

14 January 2019**Agenda Item: 4****REPORT OF THE SERVICE DIRECTOR, EDUCATION, LEARNING AND
SKILLS****CHILDREN MISSING EDUCATION****Purpose of the Report**

1. The purpose of the report is to provide an update in relation to Children Missing Education in Nottinghamshire.
2. The report seeks approval to circulate guidance to schools (attached as **Appendix 1**) to clarify the process that Nottinghamshire County Council staff, and education professionals and other partners should follow if they have concerns that a child is missing from education.
3. The report asks the Committee to recommend that the existing Nottinghamshire Children Missing Education Strategy be updated to reflect the conclusions from the ISOS Partnership Report 'The Alternative Provision Market Analysis Research Report', October 2018, on the effective use of Alternative Provision, as detailed in **paragraph 13** of this report, and that the revised strategy be taken to Policy Committee for approval.
4. The report also seeks approval for a Children Missing Education (CME) Dashboard to be presented to the Committee on a six monthly basis to ensure that Committee is updated on progress.

Information

5. This report is presented to Committee within a context that most Nottinghamshire children and young people are educated in good and outstanding schools. 98,087 pupils aged 5 – 15 years at the start of the 2017 - 2018 academic year were educated in Nottinghamshire's publicly funded schools. Currently Ofsted data¹ suggests that 84% of primary aged pupils and 95% of secondary aged pupils were educated in good and outstanding schools. It should be noted, therefore, that this report focuses on a small number of children and young people who are supported by a range of Local Authority service areas to ensure they access an appropriate full time education.
6. 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. This duty only relates to children of compulsory school age. Local authorities are expected to have robust policies and procedures in place to enable them to meet their duty in relation to these children, including ensuring that there are effective tracking and enquiry systems in place, and a named person to whom schools and other agencies can make referrals about children who are missing education.

7. The Children Missing Education process focuses on known children and young people who are not accessing their full educational entitlement as a result of failing to secure a school place, facing permanent exclusion from school, refusing or being prevented from attending their school place, on a school roll but accessing less than their full educational entitlement, those unable to access full time education due to their mental or physical health needs, those who are in unsuitable elective home education, as well as any child or young person known to other local authority services without a school place or refusing to attend school.
8. The CME Strategy, originally endorsed by this Committee on 23 April 2014, and approved by Policy Committee on 7 May 2014, has been underpinned by a strong corporate commitment to advocating for vulnerable children and young people. Schools continue to be challenged where there is evidence of 'grey exclusions'; this can be when schools invite parents to remove their child from school as part of an arrangement outside of the formal exclusion processes. Another area where a small number of children and young people can become missing to education is in relation to school admissions to own admission authorities. All applications to academies and other own admission authorities are closely monitored to ensure that these applications are processed within 20 days, in line with the Schools Admissions Code, which was revised in September 2015. Schools and academies which delay admission, even when cohorts are below the Published Admission Number (PAN), are challenged at the monthly locality Fair Access Panels and/or School Behaviour and Attendance Partnership panels by the Fair Access Team.
9. The process introduced in 2015 for identifying children without a school place is now embedded within Nottinghamshire Local Authority practice. The Children out of School (COOS) panel is held weekly and cases are raised where:
 - children and young people are known to be missing from education (CME)
 - children and young people who are on roll but are believed to be inappropriately prevented from accessing their full entitlement to education, identified by Ofsted (November 2013) as 'pupils missing from education' (PME).
10. This meeting is attended by relevant Fair Access and Elective Home Education Officers. There were 593 cases raised at the COOS panel in the academic year 2017-2018. 373 CME children without a school place were allocated a roll through the Fair Access Protocol and in cases where pupils were identified as PME schools and academies were challenged through the School Behaviour and Attendance Partnerships to ensure that appropriate provision was put in place.
11. On the rare occasion that intervention and mediation prove unsuccessful, the cases are referred to the Vulnerable Children Education Commissioning (VCEC) panel, a multi-agency body which seeks to identify solutions for those children and young people with complex lives who are missing from education. This key multi-agency operational meeting is chaired by the Group Manager, School Improvement, Strategic Planning and Admissions,

to ensure that appropriate educational pathways are identified for the children at most risk of remaining CME/PME. There were 90 cases referred to the VCEC panel in 2017-2018. These were predominantly pupils who had been permanently excluded, those who had social, emotional and mental health needs, and those who posed a risk to themselves or others.

