



Thursday, 12 September 2024

## CHILDREN NOT IN SCHOOL (CNIS)

### 1. Purpose of report:

To inform the Select Committee about children described as Children Not in School (CNIS). To address the concerns expressed by the Committee as set out in the questions raised. (refer to Appendix 1). To raise awareness of the varying reasons for children not attending school, and the roles and responsibilities of schools, Surrey County Council, and parents.

### Executive Summary

It is widely recognised that education and attendance at school is a key protective factor for all children but especially for those who are vulnerable. Surrey Council is committed to ensuring that all our children have access to education and that arrangements to ensure oversight of those Children Not in School are regularly reviewed.

The report provides information about Children Not in School (CNIS), explains the distinct categories and identifies some of the reasons for children not being in school. The reasons for children not being in school are varied and often complex. The children often have several additional needs and vulnerabilities. In addition, responses are provided to the specific questions posed by the committee (refer to Appendix 1) which in the main seek to clarify roles and responsibilities between parents, schools, and Surrey County Council. These roles and responsibilities are clearly set out in a range of policies that support the work undertaken to support CNIS (refer to appendix 4) report aims to provide clarity about the roles, responsibilities, and challenges in this area of work.

The data provided (refer to appendix 3) provides context and illustrates how the numbers of CNIS have increased. It must be noted that the actual number of children missing education – that is receiving no educational provision at all - is very low for an authority of this size which is 0.043% of the school population. When we look at available data, Surrey compares favourably with those across the wider SE region where the highest CME figure is 652 and the lowest is 11 (Source DfE). The comparison within our statistical neighbour group is also positive in that the highest figure for CME is 130 and the lowest is 11.

The report also highlights the safeguarding concerns for this group of young people especially where responsibilities are shared.

The report aims to provide assurance to the committee about the systems and procedures that are in place to ensure we know who our CNIS are and that we are supporting them back into full time education.

**Committee Members are asked to note and be aware of the following:**

The Government has stated their intention in the King's Speech to introduce a register for those who are EHE. We welcome this step as we do not have knowledge of all the children those who are EHE and not previously known to us, so we are unable to take any safeguarding measures in those circumstances.

We have seen a significant increase in the numbers of young people who CNIS and are working to increase oversight and our capacity to ensure they are receiving a suitable education.

There is a link between sufficiency and the increase in demand for Alternative Education which will be increased by the numbers of unplaced children following the key Stage Transfer process.

Post COVID there is a different contractual understanding between parents and schools. Children are exhibiting elevated levels of anxiety in relation to schools due to working from home arrangements it is easier for parents to accommodate the wish to stay at home as they are at home and confident about their ability to support home learning. These issues are National issues and have been reported by the Children's Commissioner in her report Attendance is Everyone's Business (February 2023). [CC A4 HEADER \(childrenscommissioner.gov.uk\)](https://www.childrenscommissioner.gov.uk)

The response to poor attendance can be viewed as punitive response which needs to be tempered with support for schools and parents – the expectation through the new guidance is one of understanding and support but then court intervention or penalty notice. In Surrey we are developing and expanding across our schools a restorative relational approach to behaviour which is based on high support high challenge.

The report makes several recommended next steps to support the continued improvement of practice in this area. The following recommendations are made to the Select Committee. Officers to continue to monitor our trend data for our pupil tracking and CME cohort by reviewing and developing the Tableau data dashboards.

To continue to develop quality assurance processes which are supported by the AP Direct Purchasing system and Gateway This work will ensure that the most vulnerable are identified and children are safeguarded.

Develop a data dashboard in relation to children accessing alternative provision to demonstrate positive outcomes for this cohort.

Encourage a Multi agency oversight of this group of young people to support the ongoing raising of awareness of CME, EHE, children not receiving full-time education or are in receipt of alternative provision amongst professionals across the wider partnership and community

With an agreed set of Key Performance Indicators (KPIs), monitor and use the data to identify actions that will lead to the reduction in the length of time children are not in school.

## **How does Surrey CC define children not in school (CNIS) and children missing education (CME)?**

CNIS includes all children who are not in school or not attending full time as other arrangements have been made for them. Children who are not registered at school or are electively home educated are also defined as Children Not in School (CNIS). Children Missing Education (CME) is a narrower definition of those children who are identified as not being on the roll of a school and who are not currently receiving any educational provision. Currently we have 87 children who are CME @July 2024

### **2.1 What are the categories set by government?**

All local authorities provide regular statutory annual returns to the Department for Education (DfE) regarding these cohorts of children. This group also includes children who are identified in the following categories as not receiving a full-time education. These children are often receiving education in other settings than at school.

1. Children who are permanently excluded from school
2. Children Missing Education
3. Children who are educated otherwise than at school (EOTAS)
4. Children who are severely absent from school – they attend school less than 50% of the time
5. Children who are electively home educated (EHE)
6. Children who are medically unfit to attend school – this group includes those who have chronic conditions or are terminally ill or receiving treatment such as chemotherapy which does not allow them to attend school.
7. Children accessing part-time provision - this group of young people are subject to an agreement between the school and their parent/carer that they will only attend school part time at agreed times and for specific subjects . The school will retain their safeguarding responsibilities and ensure that they have regular sight of the young person for safeguarding purposes.
8. Children accessing Alternative Provision (AP) that the LA (Local Authority) is responsible for commissioning
9. Children accessing AP commissioned by schools – schools may commission AP to support a young person who is attending part time or following a suspension to prevent a permanent exclusion.

### **2.2 How do we know how many children in Surrey fall into each of the categories at any point in time and what are the statistics for looked after children?**

We track pupils who are not in school full time using the information schools provide through their targeted support meetings (previously known as register checks) and

through the information they provide through the school's portal. We currently have 7165 children who are CNIS. Refer to Appendix 3 Data - CNIS @ July 2024 .

