



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

**9 JUNE 2014**

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

#### **CHILDREN MISSING EDUCATION AND PUPILS MISSING OUT ON EDUCATION**

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

1. The purpose of this report is to inform the Children and Families Overview and Scrutiny Committee about:
  - a) the new statutory guidance issued by the Department for Education in November 2013 on 'Children Missing Education';
  - b) the Ofsted report also issued in November 2013 on 'Pupils Missing Out on Education';

and the subsequent implications for and actions taken by the Authority.

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

2. The Education Act 1996 sets out the statutory duty for local authorities to arrange suitable full-time education for all children of compulsory school age at school, or otherwise for children and young people who do not attend school in the usual way.<sup>1</sup>
3. Related legislation for local authorities and for schools regarding the safeguarding of children not being educated in school is set out in the Children Act 1989, the Education Act 2002 and the Children Act 2004.
4. Local authorities can use a range of other duties and powers to support their work on children missing education (CME) and pupils missing out on education (PME) such as providing full-time education for permanently excluded pupils, serving notices on parents requiring them to satisfy the local authority that their child is receiving suitable education, issuing school attendance orders and prosecuting or fining parents who take their children out of school without permission.

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<sup>1</sup> 'Usual way' refers to the provision attended by the vast majority of children and young people of compulsory school age in England. Typically they attend school for between 21 and 25 hours a week, as appropriate for their age, for 38 weeks a year.

5. In November 2013 the Department for Education (DfE) issued new statutory guidance about CME, replacing the 2009 guidance.
6. Also in November 2013, Ofsted issued its report about PME, examining the experiences of children and young people who are not in full-time education in school. This national report found poor quality and insufficient provision for many of these young people and incomplete information at a local level in the 15 local authorities, 37 schools and 97 case records that it scrutinised.
7. The new single Ofsted inspection of children's services also came into force in 2013. PME is a theme contained within the single inspection framework and cases will be identified and scrutinised by inspectors.
8. In 2012 the County Council's Attendance Improvement Service was disestablished and the responsibility fully delegated to schools in line with the Education Act 2011. However, all schools, including academies, free schools and independent schools, have a responsibility to share information with the Authority about any pupil who is out of school for 15 days or more. Local authorities are expected to hold comprehensive and accurate information about all children and young people who are not in receipt of full time education and a list of individual pupil level data.
9. In 2013 the County Council's Cabinet agreed to delegate funding to the 5 Leicestershire Behaviour Partnerships to support alternative education provision for young people in receipt of fixed term exclusions or at risk of permanent exclusion at Key Stage (KS) 4 and to devolve funding to the same Behaviour Partnerships for KS3 provision. The County Council continues to maintain a Pupil Referral Unit for KS2.

### **Background**

10. Children and young people who are not being educated can quickly become at risk of failing academically and socially. If their whereabouts then becomes unknown, they may be particularly at risk of physical, emotional and psychological harm.
11. The groups of children and young people who are identified as being at particular risk of missing education (CME) in the DfE guidance are:
  - a) Pupils suffering abuse or neglect;
  - b) Children of Gypsy, Roma and Traveller families;
  - c) Families of Armed Forces;
  - d) Missing children/runaways;
  - e) Children and young people supervised by the Youth Justice System;
  - f) Children who cease to attend a school.
12. The new guidance places greater emphasis on the role of the Authority to check with other local authorities when a child has moved and share information to ascertain where they have moved to, and to raise awareness of their procedures with local schools and other agencies working with children and families.

13. The groups of children and young people who are the focus of the Ofsted report on PME are those who:
- a) Have been permanently excluded;
  - b) Have particular social and behavioural difficulties and have personalised learning plans. This means that, by arrangement, they do not attend their usual school full time;
  - c) Have mental health needs and access Child and Adolescent Mental Health Services (CAMHS), either as an in-patient or through services provided in the community;
  - d) Have medical needs other than mental health needs;
  - e) Rarely attend school and have personalised learning plans as part of attempts to reintegrate them into full-time education;
  - f) Are pregnant or are young mothers of compulsory school age;
  - g) Have complex needs and no suitable place is available;
  - h) Are returning from custody and a school place has not been found for them;
  - i) Are new to the country and awaiting a school place;
  - j) Are from a Gypsy, Roma or Traveller background and alternative provision has been made.

