

Written evidence submitted by Joanne Sierzega (the National Secretary) on behalf of The Association for Education Welfare Management (AEWM) (CWSB235)

1. The AEWM is a Membership Association for those working in supervisory management or strategic in the fields of Attendance and Education Engagement. Our aim is to promote and safeguard the rights of children and young persons to a suitable education and to establish and foster co-operation with other organisations working in their interests.
2. We are an association of 260+ leaders representing around 75% of local authorities in England. Our members also come from schools, multi-academy trusts, and other organisations that work in this area. Our members are primarily supported via our regional networks, our web-based members forum and our National Executive Committee.
3. AEWM support the measures proposed in the Children's Wellbeing and Schools Bill for *Children not in school to* : Introduce a local authority consent mechanism for the withdrawal of certain children from school, including those at special schools (clause 24), introduce a requirement for local authorities to maintain a register of children not in school, with duties for parents and related requirements for school attendance orders to be issued in some cases (clauses 25 to 29 and schedule 1).
4. AEWM support the measures proposed in the Children's Wellbeing and Schools Bill for *Child protection to*: Require education and childcare providers to be included in an area's safeguarding arrangements (clause 2) Require local authorities to establish multi-agency child protection staffed by people from education, social work, health and the police (clause 3) Allow for the creation of a single unique identifier for children and introduce new duties around data sharing (clause 4).
5. We support Clause 24 to introduce a local authority consent mechanism for the withdrawal of certain Children from school. There is already some provision in secondary legislation, The School Attendance (Pupil Registration) (England) Regulations 2024 Regulation 9(2) for local authority consent for withdrawal of children who are in a special school. The Clause expands the consent to include children with a Child Protection Plan or subject to S47 Investigation. Under the current regulations when a parent advises a school in writing that they intend to Electively Home Educate (EHE), the school is required to immediately delete from the school roll. This does not allow any time for the ongoing social work lead Multi Agency Plan (or investigation) to consider if this places that child at further risk of significant harm and reassess risk/amend/respond to any risk. There is no power to override this decision in the best interests of the child. The introduction of Local Authority consent would not mean that consent is automatically denied for children but that any decision to EHE is considered with a full assessment of potential risk and the most vulnerable children would be protected. We would support the expansion of the Local Authority Consent for withdrawal where a child has been subject to a Child Protection plan or S47 enquiry prior to the request to EHE (within the past 6 months) as the decision that a child is no longer in need of a CP plan would have been made in the context of them been in school. We would also support the expansion of Local Authority Consent for the withdrawal of all children with an EHCP (not just those in special school). We would recommend that any guidance includes who in the LA must be involved in

making an assessment and giving consent and the timelines for this. It would not be fair for decisions about children's education to be subject to drift and delay.

6. AEWB would draw attention to the most recent CENSUS figures on children **known** to be Electively Home Educated (EHE). As of census date in autumn 2024, local authorities reported **111,700 children** in EHE. This is an increase from an estimated 92,000 in the previous autumn term. Whilst AEWB strongly support the proposed mechanism for consent for withdrawal of certain children from school, the requirement to maintain a register and associated duties, we also strongly recommend that LAs need to resource appropriately. We recommend as part of any additional burdens assessment which is carried out in respect of the Bill, the Department for Education should seek to make clear what the ratio of local authority staff to the EHE cohort **MUST** be within each local authority e.g. 1:300 / 1:400 / 1:500. The Department for Education stipulated, when introducing the "Working Together To Improve School Attendance" statutory guidance (19 August 2024) that local authority attendance support services should be staffed at a ratio of 1 to every 5000 school enrolments within the local authority's area. In order for each local authority to be operating a fair and consistent approach in respect of their CME/EHE cohorts, a similar decision needs to be taken to ensure proportionate resources are available and funded in respect of these key cohorts of children and young people.
7. The Department for Education requires each local authority, on a termly basis, to make a data return in respect of both their CME and EHE cohorts. These returns make clear, at a national level, the levels of CME/EHE that each local authority is responsible for and the level of complexity, e.g. those with special educational needs (SEND) or social care input/intervention (via a Child in Need Plan, Child Protection Plan or local authority care proceedings), which is impacting these cohorts. We Recommend using the termly census returns that each local authority is now required to submit to the Department for Education, central funding should be provided (and appropriately ring-fenced) so that each local authority is in receipt of proportionate funding to enable them to support and safeguard their CME/EHE cohorts (We note that if all home educating families across England to decide to return their child/ren back into the mainstream school system, local authorities would have to find the required number of school places and the treasury would be required to fund all of the school places which these children would be entitled to – at a minimum cost of £4,610 per primary child and £5,995 per secondary child).
8. We support the clause in the bill giving duties to LAs to assess the home environment in EHE. Further guidance will be needed for Local Authorities regarding this assessment. Is there a graded tool that could be produced to provide a framework for decision making to avoid variance in practice and subjective decision making?
9. We support the proposed CNIS register. It has been of great concern to our members for many years that there may be children who live in local authorities who are of compulsory school age that are not registered at a school and that LA hold no record of. The CNIS register is something we have advocated for and continue to. However, we would urge some caution in making sure that the information that is required to be gathered in the register is proportionate. Only the information that is needed for Local Authorities to be able to meet their legal duties should be mandatory. This would include information that is similar to that required by the Pupil Registration Regulations for a schools admissions

