

**Attendance, Children Missing Education,
Elective Home Education and Exclusions Update**

Wards All

Service: Access Service

Portfolio: Councillor Statham

1. Aim

The aim of this report provides an update of on how Walsall continues to meet its statutory responsibility in regards to:

- Attendance
- Children Missing Education (CME)
- Elective Home Education (EHE)
- Exclusions

2. Recommendations

That the Education Overview and Scrutiny Committee considers the contents of this report and decides whether there should be further information or updates

3. Report detail

Attendance - overview

The law entitles every child of compulsory school age to an efficient, full-time education suitable to their age, aptitude, and any special educational need they may have. It is the legal responsibility of every parent to make sure their child receives that education either by attendance at a school or by education otherwise than at a school. Where parents decide to have their child registered at school, they have an additional legal duty to ensure their child attends that school regularly. The usual rules on school attendance continue to apply, including:

- parents' duty to ensure that their child of compulsory school age attends regularly at the school where the child is a registered pupil
- schools' responsibilities to record attendance and follow up absence
- the ability to issue sanctions, including fixed penalty notices, in line with local authorities' codes of conduct
- the duty on local authorities to put in place arrangements for identifying, and to follow up with, children missing from education.

Schools are expected to:

- Promote good attendance and reduce absence, including persistent absence.
- Ensure every pupil has access to full-time education to which they are entitled.

- Act early to address patterns of absence

Attendance – Department for Education (DfE) Data

The pandemic highlighted the importance of regular data sharing and therefore the DfE has been working to establish a better, timelier flow of pupil level attendance data across schools, trusts, local authorities, and DfE, without placing any additional administrative burdens on schools. Once fully established, this will allow data to be collected directly from all schools' electronic registers. Collection happens via a secure data aggregator at no cost to schools and without requiring any manual inputting of information. Following a voluntary trial earlier this year, all schools are now strongly advised to sign up to this service, which the Secretary of State intends to make a statutory requirement when parliamentary time allows.

Longer term, DfE's intention is for this new method of data sharing to replace existing statutory data returns to local authorities and DfE, including the school census. This will improve the collective understanding of attendance patterns at local, regional, and national levels to identify issues and challenges more quickly.

Academic year 2020/21 - full-year statistical release

This release looks at pupil absence across the 2020/21 academic year. For the majority of the spring term, only children of critical workers and vulnerable pupils could attend school during the period of lockdown from 4 January 2021. Restrictions were lifted on attendance from 8 March 2021 for all other pupils, four school weeks prior to the end of term.

Due to the disruption faced during the spring term, caution should be taken when comparing data across terms and to previous years.

		Authorised absence rate	Unauthorised absence rate	Overall absence rate	Percentage of persistent absentees (10% or more missed)
England		3.4%	1.3%	4.6%	12.1%
West Midlands		3.5%	1.4%	4.9%	13.2%
North West	Bolton	3.1%	1.2%	4.3%	10.5%
	Rochdale	3.4%	1.9%	5.3%	14.7%
	Tameside	2.7%	1.4%	4.2%	10.2%
Yorkshire and The Humber	Kirklees	3.6%	1.2%	4.8%	12.8%
East Midlands	Derby	3.2%	1.6%	4.8%	13.2%
West Midlands	Dudley	3.5%	1.5%	4.9%	13.8%
	Sandwell	2.9%	1.7%	4.6%	12.0%
	Stoke-on-Trent	3.3%	2.1%	5.4%	15.6%

	Telford and Wrekin	3.6%	1.2%	4.8%	13.1%
	Walsall	3.5%	1.9%	5.4%	14.9%
East of England	Peterborough	3.4%	1.3%	4.7%	12.5%

Autumn 2021 – latest statistical release

This data looks at pupil absence in the autumn term 2021. Where a pupil was not attending in circumstances relating to coronavirus (Code X), schools were expected to provide immediate access to remote education. For the autumn term 2021, this category should mostly have been used to record where a pupil was absent from school with symptoms of COVID-19 whilst awaiting the results of a test. This differs to previous terms when this code was also used where pupils were advised to shield, were quarantining after returning from abroad, or were in class bubbles advised to isolate. Throughout the pandemic, schools were advised to record pupils with a confirmed case of COVID-19 as absent due to illness (Code I).

