

# A Learner Engagement Strategy for Oxfordshire

A strategy to build resilience, promote collective responsibility to  
support all pupils access their full educational entitlement



v.5 (March 2019)

## **Executive Summary**

This Learner Engagement Strategy has been co-produced by key stake holders and partners engaged in optimising the inclusion in education of all Oxfordshire's statutory school aged children. The purpose is to ensure that children access their full educational entitlement to ensure that they achieve to enable them to thrive as adults and fully participate in the economic, learning, personal and social life of Oxfordshire.

To this end, the strategy focuses on;

The need to optimise school attendance, minimise school exclusions, serve children missing education by identifying them and facilitating a school place for them in a timely manner, minimise the need for reintegration programmes in schools and respect the rights of the electively home educating community whilst ensuring education is suitable and sufficient for all children's needs.

The strategy is based on statutory duties, the agreed aims of the Education Scrutiny Committee in Oxfordshire and the Oxfordshire Safeguarding Children's Board plan.

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### 1. Introduction -

#### **Lucy Butler, Oxfordshire County Council Director of Children's Services**

*The Oxfordshire vision for children and young people prioritises their access to full time suitable education and keeping them safe as is their entitlement. This includes the development of this Learner Engagement strategy to clarify an equitable approach to meeting the needs - in schools and not - of the most challenging and vulnerable pupils in Oxfordshire. I am pleased to introduce this strategy and commend it to all our valued key stake-holders.*

*It is recognised by the Local Authority and school leaders that the rising number of exclusions needs a joined-up approach to address the issue. There are financial implications for schools and the Local Authority in meeting the increased demand for alternative provision and support for pupils displaying challenging behaviour and those with Social Emotional Mental Health needs.*

*The Council's Education Scrutiny Committee and the Oxfordshire Safeguarding Children's Board has identified exclusion, attendance, children missing education, on part-time programmes and Elective Home Education as areas for investigation and recommendation. There is a willingness from school leaders to work together with the Local Authority to develop solutions to the current issues. School leaders, governors, Police and colleagues from Health have all been invited to comment and contribute to this strategy.*

*The recently revised ILACS (Inspection of Local Authority Children's Services) framework indicates a new focus for Ofsted (Office for standards in education children's services and skills) on education inclusion and the responsibilities of the Local Authority in this area.*

*My intention, as part of the Council's improvement programmes, is to secure better joint working across teams supporting children and families to improve behaviour and attendance and prevent exclusion.*

*This strategy informs the Oxfordshire Children's Trust Board 2018-21 strategy reported on to the Well-Being Board and the Oxfordshire Safeguarding Children's Board priorities.*

## **2. The Vision**

Whilst recognising that there is no single solution to reducing exclusions and improving attendance, this strategy outlines the way in which education providers, the Local Authority and other relevant agencies can work together to achieve better outcomes for children and young people in Oxfordshire. We recognise the need to collaborate to ensure that early help is available to reduce the number of pupils missing out on their education entitlement due to poor attendance and exclusion. We are committed to developing a sustainable approach, focusing on early help and support. All pupils in Oxfordshire are our collective responsibility. We aim to ensure that every pupil is known, valued and supported to achieve in our education system and that parents are key in delivering that aim.

### **Key Priorities**

- Schools, the Local Authority and other agencies will work together to meet young people's needs in school wherever possible.
- We, along with partners from within the Children's Workforce will develop how we work together to ensure schools are supported to be responsive to the needs of their pupils and families, whilst retaining responsibility for their own unique and inclusive cultures.
- Early intervention will be available to improve attendance and reduce exclusions, improve the mental health of pupils experiencing difficulties and ensure all children have access to full time educational provision.
- Schools will have a clear understanding of how to access support to develop provision to meet the needs of pupils with Social, Emotional and Mental Health needs and those presenting with challenging behaviour.
- Improve outcomes, including attainment, for young people presenting with challenging behaviour and those with Social Emotional and Mental Health needs by supporting and championing DfE (Department for Education) and OFSTED's scrutiny of inclusive practices and providing effective and specialist services within budget.
- We recognise the need to develop provision to ensure pupils can stay in their locality and reduce the distance pupils are traveling to receive additional support by working with key commissioning partners.
- We will ensure that children not in education will have a swift and equitable reintegration into an appropriate setting in a timely and legally compliant manner.
- All parents / carers who have chosen to electively home educate will be making a proactive, positive and informed decision to do so in the best interest of the child.
- Working with partners our tracking of Children Missing Education, Excluded Pupils, Persistent Absentees and those on Re-integration Timetables will be robust to keep pupils safe.
- Clear guidance will be easily accessible for all schools and partners highlighting when external services including the Education Inclusion team and the Locality Support Service should be contacted as part of a behaviour and attendance pathway.

- Review the County Council commissioned arrangements for Alternative Provision for Oxfordshire resident children, including transport obligations.
- Produce and make available a directory of Alternative Provision that has been quality assured for commissioning by schools.
- Ensure the Oxfordshire Fair Access Protocol and process is equitable to all schools in Oxfordshire, sharing distribution of pupils with additional needs, led by Oxfordshire Head Teachers without a school place in a timely inclusive manner. Spend of high needs funding to be equitable, systematic, accountable and outcomes focussed, to be reviewed with Headteachers in Oxfordshire.
- Ensure the County Council meets all its statutory duties in a timely fashion.
- Ensure that parents are supported to understand their role in ensuring their children receive a full time suitable and efficient education, either at school or otherwise and support educational providers to do same.
- Ensure that pupils with protected characteristics are identified to track their full inclusion.
- Ensure that Early Years attendance is prioritised as it forms good habits and expectations for statutory school years.
- Optimise Primary and Secondary school readiness and transition opportunities
- Recognise the impact of Literacy and Speech and Language difficulties on behavioural presentation
- Ensure effective partnership work with FE (Further Education) providers, particularly pertaining to statutory school age pupils and EHE (Elective Home Education) children

### **3. The Context**

Nationally, both permanent and fixed-period exclusions have been increasing in the last few years to around 0.08% of pupil enrolments (permanent exclusions) and 4.29% (fixed term exclusions). (2015/2016 published data). The government has announced an externally led review into the issue (March 2018). This has been followed up with a national consultation that is due to report in Spring 2019. OFSTED has also announced a revised school inspection framework from September 2019 that will increase scrutiny of schools' inclusive practices and tracking of vulnerable pupils.

Nationally the overall absence rates have followed a downward trend since 2006/07 when the absence rate was 6.5%. The overall absence rate across state-funded primary, secondary and special schools is 4.6% (2015/2016 published data). 2017-18 saw an increase in absence, the first since 2006-07. It remains to be seen whether this was a spike or a trend.

### The current issues for Oxfordshire:

- Increasing numbers of children in receipt of fixed term and permanent exclusions.
- The high numbers of persistent absentees in Oxfordshire schools compared to National figures.
- Increased numbers of children registered for Elective Home Education with no indication of parental positive education philosophies but because of exclusive practices and unresolved school issues.
- Lack of information from schools and providers about children and young people on part-time timetables; missing out on full-time education and the lack of infrastructure to capture this data consistently, accurately and in real time.
- Reported decreased parental support for schools.
- Increased complexity and prevalence of mental health difficulties within Oxfordshire resident children and young people.
- Pupils at SEN (Special Educational Needs) Support level (a protected characteristic under the Equalities Act) are seven times more likely to be excluded from school.
- Developing pockets of child exploitation risks such as drug and/or sexual.

The following key issues are to be addressed as part of Learner Engagement work with partners.

Background data for all the figures quoted below can be found in **Appendix 2**.

#### ***a) Reducing Permanent Exclusions***

Permanent exclusions from Oxfordshire schools have been growing in recent years, particularly those from secondary schools. A reduction in 2017-18 is yet to be established as a dip or a trend.

