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## **Overview and Scrutiny**

**Falling Through The Gaps - Children at risk,  
potentially, of being unknown to the local  
authorities**

**Children and Young People Select  
Committee**

January 2013

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**Membership of the Children and Young People Select Committee in  
2012-13:**

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## Chair's Introduction

The Children & Young People Select Committee of Lewisham Council is pleased to present this report and these recommendations. I would like to personally express my thanks, and those of the Select Committee, to all who contributed to the review, including Lewisham Council officers, Lewisham Schools staff, Lewisham Healthcare NHS Trust and local voluntary organisations. Our thanks are also due to our Scrutiny Manager, Andrew Hagger, who turned a large volume of evidence and minutes into a concise and readable report and provided suggestions for evidence and witnesses.

From the beginning we were all clear that we were not responding to or attempting to correct any particular concerns about services currently delivered by Lewisham Council, or any of the other public sector agencies looking after the welfare of children in Lewisham. On the contrary, much independent evidence, such as the Ofsted report from 2012, suggests that Lewisham's public services are doing very well in this respect. Our motivation for the Review has been the premise that "there's always room for improvement"; and our inspiration has been the watchword and title of Lewisham's Children and Young People's Plan: "It's Everybody's Business" - to do the best we possibly can in safeguarding the children for whom we have a responsibility.

Our recommendations are deliberately not prescriptive of solutions, but attempt to suggest further improvements to close some of the 'gaps' through which vulnerable children may fall un-noticed. I hope that the Mayor and Cabinet of Lewisham, and the organisations with which we work will be able to make use of our work to make some relatively small and cost-effective changes to what is done now, so our policies and practices can be even better in the future.

All too often, local authority children's services make the news because a vulnerable child has 'fallen through one of the gaps'. It's less likely that the work we've done will be so newsworthy. But if as a result we can avoid only one future investigation into such tragic consequences, for even just one child in Lewisham, then our time will have been well spent.



Councillor John Paschoud,  
Chair of the Children and Young People Select Committee

## **1. Executive summary**

- 1.1. Knowing the exact number of children living in the borough and where they are is difficult to quantify, as is quantifying the extent of the problem of children who are at risk of being unknown to local authorities. However, the Committee recognised that because of this difficulty it was important to carry out this review and to see if safeguards can be put in place to further prevent children being unknown to local authorities. Therefore the report focusses in on the potential gaps there may be in procedures, policies and protocols in and between organisations in the borough and tries to see if these procedures, policies and protocols could be strengthened to narrow those gaps.
- 1.2. Children unknown to local authorities are more vulnerable and more at risk. A child who is unknown is less likely to have any sort of effective intervention to help them and is a potential safeguarding issue. A child who is unknown is unlikely to be receiving a suitable education and therefore is at risk of failing academically and socially. Legislation and guidance sets out the responsibilities that local authorities have towards the children that live in their area, including suitable education.
- 1.3. Previous scrutiny carried out by Cardiff Council's Children and Young People Scrutiny Committee in April 2009 provided a useful starting point for the Committee and included recommendations around improved data sharing and monitoring. Work carried out by the Children and Young People Select Committee in 2009/10 also highlighted the importance of information sharing and good protocols in ensuring that safeguarding is effective.
- 1.4. The Committee found that Lewisham has well-established arrangements, structures and policies in place for identifying and supporting vulnerable children and young people, highlighted by Ofsted's report in March 2012 which gave Lewisham an outstanding mark for safeguarding services. The Attendance and Welfare Service also plays a pivotal role, including regular register checks and monitoring attendance. Lewisham Safeguarding Children Board co-ordinates different agencies that deal with safeguarding in the borough, while health services provide a point of contact for pre-school children through the Health Visiting Service and GPs.
- 1.5. Poor attendance was identified as a key indicator for potential issues surrounding a child potentially being unknown to local authorities. A child who is not in school is potentially unsafe, especially if it is not clear whether a child is being properly supervised while not in school. There are a range of tools that both schools and the local authority can use to monitor attendance, however if absence is incorrectly coded then reasons for poor attendance can be masked.
- 1.6. Unofficial exclusions are situations where a school requires a young person to leave the premises but does not record it as a formal exclusion. Unofficial exclusions are illegal and are hard to identify as they are by their nature unrecorded. A child who is unofficially excluded could potentially be put at

greater risk and may be 'unknown' during the period they are excluded from school. Lewisham has policies in place, such as the Managed Moves Policy and the Fair Access Policy, to try to provide a framework for schools and parents to be able to deal with exclusions. However the Committee found that it is not possible to guarantee that unofficial exclusions will not take place in Lewisham schools. Closer monitoring of attendance to identify potential exclusions and more information for parents could help identify and prevent unofficial exclusions.