		Authorised absence rate	Unauthorised absence rate	Overall absence rate	Percentage of persistent absentees
England		5.3%	1.6%	6.9%	23.5%
West Midlands		5.3%	1.7%	7.0%	24.3%
North West	Bolton	4.8%	1.5%	6.3%	20.3%
	Rochdale	4.5%	2.5%	7.0%	23.7%
	Tameside	4.6%	2.1%	6.6%	22.0%
Yorkshire and The Humber	Kirklees	5.0%	1.5%	6.5%	22.1%
East Midlands	Derby	5.0%	1.8%	6.9%	22.7%
West Midlands	Dudley	5.5%	1.7%	7.2%	26.1%
	Sandwell	4.4%	2.2%	6.6%	22.3%
	Stoke-on-Trent	4.4%	2.8%	7.3%	25.3%
	Telford and Wrekin	5.8%	1.5%	7.3%	27.1%
	Walsall	4.7%	2.2%	6.9%	23.6%
East of England	Peterborough	5.5%	1.6%	7.1%	25.5%

Attendance – Statutory Responsibilities of the Local Authority

The DfE issued a new guidance document called 'Working together to improve school attendance' which was published in May.

From September 2022 this document will replace all previous guidance on school attendance for maintained schools, academies, independent schools, and local

authorities with the exception of the existing statutory guidance on parental responsibility measures.

The guidance reinforces that to successfully treat the root cause of absence and to remove barriers to attendance, at home, in school and more broadly requires schools and local partners to work together with, and not against families.

The expectation on schools is:

- Develop and maintain a whole school culture that promotes the benefits of high attendance;
- Have a clear school attendance policy which all staff, pupils and parents understand;
- Accurately complete admissions and attendance registers and have effective day to day processes in place to follow-up absence;
- Regularly monitor and analyse attendance and absence data to identify pupils or cohorts that require support with their attendance and put effective strategies in place;
- Build strong relationships with families, listen to and understand barriers to attendance and work with families to remove them;
- Share information and work together with other schools in the area, the local authority and other partners when absence is at risk of becoming persistent or severe.

The expectation on local authorities is:

- Rigorously track local attendance data
- Have a School Attendance Support Team
- Communication and advice;
- Targeting Support Meetings;
- Multi-disciplinary support for families;
- Legal intervention.
- Monitor and improve the attendance of children with a social worker through their Virtual School

The Secretary of State has committed to this guidance becoming statutory and the guidance will be updated and reissued ahead of the academic year 2023-24.

Children Missing Education (CME)

Children are classed as 'Children Missing Education' if they are compulsory school age and not registered at a school and are not receiving suitable education otherwise than at a school. Children are of compulsory school age from the start of the first school term after their fifth birthday until the last Friday in the June of the academic year in which they turn 16 years of age.

Children Missing Education (CME) are distinct from Children Missing from Education (CMfE). This term is used to refer to children who are on roll at a school but not attending regularly or full time.

Children missing education are at significant risk of underachieving, being victims of harm, exploitation, or radicalisation, and becoming part of the NEET cohort (not in education, employment or training) once these cease to be compulsory school age.

Effective information sharing between parents, schools, local authorities, and other agencies is critical to ensuring that all children of compulsory school age are safe and receiving suitable education.

Local Authorities have a legal duty under section 436A of the Education Act 1996 to decide to identify children missing education. Local Authorities should consult the parents or carers of a child when trying to establish whether a child is in receipt of a suitable education. Those children identified as not receiving suitable education should be returned to full time education either at a school or in alternative provision.