<b>CURRENTLY</b>	Exclusion rate is 0.10 (88 pupils) in 2016/17 (primary and secondary)
<b>WITH NO CHANGE</b>	Exclusion rate would be 0.16 (145 pupils) by 2020
<b>TARGET</b>	Exclusion rate of 0.07 (65 pupils) by 2020, with ZERO exclusions for “persistent disruptive behaviour” and Reducing the number of permanent exclusions of pupils at SEND Support

**How this target might be achieved:**

- Develop a behaviour pathway linked to support services that is implemented by all schools (incorporating mental health and parenting provision).
  - Develop a collective understanding of pupils who may be 'at risk' of exclusion with particular focus on children and young people with Special Educational Needs and pupils entitled to Pupil Premium.
  - Develop the curriculum to include a focus on wellbeing for all pupils including an early help offer for pupils 'at risk' of exclusion and/or disengagement and absenteeism.
  - Ensure that early intervention is available and accessed to develop resilience in families and in schools for meeting the needs of pupils 'at risk' of exclusion.
  - Review our IYFAP (In Year Fair Access Panel) and Managed Move processes and develop a similar model to promote inclusion in primary schools. This may include introducing a penalty for schools who permanently exclude to contribute towards alternative provision.
  - Ensure all schools are aware of alternative provision available for commissioning to support pupils with SEMH (Social Emotional & Mental Health) needs and those presenting with challenging behaviour. Commission provision to address deficits in the current model.
  - All schools to develop provision for learners with SEMH and challenging behaviour based on an understanding that we need to identify the reasons for the behaviour and address these for the long-term benefit of the pupil. This will include working with the LCSS (Local Community Support Services) and SEND services. Use of EHAs and TAFs to elucidate the impact of family circumstances and parental needs on pupil behaviour.
  - Where children are open to Social Care as Children in Need, Children on Child Protection, Looked after Children or Children on EHAs, school and social worker co-ordinate their efforts to ensure an inclusion target is integrated in the child's Care Plan.
  - Ensure progress towards the target is regularly shared with schools and partners to inform our progress.
- 
- Ensure attendance and exclusions feature as a key measurable with School Improvement activities.
  - Ensure School Leaders (including Governors) support and challenge peers with positive Inclusion strategies in the face of disproportionate exclusion and absence data.
  - Use exclusions as a last resort having exhausted all internal and external alternatives available.
  - Ensure a coherent and publicised Behaviour pathway is developed with schools and other key stake holders.

***b) Fixed term exclusions***

The rate of children having at least one fixed term exclusion (FTE) from Oxfordshire schools is lower than that nationally, but early figures indicate that this rose in 2016/17, most noticeably in primary schools. Oxfordshire County Council recognises that fixed term exclusion is not an effective behaviour management technique or positive attendance measure designed to support inclusion, safeguarding and attainment.

<b>CURRENTLY</b>	PRIMARY - There were 310 Fixed Term Exclusions in 2016/17 SECONDARY - There were 1430 Fixed Term Exclusions in 2016/17
<b>WITH NO CHANGE</b>	PRIMARY - There would be 415 Fixed Term Exclusions in 2020 (Rate of 0.81) SECONDARY – There would be 1815 Fixed Term Exclusions in 2020 (Rate of 4.75)
<b>TARGET</b>	PRIMARY - Fixed Term Exclusion rate of 0.5 (255 pupils) by 2020 SECONDARY – Fixed Term Exclusion rate of 3.26 (1240 pupils) by 2020

**How this target might be achieved:**

- Ensure pupils presenting with behaviour difficulties have their needs assessed for special educational needs, family or mental health challenges.
- Develop alternatives to exclusion (internal exclusion in the home school, or at another school) and grow alternative provision options.
- Review transition processes to ensure vulnerable learners are supported effectively.
- Review behaviour pathway to ensure reasonable adjustments are made for vulnerable pupils.
- Develop restorative approaches to support pupils to learn from their past behaviours.  
Develop assessment, intervention and support for pupils to develop resilience.
- Utilise and grow Early Health and Mental Health provision with all key stake holders, public, private and third sector.
- Develop a real-time reporting system of FTE to ensure the practice is legally compliant and required as part of Positive Behaviour strategies.
- Develop a real-time reporting system for part-time (or reintegration) pupil programmes to ensure they are consented, short term and of positive intent.
- Use exclusions as a last resort having exhausted all internal and external alternatives available.
- Ensure a coherent and publicised Behaviour pathway is developed with schools and other key stake holders.

**c) Improving Attendance**

Persistent absence rates from secondary schools in Oxfordshire have consistently been much higher than those nationally.

<b>CURRENTLY</b>	PRIMARY – 7.1% (3540 pupils) were persistently absent in 2016/17 SECONDARY - 13.9% (4245 pupils) were persistently absent in 2016/17
<b>WITH NO CHANGE</b>	The rate is falling, locally and nationally.
<b>TARGET</b>	PRIMARY - 6.7% (3025 pupils) persistently absence for 2019/20



	SECONDARY - 10.4% (3335 pupils) persistently absence for 2019/20
<p><b>How this target might be achieved:</b></p> <ul style="list-style-type: none"> <li>• All partners to promote good attendance and reduce absence, including persistent absence</li> <li>• Ensure every pupil has access to full-time education to which they are entitled</li> <li>• Share good practice regarding early intervention to address patterns of absence.</li> <li>• Review our approach to prosecutions to speed up the process of bringing cases to court.</li> <li>• One way to reduce absence figures is to focus on reducing the proportion of sessions that are missed due to both illness (to be in line with the national average) and medical/ dental appointments (to lower than the national average) – these rates are currently higher in Oxfordshire than those Nationally.</li> <li>• Ensure attendance is recorded accurately in all schools in line with the attendance code.</li> <li>• Develop the Community Around the School Offer (CASO)</li> <li>• All partners to consider persistent absence/school refusal as potential mental health or parental neglect and assess for this accordingly.</li> <li>• All partners to log and report children at home or in public during school hours routinely.</li> </ul>	

**d) Children Missing Education**

**Children Missing Education.** Children and young people who do not access school or appropriate alternative education or elective home education are deemed to be vulnerable and their risk is increased the longer they continue to be without a school place. Safeguarding children and young people continues to be a key shared responsibility of the Local Authority, schools and other partners.

The local authority has a statutory responsibility to identify those children who are missing out on education, track their whereabouts and ensure that they have access to a full-time education (where appropriate) through either school, elective home education or commissioning alternative provision.

There were 562 children recorded as being electively home educated (EHE) within the last academic year, an increase of 21%. 70 children returned to school, compared with 90 the previous year.

<b>CURRENTLY</b>	<b>31</b>
<b>WITH NO CHANGE</b>	
<b>TARGET</b>	<b>25</b>
<p><b>Key Discussion Points on how the target might be achieved:</b></p> <ul style="list-style-type: none"> <li>• All schools will submit information relating to pupils missing education to the LA in a timely manner this includes pupils on a reduced or 'part time' timetable and those removed from roll outside standard times.</li> </ul>	

- Review the Pupils Missing Out process.
- IT systems will be developed to support the sharing of information.
- The Local Authority has removed 'other' from the EHE school exit form in order to provide clarity on the reason for the decision, when parents chose to share this information
- Secure agreement with schools to introduce a two week 'cooling off' period for parents making this decision before a pupil is removed from the school roll. To support this process the LA (Local Authority) will engage with parents making this decision to ensure they have made a fully informed decision and provide mediation between school and parents as required.
- All schools and partners will be alert to and report any suspected 'off-rolling' or illegal exclusions to the LA.

#### **4. What resource is available now?**

In developing a Learner Engagement Strategy, we recognise the fact that the majority of pupils in Oxfordshire have their social, emotional and behavioural needs met by the experts working within the school system and seek to identify and share best practice for the benefit of all. The Local Authority is committed to working with partners to identify and share best practice whilst addressing and challenging the issues of rising exclusions and high numbers of persistent absentees in the County. We will work with school leaders and other partners to ensure improvements needed are delivered timely and efficiently, deploying the resources available.

All schools have access to named (County Council Learner Engagement) officers in each locality area - North, Central and South, for statutory attendance issues, attendance strategic advice and exclusion prevention strategic advice.

There are already a range of services that are currently provided by the LA and other organisations (both locally and nationally) to support individual pupils and their needs. Local organisations are set out in the OXSIT (Oxfordshire Schools Inclusion Team) 'Diminishing Difference' document which is available [HERE](#).

The Local Authority will seek to make these services and their parameters more visible to schools to enable ease of access at the point of need.