- 1.7. Children in elective home education could potentially be unknown partly due to legislation around the issue which limits the power that local authorities have to enforce visits and ensure standards of education. Lewisham's Elective Home Education Policy outlines guidance for local authority staff and schools and there has been a concerted effort to join-up and share information with other services in the Council and across the borough with regard to elective home education.
- 1.8. Traveller children are vulnerable to being unknown to local authorities due to a number of factors, including increased chances of being removed from the school roll due to moving between accommodation, poor attendance and poor health outcomes. Support for travellers is available from the traveller Outreach worker and the School Improvement Team, however the disbanding of the Traveller Education Service has had an impact on the community.
- 1.9. Young carers face significant challenges in their lives due to the pressures of their caring responsibilities. The Committee found that young carers are at risk of being unknown due to the impact these responsibilities have, while a potential lack of knowledge of 'who' and 'what' young carers are means that they could be overlooked. Work by Carers Lewisham and Lewisham council is trying to address this issue of awareness and Lewisham has a social worker dedicated to working with young carers.
- 1.10. New arrivals could deal with many different authorities within Lewisham, including housing, health and social care, or by contacting organisations such as Lewisham Refugee and Migrant Network (LRMN) or Action for Refugees in Lewisham (AFRIL) . However there is the potential to be unknown if children have been trafficked or have otherwise entered the country illegally and do not wish to be known.
- 1.11. The Committee found that generally the procedures, policies and protocols in place in Lewisham were good, with the recommendations produced aimed at further improving performance and monitoring

## **2. Recommendations**

2.1. The Committee would like to make the following recommendations:

- R1. Ensure that arrangements are in place so that when a child with potential difficulties who was previously unknown to authorities is identified, services can be made aware of their existence. This could be of particular use for newly arrived children in the country.
- R2. Consideration should be given to how the borough's single point of contact for safeguarding concerns can be more widely known, emphasising the wider message that 'It's Everybody's Business' to take responsibility and look out for vulnerable children in Lewisham.
- R3. MPs and Councillors, who may deal with newly arrived or unidentified children in their casework, should be regularly reminded of the clear point of contact and encouraged to refer to it.
- R4. Lewisham Safeguarding Children Board should continue to regularly scrutinise data about children who are missing from education and ensure that all agencies are aware of which groups of children are locally most at risk of missing education, in order to ensure that they are given the appropriate attention
- R5. Councillors' safeguarding responsibilities should be routinely highlighted to them through the member development programme.
- R6. Schools should be reminded of the need to ensure that the use of relevant categories for recording absences should be regularly audited in detail and the Attendance and Welfare Service should continue to challenge schools on their use in order to identify instances of poor attendance.
- R7. School Governors should be supported, where needed, with training and awareness on tracking and identifying poor attendance, particularly in relation to poor attendance as an indicator of broader problems that a child may be facing.
- R8. The local authority should ensure that schools operate close monitoring of attendance when a pupil has been formally excluded or around a managed move, to ensure that an unofficial exclusion is not taking place.
- R9. Parents should be able to access accurate information to support them in dealing with exclusions, both official and unofficial.
- R10. Lewisham should encourage networking between parents and children in elective home education to provide more accessible opportunities for informal contact between those families and officers.
- R11. The local authority should take into account differences in language and communication among groups identified in the review, for example the oral

culture of Travellers or language barriers for children who are newly arrived in the country, and consider appropriate approaches when dealing with these groups to ensure that children are known to local organisations.

- R.12 A further recommendation is that the Committee undertakes a review looking at issues affecting young carers.