A child can become open to Walsall Local Authority as a child missing education (CME) for a variety of reasons. These can include Children and Young People who:

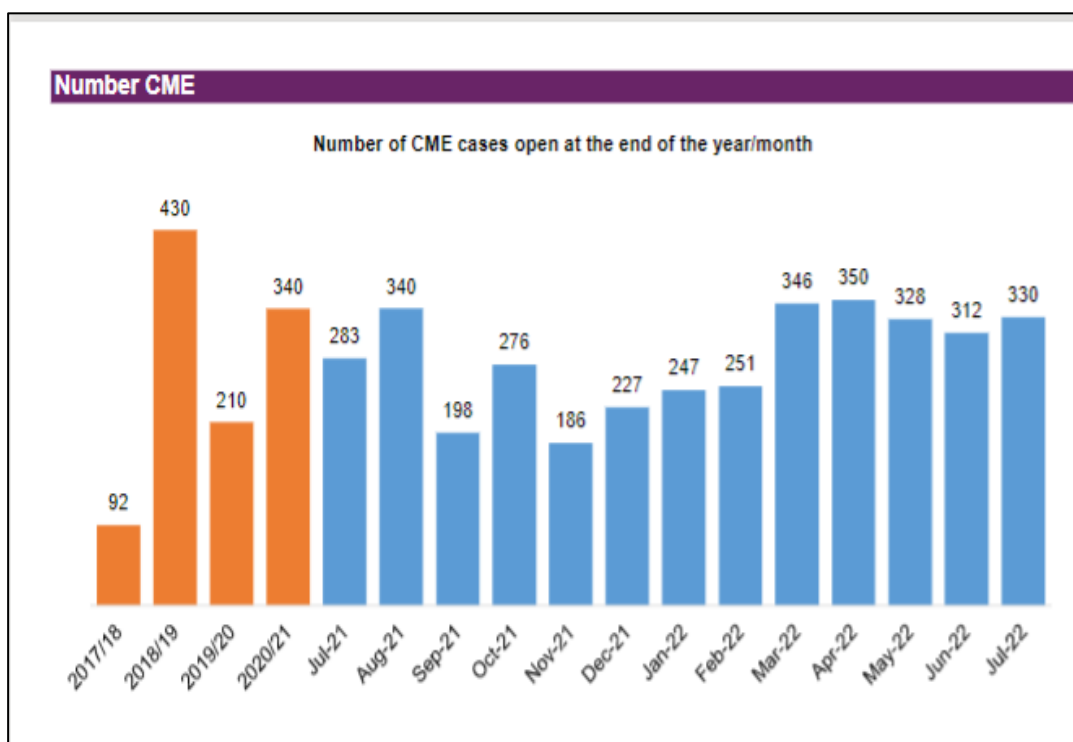
- move to Walsall from a different local authority area or from outside the UK and are unable to secure a school place that is within a reasonable distance of their new home address via either primary or secondary mid-year process.
- fail to take up the school place that is offered to them via the phased admissions process, the mid-year admissions process or Walsall's Fair Access Process.
- are removed from a school roll after a long period of unexplained absence, or after failing to return from an extended or unauthorised holiday.
- have previously been open to the local authority as being electively home educated (EHE) but are deemed by the local authority not to be in 'receipt of a satisfactory education.'
- who are Walsall residents and have who have been permanently excluded from school. In these circumstances, the local authority will open these children and young people as missing education whilst ensuring that appropriate six-day provision is secured for pending the outcome of the governing body hearing process and decision.
- have an Education, Health, and Care Plan (EHCP) and for whom the local authority is unable to secure a permanent education provision that can meet their special educational needs. In these circumstances, the local authority will put in place temporary tuition, but the child will still be opened as child missing education until suitable permanent education provision can be secured via the EHCP consultation process.

Walsall Children Missing Education Process

When a child is opened to CME they are allocated a caseworker and become subject to the local authority's monitoring procedures, working closely with the school admissions team an offer where possible will be made through the midyear admission process. Failing a place being able to be offered through the midyear admissions process the child will be taken the ether the Primary or Secondary Fair Access Protocol. If a child does not taken up an allocated school place then the CME team will establish the reasons for this.

- If a school is refusing to admit a child then the matter will be escalated in accordance with the Department for Education's direction to admit process.
- If a parent is refusing to take up the offer of a school place then the matter will be escalated via the school attendance order process.
- Any child that is open to Walsall CME must be seen by a relevant lead professional on a regular basis or the CME team will commission the education welfare service to undertake a home visit every 20 days or more regularly if deemed appropriate.