register ie) Child's forename, middle name/s, surname and any preferred names they may use; Child's date of birth; Address(es) at which the child is ordinarily resident; Parent(s)'s forename, surname and salutation; Parent(s)'s address(es) Is the child subject to an Education, Health and Care Plan :The child's Single Unique Identifier (as provided for within the Bill).

10. Our members state that the current School Attendance Order (SAO) Process is not fit for purpose as it is too protracted and ineffective. It does not result in a successful return to school and engagement with education for many children who are subject to it. The existing statutory process and timescales for the issue of an order is 45 days (9 weeks in which the child continues to be missing from education). At this point if the parent does not comply with the order that has been issued proceedings must be issued in the Magistrate's Court. Our members report lengthy delays in many areas of the country in cases being listed for hearings. During this time a child continues to be missing from education. Post magistrates hearing, a child may continue not to attend school or be in receipt of a suitable education. We support the changes to the SAO process contained in the Bill but would highlight the need to consider the capacity of the courts and how this can be addressed.

11. We would draw your attention to appendix 1, our Association Policy Guidance for Members on Educational Neglect. It is the experience of our members that too many children are in a repeated cycle of long-term non- attendance (severe absence), Missing from Education and not in receipt of a suitable education. In many cases there are extensive interventions and continued non engagement from parents with services such as Early Help and with repeated Statutory and Formal Procedures. We would petition for a recognition of the significance of Educational Neglect and that all LAs and Safeguarding Partnerships clearly embed into their threshold documents when a Social Work Assessment must be completed for Educational Neglect. We would support the requirement to establish multi agency child protection teams with the inclusion of Education.

February 2025

Appendix 1

Association of Education Welfare Management: Definition of Educational Neglect and Guidance for Members

1. Principles

1.1 The UN convention on the rights of the child underpins this policy and the codes and ethics of the association should be promoted by all members working with children and their families.

“All children have these rights, no matter who they are, where they live, what their parents do, what language they speak, what their religion is, whether they are a boy or girl, what their culture is, whether they have a disability, whether they are rich or poor. No child should be treated unfairly on any basis.” (UN convention on the rights of the child; Article 2)

1.2 Central to the principles of the Association is the promotion of the right to a suitable education for all children that enables them to fulfil their potential and the statutory responsibilities of parents, schools and local authorities to ensure this.

Section 7 of the Education Act 1996 “ The parent of every child of compulsory school age shall cause him to receive efficient full-time education suitable to his age, ability and aptitude, and to any special educational needs or additional learning needs (he may have either by regular attendance at school or otherwise).

1.3 The Association’s principles and codes of ethics also state that a child-centred approach is fundamental to all attendance and safeguarding work. This is supported by Working Together to Safeguard Children 2023 and Keeping Children Safe in Education 2023.

“ A child-centred approach is fundamental to safeguarding and promoting the welfare of every child. All practitioners should follow the principles of the Children Acts 1989 and 2004.”. Working together to safeguard Children 2023.

1.4 The Association’s Principles and code of ethics recognises that the barriers to school attendance and access to suitable education otherwise are complex and require individual assessment, involving working together with parents and families to offer a support first approach to addressing barriers to accessing suitable education.

1.5 Attendance is everyone’s responsibility. Having a collaborative culture across all early help and voluntary sectors will ensure effective multi-agency working in order to increase the chance of successful outcomes.

2. Definitions

2.1 A child – For the purpose of this policy and definition of Educational Neglect, “child” refers to a child of compulsory school age, as defined under section 8 of the 1996 education Act.

2.2 Significant harm - Under Section 31(9) of the Children Act 1989, as amended by the Adoption and Children Act 2002:

- **‘Harm’** means ill-treatment or the impairment of health or development including, for example, impairment suffered from seeing or hearing the ill-treatment of another.
- **‘Development’** means physical, intellectual, emotional, social or behavioural development.
- **‘Health’** means physical or mental health; and
- **‘Ill-treatment’** includes **Sexual Abuse** and forms of ill-treatment that are not physical.

