

13 February 2018

ITEM: 9

Children's Services Overview and Scrutiny Committee

Children Missing Education

Wards and communities affected:

All

Key Decision:

Non-Key

Report of: Malcolm W Taylor, Strategic Lead Inclusion / Principal Educational Psychologist

Accountable Assistant Director: Sheila Murphy, Assistant Director for Children's Care and Targeted Outcomes

Accountable Director: Rory Patterson, Corporate Director of Children's Services

This report is Public

Executive Summary

This report provides an overview of the current situation regarding Children Missing Education and the processes in place to ensure all children living in Thurrock have access to appropriate education.

1. Recommendation(s)

1.1 That Children's Services Overview and Scrutiny Committee consider and provide comment on the current arrangements for monitoring Children Missing Education and the processes in place to ensure all children have access to an appropriate education.

2. Introduction and Background

2.1 The Statutory guidance on Children Missing Education (CME) is set out in *Children Missing Education Statutory Guidance for Local Authorities* Department for Education September 2016.

This states that all local authorities in England have a legal duty to implement under section 436A of the Education Act 1996 to make arrangements to identify, as far as it is possible to do so, children missing education (CME).

2.2 Thurrock Council guidance and procedures for managing Children Missing Education are set out on the Council web site <https://www.thurrock.gov.uk/children-missing-education/when-child-is-missing-education>.

2.3 There are a number of departments and agencies who work together to implement the Statutory Duties regarding Children Missing Education and the organisation of this is described in the CME procedure shown on the Council web site.

3. Issues, Options and Analysis of Options

3.1 All children, regardless of their circumstances, are entitled to an efficient, full time education which is suitable to their age, ability, aptitude and any special educational needs they may have.

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. Children missing education are at significant risk of underachieving, being victims of harm, exploitation or radicalisation, and becoming NEET (not in education, employment or training) later in life.

There are a range of factors that can underlie and impact on Children Missing Education and these issues are tackled by the specialist services with the overall approaches being co-ordinated through the Children's Services Directorate Management Team. The following sections identify the key issues, data, and actions in place covering these areas.

- **Admissions**
- **Special Educational Needs**
- **Missing Children**
- **Looked After Children**
- **Excluded pupils**
- **Fair Access and Hard to Place Protocols**

3.2 Admissions

The Local Authority has a duty to provide an offer of a school place to parents of all children of statutory school age who live within the Local Authority.

These are cases where parents do not engage with the school admission process when their child is of statutory school age or when they have not secured a place at their school of choice. This may include children who move into the Local Authority within the school year. In these cases they are dealt with in the first instance by the Admissions service working with the parents to ensure the child has an offer of a school place at the nearest available school.

All children's access to education is recorded on the centrally held pupil database. From this database is drawn the spreadsheet of cases which are RAG rated and updated giving details of actions in place to address the access to education. This spreadsheet forms the basis of the monthly Directorate Management monitoring of Children Missing Education known as CME/DMT.

The following data is provided to give an overview of the CME situation in Thurrock as of 17/1/18.

3.3 Admissions Data (as of 17/1/18)

	CHILDREN MISSING EDUCATION		
		PRIMARY	SECONDARY
A	Offered but not on roll as yet	58	14
B	Currently waiting for a school place	45	56
	Total	103	70

Children shown in Row A, have a school place identified for them and are either in discussion with the school regarding a start date or the school has not yet informed the Local Authority that they have started school.

Children shown in Row B, include a number of groups of children. Those who the admissions team are processing prior to a school offer; those who have declined a school offer for reasons including not obtaining their school preference; those referred to the Education Welfare Service where children are not taking up school places and have not engaged with the admissions team; and those that do not yet have a school place and come under the Fair Access / Hard to Place Protocol.

3.4 In Year Admissions

An additional factor impacting on Children Missing Education is the large number of in-year admissions of pupils moving into Thurrock and the consequent need to find school places within a short time period. Figures for children moving into Thurrock are shown below.

The availability of secondary school places to meet the demand and avoid CME from Primary transfer and new arrivals, is being addressed through temporary accommodation at schools in the short term from September 2018 whilst the Free School placement growth develops in line with the Pupil Place Plan.

The high numbers of new admissions particularly in Primary are shown below.

