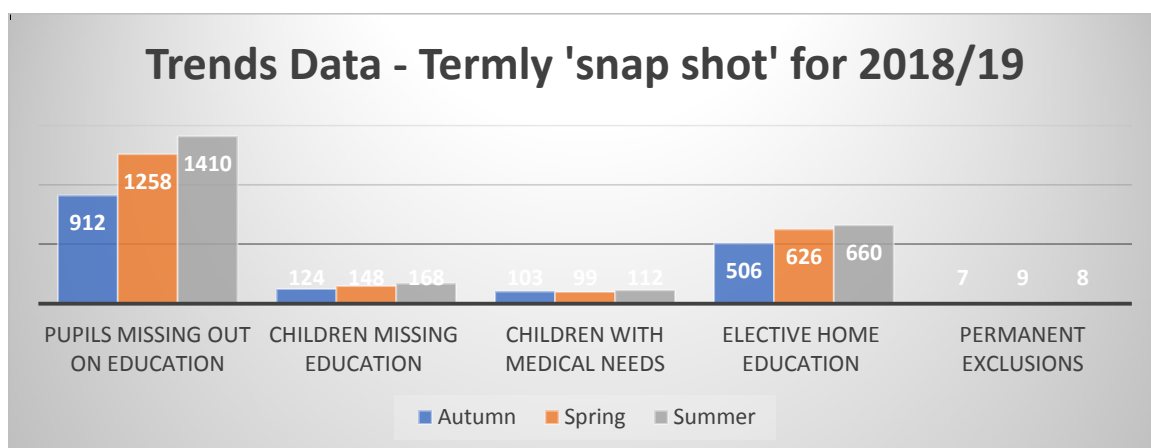
18. Comparative data for Leicestershire's learners shows that whilst the numbers of children and young people on roll has increased by 0.11% in the last year, the numbers of pupils missing out on education has risen considerably more by

3.73%. This percentage includes young people who are missing education, which has seen an increase of 25%.

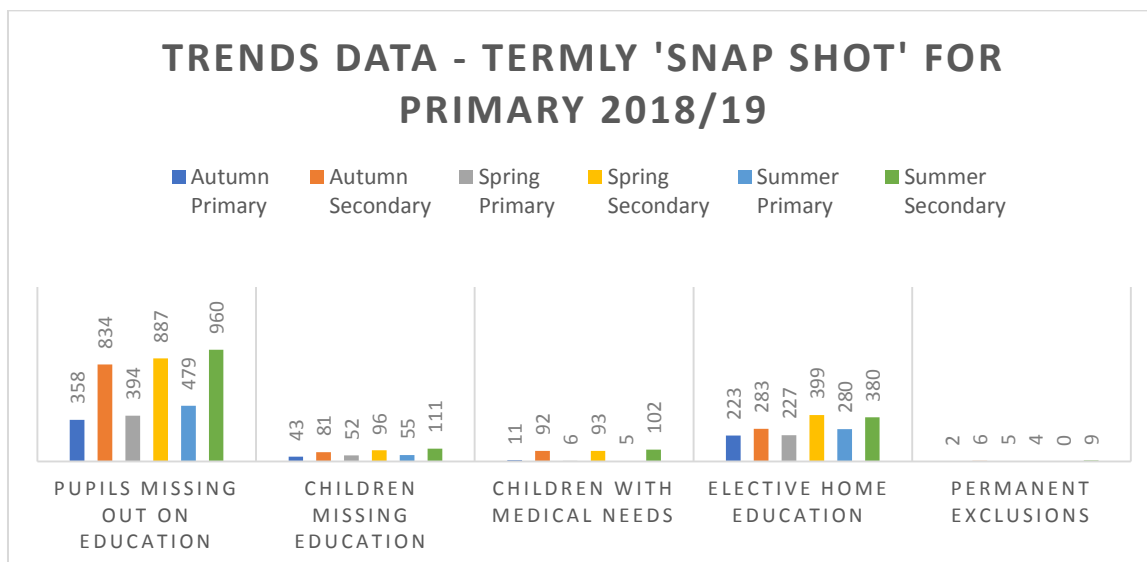
19. Within Leicestershire the definition of Children Missing Education has an extended remit wider than that of the local authorities' statutory duties. This is to enable opportunities for early intervention that tracks, prioritises and offers support for children and young people who are at risk of, or are missing education. The category includes Children Missing Education who remain on the role of a school but have not attended for a significant period of time during the monthly data period. This group of children are not one of the categories described in paragraph 17 for PME, however they are monitored as identified alongside the PME cohort.
20. Areas where a fall in vulnerable students has been seen include Permanent Exclusions (14.28% decrease) and Children with Medical needs (37.44 % decrease). The section 'Developments within Leicestershire' below will detail some of the interventions that have been put in place that have contributed to these decreases.
21. Another area of education that the local authority has a duty to monitor and offer support to is Elective Home Education. In this area Leicestershire has seen a significant increase of 33.22% between 2017/18 and 2018/19. There is no single reason for this increase and it is inline with the national trend.