### **3. Purpose and structure of review**

- 3.1. At the meetings of the Children and Young People Select Committee on the 6<sup>th</sup> of March and 17<sup>th</sup> May 2012, the Committee discussed undertaking an in-depth review looking at the issue of “missing” children – those that may be unknown to the local authorities and therefore, potentially, at risk and decided as part of its work programme to undertake an in-depth review.
- 3.2. Within those discussions, the Committee noted the difficulties of knowing the exact number and details of all of the children living in the borough at all times, and also the difficulty of quantifying the extent of the problem of children who are at risk through being unknown to local authorities, but the Committee felt that it was precisely because it was a difficult problem to quantify that it was something that the Committee should further investigate.
- 3.3. The Committee therefore agreed to focus on identifying the potential gaps in statutory agency knowledge about the number of children within the local authority, which could lead to vulnerable children not being properly accounted for or cared for, and what the local authority and partners were doing to limit those gaps.
- 3.4. The Committee identified a number of “risk” factors for children being unknown to the local authorities upon which a focus may lead to a) quantifying the potential extent of the problem and b) reviewing the procedures and relationships local agencies have in place to ensure that the risk of young people being not known to any agency including schools is minimised. The Committee discussed the various areas of potential consideration within this topic, and highlighted informal exclusions, home education, new arrivals into the country, young carers and travellers as potential areas of interest within the review.
- 3.5. The Committee agreed to take evidence to attempt to answer the following key questions:
  - What arrangements does the Council and its partners, through the Children’s Strategic Partnership Board and the Lewisham Children’s Safeguarding Board have in place to ensure that young people are known to local authorities at all times and the risk of children being unknown are reduced?
  - Are they as effective as they can be?
  - Are there ways that current practices and relationships could be improved?
  - What have other councils, schools and partners successfully done to reduce the risk of young people being unknown to them?
- 3.6. The committee received information ahead of their 20 September 2012 meeting from the Children and Young People Directorate about the Lewisham approach to the groups/areas of potential interest, as well as the 2010 Ofsted report on ‘Children Missing From Education’, the report by the Office of the Children’s Commissioner School Exclusions Inquiry entitled ‘They Never Give Up On You’ , Lewisham Council’s Elective Home Education Policy, Cardiff Council’s Executive Response to Cardiff’s Children and Young People

Scrutiny Committee review of 'Children Missing From Education in Cardiff' and the Lewisham Mayor and Cabinet's response to the Children and Young People Select Committee review on safeguarding.

- 3.7. At the meeting itself, evidence was supplied by Frankie Sulke, Executive Director for Children and Young People, John Russell, Service Manager for Educational Access, Chris Doorly, Chair of Lewisham Safeguarding Children Board, Ian Smith, Director of Children's Social Care and Mark Gale, School Improvement Officer with responsibility for Elective Home Education. Steve Davies, Headteacher at Coopers Lane Primary School and Ruth Holden, Principal of Bonus Pastor Catholic College also spoke to the Committee.
- 3.8. Following the meeting, the committee was circulated Lewisham's Out of School Policy, Managed Move Protocol and the Bonus Pastor Catholic College Inclusion Policy.
- 3.9. The Committee received further evidence ahead of their 4 December 2012 meeting in the form of notes from an interview conducted by the Scrutiny Manager about young carers with Helen Hay, Service Manager for Referral and Assessment, Shareen Jenkins, Team Manager for Referral and Assessment and Pearl Morene, Young Carers Social Worker. Also included was information about the Young Carer Charter information, young carer responding flowchart and notes from an interview conducted by the Scrutiny Manager with Anne Finn (Service General Manager, Children & Young People) and Beulah Lewis (Children's Service Manager) at Lewisham Healthcare NHS Trust.
- 3.10. At the meeting itself, evidence was supplied by Brenda Downes, Traveller Outreach at Lewisham Irish Community Centre, Philip Mills, Young Carers Manager with Carers Lewisham, Ian Smith, Director of Children's Social Care, John Russell, Service Manager for Educational Access, Helen Hay, Service Manager for Referral and Assessment and Keith Martin, Service Manager for Children In Need.
- 3.11. Subsequently the committee received information about newly arrived children from Rosario Mincher, Director of Lewisham Refugee and Migrant Network as well as case studies on young carers supplied by Helen Hay, the report by Charlie Taylor, the Government's Expert Adviser on Behaviour on Improving Attendance in School and the Centre for Social Justice's review of educational exclusion entitled 'No excuses'.
- 3.12. The Committee concluded its review and agreed its recommendations on 30 January 2013.

