



## **CHILDREN AND FAMILIES OVERVIEW AND SCRUTINY COMMITTEE**

**25 JANUARY 2022**

### **INCLUSION IN LEICESTERSHIRE SCHOOLS**

#### **REPORT OF THE DIRECTOR OF CHILDREN AND FAMILY SERVICES**

##### **Purpose of the Report**

1. The purpose of this report is to provide an overview of the functions of the Inclusion Service and of the new strategic duty to promote the education of all children known to a social worker.

##### **Policy Framework and Previous Decisions**

2. A previous report presented to the Children and Families Overview and Scrutiny Committee (January 2020) focussed primarily on the local authority's response to the national reports 'Forgotten Children: Alternative Provision and the scandal of ever-increasing exclusions (2019) and the report on Children Missing Out on Education (2020)'.

##### **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. In July 2018, '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 SEN needs in

mainstream settings; and children who are 'off rolled' when their needs are not being met within a mainstream setting.

5. Following these reports, there were two papers that set out recommendations in response. 'The Timpson Review of School Exclusion' (2019) highlighted 30 recommendations in which the Government, Department for Education, Ofsted, Local Authorities and Schools had to respond to in order to develop a consistent approach therefore minimising the need to exclude children. The Timpson Review concluded that that there was more that could be done to ensure that every exclusion is lawful, reasonable, and fair and that permanent exclusions should always be a last resort, used only when nothing else will do.
6. An Ofsted research study within the East Midlands, 'Moving to home education in secondary School' (2019) raised concerns that the decision for parents to home-educate was not always a positive one for all involved and suggested there was an increasing evidence-base that home education can be a last resort for some families when relationships have broken down between schools and children or parents. The findings arising from this report strongly recommended that Local Authorities and schools should develop clear processes for working together as soon as there are indications that a family may be considering home education. Both reports highlighted the importance of children being visible to ensure they are safeguarded from potential harm and receiving an adequate education.

### **Statutory Duties of the Local Authority and Parental Requirements**

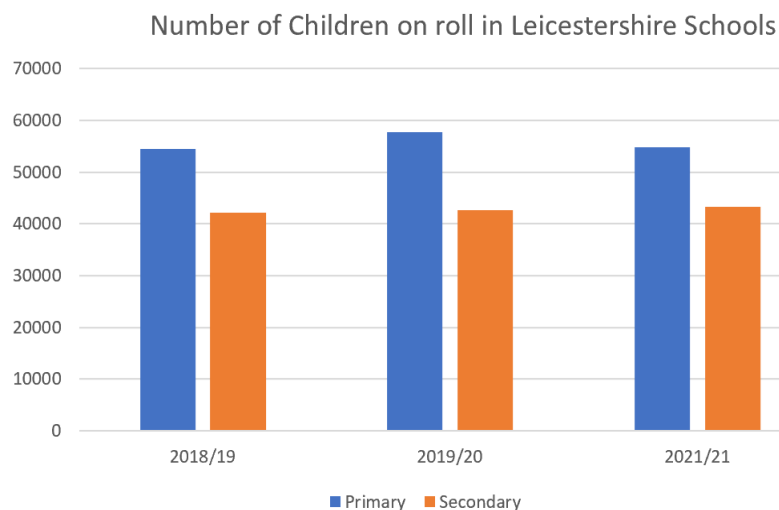
7. Schools must monitor pupils who are missing out on education and in most cases, they will remain the responsibility of the school where they are on roll. However, in some cases the statutory duty for a child's education becomes the responsibility of the local authority, for example:
  - Children Missing Education (CME) - 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,
  - 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,
  - Elective Home Education - Since April 2019 local authorities' duties have been further clarified by the DfE. There are no direct legal requirements for the local 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.
8. Section 13A of the Education Act 1996 – gives local authorities the duty to 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.

9. 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 437(1) of the Education Act 1996 sets out 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 local authorities to make arrangements for ensuring that their education functions are exercised with a view to safeguarding and promoting children's welfare.
10. Within Leicestershire, DfE guidance is followed in that informal enquiries are made that include a request for the Inclusion Team to see the child, either in the home or in another location. Although 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, a refusal to allow a visit can, in some circumstances, justify service of a notice to the parent or if safeguarding concerns exist, a referral to children's social care.
11. 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, 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 Children



12. The graph above sets out the number of children on the roll of Leicestershire schools, split by primary and secondary schools, which gives some context for the numbers of children who are not accessing education through school, as outlined in the sections below.