Termly Trends Data

22. The data regarding pupils missing out on Education is collated monthly. To show the picture of trends through specific times of the year the following shows a snap shot of data for the Autumn, Spring and Summer Terms, which enables the Inclusion Service to monitor particular patterns.



Breakdown of Primary and Secondary:



23. The trends data shows that all areas have significantly increased in the spring term, other than Children with Medical Needs. For Children with Medical Needs the main increase is the Summer Term. There is significantly higher risk of pupils missing out in education at a secondary education. Primary tends to have a steady increase throughout the year of children who are within the statutory cohorts, however at a secondary level the Spring Term appears to have a specific shift for home education which again falls in the Summer Term.

Developments within Leicestershire

24. Leicestershire Children and Young People's Service is currently working to address the recommendations on both the Timpson Review of School Exclusion and Moving to home education in secondary school (2019).
25. In October 2019 the Inclusion Service was reviewed and reconfigured to realign staff to include a case management system so that the service is in a better position to offer early intervention and where required early assessment and review of young people who are missing out on education. Staff are now aligned to different cohorts of children missing education:
26. Since September 2019, where a school has concerns regarding any behaviours, educational development or risk of exclusion, they can work in partnership with Leicestershire County Council and the wider educational networks to consider additional support or alternative placements that may be required. This includes interventions such as a duty system being set up by the Inclusion Service that both parents and professionals can gain advice on educational matters when they are unclear what route they should take. Regular Inclusions Forums that schools attend provide a multi-agency approach to the sharing of best practice and access to additional services where required. The forums identify and review information on a pupil needs and can track a pupil's journey with the school to provide bespoke support packages and education plans. These forums operate at Early Years; Primary; Secondary and Post 16 age groups.
27. Services within the Children and Families Department are able to utilise tracking and monitoring data to inform strategic planning and the allocation of funding of local Alternative Provision where required, with a strong focus on

early intervention for children at risk of exclusion and the strategic elements around monitoring prevention through groups such as:

- Oakfield Management Oversight Committee
- Secondary Education Inclusion Partnership (SEIP) Core Group/Chairs Meeting and Executive Group
- Inclusion Forums
- SEIP panel meetings

These multi agency forums enable a 'check and challenge' approach to resource ensuring that it is allocated with consideration of needs.

28. Governor Support Services and Education Effectiveness Officers offer support and training to both Governors, Head Teachers and Senior Leaders to enable them to keep up to date with current legislation around exclusions through Governor Training, New Head's induction and through updating on regular articles. Where required, individual support is implemented.
29. The development of data reporting through Tableau has increased the transparency of when children move out of schools, where they move to and why. This data is reviewed by both Education Effectiveness Partners and the Inclusion Service Manager to understand the inclusivity of the schools the Department works with. Where concerns are raised, a joint approach is co-ordinated, bringing services together to offer support to schools who may be experiencing difficulties around vulnerable students. This has enabled the local authority to have a clear role, working with schools, in reviewing this information to identify trends, taking action where necessary and ensuring children are receiving suitable education at their destination.
30. Between April - September 2019, all Children with Medical Needs cases were reviewed to look at the appropriateness of provision through a case management plan, do, review process; this included checking that the health needs were being responded to by health along with reviewing the appropriateness of the education that was being provided. All cases have now been reviewed and packages are now agreed locally through multi-agency meetings where schools remain central to the support offered. As part of this a recoupmnt policy from schools has been introduced where alternative provision is required. This has enabled the budget to become more stable and within the allocated funding, reduce double funding, as well as offer resource for more bespoke educational packages for children who are not able to attend school due to medical needs.
31. Within Leicestershire there is one pupil referral unit for the Primary Sector (key stage 1 & 2) - Oakfield Short Stay School. The Secondary sector (Key stage 3 & 4) are supported by the Secondary Education Inclusion Partnerships (SEIPs), where funding has been devolved to five school groups to support young people who are at risk of/or have been permanently excluded from school.
32. Although both Oakfield and the five SEIPs have differing support structures the fundamental delivery methods of the services provide support and outreach to schools who have difficulties managing students who present with challenging behaviours and to support children and young people in to the right educational placements. This includes:

