

CHILDREN'S SERVICES SCRUTINY PANEL

Day: Wednesday
Date: 21 September 2022
Time: 6.00 pm
Place: Committee Room 1 - Tameside One

Item No.	AGENDA	Page No
1.	APOLOGIES FOR ABSENCE	
2.	DECLARATIONS OF INTEREST To receive any declarations of interest from members of the Scrutiny Panel.	
3.	MINUTES To approve as a correct record, the minutes of the proceedings of the Children's Services Scrutiny Panel held on 27 July 2022.	1 - 4
4.	RESPONSE TO LGSCO FOCUS REPORT The Panel to meet Councillor Leanne Feeley, Executive Member (Education & Achievement); and Tim Bowman, Director of Education, to receive a response to the Local Government and Social Care Ombudsman Focus Report – Out of School, out of sight? Ensuring children out of school get a good education, published July 2022.	5 - 32
5.	CHILDREN'S SOCIAL CARE SELF EVALUATION (SEF) The Panel to meet Tony Decrop, Assistant Director, to receive detail specific to the Children's Social Care SEF.	
6.	CHILDREN'S SOCIAL CARE SCORECARD The Panel to receive the Children's Social Care Scorecard	33 - 38
7.	CHAIR'S UPDATE The Chair to provide a verbal update on activity and future priorities for the Panel.	
8.	DATE OF NEXT MEETING To note that the next meeting of the Children's Services Scrutiny Panel will take place on Wednesday 2 November 2022.	

9. URGENT ITEMS

To consider any additional items the Chair is of the opinion shall be dealt with as a matter of urgency.

Children's Services Scrutiny Panel 27 July 2022

Commenced: 6.00pm

Terminated: 7.30pm

Present: Councillors T Sharif (Chair), Welsh (Deputy) J Homer, Martin, Owen, Robinson, T Smith

Apologies: Councillors Patel, Reid

1. DECLARATIONS OF INTEREST

There were no declarations of interest submitted by members of the Scrutiny Panel.

2. CHILDREN'S SOCIAL CARE UPDATE

The Panel welcomed Councillor Bill Fairfoull, Deputy Executive Leader (Children and Families); Alison Stathers-Tracey, Director of Children's Services; and Tony Decrop, Assistant Director, to receive an update on key issues and outcomes related to Ofsted and next steps in terms of the children's social care improvement plan.

Members reviewed the Tameside Children's Social Care Improvement Plan (updated in June 2022). Councillor Fairfoull advised that progress against actions detailed within the plan to be factored within quarterly reporting to the Children's Services Scrutiny Panel going forward. This can ensure transparency of service status and underperformance.

A new Improvement Board accountability framework and a revision of Tameside Safeguarding Partnership delivery arrangements, headed seven priorities detailed within the plan. The Director of Children's Services informed members that the improvement plan has a renewed focus on agreed and shared priorities that aim to have the required impacts. The plan also reflects Ofsted findings from the focused visit and letter published on 6 June 2022.

The panel heard that the improvement plan aligns with the broader locality plan and driven by needs identified within Children's Social Care's self-evaluation (SEF). Detail set within a revised SEF to be reported at the next Scrutiny Panel on 21 September 2022.

A summary was provided on the requirements of the Council to have an improvement board, improvement plan and improvement advisor. This is to undertake a dual role to support, oversee and report on the improvement journey. This also touched upon the intervention notice and priority actions.

The Ofsted new inspection framework will respond in a different way if there is a perceived risk of service deterioration, to be picked up through regular contact. Reporting and inspection will review mechanisms in place to ensure the organisation is at the right level to make decisions needed for children.

Discussion touched upon findings and challenge from Ofsted regarding multi-agency working arrangements across social care, with specific reference to the effective and timely interface with partners, including the Police responding to attendance requests.

Councillor Fairfoull noted a request of the Scrutiny Chair that future consideration is given to further promoting local partnership arrangements and engagement. A suggestion that this could come in the form of a planned one-off event or conference to include key stakeholders, who

could learn from one another, share information and bring about improvement to the lives of children in care in Tameside.

It was confirmed that while immediate attention of the Executive and Children's Leadership Team will remain on delivering agreed improvements and inspection preparation, the purpose and benefits to such an event will be explored in the next calendar year.

Councillor Fairfoull and officers responded to a number of questions from the Panel on:

- The role of the Improvement Board in the delivery and monitoring of improvement progress.
- Opportunities for successful oversight and monitoring – over and above the improvement plan
- Effectiveness of current multi-agency and partnership arrangement.
- Workforce pressures and challenges this presents going forward with regard to permanence, vacancy levels and caseloads for Social Workers.
- Care leavers and transitional services – preparing young people and support.
- Delivering a diverse local placements offer, including growth within local authority foster carers, children's homes and housing options for care leavers.
- Cared for children

Actions

The Chair informed members of agreed actions to be taken forward outside of the meeting:

- Children's safeguarding training to be arranged for members of the Scrutiny Panel. To include an introduction to Children's Social Care and scene setting with regard to service delivery, demand on statutory services and governance arrangements – September.
- Members to visit the multi-agency safeguarding hub (MASH) – September.
- Explore options for benchmarking scrutiny good practice with appropriate GM authority – September / October.

Cllr Fairfoull, Ms Stathers-Tracey and Mr Decrop thanked for attending the meeting.

3. CORPORATE PLAN SCORECARD

The Panel received the Corporate Plan Scorecard for information.

4. ANNUAL WORK PROGRAMME

Tameside Scrutiny Panels are required to publish an Annual Work Programme of planned activity. Scrutiny will continue to adopt a combination of approaches to review service and performance updates, respond to formal consultations, focus reports of the Local Government and Social Care Ombudsman and areas in need of more in-depth review.

The Chair presented the agreed Annual Work Programme for the Children's Services Scrutiny Panel. The programme has been developed in discussion with panel members, hearing from the Executive and Director and consideration of Ofsted reports.

Discussion followed on the priority of topics and the timetable for future meetings. The Chair confirmed that the following topics will now be explored to inform future updates and review:

- Children's Social Care self-evaluation (SEF) – Scrutiny Panel on 21 September 2022.
- Scrutiny Panel to receive a bi-annual Chair's report of the Safeguarding Children Partnership, to include minutes and actions of partnership meetings.
- Benchmarking scrutiny good practice with appropriate GM authority (future working group).
- Workforce stability and strategy – Social Worker recruitment and retention (future working group)

The Chair also advised members that certain aspects of activity would continue to take place outside of the formal meetings.

5. CHAIR'S UPDATE

The Chair updated members on the following matters.

- Scrutiny and Overview Chairs received role specific training, delivered by the Local Government Association (LGA) on 25 July 2022.
- The Scrutiny Chair had met with the Deputy Executive Leader (Children and Families); Executive Member (Learning & Achievement); and the Director of Children's Services on 25 July 2022.
- Scrutiny reports were received at Overview Panel on 25 July 2022, with a paper providing the summary of work completed during the 2021/22 municipal year.
- All Scrutiny Panel members were invited to attend a training session delivered by the Centre for Governance and Scrutiny on 5 September 2022. A choice of two training sessions at 1pm and 6pm were offered.

6. DATE OF NEXT MEETING

To note that the next meeting of the Children's Services Scrutiny Panel will take place on Wednesday 21 September 2022.

7. URGENT ITEMS

The Chair reported that there were no urgent items for consideration at this meeting.

CHAIR

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**CHILDREN'S SERVICES SCRUTINY PANEL
EDUCATION OTHERWISE
LOCAL GOVERNMENT OMBUDSMAN FOCUS REPORT (JULY 2022)**

1. BACKGROUND

- 1.1 Local authorities have a statutory duty to provide a full time education for every child in their area. For most children, this duty is fulfilled with a place at school. For some children, their parents opt to electively educate their children at home and this is a growing trend nationally as well as in Tameside. Some children are unable to attend school on a full time basis and this can be for a number of reasons. For example, if a child is ill, has a long term medical condition or high levels of anxiety. In these cases, the local authority has a duty to make alternative arrangements to provide a suitable education. Decisions on these cases must be evidence based and this report outlines the way that Tameside Council meets its statutory duty for these children.

2. LEGAL BACKGROUND

- 2.1 Just like local authorities have a duty to ensure that children have a full time education, parents also have a duty to ensure their children receive a suitable, full time education as set out in the Education Act 1996, section 7.
- 2.2 However, councils must "*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, section 19(1))
- 2.3 Suitable education means efficient education suitable to a child's age, ability and aptitude and to any special educational needs he may have. (Education Act 1996, section 19(6))
- 2.4 The education provided by the council must be full-time unless the council determines that full-time education would not be in the child's best interests for reasons of the child's physical or mental health. (Education Act 1996, section 3A and 3AA).
- 2.5 Full-time education ranges from 21 hours per week at Key Stage 1 to 25 hours a week at Key Stage 4. If councils provide one-to-one tuition, the hours of face-to-face provision could be fewer as the provision is more concentrated.
- 2.6 If a child is unable to attend school because of illness, the council must make alternative arrangements once the child has been absent for 15 days, either consecutively or cumulatively. The council must consider the individual circumstances of each child and take account of any medical evidence or advice when deciding what arrangements to make.
- 2.7 If a child has been permanently excluded from school, the council must arrange alternative education from the sixth school day following the exclusion, although it may start sooner.
- 2.8 "Otherwise" is a broad category which covers circumstances other than illness or exclusion in which it is not reasonably possible for a child to take advantage of any existing suitable schooling.
- 2.9 In all cases, councils must consider the individual circumstances of each particular child and be able to demonstrate how they made their decisions. They must take account of all available evidence, and record the reasons for their decisions. They may need to make decisions in cases where they do not have all the evidence they would like.