In relation to Looked after children we have a strong and proactive Virtual School for children who are looked after. The school tracks the whereabouts of all looked after children and those under their wider powers who have an allocated social worker. The staff in the Virtual School work closely with education and children's social care to ensure that all children looked after have an up-to-date Personal Education Plan (PEP) which allows their educational status to be tracked and up to date and ensures that their educational provision is appropriate to meet their needs. Refer to appendix 3 Data CNIS – children looked after

### **In what circumstances can children become 'lost' to the system – and how can they be 'found'?**

Surrey Council has several arrangements in place to identify and raise concerns about children who may be missing education. Any professional (internal or external) or member of the public can report a child who they believe is not on a school roll via our [Children Missing Education Single Point of Contact - Surrey County Council \(surreycc.gov.uk\)](https://surreycc.gov.uk) form. Children can become 'lost' to the Council and become a Child Missing Education (CME) for several reasons.

1. They choose to electively home educate their child from early years, so the child is never known to the education system. Currently there is no obligation for parents to advise the Council of their intention to EHE.
2. Failing to complete a successful transition between settings, for example by being unable or not trying to find a suitable school place after moving between Local Authorities. (They are move into the County and do not have a school place.) Or if parents are unsuccessful with preferred schools.
3. Having a parent/carer who does not alert the Local Authority to the fact they are resident in the county or does not know how to access education provision.

Being permanently excluded from a school out of the county without notification

#### **2.4 Finding' our children who are not in school.**

A multi-agency group meets to discuss children who are not in full time education. In addition, each agency can use the above reporting mechanism for reporting a child missing education. All agencies are required to focus on the need for children to be in school and where they are found to not be attending, or where a child is not on the roll of a school, agencies must raise their concerns with the local authority. An example of this is the arrangement in place with our local hospitals who ask what school a child attends and acts if they are unable to name a school.

In addition, Surrey has access to the national database Get Information About Pupils (GIAP). GIAP allows us to track children using census data which allows us to check

if a child is on a roll in a school in another area. The Attendance Service has provided training on section 19 duties to raise awareness of the need to ensure children are not missing education and to understand the potential impact on their future lives if children experience poor attendance or a lack of education.

## **2.5 Children Missing Education (CME)**

All Local Authorities in England have a legal duty to identify children missing education (CME). Surrey County Council defines Children Missing Education (CME), in line with DfE guidance, as children of compulsory school age who are not registered pupils at a school and are not receiving suitable education otherwise than at a school. In Surrey, the cohort is recorded in two separate categories:

- i) Children Missing Education (CME) – refers to all children who are of compulsory school age and are not on a school roll, nor being educated otherwise (e.g. privately or in registered alternative provision).
- ii) Pupil Tracking – refers to children whom Surrey County Council have been notified of who may be children missing education. We track these children for up to 28 days until we can confirm they have a school placement or should be categorised as CME. During the pupil tracking phase families are supported by the school Admissions service using the Fair Access protocol and by the Inclusion service to identify a school place as close to home as possible. We have a local Surrey CME Policy, with reference to CME guidance from the Department for Education (DfE). Our policy clearly sets out roles and responsibilities in relation to CME. (Refer to appendix 4)

## **2.6 Are the numbers of children missing education in Surrey rising? How do Surrey's statistics compare with our statistical and geographic neighbours?**

It must be noted that the actual number of children missing education – that is receiving no educational provision at all is very low for an authority of this size 87 which is 0.043%. When we look at available data Surrey compares favourably with those across the wider SE region where the highest CME figure is 652 and the lowest is 11 (Source DfE). The comparison within our statistical neighbour group is also positive in that the highest figure for CME is 130 and the lowest is 11. However, the number of children we track has increased and fluctuates due to the mobility of some families.

## **2.7 Who is responsible for being aware of which children are missing education, and taking action to remedy the situation? What is the role of schools – how well do schools deliver this role?**

We have developed a local Surrey CME Policy, with reference to CME guidance from the Department for Education (DfE). Our policy clearly sets out roles and responsibilities in relation to CME.

Recognising the crucial role school play as a protective factor in children's lives, we are committed to ensuring every child has access to education. We achieve this by implementing strong systems to identify and monitor children who are missing education, collaborating with partners to support their return to full-time education, and collaborating with schools to prevent placement breakdown.

We undertake regular targeted support meetings (TSMs) (previously register checks). TSM are termly conversations between the Surrey Attendance Service and schools, using the school's attendance data to identify pupils and cohorts at risk of poor attendance, agree targeted actions, explore access to services for those pupils and advice on legal interventions.

It is good practice for schools to scrutinise their data including overall whole school data, cohort specific data (persistent absence and severe absence as well as groups of pupils such as those with SEND (Special Educational Needs and Disabilities), medical needs etc) and names of individual pupils to discuss ready for the meeting.

The meetings provide an opportunity for schools and Surrey County Council to work together to address risks in relation to severe and persistent absence as they can be indicators of pupils who may become CME. The meetings also allow for a review of all the schools' Pupils Missing Out on Education (PMOOE) return which include all pupils accessing alternative provisions or on part-time timetables. (Refer to appendix 3 for data on TSM)

## **2.8 What are the reasons behind children missing education – by category if this is relevant? Are there specific factors relating to looked after children?**

Children may become CME for several reasons, including:

1. Where SEN (Special Educational Needs) placements have broken down due to one or more parties not complying with arrangements or being able to meet needs.
2. Where children are looked after within family arrangements, unaccompanied children from abroad, placed by Surrey in other Local Authorities or vice versa.
3. Where families are placed by other Local Authorities without notification e.g. temporary housing, safety move (refuge) and witness protection schemes.
4. Where parents take extended leave/holiday and schools take them off roll or families leave the UK or the county for a period of time.
5. Where children were previously home educated, and the education made by parents is deemed unsuitable.

