



**CHILDREN AND FAMILIES OVERVIEW AND SCRUTINY COMMITTEE: 4 JUNE
2019**

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. This report was requested by the Overview and Scrutiny Committee on 5 November 2018, in response to the review of the 'Forgotten Children: Alternative Provision and the Scandal of Ever Increasing Exclusions' that was presented to the Committee. The report highlighted the national concern around the rise in exclusions and referred to alternative provisions as the forgotten part of the education system. Leicestershire's position in relation to the concerns raised in the report were also presented.

Background

3. 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.
4. Further reports such as 'Forgotten Children' (July 2018) and 'Skipping School: Invisible Children' (2019) have 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 SEN needs in mainstream settings; and children who are 'off rolled' when their needs are not being met within a mainstream setting.

5. These reports concluded 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

6. 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: -
 - a. Children with Medical Needs: local authorities must arrange suitable full-time 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;
 - b. Excluded Pupils: The Education (Provision of Full-Time Education for Excluded Pupils) (England) Regulation 2007 - the duty of a local education authority under section 19(1) and (3A) of the Education 1996 Act(1) to make arrangements for the provision of suitable full-time education for a pupil of compulsory school age who is permanently excluded from a relevant school or pupil referral unit, or excluded from a pupil referral unit for a fixed period, on disciplinary grounds, the day from which the education must be provided is the relevant day.
 - c. Children Missing Education (CME)- Children missing education 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.
 - d. Elective Home Education - Since April 2019 the Local Authorities duties have been further clarified by the DfE as there are 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:
 - Section s.13A of the Education Act 1996 - 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—

- (a) promoting high standards,
- (b) ensuring fair access to opportunity for education and training, and
- (c) promoting the fulfilment of learning potential by every person to whom this subsection applies

- Section 7 of the 1996 Act - 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.
- Section s.437(1) of the Education Act 1996 in that the Local Authority must act if it appears that parents are not providing a suitable education.
- Section 175 of the Education Act 2002 requires authorities to make arrangements for ensuring that their education functions are exercised with a view to safeguarding and promoting children's welfare.

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, report to social care.

Summary of the Findings for Leicestershire – at 31 March 2019

7. During April 2018-March 2019, 901 children were reported as pupils missing out on education from Leicestershire Schools. These include children who remain under the responsibility of schools and those under the statutory arrangements of the local authority. Within the 2013 Ofsted guidance, the identification of vulnerable groups who are missing out on education are categorised as follows: -

- Accessing alternative provision via Youth Offending Service (YOS)
- Are carers
- Children Missing Education (CME)
- Circus and Showman families and alternative provision has been made
- Complex needs and no suitable school place is available
- Electively home educated (EHE) and the education has been deemed unsuitable
- Gypsy Roma or Traveller background and alternative provision has been made
- Have been permanently excluded
- Have mental health needs and access CAMHS either as an in-patient or through services in the community
- Medical needs other than mental health needs

- Moved from another area and a school place has not been secured; this may include children who are looked after
- Pupils who go missing during the school day
- Rarely attend school and have personalised learning plans as part of attempts to reintegrate them into full time education
- Social and behavioural needs and have personalised learning plans (and by arrangement do not attend their usual school full time).

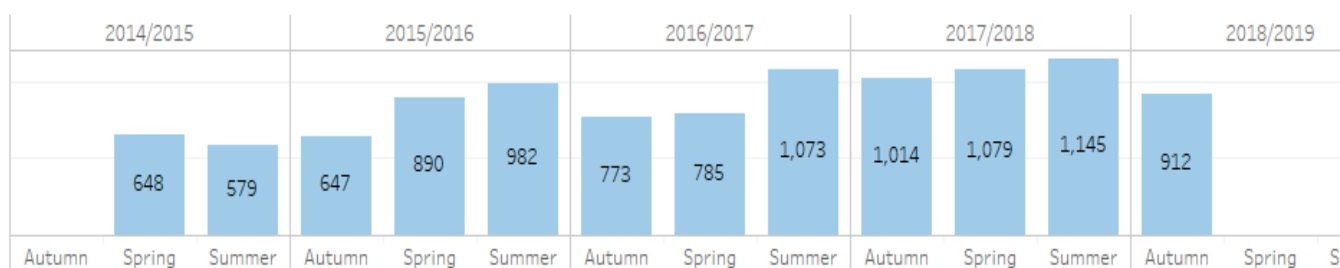
8. The following table indicates those being monitored and supported by schools and those who come under the local authority's arrangements:

