

Birmingham City Council

Education, Children and Young People Overview and Scrutiny Committee

18 October 2023



Subject: Hidden Children
Report of: Razia Butt, Director Thriving Children and Families
Report authors: Paul Mitchell, Interim Head of Attendance & Exclusions
Paul.mitchell@birmingham.gov.uk
Alan Michell, Head of Service Admissions, Fair Access
and Pupil Tracking
Alan.michell@birmingham.gov.uk

1. Purpose

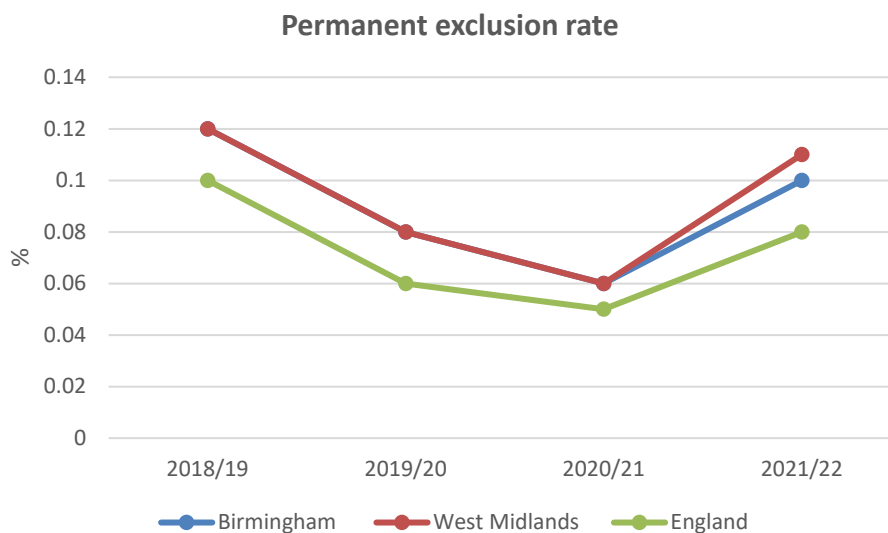
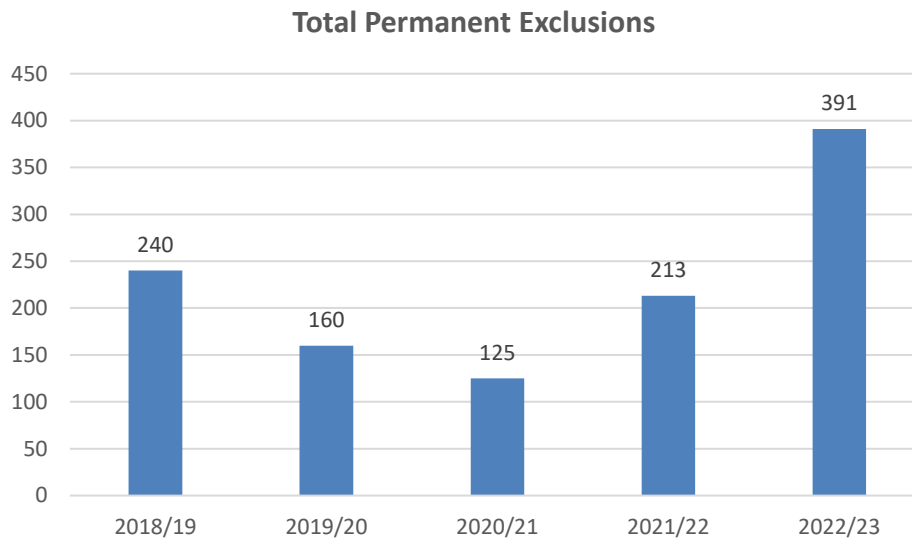
- 1.1. This report updates the Committee on hidden children and provides information on exclusions, suspensions, part-time timetables, elective home education, absence rates and the impact of period poverty on pupils' attendance during their periods.
- 1.2. The report provides information on how the council, schools, Birmingham Children's Trust and health colleagues retain oversight of these children.
- 1.3. The embedded links provide published and management information data on these groups of children.

2. Recommendations

- 2.1. That the Committee notes this report and provides feedback.

3. Exclusions

- 3.1. A permanent exclusion from school is where a pupil is no longer allowed to attend a school in response to a serious breach or persistent breaches of the school's behaviour policy; and where allowing the pupil to remain in school would seriously harm the education or welfare of the pupils or staff in the school.
- 3.2. There was a significant reduction in permanent exclusions from Birmingham schools during the covid pandemic period but in academic year 21/22 levels of permanent exclusions in the city began to return to pre-pandemic levels.



