

Question to Children, Families, Lifelong Learning and Culture Select Committee – 15 December 2022

Please explain the council's legal responsibility in arranging appropriate education for children who are not attending school. How is the appropriate hours of education or mentoring out of school decided for each child? How many children in Surrey are not attending school and of these, how many are not being offered the appropriate hours of education agreed for them? Do the children travel to an out-of-school hub for their education and if so where are the hubs and is there a process for providing transport where necessary?

Catherine Baart

Response

All children, regardless of their circumstances, are entitled to a full-time education which is suitable to their age, ability, aptitude, and any special educational needs they may have.

The Council has a duty under section 436A of the Education Act 1996 to identify children who are of compulsory school age but are not registered pupils at a school and are not receiving suitable education otherwise than at a school.

The Council has a duty under section 19(1) of the Education Act 1996 to make arrangements to ensure that all children of compulsory school age in Surrey who, by reason of illness, exclusion or otherwise, would not otherwise receive a suitable education in a school are in receipt of such.

Where a child has an education health and care plan, under section 61 of the Children and Families Act 2014, the Council may arrange for any special educational provision to be made otherwise than in a school if satisfied that it would be inappropriate for the provision to be made in a school.

For any interim package of support the Local Authority (LA) works to a number of key principles

1. Most children and young people (CYP) should receive their education in a mainstream school, or specialist school, with their peers, as appropriate to the individual child or young person
2. Any provision made will meet identified needs for an interim period and is not a standalone permanent replacement for education in school
3. The aim of any interim provision is to facilitate re-integration into school wherever possible or into special school as required

4. Any interim provision will meet the CYP's learning and developmental needs as effectively, and to the same standards as mainstream education
5. LA interim provision is not a 'provision' that can be requested by parents or guardians of a pupil, although a parent may elect to provide education themselves at home at their own expense
6. Parents/guardians and pupils must be consulted with and input into the decision-making process of LA interim arrangements

School Commissioned Alternative Provision

It should be noted that for CYP who require an alternative support package but do not fit within a category that the LA provides for, schools are able to commission their Alternative Provisions for individual students.

The DfE new guidance – 'Working together to improve School Attendance' published in May 2022 and effective from September 2022 clearly outlines that first and foremost all schools have a responsibility to proactively manage and improve attendance across their school community. In cases of unexplained or unauthorised persistent or severe absenteeism once schools have exhausted attempts to address concerns about attendance with families, they can consider a referral to the LA Inclusion Service. The Inclusion Officers currently act on behalf the of LA to ensure there are targeted plans of support in place and consider whether any legal intervention for failure to ensure regular school attendance is required.

All alternative packages commissioned or arranged by schools, including CYP accessing part-time timetables, are regularly monitored by the Inclusion Team. It is expected that schools will update their Inclusion Officer on the detail of the safeguarding arrangements that are in place with any alternative provider for individual packages of support for a CYP, how long a programme is expected to last and how regular communication will take place between the school, provider, CYP and parent.

It should be noted that any decision making the school makes around commissioning an Alternative Provision will also need to include how the CYP will get to the Provider and how this is then planned with the family.

Data re those not attending school

1. Children Missing Education (i.e., not on roll of a school) – 50 (approx. 0.03% of Maintained and Academy school population). These are typically a transient population that reflect children moving in and out of education and the county.
2. Education Otherwise than at School (EOTAS) packages currently being provided by Access to Education (A2E) – 177 (approx. 0.11% of Maintained and Academy school population)
3. Children and Young People (CYP) accessing Part time timetables – 688 (approx. 0.43% of Maintained and Academy school population)

It should be noted that part time timetables can only be offered with the agreement of the parent and should be part of a short-term arrangement to support young people back into full time education.

Guidance for the use of part time timetables has recently been shared with schools.

Medical related absences – Making Provision

Where children are unable to attend school due to illness, that is supported with medical evidence from appropriate health professionals, schools can refer to the Surrey Access to Education team.

Although there is no legal definition of what constitutes suitable, full-time education, DfE provides guidance and states that:

Suitable – The Education Act 1996 defines a suitable education as one that is appropriate to a child's age, ability, aptitude, and any special educational needs he/she may have.

Full time – Full-time education is not defined in law, but it should equate to what the child would normally have in school, unless the child's condition means that full-time provision would not be in his/her best interests. If a child receives 1:1 tuition, the hours of face-face teaching could be fewer as the provision is more concentrated.

DfE recognise that for children with complex medical needs accessing tuition at home can sometimes be the only way to support the continuity for a CYP's education. DfE also recognise that learning 1:1 can be quite "intense."

When determining a bespoke package of support for any CYP the LA should consider a range of medical evidence to decide what and how much education provision is appropriate.

As a guide A2E (SCC In house provider) will offer up to 10 hours per week 1:1 direct support to CYP – however, individual packages can offer education provision depending on the needs of the CYP outlined by the advice received from medical professionals.

In addition to direct teaching support – A2E, where it is appropriate will look to build additional learning opportunities within an individual CYP's programme of support – e.g., access to Functional Skills qualifications, access to virtual learning environment, small group work at local community hubs, physical activity.

HUBS

Our A2E service as well as providing individual tuition will provide educational activities to small groups of young people – each quadrant has a base for small group work.

SE - Redhill Family Centre

NE - Walton Youth Centre and Ashford Centre

NW – Woking Adult Learning Centre

SW – Guildford Library, the Discovery Centre, Broadwater Youth Club, Hale Youth Centre

Transport

For children where the LA is making provision for young people under the Education Otherwise Than At School (EOTAS) categories, the transport costs are currently met by the LA's transport budget applying the travel assistance policy.

If Access to Education (A2E) is making provision for a young person who is on the roll of a school, there is an expectation that schools fund transport for the young person to the Hubs.

**Liz Bowes, Chairman – Children, Families, Lifelong Learning and Culture
Select Committee**