12. When pupils are not yet ready to be placed on a mainstream or special school roll the Local Authority has a duty to arrange interim alternative provision. 120 children and young people were provided with interim alternative education provision in 2017-2018. There are currently over 40 different alternative education providers operating in Nottinghamshire providing a range of 1:1 and small group learning opportunities. Nottinghamshire County Council has an effective commissioning, quality assurance and approved provider system in place to ensure that children and young people are offered appropriate alternative provision when this is necessary. In March 2018 the DfE published *Creating Opportunity for All our Vision for Alternative Provision* which states that **every child deserves an excellent education and the chance to fulfil their potential, whatever their background, needs or location in the country. Children in alternative provision deserve these opportunities too.**
13. The ISOS Partnership, working on behalf of the DfE, and the Edward Timpson Exclusion Review Team both visited Nottinghamshire in July 2018 to meet Alternative Providers, School Leaders, parents and young people to gain a clearer understanding of the support that is available to vulnerable and challenging pupils who are unable to learn in a mainstream setting. The Alternative Provision Market Analysis Research Report, October 2018 (page 113), concluded that there is a need to ensure that:
 - a) *There is a clear strategic plan for meeting the needs of pupils who may require AP and that it is situated within a broader framework of inclusion support*
 - b) *There is the right combination of responsibilities between schools, AP providers and the LA and partner agencies for the placements of, funding for and outcomes of pupils placed in AP; and*
 - c) *The role of AP is seen in the context of its connections to and inter-relations with other parts of the local system, including particularly mainstream education, SEND, early help and social care, and local health services.*
14. These conclusions need to be incorporated into the Nottinghamshire CME Strategy which will need to be approved by Policy Committee.
15. Information about Nottinghamshire pupils placed by schools on part-time timetables or in alternative provision are gathered termly and where there are concerns schools are challenged through the School Behaviour and Attendance Partnerships. If children are known to be particularly vulnerable e.g. if they are categorised by Children's Social Care as Child in Need (CIN), Child Protection (CP), Child Looked After (LAC) or if they have an Education Health and Care Plan, letters are directly sent by the Group Manager and/or the Service Director of Education, Learning and Skills, to seek assurances that the part-time education is based on the needs of the child, is monitored by external agencies, is time limited and that no child is being put at increased risk as a consequence.
16. One significant group of CME pupils missing mainstream education are those who have been permanently excluded from school. In recent years, the Schools Forum and Nottinghamshire County Council have taken decisive action to reduce the number of

permanent exclusions following the closure of the pupil referral units (PRUs) in 2014. Funding previously used to support permanently excluded pupils continues to be devolved to primary and secondary School Attendance and Behaviour Partnerships (SBAPs) across the County to spend on a range of innovative strategies to support those identified as being at risk of exclusion. It has become apparent that many of the pupils deemed to be at risk of exclusion have undiagnosed learning needs and/or social emotional and mental health needs. Schools are encouraged to follow a graduated response towards identifying and meeting the needs of such pupils rather than to exclude them. The Local Authority Partnership Team and the Primary, Social and Emotional Development Team are available to provide guidance and challenge to school colleagues as appropriate. It is of note that the number of permanent exclusions has been reduced by approximately two thirds from 165 to 49 during the period from 2007 to 2016 but there has been a small rise in numbers in 2016 - 2017 to 53 pupils from 45 in the previous year. Nottinghamshire's permanent exclusion rate at 0.04% is significantly below the national average of 0.10%. Of serious concern is the fixed term exclusion rate which is 5.50%; this is 0.74% above national average. The Partnership Team will be working with schools and academies who have consistently high patterns of fixed term exclusion to identify alternative sanctions, which do not result in a loss of learning.