The Local Authority provides guidance for all schools and partners with regard to accessing attendance, behaviour and inclusion support and legal processes.

LCSS work with the community to identify children with emerging safeguarding needs, this would include issues around attendance and engagement in education. LCSS would support to ensure the needs are identified, through the Early Help Assessment and that school attendance and engagement is part of any Team around the Family plan. LCSS will take a flexible approach to how best to engage the family and will work alongside multi-professional colleagues to reduce the risk of children missing out.

## **5. Governance**

Progress against the targets set out in this strategy will be reported to the Learner Engagement Board, Education Scrutiny Committee, Children's Trust, Oxfordshire Safeguarding Children Board (OSCB) and the Strategic Schools Partnership Board (SSPB).

The development and implementation of the Learner Engagement Strategy (presented here as a draft for discussion) will be overseen by a Learner Engagement Board which operates alongside the Early Help Board. Once the Strategy is agreed with partners and implementation has begun, the Learner Engagement Board will evolve to become part of a forum for identifying good practice around inclusion, addressing strategic issues which arise and challenging all partners to ensure each is fulfilling their obligations and adhering to the agreed principles.

## **6. Impact**

The success of the Learner Engagement strategy is dependent on the commitment of all schools, the local authority and other partners. We must commit to working collaboratively to protect pupils from disengaging from education. We will know that we have been successful in 2018-19 if we achieve

1. Increase the % of children reaching a good level of development in early years or foundation stage (target 75% for academic year 17/18)
  2. Reduce the number of permanent exclusions to 44 in school year 18/19
  3. All permanently excluded pupils will have a new placement within the statutory 6-day limit
  4. Reduce the number of primary school children with a fixed term exclusion to 285 or less in school year 18/19
  5. Reduce the number of secondary school children with a fixed term exclusion to 1335 or less in school year 18/19
- Reduce the level of persistent absence in primary school children to 6.8% or less in school year 18/19
- Reduce the level of persistent absence in secondary school children to 11.5% or less in school year 18/19
- Reduce the number of children on part time timetables in school year 19/20 by 10%.
9. Reduce the number of permanent exclusions for children with special education needs in school year 18/19 (target 28)
  10. Reduce the number of primary school children with special educational needs with one or more fixed term exclusions in school year 18/19 (target 102)
  11. Reduce the number of secondary school children with special educational needs with one or more fixed term exclusions in school year 18/19 (target 350)

## **7. Commissioned Provision**

The Learner Engagement Strategy will review commissioned alternative provision to ensure it offers sufficiency in terms of locality, flexibility and bespoke offers in a timely manner to meet Oxfordshire's children's needs within Oxfordshire County Council's statutory obligations and budget.

## Learner Engagement Principles

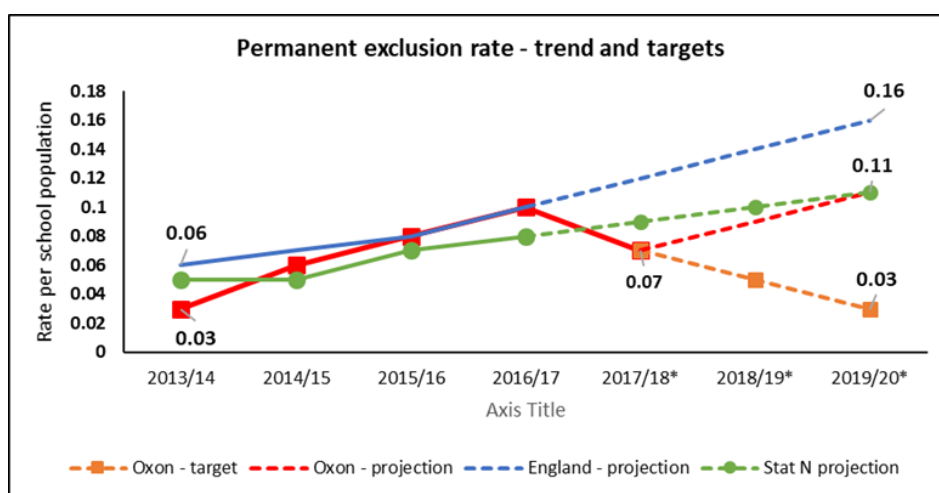
Guidance developed to support this work will be based on the following inclusion principles:

- That in the vast majority of cases the pupil's 'home' school in their local community is their best school.
- That behaviour is communication and that for some pupils a behaviourist approach to discipline (rewards and sanctions) requires significant reasonable adjustments to better meet pupils' needs.
- That restorative approaches to support pupils to remain at their home school should be used wherever possible.
- That all schools are aware of how best to intervene early to support pupils with challenging behaviour and emerging SEMH needs.
- That local alternative solutions for pupils will be sought wherever necessary.
- That early help provision in schools will be promoted through sharing best practice; to reduce movement of pupils.
- That the needs, consent and wishes of the CYP (children & young people) and their family will be prioritised when making decisions together.
- That groups of schools will work together to provide the best education for all young people in our communities whatever their needs or barriers to learning and education.
- That all children on a school roll are entitled to full time education.
- That parents, with the primary responsibility for their children's upbringing and welfare, know their children best and greater parental involvement leads to improved outcomes for children and young people.
- That we will act with due regard to the statutory guidelines for exclusions, children missing education and attendance legislation and at all times in compliance with Equalities legislation

## Data and performance information

### Exclusion Data and information

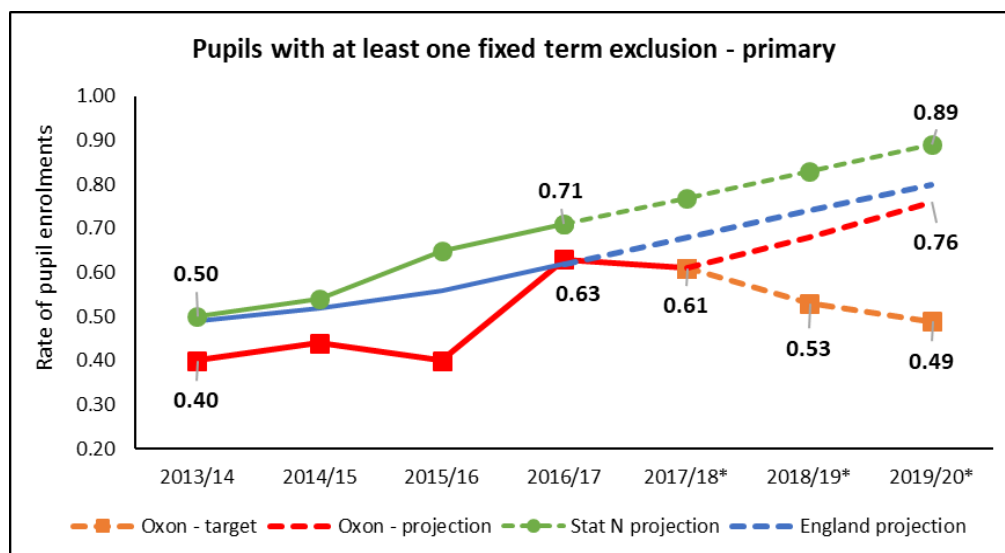
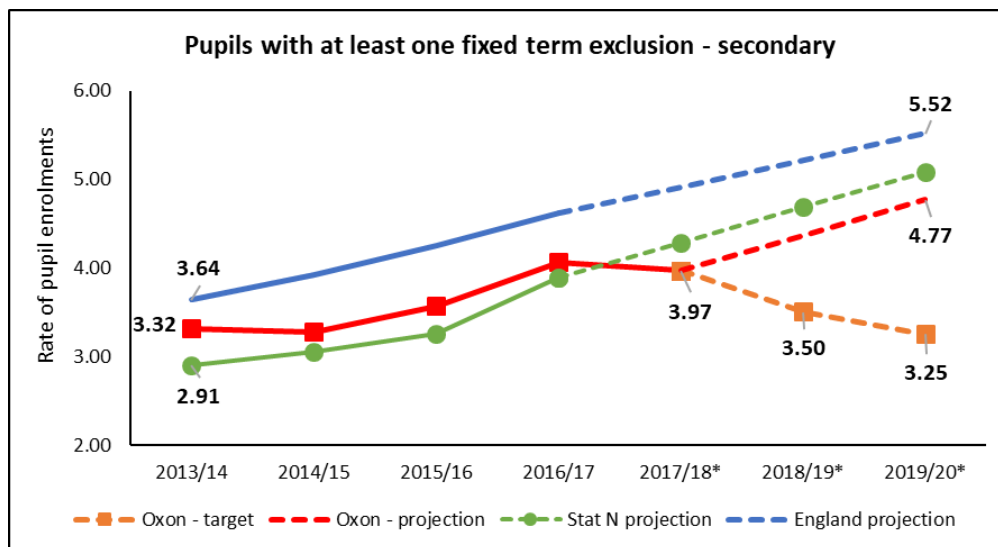
#### a. Permanent exclusions