Walsall currently have 330 children open to CME as per the month of July 2022. During the summer period, the figure may increase as whilst parent/careers can still submit midyear admission applications they cannot be processed until the schools return following the summer break.



The majority of cases that are opened as children missing education are for children who are New to the UK or moved from another borough. Of the 330 cases from July 2022 there were 89 from another borough and approximately 150 who were new to the UK. All New to UK applications are immediately open to CME.

The recent Ofsted Inspections of Walsall local authority children's services and SEN reports noted

An inclusion policy and enhanced tracking and monitoring of vulnerable pupils' attendance are now in place. Leaders know where children are and provide comprehensive support if they are not in school.

The children missing education (CME) team ensure regular multi-disciplinary oversight of those pupils who are not attending an educational setting. For example, professionals within the speech and language therapy team help families accurately understand pupils' needs so appropriate provisions can be identified. Regular meetings with senior officers in the local partnership keep the profile of these children and young people with SEND high.

Elective Home Education (EHE)

Elective Home Education (EHE) is the term that is used to describe a choice by parents to provide education for their children at home or in some other way they desire, instead of sending them to school full time. There is only a voluntary register for EHE. If a child has never attended school parents have no legal obligation to notify the local authority or to seek consent if they intend to home educate their child. If a child is withdrawn from school for EHE the school has an obligation to notify the local authority.

The local authority has a statutory duty (under s.436A of the Education Act) to make arrangements to enable it to establish the identities, so far as it is possible to do so, of children in its area who are not receiving a suitable education. We do this by working closely with various partners including: parents, school admissions (including children missing education and pupil tracking teams), special educational needs, Educational Welfare, Data matching Team, Black Country Impact, local schools & colleges, school health, Black Country consortium, early help, educational psychologists, social workers, and other neighbouring authorities.

The EHE service is responsible for identifying and recording compulsory school aged children who are home educated. The service also makes enquiries as to whether that education satisfies legal requirements. If it is deemed that the educational provision at home is unsuitable we also have robust processes to return the child/young person to school.

Walsall Elective Home Education Service

There is a significant reduction in the number of new EHE registrations. 261 new cases were opened in the academic year 2020/21 in comparison to 204 this academic year. This has been achieved by early Intervention and working collaboratively with other services and schools.

In order to meet the demands of Covid-19, which led to an increase in EHE enquiries and registration, the service has expanded its staffing, and now has an emotional literacy support officer within the team who offers face to face, virtual and group sessions for those children who are identified as experiencing emotional or mental health concerns. The emotional literacy support has been utilised to support reintegration back to school, referrals to school health etc. and to support parents to fulfil their responsibility to provide a suitable and full-time education. The weekly sessions that the emotional literacy support officer implements also means that we have a greater oversight of EHE children.

A greater oversight of EHE children has also been achieved by completing more interim reviews than ever before which has in turn led to a marked increase in children being reintegrated back to school when the educational provision has been judged to be unsuitable.

The service has strengthened joint working with other professionals and raised the profile of EHE and has delivered training for health visitors, the Special Educational Needs service, school nursing and early help.

The most vulnerable children including those under a Child Protection (CP), Child In Need Plan (CIN) or those receiving Early Help (EH) or in receipt of an EHCP are offered additional support and guidance as we contribute to all of the relevant meetings and review all EHCPs on a termly basis.