3.3. Data indicates that permanent exclusion rates are increasing nationally, we expect this to continue in the new academic year.

3.4. From our consultations with Birmingham schools on the reasons for the increase in the levels of permanent exclusions, responses from schools have included;

- worsening levels of behaviour following the pandemic
- pressure on schools' budgets leading to less spend on specialist and pastoral staffing,
- Some schools have indicated that changes to the DfE (Department for Education) guidance on exclusions has led to a different approach to permanent exclusions.

3.5. City of Birmingham School (COBS) provides education for children permanently excluded from school to support the local authority in meeting the requirement to *'make arrangements for suitable full-time education for pupils permanently excluded from school from the sixth day following a pupil's permanent exclusion'* (Education Act 1966).

- 3.6. Additional places at COBS have been commissioned by Birmingham City Council in the last two years to respond to the rising demand for places, funded from the High Needs Block.
- 3.7. In response to the sharp rise in permanent exclusions in the last academic year council officers held meetings with COBS to seek to project the pressure on places in the new academic year (23/24).
- 3.8. Current projections based on recent permanent exclusion rates of eight per week indicate a risk of insufficient places being available at COBS for permanently excluded children in this academic year.
- 3.9. COBS was asked to explore the possibilities to increase their current capacity in preparation for the expected continued increase in demand from September 2023. The Headteacher of COBS has produced a proposal to re-organise the COBS sites to accommodate more children.
- 3.10. Meetings have taken place between COBS and Education Infrastructure colleagues to scope out the proposal further and produce a plan of work and a timeline to achieve this.
- 3.11. It is anticipated that the proposed changes to the COBS sites will allow an increase in secondary provision of 80 additional places. The current major pressure for places is in the secondary sector.
- 3.12. 20 of the increased secondary places will be achieved by reallocating from the existing primary places to secondary (at no extra cost) and an additional 60 new places would be established at an additional annual cost of £1,232,400. We would anticipate COBS having some of these places available from November 23 onwards.

4. Prevention of Exclusions

- 4.1. Alongside the short-term need to increase capacity within COBS to ensure we meet our statutory duties; work continues to develop more preventative strategies. We have recently modelled a 'team around the school' process, supporting a secondary school with 20 children at high risk of exclusion through an integrated service offer from the Youth Service, SAFE Taskforce, Violence Reduction Partnership, BEP, BCT Early Help and other agencies, working together to provide universal and targeted support. This has demonstrated effective bridging and brokering of services and will form a blueprint for future working arrangements.
- 4.2. Partnerships to prevent exclusions are progressing with the Police and Crime Commissioner's Office. Proposed restructuring within the Children and Families Directorate will provide new dedicated and focused staffing resource to mainstream exclusion prevention and the coordination of alternative education provision (AP) places.
- 4.3. We are exploring ways to work more effectively with the secondary Local Sharing Panels both to improve the level of reintegration back into mainstream from COBS

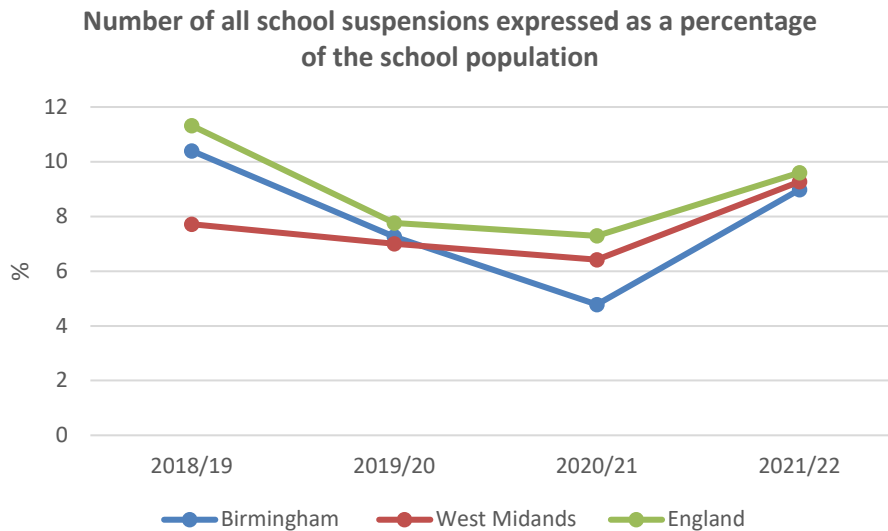
and to improve the success rate of 'managed moves' between Birmingham schools. This will ensure join up between BCC and partner agencies to support children and families.