14. The PME report identified key recommendations for schools, local authorities and Ofsted.

**i. The recommendations for local authorities are:**

- a) To establish a central record of all children not accessing full time education in the usual way, including those who are accessing alternative provision full time away from mainstream school, regardless of where they are on the roll, and to maintain good information about the achievement and safety of any child or young person not accessing education in the usual way;
- b) Identify clear lines of accountability for the quality and amount of provision, as well as the educational and social outcomes, for all children and young people of compulsory school age who do not access education in the usual way; taking note of the survey's findings that it was most effective when a *named person* at a senior level was held to account for this statutory duty;
- c) Share information across local authority boundaries in a timely and appropriate way to minimise interruption to a child or young person's educational provision;
- d) Ensure that every child is on the roll of a school, regardless of circumstances, unless parents have elected to educate their child at home.

**ii. The recommendations for schools, including academies and free schools are:**

- a) with immediate effect, stop unlawful exclusions and provide suitable support for children and young people with behavioural difficulties;
- b) establish clear accountability for the achievement, safety and personal development of all children and young people who are on the school roll but not accessing school in the usual way, and for the quality and amount of provision made for them;
- c) inform the local authority of any part-time education arrangements, regardless of the type of school <sup>2</sup>;
- d) keep children and young people on the school roll during periods of illness or custody (or for as long as it is relevant), in line with Government policy and guidance;
- e) respond quickly to any early signs of children and young people's raised anxiety or dips in their progress, attendance or engagement in learning;
- f) give governors sufficient information about children and young people who are not accessing school in the usual way, so that governors can challenge the amount of provision being made and evaluate its effectiveness.

**iii. The recommendations for Ofsted are:**

- a) as part of its Integrated Looked After Children and Safeguarding inspections of local authorities, ask for a report on children for whom the local authority is responsible who are of school age and **who are not in receipt of full-time school education** at the time of the inspection;
- b) this report should include for each child: the child's unique ID; date of birth; Unique Pupil Number (UPN); type of educational provision being received, including home tuition; number of hours provision each week (in particular whether the child is receiving more or fewer than 25 hours); if the child has been excluded, the type of exclusion and the date when the alternative provision began. This information will inform the selection of cases for further examination, including in relation to any safeguarding concerns, and may affect the overall inspection judgements;
- c) regard any failure by local authorities to comply with their statutory duty as a matter likely to affect the overall judgement on safeguarding;
- d) continue to ensure that all school inspections evaluate the effectiveness of arrangements for children and young people who are not able to access education in the usual way;
- e) ensure that meetings between local authority officers, Ofsted's Regional Directors and Ofsted's Senior Her Majesty's Inspector (HMI) include a focus on the amount and quality of education, as well as the

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<sup>2</sup> This includes schools maintained by the local authority, academies, free schools and independent schools.

progress, attainment and safeguarding of children and young people who are not accessing education in the usual way;

- f) review the findings from the local authority inspections at regular intervals and use these to inform future actions;
- g) ensure that enhanced training for inspectors of special schools and pupil referral units includes updated guidance for evaluating the quality of provision for children and young people who are not accessing full-time education, using the good practice found during this survey.

