

# CHILDREN AND YOUNG PEOPLE OVERVIEW AND SCRUTINY COMMITTEE

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## CHILDREN MISSING EDUCATION

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### Summary

This report sets out the current position on children who are missing education in Medway. A child “Missing Education” is defined as a child of school age who is not on a school roll, nor being educated privately or at home. Some children have left Medway without providing a forwarding address or information about their destination school.

There are also children who miss school through parental neglect or connivance, or others who are permanently excluded and are awaiting a new educational placement.

Information on children who are educated at home is detailed in this report.

### 1. Budget and Policy Framework

This report seeks to inform Members of the services provided by officers for children who are missing education (CME). These are statutory duties and have a direct relationship to safeguarding (see paragraph 2.10). As such, the report is linked to the Council Plan priority of children and young people having the best start in life.

### 2. Background – children missing education

- 2.1 Medway Council is committed to ensuring that all children are able to access high-quality, full-time education that is suited to their needs, interests and abilities. Section 436A of the Education Act 1996, as amended by the Education Inspections Act 2006, requires all local authorities to make arrangements to enable them to establish the identities of children residing in their area who are not receiving education. Suitable education is defined as efficient full time education suitable to age, ability and aptitude and to any special education needs the child may have.
- 2.2 The duty applies to children of compulsory school age who are not on a school roll and are not receiving a suitable education at home, privately or in alternative provision.

- 2.3 Children who do not receive a suitable education are at risk of a number of negative outcomes. They are more vulnerable to becoming NEET, they may engage in anti-social behaviour, and they are more likely to enter the criminal justice system.
- 2.4 Section 7 of the Education Act 1996 places a duty on parents and carers to ensure that children receive an education. This must be suitable to the child's age, abilities and aptitudes, and be appropriate to any special needs that the child may have.
- 2.5 For the purposes of this report, "children missing education" is taken to be children who are not on the roll of an education provider, or that elective home education is not assessed as adequate to meet the needs set out in Section 7 of the Education Act 1996.
- 2.6 There is no national data on how many children are missing education. This is largely because any local picture is inevitably only a snapshot of the situation on any given day. However, an article written in 2011 for the Times Educational Supplement estimated that 12 000 children are missing education at any one time.
- 2.7 As an indication of the local picture, in 2012-13, ASSA dealt with 131 cases of children missing education in Medway. The team also had 198 "outgoing" cases (ie cases passed on to other authorities or agencies).

### **3. Children at risk of missing education**

Some groups of children are particularly vulnerable to missing education. These children include:

- Children who are under the supervision of the youth justice system
- Children of families fleeing domestic abuse
- Children whose families are homeless
- Young runaways
- Children whose families are involved in anti-social behaviour
- Children subject to a child protection plan
- Children affected by substance misuse
- Unaccompanied asylum seekers
- Children of new immigrant families
- Children of mobile families, such as those in the armed forces
- Children from Gypsy, Roma and Traveller families
- Children who have been bullied
- Children whose home education is not sufficient or suitable
- Children who have suffered discrimination or bullying
- Children who are at risk of sexual exploitation or who have been trafficked.

### 3.1 Other groups also at risk are:

- Children who have been permanently excluded and who cannot access PRU or alternative provision placements
- Children who have not been allocated the school of their choice at secondary transfer
- Teenage parents
- Children remanded to secure accommodation
- Children with mental health needs
- Children of families who move out of area and who are not enrolled at a new school

## 4. Attendance Advisory Service for Schools and Academies (AASSA)

4.1 The role of AASSA is pivotal in ensuring that those children in Medway at risk of missing from education are quickly identified and promptly returned to a suitable education provision. By having clear guidance, policies and procedures in place across Medway, all professionals and the public will be in a position to ensure support for some of the most vulnerable children within our community.

4.2 Children may be referred to AASSA through a number of routes: schools, members of the public, agencies such as Health services, and the Medway School Admissions team. Other local authorities may also contact Medway to either pass on or request information about a child.

4.3 The role of the Children Missing Education Practitioner (CMEP) within Medway AASSA is to monitor the data regarding these children and to ensure that all children identified as missing education are tracked and appropriate action taken to engage them in suitable education. Numbers of children identified are reported to the Director of Children's Services in a termly report.