- 4.4. Accessing new preventative short term and sessional places may be possible by encouraging the AP Free schools to expand their offer in the city.
- 4.5. It is proposed that the next COBS SLA reflects the council's focus on the flexible use of places, short stay interventions and outreach support to reintegrate children back to mainstream, which is essential to build 'fluidity into the system. It would prove beneficial for the COBS SLA to be extended over several years to allow for longer-term planning for COBS leadership and to allow new prevention strategies to be developed by BCC in partnership with school leaders. Once implemented these strategies it is anticipated that it will take some time to gain traction and become embedded.
- 4.6. 'In Year' exclusions data is being collected, our data collection is being used to create an exclusion dashboard for strategic and child-level use, enabling effective multi-professional collaboration and rapid response based on meaningful, regular exclusions data rather than census data that does not provide an up-to-date picture.
- 4.7. This data gives us a picture of the equity issues facing particular groups of Birmingham children and will inform a more targeted response to service delivery.
- 4.8. A new Alternative Provision working group has been established to seek to understand the AP landscape in Birmingham. Jointly led by the directors for SEND and Thriving Children and Families it is currently setting out key performance indicators:
 - Sufficiency - do we have enough preventative places and services – are they effective?
 - Equity – do we know how fair the system is for children and young people?
 - Pathways - are the pathways to provision in place and is access fair and equitable?
 - Governance – do we have good oversight and management of the 'AP System' in Birmingham?
- 4.9. Permanent exclusions from a school are a decision by the Headteacher and the school governing body, the council's statutory role is around the permanent exclusion process in ensuring compliance.
- 4.10. The council's ambition is to work with schools to develop the 'AP System' and marketplace, share good practice and shape services to support our schools and help prevent permanent exclusions of children in Birmingham.
- 4.11. It is expected that Birmingham will continue to experience a high level of permanent exclusions in the next academic year, it will take time for new systems and strategies to be agreed with education system leaders in the city and for new ways of working to be implemented and embedded. A new 'Preventing Exclusions' strategy will be co-produced with Birmingham headteachers later this term, this

will involve engaging with headteachers, professionals, parents and pupils through a series of workshops to inform our approaches in this area.

4.12. There are significant financial pressures on the High Needs Block (which funds COBS) which are being factored into BCC's financial planning.

5. Suspension



5.1. A suspension is where a pupil is temporarily removed from school for a fixed period of time and is used by schools as part of their behaviour policy to provide a clear signal of what is unacceptable behaviour and show that current behaviour is putting them at risk of permanent exclusion.

5.2. 'In Year' data collection of data on suspensions from Birmingham schools will be used to create a Suspensions Data Dashboard for strategic and child-level use, enabling effective multi-professional collaboration and rapid response based on meaningful & regular suspensions data. The new staffing resource planned for the Thriving Children and Families division will focus on preventing exclusions and will use this improved suspensions data to plan interventions for children at risk of exclusion.

6. Part-time timetables

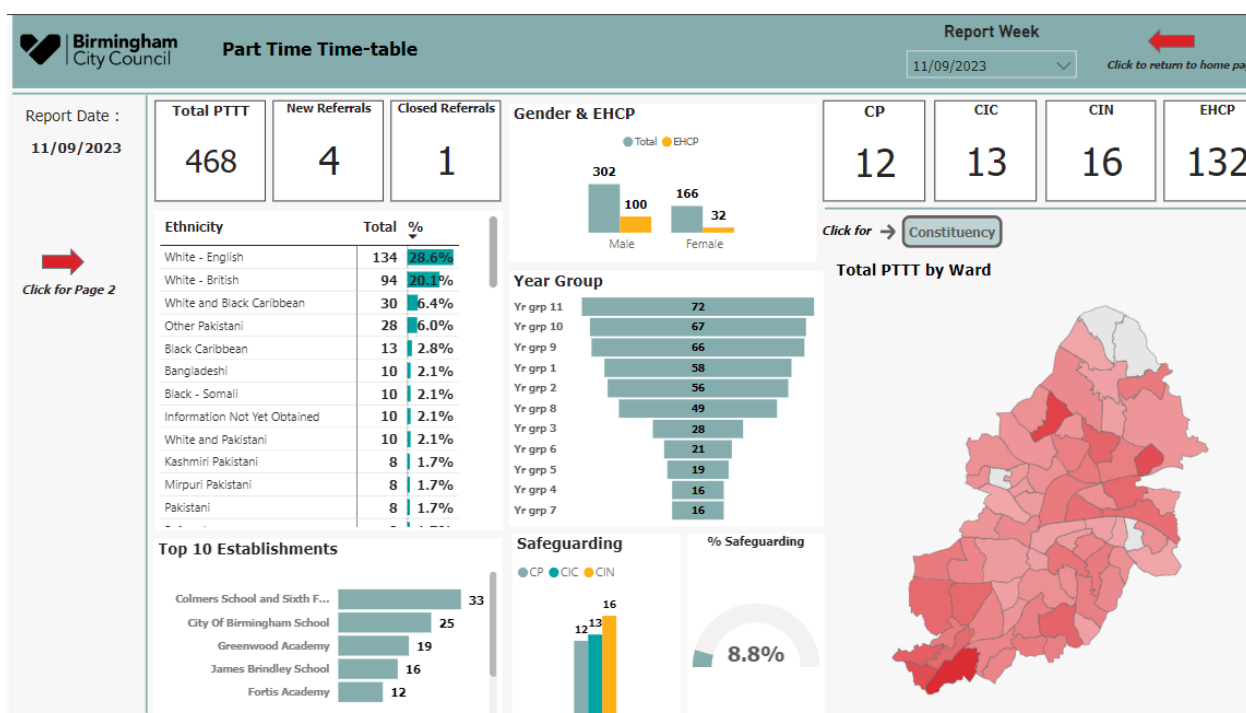
6.1. Part-time timetables are only permissible if they are short term (no more than six weeks) and are used to meet the needs of the child rather than the school. This approach should be used to integrate/reintegrate children who have had longer term absence/exclusion from school.

