

By email: cme.callforevidence@education.gov.uk

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ADCS response to Improving support for children missing education - call for evidence

- 1 The Association of Directors of Children's Services Ltd (ADCS) welcomes the opportunity to respond to the Department for Education's (DfE) call for evidence on improving support for children missing education (CME). ADCS is the professional association for directors of children's services (DCS) 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 regarding education and children's social care and acts as a champion for children and young people living in the locality.
- 2 The LA and DCS have a number of statutory duties relating specifically to children's education including: to ensure fair access to school places, to deliver suitable home to school transport arrangements and to ensure high quality education for children and young people with special educational needs and/or disabilities (SEND), plus securing alternative provision outside mainstream school. Further, the Children Act 2004 includes the statutory responsibility for the LA to ensure all children and young people receive appropriate quality education. This requires the LA to receive sufficient assurance information and have sufficient authority within the education system to be able to deliver on this responsibility.
- 3 The current definition relating to CME applies to any children of compulsory school age who are not registered pupils at a school and are not receiving suitable education otherwise than at school. ADCS members report that a clearer definition that is less open to interpretation would be beneficial to LAs as they seek to provide the right support for children and families. For example, ADCS research from 2021 on elective home education (EHE) asked LAs whether they record EHE children and young people identified as not receiving a suitable education as CME. Of the 125 respondents, 64 (51.2%) said that they did not report this as CME whereas 61 (48.8%) said that those children are recorded as CME. As a consequence, a wide range of children are defined as CME despite their circumstances being quite different, such as those going through the normal admissions process and those refusing to comply with a School Attendance Order (SAO).
- 4 LAs have established their own strategies and procedures to identify, track and re-integrate CME back into education where possible. Whilst LAs will have dedicated staff to identify and support children who are CME or EHE, cuts to LA budgets and limited funding to meet statutory duties have directly impacted upon their capacity to deliver this work. This is a particular concern where the number of children missing education has increased year-on-year, something that has only been accelerated since the pandemic. In some areas, such as big cities, the population can fluctuate significantly which places additional resource requirements on LAs as they seek to follow-up with each child that arrives in their LA area or to monitor children who leave for a

different LA or country. This requires significant resources that many LAs are unable to access, leading to LAs being forced to focus on priority cases such as those where there are safeguarding concerns. ADCS is clear that additional funding is required to reflect the current number of children and young people who are missing education, including those who are persistently absent or home educated. A welcome start would be for the funding that would otherwise be spent on a school place for a child to be made available to the LA. Children whose parents are struggling to provide a high quality education should not be adversely impacted due to a lack of funding available for LAs to give the necessary support to these parents and carers.

- 5 Alongside inadequate funding, LAs also face barriers to identifying CME where a child moves to a new area or country. A formalising of processes here would be helpful, such as the process of linking with Border Force to check that families have left the county and the process of linking with the Embassy in the respective country. Where a child identified has CME moves to a different LA, LAs will typically inform each other of this move, however, this process too may benefit from a greater clarity by setting expectations of time scales. Further areas to consider include standardised information sharing process that does not place an additional burden on the LA; clearer guidance regarding information sharing with countries outside of the UK; a consistent identifier used by agencies working with children to identify and match them; and access to data on where all children living within the local authority area attend school (including children attending a school in another local authority area or an independent school within the local authority area). The Department's attendance data dashboard may be a useful tool here.
- 6 Engagement with partner agencies is a key part of supporting children who are CME back into education. Whilst different LAs will have stronger relationships with some partners than others, LAs will typically seek to work with police, health, housing, voluntary groups, education settings and other relevant teams within the LA such as social care, safeguarding and education teams. Some LAs have established multi-agency panels to discuss relevant cases in order to ensure all avenues have been explored and that all areas of support that are available have been offered.
- 7 There is a key role here too for individual schools and multi-academy trusts to create a more inclusive environment that endeavours to cater to the needs of all children and young people. We know that children's mental health has been severely impacted over the past three years and we are now seeing the long-term impact on absence rates. ADCS members are clear, the roll out of mental health support teams in schools must be expanded to more areas and at pace to meet this growing need. Disadvantaged pupils (such as those eligible for free school meals) and those with special educational needs are also more likely to be persistently absent or missing education. It is important that there is a greater focus and outline of the role of schools in promoting inclusivity and reducing school exclusions to ensure as many children as possible remain in education.

- 8 Regarding EHE, LAs have a duty to establish whether a suitable education is being provided but do not have the powers to assure themselves that this is the case. In practice this means a home visit is offered (which may or may not be accepted by the family), but local approaches do vary across the country. ADCS believes LAs should be funded to fulfil an assurance role or monitoring visit and parents should be required to engage with this process on an annual basis. There is no legal definition nor any national guidelines on what constitutes a 'suitable,' 'effective,' or 'full-time' programme of education in the home to assist with this role. There is no accepted framework against which LAs can benchmark provision and parents and carers can choose what will be monitored, whether a home visit can take place and/or if the child is present. Similarly, there are no specific requirements as to what should be included in the programme of learning in the home. Whilst there should be scope for the development of a personalised package of learning, this does not mean that some minimum standards or expectations should not be clearly articulated e.g. a suitable education should include English, maths, IT and social activities outside of the home.
- 9 Many LAs provide support to home educating families, such as through the use of exam facilities or access to part-time education programmes. Budgets for EHE vary widely across the country and therefore LAs are restricted as to the level of support they can provide. However, LAs will often contact EHE families shortly after they leave the school roll and organise home visits where possible. This is reliant upon parents engaging with the LA which does not always happen meaning that the LA cannot be certain of the learning needs of the child without seeing them. Where children have additional needs, it is particularly important that the LA can be satisfied that they are receiving the support they require.
- 10 A SAO can be sought from the courts if the LA has reason to believe that the educational experiences offered to a child being home educated are unsuitable and all other options have been exhausted. However, ADCS does not believe that this is a satisfactory resolution. Once a SAO has been served, a parent can decide to only comply with it for a short period of time, which leads to the LA having to start the process again. Further, the lengthy legal process involved in securing a SAO means that children can be without education for many months, and, even if the SAO is awarded compliance is not guaranteed and is therefore used as a last resort. This is further exacerbated in some areas where LAs report a lack of school places available thus making the SAO process obsolete in some instances. Many LAs will use an education supervision order instead where appropriate, however, this too is time consuming.
- 11 If you would like to discuss any of the points raised in this consultation further, please contact ADCS Policy Officer matt.cunningham@adcs.org.uk in the first instance.