

Decision Maker: **Joint Meeting of the Care Services and Education PDS Committees**

Date: **Wednesday 25th February 2015**

Decision Type: Non-Urgent Non-Executive Non-Key

Title: **CHILDREN MISSING EDUCATION**

Contact Officer: Jane Bailey, Assistant Director: Education
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Chief Officer: Terry Parkin, Executive Director of Education, Care & Health Services

Ward: (All Wards);

1. Reason for report

- 1.1 This report sets out to provide detailed supplementary data on Children Missing Education as requested, following the report on Children Missing Education submitted to Education Policy Development and Scrutiny Committee on 27th January 2015.
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2. **RECOMMENDATION(S)**

- 2.1 The Care Services and Education PDS Committees are asked to note and comment on the information detailed in this report.

Corporate Policy

1. Policy Status: Existing Policy:
2. BBB Priority: Children and Young People

Financial

1. Cost of proposal: Not Applicable:
2. Ongoing costs: Not Applicable:
3. Budget head/performance centre: Education Welfare Service
4. Total current budget for this head: £235,440.00 Controllable; £389,650.00 Total Cost
(This budget includes staffing for one officer allocated to issuing Child Employment and Entertainment Licences and Chaperone Licences)
The service currently brings into the authority £140,000 as a sold service
5. Source of funding: RSG

Staff

1. Number of staff (current and additional): Child Employment Officer @ 0.8FTE;
Child Missing Education Officer @1 FTE; Education Welfare Officers @ 5.4 FTE ;
Senior Education Welfare Officers @ 1.9 FTE
2. If from existing staff resources, number of staff hours:Not applicable

Legal

1. Legal Requirement: Statutory Requirement The LA has a statutory duty to investigate cases where they believe an offence has been committed under S441 and 441A Education Act 1996; Instigate School Attendance Orders; Consider Education Supervision Orders and Issue Penalty Notices. The LA has a statutory duty to identify children that may be missing from education. The LA has a statutory duty to safeguard children in Entertainment and Child Employment. This is undertaken by Issuing of licences. Children Performance Regulations and Children and Young Person Act apply.
2. Call-in: Not Applicable:

Customer Impact

1. Estimated number of users/beneficiaries (current and projected):

	2012-2013	2013-2014
Referrals for attendance that met criteria	252	442
Referrals for Elective Home Education	115	111
Information cases – Early Intervention	151	242
Of which Case work that resulted in:		
Penalty Notices Issued	66	105
Court Action	39	37
Children Missing Education Referrals	105	124

Ward Councillor Views

1. Have Ward Councillors been asked for comments? Not Applicable
2. Summary of Ward Councillors comments:

3. COMMENTARY

3.1 The Education Welfare Service discharges the Local Authority's statutory duties in relation to children missing education and holds parents to account for ensuring the regular attendance of their children at school.

3.2 Children Missing Education (CME)

3.2.1 Children Missing Education is defined as all children of compulsory school age who are not on a school roll, nor being educated otherwise and who have been out of any educational provision for a substantial period of time

3.2.2 Ofsted, when undertaking inspections of Local Authorities, have broadened the definition of CME to also include those young people who are:

- attending alternative provision;
- have been permanently excluded;
- in receipt of home tuition due to medical needs
- whose parents have declared elective home education
- are currently looked after by the Local Authority

3.2.3 There is an expectation that Local Authorities will have mechanisms to identify and monitor this cohort on a regular basis. Bromley has a Children Missing Education Policy that has been cascaded to all schools and partner agencies.

3.2.4 Schools are expected to notify the Local Authority of any child that they intend to remove from their school roll prior to removal as well as notifying the LA of any child that has failed to attend school for 10 days and they have been unable to trace.

3.2.5 Partner agencies, Health and Voluntary organisations are able to refer into the LA any child they believe to be out of education.

3.2.6 There is one dedicated officer within Education Welfare Service who receives CME referrals. On receipt of a referral the officer will undertake all relevant enquiries including making contact with the family and young person in order to support them to reengage with education and liaising with supporting agencies as necessary.

3.2.7 Table 1 shows the number of referrals received as CME and Outcomes. Table 2 details the 5 anonymised cases that the LA was unable to trace and locate.

Table 1 Breakdown of Referral Outcomes

Number of referrals for Children Missing Education	124
Identified as being at a Bromley School	76
Identified as attending other LA Schools	8
Referred to Fair Access Panel	3
Identified as being Electively Home Educated	2
In Borough	1
Out of Borough	1

Referred to In Yr Admissions	7
Referred to Fair Access	3
Moved out of Borough	11
Moved overseas	9
Referred to CORE Panel	5
Not Located	5 **** See table below

Table 2 Data related to the 5 children that were unable to be located

Child O	Referral from Bromley Primary School that child had failed to return to school	<ol style="list-style-type: none"> 1. Initial enquiries on council tax showed family in arrears regarding council tax. 2. Established that property was a private rental 3. Checks revealed 3 siblings at Secondary School who had also ceased attending. Sharing of information on initial body of work undertaken (Recent arrivals from Leeds.) 3. Home visit made. No reply. Property appeared vacant 4. Enquiries made with neighbours who confirmed family had vacated property. No forwarding address 5. Landlord of property contacted to establish current whereabouts of family. Confirmed that they had moved at short notice with no forwarding address. 6. Placed on S2S 7. School share information that family may have moved to Canada – unable to substantiate given British citizens movement not tracked. <p>To date no further information available, however S2S checked on a monthly basis to see if a new school has been identified</p>
Child B	Referral from Education Advisor. Family had elected to home educate their child and had been doing so since 2009. During that time family had engaged with the advisor. Family failed to keep last appointment and the advisor was unable to establish contact.	<ol style="list-style-type: none"> 1. Initial enquiries with council tax revealed that family had vacated the property. 2. Established property was housing association stock 3. Contact with housing association stock made, who confirmed family had left, however did not hold a forwarding address. Believed family had moved to Wales. No further information available. 4. All other contact numbers held by family called. No longer in service. 5. Child placed on S2S <p>To date no further information available.</p>

Child W	Call received from Waltham Forrest, enquiring whether we were aware of Child W. Only data available was child's name and DOB	<ol style="list-style-type: none"> 1. Education Management Database interrogated with negative result. 2. Checks with admissions regarding In Year Applications awaiting process made with negative results 3. Council tax – benefits checks made with negative result. 4. Waltham Forrest advised accordingly who maintain responsibility for Child W and any further enquiries relating to their status as CME
Child P	Call received from Plymouth enquiring whether we were aware of Child P. Only data available was child's name and DOB	<ol style="list-style-type: none"> 1. Education Management Database interrogated with negative result. 2. Checks with admissions regarding In Year Applications awaiting process made with negative results 3. Council tax – benefits checks made with negative result. 4. Plymouth advised accordingly who maintain responsibility for Child P and any further enquiries relating to their status as CME
Child M	Call received from Bromley Multi Agency Service Hub (MASH). Only data available was child's name. They were making enquiries following a referral to establish whether the child was resident within Bromley	<ol style="list-style-type: none"> 1. Education Management Database interrogated with negative result. 2. Checks with admissions regarding In Year Applications awaiting process made with negative results 3. Council tax – benefits checks made with negative result. 4. MASH advised accordingly advised to refer if any further information became available that suggested family resident within Bromley and without education.

Table 3 Data relating to the 9 children who had moved abroad

Child	Ethnicity	Age	Destination	Background and work undertaken
JO	BAFR	13	Ghana	<p>School Notification</p> <ul style="list-style-type: none"> • Parent returned to Ghana – Wrote to sch advising of such. School had no other information • Council Tax checks undertaken- Account shown as live • Home visits made. Older sibling (18yrs) seen who confirmed parent had returned to Ghana • Housing contacted , who confirmed above Stating tenancy would remain given council tax was being paid and a family member was resident. • School removed from roll and placed on S2S April 2014

				<ul style="list-style-type: none"> • Child and parent returned to UK October 2014. • Parent has returned to Ghana, leaving child in care of maternal aunt.
GJ	WOTH	13	USA	<p>School Notification</p> <p>Family present in UK due to work. Family advised school of return to USA due to work contract ending Council Tax checks verified above Home visit confirmed family no longer resident Email exchange with family. Confirmation of education provision in USA established</p>
RJJ	WOTH	7	USA	As above. Sibling to GJ
OC	WBRI	5	Spain	<p>School Notification</p> <ul style="list-style-type: none"> • Family were in discussion with school re plans to move to Spain • Letter received notifying school of move • Council Tax checks confirm end of tenancy however no forwarding address • Home visit undertaken – New tenants seen, no forwarding address available • Child benefits ceased • Placed on S2S • School recently contacted (2015) for file as child has now returned to UK and is on roll at an out of borough school (Surrey)
LC	WBRI	11	Northern Cyprus	<p>School Notification</p> <ul style="list-style-type: none"> • Parent advised school she was attending funeral in Northern Cyprus in June 2014 • Child and parent failed to return • Contact with Father(divorced) of child for confirmation of whereabouts. • Facebook postings confirmed move was permanent • All housing benefits suspended • Child placed on S2S
DB	AIND	13	India	<p>School Notification</p> <ul style="list-style-type: none"> • Family made in yr application in 2011 • School were advised that family returning to India due to work commitments • Council Tax checks reveal property to be exempt council tax due to diplomatic status • Home visit undertaken • Confirmation that family had left. Packing cases evident • Placed on S2S

A KA	BAFR	10	Nigeria	<p>Referral from Health following presentation at A&E</p> <ul style="list-style-type: none"> • Council tax checks verify parent at address • 3 Home visits including a fixed appointment with no contact. • Parent telephones CME Officer stating child attending Louis Pasteur French International School in Lagos Nigeria. • Confirmation from school made • Sibling attending boarding school in Isle of Wight • Children return to family home during the school holidays
IZ	Not Known	12	Not Known	<p>Referral from Health following presentation at A&E</p> <ul style="list-style-type: none"> • Limited information available. No address details • All available data bases checked • No trace – Health had evidence suggesting that family visiting on holiday
GP	Not Known	6	Not Known	<p>Referral from Health following presentation at A&E</p> <ul style="list-style-type: none"> • Limited information available. No address details • All available data bases checked • No trace – Health had evidence suggesting that family visiting on holiday

3.3 School 2 School National Data Base

3.3.1 Families and young people who have not been traced are placed on a national data base called S2S. This operates on 2 levels. Namely as a resource for schools to upload Common Transfer Files (CTF) of students who have left. It will record what the proposed destination of the child was and conversely if the destination is unknown. Secondly as a resource for Local Authorities. The LA permissions, allows access to the school section as well as sending alerts to all or specific LAs requesting they check databases held by them in order to trace and locate children deemed as missing. The LA checks this data base on a regular basis as a safety measure, taking note of children that have been removed from roll, where schools have not previously notified the LA and undertaking enquiries as is necessary to discharge the LA's duty.

3.3.2 A case study detailing use of the S2S system

Child JS	<p>Referral received from B Primary School, as child had failed to return to school. Parent had notified school they were moving to Leicester however refused to give details.</p> <p>Steps taken by CME Officer</p> <p>1. Telephone call to parent who stated that as yet they had not applied for new school given it was the Easter Holidays and Schools had been closed. Disclosed</p>
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that she had moved to Coventry and terminated the call.

2. Officer telephoned parent 1 week later. Parent became hostile, citing harassment by LA. Offer of assistance given in order to speed up and support any applications Details of new address declined.. Call terminated by parent.

3. Council Tax checks made . Family in arrears No forwarding address. Established Housing Association stock

4. Housing Association contacted. Forwarding address obtained. Address allegedly in Birmingham.

5. CME Officers in Birmingham contacted – address given was false and did not exist.

6. Home visit made. Caretaker advised that property locks had been changed by tenant and forced entry had been made by Housing Association. No information available regarding possible new addresses. Enquiries with neighbours negative.

7.Circulated on S2S

8. Through S2S system it was established that an application had been made to a School in Gravesend area.

9. Confirmation obtained that child was attending at identified new school

3.4 Elective Home Education

- 3.4.1 The law places a responsibility upon Bromley Local Authority to satisfy itself that a child's right to a suitable education, as defined by the Education Act and others, is protected. The LA is charged with a duty to ensure that the education provision will enable the child to develop the skills required to participate fully in contemporary society, as well as ensuring that general safeguarding requirements are met. This is achieved by reviewing the provision available, most frequently via face to face contact with the families concerned, during which advice relating to EHE is also distributed.
- 3.4.2 Attainment levels of children who are EHE are not recorded. To record such data suggests the LA would use this as a bench mark for intended visits by the Education Advisor, who in Law has no jurisdiction for testing or assessing future education other than in general terms. In practical terms very few parents are likely to be prepared to agree to such information to be collected by formal testing in the home environment, which is primarily a school based method of assessing academic achievement
- 3.4.2 The legal background supporting EHE is reflected in the DFE guidance of 2007, although this remains open to interpretation in detail.
- 3.4.3 The last 3 years has seen a consistent and widespread increase in the numbers of UK families declaring home education and this is the case within Bromley
- 3.4.4 The general information available from inter authority meetings etc. supports the view that Bromley's position regards EHE is reflective of our geographical and statistical neighbours and there appears to be no significant issues unique to this borough.

3.4.5 Accumulative Table for Elective Home Education Students 2013-2014

National Curriculum Year Group	Total Number	Boys	Girls
Reception	8	4	4
Year 1	8	5	3
Year 2	14	9	5
Year 3	7	3	4
Year 4	13	8	5
Year 5	6	4	2
Year 6	8	5	3
Year 7	7	4	3
Year 8	12	6	6
Year 9	26	12	14
Year 10	25	11	14
Year 11	37	15	22
Total number in receipt of EHE	171	86	85

3.4.6 Table citing reasons for Elective Home Education

Lack of progress/unhappy at school or college	29%
EHE Ethos	19%
Bullying	16%
Waiting for school place of choice	16%
Health issue inc school anxiety	12%
New to borough, not happy with school offered	3%
Traveller ethos	

It should be noted that the data on reasons for declaring elective home education is based on 31 cases during 2013-2014 where parents disclosed the reasons. Whilst officers may enquire, there is no statutory requirements for parents to give their reasons or justify their reasons. This is an area that has been highlighted by officers for developing more robust systems to record reasons when available.

3.5 Legal

3.5.1 The Education Act 1996 makes it an offence for any parent who fails to ensure the regular attendance of their child at school. This applies to all children of compulsory school age i.e. 5 – 16yrs old.

3.5.2 The Local Authority discharges its statutory duty to investigate through the Bromley Education Welfare Service. All referrals received adhere to the Police and Criminal Evidence Act 1984 and Criminal Procedures and Investigation Act 1996

3.5.3 The table lists the outcomes following legal disposal for 2013 -2014 in relation to direct Summons' for nonattendance. It does not include data on summonses issued for Penalty Notices that went unpaid and resulted in court action.

Table relating to outcomes following court action

Child	School	% attendance for prosecution period	% attendance in term following prosecution	Additional notes
AO	Kingswood School	68.4	34.4	Family went missing from the LA and subsequently returned
MB	Kemnal Technology College	33.7	93.4	
LK	Bullers Wood School		Child was permanently excluded following prosecution	Student lived out of borough
EW	The Priory School	7.29	100	
EW	The Priory School	7.29	100	
EJ	The Priory School	18.8	Elected EHE	
CA	St Mary Cray School	0	Moved out of borough- post prosecution	
PL	Kingswood School	1.23	58.60	
LO	Ravenswood School	41.74	30.17	Yr 11 Student who was subsequently placed on a reduced time table
CA	Bullers Wood School	24.07	13.50	This case has returned to the court arena and child is now attending
CA	Bullers Wood School	24.07	13.50	As above
ER	St Pauls Cray C f E School	68.57	79.00	
TB	Kemnal Technology College	6.38	73.60	
RC	Kingswood School	9.09	87.50	
LC	Harris Primary Academy Kent House	53.06	81.1	
JC	Tubbenden Primary School	47.86	75.80	
CC	Tubbenden Primary School	47.1	74.80	
AJ	Darrick Wood Academy	19.44		Medical evidence was produced at court indicating child was unfit to attend. Prior to instigating legal action parent had failed to engage with medical services. Child has now returned with support from EWS and is attending
RS	Kemnal Technology College	61.7	74.30	
PM	Harris Primary Academy Kent House	50.68	98.60	

NC	James Dixon Primary School	63.74	37.20	This case is now in the Social Care arena
TJ	St Anthony RC Primary School	71.84	73.30	
VJ	St Anthony RC Primary School	69.9	63.70	
DJ	St Anthony RC Primary School	70.87	73.30	
AJ	St Anthony RC Primary School	72.82	73.30	
RB	Burwood School	46.19	71.30	
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3.5.4 The data shows that for the majority of cases, court action has been effective. It should be noted that in taking court action the LA is doing so, to protect the rights of the child to an education as well as negating any possible counter claims against the authority for failing to do so.

4. POLICY IMPLICATIONS

- 4.1 The LA has a statutory duty to investigate cases where they believe an offence has been committed under S444(1) and 444(1a) Education Act 1996; Instigate School Attendance Orders and Issue Penalty Notices
- 4.2 The LA has a statutory duty to identify children that may be missing education, And 4 to safeguard children in Entertainment and Child Employment. This is undertaken by issuing of licences. Children Performance regulations, Children and Young Person Act apply.

5. LEGAL IMPLICATIONS

- 5.1 The London Borough of Bromley is the body charged with ensuring a pupil for whom it is responsible within the context of the Education Act 1996 attends school or receives an appropriate education at home .The London Borough of Bromley is the body tasked within education legislation to take appropriate legal action to ensure a child receives an appropriate education.

Non-Applicable Sections:	Financial and Personnel Implications
Background Documents: (Access via Contact Officer)	