4.4 The manager of the AASSA is responsible for the management of work relating to children missing education. Their duties include:

- Supervision of the process to ensure that procedures are in place and followed to safeguard children missing education
- Supervise the CMEP and the advisory attendance practitioners to ensure that casework is of high quality and that legal duties are being met
- Ensure that schools and academies carry out their responsibilities with regard to children missing education
- Identify and strengthen links with partner agencies working in this field to ensure timely reporting and action
- Oversee legal procedures to compel registration of a child where necessary (School Attendance Order)
- Ensure that line managers and senior management teams are kept informed of barriers to working with children who are missing education and are alerted to concerns regarding individual pupils
- Keep policies and procedures in line with government guidance and legislation

- Make reports as required to Members and the Local Safeguarding Children's Board
- 4.5 The CMEP will also ensure that information relating to children missing from Medway schools or academies is shared with appropriate partners and other Local Authorities.
- 4.6 There are a number of information-sharing mechanisms in place:
- ASSA's own database
  - Impulse
  - School 2 School (secure website operated by the Department of Education, to which all Local Authorities have access)
  - Police and Social Care protocols, data bases and processes
- 4.7 The AASSA database holds information on children who have been removed from a school/academy roll. It also records the "reasonable enquiries" that AASSA is required to undertake in order to find the child.
- 4.8 "Reasonable enquiries" will include visits to the family home, speaking to housing providers, benefits and tax officers, contact with other services such as women's refuges, and requests for information from partner agencies and other local authorities.

## **5. Safeguarding**

- 5.1 Schools have an obvious role to play in safeguarding processes. In many cases it is a school which first alerts other services to child protection concerns; as reaction to the Daniel Pelka tragedy shows, there are high expectations that schools will fill this role competently.
- 5.2 When children are not in school they obviously lose this layer of safeguarding. It is important therefore that children missing education receive as much protection as possible.
- 5.3 The AASSA undertakes the following activity with regard to safeguarding:
- 5.4 Forum meetings are held annually which bring together all agencies with a role to play in identifying and supporting children who are not in education
- 5.5 The CMEP works with the Department of Work and Pensions in carrying out street visits in areas identified as suffering from multiple problems. These are co-ordinated via a hub at Medway police station and involve partners such as Safer Communities, the UK Border Agency, young carers and other uniformed services. This approach allows AASSA to raise its profile and to ensure that partners are aware of the need for vigilance and an awareness of child protection implications when dealing with families where children may be missing education.
- 5.6 The CMEP is also a part of the Domestic Abuse Notification pilot scheme. This means that AASSA is notified as soon as a link is made between a child not attending school and a known incident of domestic abuse. The CMEP can

then carry out a home visit to ensure that the family is offered support and to take all possible steps to get the child into education.

## **6. Safeguarding in Home Education**

6.1 Medway Council acknowledges that the vast majority of parents who choose to educate their children at home do so in a manner which keeps their children safe and happy. However, we recognise that a child who is being educated at home may be more vulnerable to abuse or neglect than one who is seen at school. To this end we strongly encourage all parents who choose to home educate to liaise with the advisory teacher at Medway Council who can offer educational advice as well as provide a safeguarding role.

6.2 The Inclusion team at Medway Council notifies partner agencies, including social care, when parents are considering removing their child from school. This notification asks partners to inform the team of any known concerns around that child, which can then be taken into account when dealing with the family.

## **7. Processes followed when a child is missing education include:**

### **7.1 Children arriving in Medway for whom a school place has not been arranged**

7.2 In some cases parents/carers are actively trying to arrange a place for the child. In these instances, AASSA will offer support and guidance through the process in order to get the child into a suitable school as quickly as possible. This may involve taking the case to the Fair Access Panel or through other services such as the Special Educational Needs team.

7.3 In other cases, AASSA may need to invoke legal powers to impel the family to enrol the child in a school. This process will involve the CMEP carrying out a home visit to explain the seriousness of the situation and the fact that the family risks legal action if a school place is not sought and home education is not provided or suitable.