Under Section 31(10) of the Act:

Where the question of whether harm suffered by a child is considered significant, this will depend on the child’s health and development - his or her health and development shall be compared with that which could reasonably be expected of a similar child.

2.3 Neglect is defined in Working Together 2023 as the “The persistent failure to meet a child’s basic physical and/or psychological needs, likely to result in the serious impairment of the child’s health or development. Neglect may occur during pregnancy because of maternal substance abuse. Once a child is born, neglect may involve a parent or carer failing to:

- provide adequate food, clothing and shelter (including exclusion from home or abandonment)
- protect a child from physical and emotional harm or danger
- ensure adequate supervision (including the use of inadequate caregivers)
- ensure access to appropriate medical care or treatment
- provide suitable education

It may also include neglect of, or unresponsiveness to, a child’s basic emotional needs”

The NPSCC identify that broadly speaking there are 4 types of neglect.

- **Physical neglect**
A child's basic needs, such as food, clothing, or shelter are not met or they aren't properly supervised or kept safe.
- **Educational neglect**
A parent doesn't ensure their child is given an education.

- **Emotional neglect**

A child doesn't get the nurture and stimulation they need. This could be through ignoring, humiliating, intimidating or isolating them.

- **Medical neglect**

A child isn't given proper health care. This includes dental care and refusing or ignoring medical recommendations.

3. Educational Neglect

3.1 Definition of Educational Neglect The definition adopted by the association is that described by Professor Jan Howarth as:

"Educational neglect involving a carer failing to provide a stimulating environment, show an interest in the child's education (at school or otherwise), support their learning, or respond to any special needs, as well as failing to comply with state requirements regarding education and attendance."

3.2 Impact of Educational Neglect

Neglect is the most common category of abuse for child protection plans (CPPs) in England. Data published from 2019 -2023 shows that the number of children in England with a Child Protection plan for Neglect in a 12- month period as being consistently over 24,000.

(Analysis from Serious Case Reviews (SCR) 2014 - 2017 shows there was evidence of neglect featuring in nearly three-quarters (208 of the 278, 74.8%) of the SCRs examined. Features of neglect were apparent in 112 out of 165 (68%) fatal cases and 96 out of 113 (83%) non-fatal serious harm cases.

Keeping Children Safe in Education 2023 identifies that children absent from school are at higher risk of Neglect or Abuse

“Children being absent from education for prolonged periods and/or on repeat occasions can act as a vital warning sign to a range of safeguarding issues including neglect, child sexual and child criminal exploitation - particularly county lines. It is important the school or college's response to persistently absent pupils and children missing education supports identifying such abuse, and in the case of absent pupils, helps prevent the risk of them becoming a child missing education in the future. This includes when problems are first emerging but also where children are already known to local authority children's social care and need a social worker (such as a child who is a child in need or who has a child protection plan, or is a looked after child), where being absent from education may increase known safeguarding risks within the family or in the community“

DfE data shows that Children in Need (Children with a Child protection plan, Children in Need or subject to a social care assessment) consistently have the highest levels of absence and persistent absence.

High levels of absence from school impact significantly on attainment (development). The pupils with the highest attainment at the end of key stage 2 and key stage 4 have higher rates of attendance over the key stage, compared to those with the lowest attainment. At KS2, pupils not meeting the expected standard in reading, writing and maths had an overall absence rate of 4.7%, compared to 3.5% among those meeting the expected standard. Moreover, the overall absence rate of pupils not meeting the expected standard was higher than among those meeting the higher standard (4.7% compared to 2.7%). At KS4, pupils not achieving grade 9 to 4 in English and maths had an overall absence rate of 8.8%, compared to 5.2% among those achieving grade 4. The overall absence rate of pupils not achieving grade 9 to 4 was over twice as high as those achieving grade 9 to 5 (8.8% compared to 3.7%) - (DFE Attendance and Attainment Data 2018/19).

For the most vulnerable pupils, regular attendance is also an important protective factor and the best opportunity for needs to be identified and support provided. Research has shown associations between regular absence from school and several extra-familial harms. This includes crime where 90% of young offenders had been persistently absent and serious violence where 83% of knife possession offenders had been persistently absent in at least 1 of the 5 years of study - (Working Together to Improve School Attendance).

4. Potential Indicators of Educational Neglect

This list is not exhaustive or intended to act as a checklist but instead provides a framework against which members may consider Educational Neglect. Indicators have been drawn from a range of sources including existing policies on Educational Neglect which have been introduced by individual Local Authorities.