- Permanent exclusions from Oxfordshire schools have been growing in recent years, particularly those from secondary schools.
- Until 2014/15 the rate in Oxfordshire (for all school types) was lower than that nationally. In 2015/16 the rate increased to be in line with that nationally and has continued to increase.
- In 2016/17 there were 88 permanent exclusions from Oxfordshire schools (a rate of 0.10).
- If the current rate of increase continues then this would mean that that by 2020 the rate of permanent exclusions from all schools would be 0.16 – an equivalent of 145 pupils.

The target aims to reduce this rate of permanent exclusions to 0.07 (65 excluded pupils). This puts it in line with the current statistical neighbour average for example specific strategies need to be put in place to halt or reverse this rate of increase. This will best support attainment improvement across the county, reduce childhood vulnerabilities to underachievement in adulthood, risky behaviours and high spend currently diverted from schools to alternative providers.

## b. Fixed term exclusions



- The rate of children having at least one fixed term exclusion from Oxfordshire schools is lower than that nationally, but unvalidated figures indicate that this rose in 2016/17, most noticeably in primary schools. Comparative data for 2016/17 will be published in July 2018.
- Primary schools
  - In 2016/17, 310 pupils were excluded at least once from Oxfordshire primary schools with this increasing to a predicted 415 (0.81) pupils by 2020.
  - Oxfordshire remains below the national average and has the lowest proportion of children with at least one fixed term exclusion out of its statistical neighbour group.
  - The target aims to continue to reduce this lower trend, to 255 pupils (0.50) by 2020. This equates to 55 fewer pupils than in 2016/17 and 160 fewer than the predicted number.

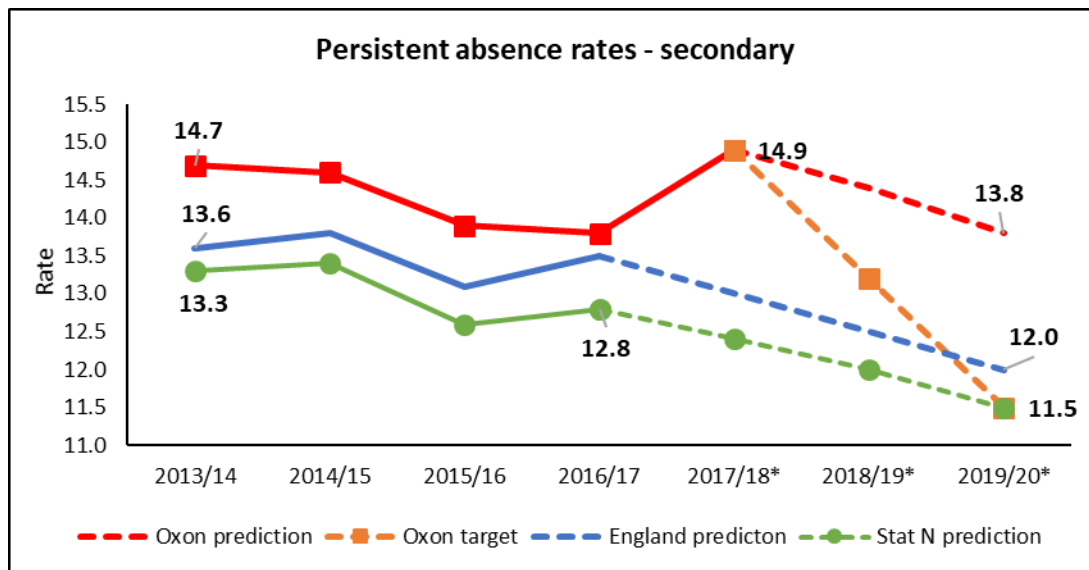
- Secondary schools
  - In 2016/17, 1430 pupils were excluded at least once from secondary schools in Oxfordshire. This is predicted to increase to 1815 (rate of 4.75) by 2020.
  - The rate of exclusion is lower than the national average but Oxfordshire ranks 9<sup>th</sup> out of its group of 11 statistical neighbours.
  - The target aims to reduce the rate of exclusion to be lower than the statistical neighbour average by 2020.
  - This would mean 1240 pupils with a fixed term exclusion in 2019/20. This is 230 fewer than in 2016/17 – an equivalent of 6 fewer per secondary school and 575 fewer than the predicted number.
- Special schools
  - In 2016/2017, provisional data reports 42 pupils were excluded at least once from special schools in Oxfordshire. There is currently no national or statistical neighbour data available for the 2016/17 academic year so comparisons are made on 2015/16 data.
  - In 2015/16 the rate of exclusion is lower than the national average and Oxfordshire ranked 4<sup>th</sup> out of its groups of 11 statistical neighbours.

### Proposed Improvement targets

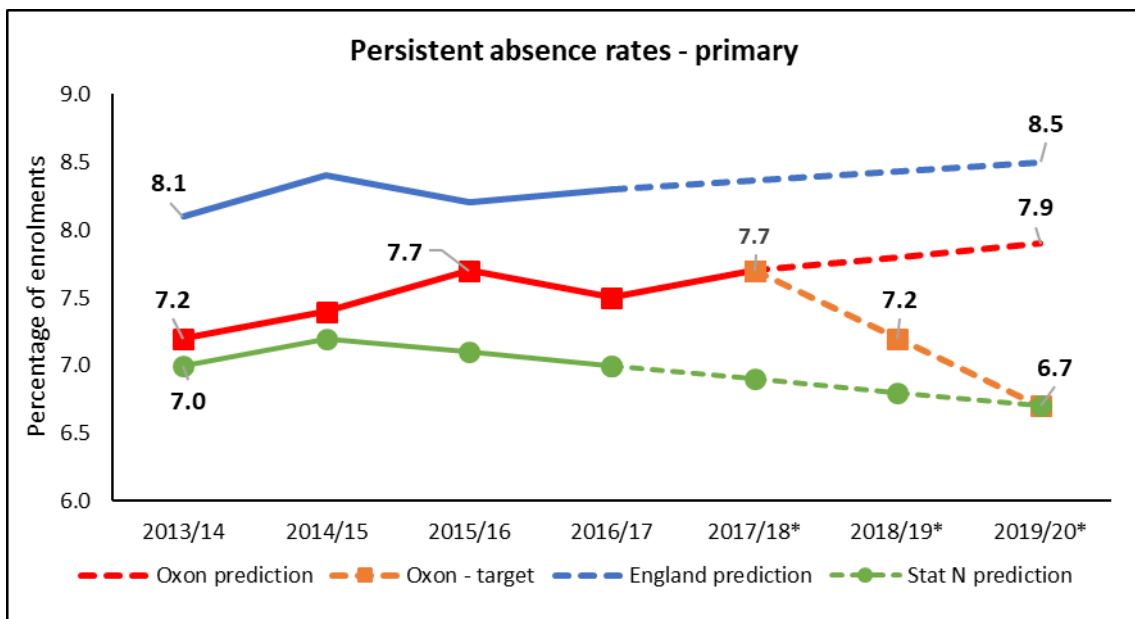
	Indicator	Trend data				Targets			Comparative Data (2015/16)	
		13/14	14/15	15/16	16/17	17/18	18/19	19/20	Eng	SN
1	Number (rate) of permanent exclusions	30 0.03	53 0.06	69 0.08	88 0.10	82 0.09	75 0.08	65 0.07	0.08	0.07
2a	Number (rate) of pupils with at least 1 fixed term exclusion – primary schools	206 0.40	232 0.44	215 0.40	308 0.60	295 0.58	280 0.55	255 0.50	0.56	0.65
2b	Number (rate) of pupils with at least 1 fixed term exclusion – secondary schools	1202 3.32	1211 3.28	1327 3.57	1468 3.85	1410 3.70	1335 3.50	1240 3.26	4.26	3.26
2c	Number (rate) of pupils with at least 1 fixed term exclusion – special schools	38 3.38	36 3.48	41 3.86	42 4.10				5.05	5.94