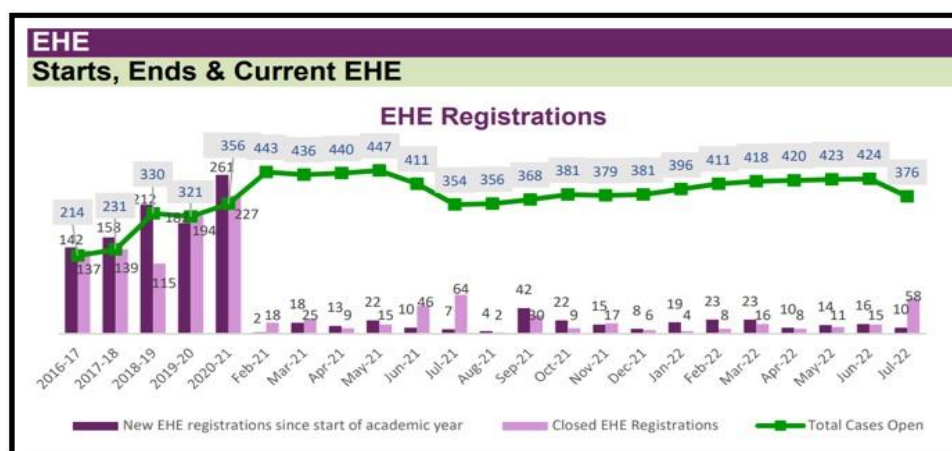
The service has developed and implemented a new EHE policy and processes (See Appendix A.)

The recent Ofsted Inspections of Walsall local authority children’s services and SEN reports noted

There is robust oversight of children who are electively home educated (EHE).

There is strong partnership working with schools through a new EHE policy and positive relationships with families.

Leaders know where children are and provide comprehensive support if they are not in school.



The above graph illustrates the success of the early intervention as the actual number of new EHE registrations is substantially lower.

Exclusions

For many pupils, exclusions may not be necessary, as other strategies can manage behaviour. However, if approaches towards behaviour management have been exhausted, then suspensions and permanent exclusions will sometimes be necessary as a last resort. This is to ensure that other pupils and teaching staff are protected from disruption and can learn in safe, calm, and supportive environments.

Schools and local authorities should not adopt a ‘no exclusion’ policy as an end in itself. This can lead to perverse incentives for schools not to exclude even when exclusion may be a way for a pupil to access Alternative Provision which will help ensure an excluded pupil remains engaged in education. In some cases, a ‘no exclusion’ policy can present safeguarding issues and expose staff and pupils to unreasonable risks. Instead, schools and local authorities should work to create environments where school exclusions are not necessary because pupil behaviour does not require it.

Walsall School Exclusions

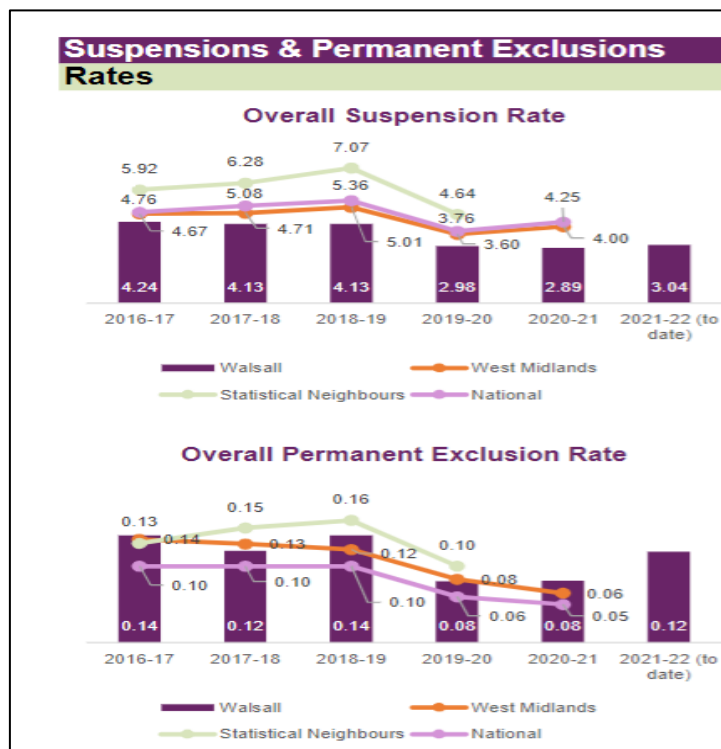
The Local Authority's Placement Panel meets on a weekly basis to consider all permanent exclusions of Walsall resident children and young people both from Walsall school and schools in other LA areas.