Children Missing Out on Education by Category	1/3/19 Number	LA Responsible & Team	School Responsible
Accessing alternative provision via Youth Offending Service (YOS)	63	60 - YOS	3
Are carers	1	0	1
Children Missing Education (CME)	34	98* Over 15 days	119* Under 15 days or pursuing court proceedings
Circus and Showman families & alternative provision has been made	39	0	39
Complex needs and no suitable school place is available	13	2 - SENA	11
Electively home educated (EHE) & the education has been deemed unsuitable	119	119 – Inclusion Team	0
Gypsy Roma or Traveller background & alternative provision has been made	23	0	23
Have been permanently excluded	8	3 - Oakfield 5 - SEIPs	21 – moved to another school following exclusion
Have mental health needs and access CAMHS either as an in-patient or through services in the community	171	78 – Inclusion Team	93
Medical needs other than mental health needs	143	26 – Inclusion Team	117
Moved from another area and a school place has not been secured; this may include children who are looked after	12	12 – Admissions/ Virtual School	0
Pupils who go missing during the school day	28	0	28

Rarely attend school & have personalised learning plans as part of attempts to reintegrate them into full time education	77	4 – Inclusion Team	73
Social & behavioural needs & have personalised learning plans (& by arrangement do not attend their usual school full time)	170	24 – Oakfield	146

9. Analysis of the five-year trend in PME data shows an annual increase in the number of students missing education by the end of each academic year.

Pupils Missing Education



10. Contributing factors to the increase includes:
- increased pupil population between 2014-18;
 - an increase of Children with Medical Need who have Social Emotional Mental Health needs;
 - an increase in home educating where children's education is deemed unsuitable, or parents have opted not to provide evidence that education is suitable;
 - schools utilising alternative provision to support students back in to education rather than permanently excluding;
 - improved reporting by schools and agencies of children who are not accessing education, through the development of a more robust process data collection systems.
11. In comparison to 2017/18, 2018/19 has started to show a reduction in the number children being reported as missing education. The reduction may be attributed to the High Needs Development work that is being developed across Children and Young People's Services, where a range of activities are developing the infrastructure and building capacity within schools to ensure that the most vulnerable learners are able to access support early and prevent escalation of need.

Exclusions

12. In 2018 there were 28 permanent exclusions. Most of these children received support through the Secondary Education and Inclusion Partnerships (SEIPs) or from Primary Graduated Response Practitioners from Oakfield Short Stay School prior to starting at a new school.

13. The SEIPs and Oakfield Short Stay provide support to all publicly funded schools in Leicestershire for children and young people who have been permanently excluded from school or are at risk of permanent exclusion; Oakfield to Primary aged children and the SEIPs to secondary age groups. Both offer the following responses:
- School to school support – this enables schools to access advice and strategies through educational panels and surgeries to help schools to retain the child in their existing setting.
 - Graduated response – this offers direct staff support within schools to enable the child/young person to remain in mainstream education in either their existing school or in supporting managed move transitions within new schools.
 - Educational Placements - This may include a mixture of having some time on programme managed timetables out of school (at Oakfield or within the SEIPs local provision placements) to help manage the support needs of the child but to enable links within their existing school so they are able to return full time where appropriate.
 - Educational placements - Where a child has been permanently excluded and an alternative school place cannot be identified.
14. In 2018 there were 2996 fixed term exclusions
15. Comparative data provided by the Department for Education (2018) shows that Leicestershire is below the regional and national rate for both permanent and fixed term exclusions.