3 LOCAL GOVERNMENT AND SOCIAL CARE OMBUDSMAN FOCUS REPORT

- 3.1 In July 2022, the Local Government and Social Care Ombudsman (LGSCO) published a focus report entitled 'Out of school, out of sight – ensuring children out of school get a good education' (**Appendix 1**). This report aimed to highlight learning from complaints to the Ombudsman. The report highlighted five common issues and learning points:
- Taking responsibility for ensuring pupils receive suitable full time education
 - Making decisions based on the evidence available
 - Providing suitable full time education
 - Reviewing plans and amending the approach
 - Restricting alternative provision: the meaning of 'otherwise'
- 3.2 The LGSCO report went on to identify seven recommendations for councils in terms of their statutory responsibilities:
1. Consider the individual circumstances of each case and be aware that the council may need to act whatever the reason for absence (except for the minor issues schools deal with on a day-to-day basis) – and even when a child is on a school roll.
 2. Consult all the professionals involved in a child's education and welfare, and take account of the evidence when making decisions.
 3. Choose (based on all the evidence) whether to require attendance at school or provide the child with suitable alternative education.
 4. Keep all cases of part-time education under review with a view to increasing it if a child's capacity to learn increases.
 5. Work with parents and schools to draw up plans to reintegrate children to mainstream education as soon as possible, reviewing and amending plans as necessary.
 6. Put the chosen action into practice without delay to ensure the child is back in education as soon as possible.
 7. Where councils arrange for schools or other bodies to carry out their functions on their behalf, the council remains responsible. Therefore, retain oversight and control to ensure your duties are properly fulfilled.
- 3.3 The LGSCO report also provided a number of key questions for Scrutiny panels to consider asking to ensure that services are meeting their statutory functions and those questions together with answers are attached as **Appendix 2** to this report.

4. LEARNING FROM THE REPORT FOR TAMESIDE

- 4.1 As can be seen from Appendix 2, the Education Service has well developed and understood processes for many children who are not in school on a full time basis. Attached are three case studies that highlight how the service currently works with some of our young people:
- Case study one (Appendix 3) is where we have supported a young person with cancer
 - Case study two (Appendix 4) is where we have supported a cared for child with alternative provision
 - Case study three (Appendix 5) is where we have supported a young person with special educational needs
- 4.2 Things the Education Services does well include:
- Identify when children are not receiving a suitable education at home and quickly implement remedial action for example school attendance orders
 - Ensuring the welfare of children educated at home is a priority
 - Effective identification of children who are or have been known to Children's Social Care and who are being home educated.
 - Good partnership with Children's Social Care to ensure the needs of vulnerable children being educated at home are a priority including colleagues attending core groups and strategy meetings for individual children

- Good multi agency working to support children educated at home including with health colleagues and Positive Steps
- Creating good networking opportunities for parents who are choosing to home educate their children for example coffee mornings
- Good communication with all families who home educate including regular newsletters
- Effective and well understood children missing education procedures and good referral rates from schools
- Effective tracking and identification of children missing from education
- Alternative provision for children who are excluded is commissioned through Tameside Pupil Referral Service who recently had a 'Good' Ofsted judgement
- Effective system for schools to refer children with medical conditions who are unable to attend school on a full time basis or for a period of time for example whilst receiving chemotherapy
- Effective multi agency case management panel to advise on an individual education plan to meet the needs of children with medical conditions that is agreed with families and schools
- Good support for the individual learning needs of children with medical conditions through appropriate provision for example home tuition or alternative provision
- Effective process to reintegrate children with medical needs back into school after period of absence from school
- Effective use of home tuition and /or alternative provision to support cared for children who are moving schools following placement breakdowns
- Appropriate use of education otherwise than at school for some children with EHCPs
- Regular register audits with schools to identify trends in non attendance and provide bespoke advice on addressing issues
- Training programme for schools on thematic attendance issues based on collated feedback from systematic register audits

4.3 Things the service need to develop further include:

- Develop register for children not in school
- Investigate the possibility of developing an exam centre for children who are home educated
- Better tracking of children who are allocated a school at the normal point of entry (Reception and Year 7) and then fail to start school
- More timely referral and tracking process for pupils who are absent from school for a period of 15 days or more due to reasons other than medical conditions
- Support to ALL schools to monitor and challenge pupil absence
- More timely identification of and support for children with SEN who are not attending school due to their needs not being met through the EHCP process or whilst on the SEN assessment pathway
- More effective use of data to inform process improvement and ensure resources are effectively deployed to support children not in school
- Develop more consistent recording of decisions on provision for individual children following discussion at the multi agency case management panel
- Better reintegration of pupils back into school following a period of in patient Tier 4 CAMHS provision
- Developing a borough wide, shared attendance strategy to ensure a consistent understanding of what good attendance looks like
- Develop consistent information for parents who are worried about their child's attendance on the website
- Develop a consistent recording process across Education Services to ensure children not in school are appropriately recorded
- Ensure individual EHCPs reflect actual provision for example, part time or alternative provision and are reviewed annually

5. FUTURE GUIDANCE

Schools Bill 2022

- 5.1 The Department for Education has recently published its Schools Bill 2022 [School attendance - Schools Bill Factsheet \(publishing.service.gov.uk\)](#) and sections of this bill will assist the Council in meeting the needs of children not in school. New school attendance guidance [Working together to improve school attendance - GOV.UK \(www.gov.uk\)](#) will help the Council to identify and support children not attending school regularly.
- 5.2 **Schools attendance: general duties on local authorities** The guidance that local authorities will be required to have regard to will include minimum components of attendance support that local authorities are expected to deliver to schools in their area, regardless of school type and including independent schools, for example Trinity School in Stalybridge.
- 5.3 The local authority will be required to establish a School Attendance Support Team to support schools to improve attendance. The requirements include a named contact within the Council for attendance and termly meetings all with schools to identify strategies and signpost on to support for children and families. Children who are severely absent from school (less than 50% attendance) will be discussed individually and a multi agency plan devised to support improved attendance.
- 5.4 It will also make clear that legal intervention, including fixed penalty notices, should only be used where support has not worked, has not been engaged with or is not appropriate. This will help to ensure that schools and families across England receive a consistent standard of support.
- 5.5 **School attendance policies** This requires schools to publish and publicise an attendance policy covering specified components will help set clear attendance expectations for staff, pupils and parents. Further, it will encourage schools to think strategically about their attendance processes and efforts to improve attendance. Based on the existing effective attendance practice of some schools, the guidance will provide further detail on implementing these components. It will also cover how proprietors should ensure they meet their obligations, for example on accurately completing attendance and admission registers which is crucial to enable schools and local authorities to quickly identify pupils who require attendance support and put it in place before absence becomes deep-rooted.
- 5.6 **Guidance (non-statutory and statutory)** Whilst the intention is that the legislation will not take effect until 1 September 2023, the related guidance will be issued as non-statutory guidance for schools and local authorities to use in academic year 2022/23, allowing them to be ready for the legislative requirement to have regard to statutory guidance in 2023/24.
- 5.7 In response to a 2019 consultation on children not in school, the recommendations have been included in the Schools Bill [Children not in School - Schools Bill Factsheet \(publishing.service.gov.uk\)](#).
- 5.8 Should the Bill become law, there are several provisions that will help the Council to improve provision for children not in school. These include
- local authorities to maintain registers of Children Not in School
 - parents to provide necessary information to local authorities for inclusion on their registers; local authorities will be required to start School Attendance Order proceedings should parents not comply with providing this information
 - providers of out-of-school education to provide information to the local authority, on request, in cases where they are providing education to an eligible child above a prescribed threshold (which will likely represent a substantial proportion of a child's education), or where the local authority reasonably believes them to be – this includes

local authorities being able to impose a civil penalty should providers not comply with such a request

- local authorities to provide support to registered home-educating families where it is requested
- local authorities to share information from their registers

6. CONCLUSION

- 6.1 Education Services have appropriate provision in place for many children who are unable to attend school for a number of reasons. There is still some work to do to ensure that all children not in school are identified and supported into education be that alternative provision; being educated at home or supported to return back to school.

BACKGROUND INFORMATION

- Pupil lives at home with both parents
- Mother currently abroad with sibling –no expected date of return
- Pupil subject to child in need plan
- Year 2 student

Medical condition

- Pupil has 2 types of cancer and has undergone a bone marrow transplant
- Required to be absent from school as a result of low immunity

Concerns

- Social worker recommended that pupil seen daily by professional
- English is not family's first language
- Father has struggled to support pupil academically

Panel & Reviews

- LA were informed about pupil from hospital
- First panel convened 22/09/2021
- Review 17/11/2021
- Review 24/01/2022

Blended Education provision

- School provided differentiated work programme
- School to carry out home visits to do reading and other assessments (1 hour per fortnight)
- Staff from Pupil Support Service (PSS) to do home tuition, delivering the work set by school (6.5 hours per week)
- School provided access to online learning programmes which pupil can access in her own time
- Music service provided keyboard tuition
- School considered creating opportunities for pupil to have virtual interaction with peers but this was not possible due to Father's unpredictable behaviour. This was replaced by school finding creative ways for pupil to continue to feel part of the school ie: staff make a recording of pupil which was included in school nativity play. School held a "special hat day" to link with pupil losing her hair and photos of all pupils were shared with pupil

Outcome

- Advice from hospital that pupil was safe to return to school
- Clear plan put in place to reintegrate pupil back into school at appropriate time
- Case closed to medical panel
- Child in need plan continued

Case Study – Cared for child alternative provision

<p><u>Context</u></p> <ul style="list-style-type: none"> • Student A is a year 3 child who is cared for to Tameside Local Authority on a Full Care Order. • A resides in an out of borough residential setting. • A is on roll at a mainstream primary school. A was taken onto their roll in Sept 2021. • A has an EHCP with a primary need of SEMH. A's EHCP is maintained by the residing authority and funded by Tameside. 	
<p><u>Strengths</u></p> <ul style="list-style-type: none"> • A settled well into school and was well supported. • School were supported in the early days by a Tameside EP who provided advice and support through transition. 	<p><u>Concerns</u></p> <ul style="list-style-type: none"> • A's presentation in school deteriorated and she was at risk of exclusion. • A was unable to access the mainstream classroom despite considerable support offered by school. • School, carers and social worker were concerned that school were unable to meet her needs. • The impact of additional transitions for A was a worry if there was a need to consider specialist provision.
<p><u>Chronology</u></p> <ul style="list-style-type: none"> • March 2022 – the Head teacher at A's school contacted Tameside Virtual School for advice and support as A's presentation was putting her at risk of exclusion. • School had put in extensive 1:1 support however it was not safe for A to be in the mainstream classroom. A was working from home with input from school while professionals met to plan suitable provision. • Tameside Virtual School contacted the authority responsible for maintaining A's EHCP and asked for advice around suitable provision in the area. • Professionals met to plan a phased reintegration for A, following time working at home to ensure A continued to have contact and did not feel rejected by school. • Reintegration plan was monitored weekly initially and a clear plan to increase time in school was formulated. School worked closely with carers, social care and Virtual School to plan a blended learning offer of home learning, 1:1 time in school and time within the classroom. • Tameside EP contacted A's school to arrange further consultations and work with A to support a reintegration into school. • Meanwhile an emergency EHCP review was scheduled. • April 2022 – EHCP review was held. • School and other professionals – OOB SEN, Social Care and Virtual School worked together to devise a blended curriculum for A including, specialist teaching, equine therapy, mainstream class provision and nurture sessions. • This provision aimed to maximise opportunities for success, known strengths and opportunities to access core curriculum areas, as well as provision aimed at supporting SEMH needs. • Tameside SEN have been liaised with and have supported to QA and agree funding. 	
<p><u>Outcome</u></p> <ul style="list-style-type: none"> • A had a successful end to the year and their EHCP has been amended to describe specialist with bespoke curriculum offer. • A engaged with the offer and attendance and engagement increased. • Professionals from both boroughs continue to work together to ensure A has suitable provision for the next academic year, which meets need. 	

