

Monday 7 March 2016

By email: childrenmissingeducation.consultation@education.gsi.gov.uk

Missing From Education Consultation Response

1. The Association of Directors of Children's Services Ltd (ADCS) is the professional association for directors of children's services (DCSs) and their senior management teams. Under the provisions of the *Children Act 2004*, the DCS is the chief officer responsible for the discharge of local authority (LA) functions with regard to education and wider children's services, including social care.
2. ADCS welcomes the Department for Education's (DfE) review of its regulations for identifying children of compulsory school age missing from education. Directors of children's services (DCSs), like the government, want to be assured that all learners are receiving a good standard of education, that they are safe and are being adequately prepared to take up further education, training or employment opportunities in the future.
3. The education system in England is in the midst of a period of intense change making effective oversight of attendance and exclusions increasingly difficult despite LAs holding a range of duties in this area. The proposals outlined in the consultation document will serve to strengthen information sharing arrangements between all schools and LAs thus allowing greater focus on supporting the most vulnerable rather than simply seeking to fill information gaps.
4. Whilst the majority of school age children in a given area will attend a local school, or will be known to be home educated, difficulties arise when pupils are removed mid-year or do not transfer to a new register from one academic year to the next. ADCS welcomes the clarity around roles and responsibilities as well as the emphasis placed on collegiate working between schools, including independent schools, and local authorities to establish the whereabouts of pupils who are missing from education. Sharing this information, and any available intelligence, is the right thing to do.
5. Under current regulations schools do not have a legal duty to record the onward destination of pupils removed from their admissions register. As HMCI highlighted in his letter to the Secretary of State last summer, this is a serious safeguarding issue and it has been a concern for LAs for some time. Without clear guidance in this area practice varies greatly at a local level. The reasons recorded for removal from the register can be extremely limited e.g. 'moved abroad,' making it difficult for LAs to clearly determine if individual children, or sibling groups, are at risk of harm.
6. ADCS therefore welcomes a move to ensure the consistent capturing and sharing of this information, with schools highlighting, as a matter of urgency, any cases where they have been unable to obtain the necessary information from parents or carers. ADCS believes this will help to safeguard children and young people's health, safety and wellbeing as well as their educational outcomes.
7. ADCS requests that the DfE's final guidance is explicit about the course of action that LAs should take if this onward destination data is not received in a timely manner from schools or is insufficiently detailed. It would also be helpful if the DfE's final guidance clearly articulates the role of Regional Schools Commissioners (RSCs), Multi-Academy Trusts and other groups / organisations involved in the running of schools. While LAs work hard to develop and maintain relationships with independent schools in their area, not all providers are fully engaged in this way. Clarity is required from the outset to ensure these regulations can be effectively implemented and ultimately have the desired outcome.
8. Sadly, previous experience tells us that a child, or sibling group, going missing from education can be the first sign of vulnerability to all forms of abuse and neglect, including forced marriage, female

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genital mutilation, radicalisation, trafficking and sexual exploitation. As leaders of children's services the role of the DCS is to safeguard the most vulnerable and knowing that a child or family has fallen off the radar as soon as possible offers the greatest opportunity to intervene and offer help and support. Current regulations have left a worrying void in the ability of LAs to do this effectively.

9. In recent months Ofsted has raised concerns about the narrow curriculum on offer in some independent schools, inspectors have also been critical of facilities and safeguarding procedures. The Association believes the plans outlined in this consultation will assist in the identification of unregistered or illegal schools. ADCS members have been concerned for some time about the lack of checks and balances available to local and national government in respect to these settings. Part-time schools do not have legal status and as such local authorities have long been unable to assure themselves that learners are safe, well and receiving suitable educational experiences. It is unclear how many pupils are being taught at unregistered or 'illegal' schools across the country at this time.
10. ADCS believes that the extended regulations outlined in the consultation will provide a better insight into the practice and scale of informal exclusion from school. In such cases pupils might be placed on 'extended study leave' in advance of sitting their GCSEs or their parents persuaded to home educate as an alternative to permanent exclusion. Whilst parents have a right to educate their child at home, we are concerned that some parents / carers struggle to deliver an efficient and suitable learning experience in such situations meaning the child's right to an education may ultimately be compromised.
11. ADCS has discussed this issue in recent policy committee meetings and raised concerns about the inappropriate exclusion of vulnerable learners, particularly those in Key Stage 4, with the DfE. ADCS members have also raised concerns about this practice in academy schools with individual RSCs. Disrupting a young person's education can have a significant and long-lasting impact on their future education and employment prospects.
12. ADCS would expect the DfE to devise an open and transparent funding formula to support the delivery of these new duties. Devolving these funds via the Dedicated Schools Grant (DSG) seems the best fit at this time, however, the results of the upcoming consultations on a new National Funding Formula for Schools and changes to the Education Services Grant will have a significant impact on the final decision. ADCS would be happy to welcome representatives from the DfE to a future meeting of the Association's Resources and Sustainability Policy Committee to discuss this matter in further detail.
13. Please contact Katy Block, ADCS Policy Officer via katy.block@adcs.org.uk for further information.

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