### **Current position in Leicestershire**

15. Following publication of the new Statutory Guidance, the Ofsted report and the Single Inspection Framework, the Director of Children and Family Services and the Assistant Director for Children's Social Care undertook an unannounced audit of PME/CME and found that whilst teams across the Department were focusing on all of the groups of pupils identified as CME and/or PME, there was no centralised approach and there was not a consistent cross-checking of case records between education services and social care services. As a result, this area of work was been prioritised for improvement and specific improvement activities were identified. The Departmental Management Team has received a monthly progress report and there is an improving picture in relation to the recommendations outlined in the Ofsted report as set out in Appendix 'A'. As at 16<sup>th</sup> May 2014 there were 84 children who are not on a school roll or electively educated suitably at home. A comparison between the Leicestershire position and our comparator local authorities is at Appendix 'B'.
16. The initial focus has been on the CME group of children and young people. Some case study examples of actions taken are set out in Appendix 'C'.
17. Following four months of improvement activity the improved joint work between Pupil Services (who deal with PME/CME) and the First Response Children's Duty Service has resulted in enquiries about individual children and young people always including analysis across all information departmental databases, e.g. Capita One and Framework-I. In turn, where it has become apparent that there may be a safeguarding concern a concurrent safeguarding assessment has been carried out. At the end of April the strengths and development areas in the system were re-visited and identified as follows:

#### **STRENGTHS**

- Good systems and procedures to track CME;
- Established links to other services and agencies, particularly First Response;
- Good relationship with schools, Behaviour Partnerships, other local authorities and commissioned providers;
- Clear understanding of responsibilities;
- Strong sense of moral purpose to do the right thing;
- Good training practices;
- Continually improving position in terms of open case;

- Low incidence of safeguarding issues and a speedy response when issues were identified.

#### **DEVELOPMENT AREAS**

- Need for focus on PME cohorts in addition to CME;
  - Need to establish clear lines of leadership, governance and accountability across the Authority for all children and young people designated as PME, including reporting arrangements for Departmental Management Team and to the Lead Member;
  - Further develop current systems for data management (through Capita One/Framework-I) to enable a central record of PME and a more co-ordinated centralised approach;
  - Develop clear and consistent procedures/ protocols for the management and review of any open cases. This will also focus on the benefit of accessing other data sources, for example Facebook;
  - Undertake further baseline work in relation to all areas of PME and data management, to enable the development of a set of performance indicators, using the Ofsted exemplar data tracking sheet as a starting point;
  - Strengthen the relationship with schools (including independent providers) and Behaviour Partnerships so as to ensure effective reporting, stronger accountability and the production of timely and accurate data;
  - Ensure that appropriate systems and procedures are in place to validate the quality of education provision for PME;
  - Ensure that every child designated is on the roll of a school unless the child is Electively Home Educated.
18. A PME project is now being developed alongside the CME improvement work and this area has also been identified as a focus for the Peer Review<sup>3</sup> of Children and Family Services which will take place on 10<sup>th</sup>, 11<sup>th</sup> and 12<sup>th</sup> June 2014.
19. The PME project includes the following key areas:
- a) Developing a co-ordinated pupils missing out on education policy;
  - b) Developing the relationship with schools and Behaviour Partnerships, to ensure the fulfilment of each party's obligations in relation to the data exchange required by the Authority;
  - c) Developing relationships with independent/private schools in relation to information sharing regarding pupils missing out on education;
  - d) Improving the data quality within the Authority with which to report on pupils missing out on education;
  - e) Establishing a central system for collating information about all pupils not accessing full-time education;

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<sup>3</sup> Local Authorities in the East Midlands region are part of a programme of peer reviews where each local authority identifies key areas for in depth scrutiny. A team of colleagues from across the region will visit Leicestershire in June. Leicestershire led the peer review of Derby City earlier in the academic year.

- f) Identifying clear lines of accountability for the provision in terms of quality, quantity, educational and social outcomes;
- g) Ensuring that every pupil is on the roll of a school unless the child is Electively Home Educated;
- h) Determining the frequency of reporting to the Departmental Management Team and the Lead Member throughout the lifespan of the project;
- i) Ensuring the incorporation of performance reporting into the regular Departmental arrangements through the Children and Families Overview and Scrutiny Committee.

### **Resource Implications**

20. Departmental resources have been re-directed in order to respond to the needs of this new work area and additional resource has been secured in order to provide the analysis required to support the PME project. As the project develops, this will help to inform changes to current working practice and service structures.