## **2.9 CME and looked after children.**

As stated previously the Surrey Virtual School is proactive and robust in their tracking of their pupils and are aware of the destination and placement of each child. The specific issues that arise for Looked after children are linked to placement. If for

complex reasons they are placed out of county, it is often difficult to identify a suitable education placement to meet their needs immediately. This is reflected in the data below which shows that the number of children looked after placed in independent Alternative Provision is higher than other categories of provision.

#### **CNIS and Looked after Children**

<b>CME</b>	<b>EHE</b>	<b>Ind AP</b>	<b>PRU / AP Academy (non-medical)</b>	<b>PRU (Medical)</b>
5	11	28	2	3

#### **2.10 CNIS who are electively home educated (EHE)**

There has been a national increase in the numbers of children whose parents have chosen to electively home educate since 2021. The graph set out in Appendix 3 shows the increase over time in Surrey.

The data indicates the rate of increase over 3 years and indicates seasonal variation such as at the start of the academic year when parents will choose to EHE if they are not successful in obtaining their choice of placement.

It should be noted that parents choose to home educate for several reasons (refer to the pie chart in Appendix 3). In Surrey, the top five reasons for choosing to EHE in Surrey are - failure to receive school preference, following permanent exclusion or to prevent a permanent exclusion, mental health and anxiety and overall dissatisfaction with current school followed by philosophical and or lifestyle choice.

The DfE guidance states we should assure ourselves at least annually that an EHE child is receiving a suitable education. We do this through an annual contact. It is our preference to undertake a home visit. However, some parents prefer to submit examples of work, and to meet in a neutral place rather than admit an EHE worker into their home.

As our data following the pandemic showed, although we had increased our capacity to undertake annual contacts with home educating families, because of the increase between 2020/1 and 2023/4, we were only able to undertake 55% of our annual contacts. To use our resources sagely we prioritised those children who have an allocated social worker and periodically check if any child who is EHE has been referred to the C-SPA (Childrens Single Point of Access). Those with an allocated social worker will also receive statutory visits if they have Child in Need or Child Protection plans in addition to their EHE contact.

Following home visits made by EHE Inclusion Officers during the last academic year, forty-one children were identified as not receiving a suitable education. Majority were supported to return to school through in-year admission. Where parents did not engage a School Attendance Order was initiated for 21 children. Failure to comply with a SAO is a criminal offence. 16 School Attendance Orders breaches were prosecuted.

The recent King's Speech in July this year, stated the intention to establish a national register of children who are EHE. Surrey Council and its partners welcome this

intention as they have repeatedly written to ministers about the vulnerability of children who are EHE and the lack of powers available to the Local Authority to support families.

## **2.11 What is Surrey's response to children missing education?**

The Council has established a CNIS service manager post. This officer has oversight of all CNIS (7165) and works in partnership with a range of professionals to ensure they have access to a suitable education as quickly as possible.

Of concern is those with dual vulnerabilities, those groups who are overrepresented such as those with EHCPs (Education, Health, and Care Plans) and those who are disadvantaged as well as those who are overrepresented such as young people from the GRT community.

The service manager for CNIS engages in raising awareness of the CNIS and ensuring we have robust mechanisms for being notified about children not in school. Notification of a child being in Surrey without a school place can come from a range of sources, for example schools, hospitals, Children Services, other Local Authorities and sometimes members of the public. Our close links to services supporting children mean that most referrals come directly to the Inclusion Service. inbox, however, any professional (internal or external) or member of the public can report a child who they believe is not on a school roll via our [Children Missing Education Single Point of Contact - Surrey County Council \(surreycc.gov.uk\)](https://www.surreycc.gov.uk/children-missing-education) form.

In addition, the Council has written and developed several policies to support work and practice in this area. The additional capacity created by the CNIS service manager role ensures there is a link between workers and the service in relation to exploited children who are often either missing education or have poor attendance. The provision of Section 19 training on the duties of all partners in relation to children missing education has been completed and will be repeated in the Autumn term.

Where a child is on the roll of a school it is the duty of the school to engage that young person in education. The council will support schools through Targeted Support Meetings and court action and legal intervention if required. The aim is to support children back into school without the need of legal intervention

## **2.12 Safeguarding CNIS**

**How are the safeguarding risks associated with CYP missing education assessed? In what circumstances is a risk assessment conducted, who is responsible for the assessment, and who is responsible for taking action?**



We have a countywide model of information-sharing between health and education which highlights any children who may be CME/EHE following attendance at A&E. It has been agreed with Health Safeguarding colleagues that if a CYP is presented at A&E at any Surrey hospital, they are asked for the school they attend. If they do not have a school or state that they are being Electively Home Educated, a notification is sent to the Inclusion Team. Who will confirm if there are arrangement in place for a suitable education.

The Inclusion teams all have access to the DfE Get Information About Pupils (GIAP) secure website. As a result, we have been able to locate children with unknown destinations on roll at schools in other Local Authorities who might previously have been sent to the “Lost” Pupil Database.

A vulnerable young person may be discussed at the Area Case Review Action Group (ACRAG). ACRAG provides an escalation route from the locality CME meetings. ACRAG is a multi-agency meeting which provides an opportunity for problem solving and enables other agencies to share their concerns to support a single view of a child’s vulnerabilities.

Safeguarding children who are CNIS is paramount and is everyone’s responsibility. All teams have a member of staff who is a Designated Safeguarding Lead (DSL). Safeguarding concerns are referred to the Children’s Single Point of Access (CSPA) as appropriate.

Through our commissioning and capital programme for SEND (Special Educational Needs and Disabilities) and AP, we have increased the number of school placements to reduce the numbers of CME children and those at risk of becoming CME.

Surrey Council has an in-house tuition service, Access to Education (A2E). The service provides tuition and group education to young people who are not in school to ensure they have access to educational provision, often for short periods of time if they have an illness. We have increased the capacity of our A2E Teams. We have also strengthened our access to, and governance of the interim alternative provision (AP) offer to children with EHCPs (Education, Health, and Care Plans). The service supports the meeting of our S19 duties.