6.2. Data shows that approximately 85% children in receipt of part-time/reduced timetables have a SEND (Special Educational Needs and Disabilities) need. The data has been incomplete with not all schools notifying the local authority as required.

6.3. To improve the data and identify trends required for action planning, the part-time/reduced timetable guidance for schools has been revised and is now available

to schools. The online notification forms have been amended to give the local authority access to the most up to date part-time/reduced timetable data.

- 6.4. This should allow officers to have close to real time data on current pupils not in receipt of full-time education. Part-time timetables have been included in the transformation plans related to attendance as outlined by the DfE Guidance 'Working together to improve school attendance'.
- 6.5. Under the guidance, local authorities are required to allocate single points of contact to meet with every school termly. New posts have been designed to reflect those requirements which will include discussions on strategies to prevent and address part-time provision.

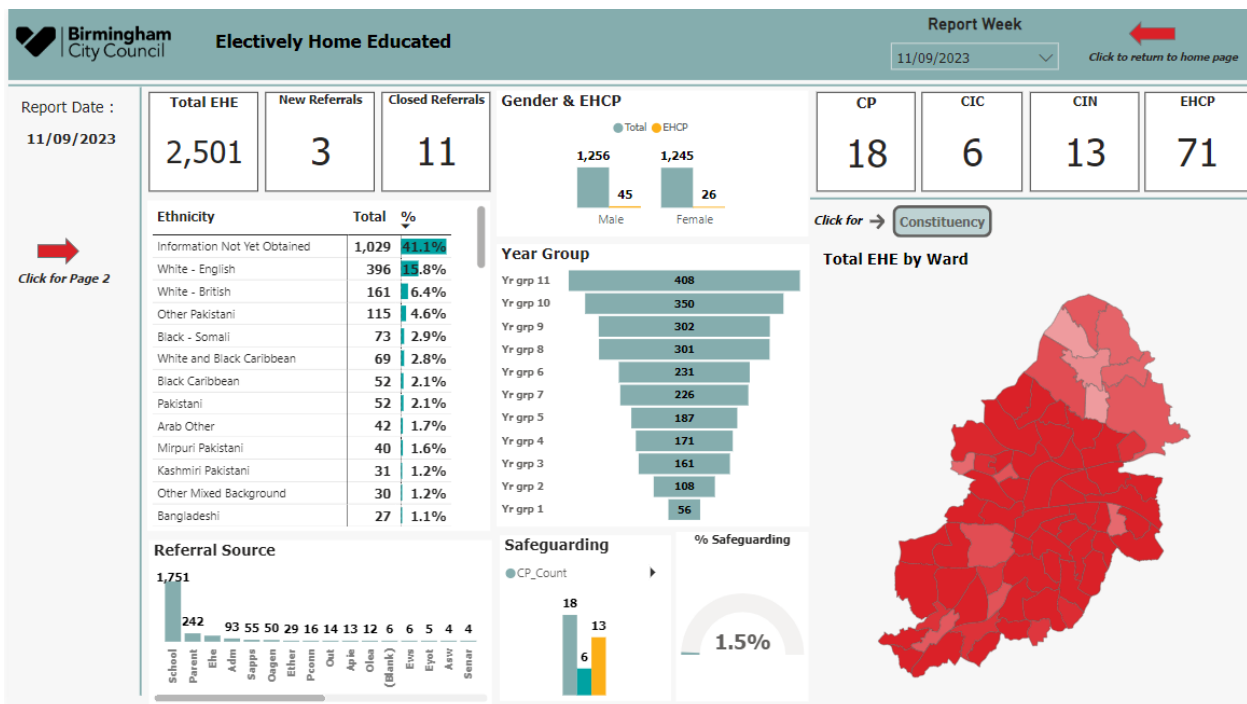
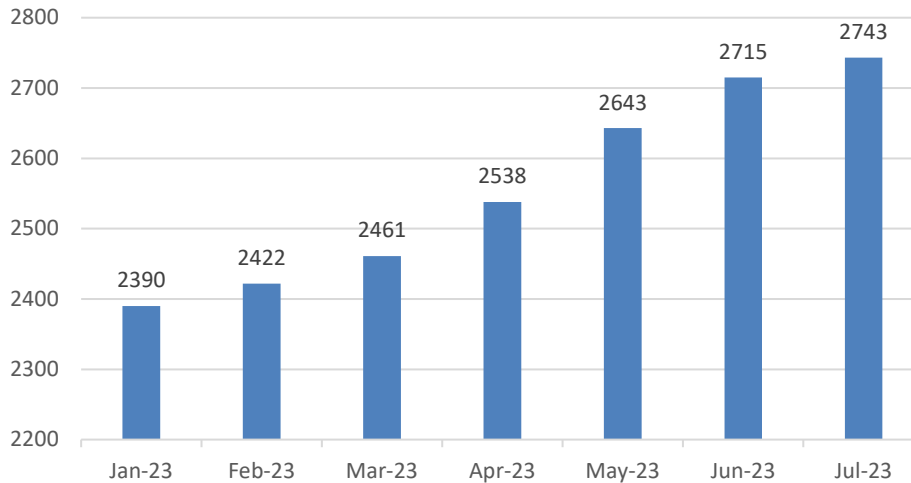