### **Conclusion**

21. It is appropriate that this area of work is being highlighted nationally. Our evaluation has shown that there are improvements to be made in our current practice to ensure that we have a more coherent approach. This is also likely to be an area of investigation during the single inspection of children's services. There has been good progress since January in bringing together the information that we hold for CME and PME. The PME project will help to accelerate progress further, particularly with regard to sharing information between partners and keeping a central record.

### **Equal Opportunities Implications**

22. The work highlighted in this paper is a positive addition to Leicestershire County Council's existing policies, as it brings together the scrutiny of educational provision and outcomes and safeguarding for the most vulnerable children and young people at a strategic level, identifies immediate actions that have been taken in support of vulnerable children and young people, and makes improvements to our current systems and practice.

### **Safeguarding Implications**

23. There are clear links between being assured that pupils are in education and knowing that they are safe.

### **Background Papers**

24. None

**Circulation under the Local Issues Alert Procedure**

25. None.

**Officers to Contact**

Lesley Hagger  
Director, Children and Family Services  
Tel: 0116 305 6340  
Email: [Lesley.Hagger@leics.gov.uk](mailto:Lesley.Hagger@leics.gov.uk)

Gillian Weston  
Assistant Director, Education, Learning & Skills  
Tel: 0116 305 7813  
Email: [Gillian.Weston@leics.gov.uk](mailto:Gillian.Weston@leics.gov.uk)

JoAnne Rees  
School Appeals & Pupil Services Manager  
Tel: 0116 305 8162  
Email: [Joanne.Rees@leics.gov.uk](mailto:Joanne.Rees@leics.gov.uk)

**Appendices**

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| Appendix A | Current Leicestershire position with regard to the recommendations from the Ofsted PME Report |
| Appendix B | Comparator data   |
| Appendix C | Case Studies  |



## APPENDIX A

**Current Leicestershire position with regard to the recommendations from  
the Ofsted PME Report**

| Recommendation:   | Where Leicestershire is now:   |
|---|--|
| <p>Establish a central record of all children not accessing full-time education in the usual way, including those who are accessing alternative provision full time away from mainstream school, regardless of where they are on roll; and maintain good information about the achievement &amp; safety of any child or young person not accessing education in the usual way</p>                         | <p>CME Capita One data entry guide completed and in use.<br/>Feasibility study started to determine how to bring together information that exists in different operating systems (Capita One/Framework I, Careworks). Arrangement in place with Behaviour Partnerships to ensure that information is routinely shared with the LA and that the LA acts on information given.<br/>Developing quality assurance process for alternative provision.<br/>Workforce training in place.<br/>Liaison with CAMHS in place.<br/>FE sector to be added to stakeholder group.</p> |
| <p>Identify clear lines of accountability for the quality and amount of provision, as well as the educational and social outcomes, for all children and young people of compulsory school age who do not access education in the usual way; taking note of the survey's finding that this was most effective when a <i>named person</i> at a senior level was held to account for this statutory duty</p> | <p>Assistant Director for Education, Learning and Skills identified as accountable for the statutory duty. Monthly reporting to Departmental Management Team and Lead Member to continue to end of PME project. Performance reporting to be included in departmental dashboard and quarterly reports to Children and Families Overview and Scrutiny Committee. Location of departmental resource to support CME/PME be reviewed as part of the remodelling of early help, social care and education services.</p>  |
| <p>Share information across LA boundaries in a timely and appropriate way to minimise interruption to a child or young person's educational provision</p>   | <p>Individual services already share information across local authority boundaries – protocol will be refreshed. Private Facebook page in place for searching for children whose whereabouts are unknown.</p>  |

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| <p>Ensure that every child is on the roll of a school, regardless of circumstances, unless parents have elected to educate their child at home</p> | <p>Some of these children are captured as children 'at risk' of missing education as part of 'business as usual' CME work but will be extended to PME as part of PME project.</p> <p>New report developed to identify all children who have had an admissions request refused in the main round of admissions (first time admissions, mid-term admissions and transfers).</p> |
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## APPENDIX B