## 4. Previous scrutiny

- 4.1. Other Local Authority scrutiny functions have carried out reviews focusing on children “missing from education”. Cardiff County Council conducted a Scrutiny Review entitled ‘Children Missing from Education in Cardiff’ which reported in April 2009<sup>1</sup>. The review was triggered in 2008, as it was reported in the local media that 125 of Cardiff’s pupils who were expected to transfer directly from their feeder primary school to the secondary school did not attend the expected secondary school. The task and finish group inquired into a number of areas relating to the processes and procedures, and organisations involved in the monitoring and investigation of incidences when it is alleged that a child has gone missing from school. In particular the Members considered partnership working, legislation and guidance, responsibilities, and data collection management and analysis.
- 4.2. The review made a number of recommendations based on their findings including: that the Welsh Assembly Government should issue statutory guidance to all Local Authorities on the expected standard practice across Wales in dealing with Children missing from Education and that it should also issue additional powers for Educational Welfare Officers to make inquiries about children who are not registered at a council school. The Cardiff review also recommended that the Local Safeguarding Board should develop and implement a ‘children missing from education’ policy approved and adopted by all members of the board to ensure compliance with Section 436A of the Education & Inspection Act 2006. They further recommended that the Local Safeguarding Board develop and implement data sharing protocols, to aid in the monitoring and control of pupils who are at risk of going missing or who arrive in Cardiff without registering with a school, and this protocol to be agreed and adopted by all members of the Board.
- 4.3. The Children and Young People's Select Committee carried out a review entitled ‘Safeguarding: Information sharing for child protection’ in 2009/2010<sup>2</sup>. The Committee wanted to carry out a detailed review into this vital statutory responsibility to assure itself, and the public, that safeguarding responsibilities were being robustly implemented in Lewisham, and identify possible improvements to safeguarding practices in Lewisham.
- 4.4. The Committee found a real commitment to robustly meeting safeguarding responsibilities across all levels of staff the Council and all partner agencies. Officers from all partner agencies demonstrated a clear organisational commitment to meeting their safeguarding responsibilities; however all accepted that embedding a culture of awareness and information sharing

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<sup>1</sup> ‘Children Missing from Education in Cardiff’, Cardiff Children and Young People Scrutiny Committee April 2009 ([www.cardiff.gov.uk/objview.asp?object\\_id=14845](http://www.cardiff.gov.uk/objview.asp?object_id=14845))

<sup>2</sup> ‘Safeguarding: Information sharing for Child Protection’ Lewisham Children and Young People Select Committee, March 2010 (<http://councilmeetings.lewisham.gov.uk/Data/Mayor%20and%20Cabinet/20100303/Agenda/87e33f2b43cc42cfa21ca65a814a2ed0SafeguardineviewbytheCYPSelectCommitteeFINALAppendixtoitem133March2010.PDF>)

through to every single member of staff at every level of every organisation in Lewisham was a challenge that they had to continue to prioritise.

- 4.5. Staff from all organisations confirmed that progress was being made in improving communication and joining up services and practices to develop a truly multi-agency approach, although all agreed that there was still room for improvement in the way in which agencies communicated and worked together.
- 4.6. It was evident to the Committee that there was a genuine desire at all levels across all agencies to continue to improve practices and communicate more effectively to safeguard children in Lewisham and that work has been done to implement previous Serious Case Review recommendations. Upon consideration of the evidence gathered, the Committee identified a number of strategic and practical recommendations to support continued improvements in communication and safeguarding practices in Lewisham. These recommendations were directed to the Council as well as specific recommendations directed to the Metropolitan Police, the Primary Care Trust (PCT), schools and the Lewisham Safeguarding Children Board.
- 4.7. One set of recommendations focussed on promoting understanding below the strategic level, including:
  - The prioritisation of the co-location of services
  - Actively seeking out opportunities for joint training across all partnership
  - Shadowing between different professionals and organisations to develop understanding
  - Listening to the direct experiences and views of children and parents who have been through the child protection system
  - Clear escalation procedures for urgent safeguarding concerns
- 4.8. Another set of recommendations focussed on mechanics of communication, including:
  - Harmonising systems or sharing ICT systems (such as through joint commissioning) to ensure that partnership organisations systems are compatible
  - A protocol for sharing confidential information between all partner organisations
  - Guidance on how, when and what method to use to communicate with families and professionals
  - Noting and agreeing the contact details of all involved parties, and the best method of communication at each case conference
  - A standardised model for recording information
- 4.9. There were also a series of organisation specific recommendations for the Metropolitan Police, the Primary Care Trust (PCT), schools and the Lewisham Safeguarding Children Board. These recommendations centred on closer working, sharing information, enhanced involvement by GPs and strong monitoring of absence management in schools.