Applications received by Thurrock				
	Academic Year	Moved to England	Moved to Thurrock	Total
Primary	2016/17	166	865	1031
Primary (Sep to Jan)	2017/18	91	495	586
Secondary	2016/17	84	231	315
Secondary (Sep to Jan)	2017/18	80	146	226

3.5 Special Educational Needs

Where a child or young person has an Education Health and Care plan for Special Educational Needs and Disabilities the admissions process is carried out through the guidance set out in the Special Educational Needs and Disabilities Code of Practice 2015. There are cases where the Local Authority may encounter difficulty in obtaining a school place suitable to the child or young person's needs, in which case there are occasions where alternative arrangements are put in place to support the child whilst appropriate provision is secured.

One of the key issues with regard to CME for children with SEND is the availability of Special School places or Mainstream Resource Bases for particular areas of need. The key area of need is the availability of places for children with Autistic Spectrum Condition (ASC) and for children experiencing difficulties in the area of Social Emotional and Mental Health Needs (SEMH).

Treetops Special School has an outstanding national and international reputation for supporting children with ASC which has led to families moving into the area to access the school places as well as an existing high demand in the local area. The opening of a new Treetops Free School will address the shortage of some of these places however in the interim; the Local Authority has worked with the school to provide additional spaces within the school. In cases where the Local Authority has not been able to secure a special school place within the borough, pupils are supported with individual programmes in mainstream schools using Treetops outreach services or through the commissioning of places at out-borough special schools including independent schools.

There are a small number of cases for pupils with ASC and for those with SEMH needs, where the Local Authority has not been able to secure an in-borough special school place and either through issues of availability or parental choice, an out-borough school place has not been secured. In some of these cases individual support packages have been commissioned

including individual tuition. These packages of support are closely monitored whilst special school places are pursued. As at 17/1/18 there are 5 children with Education Health and Care Plans who have packages of tuition in place whilst special school places are being secured. There are two further children who are not yet in school but have named schools and are in the process of being admitted to the schools.

The Local Authority has taken robust action in naming schools on the Education Health and Care Plans following responses from schools not offering places where the parental and Local Authority view was that the child should be admitted. In the majority of these cases the pupils are then admitted to the school. There has been one recent case in 2017/18 which was appealed by the school to the DfE. The DfE supported the Local Authority view and the school are now admitting this pupil.

3.6 Missing Children / Education Welfare Service

There are cases where a parent takes a child out of school and leaves the local area without clear details as to where they have gone. There are clear procedures for dealing with these cases. These actions are carried out by the Education Welfare Service following a series of expected checks by the school in the first instance. Depending on the circumstances of the case, this may also involve a referral to the multi-agency safeguarding hub in line with the Safeguarding duties of the Local Authority. Many of these cases are where the family has left the area or the UK and series of actions have to be undertaken to ensure all reasonable steps have been taken to identify their location. This can include obtaining evidence of school admission in the country they have moved to.

Below is the summary data of the work of the Educational Welfare Service in relation to CME.

Academic Year	Admissions issues	CME	Missing Children	Total
2016/2017	54	28	205	287
2017/2018 Autumn Term	19	5	56	80

KEY

The Admissions issues include cases where parents have not taken up a school place.

The CME cases are those where the child may have been electively home educated and this has been deemed to be unsuitable or where the parent has not sought a school place for their child.

Missing children covers work carried out where the child has left school and the school has not been able to identify where the child has moved onto to transfer the pupil to that roll.

3.7 Looked After Children

Where Children are taken into the care of the Local Authority or there is a change of placement for a Looked After Child, particular care is taken to reduce the impact on the education of the child concerned. Looked After Children have particular rights within school admission arrangements to secure efficient access to school places. Their needs are further supported through a Personal Education Plan and monitoring from the Local Authority Virtual School. To avoid Looked After Children missing education in cases where a movement has taken place without a school place being secured, individual tuition is provided to ensure continuity of education.

As at 17/1/2018 there are four Looked After Pupils who are being monitored by the CME/DMT Board due to the complexity of the case and where they are not in a school place. However they are all receiving tuition whilst these places are being confirmed. These pupils' access to Education is additionally monitored by the Virtual School

3.8 Excluded Pupils

The Local Authority is responsible for providing suitable education for all permanently excluded pupils. This duty is carried out through the placing of pupils in the Alternative Provision Academy (Pupil Referral unit); directly into specialist schools / placements; or through other educational arrangements brokered by the Local Authority, including alternative providers and tuition services.

The closure of the provision for Primary Aged pupils at Olive Alternative Provision Academy in June 2017, following the Inspection of the Academy placing it in Special Measures, has led to significant challenges in supporting primary aged pupils permanently excluded from school. The Local Authority is working closely with Primary schools to provide inclusion places for these pupils as part of a larger programme of Inclusion Bases in schools. The first of these arrangements which was put in place immediately following the closure of the Olive Primary PRU has led to significantly improved access and engagement in education for the individual pupils.