Permanent and fixed period exclusions in secondary schools		
2016/17		
	Nottinghamshire	National
Permanent exclusion rate	0.04%	0.10%
Fixed period exclusion rate	5.50%	4.76%

Source: <https://www.gov.uk/government/statistics/permanent-and-fixed-period-exclusions-in-england-2016-to-2017>

Local authority tables: SFR35/2017

17. Based on the 2016-17 academic year figures, overall pupil absence rates are lower in Nottinghamshire (4.4%) compared with the England (4.7%) and regional (4.6%) averages. This is also the case for persistent absence rates. Persistent absence rates in Nottinghamshire during 2016-17 were 9.7% compared with England (10.8%) and regional (10.7%) averages. Overall absence rates have remained stable at around 4.5% over the last three academic years. The Local Authority will continue to work in partnership with the Regional Schools Commissioner to ensure that children and young people in Nottinghamshire are only absent from learning when absolutely necessary.

Pupil absence in secondary schools		
2016/17		
	Nottinghamshire	National
Overall absence	4.4%	4.7%
Persistent Absence rates	9.7%	10.8%

Source: <https://www.gov.uk/government/statistics/pupil-absence-in-schools-in-england-2015-to-2016>

Main tables: SFR14/2017

18. In 2015 the Committee decided to alter the thresholds in the Code of Conduct for issuing fixed penalty Notices. This has resulted in a significant increase in the use of Penalty Notice fines for parents whose children are absent from school without authorisation. In 2017-18 the Local Authority issued in excess of 5,000 fines compared with 184 in 2013/14. Each

year more schools are starting to use fines as a strategy to address unauthorised absences in term time and it is anticipated that the numbers of fines being issued will increase again in 2018-19. Having integrated the delivery of the Council's education welfare service within Early Help provision, the Council is better placed to offer families, where school attendance is a concern, access to support and early intervention. This continues to sit alongside the prosecution of parents where this is required.

Other Options Considered

19. The County Council remains statutorily responsible for ensuring that all children and young people in Nottinghamshire of statutory school age access full-time education. The CME Strategy initially endorsed by the Children and Young People's Committee on 23 April 2014 and approved by Policy Committee on 7 May 2014 continues to be implemented to ensure that every school aged child is placed on a school roll, with the exception of those who are electively home educated. No other options have been considered.

Reason/s for Recommendation/s

20. Members will wish to be assured that the Council's statutory duty to provide full-time education for all children and young people of statutory school age is being fulfilled.

Statutory and Policy Implications

21. This report has been compiled after consideration of implications in respect of crime and disorder, data protection and information governance, finance, human resources, human rights, the NHS Constitution (public health services), the public sector equality duty, safeguarding of children and adults at risk, service users, smarter working, sustainability and the environment and where such implications are material they are described below. Appropriate consultation has been undertaken and advice sought on these issues as required.

Financial Implications

22. There are no financial implications arising directly from this report. However, it should be noted that the increasing numbers of pupils whose education is mediated by Local Authority teams is contributing to the financial strain within the High Needs Block of the Dedicated Schools Grant.

RECOMMENDATION/S

That the Committee:

- 1) approves the circulation of the Children Missing Education guidance, attached as **Appendix 1**, to schools to clarify the process that Nottinghamshire County Council staff, school and education professionals should follow if they have concerns that a child is missing from education.
- 2) recommends that the existing Nottinghamshire Children Missing Education Strategy be updated to reflect the conclusions from the ISOS Partnership Report 'The Alternative Provision Market Analysis Research Report', October 2018, (as detailed in **paragraph 13**),

on the effective use of Alternative Provision, and that the revised strategy be taken to Policy Committee for approval.

- 3) gives approval for a Children Missing Education (CME) Dashboard report to be presented to the Committee on a six monthly basis, with a particular focus upon part-time provision, permanent and fixed term exclusion and alternative provision.

Marion Clay
Service Director, Education, Learning and Skills

For any enquiries about this report please contact:

Karen Hughman
Temporary Group Manager School Improvement, Strategic Planning and Admissions
T: 0115 9772572
E: karen.hughman@nottsgov.uk

Constitutional Comments (CEH 28/12/18)

23. The recommendations fall within the remit of the Children and Young People's Committee as set out in their terms of reference.

Financial Comments (SAS 24/12/18)

24. There are no financial implications arising directly from this report.

Background Papers and Published Documents

Except for previously published documents, which will be available elsewhere, the documents listed here will be available for inspection in accordance with Section 100D of the Local Government Act 1972.

Children Missing Education Strategy – report to Children and Young People's Committee on 23rd April 2014

Children Missing Education Strategy – report to Policy Committee on 7th May 2014

Electoral Division(s) and Member(s) Affected

All.

C1184