7. Elective Home Education

- 7.1. The Elective Home Education (EHE) Team fulfils the council's obligation to ensure that home educated children are receiving suitable full-time education.
- 7.2. There are currently 2500 children who are known to be home educated in Birmingham (Sept 23).
- 7.3. The law does not currently require parents/carers to notify the local authority of the intention to home educate. However, the local authority does have a legal duty to ensure its resident children are in receipt of a suitable education.
- 7.4. In January 2023, an Elective Home Education Project Group was established with oversight from Birmingham Safeguarding Children Partnership (BSCP) to ensure robust arrangements are in place for children and young people who are electively home educated. A rigorous triage process was introduced to identify any children at risk, and supervision and support from BCT CASS is in place.

- 7.5. BCC and BCT officers met with the Elective Home Education team from DfE in January to share social policy evidence that emerged from the deep dive into 800 children's records. The findings of that triage underpin BCC's improvement plan to address emerging themes in EHE. This includes children being removed from school roll for a range of reasons:
- Following safeguarding disclosures where a statutory threshold was not met, or consent was withheld, to avoid risk of further disclosures when in school
 - issues with bullying in school and ineffective strategies to manage this
 - behaviour concerns where EHE is used to avoid permanent exclusion
 - parents with adult mental health/social care intervention requiring support from children resulting in children becoming young carers,
 - children with SEND, emotionally based school avoidance
 - the use of unregistered and unregulated tuition centres and over-representation of groups of children, linking to faith/RSHE
- 7.6. The EHE team has delivered a series of awareness raising sessions through the Corporate Safeguarding Group, the Practitioner Forum, CASS/MASH and health, and has produced a 'one-minute read' to assist frontline workers to get information about how to get advice about children they may be worried about.
- 7.7. BSCP has updated 'Right Help, Right Time' to include risks for children who may be home educated, thereby mainly out of sight of services, to strengthen the local policy position that the best place for almost all children is in school. We have introduced a ten-day cooling off period to allow parents/carers time to consider removing children from school where mediation may be preferable.
- 7.8. Particular attention is being paid to children known to Birmingham Children's Trust to ensure that children subject to CIN/CP are in school.
- 7.9. Children in EHE are a cohort of interest for the Children Out of Sight Group. This group is chaired by health and seeks opportunities for integrated agency outreach to engage families.
- 7.10. A series of community conversations has been carried out to offer confidence to parents/carers, particularly when the reason for withdrawal from school is related to Relationships Education.
- 7.11. We have commissioned a specialist teacher to engage with Somali heritage families to act as a broker for a range of health and education services and to support children to return to school.