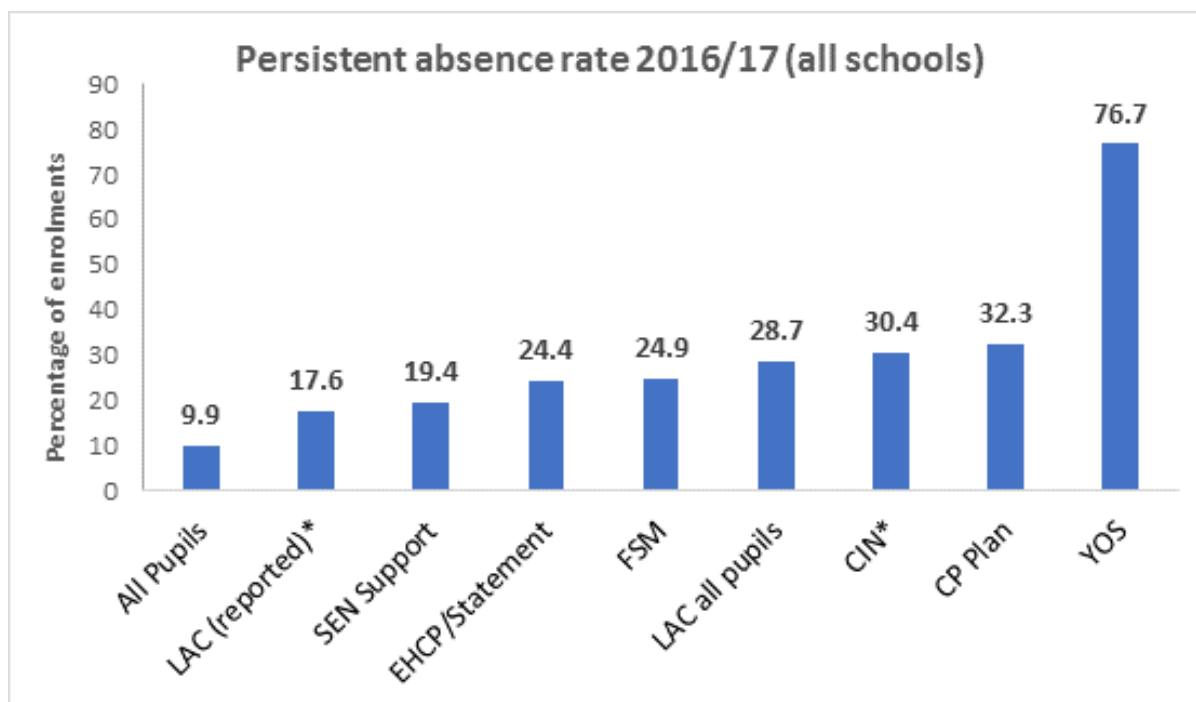
## Improving Attendance



- Persistent absence rates from secondary schools in Oxfordshire have consistently been much higher than those nationally. In 2016 (the most recent academic year for which comparative data is available) 13.9% of secondary school pupils were persistently absent in Oxfordshire, compared with 13.1% nationally. Oxfordshire ranks 8<sup>th</sup> lowest out of its group of 11 statistical neighbours (average of 12.6% in 2015/16).
- In 2016/17 there were 4245 pupils classed as being persistently absent from secondary schools in Oxfordshire.
- The rate of persistent absence from secondary schools has been falling both in Oxfordshire and nationally, however a specific focus on reducing absence will be required in order to move in line with national figures.
- Achieving the target will reduce the rate of persistent absence by more than the decrease nationally, in order that by 2019/20 the rate (10.4% or 3335 pupils) will be lower than the predicted statistical neighbour and national rates.
- This corresponds to 910 fewer children classed as persistent absentees compared with 2016/17, an equivalent of 25 fewer per Oxfordshire secondary school.



- The rate of persistent absence from primary schools in Oxfordshire has remained lower than the national average for a number of years. However, it remains higher than most of its statistical neighbour group (in 2015/16 Oxfordshire was ranked 9<sup>th</sup> lowest out of 11 statistical neighbours).
- In 2016/17 there were 3540 children classed as persistently absent from Oxfordshire primary schools.
- Achieving the target is to reduce the rate of persistent absence from primary schools in order to be lower than the predicted figures.
- The target of 6.7% in 2019/20 would increase Oxfordshire's ranking to be 4<sup>th</sup> out of statistical neighbours (from current 9<sup>th</sup> position).
- This target corresponds to 3025 persistent absentees, a reduction of 520 from 2016/16 which is the equivalent of 2 fewer persistent absentees per primary school.
- The level of persistent absence in Oxfordshire special schools has risen year on year from 22.2% in 2013/14 to 24.2% in 2016/17. However, this remains below the national and statistical neighbour average.
- Oxfordshire is ranked 4<sup>th</sup> out of statistical neighbours for persistent absence in special schools.
- Persistent absentees account for one third of all authorised absences in Oxfordshire (33.6% compared with 30.9% nationally) and more than half of all unauthorised absences (54.5% in Oxfordshire compared with 53.8% nationally)
- In Oxfordshire secondary schools this rises so that persistent absentees account for 42% of all authorised absences and 72% of all unauthorised absences,
- Of pupils that are classed as persistently absent, the common theme in Oxfordshire is that the rate of authorised absence is noticeably greater than nationally in both the primary and secondary sectors.



Vulnerable learners are overly represented in the persistent absence figures.

### Suggested Improvement targets

	Indicator	Trend data				Targets			Comparative Data (2015/16)	
		13/14	14/15	15/16	16/17	17/18	18/19	19/20	Eng	SN
3a	Rate of persistent absence – primary schools	7.2	7.4	7.7	7.1	6.9	6.8	6.7	8.2	7.0
3b	Rate of persistent absence – secondary schools	14.7	14.6	13.9	13.5	12.5	11.5	10.4	13.1	12.6
3c	Rate of persistent absence – special schools	22.2	22.7	23.2	24.2				28.5	26.0

## Children Missing Education

Children and young people who do not access school, elective home education or appropriate alternative education are deemed to be vulnerable and their risk is increased as they continue to be without a school place. Safeguarding children and young people continues to be a key shared responsibility of the Local Authority, schools and other partners.

The local authority has a statutory responsibility to identify those pupils who are missing out on education, track their whereabouts and ensure that they have access to a full-time education (where appropriate) through either direct tuition, commissioning alternative provision or elective home education.

Ofsted in their report “Pupils Missing out on Education” published in November 2013 identifies the main pupils missing education groups to be those who:

- have been permanently excluded
- have particular social and behavioural difficulties and have personalised learning plans, meaning that, by arrangement, they do not attend their usual school full time
- have mental health needs and access Child & Adolescent Mental Health Services (CAMHS), either as an in-patient or through services provided in the community
- have medical needs other than mental health needs
- rarely attend school and have personalised learning plans a part of attempts to reintegrate them into full-time education
- are pregnant or are young mothers of compulsory school age
- have complex needs and no suitable school place is available
- have moved from another area and a school place has not been secured
- are new to the country and are awaiting a school place
- are returning from custody and a school place has not been found for them

Information on many of these groups of young people is collected within the local authority but held by different teams and not yet easy to report on.

