



**CHILDREN AND FAMILIES OVERVIEW AND SCRUTINY
COMMITTEE – 6 JUNE 2023**

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 the Children and Families Overview and Scrutiny Committee with an overview of the functions of the Inclusion Service and to provide an overview of the temporary strategic duty to promote the education of all children known to a social worker.

Policy Framework and Previous Decisions

2. A report on Inclusion in Leicestershire Schools was presented to the Committee on 25 January 2022 which focused on the functions of the Inclusion Service and the new responsibility for promoting the education of children with a social worker.
3. Reports on Pupils Missing out on Education were also presented to the Committee on 4 June 2019 and 21 January 2020 which focussed on the Council's response to the national reports Forgotten Children: Alternative Provision and the scandal of ever increasing exclusions (2019) and Children Missing Out on Education Report (2020).

Background

4. 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.

5. The reports, *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.
6. 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.
 - 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 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.

- 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 Department for Education (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.
 10. 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.
 11. Within Leicestershire, DfE guidance is followed in that informal enquiries are made that include a request to see the child by the Inclusion Team, either in the home or in another location. However, 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 to the parent or if safeguarding concerns exist, a referral to children's social care.
 12. In terms of 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 EHC 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

13. Current numbers of children on roll in a Leicestershire school as of Spring 2023:

Primary	54,862	54.4%
Secondary	44,237	43.8%
Special	1,741	1.8%
Total	100,840	100%

14. The table above provides the number of children on the roll of Leicestershire schools, split by primary, secondary and special 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

15. The Inclusion Service was created in September 2019, the primary purpose of the service 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. Schools have been open to all pupils for two years but the aftermath of the pandemic is still being felt by children, young people and schools; the demands on the Inclusion Service have continued to grow with the numbers of children missing education, those with medical needs and families choosing to electively home educate rising monthly.
16. 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)

17. The Service also works with schools who have children and young people who are Pupils Missing out on Education (PME) due to low attendance through supporting schools to adopt inclusive practices and providing challenge where necessary.
18. 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.
19. 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.
20. The Inclusion Service is led by a service manager who is supported by four managers within the Service. The Pathway Manager who 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. Two managers are Team Managers who each have oversight of a team of Education Officers, Graduated Response Inclusion Practitioners (GRIPS) and Youth Workers. The Education Officers work with families and schools to ensure that a clear plan for education is in place and reviewed regularly. Education Officers meet children and young people in their homes or in public places as well as attending meetings in schools.
21. In May 2022, the Court Team joined the Inclusion Service, having been previously a part of the Admission Service. The same month, new government guidance was published outlining the increased duties of local authorities in the document Working Together to Improve School Attendance (2022).
22. The Court Team were renamed as The Attendance Team to reflect the new duties and to emphasise that their primary role is to support children and young people back into school, not to fine and prosecute families. This addition to the wider Inclusion Service has been an asset as both teams have the same objective: to get children into school.
23. Where the child has barriers themselves such as mental health difficulties the Inclusion Education Officers and GRIPs provide support to help them to overcome these. Where the barrier to attendance is the parent or carer, the Attendance Team provide the necessary lever to encourage engagement with support. Many cases of children or young people can sit between the two areas and so joint working is required. Having Inclusion and Attendance under the same umbrella has made joint working easier and more productive allowing us to streamline processes and facilitate multi-agency working where appropriate.

Children Missing Education (CME)

24. There has been a marked increase in the number of CME over the past four years. The pre-Covid numbers are telling, but numbers have continued to rise in the two years since schools opened up. Some children and young people who missed schooling due to Covid lockdowns are still struggling to attend and struggling with anxiety. The impact lockdowns on their mental health continues to be felt in 2013.

		2018/19	2019/20	2020/21	2021/22	2022/23 up to 15/05/2023
On roll	Whereabouts Known	63	209	372	385	326
	Whereabouts not known	119	167	221	227	512
Not on roll Statutory Duty cohorts	Whereabouts Known	34	46	136	129	46
	Whereabouts not known	34	24	30	23	20
Total		250	446	759	764	904

25. Reasons for CYP not attending school include:
- Incident in school that family feels is unresolved
 - School place in desired location not available
 - Family feel that the school are not meeting their child's needs
 - Risk of exclusion
 - Family move (without notifying school/LA)
 - Other mental health concerns
 - Trauma experienced by CYP/family
26. Families, children and young people who have experienced trauma, are signposted to support services by education officers dealing with their case. The Inclusion Service have also had training as a team in childhood trauma, how these can affect children and young people both at the time and later in life. The service have also had training in de-escalating situations where children and young people demonstrate challenging behaviours as a result of past traumas.