As at 17/1/2018, there are four children who have been recently permanently excluded and are not yet in a school place or receiving a suitable educational offer. These cases are in the process of being secured with an appropriate offer of education.

There has been a significant rise in the number of Permanently Excluded Primary aged pupils over the first part of the Academic Year 2017/18 impacting on the pressures on services to avoid CME.

Time Period	Permanent Exclusions Primary
September 2016 - August 2017 (12 mths)	5
September 2017 - Jan 2018 (5 mths)	9

3.9 Fair Access Protocol/ Hard to Place.

Children who move into the Local Authority and have additional needs such as; having been permanently excluded from a previous school; having previously attended a Pupil Referral Unit; having been out of school for more than 20 days; being homeless; being a child in need; having a CAF in place; and a number of other categories, are placed in schools through the Fair Access Protocol to minimise the missing of education.

There is a three weekly Inclusion Panel held with representatives of all secondary schools where these applications including managed moves and re-integrations from Alternative Provision, are managed so as to reduce the missing of education for the most vulnerable children.

3.10 Inclusion Panel Fair Access

The table below demonstrates the successful impact the Fair Access process has on reducing the numbers of Children Missing Education for the most vulnerable children.

Placements made into schools through the Inclusion Panel 2016/17

HTP	HTP/EAL	HTP/EAL/LAC	HTP/ Yr 11	Yr 11	Yr 11/ EAL	EHE	Total
22	2	2	4	9	14	13	66

KEY

HTP Hard To Place

EAL English as an Additional Language

LAC Looked After Children

EHE Elective Home Education (returning to school)

3.11 Managed Moves Reintegration 2016/17

The table below shows the managed moves carried out through the Inclusion Panel to avoid permanent exclusions and reduce the chances of these pupils missing education. It also shows the successful re-integration of pupils back into Mainstream schools from Alternative Provision.

Managed moves between schools	32
Reintegration of pupils from Alternative Provision	5

3.12 Oversight of all Children Missing Education

The Local Authority operates a monthly Children's Services Directorate Management Team oversight meeting, where all children identified as missing education are reviewed on a risk based model according to the actions and provision in place at this time. This meeting known as CME/DMT additionally provides a review of co-ordination of support across children's services and where necessary takes key casework decisions to escalate cases to further formal action.

4. Reasons for Recommendations

- In report.

5. Consultation (including Overview and Scrutiny, if applicable)

- None

6. Impact on corporate policies, priorities, performance and community impact

6.1 The responsibility of the Local Authority to monitor Children Missing Education and ensure the access to education for all children contributes directly to the delivery of the Council's statutory duties under section 436A of the Education Act 1996 and is therefore a key component of the overall performance of the Council .

7. Implications

7.1 Financial

Implications verified by: **Patricia Harvey**
Dedicated Schools Grant (DSG) Consultant

This report covering the identification and support for Children Missing Education includes services for children which are funded by the Direct School Grant. Efficient arrangements to monitor and improve access to school and alternative provision places is therefore a key component in ensuring the efficient use of the High Needs Budget.

7.2 Legal

Implications verified by: **Lindsey Marks**

Deputy Head of Legal for Education and Social Care

The Statutory guidance on Children missing Education *Children Missing Education Statutory Guidance for Local Authorities* Department for Education September 2016 relates to the following legislation

Section 436A of the Education Act 1996 (added by section 4 of the Education and Inspections Act 2006)

Education Act 1996 (section 7, 8, 14 and 19)

Education and Inspections Act 2006 (section 4 and 38)

Education (Pupil Registration) (England) Regulations 2006

Education (Pupil Registration) (Amendment) (England) Regulations 2016

7.3 Diversity and Equality

Implications verified by: **Natalie Warren**

**Community Development and Equalities
Manager**

This report covers vulnerable children and young people including those with special educational needs and disabilities and therefore there are direct implications relating to the SEND legislation and the Equality Act .

8. Background papers used in preparing the report (including their location on the Council's website or identification whether any are exempt or protected by copyright):

- Thurrock Council guidance and procedures for managing Children Missing Education <https://www.thurrock.gov.uk/children-missing-education/when-child-is-missing-education>.
- *Children Missing Education Statutory Guidance for Local Authorities* Department for Education September 2016.

9. Appendices to the report

- None.

Report Author:

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Children's Services