## 5. Identifying Children at Risk

### What are the key issues?

- 5.1. Children who are unknown to local authorities are more vulnerable and more at risk. A child who is unknown is less likely to have someone notice if something happens to them and are less likely to have any sort of effective intervention to help them. Therefore an unknown child is a potential safeguarding issue. A child who is unknown to local authorities is also likely to be not receiving a suitable education.
- 5.2. All local authorities are required to make arrangements to enable them to establish, as far as it is possible to do so, the identities of children living in their area who are not receiving a suitable education. 'Suitable education' is defined as 'efficient full-time education suitable to her/his age, ability and aptitude and to any special educational needs the child may have.' Children who are not receiving a suitable education either through school, alternative provision or home education are often referred to as children who are 'missing education'.
- 5.3. Under the statutory guidance for local authorities in England, issued by the former Department for Children, Schools and Families in 2008, some children living in certain circumstances are recognised as facing more obstacles to achieving the five Every Child Matters Outcomes (being healthy, staying safe, enjoying and achieving, making a positive contribution and achieving economic well-being). This can include not receiving a suitable education. The range of obstacles could include:
  - children and young people under the supervision of the youth justice system
  - children from families fleeing domestic violence
  - children of homeless families, perhaps living in temporary accommodation, house of multiple occupancy or bed and breakfast
  - young runaways
  - children in families involved in anti-social behaviour
  - children who are on the child protection register
  - children affected by substance and/or alcohol misuse
  - unaccompanied asylum seekers; children of refugees and asylum seeking families
  - children in new immigrant families, who are not yet established in the UK and may not have fixed addresses
  - children of migrant worker families (who may not be familiar with the education system)
  - children of families who can be highly mobile, e.g. parents in the armed forces, Gypsy, Roma and Traveller families
  - children who do not receive a suitable education whilst being educated at home
  - children who have been bullied
  - children who have suffered discrimination on the grounds of race, faith, gender, disability or sexuality

- children at risk of sexual exploitation, including children who have been trafficked to, or within the UK
- children at risk of 'honour'-based violence including forced marriage or female genital mutilation
- looked after children/children in care; children who go missing from care
- children who are privately fostered
- young carers
- teenage parents
- children who are permanently excluded from school, particularly those excluded unlawfully e.g. for problematic behaviour or offending children whose parents take them abroad for a prolonged period
- children who were registered with a school that has closed, and have not made the transition to another school
- children of parents with mental health problems
- children of parents with learning difficulties
- children with long term medical or emotional problems.

- 5.4. In August 2010, Ofsted published a report entitled 'Children Missing From Education'.<sup>3</sup> The report highlighted that children missing from education, and whose whereabouts become unknown, not only risk failing academically but are also potentially vulnerable to physical, emotional and psychological harm. Children and young people who are not being educated are also at risk of failing socially. Therefore children missing from education are also the first most obvious and researchable group of children who could potentially be at risk by being out of contact and/or unknown to the local authorities.
- 5.5. In order to identify children who are not receiving a suitable education, a local authority has to know which children live in its area. None of the children's services departments in the local authorities visited as part of the Ofsted report's work were confident that they were aware of all the children living in the area.
- 5.6. Officers in the authorities visited consistently said, 'We don't know what we don't know.' Although the children's services departments had established clear protocols with maintained schools and academies for taking pupils off a school's roll, excluding them or putting part-time timetables in place, young people of secondary school age were potentially vulnerable because some schools did not follow guidelines and procedures.
- 5.7. The Ofsted report highlighted 3 strands of work carried out by local authorities: preventing poor school attendance and truancy; acting once absence occurred to establish children's safety and try to get them back to school; and taking action to trace children whose whereabouts were not known. In the best practice seen, preventing children from becoming 'missing' was a high-level strategic responsibility, often led by the education welfare service.

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<sup>3</sup> 'Children Missing From Education', Ofsted 2010  
(<http://www.ofsted.gov.uk/resources/children-missing-education>)

- 5.8. It started with promoting good attendance from the moment children started school through to the end of compulsory education, and involved paying careful attention to key transition points. Additionally, the systematic involvement of health professionals in identifying children who were not receiving any education had a positive impact on finding children who were not previously known to the local authorities and enabling them to be placed in school.
- 5.9. All but two of the local authorities in the Ofsted report had identified groups of children and young people who were perceived to be most at risk of missing education, based on national guidelines and the local area's characteristics. The Local Safeguarding Children Board regularly scrutinised the data about children who were missing from education and the actions being taken. However, even when the local authorities had clear policies and processes, with a strong emphasis on safeguarding, if schools disregarded them, this could quickly result in children and young people becoming lost to the system.