Regional Exclusion Rate 2018	Number of permanent exclusions	Permanent exclusion rate	Number of fixed period exclusions	Fixed period exclusion rate
ENGLAND	7,720	0.10	381,865	4.76
EAST MIDLANDS	595	0.09	31,710	4.61
Derby	38	0.09	2,102	5.00
Derbyshire	126	0.12	4,752	4.46
Leicester	14	0.03	1,899	3.47
Leicestershire	28	0.03	2,996	3.10
Lincolnshire	116	0.11	4,956	4.72
Northamptonshire	122	0.11	5,277	4.62
Nottingham	90	0.20	3,058	6.81
Nottinghamshire	53	0.04	6,550	5.50
Rutland	8	0.14	121	2.17

Developments within Leicestershire

16. The following information provides an overview of the developments that have taken place over the last year to increase the capacity in the department to support vulnerable learners in Leicestershire. It is too early at present to set out any outcomes for the work.
17. Work is currently underway in the department with partners to develop an Inclusion Pathway to build on and strengthen the support available for children at risk of missing out on education and to ensure that young people can access the correct support at the earliest opportunity. The pathway will enable access to services at the earliest opportunity and build the capacity around vulnerable learners in main stream settings.
18. During 2017/18 the department reviewed all service areas linked to school improvement and inclusion. Inclusion functions in the department are now managed by an Inclusion Manager who reports to the Head of Service for Education Quality and Inclusion. The inclusion functions bring together primary and secondary exclusions, children with medical needs, careers information advice and guidance and pupil's services for children missing education, pupils missing education and elective home education.
19. Since 1 September 2018 the Education Effectiveness team has been in place. This team reports to the Head of Service for Education Quality and Inclusion and has four officers aligned to a geographical cluster of schools in Leicestershire. A key focus of the team is to discuss school data linked to all aspects of pupil inclusion, permanent exclusion, fixed term exclusion, children missing education, pupils missing out on education, pupils moving in, and out of school during mid-term periods, pupils leaving to access elective home education, and data linked to referrals to the medical needs team. This will allow the department to identify trends in exclusion and deploy support accordingly from the department.
20. Over the last academic year, the SEIPs have reduced the use of Alternative Provision (AP) due to a combination of factors including increasing costs and quality of academic offers for young people. Since September 2018 a pilot bespoke 'in house' AP offer is taking place in the Loughborough SEIP meaning that fewer young people are attending education away from the local community. The pilot is also working with young people who are presenting with low level anxiety-based needs, to provide the most appropriate education to meet their needs. This pilot will be reviewed at the end of the 2018/19 academic year.
21. The Oakfield outreach offer is currently being developed in order to increase the number of skilled practitioners available to directly support children in their mainstream school when presenting with complex behaviour needs. This will offer an alternative to exclusion or a placement at the Oakfield Short Stay School which can be away from the child's local community.

22. In August-September 2018 the department's Careers, Information and Advisory team and Pupil Services team were combined. This allowed the department to provide more targeted support to vulnerable young people who are not in education, employment or training, children with medical needs, children receiving Home Education, and children missing from education.
23. The functions of Home Education were brought 'in house' from October 2018 to increase the capacity of staff being able to complete education quality assessments and respond to the needs of children and young people who were not receiving effective home tuition in a more effective way.

Resource Implications

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

Conclusion

25. The report identifies that there are a number of children in Leicestershire missing education for various reasons. Due to the significant changes being made across Education Services and the wider developments across Children and Young People's Services, work has begun to develop services that identify children and young people who are vulnerable with an aim to build the capacity and capability of staff to respond to the needs of vulnerable children at an earlier stage.
26. Whilst the work is in various stages of development, there has been a positive shift in the number of young people who are missing education both identified within school and who are being supported by the local authority.

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/cco-skipping-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](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](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/791527/Elective_home_education_guidance_for_LAv2.0.pdf)

Circulation under the Local Issues Alert Procedure

27. None.

Equality and Human Rights Implications

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

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