Exclusions

	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

East Midlands Average – 2020/2021	4.4	0.05
National Average – 2018/2019	5.36	0.1
National Average – 2019/2020	3.76	0.06
National Average – 2020/2021	4.25	0.05
Leicestershire – 2018/2019	3.64	0.02
Leicestershire – 2019/2020	2.54	0.02
Leicestershire – 2020/2021	2.95	0.01

27. The East Midlands and National data is taken from the DfE reporting using the School Census.

School Type	Exclusion	2019/20	2020/21	2021/22	2022/23 to date (end of Dec 22)
Primary	Permanent	9	1	2	2
	Fixed term	467	366	613	242
Secondary	Permanent	13	6	22	19
	Fixed term	2153	2563	4733	2474

Note: The data noted is for the action of exclusion (fixed or permanent) not the number of young people.

28. Children and young people have struggled with the return to school in the aftermath of the pandemic. Those children who missed much of Years 5 and 6 or 6 and 7 have found the transition from primary to secondary school problematic. There has been a significant rise in the number of children at KS3 (aged 11-14) being permanently excluded or directed to learn offsite. The provision and support that a primary school can offer is very different from what is available in a secondary setting. Schools are applying for Education, Health and Care Plans (EHCPs) for Year 7s who have not been with them for long in an attempt to secure funding that can be used for extra or alternative provision.
29. 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.
30. 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. The rise in exclusions has resulted in challenges at primary level but more markedly at secondary level with one area SEIP unable to accept any further referrals, including for permanently excluded children. These children have become the responsibility of the Inclusion Service.

Children with Medical Needs

	2020/2021	2021/2022
Annual total of cases	161	153

31. 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 who are struggling with anxiety and feel unable to cope with the large and noisy environment of school. Each month the service experiences some CYP previously classed as CME become CMN when they provide the level of medical evidence required to receive tuition through the LA.
32. 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.
33. The service to support these children is through 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. 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.
34. 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. Where schools do not agree to the recoupment policy, they may decide to put their own tuition into place, using staff from their school to maintain provision for the children and young people on their roll who is too unwell to attend.
35. The Service also has the offer of 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. While this technology is impressive and effective, the robot itself is better suited to use in a primary setting, where classes take place in the same room throughout most of the day. Most of the CMN cases within Inclusion are for secondary aged young people. As a result, the AV1 robots are now offered to primary aged children who are missing education (CME), they are not able to attend school but there is no medical evidence in place to support their absence.
36. The AV1 robot is now used as an early intervention to encourage children back into school swiftly, before they reach the status of CMN, due to being out of

school for so long, their barriers are significant and they need their learning to take place outside of a school setting.

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

37. 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. In reporting, Local Authorities are placed in quintiles according to their performance. For 2020/21 the performance was as follows:

Unknown (16-17)	2%	Quintile 4
NEET (16-17)	1.3%	Quintile 1
Overall (16-17)	3.2%	Quintile 2
Sept Guarantee	96.2%	Quintile 3
Participation	96.3%	Quintile 1

38. The September guarantee is where a Year 11 pupil has an offer for post 16 education. Those students classed as *unknown* are those who the service holds no information about post 16 destinations. Information about destinations is reported to the service by schools, colleges, and other providers, as well as from the families and young people themselves.
39. As of September 2022, Leicestershire demonstrated great improvements, being placed in quintile 1 for both the NEET figures (due to them being low in comparison with national data) and the participation figure (due to a high percentage of young people participating in education, employment or training). Work continues to encourage young people in Year 12 to engage with the service when it reaches out to them to find out their status. The service also work with secondary schools to source information which helps us to reduce the 'unknown' figure.