In relation to EHE as we have increased our capacity to monitor those who are EHE we have identified more instances where we do not think the education is suitable. We then collaborate with parents to discuss the actions they can take. If parents do not engage and cannot demonstrate the provision of a suitable education, then the the process to obtain a School Attendance Order is initiated.

Targeted Support Meetings allow schools to flag children who are severely absence or only attending part time so that enquiries can be made about what is happening when they are not in school.

## **What is the local authority's responsibility in relation to over-16s who are NEET?**

Children who are not in education, employment, or training between the ages of 16 – 18, or up to twenty-five if they have an EHCP, are described as NEET (Not in Education, Employment or Training). It is the Council's responsibility to promote effective participation in education or training to ensure young people post-sixteen fulfil the duty to participate in education or training. It is expected that Surrey County Council will make available support it considers appropriate to encourage, enable and assist young people to participate. We do this through a small team of Personal Coaches who are available to provide advice and guidance through tailored one-to-one support. All Local Authorities must also maintain a tracking system to identify those not participating. These responsibilities are delivered through teams managed by the Alternative Provision and Participation Manager.

### **2.14 CNIS and AP**

**To what extent do the limitations of AP and EOTAS contribute to rising numbers? To what extent does mental health support contribute to rising numbers?**

The numbers of children who are CME (without any educational provision at all) remain low but all other categories of children not in school we have seen an increase in numbers. The increase in children experiencing mental health needs has increased since 2020 as has the request for mental health assessments and neurodiversity support and diagnosis and support for those who have been suspended and or permanently excluded. These increases in demand for services are replicated nationwide. We have developed a number of policies to support our work refer to Appendix 4 .

Access to Education (A2E) the Surrey individual and small group tuition provider has had their capacity increased, to support up to 270 young people from a previous capacity of 200. The Commissioning team have established an Alternative Provision gateway which is based on a Direct Purchasing System (DPS) This means all AP will have been through a commissioning process which safeguards children and enables the Council to quality assure provision.

An AP report is being prepared for October 2024 select committee which will provide further detail on the use of AP and EOTAS packages. We are collaborating with schools to support the reintegration of children back into schools from AP.

The changes that are being developed include: Being clearer about the reasons why children are attending AP. The use of an Individual Support Plan which sets out the intended outcomes for that young person. If a child has an EHCP being explicit about how the EHCP outcomes will be met by the identified AP. How we monitor the quality, quantity and duration of AP. The DFE recommends a minimum of 15 hours provision.

## **2.15 What can be done to prevent children missing education? What part do Surrey's early help agencies, and the Families First programme play in?**

The education service and its partners all agree that school is the best protective factor for children. Research indicates that outcomes are poorer for children who are not in school and are missing education.

The Surrey Encouraging Attendance forum which is attended by a range of partners including children social care professionals, has begun to discuss and define educational neglect. An agreed definition will support the intervention of early help services and other preventative services to work together to support a return to full time education.

Joint work has begun between the Adolescent team and education to look at how joint working can prevent older children coming into care or becoming NEET. 'Attendance is everyone's business' has been a useful starting point for encouraging all agencies to think about how they can contribute to the early identification of non-attendance and provide support to children and their families to encourage participation in education.

Where practice is good, there is a flexible approach to reintegration following a period of non-attendance or where a child has elevated levels of anxiety. Some schools have been creative in their approach. Schools have adapted the way anxious children enter school by providing an alternative entry point and time to the start of the school day.

Schools have led on the development of several key principles that make schools more welcoming for those with a neurodiversity. The document 'Belonging in Education' was developed by the schools led Inclusion Working Group and finalised in July 2024 is attached to this report at Appendix 5. Principles 2,3 and 4 are examples of principles that would make schools welcoming for all including those who are anxious and have poor attendance.

Ongoing collaborative working and the sharing of information and strategies across agencies means all parts of the organisation are working together as they agree that the achievement of positive outcomes is linked to being in education.

## **2. Unauthorised absence**

The decision on whether absence is recorded as authorised or unauthorised is at the discretion of Headteachers. The DfE guidance is clear that Headteachers should only authorise 'leave of absence' in exceptional circumstances. Term time holidays are not considered exceptional circumstances.

The DfE has introduced a national framework for penalty notice fines in relation to unauthorised absence. This will see an increase in penalty notice fines from £60.00 to £80.00 per parent per child. The increase is designed to deter families from taking holidays during the school term. However, for many families the savings made by taking holidays during term time more than offset the costs of a penalty notice fine.

The decision as to whether or not to request the LA (Local Authority) to issue a fine will remain at the discretion of Headteachers.

### 3. Conclusion

We consider our policy and practice in relation to CNIS to be good which has been positively commented on during external assessments, ILAC Jan 2021, Youth Justice Service Inspection November 2021, Joint Area SEND review Sept 2023, Focus Visit Children in Need April 2024 and the YJS focus visit in April 2024. We are concerned about and committed to safeguarding these vulnerable young people and to raising awareness through as many forums as possible and across the Surrey partnership.

#### Report contacts

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#### Appendix 1 – Questions posed by the select committee.