Total number of children home educated

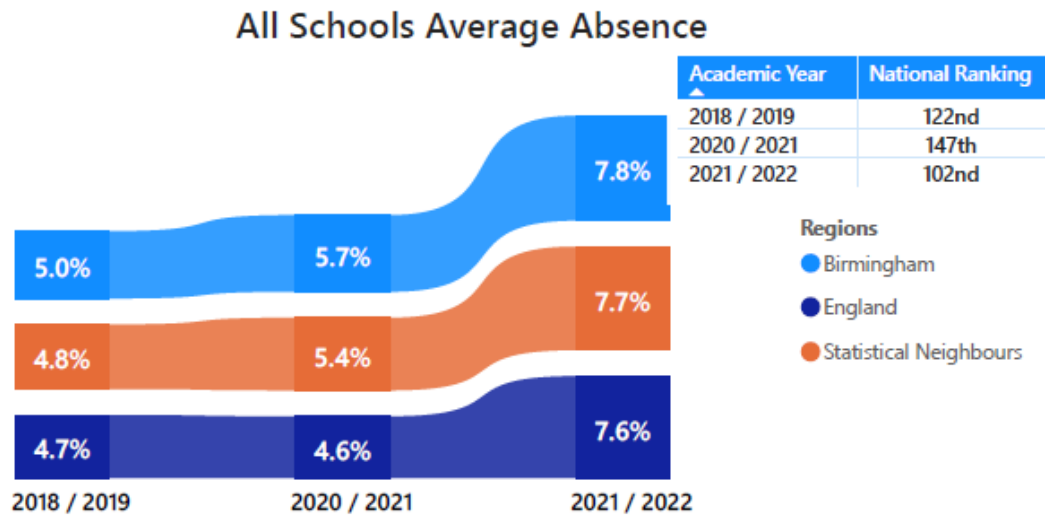


8. Attendance

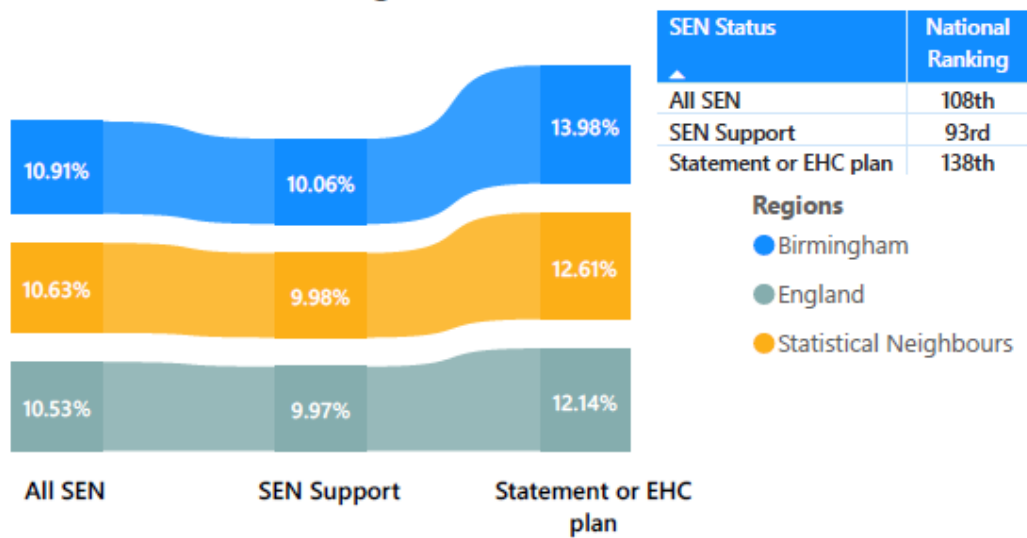
- 8.1. DfE Census data for Birmingham shows that for 2021/22 pupil absence was higher than national average for several groups of pupils such as children with SEND needs, children with Child in Need/Child Protection Plans.
- 8.2. To meet the new requirements from the DfE guidance 'Working Together to Improve School attendance the local authority is re-designing the attendance function that will sit within the Thriving Children and Families division, this will provide a new

focussed staff resource to work with Birmingham schools to support improving attendance in the city.

- 8.3. There is no data on emotionally based school avoidance but anecdotally, the DfE and local authorities in England believe that numbers have substantially increased following the pandemic.



All Schools Average Absence - SEN Status



- 8.4. A recent report by [Public First](#), *'Listening to, and learning from, parents in the attendance crisis'*, presents a range of push and pull factors that shows the impetus to attend every day has been lost as parents wrangle with the cost-of-living crisis, their children's fragile mental health, unmet special educational needs and post-Covid 'new normal' society. The report captures the voices of parents, many of whom are disgruntled with aspects of educational policy or school management.