### **Leicestershire Inclusion Service**

13. The primary purpose of the service, created in September 2019, is to ensure the inclusion of all children and young people in education as well as considering the challenges and subsequent responses within the service prompted by Covid-19. Since its inception, demand on the services offered has grown.
14. The Inclusion Service (the Service) responds to the educational needs of children and young people who are missing out on education. Pupils missing out on education (PME) are children of compulsory school age who may be on the roll of a school or setting but aren't accessing full-time education, either in school or in alternative provision. These children and young people generally fall into one of the following categories:
- Children Missing Education (CME): children who are on roll but not attending a school or an educational setting, and children who are not on the roll of a school,
  - Children with Medical Needs (CMN),
  - Young People Not in Employment, Education or Training (NEET).
15. The Service also works with schools who have children and young people who are PME due to low attendance through supporting schools to adopt inclusive practices and providing challenge and support where necessary.
16. Families who have elected to home educate their children (EHE) are also the responsibility of the Service and the Local Authority's statutory duties are fulfilled through the work carried out with this group of children.
17. Where children and young people are also known to the Special Educational Needs Assessment Service, Children's Social Care or Children and Families Wellbeing Service, a lead professional or service is identified, ensuring a coordinated approach to the management of the child's case. However, regular liaison with the Inclusion Service will take place through the Inclusion Pathway Manager, who maintains oversight of these children and young people and ensures that the Inclusion Service takes ownership, if appropriate, when other service involvement is completed or no longer required.
18. The Service is led by a service manager who is supported by three other managers within the Service. The Pathway Manager is responsible for overseeing cases that come in and ensuring that they are referred to the correct service, whether that is Inclusion or in another area. The Pathway Manager's team consists of the coordinators for each area within Inclusion. These coordinators deal with new cases, gathering information by contacting families and schools before working with the Pathway Manager to ensure that the correct support is put into place for the child or young person.

19. The remaining two managers are Team Managers; they each have oversight of a team of Education Officers, Graduated Response Inclusion Practitioners and Youth Workers. The Education Officers will work with families and schools to ensure that a clear plan for education is in place and reviewed regularly. Education Officers may meet children and young people in their homes or in public places as well as attending meetings in schools.
20. During the course of the Covid-19 pandemic, much of this work has had to take place online but virtual meetings have proved to be successful for many young people, although it is not their preferred method of communication. Where cases are complex and more intensive support is required to encourage a child or young person into school, a Graduated Response Inclusion Practitioner may carry out very focused work with the child or young person. If there is a need for mental health support, a youth worker may be allocated to provide this. Work will be face to face unless restrictions due to Covid-19 prevent this.

## Leicestershire Data

### Children Missing Education

21. 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. There has been a marked increase in the number of CME over the past three years. Pre-Covid-19, this number was at 250, almost doubling in the 19/20 academic year as the pandemic hit and doubling again in the 20/21 academic year as infections, restrictions and school closures continued.

	2018/19	2019/20	2020/21
<b>On roll</b>	182	376	682
<b>Not on roll</b> Statutory Duty cohorts	68	70	198
<b>total</b>	<b>250</b>	<b>446</b>	<b>880</b>

22. Reasons for children and young people (CYP) not attending school include; anxiety about Covid-19, family anxieties around Covid-19, Incident in school that family feels is unresolved, school place in desired location not available, risk of exclusion, family move (without notifying school or local authority), other mental health concerns and trauma experienced by CYP or the family.
23. Families, children, and young people who have experienced trauma are signposted to support services by education officers dealing with their case.

### Exclusions

24. The pandemic saw a reduction in the number of exclusions due to pupils not being in school at all times. However, this academic year has seen a rise in exclusions

with November 2021 seeing eight permanent exclusions and a very steep rise on the average number of monthly exclusions from Leicestershire schools.

*National and regional Comparator data* (The East Midlands and National data is taken from the DfE reporting using the School Census. National and regional Data is not yet available for 2020/21).

	Fixed period exclusions (rate)	Permanent exclusions (rate)
East Midlands Average - 2018/2019	4.82	0.09
East Midlands Average - 2019/2020	3.65	0.06
National Average - 2018/2019	5.36	0.1
National Average - 2019/2020	3.76	0.06
Leicestershire - 2018/2019	3.64	0.02
Leicestershire - 2019/2020	2.66	0.02
Leicestershire - 2020/2021	2.95	0.01

*Leicestershire exclusion data* (number of exclusion (fixed or permanent) not the number of young people).