##### Children Missing Education

Category	Question	Report reference
<b>Questions from the Select Committee</b>	1. How do Surrey define children missing education? What are the criteria?	<b>Section 1</b>
	2. What are the categories? Are these criteria and categories set by government?	<b>Section 2</b>
	3. How do we know how many children in Surrey fall into each of the categories at any point in time? What are the statistics for looked after children?	<b>Appendix 3</b>
	4. What is the local authority's responsibility in relation to over sixteens who are NEET?	<b>Section 2</b>
	5. Are the numbers of children missing education in Surrey rising? How do Surrey's statistics compare with our statistical and geographic neighbours?	<b>Section 2</b>
	6. Who is responsible for being aware of which children are missing education, and taking	<b>Section 2</b>

	<p>action to remedy the situation? What is the role of schools – how well do schools deliver this role?</p> <p>7. What are the reasons behind children missing education – by category if this is relevant? Are there specific factors relating to looked after children?</p> <p>8. In what circumstances can children become ‘lost’ to the system – and how can they be ‘found’?</p> <p>9. To what extent do the limitations of AP and EOTAS contribute to rising numbers? To what extent does limited mental health support contribute to rising numbers?</p> <p>10. How are the safeguarding risks associated with CYP missing education assessed? In what circumstances is a risk assessment conducted, who is responsible for the assessment, and who is responsible for acting?</p> <p>11. What is Surrey’s response to children missing education – by category if appropriate? What works?</p> <p>12. What can be done to prevent children missing education? What part do Surrey’s early help agencies, and the Families First programme play in this?</p> <p>13. Have our strategies to deal with this issue changed since COVID?</p> <p>14. What are Surrey’s plans to reduce the number of children missing education? How realistic or optimistic are these plans? What would success look like?</p>	<p><b>Section 2</b></p> <p><b>Section 2</b></p> <p><b>Section 2</b></p> <p><b>Section 2</b></p> <p><b>Section 2</b></p> <p><b>Section 2</b></p> <p><b>Section 2</b></p>
<p><b>1. Children Not in School</b></p>	<p>How do Surrey define children missing education? What are the criteria?</p> <p>Q 2 What are the categories? Are these criteria and categories set by government?</p> <p>Q 3 How do we know how many children in Surrey fall into each of the categories at any point in time? What are the statistics for looked after children?</p>	<p><b>Section 1</b></p>

	Q 8 In what circumstances can children become 'lost' to the system – and how can they be 'found'?	
<b>NEET</b>	Q 4 What is the local authority's responsibility in relation to over sixteens who are NEET?	<b>Section 2</b>

## Appendix 2 – Section 19 – Education Act 1996

### Context

All local authorities are charged to comply with the statutory duty laid out in Section 19 of the 1996 Education Act. The duty states that:

“Each local authority shall make arrangements for the provision of suitable education at school or otherwise than at school for those children of compulsory school age who, by reason of illness, exclusion from school or otherwise, may not for any period receive suitable education unless such arrangements are made for them”. [Education Act 1996 \(legislation.gov.uk\)](https://www.legislation.gov.uk/ukpga/1996/56/section/19)

The section defines suitable education as an efficient education suitable to a child's age, ability, and aptitude and to any special educational needs s/he may have.

Section 19 applies to any situation in which a child cannot attend school. Rules relating to excluded children and guidance relating to children with special educational needs and disabilities are covered below.

It is for a Local Authority to determine that a child will not receive a suitable education unless arrangements are made for them. Each Local Authority must also consider its wider duties and responsibilities, including those in the SEND Code of Practice 2015 and DfE Attendance Guidance.

Nationally, since the Pandemic schools and local authorities have experienced an increase in children absent from school, an increase in the number of children unable to attend school because of anxiety, an increase in children unable to attend schools through reasons of sickness.

This national picture has been mirrored in Surrey with the result that the Council has experienced a sharp increase in the number of requests for alternative provision for children not able to access school because of health reasons and an increase in the number of complaints from parents stating that the Council should be providing for “missed provision”

The Section 19 duty and how it is applied can cover a range of different circumstances and scenarios that might have impact on a child's ability to attend school. As a result, it is not any one service that has a responsibility to meet or identify children who fall under the

Section 19 duty. Education services should have a shared understanding and collective in identifying children who not accessing a suitable, full- time education.

### Actions Completed – since June 2023

- Review of 139 complaints received from parents with a theme of missed educational provision.
- Reviewed our policy documents and issued a S19 statement.
- Provided S19 training to staff.

<sup>1</sup>Definition of Children Missing Education - those children not on the roll of a school and not yet in receipt of provision. Currently there are eighty-seven children within this category in Surrey. July 2024.

<sup>2</sup>Complaints have include those from parents of children on the roll of a school believing that their child is not receiving a suitable education.

### Appendix 3 – Data - Children Not in Education



*As well as collating the data we receive following targeted support meetings we specifically collate the following for Ofsted and the DFE.*

v **2.04** The number of children who are electively home educated.

v 2.05 A report on children, for whom the local authority is responsible, who are of school age and who are not in receipt of full-time school education at the time of inspection. –

Category/ Cohort	Number of children	Data Source
CYP Permanently Excluded from School	221	Tableau/ Group Call
Children Missing Education	87	Tableau/ EYES
Children who are being tracked as they may be potentially CME	205	Admissions and Inclusion data
Children accessing an EOTAS Package (2.05)	100	EYES/ Finance spreadsheet/ Tableau/ Area CME reporting
Children who are Severely Absent from School	2287	Tableau/ EYES
Children who Electively Home Educated (2.04)	2300	Tableau/ EYES 26/07/2024
Children who are medically unfit to attend school (2.05)	53	EYES/ Tableau
Children Accessing part time provision (2.05)	794	PMOOE return direct from schools
Children accessing AP that the LA (Local Authority) is responsible for commissioning (2.05)	371	EYES/ Finance spreadsheet/ PMOOE return direct from schools/ Tableau/ Area CME reporting
Children accessing AP commissioned by Schools	747	PMOOE return direct from schools
Total	7165= 4778 (2387)	

### Appendix 3 Data - CNIS – Children Looked After.

In relation to CNIS, the data for children looked after currently indicates – the following.

CME	EHE	Ind AP	PRU (Pupil Referral Unit) / AP Academy (non-medical)	PRU (Pupil Referral Unit) (Medical)
5	11	28	2	3

Source EYES @23/08/2024.