- 8.5. To develop this work and to meet our statutory duties in this area the local authority is holding a series of co-production events with parents, schools, Birmingham Children's Trust, other Children and Family services, parent advocates and pupils to identify the priorities for a Birmingham School Attendance Strategy, which has the theme 'improving school attendance is everyone's business'. Additional funding has been allocated to enable service transformation so the local authority can meet its obligations under the 'Working together to Improve School Attendance' guidance with an emphasis on providing a single point of contact for schools; working with schools from their data to ensure support is offered to those children with high levels of absence, particularly children with severe absence (50% or more absence) which will include children who are still on roll of a school but haven't attended since the pandemic); and support with guidance to schools ensuring best practice in reducing absence in every school in the city. The Inclusion Strategy launched in June 2023, with attendance as a thread throughout the strategy as a key area for improvement. Key performance indicators on reducing pupil absence have also been set for all schools taking part in the Developing Local Provision initiative across the city, with training and support offered by the Lead Attendance Officer as required.
- 8.6. Live attendance data is now being collected from all but one school in Birmingham, significantly above the DfE's national collection rate of 85%. Our data collection will be used to create an attendance dashboard for strategic and child-level use, enabling effective multi-professional collaboration and rapid response based on meaningful, regular attendance data rather than census data that does not provide an up-to-date picture. Further work is in place to ensure that Birmingham also has live attendance data from all AP Free schools.

9. Period Poverty

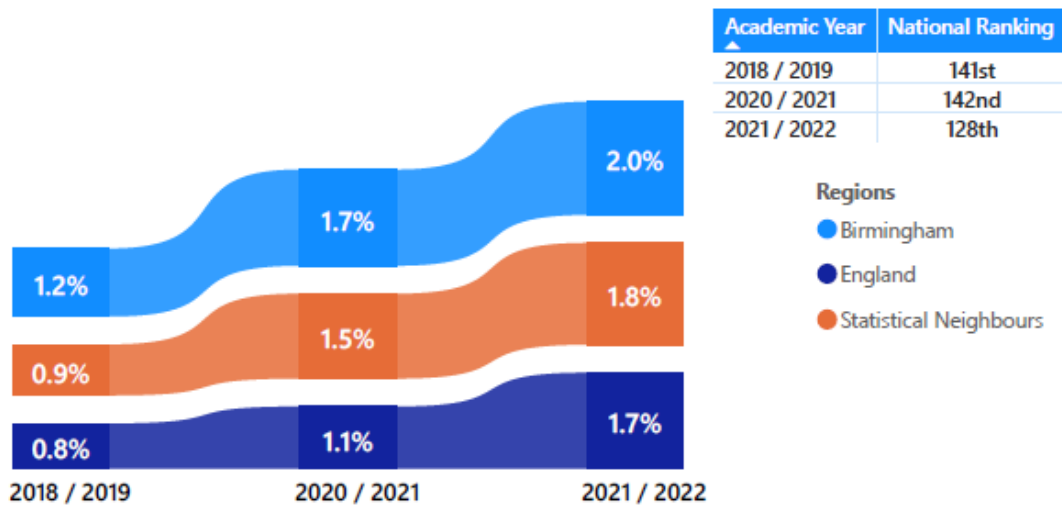
- 9.1. A meeting of the City Council on 4th December 2018 approved a resolution asking Scrutiny to investigate the issue of period poverty in Birmingham. The report that followed, 'Tackling Period Poverty and Raising Period Awareness,' made a series of recommendations including that the Council should work more closely with schools and teachers to educate students about period poverty.
- 9.2. This is well embedded in schools and forms part of the public health approach to health and wellbeing. Menstruation is addressed through the Birmingham Approach to Relationships Education pack and through the secondary curriculum. Period products are available in schools and advice and support is offered for children and young people in a sensitive and culturally appropriate way.

10. Children not returned after the Pandemic

- 10.1. The Centre for Social Justice report ['Lost and Not Found'](#) together with the Education Select Committee inquiry ['Persistent absence and support for disadvantaged pupils'](#) have both highlighted the issues of large rises in both persistent and severe absence nationally.