## **8. Children who leave Medway without notification of their next school**

8.1 This scenario involves close multi-agency working with social care and educational services. AASSA will liaise with these teams to ascertain as much as can be learned about the child, their destination, and the family's plans for their education. The child's details may be logged on School 2 School so other authorities are alerted to the fact that the child may arrive in their area with no allocated school place arranged. In cases where there are safeguarding concerns, Social Care and Kent Police will be notified, as will the senior practitioner where the child is subject to any Child Protection or Child In Need plans.

8.2 It may be that the child is then found to have remained in Medway. In these cases he or she will be treated as any other child without a school place.

8.3 If the child is found to have moved to another local authority, then the team with responsibility for children missing education in that area will be notified.

8.4 If the child is not located, their details remain on the Children Missing Education database and stays there until he or she is found or otherwise reaches the age of 17.

## **9 Children who do not take up allocated school places**

9.1 If an allocated school place is not taken up, the admissions team will issue the family with a letter giving them seven days in which to do so. If they still do not take up the place, it is withdrawn and AASSA is notified so they can contact and visit the family.

## **10 Children whose parents do not ensure they attend**

10.1 AASSA works closely with parents and carers to ensure that they send their children to school. In some cases they need to make referrals to other support agencies such as Medway Action for Families (MAFF). Low attendance at school is one of the criteria whereby a family becomes eligible for MAFF support.

10.2 In cases of persistent unauthorised absence, parents may be prosecuted for failing to ensure their children attend school.

## **11 Children who leave Medway without notification of their new location**

11.2 AASSA will visit the original home address in the hope that neighbours or new occupiers can help to locate the family.

11.3 If this is unsuccessful, the children will be placed on the Department for Education's School 2 School secure website and Kent Police notified. AASSA will also contact other Local Authorities if there is any indication of where a child may be. AASSA officers can use council tax and benefits databases, together with social care and education systems, in their efforts to locate a family.

## **12 Children who are awaiting placement in a PRU or alternative provision**

12.1 Over the past academic year there has been a rise in the number of permanent exclusions from mainstream schools:

Academic year	Referrals to Alternative provision	Referrals to The Rowans (PRU)	Referrals to The Will Adams Centre (PRU)
2011-12	16	12	13
2012-13	45	26	18

- 12.2 This has placed a significant strain on the resources available. Whilst in the past the Inclusion team has been able to arrange managed transfers, by which a pupil facing permanent exclusion is offered a fresh start at a new school, this is becoming harder to arrange. Both PRUs have started the academic year 2013-14 with no available places. As a result, pupils are being placed with alternative provision providers at considerable cost.
- 12.3 AASSA is working with the Inclusion team to improve the tracking and monitoring of children who have been permanently excluded but are without an educational placement.

### **13 Children who cannot attend school for physical or mental health reasons**

- 13.1 Rivermead Special School offers places to pupils aged 11-19 who have complex needs which may include mental or emotional health conditions. However their main admissions criterion is that pupils must present with emotional or behavioural difficulties, which may be associated with a diagnosis of Autistic Spectrum Disorders.
- 13.2 These children present some more complex challenges. There is a lengthy waiting list for NHS mental health services and Academies are proving reluctant to fund access to the Onside Therapy Service. We are unable to fully ascertain whether Academy schools are creating internal support systems such as employing their own counsellors or therapists.
- 13.3 Medway Council cannot condone the use of part-time timetables, as all children are entitled to their statutory educational provision. However, for some pupils, a part-time timetable is the best possible solution to their learning and emotional needs. There is thus a potential for tension between the legal obligation and a child's best interests.

### **14 Truancy sweeps**

- 14.1 Sometimes children actively avoid going to school, with or without their parents/carers knowing that they are not attending.
- 14.2 AASSA carries out truancy sweeps throughout Medway. They take place each term and they last for four hours (10:00 - 14:00). Usually, officers work in teams of three - two AASSA staff members and one police colleague. For each sweep there is a targeted area, which is agreed beforehand with the Superintendent. There are truancy patrols by foot and by car.
- 14.3 Truancy sweeps are an excellent way of promoting the importance of attendance and challenging parents whose children have been kept of school but are still out and about in the community.
- 14.4 In 2012-13 there were 9 truancy sweeps in total. 133 children were stopped and 13 children missing education identified.