### Appendix 3 Data – CME and Pupil Tracking

	Total	% of school age population	No. CLA	No. CPP	No. CINP	No. EHCP	No. GRT	No. FSM ever
CME	87	0.05%	5	3	13	53	8	32



			5.8%	3.5%	14.9%	60.9%	9.2%	36.8%
<b>Pupil Tracking</b>	205	0.11%	0	3	11	4	6	22
			0%	1.5%	5.4%	1.9%	2.9%	10.7%
<b>Total</b>	<b>292</b>	<b>0.16%</b>	<b>5</b>	<b>6</b>	<b>24</b>	<b>57</b>	<b>14</b>	<b>54</b>
			<b>1.7%</b>	<b>2.1%</b>	<b>8.2%</b>	<b>19.5%</b>	<b>4.8%</b>	<b>18.5%</b>

School population – 174,000

The data has been broken down by children looked after (CLA), children subject to a Child Protection Plan (CPP) or Child in Need Plan (CINP), children with an Education Health & Care Plan (EHCP), children whose ethnicity is ascribed as mobile children (Gypsy, Roma Traveller (GRT)) and children who are or were previously in receipt of free school meals (FSM ever).

The data shows that our children with an EHCP and those who are in receipt of free school meals are most at risk of being CME. There is concern about the duality of vulnerabilities faced by some of our young people.

### Appendix 3 Data – Elective Home Education data – at 30/06/2024



#### Electively Home Educated (EHE) Children

Characteristics of children electively home educated by month for current year plus prior years. Numbers / Percentages as-at the last day of each month.

Latest data extract 31/07/2024 08:32:11

Show last N years:  
3

Number of Children  
 % of EHE Children

Filters for use with % of EHE Children

When selected the % shows % of children EHE that meet the criteria at each month end

Area  
All

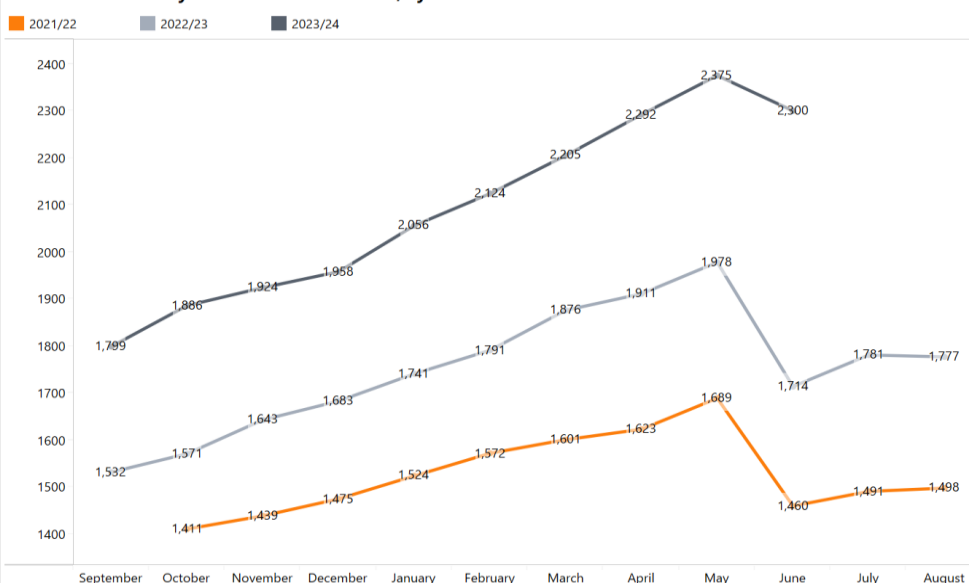
Gender  
All

Ethnicity  
All

SEN Stage  
All

Sen Primary Need  
All

#### Numbers of Electively Home Educated Children, by Year



The data shows the significant increase in the numbers of children who are EHE and the seasonal drop which occurs in June and July .