- Inclusions Panels where schools can discuss and gain advice regarding students from multi-disciplinary teams (these include education specialists, peer support from schools, CYP Wellbeing Services and Health Specialists, and others where appropriate).
 - In school support - Graduated Response Practitioners (Oakfield) and Secondary Education Inclusion Partnerships (SEIPs) have staff who go in to school to support the implementation of assessment, plans, examples of delivery methods, resources and support with reviews. This helps the school to 'up skill' on techniques and resources to meet the needs of the child and enable them to remain in school. These staff also provide support with appropriate managed moves to better accommodate the needs of the child.
 - Short term/dual placements to help manage the needs of the young person through using short term interventions
 - Arranging longer term placements where required where the school environment will not meet a young person needs through special schools or alternative providers (although this is only used as a last resort).
33. The local authority is in the process of reviewing and implementing a review of the Secondary Education Inclusion Partnerships (SEIPs). These currently have various functions around Fair Access and Exclusions; however, in the last two years they have begun to take on additional responsibilities to encourage the early intervention of support when schools are finding difficulties in educating children and young people. These additional remits have included:
- Managing the Inclusion Forums for secondary aged pupils;
 - Overseeing managed moves between schools to ensure that it is in the best interest of the child and offering support to the receiving school to aid transition
 - In school support to help schools, children and young people to maintain attendance and prevent exclusion
 - Support to Children with Medical Needs and EHCPs who experience social, emotional mental illness, providing interventions locally and increasing the opportunity to maintain mainstream school placements.
34. During 2019 the Inclusion Service was involved in the East Midlands Regional Research conducted by Ofsted to understand the pathway for children moving in to home education. The study suggests that there is a significant gap in support and steps that help all parents and children to make a fully informed and positive choice about home education. It also found that home education can be a last resort for some families when relationships have broken down between schools and children or parents. Although Ofsted recognises that home education is a legitimate parental choice and can be a positive decision when parents are well equipped to provide a good education, they state that they don't believe that children should be moved to home education simply to resolve difficulties in school.
35. Since the restructure of the Inclusion Service, the County Council now has dedicated workers to support children and young people who are in Home Education. Whilst many families provide good quality education to children and young people, those who are finding this challenging are offered support around the following areas:

- a) Initial visits are offered to all children and young people who are registered as home educated to enable support to be offered around the expectations of home education
- b) Where visits are declined evidence of work is requested within six weeks; this is then reviewed in line with the CME statutory guidance, ensuring that the work is suitable.
- c) Formal reviews of education happen on an annual basis, although additional support can be offered within the following areas:
 - i. Support with how to provide education and what this could look like in relation to a child's needs
 - ii. If home education is a choice because needs have not been met in school and they would like to access education, help to look at options around education
 - iii. Where a school needs support to meet the needs of children and young people, the worker can engage other professionals to help meet the needs of children and young people within a school setting
 - iv. Maintained schools and academies within Leicestershire have a policy to enable reintegration back in to school if the family have not been able to provide suitable educate for their children at home.

36. The ambition for the Inclusion service in 2020 is where families are looking to home educate, to engage with them prior to the child being taken off the roll of a school. It is hoped to help families make an informed choice about their children's education.
37. To increase understanding of the support services available for parents and carers of children who have been, or are at risk of, exclusion, or have been placed in alternative provision, a website is being developed that will be incorporated within in the SEND Local Offer. This will show a pathway of support that is available through the local authority and its wider partners. This will include areas of intervention that schools can access when issues or concerns first occur, enabling schools within Leicestershire to be able to access support sooner. It is anticipated that this will be live in January 2020.

Resource Implications

38. There are currently no resource implications arising from the report.

Background Papers

Pupils Missing out on Education, Ofsted 2016 -

<https://dera.ioe.ac.uk/18825/1/Pupils%20missing%20out%20on%20education.pdf>

Forgotten Children, July 2018 Forgotten Children, July 2018 -

<https://publications.parliament.uk/pa/cm201719/cmselect/cmeduc/342/342.pdf>

Skipping School: Invisible Children, 2019 -

<https://www.childrenscommissioner.gov.uk/wp-content/uploads/2019/02/ccoskipping-school-invisible-children-feb-2019.pdf>

DfE Statutory Guidance: Alternative Provision -

https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/268940/alternative_provision_statutory_guidance_pdf_version.pdf

DfE Statutory Guidance: Ensuring a good education for children who cannot attend school because of health needs -

<https://www.legislation.gov.uk/ukxi/2007/1870/regulation/4/made>

Education Act 1996: The Education (Provision of Full-Time Education for Excluded Pupils) (England) Regulation 2007 –

<https://www.legislation.gov.uk/ukxi/2007/1870/regulation/4/made>

Education Act 1996: Children Missing Education -

https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/550416/Children_Missing_Education_-_statutory_guidance.pdf

Government statistics: Permanent and fixed period exclusions in England 2016 to 2017 - www.gov.uk/government/statistics/permanent-and-fixed-period-exclusions-in-england-2016-to-2017

DfE Departmental Guidance for Local Authorities: Elective Home Education -

https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/791527/Elective_home_education_guidance_for_LAv2.0.pdf

<http://politics.leics.gov.uk/documents/s146102/Pupils%20Missing%20Education%20in%20Leicestershire%20Report%20May%202019%20draft%202.pdf>

Ofsted Home Education Study: Exploring moving to home education in secondary schools:

<https://www.gov.uk/government/publications/exploring-moving-to-home-education-in-secondary-schools/exploring-moving-to-home-education-in-secondary-schools-research-summary>

Circulation under the Local Issues Alert Procedure

39. None.

Equality and Human Rights Implications

40. There are no equality or human rights implications arising from this report.

Officers to Contact

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