School Type	Exclusion	2018/19	2019/20	2020/21	2021/22 to end of Nov 21
Primary	Permanent	5	9	1	2
	Fixed term	455	467	366	31
Secondary	Permanent	14	13	6	10
	Fixed term	3101	2153	2563	176

25. The Inclusion Service works alongside Oakfield (Leicestershire's short stay school for those primary aged children who have been or are at imminent risk of being excluded). For secondary aged pupils Leicestershire has established five Secondary Education Inclusion Partnerships (SEIPs). The primary purpose and objective of the SEIPs is to prevent permanent exclusion wherever possible. The SEIPS work alongside secondary schools to put provision in place for those young people who are facing challenges in engaging with the formal school environment and cannot continue to attend a particular setting.
26. Parents and carers are supported in making their decision for future provision for their child. Where an agreement can be reached to use alternative provision for a child or young person, a permanent exclusion can be avoided.

#### Children with Medical Needs

27. There was a significant rise in the past two academic years of children with medical needs. Much of this increase relates to the mental health of children and young people that has been significantly impacted by the pandemic and the effects of isolation. After one term of 2021/22, Leicestershire experienced a higher number of cases than in the whole of the academic year 2019/20.

	2019/2020	2020/2021
<b>Total CMN cases</b>	91	161

28. Children with medical needs are defined as those who are too ill to attend school and have medical evidence to support this. Some of these children may be in hospital and are tracked by the CMN coordinator and those based in their own homes are supported by education officers who plan and oversee provision.
29. There are two offers from the Service to support these children; one being tuition which can be either in groups or one to one. Tuition can be delivered online or in person depending upon the needs of the individual. There are two providers, commissioned by the Local Authority who deliver this. Progress meetings between the Inclusion Service, tutor, and school help to ensure that the young person is following a suitable curriculum to support their transition back into school at the appropriate time.
30. Through the Local Authority's recoupment policy, the Inclusion Service is able to claim the Age Weighted Pupil Unit funding (AWPU) from schools to help meet the costs of tuition.
31. The second service offer is an AV1 Robot. The robot is placed in the classroom where the child would normally attend school. It acts as the eyes and ears of the child at home who can access the camera and microphone through an application on a mobile phone. The application can be used to raise a virtual hand and express concern or satisfaction. This approach allows the child to see their peers and to feel involved in school life. While there was an initial capital outlay involved in the purchase of the robots, the annual service package is relatively low, making it a very cost-effective way of providing education for children with medical needs.

#### Young People Not in Employment, Education or Training (NEET)

32. Each Local Authority's post 16 data relating to children who are Not in Education, Employment or Training (NEET) is compared with that of other local authorities in England. When reporting Local Authorities are placed in quintiles according to their performance. For 2020/21 the performance was as follows:

Unknown (16-17)	6.3%	Quintile 5
NEET (16-17)	2%	Quintile 2
Overall (16-17)	8.3%	Quintile 5
Sept Guarantee	94.6%	Quintile 4
Participation	92.1%	Quintile 4

33. The September guarantee is where a Year 11 pupil has an offer for post 16 education. Those students classed as *unknown* are those for who the service holds no information about post 16 destinations. Information about destinations comes into the service from schools, colleges, and other providers as well as from the families and young people themselves.





## New EHE Cases Per Month

EHE	September	October	November
<b>2021/22 Primary</b>	Primary & Secondary total: 51	Primary & Secondary total: 43	14
<b>2021/22 Secondary</b>	N/A	N/A	36

38. As in other areas of the country, there has been a marked increase in the number of families opting for home education. Referrals continue to come in at a steady pace and increases are anticipated as Covid-19 cases are rising once again. As with other areas of increasing demand, the service is looking at ways of working and reviewing capacity to ensure that it can respond to the increase in cases. While some children who are electively home educated may have special educational needs, this is not a clear pattern that can be seen in new referrals.
39. The main reason for families choosing this option over the past eighteen months has been due to concerns around Covid-19 and its impact on health. The national survey conducted in October 2020 by The Association of Directors of Children's Services found that there had been a 38% rise in the number of children who are electively home educated over a twelve-month period. The initial findings for the 2021 survey indicate that there was a further 7% rise in the period between October 2020 and October 2021.
40. To date, there are still a significant number of referrals that state Covid-19 related anxiety as the reason for choosing EHE. The data below is taken from November 2021 and gives a sample of the reason's families have stated as their motivation for choosing EHE:

