

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

**Wards** All

**Service:** Access Service

**Portfolio:** Councillor Statham

**1. Aim**

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

- Attendance
- Children Missing Education (CME)
- Elective Home Education (EHE)
- Exclusions
- Fair Access Protocol (FAP)

**2. Recommendations**

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

**Report detail**

**3. Attendance - overview**

3.1. 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.

3.2. 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.

## **Attendance – Department for Education (DfE) Data**

- 3.3. The latest full year for 2020-21 published data is available in appendix A and shows that both absence and persistent absence in Walsall is higher than regional and national comparators.
- 3.4. The latest statistical release which covers the Autumn and Spring Term 2021/22 looks at pupil absence in the autumn and spring terms 2021/22. While this does not provide data for the whole year, it does give an early indication of changing rates.
- 3.5. The national overall absence rate across the autumn and spring terms 2021/22 combined was 7.4%. This is higher than the same period in previous years, typically around 4-5%. The increase is mostly driven by a large increase in illness absence and includes absence for positive coronavirus cases. UK Health Security Agency data shows large increases in weekly COVID-19 case rates for year groups including children of school age over this period when compared to previous years.
- 3.6. For the autumn and spring terms 2021/22, the category of 'not attending due to circumstances related to coronavirus' 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.
- 3.7. When a pupil has initially self-isolated pending a coronavirus test result, the school should have recorded the pupil as *not attending in circumstances related to coronavirus*. If the pupil subsequently tested positive the school should have recorded the pupil as being *absent due to illness* and they would be included as an absence.

## **Attendance – Statutory Responsibilities of the Local Authority**

- 3.8. From September 2022, the DfE's 'working together to improve school attendance' document replaced 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.
- 3.9. This guidance is non-statutory, and has been produced to help schools, trusts, governing bodies, and local authorities maintain high levels of school attendance. Following public consultation, and subject to Parliament, the Secretary of State has committed to this guidance becoming statutory when parliamentary time allows.
- 3.10. 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.
- 3.11. 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.

3.12. 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.

#### **4. Children Missing Education (CME)**

- 4.1. 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.
- 4.2. 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.
- 4.3. 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.
- 4.4. 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.
- 4.5. 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

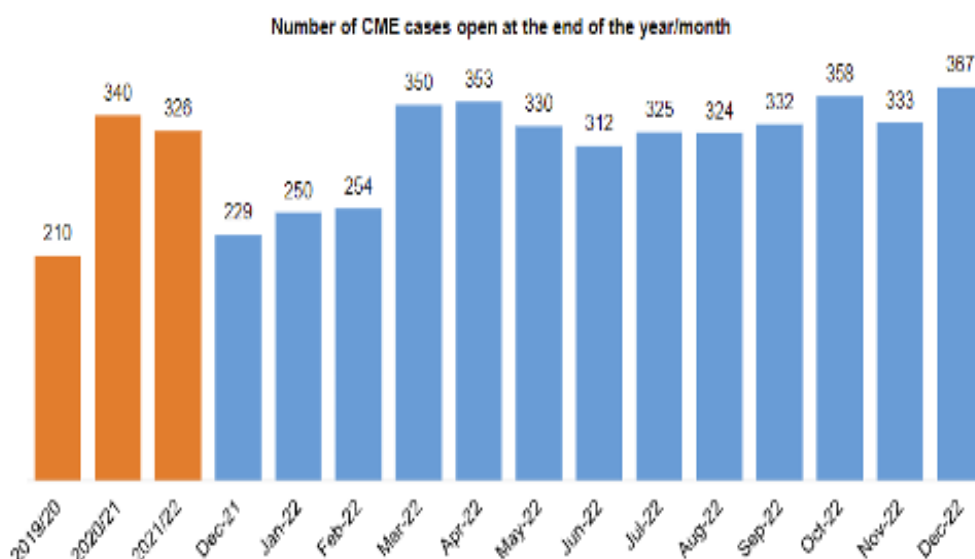
education should be returned to full time education either at a school or in alternative provision.

- 4.6. 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**

- 4.7. 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 take up an allocated school place, then the CME team will establish the reasons for this.
- 4.8. If a school is refusing to admit a child, then then the matter will be escalated in accordance with the Department for Education's direction to admit process.
- 4.9. 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.
- 4.10. 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.