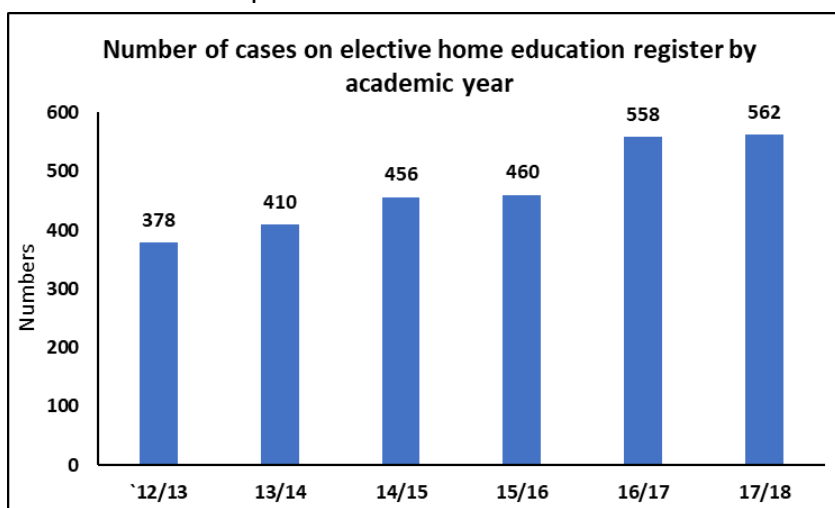
This includes but is not limited to the number of children on part time timetables.

	Group	Indicator	Baseline	Target
1.	Permanently excluded	% of permanently excluded pupils with a new placement within the statutory 6 day limit		100%
2.	Absentees	Number of pupils who are regularly absent from school or have missed 15 day or more (cumulative or consecutive) without permission		7,500

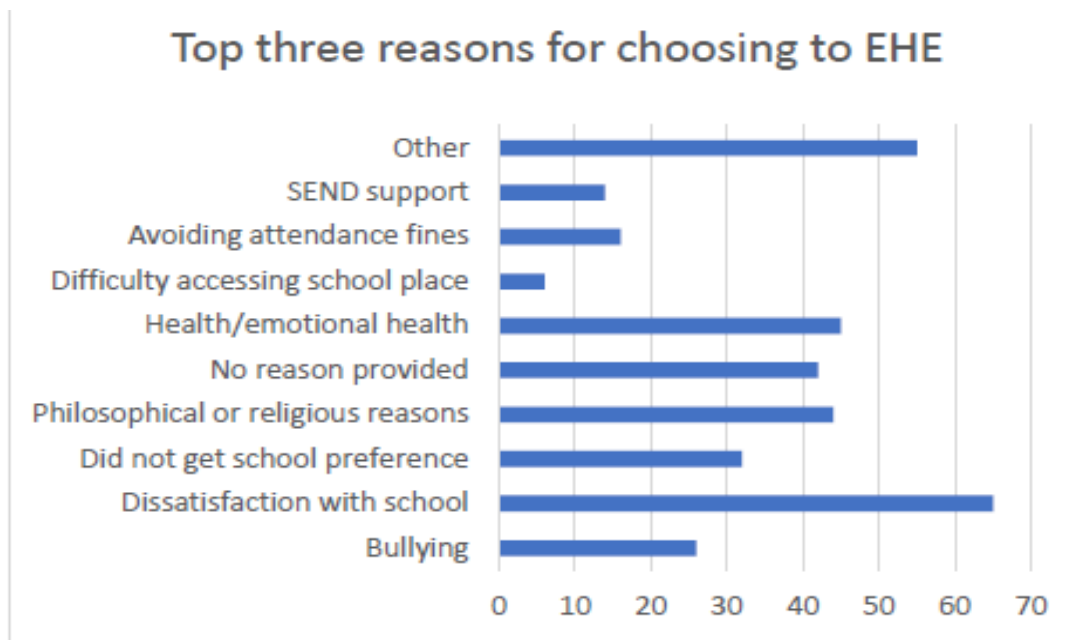
3.	Part time timetables	Number of pupils with a part time timetable  a. medical needs b. mental health needs c. emotional & social needs	Not available to the LA	
4.	Children Missing Education	a. Awaiting an alternative place via the In Year Fair Access Panel b. New to the county and a school place is not currently available c. Complex needs and awaiting a suitable place		<30
5.	Number of pupils in alternative provision	Number of pupils on roll at Meadowbrook  Number of pupils at the Hospital School		106
6.	Number of electively home educated children	Where education is evidently unsuitable and insufficient		Nil

### Elective Home Education Data

- There were 562 recorded cases of EHE within the last academic year, an increase of 21%. 70 children returned to school, compared with 90 the previous year.
- In two thirds of the recorded cases in 2016/17, the main reason for removing the child from a school roll in order to home educate was “other/ unknown”. This indicates that the parents have either been unable to identify the reason from those offered, or have refused to provide a reason.



- The proportion of electively home educated children where the reason is unknown has increased considerably from 12% (47 cases) in 2012/13 to 66% (249 cases) over this period.
- In October 2017, the Association of Directors of Children’s Services (ADCS) issued a survey to all 152 local authorities in England to understand better the volume and characteristics of the cohort of children and young people who are known to be home schooled.



- This indicates that nationally the most frequent reason for choosing to home educate a child is due to dissatisfaction with school. “Other” (approximately 55%) and “No reason given” (approximately 42%) are also amongst the most frequent reasons, although as this national survey allowed the 3 main reasons to be provided then it isn’t possible to provide a distinct national comparator.
- In the Spring of 2018, DfE conducted a national consultation on elective home education. This is due to report in Spring 2019. Ofsted revised the school inspection framework from September 2019 to scrutinise early leavers and seek satisfaction at their destination delivering sufficient and suitable education.

**Suggested**

Indicator	Trend data				Targets			Comparative Data (2015/16)	
	14/15	15/16	16/17	17/18	17/18	18/19	19/20	Eng	SN
Proportion of Elective Home Educated pupils as the whole child population, compared to the national position									

## Legal Frameworks

### The Legal Framework for Pupil Exclusions.

The principal legislation guiding pupil exclusions is:

- The Education Act 2002, as amended by the Education Act 2011
- The School Discipline (Pupil Exclusions and Reviews) (England) Regulations 2012
- The Education and Inspections Act 2006
- The Education Act 1996
- The Education (Provision of Full-Time Education for Excluded Pupils) (England) Regulations 2007, as amended by the Education (Provision of Full-Time Education for Excluded Pupils) (England) (Amendment) Regulations 2014.

An interpretation of the above legislation can be found in the following statutory guidance: ['Exclusions from maintained schools, academies and pupil referral units in England - September 2017'](#)

The key points from the guide are as follows:

Good discipline in schools is essential to ensure that all pupils can benefit from the opportunities provided by education. The Government supports head teachers in using exclusion as a sanction where it is warranted. However, permanent exclusion **should only be used as a last resort**, 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 pupil or others in the school.

The decision to exclude a pupil must be lawful, reasonable and fair. Schools have a statutory duty not to discriminate against pupils on the basis of protected characteristics, such as disability or race. Schools should give particular consideration to the fair treatment of pupils from groups who are vulnerable to exclusion.

Disruptive behaviour can be an indication of unmet needs. Where a school has concerns about a pupil's behaviour, it should try to identify whether there are any causal factors and intervene early in order to reduce the need for a subsequent exclusion. In this situation, schools should consider whether a multi-agency assessment that goes beyond the pupil's educational needs is required.

Schools should have a strategy for reintegrating a pupil who returns to school following a fixed-period exclusion and for managing their future behaviour.

All children have a right to education. Schools should take reasonable steps to set and mark work for pupils during the first five school days of an exclusion; and alternative provision

must be arranged from the sixth day. There are obvious benefits in arranging alternative provision to begin as soon as possible after an exclusion.

Where parents dispute the decision of a governing board not to reinstate a permanently excluded pupil, they can ask for this decision to be reviewed by an independent review panel. Where there is an allegation of discrimination (under the Equality Act 2010) in relation to a fixed-period or permanent exclusion, parents can also make a claim to the First-tier Tribunal (Special Educational Needs and Disability) for disability discrimination, or the County Court for other forms of discrimination.

An independent review panel does not have the power to direct a governing board to reinstate an excluded pupil. However, where a panel decides that a governing board's decision is flawed when considered in the light of the principles applicable on an application for judicial review, it can direct a governing board to reconsider its decision. The panel will then be expected to order that the school must make an additional payment of £4,000 if it does not offer to reinstate the pupil. Whether or not a school recognises a pupil as having SEN, all parents have the right to request the presence of an SEN expert at a review meeting. The SEN expert's role is to advise the review panel, orally or in writing or both, impartially, of the relevance of SEN in the context and circumstances of the review. For example, they may advise whether the school acted reasonably in relation to its legal duties when excluding the pupil.