#### What is done locally?

##### Local authority

- 5.10. The local authority has a general duty to secure provision for every child in their area, suitable to their age, aptitude and special needs as well as a duty to safeguard children. Officers highlighted that Lewisham has well-established arrangements and structures in place for identifying and supporting vulnerable children and young people, with education partners key to these arrangements. The arrangements incorporate features recommended in good practice.
- 5.11. Vulnerable young people can be identified through statutory means (e.g. through a school register check), networking (where a member of the partnership identifies concerns through contact with the family), or through a complaint (by the parent, or from a member of the extended family or a member of the public).
- 5.12. The local authority has a range of methods for intervening and supporting vulnerable children, from statutory interventions such as prosecution, to holistic approaches such as the Team Around the Family, designed to tackle the wider issues the family faces. It is a minimum expectation that any child presenting concerns will have a Common Assessment Framework (CAF) form completed about them by the relevant agency and a Team Around the Child or Family (TAC or TAF) arranged, where a multi-disciplinary team of practitioners is established on a case-by-case basis to support a child, young person or family. This is designed to lead to the implementation of plans and provision of services to support them.
- 5.13. The network of support includes a range of Children's Social Care teams such as the Family Support Team (looking at early intervention with the aim of keeping cases from escalating), the Family Intervention Project (which deals with more complex cases and family work) and Targeted Family Support, as

well as Children's Centres, the Attendance and Welfare Service, the Integrated Youth Support Service, GPs, CAMHS, the Police, School Nurses and Health Visitors.

- 5.14. The local authority has a key role in the local partnership's response to the needs of vulnerable children. This includes putting in place appropriate arrangements for sharing information about these pupils and brokering packages of support.
- 5.15. The CYP Attendance and Welfare Service has a pivotal role in terms of identifying children and young people who may be at risk. Regular register checks are overseen to identify any early problems in attendance or highlight specific areas of concern.
- 5.16. The Children Missing Education Officer tracks children whose whereabouts are not currently known, and advises schools whether they can be removed from roll or not. The importance of good attendance was flagged as a crucial protective factor for vulnerable children and retaining them on a school roll helps to establish a line of accountability for that pupil. The Inclusion Officer supports schools and parents with the exclusion process, in doing so ensuring there is consistency in approaches taken and that schools and parents are aware of the relevant guidance.
- 5.17. Lewisham's Out of School policy<sup>4</sup> highlights the way that Lewisham provides for pupils that may not be attending school. Lewisham defines pupils out of school as pupils who are not on a school roll for the following reasons: they have been permanently excluded from school; they are being educated otherwise or at home; they are new to the area and difficult to place. Lewisham has a zero tolerance policy towards exclusions of pupils with a Statement of Special Educational Needs (SEN), pupils who are Looked After Children (LAC) and pupils subject to a child protection plan. The Out of School policy also defines support for those children leaving custody.
- 5.18. Ofsted recently conducted an inspection of Lewisham's safeguarding and looked after children services, with a report published in March 2012.<sup>5</sup> Safeguarding services were given a grade 1 or outstanding mark, with praise for partnerships between agencies which were described as strong and mature with a robust focus on improving outcomes for children and young people in all aspects of their safeguarding and child protection work. It identified a wide range of partners involved at all levels. The work of the fair access panel was seen as having contributed to a significant reduction in numbers of children missing from education. Ofsted pointed out that vulnerable groups were identified early, through excellent partnerships between schools and the police, and through knowledge of siblings.

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<sup>4</sup> 'Policy and Protocols for Pupils Out of School', Lewisham Council, December 2011 (<http://www.lewisham.gov.uk/SiteCollectionDocuments/PoliciesProtocolsForPupilsOutOfSchool.pdf>)

<sup>5</sup> Safeguarding and looked after children inspection, Ofsted 2012 (<http://www.ofsted.gov.uk/local-authorities/lewisham>)

## Schools

- 5.19. The attendance and attainment of pupils in vulnerable groups is a key focus for any school, given the evidence that many pupils in these groups have poorer attendance and poorer outcomes and may be more subject to exclusion. Schools are under a duty to make appropriate provision for pupils with special educational needs, including those who present behavioural problems and who might be at risk of exclusion.
- 5.20. Evidence from the Headteacher of Coopers Lane Primary School and the Principal of Bonus Pastor Catholic College highlighted the importance of safeguarding training for all staff and that the welfare of children is everyone's business. By using a collaborative approach to engage parents in their child's education and building relations with them a school is more likely to gain information on the child's wellbeing. By being engaged with parents, schools can also reduce the likelihood of a child leaving without the parents informing anyone or an unofficial exclusion taking place.
- 5.21. Schools also use a joined-up approach by working with different agencies to share information, including between secondary schools, primary schools and academy schools. Staff are encouraged to attend meetings where they can share information and best practice. Bonus Pastor Catholic College has an inclusion policy that sets out expectations of teachers, children and parents. It also sets out their safeguarding policy and approach.