## **15 Children Educated at Home/Educated Otherwise**

- 15.1 “Home Education” is also known as “Educated Otherwise.” For the purpose of this report, the terms are used interchangeably.
- 15.2 A child who is home educated is defined as a child of school age who is not on a school roll, and whose parents have informed the Local Authority of their decision to take full responsibility for their child’s education.
- 15.3 Under section 7 of the 1996 Act it is the parents’ duty ‘to cause the child to receive efficient fulltime education suitable to his/her age, ability and aptitude and to any special educational needs he/she may have either by regular attendance at school or otherwise’.

## **16 Do children have to go to school?**

- 16.1 Education is compulsory but does not necessarily have to be attained by attendance at school. The 1996 Education Act states ‘it is the duty of parents to secure an appropriate full-time education for their children’. Most parents carry out this duty by sending their child to school. However, for a wide variety of reasons parents may decide to take on the duty to educate their child themselves, by opting for ‘Elective Home Education’. It is important to know that parents have a right to educate their children from their own philosophical, spiritual or religious standpoint.

## **17 Parental rights and responsibilities**

- 17.1 Parents may decide to exercise their right to home educate their child from a very early age and so the child may not have been previously enrolled at school. They may also elect to home educate at any other stage up to the end of compulsory school age. Parents are not required to register or seek approval from the local authority to educate their children at home. Parents who choose to educate their children at home must be prepared to assume full financial responsibility, including bearing the cost of any public examinations. However, local authorities are encouraged to provide support where resources permit.
- 17.2 Parents' right to educate their child at home applies equally where a child has Special Educational Needs (SEN). This right is irrespective of whether the child has a statement of special educational needs or not.
- 17.3 Where a child has a statement of SEN and is home educated, it remains the Local Authority's duty to ensure that the child's needs are met.
- 17.4 The statement should also specify any provision that the Local Authority has agreed to make under section 319 of the Education Act 1996 to help parents to provide suitable education for their child at home.
- 17.5 If the child who is to be withdrawn from the school is a pupil at a special school, the school must inform the Local Authority before the child's name can be deleted from the school roll and the Authority will need to consider whether the elective home education is suitable before amending part 4 of the child's

statement. It is very unusual for a Local Authority to agree to this, although in some rare instances such an amendment has been made.

## **18 How will the Local Authority be involved in Education Otherwise?**

- 18.1 Under Section 437(1) of the Education Act 1996, local authorities shall intervene if it appears that parents are not providing a suitable education.

*"If it appears to a local education authority that a child of compulsory school age in their area is not receiving suitable education, either by regular attendance at school or otherwise, they shall serve a notice in writing on the parent requiring him/her to satisfy them within the period specified in the notice that the child is receiving such education."*

- 18.2 Local Authorities also have a duty under section 175(1) of the Education Act 2002 to safeguard and promote the welfare of children. This section states: "A Local Education Authority shall make arrangements for ensuring that the functions conferred upon them in their capacity as a Local Education Authority are exercised with a view to safeguarding and promoting the welfare of children."

- 18.3 Section 175(1) does not extend Local Authorities' functions. It does not, for example, give Local Authorities powers to enter the homes of, or otherwise see, children for the purposes of monitoring the provision of elective home education. Medway's practice involves informing and requesting information from appropriate agencies regarding any family that educates otherwise with a view to safeguarding and the welfare of children.

- 18.4 It is Medway's policy that we do our utmost to engage with our home educating families. When we are informed that a parent intends to home educate, we will write to them suggesting a visit at the home to discuss their plans. Most parents find the visit helpful, but some might prefer to meet at another venue, with or without the child. Alternatively, parents can write a report or send in examples of work to let the Local Authority know about the provision they are providing.

## **19 What will happen if it appears suitable education is not being provided?**

- 19.1 Under section 437(1) of the Education Act 1996 the Local Authority has a duty to intervene if it appears that parents are not providing a suitable education.