School Anxiety	18
Lifestyle/Cultural/Philosophical	4
Medical-child	2
School unable to meet needs	5
Attendance difficulties	12
None recorded	12
SEN provision problems	2
School relationship breakdown	2
Non-preferred school	4
"Other"	2

41. Where schools have expressed concerns over a family's decision to opt for EHE from an education perspective, the Inclusion Service has held additional conversations with those families to ensure that they are fully informed and aware of the commitment that they are undertaking. Their education plans are also prioritised for scrutiny by Education Officers within the Inclusion Service. The Service ensures all families are invited to a meeting to discuss the implications of EHE.
42. This system has recently been streamlined to ensure that there are no delays in processing cases, and that schools advise the service via an online referral form once they have had a discussion with families who are considering EHE for their child. This is then triangulated by Education Officers through a

conversation with parents. If the school has not held a meeting with the family, the Inclusion Service will then coordinate this meeting ensuring the school is involved in the process.

43. The Inclusion Service is currently reviewing its arrangements as referrals continue to increase. While new referrals continue to be dealt with swiftly, the overall case load is growing. The Local Authority has a duty to review the education plans of families on an annual basis and to assess whether they are suitable.

### **The Education of Children Known to Children’s Social Care (Virtual School Head for Children with a Social worker)**

44. In June 2021 the DfE set out plans to extend the virtual school head role to champion children with a social worker and promote their education. In Leicestershire, this duty has been added as an extension to the role of the Inclusion Service Manager.
45. This role has been funded on a temporary basis by the Government to put provision in place for children who are currently classed as a Child in Need, on a Child Protection Plan or have been known to a social worker in the past. The role is a strategic one and involves work across different Leicestershire County Council services, partner agencies, schools, and colleges.
46. While there are currently 2630 children in Leicestershire who are known to social care, there are a number of children provided for by the Inclusion Service who are currently known to a social worker:

	Total current cases as of 23/12/21	Total number of children known to Social Care
CME	493	36*
CMN	110	1*
EHE	799	57*

\*Includes Looked after Children

47. The Inclusion Services will fulfil the local authority’s duty by ensuring that robust and appropriate processes are developed, implementation and monitored in order to ensure a quality education for those young people known to a social worker. The service will ensure that it reports performance through the correct governance arrangements within the local authority and safeguarding partners.

### **Background Papers**

Ofsted press release 2013: Local Authorities Failing Children who are Missing Education

<https://www.gov.uk/government/news/local-authorities-failing-children-who-are-missing-education>

[House of Commons Education Committee 2017-19 Forgotten children: alternative provision and the scandal of ever increasing exclusions](https://publications.parliament.uk/pa/cm201719/cmselect/cmeduc/342/342.pdf)

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

[Children's Commissioner 2019: Skipping School: Invisible Children](#)

<https://www.childrenscommissioner.gov.uk/report/skipping-school-invisible-children/>

[Timpson Review of School Exclusion 2019](#)

[https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment\\_data/file/807862/Timpson\\_review.pdf](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/807862/Timpson_review.pdf)

[Education Act 1996](#)

<https://www.legislation.gov.uk/ukpga/1996/56/contents>

[Ofsted 2019: Exploring moving to home education in secondary schools: research summary](#)

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

Section 175 Education Act 2002

<https://www.legislation.gov.uk/ukpga/2002/32/section/175>

[DfE 2021 Promoting the education of children with a social worker](#)

[https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment\\_data/file/994028/Promoting the education of children with a social worker.pdf](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/994028/Promoting_the_education_of_children_with_a_social_worker.pdf)

Transparency data 2012 NEET and participation: local authority figures

<https://www.gov.uk/government/publications/neet-and-participation-local-authority-figures>

[ACDS Press release 2021 EHE survey](#)

<https://adcs.org.uk/education/article/ehe-survey-2021-press-release>

ACDS 2020 EHE survey 2020

[https://adcs.org.uk/assets/documentation/ADCS\\_EHE\\_Survey\\_2020\\_FINALweb.pdf](https://adcs.org.uk/assets/documentation/ADCS_EHE_Survey_2020_FINALweb.pdf)

### **Circulation under the Local Issues Alert Procedure**

None

### **Equalities and Human Rights Implications**

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

### **Officers to Contact**

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