Excluded pupils should be enabled and encouraged to participate at all stages of the exclusion process, taking into account their age and ability to understand.

### **The Legal Framework for school attendance and Children Missing Education**

The principal legislation guiding school attendance is:

- The Education Act 1996 - sections 434(1)(3)(4)&(6) and 458(4)&(5)
- The Education (Pupil Registration) (England) Regulations 2006
- The Education (Pupil Registration) (England) (Amendment) Regulations 2010
- The Education (Pupil Registration) (England) (Amendment) Regulations 2011
- The Education (Pupil Registration) (England) (Amendment) Regulations 2013
- The Education (Pupil Registration) (England) (Amendment) Regulations 2016

Central to raising standards in education and ensuring all pupils can fulfil their potential is an assumption so widely understood that it is insufficiently stated – pupils need to attend school regularly to benefit from their education. Missing out on lessons leaves children vulnerable to falling behind. Children with poor attendance tend to achieve less in both primary and secondary school.

The government expects schools and local authorities to:

- Promote good attendance and reduce absence, including persistent absence;
- Ensure every pupil has access to full-time education to which they are entitled; and,
- act early to address patterns of absence.



- Parents to perform their legal duty by ensuring their children of compulsory school age who are registered at school attend regularly.
- All pupils to be punctual to their lessons.

Local authorities have a duty to put in place arrangements for identifying (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. Local authorities should trace those children and ensure that they receive full-time education.

All schools must notify the local authority when a pupil's name is to be deleted from the admission register under any of the grounds prescribed in regulation 8 of the Education (Pupil Registration) (England) Regulations 2006 as amended, as soon as the ground for removal is met and no later than the time at which the pupil's name is removed from the register. This duty does not apply where the pupil's name is removed after they have completed the school's final year, unless the local authority requests for such information to be provided.

Where a school notifies a local authority that a pupil's name is to be deleted from the admission register, the school must provide the local authority with the following information:

- the full name of the pupil;
- the full name and address of any parent with whom the pupil lives;
- at least one telephone number of any parent with whom the pupil lives;
- the full name and address of the parent who the pupil is going to live with, and the date the pupil is expected to start living there, if applicable;
- the name of pupil's other or future school and the pupil's start date or expected start date there, if applicable; and
- the ground prescribed in regulation 8 under which the pupil's name is to be deleted from the admission register.

All schools (including academies) must agree with the relevant local authority, the regular interval that the school will inform the local authority of any pupil who fails to attend school regularly, or has been absent without the school's permission for a continuous period of 10 days or more.

***Electively Home Educated Children -  
Statutory Guidance 2007***

On receipt of written notification to home educate, schools must inform the pupil's local authority that the pupil is to be deleted from the admission register. Schools should not seek to persuade parents to educate their children at home as a way of avoiding excluding the pupil or because the pupil has a poor attendance record.

Schools and local authorities should not seek to prevent parents from educating their children outside the school system. There is no requirement for parents to obtain the school or local authority's agreement to educate their child at home. Parents have a duty to ensure

their child of compulsory school age receives suitable full-time education but this does not have to be at a school.

### ***Can a school place a pupil on a part-time timetable?***

#### ***School Attendance Regs. 2018***

As a rule, no. All pupils of compulsory school age are entitled to a full-time education. In very exceptional circumstances there may be a need for a temporary part-time timetable to meet a pupil's individual needs. For example, where a medical condition prevents a pupil from attending full-time education and a part-time timetable is considered as part of a re-integration package. A part-time timetable must not be treated as a long-term solution. Any pastoral support programme or other agreement must have a time limit by which point the pupil is expected to attend full-time or be provided with alternative provision.

In agreeing to a part-time timetable, a school has agreed to a pupil being absent from school for part of the week or day and therefore must record it as authorised absence.

### ***Can a parent take their child on holiday during term time?***

#### ***School Attendance Regs. 2018***

Head teachers should only authorise leave of absence in exceptional circumstances. If a head teacher grants a leave request, it will be for the head teacher to determine the length of time that the child can be away from school. Leave is unlikely, however, to be granted for the purposes of a family holiday as a norm.

### ***The legal framework for School Admissions.***

#### ***School Attendance Code 2013***

The information here aims to signpost the relevant law; it does not aim to provide definitive guidance on interpreting the law: that is for the courts.

### ***Equality Act 2010***

This Act consolidates the law prohibiting discrimination, harassment and victimisation and expands the list of protected characteristics. All schools **must** have due regard to their obligations under the Act and review their policies and practices to make sure these meet the requirements of the Act, even if they believe that they are already operating in a non-discriminatory way.

An admission authority **must not** discriminate on the grounds of disability; gender reassignment; pregnancy and maternity; race; religion or belief; sex; or sexual orientation, against a person in the arrangements and decisions it makes as to who is offered admission as a pupil.

An admission authority **must not** harass a person who has applied for admission as a pupil, in relation to their disability; race; or sex.

An admission authority **must not** victimise a person in relation to a protected act either done, or believed to have been done by that person (e.g. bringing proceedings under the Equality Act 2010) in the arrangements and decisions it makes as to who is offered admission as a pupil.

This Act contains limited exceptions to the prohibition of discrimination on grounds of religion or belief and sex. Schools designated by the Secretary of State as having a religious character are exempt from some aspects of the prohibition of discrimination on the grounds of religion or belief and this means they can make a decision about whether or not to admit a child as a pupil on the basis of religion or belief. Single-sex schools are lawfully permitted to discriminate on the grounds of sex in their admission arrangements.

Admission authorities are also subject to the Public-Sector Equality Duty and therefore **must** have due regard to the need to eliminate discrimination, harassment and victimisation, advance equality of opportunity, and foster good relations in relation to persons who share a relevant protected characteristic and persons who do not share it. The protected characteristics for these purposes are: disability; gender reassignment; pregnancy and maternity; race; religion or belief; sex; and sexual orientation.

Further guidance on the Public-Sector Equality Duty is available on the website of the Government Equalities Office and from the Equality and Human Rights Commission.

### ***Human Rights Act 1998***

The Human Rights Act 1998 confers a right of access to education. This right does not extend to securing a place at a particular school. Admission authorities, however, do need to consider parents' reasons for expressing a preference when they make admission decisions, though this may not necessarily result in the allocation of a place. These might include, for example, the parents' rights to ensure that their child's education conforms to their own religious or philosophical convictions (as far as is compatible with the provision of efficient instruction and the avoidance of unreasonable public expenditure).

### ***School Standards and Framework Act 1998***

Chapter 1 of Part 3 of the School Standards and Framework Act 1998 contains the key provisions regarding schools' admissions, including the statutory basis for this Code. Section 86 of the SSFA 1998 provides that the admission authority for a maintained school (with the exception of those that select wholly by ability) **must** comply with any preference expressed by a parent except where to do so would prejudice the provision of efficient education or the efficient use of resources.

Section 94 of the SSFA 1998 provides that parents (and in some circumstances children) may appeal against a decision to refuse admission to the school. Two or more admission authorities in the same local authority area may make joint arrangements.

The Codes largely include the provisions relating to school admissions made in regulations. The most relevant regulations are:

- a) The School Admissions (Admission Arrangements and Co-ordination of Admission Arrangements) (England) Regulations 2012;
- b) The School Admissions (Infant Class Sizes) (England) Regulations 2012;
- c) The School Admissions (Appeals) (England) Regulations 2012; and d) The School Information (England) Regulations 2008

***DFE guidance – School Admissions. School Admissions Code. Statutory guidance for admission authorities, governing bodies, local authorities, school’s adjudicators and admission appeals panels - December 2014***

**Oversubscription criteria**

The admission authority for the school **must** set out in their arrangements the criteria against which places will be allocated at the school when there are more applications than places and the order in which the criteria will be applied. All children whose statement of special educational needs (SEN) or Education, Health and Care (EHC) plan names the school **must** be admitted. If the school is not oversubscribed, all applicants **must** be offered a place.

