

**Minutes of the Education Overview and Scrutiny Committee,
Conference Room 2, Walsall Council House.**

Thursday 5 September 2023 at 6.00 P.M.

Committee Members present:

Councillor S. Ditta (Chair)
Councillor I. Hussain
Councillor P. Kaur
Councillor E. Morgan
Councillor L. Rattigan
Councillor P. Smith
Councillor C. Towe
Councillor T. Jukes (Substitution)
Councillor F. Hassan (Substitution)

Portfolio Holder:

Councillor Mark Statham – Education and Skills

Officers Present:

Coleen Male – Interim Executive Director of Children's
Sharon Kelly - Director Access and Inclusion
Rob Thomas - Head of Access
Judith Nash – Head of SEND
Jack Thompson – Democratic Services Officer

Welcome and introductions were made.

Before the first item the Chair invited the new Interim Executive Director of Children's Services to introduce themselves to the Committee.

Additionally, the Chair invited the Portfolio Holder for Education and Skills to read out a statement on the RAAC (Reinforced Autoclaved Aerated Concrete) and how the Borough's schools were affected. The Portfolio Holder for Education and Skills informed the Committee that there was no RAAC within the Council maintained schools and thus none of these school had been closed.

08 Apologies

Apologies were received from Councillors P. Gill, S.B. Hussain and N. Latham.

09 Substitutions

Councillor T. Jukes substituted for Councillor S.B. Hussain and Councillor F. Hassan substituted for Councillor N. Latham.

10 Declarations of Interest and Party Whip

There were no declarations of interest or party whip.

11 Local Government (Access to Information) Act 1985 (as amended)

There were no agenda items requiring the exclusion of the public.

12 Minutes

A copy of the Minutes of the meeting held on the 29 June 2023 were submitted [annexed].

Resolved:

That the minutes of the meeting held on 29 June 2023 a copy having previously been circulated, be approved and signed by the Chair as a true and accurate record.

13 Children not in School Update Report

The Chair invited the Portfolio Holder for Education and Skills to introduce the report. The Portfolio Holder for Education and Skills informed the Committee that the Council would be focusing on encouraging good attendance at schools within the Borough. Additionally, that the report was made up of four parts: Attendance, Children Missing in Education (CME), Elective Home Education (EHE) and, Exclusions and Suspensions [see annexed].

Attendance

The Head of Access highlighted the salient points within the attendance sections of the report, this included:

- That it was the legal responsibility of every parent to ensure that their children attended school;
- It was the expectation of the Department for Education (DfE) that the guidance issued subsequent to the withdrawal of the Schools Bill would be followed by local authorities (LA);
- The Council understood that attendance needed to be improved and there needed to be focus on unauthorised absences;
- The DfE School Resource Management Advisor was complimentary of the work the Council was doing;

The Chair invited Members to ask questions on the attendance section of the report. From the discussion which took place between Members and officers the following key points were made:

- The Council worked closely with schools within Borough through the Walsall Learning Alliance and termly meetings were arranged to help schools with attendance. This included providing guidance documentation and forms to help determine the support schools received;
- The Council did not approach parents directly regarding their child's attendance;
- The DfE worked with the Council to target schools with attendance problems however none of the schools in the Borough had met the threshold for intervention from the Department;
- There was a national push for schools to use the national attendance portal run by the DfE to report their attendance daily;
- The Council recognised that attendance had not been a priority for the Council in the past however there had been improvements in comparison to the Councils statistical neighbours. Moreover, the data in the report from 2021/22 did not reflect the current work the Council was undertaking with schools, and it would take time to see if these efforts would affect attendance figures;
- There could be many complex reasons why a child's attendance at school would be lower than average and the Council in the first instance would try to support parents and only take legal action as a last resort. Attendance issues were treated on a case-by-case basis and this approach was in line with Walsall Right 4 Children;
- A Member disagreed that attendance orders should be the last resort of the Council when dealing with the poor attendance of a child and that it was the legal obligation of the parents to ensure their child attended school;
- The Covid-19 Pandemic had increased anxiety in children, and this had affected attendance. In response the Council was working with partners around mental health in children and its effect on school attendance;
- There had been concerns from parents in relation SEN placements and this had an effect on absences but there were more SEN special school places planned;
- There needed to be a culture shift in the perception that children with SEND and/or EHCPs should be placed in a special school instead of mainstream school as the first option. The Council was working to change this culture as it was the legal right of all children to a mainstream school place first, but the Council would work to the needs of the child by working with parents to ensure that a child was placed in the right provision.

Children Missing in Education (CME)

The Head of Access highlighted the salient points on the Children Missing in Education (CME) sections of the report, this included:

- That the term Children Missing in Education is not the same as the statutory term Children Missing from Education, the former being children who are on a school role but are not attending or those considered under EHE (Elective Home Education) but not receiving adequate teaching, the latter being those children not on a school role;
- There were 309 children classed as CME;
- 45 of the children classed as CME were those who were EHE but had not demonstrated that they were being taught sufficiently or had provided no evidence of teaching at all;
- The number of CME children fluctuated as children moved into the Borough.