## Comparison with other LAs (Data from CME Regional Meetings)

| LA               | <i>Not on roll &amp; whereabouts known</i> | <i>Not on roll &amp; whereabouts unknown</i> | <i>Not on roll &amp; whereabouts known</i> | <i>Not on roll &amp; whereabouts unknown</i> |
|------------------|--|--|--|--|
|                  | 30 <sup>th</sup> September 2013            |  | January 2014                               |  |
| Birmingham       | 132  | 500  | 27   | 327  |
| Derby City       | 122  |  | 30   | 123  |
| Derbyshire       | <i>No data available</i>                   |  | 14   | 44   |
| Dudley           | 84   | 25   | 54   |  |
| Gloucestershire  | 13   | 12   | 7  | 2 (35 closed)                                |
| Herefordshire    | <i>No data available</i>                   |  | 2  | 8  |
| Leicester City   | 26   | 249  | 46   | 485  |
| Leicestershire   | 25   | 132  | 9  | 84   |
| Northamptonshire |  |  |  | 182 (115 old)                                |
| Nottingham City  | 205  |  |  |  |
| Nottinghamshire  | <i>No data available</i>                   |  | 175  |  |
| Rutland          | <i>No data available</i>                   |  | 1  | 1  |
| Solihull         | <i>No data available</i>                   |  | 1  | 5  |
| Staffordshire    | 10   | 149  | 4  | 287  |
| Stoke on Trent   | 13   | 3  |  |  |
| Telford & Wrekin | 3  | 19   | 29   | 6  |
| Walsall          | 43   | 285  | 54   |  |
| Warwickshire     | 50   | 4  | 8  |  |
| Wolverhampton    | 84   |  | <i>No data available</i>                   |  |
| Worcestershire   | 36   | 40   | 46   | 26   |

## APPENDIX C

**Case Study 1:**Background:

- Sep 2011 child left school. Panel update, open to Elective Home Education.
- Social care check completed – known, no safeguarding concerns.
- Oct 2011 – applied for school, place not taken up.
- 2013 – health check, believed to have moved to Devon to an address on travellers site provided by mother. Devon local authority checks completed. No trace.

2014 Safeguarding work completed:

- Google satellite images completed – no traveller site on address provided by mother.
- Names nurse check – child believed to have moved to Seaton in August 2013.
- Framework-I check – mother's details identified.
- Named nurse check done on mother's details. GP identified and confirmed mother still registered and attending appointments recently. Agreed to pass on a message to her.
- CME receive contact from mother threatening to sue the NHS. Confirmed child still in Leicestershire.
- CME home visit – refused access to child.
- Missing child report to police – refused to do safe and well check.
- CME First Response discussion – agreed that letter be sent to mother advising that if the child is not presented during the next CME home visit, case will be allocated under S47<sup>i</sup>.

Outcome: Child seen, established to be safe and well. No safeguarding concerns and deemed to be suitably home educated. Follow up contact with parents arranged.

**Case study 2:**Background:

- Referred to PME October 2012 by the school.
- Home property is empty, believed to have moved to Burton upon Trent, or mention of them moving to Canada. Mother has a history of multiple housing moves.
- Neither Staffordshire nor Stoke authorities had any record of the children.
- 2013 - no trace of children in Darlington or surrounding area.

Safeguarding work completed in 2014:

- First Response - children's background systems checks initiated.
- Mother known to suffer from depression. Adults background check – nil return.
- Patient Records check – trace to Durham/Darlington area.
- Facebook trace to Canada.
- Contact with Canadian Embassy. Canadian database check – nil return.

Outcome: Canadian school admissions database check – located in Beaumont, Alberta. Children deemed well, no safeguarding concerns.

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<sup>i</sup> This means that a further investigation is needed after the initial assessment following an inquiry about a child's safety and well being. The power for social services to carry out this enquiry comes from section 47 of the Children Act 1989 and the process may be referred to simply as a 'section 47 enquiry'.