Case Study – Young person with an Education, Health and Care Plan

<p>Context</p> <ul style="list-style-type: none"> • Student A is a year 11 student enrolled at Tameside Local Authority Mainstream Secondary School • A is on roll at a mainstream secondary school. A was taken onto their roll in September 2017 • Student A has not attended school full time since the second coronavirus lockdown January – March 2021. It is important to add that she was also struggling with her attendance before the lockdown periods. 	
<p>Strengths</p> <ul style="list-style-type: none"> • Student A is currently known to CAMHS and is on the Multiagency Autism Assessment Team (MAAT) pathway due to her social communication needs. • She is a really good reader. • A is very good at expressing herself and has a good vocabulary. • She is very good with animals and enjoys looking after her dogs at home. • Student A knows that she would like to work in the area of criminology when she is older. • A has recently worked really hard towards her English and maths GCSEs. 	<p>Concerns</p> <ul style="list-style-type: none"> • Student A experiences special educational needs primarily within the area of Communication and Interaction due to social communication difficulties – however at present her presenting needs are in the area of Social, Emotional and Mental Health • A also has needs in the area of Sensory and Physical as she can find certain environments difficult to manage. She then has needs in the area of Cognition and Learning Student A displays high levels of anxiety and panic attacks. She is also supported by psychiatry and takes medication to support her sleep.
<p>Chronology</p> <ul style="list-style-type: none"> • A parental request for statutory assessment was issued in February 2022 • June 2022 – the LA was notified of a registered appeal with the First Tier Tribunal • June 2022 The LA conceded to the appeal agreeing to proceed with a statutory assessment • August 2022, statutory assessment of student A's Education, Health and Care Needs has been completed and a decision issued to award an Education, Health and Care Plan (EHCP) 	
<p>Outcome</p> <ul style="list-style-type: none"> • A statutory assessment of student A's Education, Health and Care Needs has been completed. Student A's needs have been fully identified, to date, through this process and whilst neurodevelopmental assessments are concluded. • An Education, Health and Care Plan is to be issued outlining student A's special educational needs and the provision that must now be secured to enable the student with every opportunity experience success in all aspects of learning and developmental, which is sensitive to her current needs and which will enable A to make progress. • In the process the LA has secured the offer of a tutor, which has worked well and the EPS has supported the school with a reintegration plan. This initially began with 1 hour per week, outside of school hours, and whilst the school environment was quitter. This is due to be extended to 3 hours at the beginning of the autumn term. Alongside this student A will access a bespoke educational offer alongside access to AP in line with her specific interest and which aim to promote engagement. 	

Out of school, out of sight?

**Ensuring children out of
school get a good education**

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Ombudsman's foreword



Every child has the right to a good, full-time education. But for some children who cannot fully attend a school to access their education, the reality is different.

Our investigations show that some children in this situation are struggling with little or no education, robbing them of their potential to thrive.

When a child (of the compulsory age) cannot go to school, the local authority must find out why. If there is a duty for it to act, it must make alternative arrangements to provide a suitable education.

This report shares a number of case studies where things have gone wrong with this process and aims to shed light on how to learn from them.

In it, we highlight examples such as:

- > a boy suffering with anxiety, unable attend school, being left with no education for three months. This was due to the council not retaining sufficient oversight of the organisation it had outsourced its alternative provision services to
- > a boy who received just five hours a week of online tuition in English and maths for a year. There was no evidence the council properly considered how this would meet his

needs or how a balanced curriculum might allow him to study all his GCSE subjects

- > a girl who was without a school place for nearly 14 months after moving into an area mid-term where no places were available. The case illustrates the difficulty for parents and councils in admitting a child when all the local schools are academies

The key learning point we want to highlight in this report is that the local council has the duty to arrange alternative education, not the school a child attends. Councils need some way to identify when their duty has arisen, and some will have arrangements with schools to carry out assessments or arrange alternative provision themselves. However, responsibility remains with the council, and we will hold councils to account if things go wrong. Councils can contract out their services, but not their responsibility for their statutory duties.

From the complaints that reach us about children missing education, we often find local authorities did something wrong. Last year, we upheld nearly 9 out of 10 (89%) investigations on this topic. This compares with a finding of fault in two thirds (66%) of our investigations across all topics over the same period.

We published a similar report on children missing education a decade ago. And while much has changed since, with schools being increasingly autonomous and many now academies, we wanted to reiterate that local councils remain responsible for ensuring pupils who cannot attend school receive suitable full-time education.

We also hope to help make parents and carers more aware of the council's duties to children out of school. We have seen examples where councils have directed parents and carers back to their schools even when they have approached the council for help.

I hope this report will help councils to reflect on their services and consider what improvements may be necessary in their area, to ensure they don't lose sight of children who are out of school.



The key learning point we want to highlight in this report is that the local council has the duty to arrange alternative education, not the school a child attends.



The reasons a child may not receive suitable education at school are often complex, as the case studies in this report show. There is often not a single reason. There may be several council departments involved, such as education welfare, special educational needs, and children's social care. It is vitally important councils coordinate these services if they are to fulfil their duties and meet the needs of children missing education.

Some children struggle to cope with full-time education because they have health problems. We are seeing increasing numbers of cases where children are unable to attend school because of anxiety. Often, these cases involve children with special educational needs which have yet to be fully understood. There may be little, or even conflicting, evidence about the child's needs. Nevertheless, councils must assess the available evidence and decide for themselves whether they have a statutory duty to make other arrangements for the child's education. They should take action without delay.

Michael King
Local Government and
Social Care Ombudsman
July 2022

Legal background

Parents have a duty to ensure their children receive a suitable, full-time education. Most do this by sending their children to school. (*Education Act 1996, section 7*)

However, councils must “*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, section 19(1)*)

Suitable education means efficient education suitable to a child’s age, ability and aptitude and to any special educational needs he may have. (*Education Act 1996, section 19(6)*)

The education provided by the council must be full-time unless the council determines that full-time education would not be in the child’s best interests for reasons of the child’s physical or mental health. (*Education Act 1996, section 3A and 3AA*)

Full-time education ranges from 21 hours per week at Key Stage 1 to 25 hours a week at Key Stage 4. If councils provide one-to-one tuition, the hours of face-to-face provision could be fewer as the provision is more concentrated.

Compulsory school age is from five to 16. (see *Education Act 1996, section 8 for the precise dates*)

Councils may make alternative arrangements for a child or young person who is not of compulsory school age, but they do not have a duty to do so. This report focuses on council duties to children of compulsory school age.

If a child is unable to attend school because of illness, the council must make alternative arrangements once the child has been absent for 15 days, either consecutively or cumulatively. The council must consider the individual circumstances of each child and take account of any medical evidence or advice when deciding what arrangements to make.

If a child has been permanently excluded from school, the council must arrange alternative education from the sixth school day following the exclusion, although it may start sooner.

“Otherwise” is a broad category which covers circumstances other than illness or exclusion in which it is not reasonably possible for a child to take advantage of any existing suitable schooling.

In all cases, councils must consider the individual circumstances of each particular child and be able to demonstrate how they made their decisions. They must take account of all available evidence, and record the reasons for their decisions. They may need to make decisions in cases where they do not have all the evidence they would like.

Our role in complaints



We look at the actions of councils in making alternative arrangements for the education of children who would not otherwise receive suitable education because of illness, exclusion and other reasons (“the section 19 duty”).

We check councils consider the individual needs of each particular child; take account of all the evidence available to them; make decisions in the best interests of the child and without delay; and review their decisions to ensure any alternative education they arrange continues to meet the child’s needs.

Where councils make arrangements with others, such as schools, to carry out any of their functions, including assessments or provision of alternative education, we will hold the council to account if things go wrong.

Access to education is a fundamental right , so where a council is unable to arrange the alternative provision a child needs despite its best efforts, we may still find fault.

Where we find a council at fault, and this has caused injustice, we will recommend how it should put things right. This might include:

- > apologising
- > making a decision that it should have made before
- > reconsidering a decision that it did not make properly in the first place
- > making a symbolic payment to recognise the impact of fault where this is not possible

Most importantly, we can make recommendations for the council to improve its services. We do this when our investigations identify a practice or policy fault, and are aimed avoiding similar problems reoccurring, therefore benefiting everyone in the area.

Our ‘service improvement’ recommendations often comprise things like reviewing procedures, updating public information, and training staff. These are mapped out for every council on the [Your Council’s Performance](#) page of our website.

Normally we require parents to use a council’s complaints procedure before we investigate, but we may waive this requirement if a child is out of school.

We may not be able to investigate a complaint, or part of a complaint, if the reason a child is not receiving suitable education is closely linked to an appeal to the SEND Tribunal about special educational provision for the child.

We have published Focus Reports about issues facing children with Special Educational Needs and/ or disability (SEND).

Complaints to the Ombudsman

Last year (April 2021 – March 2022) we carried out 38 detailed investigations regarding alternative education for children out of school. We upheld 34 of these investigations (89%), meaning we found fault in how the council had acted.

Common issues and learning points

Taking responsibility for ensuring pupils receive suitable full-time education

Schools are increasingly autonomous and many, such as academies, are now independent of local councils. Nevertheless, councils remain responsible for ensuring pupils who cannot attend school receive suitable full-time education, regardless of the type of the school they attend.

Councils must work with schools and parents to identify children who need alternative education and make suitable arrangements. Sometimes, councils arrange for schools or other bodies to carry out their functions on their behalf. However, the council remains responsible. It is important,

therefore, that councils retain oversight and control to ensure they fulfil their duties.