The Chair invited Members to ask questions on the CME section of the report, from the discussion which took place between Members and officers the following key points were made:

- In the past the data the Council held on CME was poor;
- There were only 36 children who had been missing education for more than six months;
- There was currently no national data on CME, the DfE was currently collating this data for the first time, but the data had not been published yet;
- The Council was proactive in tracking children who entered the Borough and placed a child on the CME register as soon as they were made aware;
- It was a criminal offense to not comply with a School Attendance Order;
- Children would be referred to MASH (Multi Agency Safeguarding Hub) if there were any safeguarding concerns;
- The Council operated a CME board which partners attended and coordinated information on children that needed to be referred to the CME team;
- The Council did identify those children living within the Borough who were not on role at a school through strong partnership work, with Council officers from different services who carry out house visits being trained to recognise children missing education and then refer them to the CME team;
- The Council adopted a 'tell it once approach' to avoid the same message being given to parents multiple times a month. Meaning that another Council officer who has regular contact with the child's family could relay information on behalf of the CME team.

Elective Home Education (EHE)

The Head of Access briefly introduced the EHE (Elective Home Education) section of the report, following which a discussion between Members and Officers took place. The following key points included:

- It was a positive choice for a parent to Electively Home Educate their child;

- There was no statutory register of children who were EHE however under the withdrawn Schools Bill children who were EHE would have been registered on the statutory Children not in School register;
- The DfE and the Education Secretary were in favour of the register being implemented but a parliamentary bill would need to be passed first;
- There had been an increase across all local authorities in the number of EHE children;
- The Council recognised that mental health was a factor in the increase in EHE and the Council had responded by hiring an emotional literacy officer to help children back into school with one-to-one support;
- A referral from a school or parent to move a child into EHE would trigger a meeting between the Council, parents and the schools to make sure that the parents understood the responsibility of EHE and whether mitigations could be made to keep a child in school;
- The EHE team at the Council was working to understand the reasons why parents were moving their children outside of mainstream school and how they could be encouraged to return their child to mainstream education;
- A child in EHE did not receive any funding for standardised exams, such as GCSEs or A-Levels. However, Walsall College offered support for year 10 and 11 examinations on a part-time basis for EHE children;
- The Post 16 team at the Council did also support children who were referred to them in relation to careers including those who were educated at home;
- There were now three members of the EHE team and this was up from just one member;
- The gender breakdown for EHE children was 52% female and 48% male;
- The DfE policy advisor worked closely with local authorities and were aware that there was support for a statutory register to be implemented by the government for EHE;
- There were complex and overlapping reasons why parents may wish to withdraw their child from mainstream education. One of these reasons being philosophical, that some parents did not believe in standardised teaching or education and that there were better alternatives for educating their children. There was some local data on their academic performance for EHE children but no national data on EHE children's academic performance was collected.

Exclusions and Suspensions

The Head of Access highlighted the salient points on the Exclusions and Suspensions section of the report, this included:

- That only a headteacher had the authority to suspend or permanently exclude a child who attended their school;
- There were steps a headteacher must take before permanently excluding a child;

- The Council was working to use data to understand if there was any more that could be done to help children before being excluded and having to appeal the decision.

The Chair invited Members to ask questions on the Exclusions and Suspensions section of the report, from the discussion which took place between Members and officers the following key points were made:

- The Chair expressed their concern that they had been contacted by parents in relation to children with ADHD not being able to use fidget objects to manage their behaviour and they were allowed to be deliberately destructive, increasing the likelihood of suspension or permanent exclusion;
- Parents were not part of the Walsall Learning Alliance, however the Council were contacting parents whose children had been permanently excluded to understand why;
- The Walsall Learning Alliance leaders had agreed to focus on exclusions and understood that the data showed that there was an issue with proportion of exclusions for children with SEN;
- Additionally, the Walsall Learning Alliance had been exploring the idea of the Lincolnshire model which involved schools signing up to a memorandum of understanding for a no exclusions policy;
- The Council was providing support to schools to implement a graduated approach for behaviour for SEN pupils so that they could be provided reasonable adjustments;
- The Council had been successful at challenging permanent exclusions through the appeals process, however the Council did not have the power to put a child back on a school role and instead the schools in question were fined.

A discussion took place between Members and Officer regarding a request from Members to receive a breakdown of pupil attendance figures for each school in the Borough. The Director for Access and Inclusion informed the Committee that whilst schools share this data with each other through the Walsall Learning Alliance, advice would have to be sought before presenting this information to the Committee as the data was held by the schools and permission had not been given for that information to be shared publicly. At the end of the discussion both the Director of Access and Inclusion and the Democratic Services Officer agreed to write to Members once advice on this matter had been clarified.

Resolved:

- **That the Cabinet write to the Secretary of State for Education to implement the Children Not in School Register as soon as possible.**
- **To request that Cabinet asks that the Government pay the fees for children in Elective Home Education to sit standardised examinations.**
- **That the Cabinet note the concerns of the Education Overview and Scrutiny Committee regarding the disproportionately lower school attendance figures of boys, SEN pupils and those pupils receiving free school meals.**
- **That the Committee receive an updated report on attendance in the future. An interim report being made available to Members of the Committee in January and a full school term update being presented at its meeting in February 2024.**
- **That the Committee receive the following additional information:**
 - **The number of ongoing legal proceeding in relation to school attendance orders;**
 - **To seek advice on whether individual school attendance data can be shared with the Committee and to write to Members once this determination had been made;**
 - **To be given the percentage of change in the Total EHE Registrations table comparing the Council with regional and statistical neighbours;**
 - **To provide data on the number of referrals for exclusions to the Councils Inclusion Hub in the report on the Hub to be presented at the next meeting of the Committee in October.**

14 Date of next meeting

The date of the next meeting would be 3 October 2023.

There being no further business, the meeting terminated at 20:19.

Signed:

Date: