Attendance and Exclusions
Education and Children's Social Care Overview and Scrutiny Committee: 20 January 2020

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Plan for session

To provide

- an overview of school attendance (including BCC and schools' statutory responsibilities, absence data, the impact of COVID and planned improvements)

- information about school exclusions (including BCC and schools' statutory responsibilities, exclusions data, reduced timetables, the impact of COVID and planned improvements)

- an update on Children Missing Education and Elective Home Education

- an opportunity for committee members to ask any questions.

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School attendance: local authorities' statutory responsibilities

- Promote good attendance
- Prosecute cases under sections 443 and 444 of the Education Act 1996 *(Section 446 Institution of proceedings – 1996 Education Act)*
- Compile a Code of Conduct and issue penalty notices *(Education (Penalty Notices) (England) Regulations 2007)*
- Make joint reasonable enquiries with schools when a child has failed to attend and cannot be located *(Children missing education - Statutory guidance for local authorities September 2016)*
- Identify (as far as it is possible) those children of compulsory school age in their area who are not school registered or receiving suitable education otherwise than at a school *(section 436A of the Education Act 1996 - as inserted by section 4 of the Education and Inspections Act 2006)*
- Provide full time education for those children who are too ill to attend school for 15 school days or more (*Ensuring a good education for children who cannot attend school because of health needs – Statutory guidance for local authorities January 2013)*

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School attendance: schools' statutory responsibilities

- Ensure attendance is recorded accurately, twice a day on the registers (*The Education (School Day and School Year) (England) Regulations 1999*)
- Ensure absence is investigated and followed up and early help is offered to families where attendance is a concern (*Keeping children safe in education - Statutory guidance for schools and colleges September 2019*)
- Notify the local authority of children unable to attend school due to medical needs for 15 school days or more (*Supporting pupils at school with medical conditions - Statutory guidance for governing bodies of maintained schools and proprietors of academies in England December 2015*)
- Notify the local authority if a child has failed to attend and their whereabouts cannot be confirmed (*Children missing education - Statutory guidance for local authorities September 2016*)
- Notify the local authority of every admission within 5 school days, of all children with 10 continuous days of unauthorised absence and of every deletion from the register (*section 12 of the Education (Pupil Registration) (Regulations) (Amendment) 2016*)

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Deletion from a school's roll

Reasons a school can remove a child from roll (as per the Education (Pupil Registration) (England) Regulations 2006) include:

- Transfer between schools
- Pupil withdrawn, i.e. education otherwise
- Ceased to attend and no longer residing in a place which is a reasonable distance from the school
- Failure to return from leave where 10 days or more have been granted and then 10 days continuous unauthorised absence and school and LA jointly make enquiries and fail to locate pupil
- A medical condition prevents return to school before ending compulsory school age
- 20 days continuous unauthorised absence and school and LA jointly make enquiries and fail to locate pupil
- In custody (not remand) for four months or more (Y and B codes)
- Permanent exclusion

How are absences monitored and recorded?

- Most schools employ specific staff to monitor absence; call parents on the first day of a child's absence if there has been no notification from the parent; and analyse trends and patterns of absence

- The local authority employs staff (Children Missing Education team) to investigate children missing education when children have not attended school and cannot be located.

- The Education Legal Intervention Team monitors the absences of all children referred to it via FAST-track to Attendance before and during any legal action taken.

- Schools have the statutory responsibility to monitor absence in the first instance and absence is monitored by analysis of the registers.
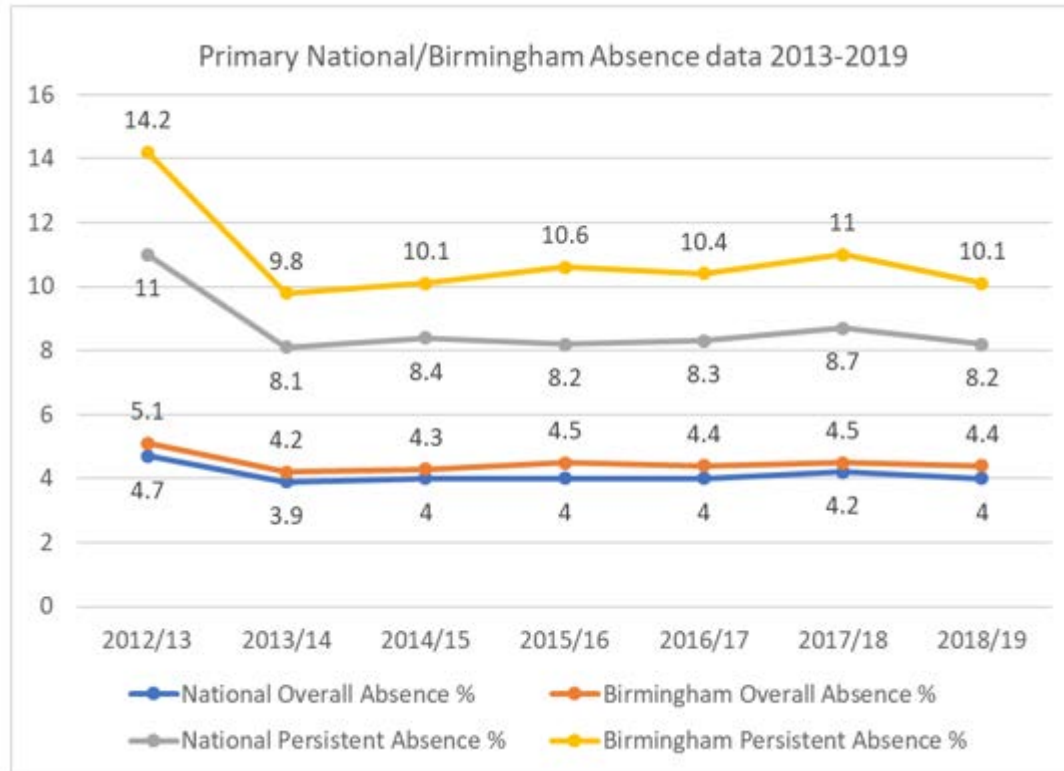
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FAST-track to Attendance / Leave in Term Time

- Fast-Track to Attendance was developed with schools and Birmingham's Children's Trust.
- All parents are informed of their responsibilities as regards attendance, including the process for requesting leave in term time and the FAST-track approach, via a whole school letter.
- Step one of the process requires schools to consider the offer of support and if an Early Help assessment is required.
- Early Help support continues to be offered during stages two and three of the process,
- The voice of the child is captured in the process via the completion of the Signs of Safety and Wellbeing tool which then informs the approach taken.
- The threshold for formal referral to the council is 20 sessions of unauthorised absence over a calendar year.
- Within that, for FAST-track, there must be 10 sessions of unauthorised absence after a formal warning notice has been issued by the school, and 10 sessions of unauthorised absence prior to that. For leave in term time, there must be 8 sessions of unauthorised leave in term time and 12 additional sessions of unauthorised absence before referral can be made.
- All prosecutions have to pass a public interest test which considers factors such as the seriousness of the offence, the circumstances and the level of harm caused.
- We always seek to avoid prosecuting parents who are engaging with schools and services.
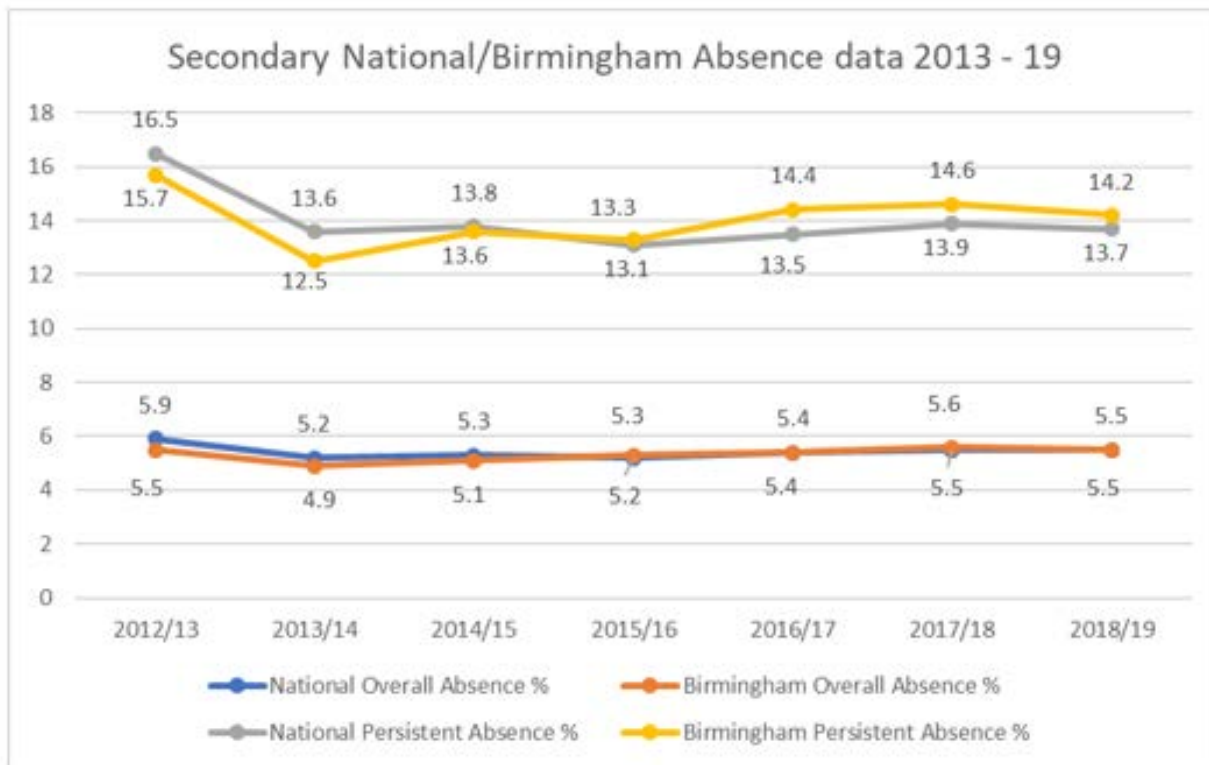
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Absence data

- School census data (overall and persistent absence data) is usually published by the DfE twice a year for the previous academic year.
- Local authority strategic support for schools is prioritised based on the levels of persistent absence (percentage of children in the school with 10% or more absence)
- Absence data for children in care is monitored by Birmingham Virtual School.
- SENAR monitors the attendance of children with Education Health and Care Plans.
- The Education Legal Intervention Team monitors the attendance of children with child protection/children in need plans and offers advice and guidance to schools and social workers in order to improve attendance.
- The council reports data on the number of penalty notices issued, court proceedings taken and attendance casework to the DfE annually.
- This requirement was suspended for the 2019/20 academic year due to Covid.

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School absence data - Primary

Primary National/Birmingham Absence data 2013-2019

School absence data - Secondary

Secondary National/Birmingham Absence data 2013 - 19

Legend:
- National Overall Absence %
- Birmingham Overall Absence %
- National Persistent Absence %
- Birmingham Persistent Absence %

School absence data - Special

Special National/Birmingham Absence Data 2013-19
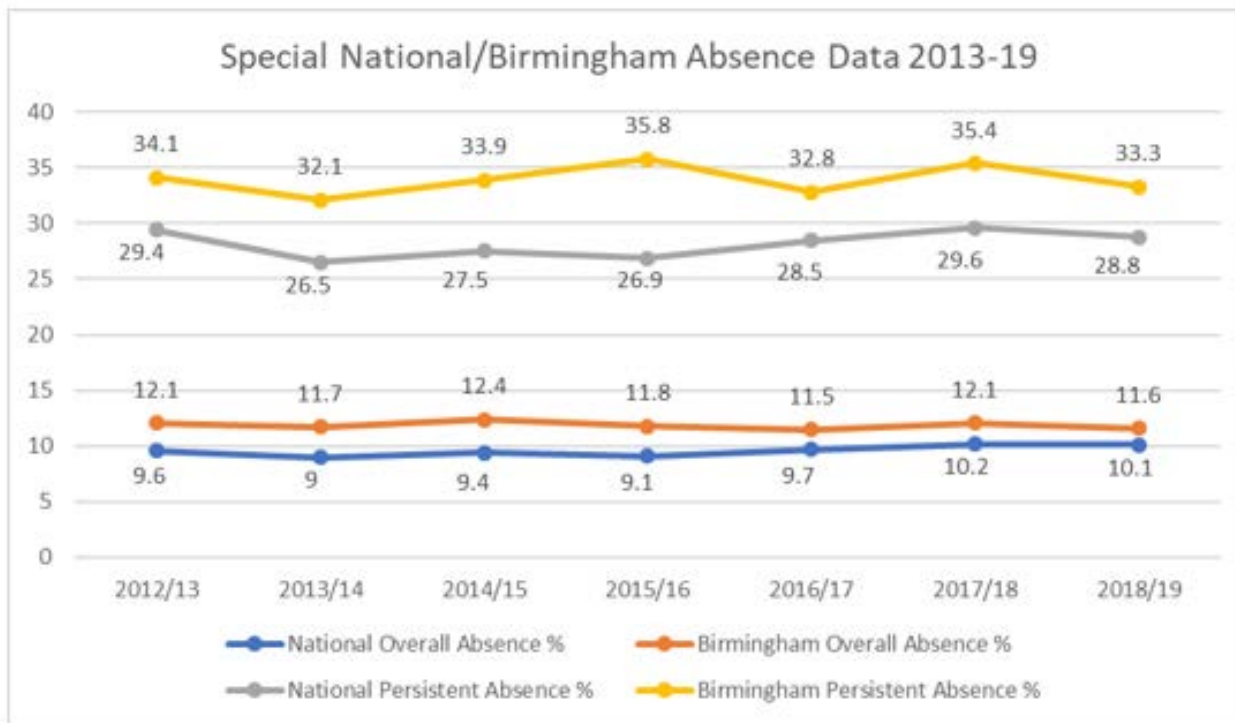
Attendance: COVID period

- DfE collecting data daily direct from schools
- Attendance has been in line with elsewhere in the region and other Core Cities
- Enforcement action was suspended during the initial lockdown and for the first half-term of the autumn term
- Additional support put in place for schools and families
- Focus continues to be on early help with enforcement action reintroduced from November
- No legal action taken for new cases prior to Christmas

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Improvements and next steps

- We are currently exploring the application of the new Schools Portal to support with the collection of school specific attendance data. This will only be done if it is financially viable and can add clear value to the system

- We will be reviewing our approach to targeting schools who have attendance challenges to offer support with their attendance strategy and approach

- We are continually reviewing our FAST-track to Attendance process with schools to reinforce the focus on early help so that schools are offering support to families and only taking legal action where necessary as a last resort.

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Exclusions: local authorities' statutory responsibilities

- Anyone dealing with exclusion (schools, governors, council officers) must have full regard to the [DfE's statutory exclusion guidance](#) 2017.
- Head teachers/Governing bodies make decisions on the exclusion of pupils
- The council's Exclusions Team attend governors' meetings where a headteacher's decision to permanently exclude is considered by right for maintained schools and by invitation only for academies.
- The Local Authority also has a duty to arrange Independent Review Panels to consider permanent exclusion from maintained schools where a family request this.
- The Exclusion Team's attendance at either a governors meeting or Independent Review Panels is by invitation only for academies.
- The Local Authority is required to provide full time suitable education to young people from the 6th school day following permanent exclusion.

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Exclusions: schools' statutory responsibilities

- The only person who can exclude a pupil is the headteacher.
- Headteachers must, without delay, notify the governing board and the local authority of:
  - any permanent exclusion (including where a fixed-period exclusion is followed by a decision to permanently exclude the pupil);
  - any exclusion which would result in the pupil being excluded for a total of more than five school days (or more than ten lunchtimes) in a term; and
  - any exclusion which would result in the pupil missing a public examination or national curriculum test.
- The headteacher must also notify the local authority and governing board once per term of any other exclusions not already notified, including the reason(s) for the exclusion and the duration of any fixed-period exclusion.
- In addition, within 14 days of a request, a governing board must provide to the Secretary of State and (in the case of maintained schools and pupil referral units (PRUs)) the local authority, information about any exclusions within the last 12 months
- For a permanent exclusion, if the pupil lives outside the local authority area in which the school is located, the head teacher must also notify the pupil's 'home authority' of the exclusion and the reason(s) for it without delay.

Exclusions/reduced timetables

- Exclusions process as per required legislation
- Reduced timetables permissible:
  - In exceptional circumstances
  - Time bound with review
  - Explicit purpose with targets
  - Agreed by family
  - Used for example where there are medical reasons, school support package needed, to support reintegration
  - Recorded as an absence for the relevant part of the week.

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Annual exclusions data

Ac Yr Category	2014/15	2015/16	2016/17	2017/18	2018/19	2019/20*
Perm Excluded from B'ham Primary Schools	89	92	111	113	103	56
Perm Excluded from B'ham Secondary Schools	189	176	185	123	164	165
Perm Excluded from B'ham Special Schools	7	6	7	6	3	6
Total	**285**	**274**	**303**	**242**	**270**	**227**

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Exclusions and SEND

School Type/SEN Level (2018/19)	No SEN indicated	Additional support	EHCP	Total Permanent Exclusions
Special	0	0	3	3
Primary	32	64	7	103
Secondary	115	46	3	164
Total	147	110	13	270

School Type/SEN Level (2019/20)	No SEN indicated	Additional support	EHCP	Total Permanent Exclusions
Special	0	0	6	6
Primary	11	39	6	56
Secondary	102	58	5	165
Total	113	97	17	227

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Exclusions and Ethnicity

Exclusions by Ethnicity	Headcount	Permanent rate	Fixed rate
White	68720	0.14 (0.1)	4.76 (5.88)
Mixed	16898	0.2 (0.19)	7.44 (7.65)
Asian	74686	0.05 (0.05)	2.3 (2.16)
Black	24767	0.19 (0.12)	6.82 (5.53)
Chinese	1022	0 (0)	0.29 (0.26)
All non-White British	**136975**	**0.09 (0.09)**	**3.81 (4.22)**

- 2017/18 data
- National figures indicated in brackets

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COVID context

- Exclusion rates have reduced
- Table below shows permanent exclusions as at 10/12/20, 10/12/19 and 10/12/18

Phase/Academic Yr	2018/19	2019/20	2020/21
Primary	42	30	8
Secondary	53	75	49
Special	1	3	2
Total	96	108	59

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Improvements and next steps

- Work closely with City of Birmingham School (COBS) to ensure provision for permanently excluded pupils and support for looked after children and young people at risk of exclusion

- Support the use of managed moves as an effective alternative to permanent exclusion

- Collegiate working with a wide range of schools and other partners

- Implement the recommendations of the recent multi-agency audit of primary permanent exclusions

Children Missing Education (CME)

- In partnership with schools, the CME team carries out 'reasonable enquiries' to establish the whereabouts of children who leave schools without trace with their families. Children missing alone and those who are a known safeguarding concern are immediately referred to CASS and/or the Police.

- The team follows a comprehensive tracing procedure for each case referred, and has wide reaching and appropriate information sharing agreements in place with key local partners, national agencies, and all other local authorities. Partnerships with national agencies include the Foreign and Commonwealth Office, the Organised Crime Unit and Forced Marriage Unit.

- There has been a slight spike in CME referrals received from schools since September 2020 compared to previous years, possibly due to the pandemic and family movements during the lockdown/school closure period.

- 25 referrals were received in September 2020 and identified as CME compared to 13 in September 2019.

- 20 referrals were received in October 2020 and identified as CME compared to 16 in October 2019.

- 17 referrals were received in November 2020 and identified as CME compared to 14 received in November 2019.

- Of the 62 children referred since 1st September 2020, 42 have been traced and are in receipt of suitable education. The remaining 20 have been logged as CME, their information shared with Birmingham Children's Trust for any safeguarding concerns (none highlighted) and remain within the team's tracing cycle and on-going three month reviews for at least the next 12 months. All cases remain logged and flagged until an education destination is identified or until no longer of statutory school age.

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Elective Home Education (EHE)

- In November 2020 2,287 children were home educated compared with 1,806 in November 2019.
- 407 children were withdrawn from schools for EHE in September 2020 compared to 169 in September 2019, 166 children were withdrawn in October 2020 compared to 94 in October 2019 and 154 were withdrawn in November 2020 compared to 63 in November 2019.
- Of the 407 children withdrawn in September 2020, schools specifically indicated 'Covid' as 92 of the parents' reason for EHE, although subsequent contacts officers have had with parents indicates that around 50% decided to home educate due to their fears about the pandemic.
- In September 2020, of the 407 children withdrawn from schools, 302 (74%) were BAME, 93 (23%) were White British/Other and 12 (3%) ethnicity unknown.
- Ethnicity of the current EHE cohort (2,287 pupils):
  - 30.9% BAME
  - 21.35% White British
  - 4.05% White Other
  - 43.65% undeclared
- 83 children (4.1%) of the current EHE cohort are known to have previous or current social worker involvement, 11 children are currently active cases to the Children's Trust.

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Elective Home Education data by year group (as at 30 November 2020)

School year group	Number of children home educated
Reception	34
Yr 1	135
Yr 2	161
Yr 3	215
Yr 4	201
Yr 5	222
Yr 6	224
Yr 7	232
Yr 8	224
Yr 9	225
Yr 10	203
Yr 11	211
TOTAL	2287

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Collaborative working

Join up and information sharing is facilitated by shared information systems, common processes and regular meetings:

- Attendance, Children Missing Education, Exclusions, EHE, School Admissions are all located in the same division: Education and Early Years and report to the same Assistant Director (Lisa Fraser)
- Work with colleagues in Virtual School, SENAR and all SEN colleagues within the Education and Skills Directorate
- Close working outside of the directorate (CASS) and the council (Police)
- Join up of activity via individual cases with a shared case recording system, Impulse which schools feed into via X-Vault
- Case specific, school or systems multi-agency meetings when necessary
- The Joint Responses Group is a sub group of the Birmingham Children's Partnership Operational Group and supports joint work particularly focused on vulnerable children, young people and families. There has been a focus on supporting the attendance and engagement of vulnerable families during the Covid pandemic.

Key issues moving forward

- The pandemic has led to substantial pressures on the school and wider education systems but has also presented opportunities
    - Attendance levels in Birmingham in the context of increasing levels of infection compared favourably with elsewhere in the region and the country during the autumn term. The challenge will be to maintain this when schools reopen following this lockdown and further into the future
    - We have seen a reduction in exclusions during the pandemic and the challenge will be to maintain this improvement
    - The pandemic has highlighted the need to have more effective tracking arrangements so we need to urgently invest in improvements to local authority IT systems as well as staffing capacity
    - Closer working relationships with a range of partner agencies as a result of COVID has improved the tracking and support to vulnerable pupils and their families. We will continue to build on these improvements
    - During the pandemic Birmingham Education Partnership has been working closely with the Assistant Director for SEND on inclusion and has initiated two working groups to review schools' curriculum offers for at risk and/or disengaged pupils
    - Local authority officers are working with Secondary Forum to streamline processes around local sharing panels to ensure that hard to place pupils access school provision more quickly.

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