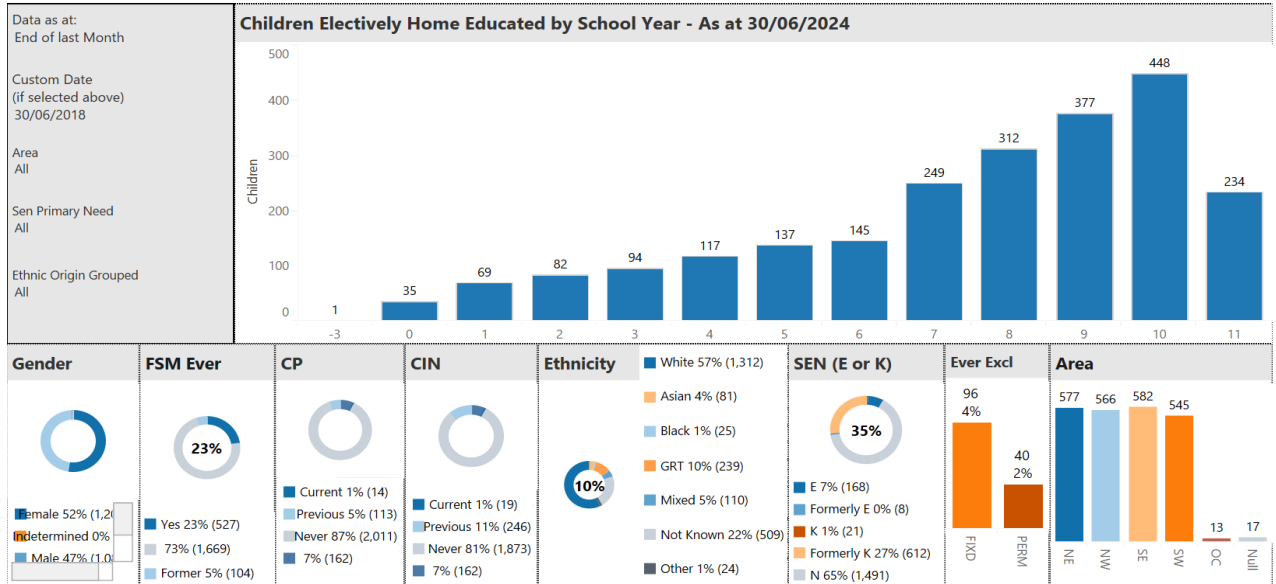


## Electively Home Educated (EHE) Children

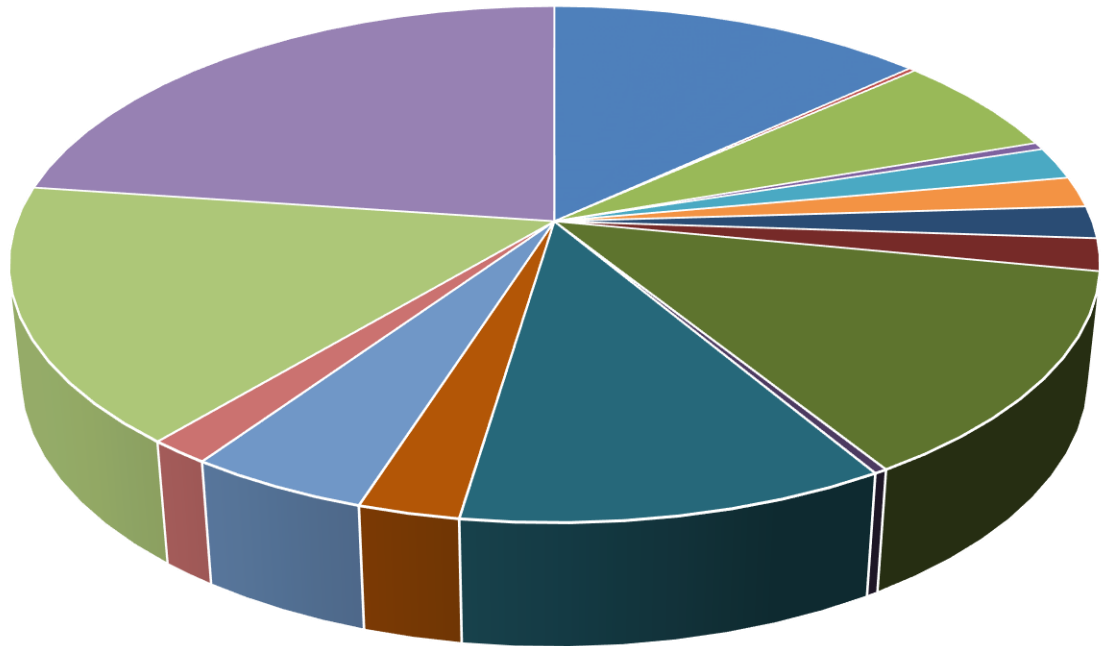
Characteristics of children currently electively home educated.

2,300 children

Latest data extract 31/07/2024 08:32:11



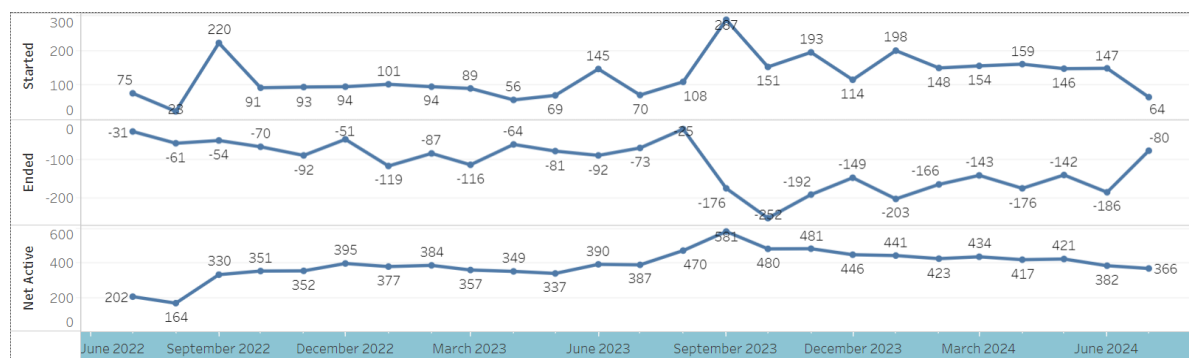
Reasons young people have been withdrawn to EHE from  
04-09-2023  
(Countywide)



- Mental health
- Did not get school preference
- Risk of school exclusion
- Philosophical or preferential reasons
- Lifestyle choice
- Dissatisfaction with the school - general
- Dissatisfaction with the school - bullying
- Other
- Health concerns relating to COVID-19
- Permanent exclusion
- Difficulty in accessing a school place
- Religious reasons
- Suggestion/pressure from the school
- Dissatisfaction with the school - SEND
- Parent/guardian did not give a reason
- Unknown

### CME and Pupil Tracking History

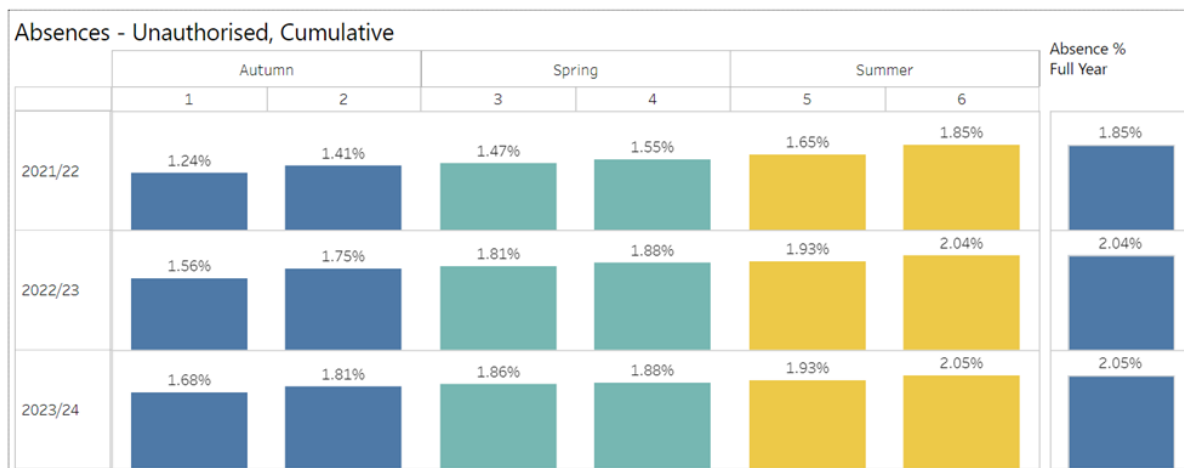
Numbers of CME or Pupil Tracking pathways active in prior periods.