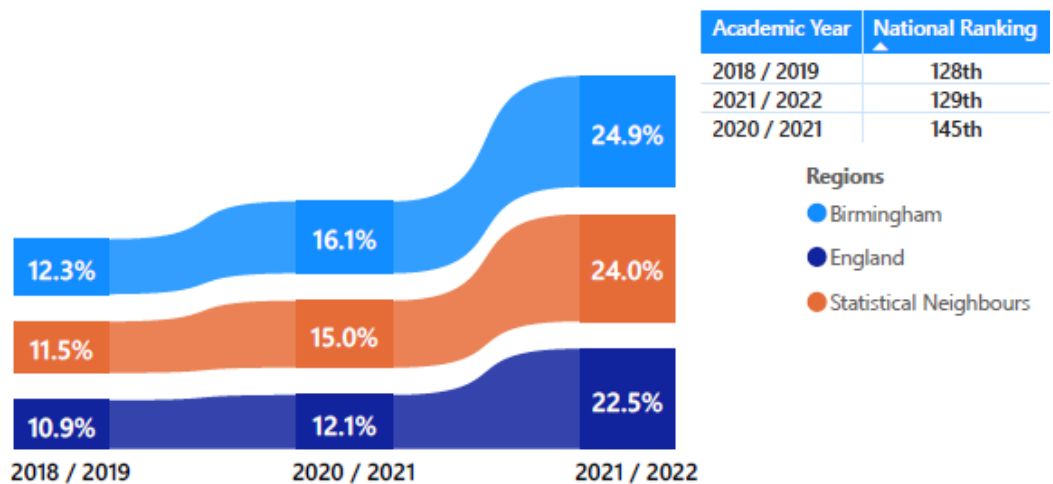
10.2. Severe absence is defined as when pupils have missed at least 50% of sessions in school. These children are absent more often than they are present.

All Schools Severe Absence



10.3. Persistent absence is defined as when pupils are missing 10% or more of sessions in school. This is the equivalent of missing one afternoon every week.

All Schools Persistent Absence



11. Securing improvement

11.1 Birmingham has a designated DfE Attendance adviser who is helping us to develop a strategic plan to support schools and families to improve school attendance, including how we embed the new [‘Working together’ guidance](#) into our practice and begin to address the issues highlighted by the Centre for Social Justice.

11.2 A new staffing resource is being put in place as part of the Thriving Children and Families division re-design and will support Birmingham schools to improve attendance, through locality support networks including Early Help and Education Safeguarding.

11.3 Developments will include:

- Providing every school with a named point of contact who can support with queries and advice
- Promoting opportunities for schools to share good practice across all Birmingham schools
- Holding termly conversations with every Birmingham school to identify attendance issues and provide advice, support and challenge.
- Ensuring identified pupils and families have access to the right services
- Promoting good practice through whole school attendance policies and audits
- Working strategically, using local attendance data, with school improvement system leaders to support schools to develop and embed good attendance practice
- Developing new strategies and embed good practice around emotionally based school avoidance and develop an improved offer for children who are educated 'other than at school'.

12. Equalities Implications of Hidden Children

12.1 Improved data collection in Birmingham and the production of data dashboards for Attendance, Exclusions, Suspensions, Elective Home Education & Part time timetables is a real step forward as it is allowing detailed 'live' interrogation of 'in year' data, the data is highlighting intersectional inequalities for disadvantaged children, children from global majority backgrounds, children with SEND and children in alternative provision. This school-by-school and pupil level analysis will allow better multi agency targeted responses to these equity issues and will inform our service delivery and design in the future.

12.2 Current actions to secure improvements in relation to hidden children include:

- The co-production of new strategies in relation to attendance, exclusions and AP
- Weekly hidden children triage
- Fortnightly identification and review of children of concern out of full-time education for rapid response
- Review of our response to emotionally based school avoidance
- Use of dashboard data to focus our practice and help redesign services

13. Any Finance Implications

13.1 There are no direct financial implications from this report. The services detailed in this report are budgeted within the Thriving Families General Fund budget.

14. Any Legal Implications

14.1 Education Issues

The Local Authority's (LA) duty in respect of hidden children stems from the Education Act 1996. Whilst the primary duty to secure a child's education rests with the parents (s7), the LA has a duty to intervene (S437) if it appears that the child is not receiving a suitable education.

- For children missing education the Education (Pupil Registration) (England) Regulations 2006 requires schools to inform their local authority when a pupil is removed from the admission register under certain grounds, one of which being exclusion.
- When a child is permanently excluded the LA has a duty to provide alternative education from the sixth school day of the exclusion.
- Pursuant to the Children and Families Act 2014, the LA has a duty to identify and support children with special educational needs (SEN).
- When a parent elects to educate the child at home, the LA has a duty to ensure the child is receiving a suitable education and have also have the powers of intervention when necessary.
- The LA is obliged to follow the Department for Education's (DFE) statutory guidance on how the LA implements its legal duty to identify children not receiving a suitable education and how to intervene.

14.2 Safeguarding issues

- The Children Act 1989 provides the legal framework for the protection and welfare of children. S17 places a duty on local authorities to safeguard and promote welfare of children – the general duty of safeguarding.
- Working together to Safeguard Children is a key government guidance document setting out how organisations and individuals should work together to safeguard and promote the welfare of children.
- The Care Act 2014 has implications for child safeguarding, especially where there are transitions between child and adult services.
- The Counter-Terrorism and Security Act 2015 introduced the "Prevent" duty as part of the LA's broader safeguarding responsibilities.

16.0 Appendices

None