We want to help make more parents aware of the important role councils have in making arrangements for pupils who cannot attend school. It is natural for parents to deal directly with the school if their child's attendance becomes an issue, and they may not know about the council's responsibilities. To make matters worse, we sometimes see examples of councils directing parents back to their children's school even when they approach the council for help.



Billy's story

Case reference: [19 008 091](#)

Billy was a pupil at an academy in an area where most the secondary schools are academies. Councils have no control over academies.

Billy experiences anxiety, and when his mental health deteriorated, his school attendance declined. The school proposed an alternative timetable and measures to support Billy's return to school, but it was not successful.

Billy's father asked the council for help. He was concerned Billy was not receiving any education. The council's education welfare officer attended meetings at the school.

Three months later, with Billy still out of school, the council told the academy to make a referral to the Community and Hospital Education Service (CHES) for an assessment.

CHES is an academy that provides alternative education on behalf of the council. The council has 'outsourced' its duties to CHES, but it must retain sufficient oversight to ensure they are met.

Our investigation found the council had not assessed Billy's needs when he first stopped attending school, or considered whether it had a

duty to arrange alternative education for him. The council relied on Billy's school to make a referral and CHES to carry out the assessment. As Billy was unable to attend school, the council should have made alternative arrangements and could have arranged tuition for him, but he received no education at all for three months.

How we put things right

The council agreed to make a payment to Billy's father for the education he had missed, and to review its policies and procedures to make sure it retained sufficient oversight and control of the outsourced arrangements, allowing it to take action when things go wrong. The council has made a significant investment in the management and oversight of the service, which we welcome.

Learning point

The council must decide whether alternative education is necessary, not the school or parents. Councils can ask schools to make referrals or carry out assessments, but the council remains responsible.

Common issues and learning points

Making decisions based on the evidence available

Sometimes we find councils have not made alternative arrangements for a child's education because the parent has not produced evidence to explain why the child cannot attend school. In some cases, children have been out of school for many months without alternative education. The council may even have threatened the parents with prosecution.

Councils must make decisions based on all available evidence. If a child is not attending school and the council decides not to prosecute the parents, the council is likely required to make alternative arrangements for the child's education. The longer a child is out of education, the more likely it is the council should take action that is in the best interests of the child.



Fareen's story

Case reference: [19 000 476](#)

Fareen has autism. Like many girls with autism, her condition was diagnosed relatively late when she was soon to transfer to junior school. She was good at masking her difficulties at school, and it was not until she got home that she would have 'meltdowns'. Problems came to a head when Fareen refused to go to school.

The council initially threatened Fareen's parents with prosecution. Councils can prosecute parents for failing to ensure their children receive suitable education. However, the school decided not to go ahead with the prosecution.

Our investigation found the council relied on Fareen's schools to make referrals for alternative education. Even when her parents asked the council directly for help, it told them to ask the school instead of providing the support it should have done. We found the council failed to assess Fareen's needs and consider whether she needed help.

The council was aware of problems because it was responsible for Fareen's special educational provision and knew she was not attending school. At the annual review of Fareen's Education, Health and Care (EHC) Plan (the document setting out her needs and the arrangements needed to meet them), Fareen's school told the council it could not meet her needs. There was no coordination between different services at the council. The council should have taken action quickly, but it did not.

Another problem was the lack of medical evidence to explain why Fareen could not attend school. The council decided not to provide alternative education because there was no evidence to justify Fareen's absence from school. This was wrong. While councils must take account of any available medical evidence, they must make their own decision about alternative education, even when there is no medical evidence.

The council's faults meant Fareen missed a considerable amount of school and her education was disrupted for more than two years. The way it handled Fareen's case caused her parents significant anxiety and distress. They were particularly upset by the threat of prosecution when they asked for help. They were left largely to themselves to sort out problems the council should have taken in hand.

How we put things right

The council agreed to apologise to the family and make a symbolic payment for the disruption to Fareen's education and the distress caused. It also agreed to review its policies and procedures to ensure it was properly supporting children unable to attend school.

Learning point

Councils must make their own decisions about a child's need for alternative education, even if there is no evidence or conflicting evidence from other professionals.

Common issues and learning points



Luke's story

Case reference: [19 004 305](#)

Luke has autism and severe learning disabilities. He had an Education, Health and Care (EHC) Plan maintained by the council and was a pupil at a special school. His mother withdrew him from school because she said he was being bullied. She complained to the Governors and then to Ofsted. Both concluded the school had managed the incidents properly.

Luke's mother decided to try home schooling. Two months later, she asked the council to arrange home education. The council said it needed medical evidence before it could arrange home education. Luke's mother did not provide the evidence the council needed.

The council arranged a meeting with the school and made plans for Luke's return. It said it would prosecute Luke's mother if he did not return to school. Luke's mother asked for a different school, or permission to educate Luke herself at home.

Fifteen months after Luke's mother withdrew him from school, she complained to the council he was still out of education. The council said it had tried to help her find a school she was happy with, but it was satisfied he could return to his original school place. It was another six months before Luke returned to education.

Our investigation found there was no fault by the council in the early stages of Luke's absence from school. There was a school place available for him, which was reasonable for him to access. His mother's decision to withdraw him from school did not make the council responsible for his education.

However, the longer he remained out of school, and the more the council became involved, the more we found problems with the council's actions. The council decided not to prosecute Luke's mother, but there was no rationale for the council's decision or alternative plan of action recorded in the council's files. Eventually, the council appears to have decided Luke could not return to his school, but it did not arrange any alternative education until he started college.

Luke was out of education for two terms once the council decided he could not return to his school. The council should have considered alternative education provision for him during this time.

How we put things right

The council agreed to apologise and make a symbolic payment to recognise the education Luke missed after it decided he could not return to his school and until he started college. It also agreed to review its policies and procedures, and draw up an action plan to ensure swift action is taken on similar cases in future.

Learning point

Just because a child is out of school, the council does not necessarily have to arrange alternative education. The council must evaluate the alternatives and consider the child's needs. It should keep its decisions under review.

Common issues and learning points

Providing suitable full-time education

Where councils make alternative arrangements for a child's education, we sometimes see them offering what looks like a 'standard package' of alternative educational provision. This can be as little as five hours of tuition a week.

The law says the education provided by the council must be full-time unless the council determines that full-time education would not be in the child's best interests for reasons of the child's physical or mental health.

Full-time education ranges from 21 hours per week at Key Stage 1 to 25 hours a week at Key Stage 4. If councils provide one-to-one tuition, the number of face-to-face hours could be fewer because the provision is more concentrated. But children are still entitled to a full-time education.

Education provision must be based on an assessment of the individual child's needs. The council should be able to demonstrate how it considered the child's needs and decided what provision to make.



Jadon's story

Case reference: [20 000 747](#)

Jadon has an Education, Health and Care (EHC) Plan maintained by the council. He attends a mainstream secondary school. He has autism and severe anxiety.

Jadon had stopped attending school. At the time, his parents were appealing his special educational provision to the SEND Tribunal. Following the hearing some months later, the council agreed to arrange suitable alternative provision as part of efforts to help him integrate back into school.

Jadon was due to start his GCSE courses. The council arranged five hours a week of online 1:1 tuition in Maths and English. It said it could not offer tuition in the other subjects he had chosen for his GCSEs. Jadon's school also sent work home. This arrangement continued for a whole school year.

Our investigation found the council had no evidence to show it had properly considered providing Jadon with a broad and balanced curriculum allowing him to study all his GCSE subjects, or that its offer of five hours of tuition a week would meet his needs.

The council should have considered how to provide a broad and balanced curriculum, and as much tuition as Jadon needed.

How we put things right

The council agreed to apologise and pay more than £3,000 towards Jadon's educational benefit, which was to recognise his missed education when he should have been studying the full range of GCSE subjects. The council also agreed to show us how it had reviewed its procedures for providing GCSE learning for children unable to attend school or engage with tutors.

Learning point

Councils must provide a broad and balanced curriculum, and the education must be of a standard a child would receive in school. The education must be full-time education unless the council decides it is not in a child's interests.

Common issues and learning points

Reviewing plans and amending the approach

Councils may provide help even when they do not have a duty to arrange alternative education. Education Welfare Officers and specialist teachers may provide support and advice to a child's school, for example.

Where their involvement does not rapidly secure a child's return to full-time education, the council may need to consider making alternative arrangements.



Janine's story

Case reference: [19 005 803](#)

Janine's family moved to a new area and needed to find school places for her and her two siblings. This proved difficult, as all the schools were academies and many were selective grammar schools.

It took eight weeks for the family to find school places for the three children. We found the council provided the family with appropriate advice and support. The delay in securing school places was due to the family's choice of schools, not fault by the council. We did not find the council should have arranged alternative education.

Once enrolled, Janine missed a considerable amount of school. Her attendance was poor. She was later assessed as having special educational needs.

Our investigation carefully examined the council's extensive involvement. The council provided significant input through its Early Help service, but it did not arrange alternative education when Janine did not attend school. We did not criticise the council for the lack of alternative education and recognised it was pursuing a strategy to secure her return to a suitable school.

However, we were concerned the council allowed the case to drift when its Early Help strategy was not successful. We found fault with the council's failure to change tack.

Janine ended up without education for almost two years at a critical time in her education in Years 10 and 11. Every day she did not attend school, it reinforced a pattern for her, making it more difficult to return as she fell increasingly behind with her academic work in relation to her peers.

How we put things right

Following our investigation, the council agreed to make a symbolic payment to help Janine catch up with the education she missed. It also agreed to make a number of procedural improvements to ensure other cases were not allowed to drift if Early Help interventions were unsuccessful.

Learning point

Councils may decide alternative education is not appropriate and provide other forms of support. They should keep plans under review and not allow cases to drift if plans are not successful.

Common issues and learning points

Restricting alternative provision: the meaning of ‘otherwise’

The duty to make alternative arrangements applies to those who cannot access education “by reason of **illness, exclusion from school or otherwise**”.

“Otherwise” is a broad category and includes the scenario where a child is unable to take advantage of any available suitable schooling, or does not have a school place.

Councils often have no direct involvement in school admission decisions. However, they have a vital role coordinating Fair Access Protocols. These aim to ensure children without school places are quickly enrolled. When children are without places, the council may need to arrange alternative education.



Grace’s story

Case reference: [19 017 034](#)

Grace’s family moved house in January when she was in Year 10. Her mother applied for school places before they moved, and also completed the council’s mid-term transfer form. None of the schools, which were all academies, offered Grace a place. The council did not offer any help.