As part of our engagement with schools to review existing and to help reduce future exclusions, officers from both Access and Inclusion and the Early Help Service have reviewed and updated Walsall's existing exclusion policy and processes.

This is to ensure there is clarity about:

- The processes that need to be followed by both schools and the Local Authority in terms of notifying all relevant parties about suspensions (fixed period) and permanent exclusions.
- the levels of support that should be provided by both the Local Authority and Walsall schools to children, young people and their parent and carers prior to, at the point of and post exclusion, dependent on whether the exclusion is fixed period or permanent.
- The level of support and, where appropriate, challenge that should be provided by the Local Authority to schools prior to, at the point of and, post exclusion, dependent on whether the exclusion is fixed period or permanent Plan and SEN Support Permanent

The 2020-21 academic year was interrupted by the second national lockdown. Schools remained open for vulnerable children and children of key workers and all other children were learning remotely. While permanent exclusions and suspensions were still possible throughout the academic year, school closures have had a substantial effect on the number of permanent exclusions and suspensions and therefore caution should be taken when comparing figures across years. The last complete year that was not impacted by national lockdowns was 2018-19 which has been added for comparison



Suspensions - Overall suspensions for Walsall during the first three years were stable at 4.24, 4.13 and 4.13 percent, however, this decreased in 2019-20 to 2.98 percent and again in 2020-21 to 2.89 percent. National and West Midlands rates were slightly higher than Walsall for each of the first four years showing a small upward trend during the first three years before a drop in 2019-20. Statistical neighbours also followed the national trend increasing year on year for the first three years before dropping in 2019-20, however, at a much higher rate than Walsall. The decreases in 2019-20 and 2020-21 were expected and driven by the effects of the national lockdowns. The suspension rate for 2021-22 (September 2021 to July 2022) shows a slight increase of 0.15 percent to 3.04.

Permanent Exclusions - Overall permanent exclusions for Walsall for the first three years were stable at 0.14, 0.12, and 0.14 percent before dropping to 0.08 in 2019-20 and remaining at that rate in 2020-21. Both national, West Midlands, and statistical neighbours followed the same trend and at a very similar rate to Walsall between 2016-17 and 2019-20. The decreases in 2019-20 and 2020-21 were expected and driven by the effects of the national lockdowns. The permanent exclusion rate for 2021-22 (September 2021 to July 2022) shows a slight increase of 0.04 percent to 0.12.

The recent Ofsted Inspections of Walsall local authority children's services and SEN reports noted

Since 2019, there has been a reduction in suspensions (fixed-term exclusions) and permanent exclusions for pupils with SEND support and those with EHC plans. The development of Walsall's Vulnerable Learner's Hub to support children and young people at risk of permanent exclusion is a positive step forward. The hub provides support, challenge and strategies to help children, young people and schools. For example, experienced headteachers with a track record of preventing suspensions and exclusions work with headteachers of other schools. Consequently, a growing number of potential permanent exclusions have been avoided.

4. Financial information

There are no direct financial implications of the report but all pupils who are permanently excluded from schools go 'on roll' at the New Leaf Centre for assessment and provision of education. The funding for New Leaf comes from the High Needs Block of the Dedicated Schools Grant through the high needs local funding formula.

5. Reducing Inequalities

The principal objective of the local authority is to continue to identify characteristics of good practice in addressing inequalities in elective home education, with particular attention to the following factors, gender, ethnicity, and Special Educational Needs (SEN).

Our aim is to work towards the position where the needs of all young people are addressed in school or alternative provision and parents are only electing to home educate as a positive choice rather than being evoked due to dissatisfaction or conflict with schools

6. Decide

Scrutiny may decide to note the current position.

The Committee may decide to request further information or assurance in respect of the progress of elective home education.

7. Respond

Any recommendations made by the Committee will be assessed against the Access and Inclusion work programme and performance board.

8. Review

All areas are under constant monitoring and assessment via Children's Services Performance Board.

Background papers

- Scrutiny Paper – Update on Elective Home Education – January 2021
- Scrutiny Paper – Exclusions – November 2020
- Scrutiny Paper – Education Welfare -

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