- Parent(s) consistently failing in maintaining schooling or identifying provision for their child:
 - Supporting Families Framework outcomes identifies as a Family Need - Average of less than 90% attendance (including authorised absence is optional) for 2 consecutive terms, average of less than 50% attendance unauthorised and authorised for 2 consecutive terms
 - Concerns around suitability of Elective Home Education
 - Child is off-roll and not receiving an education otherwise.
- Parent(s) failing to engage in school/Trust/LA meetings to address attendance concerns (including voluntary interventions to explore barriers and offer support/early help)
- Failure to engage as required with agencies beyond school, for example health services that leads to a delay/deterioration in their child's development, lack of consideration of a child's needs that impacts negatively on their child's learning and development.

- Parent(s) failing to attend SEND meetings or engage with intervention services that leads to a delay/deterioration in their child's development, lack of consideration of a child's needs that impacts negatively on their child's learning and development.
- Parent(s) unable to provide substantiated reasons for absences from school.
- Parent(s) failure to engage in statutory or non-statutory interventions to improve attendance.
- Parents are unwilling, rather than unable, to enforce boundaries and routines.
- Child refusal to attend school/adhere to parental boundaries.
- Impact of adverse childhood experiences or multiple moves (school/addresses).
- Pupil engagement and attendance levels are identified as seriously impeding their development.

5. Thresholds

A simple overall total percentage attendance does not provide enough detail to indicate Educational Neglect alone. Absence can relate to a range of factors some of which may indicate less concern than others. It is important to understand reasons where overall attendance appears to be of concern. Some pupils face greater barriers to attendance than their peers. These can include pupils who suffer from long term medical conditions or who have special educational needs and disabilities. Thresholds must not replace Individual Assessment (which is paramount in all cases) but support professional judgements and multi-agency understanding.

The Association recognises that Thresholds for Educational Neglect need to be agreed locally and embedded into Local Safeguarding Children Partnership threshold documents.

The Association supports the following thresholds for Educational Neglect:

The threshold for 'persistent failure' requires the following to be met over a sustained period of time:

- Parent(s) have persistently not consented to, or have failed to engage with, support services and interventions which may include Early Help.
- Parent(s) have persistently not consented to, or engaged with, specialist support services identified to meet the child's needs and remove barriers to attendance - for example CAMHS, Educational Psychologist, Paediatrician.
- Parent(s) failing to attend most school and/or LA meetings and/or engage with the support offered.
- Parent(s) unable to provide substantiated reasons for most absences from school; or, where Education is provided by parents otherwise than at school through Elective Home Education, a suitable education is not being provided.

- Child is not on roll at a school and is not in receipt of any education (i.e. they are considered to be a “child missing from education”).

Educational Threshold for ‘serious impairment of development

- Primary aged children where school attendance is 75% or less for a sustained period, as this halves the possibility of achieving Level 4, the recognised average level for a child at the end of KS2 (2018/19 national data).
- Secondary aged young people where school attendance is 75% or less for a sustained period, as this means the young person is five times less likely to achieve 5 GCSEs including English and Mathematics, the recognised average level for a young person at the end of KS4 (2018/19 national data).
- Where children are severely absent (50% attendance or less).
- Where there has been a lack of parental engagement in the support offered (single agency or Multi-Agency) to address any barriers to school attendance.

6. Interventions

Where children are not in receipt of a suitable education through attendance at school or otherwise, agencies should be following existing guidance including:

- Working Together to Improve School Attendance.
- Elective Home Education Guidance
- Children Missing Education Guidance

Pupils’ attendance at school or engagement in Elective Home Education needs to be monitored, so that, in the case of pupils at school, patterns of non-school attendance are identified and for those in receipt of Elective Home Education, concerns regarding suitability of education are identified early and support can be offered.

Where concerns are identified education professionals and partners need to actively work alongside parents to understand any barriers and how these may be removed/resolved.

Assessment and understanding of barriers are essential to offer appropriate individualised support, through meetings and action planning with parents and pupils, single agency support, referrals and signposting, Early Help Assessments and co-ordinated multi-agency support.

Where there is a lack of change/impact and/or consent/cooperation is withheld more formal procedures should be utilised and assessments should consider potential Educational Neglect.

6.1 Statutory Pathways

Penalty Notice - (Anti-Social Behaviour Act, issued in line with Local Authority Code of Conduct). An early intervention where there is irregular attendance, unauthorised absence, and reasonable expectation that this may change; discharges parental liability for conviction of an offence by paying a fine under the Education (Penalty Notices) (England) Regulations 2007.