## **20 Medway's policy**

- 20.1 Following a consultation with the Home Education Adviser (HEA), advice and guidance will be offered and recommendations made to ensure suitable education is being provided. The aim is to help parents overcome the difficulties within a mutually agreed timescale.

- 20.2 If the situation does not improve, Medway Council can serve a notice in writing on the parent requiring the parent to satisfy the Authority within a period specified in the notice that the child is receiving such education. (See *attached progression chart*).

- 20.3 The role of the HEA is pivotal in ensuring that those children who are being educated otherwise are receiving a suitable education.
- 20.4 Children may be referred to HEA through a number of routes: schools, parent, agencies such as health services, and the Medway school admissions team.
- 20.5 Other local authorities may also contact Medway to either pass on or request information about a child. There is also regular and effective communication between the HEA and the AASSA.
- 20.6 There are a number of information-sharing mechanisms in place:
- Impulse
  - IYSS

## 21 Statistical information

- 21.1 Below are statistics over the last two academic years relating to the number of children withdrawn from school, where parents have informed Medway Council of their intention to educate otherwise.

	<b>Primary children withdrawn that year</b>	<b>Secondary Children withdrawn that year</b>	<b>Total no of children that were registered with the LA as being educated otherwise during the academic year</b>
<b>2011-2012</b>	<b>58</b>	<b>74</b>	<b>275</b>
<b>2012-2013</b>	<b>38</b>	<b>97</b>	<b>297</b>

- 21.2 Up to **31/10/2013** for the academic year **2013-2014** the number of children registered with the LA as being educated otherwise is **209**. It is therefore likely that the number will rise again for the year overall.
- 21.3 Medway Council employs 1 part time, term time only HEA, who holds Qualified Teacher Status. The HEA's role is to monitor the education provision that children who are educated otherwise are receiving.
- 21.4 Some other authorities have dedicated teams to oversee and monitor home education. This may give rise to unreasonable expectations of support from Medway Council. As there is no agreed definition of "suitable" education, there are differences of approach throughout the UK as to when an authority will intervene.
- 21.5 In a recent Parliamentary report ("Support for Home Education," House of Commons Education Committee, pub. December 2012 ) it was stated that nearly two-thirds of local authorities have fewer than 100 pupils registered as being educated at home. As can be seen from the figures above, Medway, although a relatively small Authority, has double this number. The high number of parents who choose to educate otherwise has placed a significant strain on the resources available within Medway.

21.6 As numbers rise, it is probable that officers from Medway Council will not be able to visit families as frequently as desired. This will have a negative impact on our ability to offer the levels of support and to at least partially meet the safeguarding function that would otherwise be provided by a school. This is particularly important as there is no legislative right for a local authority to enter a home purely to monitor the provision of education being provided there. Thus we have the potential for early safeguarding alerts to be missed.

## **22 Advice and analysis**

22.1 There are some key issues relating to both Children Missing Education and children who are educated otherwise.

- Any statistical analysis can only be related to a day-by-day snapshot.
- The resources offering support to children missing education are being stretched, and there are developing capacity issues for both the AASSA team and the provisions in places for those children who need an alternative to mainstream education.
- Medway has a high number of children registering with the Local Authority to be educated otherwise, which likewise places a strain on resources available to support these families.
- The shifting educational landscape can make it harder for the Local Authority to obtain information about children moving on from non-maintained schools.
- There is the potential for tension between the statutory offer and the timetable which may be best suited to a child's immediate needs.

## **23 Ofsted framework**

23.1 The work around children who either miss education or who are educated at home has implications for Medway Council in the context of the new Ofsted framework for the inspection of Local Authorities' services to children in need of help and protection. Any inspection carried out under this framework will include scrutiny of services for children who are missing education.

23.2 The key judgement within the framework which will inform work around children missing education/educated at home is that considering the "experiences and progress of children who need help and protection". An inspection would assess the extent to which:

*Children who are missing...from full time school education...receive well co-ordinated responses that reduce the harm or risk of harm to them. Risks are well understood and minimised... Comprehensive records are held and shared between agencies to help and protect children and young people.*

23.3 As has been noted, Medway's AASSA works within a coherent framework of partners. This includes some bodies, such as estate agents, who may not be an obvious link in the protective chain but who are often able to provide key information about a family's destination. This innovative and flexible response is a strength of provision in Medway.