Figures for 21/22 academic year:

2022/2023	September	October	November	December	January	February	March
NEET	95 (0.63%)	95 (0.65%)	100 (0.69%)	106 (0.73%)	112 (0.77%)	117 (0.81%)	140 (0.97%)
Unknown	8643 (57%)	3742 (25.89%)	2720 (18.82%)	2126 (14.72%)	415 (2.87%)	407 (2.81%)	364 (2.5%)
Overall	8738 (57.63%)	3837 (26.54%)	2820 (19.5%)	2232 (15.45%)	527 (3.66%)	524 (3.63%)	504 (3.45%)
Sept Guarantee single submission	TBA	TBA	TBA	TBA	TBA	TBA	TBA
Participation	N/A	N/A	N/A	N/A	N/A	N/A	N/A

40. Over the academic year, the number of EET cases has increased overall but the number of unknown students continues to fall. As data becomes available, the service can identify the destination of students. Any students who are

without provision as signposted to appropriate resources and sources of support. Those who are vulnerable, either through having SEND needs that require an EHCP or having been in the care system, are eligible for intense support from Education Offices who specialise in EET.

41. The Inclusion Service offers a high level of support to these vulnerable young people, ensuring that they are aware of the opportunities open to them, through job, apprenticeship, and education provision searches. The officers then identify suitable opportunities as well as upskilling the young people to conduct their own searches. Further support is given to ensure that young people can make successful applications and perform well at interview.

Electively Home Educated Children (EHE)

42. EHE Children are those children who are educated at home through parental/carer choice. They are not on the roll of any school; families are responsible for planning, resourcing and delivering all aspects of their education. The annual figures covering the last three years of EHE children are:

Year	Annual Total	Autumn Term	Spring Term	Summer Term
2019/20	832	627	707	735
2020/21	1058	729	811	877
2021/22	1185	929	958	1047

43. As in other areas of the country, the service continues to see a rise in the number of referrals for EHE. A national survey conducted in November 2021 by The Association of Directors of Childrens Services found that there had been a 34% rise in the number of children who are electively home educated over a twelve-month period. Referral forms require schools to confirm that they hold robust conversations with families looking to home educate. The service then triangulate this when making contact with families that are new to EHE. The level of support offered to EHE families have been enhanced, with termly webinars taking place offering support to all families who are new to home education.
44. In the autumn term, the service offers a session to parents and carers of Year 11 young people. This session is run jointly by the EHE and the EET teams. Advice and support on entering and sitting examinations as well as post 16 options is shared. Invites to all EHE webinars are by direct invitation; the service does not seek to promote this method of education, only to support it once it has been chosen.
45. The main reason for families choosing this option over the past twelve months has been due to breakdowns in the relationships between schools and families – which has then often led to attendance difficulties. The data below is taken from March 2023 and gives a sample of the reasons families have stated as their motivation for choosing EHE:

School Anxiety	1
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Lifestyle/Cultural	2
Medical reasons	4
School unable to meet needs	3
Attendance difficulties	11
School relationship breakdown	9
Problems with SEN provision	1
None recorded	4
Bullying	3
Emotional/behavioural	4
Other	9

46. 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.

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

47. In June 2022 the DfE set out plans to further extend the virtual school head role to champion children with a social worker and promote their education. In Leicestershire, this duty is undertaken by the Inclusion Service Manager.
48. The duty is funded by the DfE 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 LCC services, partner agencies, schools, and colleges.
49. The Inclusion Services fulfils the Council's duty by ensuring that robust and appropriate processes are in place to ensure a quality education for those young people known to a social worker. Where children known to a social worker are out of education or at risk of exclusion, the Service prioritises them and works with children's social care to support schools and the children and young people themselves. There has also been a training offer in trauma informed practice to all schools through the Inclusion Service.

Background Papers

Inclusion in Leicestershire Schools, January 2022

<https://politics.leics.gov.uk/ieListDocuments.aspx?CId=1043&MId=6880&Ver=4>

Pupils Missing out on Education in Leicestershire, 4 June 2019

<https://politics.leics.gov.uk/ieListDocuments.aspx?CId=1043&MID=5683>

Pupils Missing out on Education in Leicestershire, 21 January 2020
<https://politics.leics.gov.uk/ieListDocuments.aspx?CId=1043&MID=6179>

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>

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

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

Transparency data 2012 NEET and participation: local authority figures
<https://www.gov.uk/government/publications/neet-and-participation-local-authority-figures>

Elective Home Education Survey 2021, November 2021
https://adcs.org.uk/assets/documentation/ADCS_EHE_Survey_2021_Report_FINAL.pdf

Working together to improve school attendance, May 2022
<https://www.gov.uk/government/publications/working-together-to-improve-school-attendance>

Circulation under the Local Issues Alert Procedure

None

Equalities Implications

50. There are no equality implications arising from this report.

Human Rights Implications

51. There are no human rights implications arising from this report.

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