## Lewisham Safeguarding Children Board

- 5.22. The Lewisham Safeguarding Children Board fulfils a number of roles, including co-ordinating different agencies that deal with safeguarding, ensuring safeguarding responsibilities are undertaken properly as well as promoting training and communication. The LSCB can oversee and pick up on issues and hold organisations to account. The Chair of the LSCB explained that serious case reviews can often highlight that organisations have little bits of information that don't get shared and that this can be a factor in cases where there have been negative outcomes for a child.
- 5.23. There are policies in place that offer guidance on sharing information and concerns. There are also procedures in place for officers to record, monitor and share information, highlighting when and how to share information.
- 5.24. Training and awareness is also offered to the voluntary sector and there are voluntary sector representatives on the board. The Chair of the LSCB informed the Committee that the last training and awareness event had 100 attendees.
- 5.25. There is also communication with different providers, agencies and boroughs across London due to people moving in and out of different areas. For example, officers highlighted a recent case where a number of boroughs worked together to share information about one family. There is a pan-London

approach to safeguarding where the borough of ordinary residence has the lead responsibility.

- 5.26. The LSCB has not carried out any specific work related to children who may be unknown to the local authorities, but welcomed the Committee looking at children at highest risk.

### Health

- 5.27. Lewisham Healthcare NHS Trust (LHT) and other health providers also deal directly with children and can help with identifying children that may be falling through the gaps. All pregnant women who attend hospital for ante-natal care are notified to the Health Visiting service, after which the Community Health Visiting Service would be notified about the birth and all families are then offered a universal health visiting service which includes regular developmental reviews for the child.
- 5.28. Under 5s will generally be known as they will be registered with GPs or have some kind of health concern where they are seen by a health worker. School-age children over the age of 5 are already in the healthcare system when they register for education as there is the transfer of care from the Health Visiting Service to the School Nursing Service. The School Nursing Service may receive information about any of the young people in the targeted groups and may continue to provide services even if the young person is not currently attending school. Therefore their contribution is vital in identifying and tracking vulnerable pupils, whether they are on the roll of a school or not.
- 5.29. Anne Finn, Service General Manager for Children & Young People at LHT and Beulah Lewis, Children's Service Manager at LHT pointed out during an interview that school aged children are more vulnerable to being missed if they move into Lewisham and do not attend school. For a child to be known to health services it will be largely dependent on them registering for services, although home visits by health workers can be useful to pick up and register siblings who may not be registered with health services.
- 5.30. Anne Finn highlighted that safeguarding is taken seriously by LHT. There is an Executive Director with responsibility for safeguarding who sits on the Lewisham Safeguarding Children Board as well as Safeguarding Advisors within LHT teams. Information sharing protocols are in place and training needs are identified clearly, with every person's needs for training on safeguarding mapped out.
- 5.31. The Committee was informed that links to GP practices and health workers are generally strong, with practices having procedures in place for sharing information. The Ofsted report on safeguarding and looked after children services<sup>6</sup> highlighted that awareness on safeguarding and child protection within primary care is very good and well embedded. The majority of GPs

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<sup>6</sup> Safeguarding and looked after children inspection, Ofsted 2012  
(<http://www.ofsted.gov.uk/local-authorities/lewisham>)

have completed training at Level 2 and named GP safeguarding leads have been identified in all GP practices and are well supported by regular meetings as well as access to supervision. Effective meetings take place regularly between GPs and health visitors to share information on vulnerable families, ensuring coordination of primary care services in safeguarding children. However, for the protocols concerning the passing on of information and making sure that a child is known to other agencies to be completely effective it is completely dependent on all individuals at all times following the protocols set in place. Other health providers also pass on information, and Accident and Emergency protocol is to always check to make sure that a child coming through its doors is known and to notify the Community Health Service.

#### Where are the gaps?

- 5.32. 'We don't know what we don't know' – it is difficult to know all the children, all the time, though this should remain the aim of local authorities.
- 5.33. If schools and other organisations don't follow guidelines and protocols or share information effectively then the knowledge that they have will not be passed on, nor will they understand the significance of information being supplied from other agencies.
- 5.34. School-aged children moving into Lewisham after 5 and then not attending school could be at risk as they are less likely to be in touch with services provided by a local agency (such as the health service).
- 5.35. There is a potential gap in between developmental reviews for the under 5s, although these are regularly scheduled by the health visitors. However, there does need to be a balance between regular checks and surveillance.