- 23.4 Although the framework is more concerned with children who are not receiving any formal education, the work of the inclusion team and its links with other agencies such as its notification of partners when a child is being withdrawn is a visible and co-ordinated protective factor for children being educated otherwise.
- 23.5 The recent Ofsted report “Pupils Missing Education” largely deals with pupils who have been excluded or who are receiving alternative provision rather than children missing education as defined in this report. However some of the report’s recommendations are pertinent to the children considered here.
- 23.6 The report recommends that all local authorities:
- 23.7 *Establish a central record of all children not accessing full-time education in the usual way* - both the Inclusion team and AASSA maintain records and contribute to other databases. As noted at 12.3 above, there are plans to improve the co-ordination of tracking of those young people who are permanently excluded but without a new educational place. It should be noted that these are often young people of highly complex needs for whom suitable provision is likely to be hard to find.
- 23.8 *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* – the AASSA and Inclusion teams both have clear line management structures and all members of staff are in suitably defined roles with appropriate levels of support. When a child is successfully placed in school his or her attainment is recorded in the usual way through the school’s processes.
- 23.9 *Share information across local authority boundaries in a timely and appropriate way to minimise interruption to a child or young person’s educational provision* – the report sets out the mechanisms whereby Medway Council is already undertaking this work.
- 23.10 *Ensure that every child is on the roll of a school, regardless of circumstances, unless parents have elected to educate their child at home* – the report sets out the systems and staffing structures in place for achieving this in Medway.

## 24 Risk management

Risk	Description	Action to avoid or mitigate risk	Risk rating
Capacity	<p>AASSA and provisions are working at full capacity. If the current trends for exclusion continue, and the young population of Medway continues to expand, there is a risk that the service and provisions will not be able to provide services to those children who are missing education.</p> <p>The Inclusion team is working at full capacity. If the current trends for education otherwise continue, and the young population of Medway continues to expand, there is a risk that the service will not be able to ensure current levels of monitoring of all children educated otherwise.</p>	<p>We will need to foreground this area of AASSA's work to ensure that adequate resources can be allocated</p> <p>We will need to prioritise the employment of a teacher to oversee home education. There may be a need for a business case to go to the schools' forum.</p>	<p>High – risk to safeguarding</p> <p>High – safeguarding</p>
Part time timetables	<p>Some schools may continue to implement these despite the steer that Medway Council finds them unacceptable. There is an acknowledgement that for some children these timetable, used as a temporary measure, may be the best option.</p>	<p>The creation of an agreed protocol whereby in extreme circumstances a part time timetable may be implemented for an agreed period whilst the child's needs are assessed and met.</p>	<p>Medium/high – implications for children's mental health</p>
Cannot ever guarantee entire accuracy	<p>We will never know exactly where every child is and figures must be taken as a snapshot only.</p>		<p>High – negative publicity in the event of a child being harmed</p>

## **25 Consultation**

- 25.1 AASSA holds annual multi-agency forum meetings to ensure all parties are up to date with current recommendations and good practice. The Inclusion team notifies partner agencies, including social care, when they are notified that a child is being withdrawn from school.

## **26 Finance and Legal Implications**

- 26.1 The legal frameworks for CME and for children educated otherwise are set out within the body of this report.
- 26.2 Higher numbers of penalty notices and more schools purchasing the service mean that AASSA's budget is currently sustainable. However, we do not know whether schools will continue to purchase the service year on year and nor of course can we predict the numbers of penalty notices which will be issued. As such, the AASSA budget build should not rely on the current levels of income.
- 26.3 The budget for children educated at home is likewise currently sustainable, but again we cannot predict future changes in legislation or policy which may have a negative impact on the team's funding arrangements.

## **27 Recommendations**

Members are invited to consider the contents of this report.

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EO – Education Otherwise  
 HEA – Home Education Advisor  
 AAPS – Attendance Advisory Practitioner Service  
 SAO – School Attendance Order

**Monitoring Home Education in Medway**