Prosecution (s444(1) Education Act 1996) (Magistrates Court) Prosecution of a parent, under section 444 for the irregular school attendance of a child with unauthorised absence; this is a strict liability offence with limited defences.

Prosecution – Aggravated Offence (s444(1A) Education Act 1996) (Magistrates Court) Prosecution of a parent, for irregular school attendance of a child with unauthorised absence; parent knows about irregular attendance and fails, without reasonable justification, to change this.

School Attendance Order (SAO) (s437 Education Act 1996) Issued by Local Authority (breach prosecution via Magistrates Court, if not resolved). Requires parent(s) to register a child of compulsory school age at a named school, when not receiving a suitable education.

Education Supervision Order (s36 Children Act 1989) Application from the LA to the Family Court, for a 12-month order on the grounds that the child is not being suitably educated, no order principle; Supervising Officer to 'assist, advise and befriend'.

Child in Need (s17 Children Act 1989) A 'child in need' is defined under the Children Act 1989 as a child who is unlikely to achieve or maintain a reasonable level of health or development, or whose health and development is likely to be significantly or further impaired, without the provision of services; or a child who is disabled. Children in need may be assessed by a social worker under section 17 of the Children Act 1989 in relation to their special educational needs, disabilities, as a carer, or because they have committed a crime. This process for assessment should also be used for children whose parents are in prison and for asylum seeking children. When assessing children in need and providing services, specialist assessments may be required and, where possible, should be coordinated so that the child and family experience a coherent process and a single plan of action.

Child at risk of suffering significant harm (s47 Children Act 1989) Where a child is suspected to be suffering, or likely to suffer, significant harm, the local authority is required by section 47 of the Children Act 1989 to make enquiries to enable it to decide whether it should take action to safeguard and promote the welfare of the child.

7. Multi Agency Working

The Association promotes the importance of multi-agency assessment and working. For effective practice there needs to be more than an Educational Neglect Policy/definition in place. An approach to Educational Neglect needs to include:

- Developing a multi-agency understanding of Educational Neglect with key partners.
- Multi-agency development of thresholds and pathways.

- Inclusion within Local Safeguarding Children Partnership threshold documents and procedures.
- Training and development for Social Workers and other Multi Agency Partners
- Awareness raising

Example of Good Practice – Sandwell Children’s Safeguarding Partnership
[Educational Neglect - Sandwell CSP](#)

Multi-agency assessments of children’s needs should consider all aspects of the Assessment Triangle which includes education. This should be broader than considering an attendance percentage or academic outcomes. Any assessment should look to understand barriers and promoters of attendance, the child’s lived experience and if parental action or inaction is preventing a child’s access to education.

The Association also recognises that a child’s access to an appropriate full-time education may be impacted by professional/organisational action or inaction:

- Where educational provision that is alternative to full-time education is not provided/is not in line with needs and is not monitored effectively or changed/adapted to reduce the serious impairment of a child’s educational development, taking into account an individual child’s needs and wishes.
- Where a school putting in place an alternative provision has not met the checks to ensure the safeguarding of a pupil in the placement.
- Where transfer of records or known information that supports a child’s learning and developmental needs, including their social, emotional, mental health and well-being and learning needs are not shared with other professionals or transferred to new settings in a timely manner.
- Where a child is ‘off-rolled’ from a school that does not follow correct process or is off-rolled not in the best interests of the child where learning is lost but is in the interest of the school. Ofsted currently define ‘off-rolling’ as: “The practice of removing a pupil from the school roll without a formal, permanent exclusion or by encouraging a parent to remove their child from the school roll, when the removal is primarily in the interests of the school rather than in the best interests of the pupil.” It must be noted that there are circumstances where off-rolling is not unlawful – where it is in the best interests of the child and has followed due process and one of the legitimate grounds for removal from roll may be evidenced.
- Where an agency has failed to take timely action to minimise the impact of known and recognised poor parental management of educational attendance or provision.
- Where a lead agency has not ensured the child’s learning and development needs are central to multi-agency planning, monitored and challenged where improvement is required.

With thanks to

- The AEWMEducational Neglect Working Party

Recognition of the work drawn on by –

- Knowsley Council – Educational Neglect Definitions and Statutory Pathways
- Southampton City Council Practitioner Guidance Document (Educational Neglect)
- Liverpool City Council – Educational Neglect Definitions
- Sandwell Council and Safeguarding Childrens Partnership - Educational Neglect Briefing and Guidance.

Guidance and Legislation –

- Education Action 1996
- Children Act 1989
- Working Together to Safeguard Children 2023
- Keeping Children Safe in Education 2023
- Working Together to Improve School Attendance 2022
- Supporting Families Programme Guidance 2022.