- 4.11. Walsall currently have 350 children open to CME as per the month of January 2023.



- 4.12. Whilst the number of cases open to CME remain static cases are being closed in a more manner and efficiently across the service, November 2022 saw 210 cases close and December 2022 there were 92 closed. Due to a large proportion of cases that are opened as Child Missing Education being for children that are New to the UK, it is essential that the cases are opened quickly to ensure the team are aware of all children in the Local Authority that should be or require an education.

## 5. Elective Home Education (EHE)

- 5.1. 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.
- 5.2. 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.
- 5.3. 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**

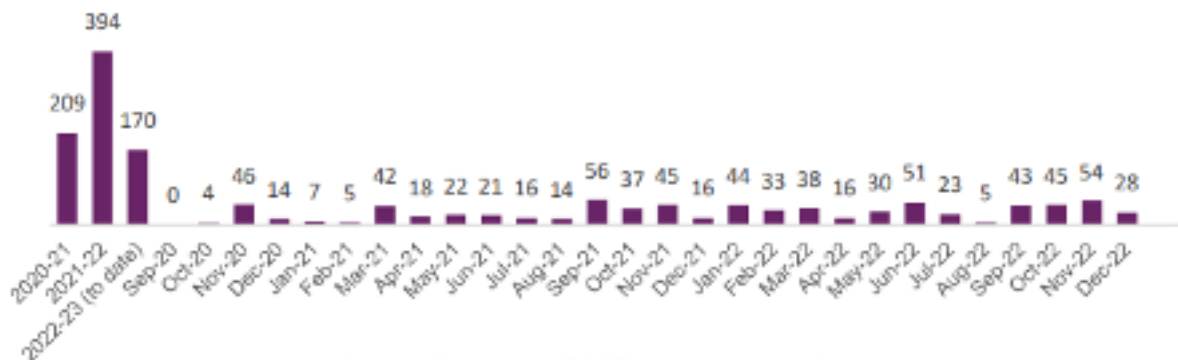
- 5.4. There is an increase in in the number of initial enquiries and EHE registrations. 'Mental health' is the most common reason for EHE enquiries and the EHE service has an Emotional literacy support officer within the team who offers face to face, virtual and group sessions for those children who 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.
- 5.5. 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.
- 5.6. 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.
- 5.7. 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.
- 5.8. 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."*