Grace’s mother continued to apply for school places and asked the council for help. Later she contacted the council’s Children Missing Education team for advice. The council agreed to prioritise Grace’s case. Again, Grace’s mother heard nothing. She tried to enrol Grace at college, but she was not old enough for college.

The next month the council referred the case to its Fair Access Panel. Some months later the Panel secured a place for Grace but shortly before she was due to start, the school withdrew the offer. Almost 13 months after Grace’s mother first asked for help, the council arranged alternative education for Grace until a suitable school place could be found. Grace was admitted to a school some three months later.

Our investigation found the council at fault for a lack of coordination between its services. It led to Grace being without a school place for five terms, and without education for almost four terms. This happened at a critical stage of her education when she should have been preparing for GCSEs.

Grace’s story illustrates the difficulties that parents – and councils – can face when all schools are academies. Councils have no power to direct admission to an academy (although they can apply to the Secretary of State). Nevertheless, councils have a role in coordinating the admission of hard to place pupils, including those unable to find school places. Where they cannot do so quickly, councils may need to arrange suitable alternative education themselves.

How we put things right

The council agreed to make a substantial payment of more than £7,000 to acknowledge the education Grace missed at a critical stage of her schooling. The council also agreed to review its service and share an action plan that was already underway to improve procedures, which included training for staff on the Fair Access Protocol and when to escalate cases.

Learning point

Councils may need to arrange alternative education for a pupil who moves into the area and cannot find a school place.

Promoting good practice



Drawing on the experience from our investigations, we have identified six recommendations for councils:

- > Consider the individual circumstances of each case and be aware that the council may need to act whatever the reason for absence (except for the minor issues schools deal with on a day-to-day basis) – and even when a child is on a school roll.
- > Consult all the professionals involved in a child's education and welfare, and take account of the evidence when making decisions.
- > Choose (based on all the evidence) whether to require attendance at school or provide the child with suitable alternative education.
- > Keep all cases of part-time education under review with a view to increasing it if a child's capacity to learn increases.
- > Work with parents and schools to draw up plans to reintegrate children to mainstream education as soon as possible, reviewing and amending plans as necessary.
- > Put the chosen action into practice without delay to ensure the child is back in education as soon as possible.
- > Where councils arrange for schools or other bodies to carry out their functions on their behalf, the council remains responsible. Therefore, retain oversight and control to ensure your duties are properly fulfilled.

Encouraging local accountability – questions for scrutiny



Councils should be accountable to the people who use them. The Ombudsman was established by Parliament to support this. We recommend a number of key questions that councillors, who have a democratic mandate to scrutinise the way councils carry out their functions, can consider asking.

- > How many children are there in your council's area not attending school, or not attending full-time?
- > Is there easily accessible information on your council's website for parents who are worried about their child's education or attendance?
- > How does your council identify children who are not attending school, or not attending full-time?
- > Does your council have strong links at all levels between different services, such as attendance, education welfare, and special educational needs, to ensure children missing education are identified and their needs are met?
- > Does your council have strong links with schools, including academies and other schools which are independent of the council, and clear processes for referring cases for support?
- > If your council has agreements with other organisations to fulfil its statutory duties to arrange alternative education, how are these arrangements managed? How does the council ensure the quality of the service?
- > Does your council document its decisions in individual cases, including decisions not to provide alternative education?
- > How does your council tailor its offer of alternative education to meet the needs of the individual pupil?
- > What has the council learnt from complaints about its service for children missing education? How have complaints led to service improvements?

Local Government and Social Care Ombudsman

PO Box 4771
Coventry
CV4 0EH

Phone: 0300 061 0614

Web: www.lgo.org.uk

Twitter: [@LGOmbudsman](https://twitter.com/LGOmbudsman)

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Out of school, out of sight? Ensuring children out of school get a good education

LGSCO Key Questions (July 2022)	Executive / Service response (September 2022)								
<p>How many children are there in your council's area not attending school, or not attending full-time?</p>	<p>As at the end of term 2021/22, the following pupils are not attending school: EHE numbers 204 CME numbers 173 Medical numbers:</p> <table border="1" data-bbox="996 440 1832 644"> <tr> <td>New referral</td> <td align="right">1</td> </tr> <tr> <td>Open - Active LA (CMP)</td> <td align="right">12</td> </tr> <tr> <td>Open - Monitoring (school)</td> <td align="right">20</td> </tr> <tr> <td>Awaiting more information before decision to open</td> <td align="right">4</td> </tr> </table>	New referral	1	Open - Active LA (CMP)	12	Open - Monitoring (school)	20	Awaiting more information before decision to open	4
New referral	1								
Open - Active LA (CMP)	12								
Open - Monitoring (school)	20								
Awaiting more information before decision to open	4								
<p>Is there easily accessible information on your council's website for parents who are worried about their child's education or attendance?</p>	<p>Information is available on the Council's website but it is split over several pages and a revamp is programmed as part of the new school attendance service. Education Welfare Service (tameside.gov.uk) Tameside Virtual School Overview</p> <p>The School Attendance Support Service Steering Group have identified the need to develop a local offer for school attendance to address the need for better coordination of information.</p>								
<p>How does your council identify children who are not attending school, or not attending full-time?</p>	<p>As we understand it, there is currently no statutory reason to collect information on part time timetables but information is collected on a daily basis through DfE attendance information and B2B. B2B is an automated system that exchanges information between the Council's pupil database and school databases. Not all schools participate as there is no statutory requirement to do so and this is a gap.</p> <p>The Education Welfare Service carry out register audits with most schools on a bi-annual basis which highlights the use of part time timetables and schools are given advice on this by the Service. The new School Attendance Support Service will be required to have termly meetings with all schools where pupils with severe absence (less than 50%) have an individual plan.</p>								

	<p>Parents often contact the Education Welfare Service directly and self refer. The Education Welfare Service will contact the school and discuss the issue and offer advice about meeting individual needs. They may refer to the Children with Medical Needs Panel for support. A self referral may also trigger a discussion about prosecution for non attendance.</p> <p>Schools refer Children Missing Education to the Education Welfare Service and a robust process is followed to track the children as described Children Missing Education and Children with Medical Conditions in Tameside</p> <p>Schools also refer parents who have made a decision to electively home educate their children and follow a robust process as described process Education at Home (tameside.gov.uk)</p> <p>Other agencies also refer children to the Education Welfare Service for example, health providers, Social Workers, School Nurses, Early Help, CAMHS.</p>
<p>Does your council have strong links at all levels between different services, such as attendance, education welfare, and special educational needs, to ensure children missing education are identified and their needs are met?</p>	<p>As described above, the Education Welfare Service does have strong links with agencies in the borough but this is an area of focus for the future through the School Attendance Support Service steering group.</p> <p>Children with medical conditions are discussed at a multi agency panel to ensure a rounded conversation about meeting individual pupil needs and includes the Designated Medical Officer; Educational Psychology, SEN;</p> <p>Children Missing Education and Electively Home Educated service works well with multi agency response with schools;</p> <p>The Education Welfare Service facilitates school cluster based Attendance Groups that meet termly with schools and Early Help. There are also neighbourhood Attendance Groups that are multi agency and more strategic.</p> <p>Provision to meet individual needs of children with medical needs is case managed by the Education Welfare Service in conjunction with schools. The focus is on reintegration and/or meeting individual needs (ie through an SEN assessment)</p>

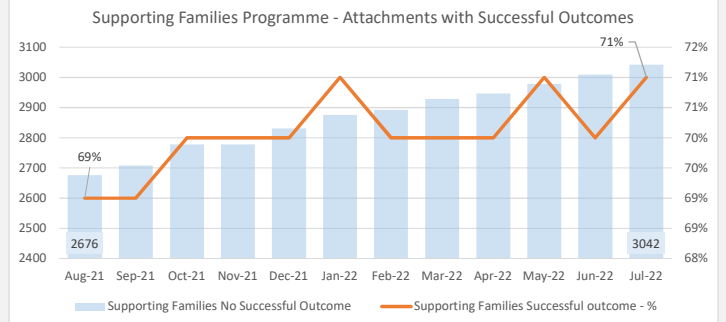
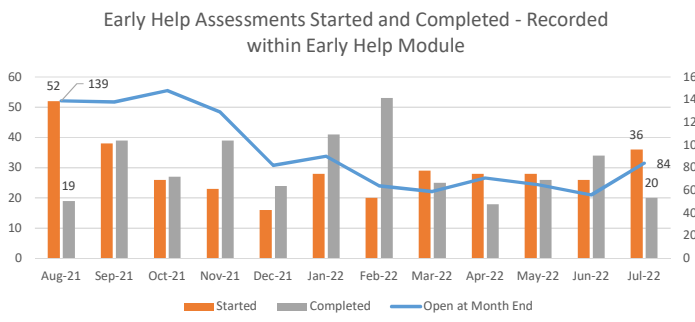
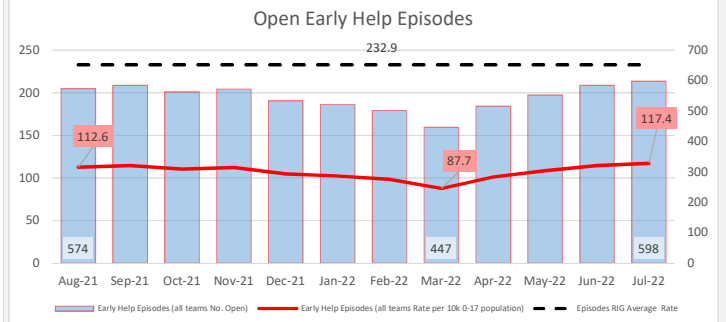
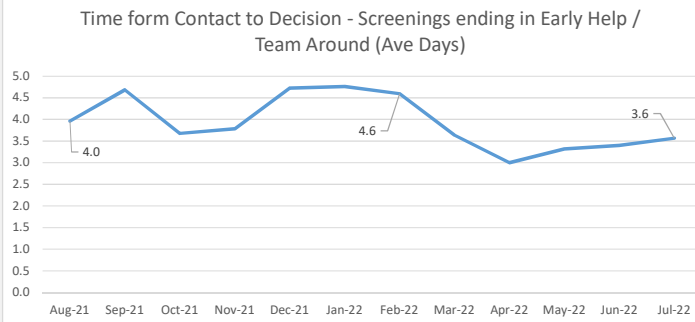
	<p>Colleagues from Education Welfare act as representatives on Tameside Safeguarding Children Partnership.</p> <p>The Education Welfare Service are involved in individual case audits for children with a social worker on a monthly basis to ensure there is no drift and delay in meeting needs and Children's Social Care Teams are aware of the individual issues where children are on a pathway as described above. The outcomes of these audits are reported to performance and standards.</p>
<p>Does your council have strong links with schools, including academies and other schools which are independent of the council, and clear processes for referring cases for support?</p>	<p>There are clear, well understood and well used processes for referring into children with medical conditions; children missing education and those wanting to electively home educate. Headteacher guidance is updated and issued to all schools on a regular basis. The guidance is also issued to independent schools in the borough. Information on referral processes and pathways are shared through the Attendance Groups.</p>
<p>If your council has agreements with other organisations to fulfil its statutory duties to arrange alternative education, how are these arrangements managed? How does the council ensure the quality of the service?</p>	<p>Alternative provision for children who are excluded is commissioned through Tameside Pupil Referral Service who recently had a 'Good' Ofsted judgement.</p> <p>The Headteacher guidance which is issued to all schools includes a section on commissioning alternative provision and what information to consider before commissioning AP.</p>
<p>Does your council document its decisions in individual cases, including decisions not to provide alternative education?</p>	<p>The children with medical needs process and panel decisions are documented and recorded on individual case files. This may include where the children with medical needs panel decision is to initiate prosecution pathway.</p>
<p>How does your council tailor its offer of alternative education to meet the needs of the individual pupil?</p>	<p>Case study for children with medical conditions</p> <p>The Education Welfare Service work in conjunction with schools as they know where children are up to in their learning. Provision is often secured through schools to ensure the link with school is not lost. The aim of interventions is always for it to be short term out of school provision with a view to reintegration back into full time learning.</p>

What has the council learnt from complaints about its service for children missing education? How have complaints led to service improvements?

The establishing of the children with medical needs multi agency panel to discuss and review cases. The involvement of the Educational Psychology Service in children with medical need. Review of the policy children with medical needs policy.

LGO complaints [20 006 754 - Local Government and Social Care Ombudsman](#)

Summary Performance Charts



Commentary

• Time from contact to decision within EHAP screening has reduced since January 2022. On average the time from contact to decision is between 3-4 days. EHAP timescales are 5 working days so therefore this is within this meaning the majorities of families are receiving contact from EHAP and a decision is made within this period. It is worth noting that EHAP changed the timescales from 7 working days to 5 working days in January 2022 to ensure that families received a quicker response from point of contact at the front door.

90% of Referrals to panel do not have a EHA, this is due to the referral type of emergency services: Police, Ambulance or self-referral and anonymous. Where appropriate other agencies are explored to start the Early Help Assessment as they have a relationship with the child and family in the first instance. However, we still find partners are not completing the Early Help Assessment at the earliest opportunity which has caused drift and delay where issues have escalating to emergency services being called and then referred in or where parents are being told to self-referral. This is where issues escalate and families move into crisis.

Open Help episodes: This data is children being supported through Early Help, (which will also include families supported by ISCAN), this is counted through episodes on each child (each child is only counted once but there may be multi episodes open- chronology, EHA / TAF, SIP etc.). This is the number of children we are working with on EHM. If the this is joint worked this will be recorded on LCS meaning the threshold for statutory intervention is met. therefore this figure shows the number of Early Help cases without statutory services required. The lowest figure being 447 and the highest being 598. Lower figures were seen in March due to staff movement, which quickly increased following a recruitment drive.

We are seeing an increase due to the effects of the pandemic and other service knock on effect of waiting list - i.e. mental health, Domestic abuse, neurodiversity diagnosis.

Early Help teams also provide interventions to families open to CSC (recorded within LCS), to promote families moving down the Threshold continuum either as a step down to TFT or directly to universal services, this currently makes up 1/4 of Early Help (TFT) caseloads.

Early Help teams provide a duty response service, both during the day and out of hours, (Evenings and weekends). This has been fully utilised with 513 duty requests being completed within the past 12 months (Sept 21- Aug 22).

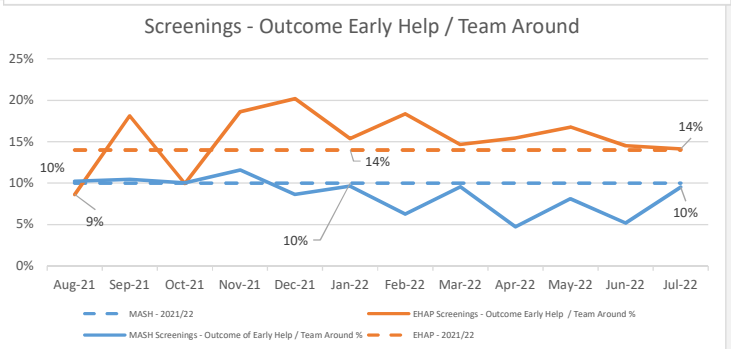
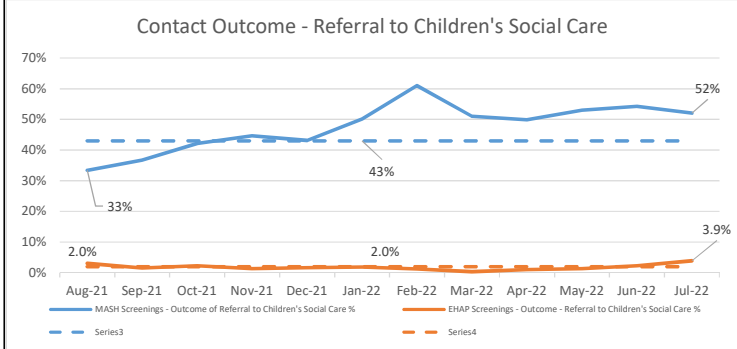
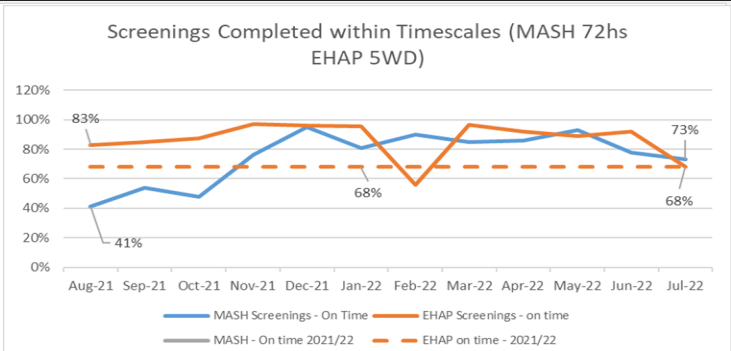
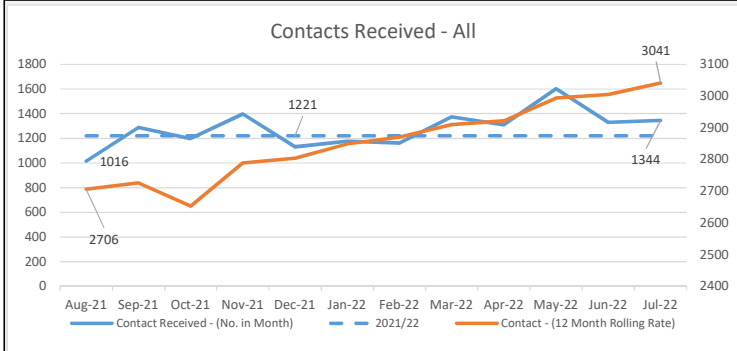
Early Help Assessments started and completed - Peak times for referrals are when schools break for summer, as we take on more Early Help Assessments to ensure support is provided, no drift and delay on cases. Manual data gathering to ensure all Early Help Assessments are completed within 45 days following on from Consent given. Dependant when they are within the month, the completed date would roll into the next month. The top presenting issues including: Parenting capacity, Neglect and Poverty, Mental Health and domestic abuse or interfamilial abuse. Family Intervention workers use SIP plans for cases when they are not lead professional or where this is joint worked with Children's Social Care. Early Help Assessments have decreased within Family Intervention teams due to agencies now starting to complete these following the pandemic, Family Intervention workers are supporting more CIN interventions and joint working, Early Help teams are taking higher level 2 cases to meet demand while supporting other agencies to provide low level intervention to families.

The lowest figure for EHAs started was 16, the highest 52 within a month period. This is dependent on the time of year - school holidays and the return of children to school, capacity within other services and the level of need – higher level 2 or an the referring agency start the Early Help assessment, meaning we will complete interventions alongside, support gathering information for the EHA and record on the SIP.

If you compare the data in slide 2 and Slide 3, this shows that more agencies are completing Early Help Assessment, with Early Help services only completing around 30% overall. However, the number of SIPs has increased where we are working alongside partner agencies completing required interventions to manage the family within Early Help and prevent escalation. The number also includes TAF meetings following on from Early Help assessments.

Supporting Families programme: There has been a steady increase in working with families who meet the Supporting Families Programme criteria. There are some cases where Early Help support is required but these do not meet the criteria, however we do close cases on this reason, therefore are not criteria lead for supporting families within Early help, it's what support is needed at the right time for families. However, We have increased from 69% of cases where claims for the supporting families were made to 71% from this we know we are working with our most vulnerable families. As the Supporting criteria has changed, this will allow us to work with claim for more families, but also looks at the sustainability of good outcomes for families. The figures shown include Early Help intervention teams and the commissioned service Inspire. TMBC is on track to meet the 2022/23 Supporting Families programme targets with 3112 successful outcomes from 4394 attachments. Sustained successes lasting to 6 months post-closure to be calculated from October 2022.

Summary Performance Charts



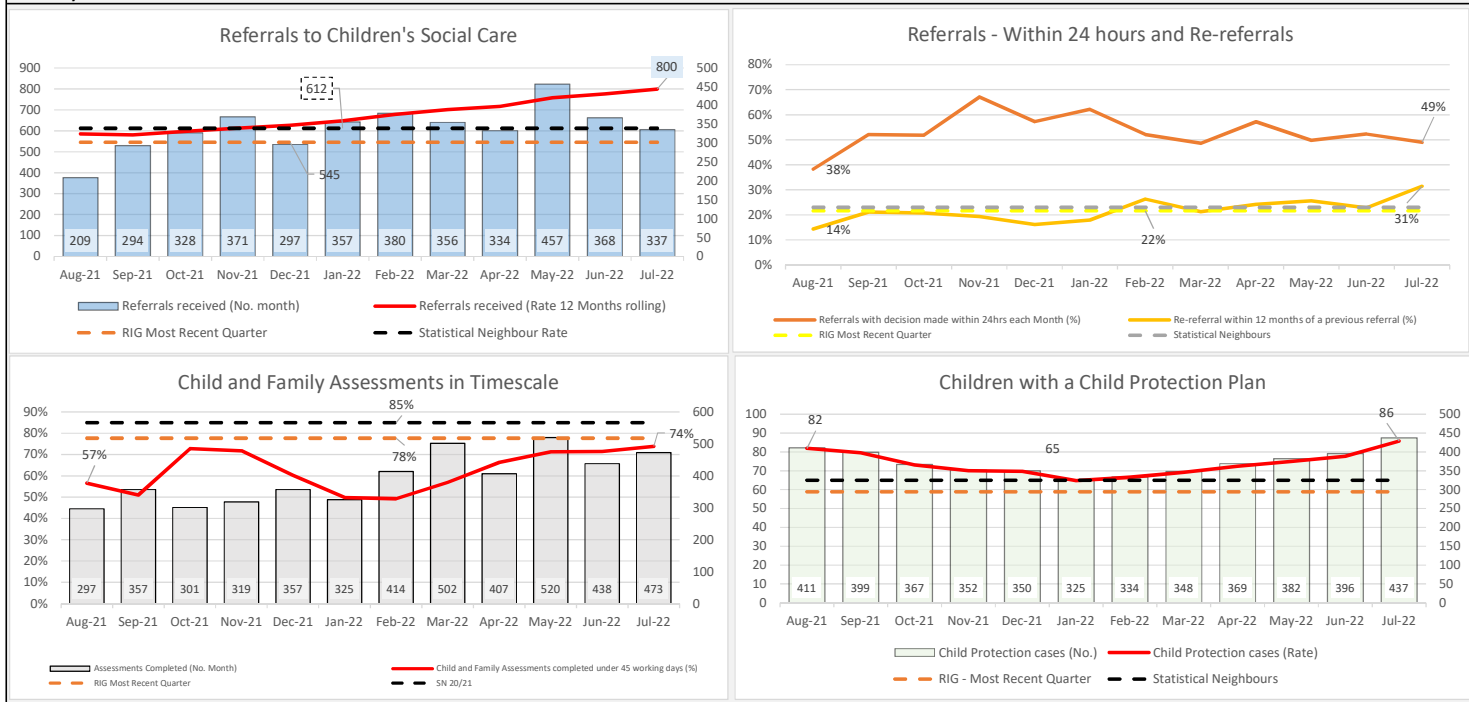
Commentary

Time from contact to decision within EHAP screening has reduced since January 2022. On average the time from contact to decision is between 3-4 days. EHAP timescales are 5 working days so therefore this is within this meaning the majorities of families are receiving contact from EHAP and a decision is made within this period. It is worth noting that EHAP changed the timescales from 7 working days to 5 working days in January 2022 to ensure that families received a quicker response from point of contact at the front door.

Outcome from Early Help / Team Around – As in Slide 1 of Early Help, 90% of Referrals to panel do not have a EHA, this is due to the referral type of emergency services: Police, Ambulance or self-referral and anonymous. Where appropriate other agencies are explored to start the Early Help Assessment as they have a relationship with the child and family in the first instance. However, we still find partners are not completing the Early Help Assessment at the earliest opportunity which has caused drift and delay where issues have escalating to emergency services being called and then referred in or where parents are being told to self-referral. This is where issues escalate and families move into crisis. If EHAs were completed at the earliest opportunity or support provided at the earliest opportunity less referrals would go to MASH as the outcome, as using the SOS model we would know what support networks, what's working well etc. to have no involvement or the right level of involvement around risk and S47.

- EHAP timescales have remained consistently above 90% within 5 working days. This is from the point of contact being created until the decision is made in respect of the outcome/plan for the family. In July EHAP saw a drop in timescales to 68% due to a system upgrade in which the system was unavailable for 3 days. During this time EHAP used the contingency plan to continue to contact families/professionals etc. and update the system once available.
- Within EHAP staffing capacity and an increase in contacts/screenings have made it difficult at times to stay within timescales however there is an initial and final case management decision and if further information is needed to determine threshold/risk/support then the narrative is added to the system to provide a rationale to remain open to ensure the family is receiving the right support and to prevent escalation where possible.
- EHAP consistently refer below 2% of referrals screened to Children Social Care for assessment. In July we saw an increase in referrals stepped up to Childrens Social Care from EHAP (3.9%). Following this the EHAP will dip sample some of these cases to explore the initial CMD and final CMD and any learning from this. Workshops are then completed by managers with staff to explore any findings.
- On average approximately 15% of referrals are referred to the EH Panel for support at Level 2 when other options have been explored. Other pathways are in place following screening in EHAP. The main outcome in EHAP is information and advice, followed by referral to other agency, such as, parenting, bridges, outreach, voluntary sector etc. Panel is then the next outcome used when family support is recommended and Team Around the Setting is increasing as the offer is rolled out to all settings in Tameside.

Summary Performance Charts



Commentary

Referrals to Children's Social Care

In response to managing higher numbers of referrals to Children's social Care, the Duty teams have been re-aligned to working borough wide, instead of neighbourhoods to give them "time out" from Duty to undertake assessment work and not have competing demands. The Duty teams work to a rota and when on Duty work within the MASH to support a more joined up service. This has only been in operation for 6 weeks but already referrals are reducing and workers are less stressed, feeling more "on top of their work"

Timeliness of C+F assessments

During the last 3 months, when we saw a peak in referrals to CSC, we have concentrated our efforts in trying to ensure that appropriate threshold decisions are made allowing children and families to be seen at the right time by the right professionals. This means that more families where an assessment has led to no further involvement by Children's Social Care will be supported by interventions through an early help offer. This in turn, will ensure social workers' have lower caseloads which support a better quality of work as well as ensuring that assessments are more timely. Timeliness of assessments will start to improve now that the backlog of assessments are completed (mainly incurred from May's peak) whilst scrutinising children's plans and analysing risk more children have become subject to a Child Protection Plan. This has been in response to some children needing a more formal structure in order to manage risks but equally more confidence in risk management has meant de-escalating from legal processes

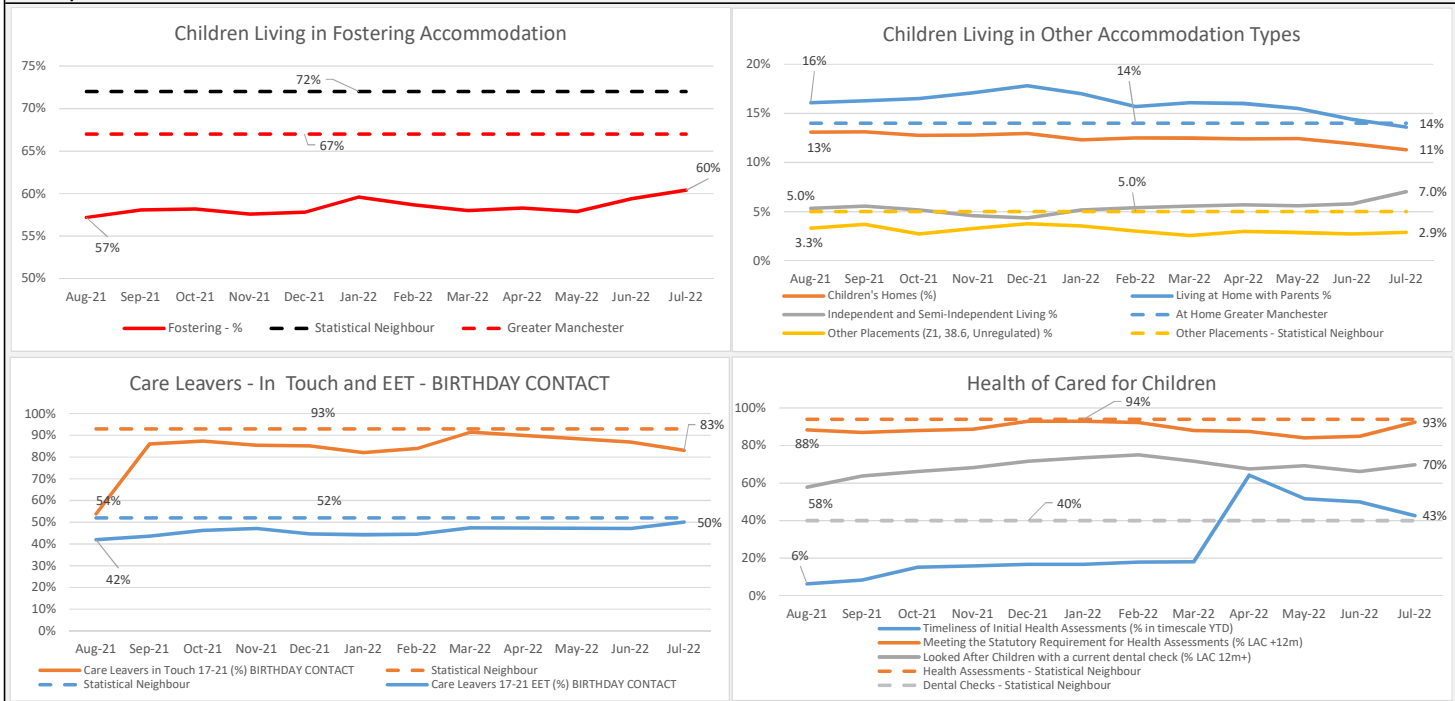
Referrals - Referrals within 24 hours and Re-referrals

- Timeliness of referrals has improved during the past 12 months and has fluctuated against demand and capacity which the graph demonstrates.
- Re-Referral rate varies month on month aligned in some months with Statistical neighbours who remain consist. The following year average sets us above stat neighbours.

Children with a CP plan

- Children subject to a Child Protection Plan has increased by 45% in the first 4 months of 22/23 compared to 21/22, there has subsequently been a 29% increase in the number of conferences held. This aligns with an increase of incoming referrals.
- Children subject to Child Protection plans - increased by 34% to 437 from 325 in January 22. Tameside has a high rate in NW and is above statistical neighbour average.
- Work is currently taking place to explore threshold application at the point of section 47 to ensure consistency alongside robust Child in Need and Safety Planning. There is a small percentage of Children considered at conference where a child Protection plan is not identified as not being required and safety planning is agreed in the form of a robust Children in Need plan.