The numbers of children who are recorded as CME or Pupil Tracking is fluid as represented above. Since 2020 we have seen a steady increase in the numbers of children who are CME as demonstrated by the net active line. September is a key point in the year when CME enquiries are started, this is primarily as this is due to key stage transfer data being shared by Surrey Admissions and SEND teams. It should be noted that Surrey has less CME young people than its statistical neighbours who all rank higher than Surrey except for one authority who were ranked the lowest nationally.

### Appendix 3 – Data – Unauthorised absence

Unauthorised absence data is provided in the below grid and demonstrates a steady increase since 2021/22 which is in line with national averages.



### Appendix 3 – Data regarding Targeted Support Meetings

Below is the data regarding targeted support meeting over the summer term.

Quadrant	Total number of schools (maintained and academy)	Total number of TSMs that took place	% of TSMs completed
SE	106	105	99%

SW	97	70	72%
NE	89	91	102%
NW	98	121	123%
Countywide	390	387	99%

The data is for Surrey Maintained and Academy Schools and it does not include Independent Schools. From the Autumn Term we will be offering TSMs to independent schools in line with the requirements on LAs (Local Authority) in the Working Together to Improve School Attendance guidance which became statutory on the 19<sup>th</sup> of August 2024.

There have been some recruitment issues in the SW Inclusion team which has meant they were understaffed during the Summer Term and therefore not all schools were able to be offered a TSM (targeted support meetings). The SW quadrant will be offered additional support in the Autumn term.

Where, capacity allowed in the NE and NW, identified schools with higher need with (e.g. more Severely Absent cases) they were offered two TSM meetings in the summer term rather than one.

## Appendix 4 – Relevant policies

### 1 – CME policy

[CME Policy February 2024 \(surreycc.gov.uk\)](https://www.surreycc.gov.uk)

### 2 – EHE policy

[EHE Policy and Process - April 2024 \(surreycc.gov.uk\)](https://www.surreycc.gov.uk)

### 3 EOTAS policy

[Educated Other Than at School \(EOTAS\) policy May 2024 \(surreylocaloffer.org.uk\)](https://www.surreylocaloffer.org.uk)

## Appendix 5 – Educational Principles

[Belonging-in-an-educational-setting-10-principles \(1\).pdf](#)

## Appendix 6 - Legislative framework

There is a complex and intertwining set of legislation that covers all aspects of children not in school.

Section 7, Education Act 1996 outlines that parents have a duty to ensure that their children of compulsory school age are receiving efficient full-time education suitable to age, ability, aptitude and to any special educational needs either by regular attendance at school or otherwise.

There is a statutory requirement for all schools to record joiners and leavers as defined in The Education (Pupil Registration) (England) 2006. Schools must make reasonable enquiries, jointly with the Local Authority, to establish the whereabouts of any child who is at risk of being deleted from the admission register with an unknown destination. All schools (including academies and independent schools) must:

- a) Enter pupils on the admissions register on the first day on which the school has agreed, or has been notified, that the pupil will attend the school. For pupils in key stage transfer years the school must put every expected child on roll from the first school day in September. If they do not attend the school should record the absence and follow up accordingly.
  - b) Notify their Local Authority within five days of adding a pupil's name to the admission register (see Appendix 3). The notification must include all the details contained in the admission register for the new pupil.
  - c) Monitor each pupil's attendance through their daily register and make appropriate enquiries in cases of unexplained absence.
  - d) Remove a pupil's name from the admissions register on the date that the child leaves the school, so long as one of the criteria outlined in regulation eight, The Education (Pupil Registration) (England) Regulations 2006, applies. Schools should not backdate deletion from roll.
  - e) Notify their Local Authority when they are about to remove a pupil's name from the school admission register under any of the fifteen grounds listed in the regulations, The Education (Pupil Registration) (England) Regulations 2006 (amended) no later than the date that the child's name is due to be removed from the roll. Where parents notify the school, in writing, of their intention to Electively Home Educate their child the school must complete a notification form and forward this with a copy of the deregistration letter to their allocated Inclusion Officer.
- 3 We satisfy ourselves that schools are adhering to these statutory requirements through checks and enquiries made by Inclusion Officers during Targeted Support Meetings (previously known as Register Checks).
  - 4 All Local Authorities in England have a legal duty under section 436A of the Education Act 1996 to make arrangements to identify, as far as it is possible to do so, children missing education (CME).

There is strategic oversight of this cohort of pupils by the Children Not in School (CNIS) Service Manager. The CNIS Service Manager chairs a countywide CME Governance Group that reviews countywide practice against statutory responsibilities.

The law (Education and Skills Act 2008) requires all young people in England to continue in education or training until at least their 18th birthday, however, the law regarding compulsory school leaving age (last Friday of June in the academic year they turn 16) has not been amended. Therefore, there is no legal interventions that can be considered where young people are NEET. These children are not considered in our CME data as this is only in respect of compulsory school aged pupils. Local Authorities are required to collect information about young people so that those who are not participating, or are NEET, can be identified and given support to re-engage. The year 11-12 Transitions Team have oversight of this cohort and young people are assigned a personal coach. Where young people have an Education Health and Care Plan (EHCP) the SEND team remain responsible for supporting with post-sixteen education pathways.

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