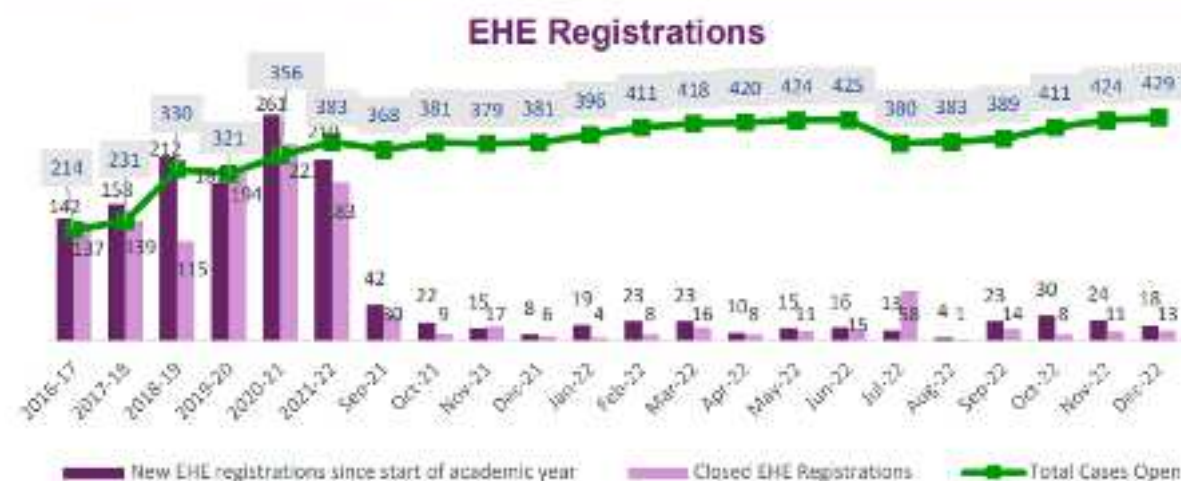
## Initial Enquiries

Initial EHE enquiries opened in the year/month



- 5.9. The above graph shows the number of Initial EHE enquiries that have been received. 170 enquiries were received in the Autumn term. As EHE potentially has implications for the child, early intervention is offered to all these families. The EHE service offers parents guidance and support before they formally decide to home educate. All schools have agreed to engage in Pre EHE meetings and most parents are also willing to explore the support available in school and from other agencies prior to making a formal decision to EHE.
- 5.10. The Pre EHE meetings are also an ideal opportunity to remind parents they are taking on a duty of care to ensure their child's educational, social, emotional and mental health needs are met when they elect to home educate. Furthermore it is reiterated that there is no financial support available for elective home education. This has ensured the most vulnerable are more likely to remain at school and if parents are considering EHE as a result of concerns at school this can be addressed at the meetings. Professionals other than from school and EHE have also been involved in the meetings as referrals have been completed to Early Help, SENDIAS and School Nursing to ensure the best outcome for the child.

## Starts, Ends & Current EHE



- 5.11. The above graph illustrates the number of EHE registrations and the success of the early intervention. Although the service have received 170 initial enquiries, approximately 45% of parents have decided to keep their child in school and just 95 new EHE registrations were opened in the Autumn term.

## 6. Exclusions

- 6.1. The data relating to school exclusions can be found in Appendix A.
- 6.2. 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.
- 6.3. 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

- 6.4. 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.
- 6.5. 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.



6.6. 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

### **FAP**

6.7. A parent can apply for a place for their child at any school at any time. All applications must be processed by the relevant admission authority in accordance with the School Admissions Code 2021.

6.8. When applications are made outside the normal admissions they are considered in-year applications. Where it can be demonstrated that reasonable measures have been taken to secure a school place through the usual in-year admissions process and this has not been successful, or where a school place has not been sought due to exceptional circumstances, a child may be eligible for referral to the Fair Access Protocol (FAP).

6.9. The purpose of a FAP is to ensure that vulnerable children, and those who are having difficulty in securing a school place in-year, are allocated a school place as quickly as possible, minimising the time the child is out of school.

6.10. Every local authority must have a FAP in place. Once it has been agreed by most schools in its area, all admission authorities must participate in it. FAPs should provide a fair and transparent system to ensure that all schools share the collective responsibility of helping the most vulnerable, by admitting their fair share of children being placed.

6.11. The FAP can only be used to place the following categories of children, where a child is having difficulty in securing a school place in-year, and it can be demonstrated that reasonable measures have been taken to secure a place through the in-year admissions process:

- children either subject to a Child in Need Plan or a Child Protection Plan or having had a Child in Need Plan or a Child Protection Plan within 12 months at the point of being referred to the FAP;
- children living in a refuge or in other Relevant Accommodation at the point of being referred to the FAP;
- children from the criminal justice system
- children in alternative provision who need to be reintegrated into mainstream education or who have been permanently excluded but are deemed suitable for mainstream education.

- children with special educational needs (but without an education, health, and care plan), disabilities or medical conditions.
- children who are carers.
- children who are homeless.
- children in formal kinship care arrangements.
- children of, or who are, Gypsies, Roma, Travellers, refugees, and asylum seekers.
- children who have been refused a school place on the grounds of their challenging behaviour and referred to the FAP in accordance with paragraph 3.10 of the Code.
- children for whom a place has not been sought due to exceptional circumstances.
- children who have been out of education for 4 or more weeks where it can be demonstrated that there are no places available at any school within a reasonable distance of their home. This does not include circumstances where a suitable place has been offered to a child and this has not been accepted; and
- previously looked after children for whom the local authority has been unable to promptly secure a school place.

6.12. Primary Fair Access Panel have placed 200 children since September 2022 and 112 for Secondary.

## **7. *Financial information***

7.1. 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.

## **8. *Reducing Inequalities***

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

8.2. 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.

## **9. *Decide***

9.1. Scrutiny may decide to note the current position.

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

## **10. Respond**

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

## **11. Review**

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

## **12. Background papers**

- Scrutiny Paper – Attendance, Children Missing Education, Elective Home Education and Exclusions Update – September 2022
- Scrutiny Paper – Update on Elective Home Education – January 2021
- Scrutiny Paper – Exclusions – November 2020
- Scrutiny Paper – Education Welfare -

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