Summary Performance Charts



Commentary

Children living in fostering accommodation

• In Tameside, 60% of our cared for children are living with foster carers which is a positive increase. Where children cannot remain living at home with parents, children living with a family is always the preference we would want for our children as corporate parents.

Children living in other types of accommodation

- Children’s homes – 11% of young people currently live in Children Homes. This has reduced by 2% in the last year. A number of children living in children homes have been unable to live within a family at this time due to the complexities of their need and work is ongoing to explore permanence plans that continually looks at the possibility of young people returning to family living.
- Independent and semi-independent – These placements have increased from 5 to 7% in the last 12 months. This reflects the growing number of Young People transitioning to leaving care and preparing for independence support via pathway planning.
- Other placements – are down from 3.3% to 2.9% and is lower than statistical neighbours. This category includes children where Court have directed the Local Authority to place the children with their parents or carers where we have not assessed or approved.

Care Leavers in touch and EET – Birthday contact

- The number of care leavers in touch has risen in the last year from 54% to 83%. For those where in touch has not occurred there are a number of reasons, this is in line with wishes of the young person, moved out of area or no longer wish to engage with the Service..
- Care leavers in Employment, Education and Training (EET) have increased in the last 12 months from 42% to 50% post COVID lockdown, this figure aligns with statistical neighbours. There is dedicated and focused work being undertaken in this area to increase the number of Young people in Education and employment and this includes activity via; Positive Steps, the Princes Trust, Rio Ferdinand foundation, routes to work.

Health of Cared for Children

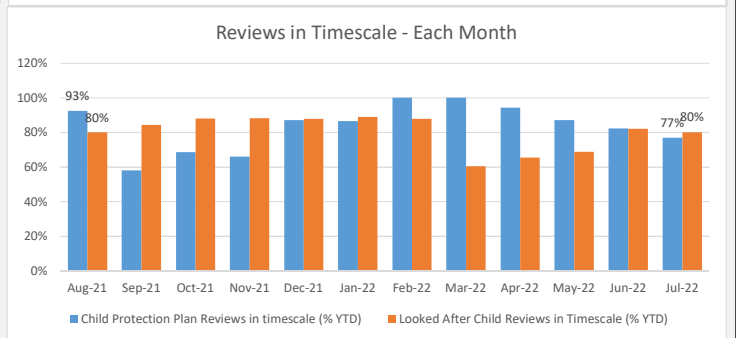
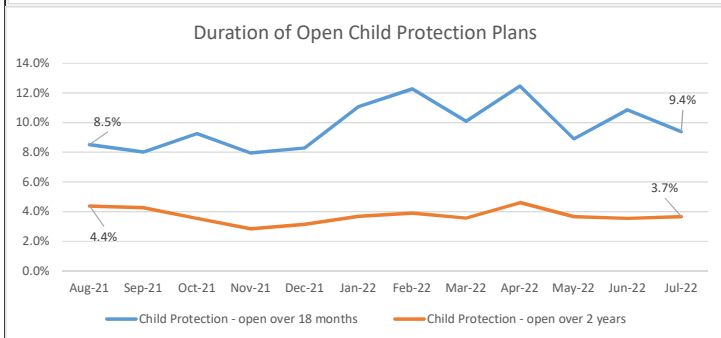
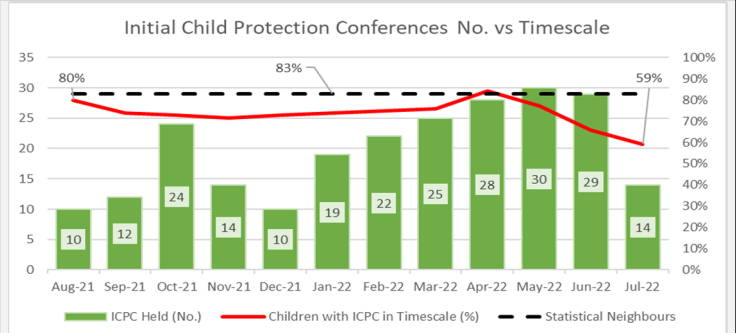
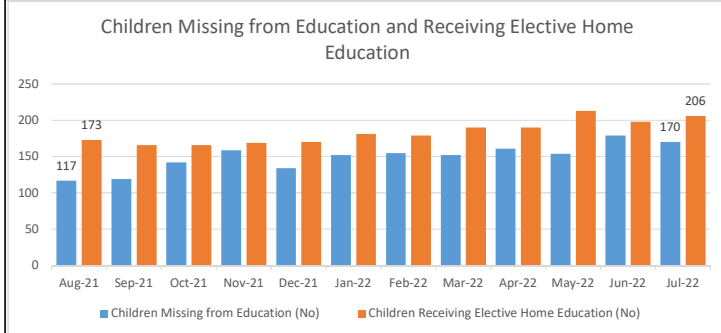
Timeliness of health assessments - 93% of Review health assessments are completed on time. This aligns with statistical neighbours. Timeliness of initial health assessments has improved over the last 12 months from 6% to 43% however there is ongoing work to reconcile Health and Children’s Social Care records which is a manual exercise but recognise this figure will improve when aligned to health performance.

Dental checks

70% of cared for children are recorded as having up to date dental checks. Some young people decline to attend the dentist. Work is to explore the reasons for further outstanding checks. The LA practice in this area is 27% above out stat neighbours. It is well recorded nationally the difficulty in accessing NHD Dentists and Tameside have developed a specific path way for Cared for Children.

- Children living at home with parents on Care Orders is down from 16 to 14% which is positive and reflects the focus on permanency planning. The LA is comparable statistical neighbours in this area.

Summary Performance Charts



Commentary

Children missing from Elective Home Education

There has been a steady rise in the number of Children who are electively home educated. All local authority areas have seen a rise in this figure following Covid Lockdown and children being educated at home. The education team and Childrens Social Care (CSC) have clear lines of communication to ensure there is oversight and agreed supportive actions where children have been or are open to CSC. There is a tracker in place and the cohort are reviewed together with CSC on a 6 weekly basis.

Initial Child Protection Conferences v Timescales.

- Initial CP conferences –Timeliness had decreased during July. Children subject to Initial Child Protection Conferences have increased by 45% in the first 4 months of 22/23 compared to 21/22, there has subsequently been a 29% increase in the number of conferences held.
- Children subject to CP plans – increased by 34% to 437 from 325 in January 22. Tameside has a high rate in NW and is above statistical neighbour average
- This aligns with an increase of incoming referrals. This has added pressure to some system and process issues linked to timely notifications with a direct impact on timeliness. Additionally there has been pressures linked to vacancies, staff turnover and increased Designated Officer Activity (Investigation of allegations). Action has been taken to address these matters within relevant services via recruitment and the strengthening of processes, this is improving practice in this area.

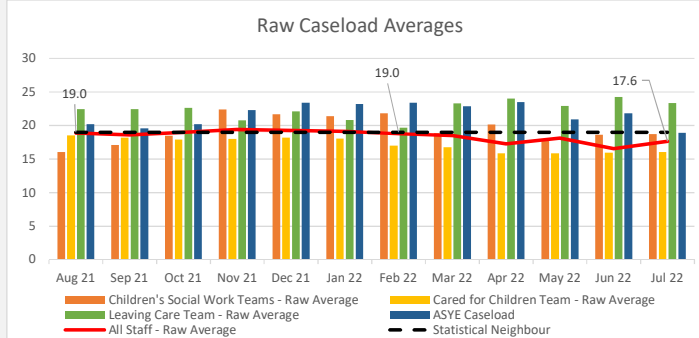
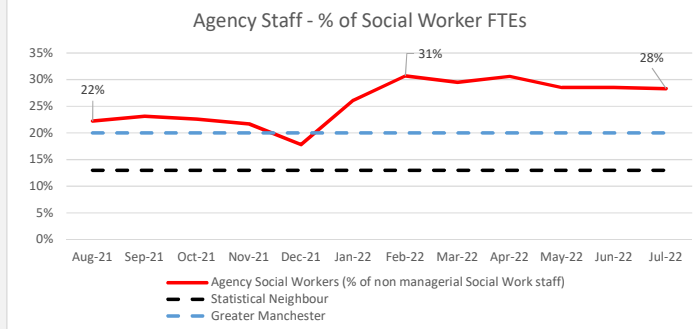
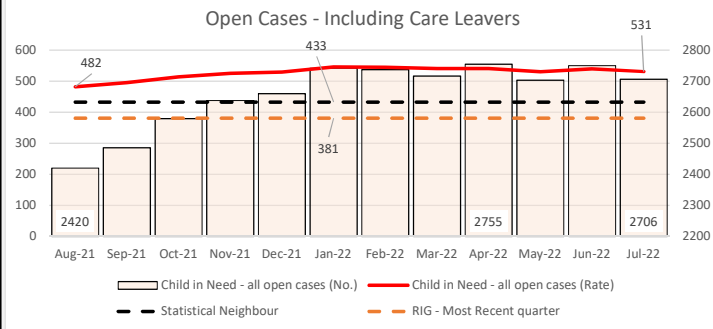
Duration of CP plans

- There are 11.1% of CP plans that have been in place for beyond 18 months – 2 years. The reasons for the duration of the plans are linked to ongoing Public Law Outline processes and have monthly oversight of Service Managers re progress.

Reviews in timescales

- There have been some capacity pressures within the Child Protection system that have impacted the timeliness of reviews, as outlined at point 2.
- Timeliness of Cared for Children Reviews – The LCS System and Pathway processes have been reviewed to ensure that Cared for Children review activity is recorded in a timely way.

Summary Performance Charts



Commentary

- Open cases**
- Overall case numbers have decreased significantly as the staffing situation has improved and although still above statistical neighbours, the gap has narrowed with Tameside at 478 per 10,000 population and statistical neighbours at 398 per 10,000 population.
- Agency Staff**
- Out of a total of 136 FTE Social Work posts, 28% are agency which represents a slight reduction and is 10% higher than the Greater Manchester Average however, we are aware within that average, some GM Authorities have a higher percentage. It is also worth noting that since January, 15 agency social workers have converted to become permanent.
- Children with 3 or more Social Workers**
- As the staffing situation has improved, this in turn has led to more stability and less churn of staff resulting in less changes of social worker for children.
- Raw Caseload Average**
- As the number of overall cases has reduced this in turn has led to a reduction in the average case load for social workers, which has reduced from 19.0 in August 2021 to 17.6 in July 2022.