All schools **must** have oversubscription criteria for each ‘relevant age group’ and the highest priority **must** be given, unless otherwise provided in this Code, to looked after children and all previously looked after children. Previously looked after children are children who were looked after, but ceased to be so because they were adopted (or became subject to a child arrangements order<sup>18</sup> or special guardianship order). Further references to previously looked after children in this Code means such children who were adopted (or subject to child arrangements orders or special guardianship orders) immediately following having been looked after. Oversubscription criteria **must** then be applied to all other applicants in the order set out in the arrangements.

Oversubscription criteria **must** be reasonable, clear, objective, procedurally fair, and comply with all relevant legislation, including equalities legislation. Admission authorities **must** ensure that their arrangements will not disadvantage unfairly, either directly or indirectly, a child from a particular social or racial group, or a child with a disability or special educational needs, and that other policies around school uniform or school trips do not discourage parents from applying for a place for their child. Admission arrangements **must** include an effective, clear and fair tie-breaker to decide between two applications that cannot otherwise be separated.

***Children with challenging behaviour and those who have been excluded twice;***

Admission authorities **must not** refuse to admit children in the normal admissions round on the basis of their poor behaviour elsewhere. Where a child has been permanently excluded from two or more schools there is no need for an admission authority to comply with parental preference for a period of two years from the last exclusion. The twice excluded rule does not apply to children who were below compulsory school age at the time of the exclusion, children who have been re-instated following a permanent

Each local authority **must** have a Fair Access Protocol, agreed with the majority of schools in its area to ensure that – outside the normal admissions round - unplaced children, especially the most vulnerable, are offered a place at a suitable school as quickly as possible. In agreeing a protocol, the local authority **must** ensure that no school - including those with available places - is asked to take a disproportionate number of children who have been excluded from other schools, or who have challenging behaviour. The protocol **must** include how the local authority will use provision to ensure that the needs of pupils who are not ready for mainstream schooling are met.

The operation of Fair Access Protocols is outside the arrangements of co-ordination and is triggered when a parent of an eligible child has not secured a school place under in-year admission procedures.

All admission authorities **must** participate in the Fair Access Protocol in order to ensure that unplaced children are allocated a school place quickly. There is no duty for local authorities or admission authorities to comply with parental preference when allocating places through the Fair Access Protocol.

Where a governing body does not wish to admit a child with challenging behaviour outside the normal admissions round, even though places are available, it **must** refer the case to the local authority for action under the Fair Access Protocol. This will normally only be appropriate where a school has a particularly high proportion of children with challenging behaviour or previously excluded children. The use of this provision will depend on local circumstances and **must** be described in the local authority's Fair Access Protocol. This provision will not apply to a looked after child, a previously looked after child or a child with a statement of special educational needs or Education, Health and Care Plan naming the school in question, as these children **must** be admitted.

Admission authorities **must not** refuse to admit a child thought to be potentially disruptive, or likely to exhibit challenging behaviour, on the grounds that the child is first to be assessed for special educational needs.

A Fair Access Protocol **must not** require a school automatically to take another child with challenging behaviour in the place of a child excluded from the school.

The list of children to be included in a Fair Access Protocol is to be agreed with the majority of schools in the area but **must**, as a minimum, include the following children of compulsory school age who have difficulty securing a school place:

- a) children from the criminal justice system or Pupil Referral Units who need to be reintegrated into mainstream education;
- b) children who have been out of education for two months or more;
- c) children of Gypsies, Roma, Travellers, refugees and asylum seekers;
- d) children who are homeless;
- e) children with unsupportive family backgrounds for whom a place has not been sought;
- f) children who are carers; and
- g) children with special educational needs, disabilities or medical conditions (but without a statement or Education, Health and Care Plan).

### ***Local authority powers of direction (general)***

A local authority has the power to direct the governing body of a maintained school for which they are not the admission authority to admit a child in their area even when the school is full. The local authority can only make such a direction in respect of a child in the local authority's area who has been refused entry to, or has been permanently excluded from, every suitable school within a reasonable distance. The local authority **must** choose a

school that is a reasonable distance from the child's home and from which the child is not permanently excluded. It **must not** choose a sixth-form that selects by ability unless the child meets the selection requirements, or a school that would have to take measures to avoid breaking the rules on infant class sizes if those measures would prejudice the provision of efficient education or the efficient use of resources.

Before deciding to give a direction, the local authority **must** consult the governing body of the school, the parent of the child and the child if they are over compulsory school age. If, following consultation, the local authority decides to direct, it **must** inform the governing body and head teacher of the school. The governing body can appeal by referring the case to the Schools Adjudicator within 15 days. If it does this, the governing body **must** tell the local authority. The local authority **must not** make a direction until the 15 days have passed and the case has not been referred.

If the case is referred to the Adjudicator, the Adjudicator may either uphold the direction or determine that another maintained school **must** admit the child. The Adjudicator's decision is binding. The Adjudicator **must not** direct a school to admit a child if this would require the school to take measures to avoid breaking the rules on infant class sizes and those measures would prejudice the provision of efficient education or the efficient use of resources.

### ***Local authority powers of direction (looked after children)***

A local authority also has the power to direct the admission authority for any maintained school in England (other than a school for which they are the admission authority) to admit a child who is looked after by the local authority, even when the school is full. The local authority **must not** choose a school from which the child is permanently excluded but may choose a school whose infant classes are already at the maximum size.

Before deciding to give a direction, the local authority **must** consult the admission authority of the school it proposes to direct. The admission authority **must** tell the local authority within 7 days whether it is willing to admit the child. If, following consultation, the local authority decides to direct, it **must** inform the admission authority, the governing body (if the school is a voluntary controlled or community school), the local authority that maintains the school, and the head teacher.

The admission authority can appeal by referring the case to the Schools Adjudicator within 7 days. If the child has been permanently excluded from two other schools and the most recent exclusion was within the previous two years, the governing body (if the school is a voluntary controlled or community school) may also refer the case to the Adjudicator. The admission authority or governing body **must not** refer the case unless it considers that admitting the child would seriously prejudice the provision of efficient education or the efficient use of resources. If the admission authority or governing body does refer the case, it **must** notify the local authority that looks after the child. The local authority **must not** make a direction until the 7 days have passed and the case has not been referred.

If the case is referred to the Adjudicator, the Adjudicator may either uphold the direction or determine that another maintained school in England **must** admit the child. The

Adjudicator's decision is binding. The Adjudicator **must not** direct an alternative school to admit a child unless the local authority that looks after the child agrees, nor if the child is permanently excluded from that school, nor if the admission of the child would seriously prejudice the provision of efficient education or the efficient use of resources.

***Secretary of State's power of direction (Academies)***

Where a local authority considers that an Academy will best meet the needs of any child, it can ask the Academy to admit that child but has no power to direct it to do so. The local authority and the Academy will usually come to an agreement, but if the Academy refuses to admit the child, the local authority can ask the Secretary of State to intervene. The Secretary of State has the power under an Academy's Funding Agreement to direct the Academy to admit a child, and can seek advice from the Adjudicator in reaching a decision.

## **Glossary of terms**

<b>CASO</b>	<b>Community around the school</b>
<b>DfE</b>	<b>Department for Education</b>
<b>EHE</b>	<b>Elective home education</b>
<b>FE</b>	<b>Further Education</b>
<b>FTE</b>	<b>Fixed term exclusion</b>
<b>ILAC</b>	<b>Inspection of Local Authority Children's Services</b>
<b>IYFAP</b>	<b>In year fair access panel</b>
<b>LA</b>	<b>Local Authority</b>
<b>LCSS</b>	<b>Local Community Support Services</b>
<b>OFSTED</b>	<b>Office for standards in education, children's services and skills</b>
<b>OSCB</b>	<b>Oxfordshire Safeguarding Children's Board</b>
<b>OXSIT</b>	<b>Oxfordshire schools' inclusion team</b>
<b>SEMH</b>	<b>Social, emotional and mental health (needs)</b>
<b>SEN (D)</b>	<b>Special educational needs (and disabilities)</b>
<b>SSPB</b>	<b>Schools strategic partnership board</b>