**Recommendations:**

- R1. Ensure that arrangements are in place so that when a child with potential difficulties who was previously unknown to authorities is identified, services can be made aware of their existence. This could be of particular use for newly arrived children in the country.
- R2. Consideration should be given to how the borough's single point of contact for safeguarding concerns can be more widely known, emphasising the wider message that 'It's Everybody's Business' to take responsibility and look out for vulnerable children in Lewisham.
- R4. Lewisham Safeguarding Children Board should continue to regularly scrutinise data about children who are missing from education and ensure that all agencies are aware of which groups of children are locally most at risk of missing education, in order to ensure that they are given the appropriate attention
- R5. Councillors' safeguarding responsibilities should be routinely highlighted to them through the member development programme.

## 6. Poor attendance

### What are the key issues surrounding poor attendance?

- 6.1. The Taylor report on 'Improving Attendance at School'<sup>7</sup> reiterated the link between poor attendance and lower academic achievement. Only three per cent of the pupils who miss more than 50% of school manage to achieve five GCSEs grade A\* to C, including Maths and English. It also highlighted the importance of focusing on overall and persistent absence rather than authorised and unauthorised absence, and of switching the emphasis from 'truancy' in the later years to non-attendance condoned by parents in the early years. Evidence shows that children who miss significant amounts of their education in primary school are more likely to truant later on. Non-attendance in the early years when approved by parents can become a pattern and establish poor attitudes towards school.
- 6.2. The Taylor report also highlighted that poor attendance is often a sign that there are some more serious issues going on in the child's home, but many schools have commented on the difficulty of getting social workers to take it seriously enough. If the family circumstances that are leading to children not being sent to school regularly are addressed at an early stage then further more serious and costly interventions from social care may be avoided.
- 6.3. A child not in school is potentially unsafe, especially if it is not clear whether the child is under suitable supervision while not in school. A child not in school is a potential safeguarding issue.

### What is being done locally to address the issues surrounding poor attendance?

- 6.4. Responsibility for children being educated is shared between schools and the authority. Schools are accountable for their attendance, while governing bodies have a duty to ensure that their school has appropriate policies in place to secure good attendance. The local authority is the only body with the power to prosecute parents for poor attendance, under the Education Act 1996, sections 441 and 441(a). The government definition of persistent absence refers to pupils who attend schools for less than 85% of the available sessions, and this is a key, though not exclusive, focus for the authority. Provisional figures show that Lewisham's primary school attendance in 2011-12 was 95.71%, an increase from the previous year's 95.25%. %. The authority has the second highest attendance in primary schools among inner London boroughs and is in the top quartile nationally. Secondary school attendance in Lewisham is less good.
- 6.5. Schools, supported by the local authority, have a range of tools specifically to improve attendance and help safeguard pupils, including targeted casework, truancy patrols with the police, register checks, scrutiny of data to enable

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<sup>7</sup> 'Improving Attendance at School', Charlie Taylor for Department for Education, 2012 (<http://www.education.gov.uk/schools/pupilsupport/behaviour/a00208164/taylor-review>)

effective targeting, attendance 'panels' to give parents a final pre-court opportunity to improve their child's attendance, fixed penalty notices and other forms of prosecution. These are supplemented by other forms of support for the family, designed to address the issues holistically, and accessed via the Early Intervention Service, which includes Children's Centre services, the Family Support Team and Targeted Family Support.

- 6.6. Regular register checks are carried out in schools to ensure that instances where attendance is a concern (such as unofficial exclusion, or persistent absence), are brought to light. However, officers highlighted that it is important that absence is coded appropriately, otherwise a misleading impression could be created. It has been known for schools to use codes such as C (other authorised circumstances) or B (educated off site) wrongly. This type of coding should not stand up to repeated scrutiny and part of the role of the Attendance and Welfare Service is to challenge schools about ongoing cases of persistent absence.
- 6.7. Officers explained to the Committee that the reasons why children fail to attend in primary school and secondary school can vary. Younger children are more subject to medical absences, whereas secondary pupils in the later years are more subject to disengagement. Parents are more likely to condone absence with younger children, whereas with older children they may have less influence over the absence

#### Where are the gaps?

- 6.8. Poor attendance can be an indicator of a wider issue, be it an informal exclusion, a young carer or a traveller who may need extra attention. Poor attendance may be an indication of a child heading towards becoming unknown.
- 6.9. The use of the wrong codes for absence by schools can conceal the actual reason for absence, thereby preventing those monitoring attendance from identifying what is happening and increasing the chances of a child becoming unknown.
- 6.10. Parents can inadvertently increase the chances of their child becoming unknown by condoning absences from school at an early age. This could be especially important as doing at an early age could lead to absence at a later stage.

**Recommendation:**

- R6. Schools should be reminded of the need to ensure that the use of relevant categories for recording absences should be regularly audited in detail and the Attendance and Welfare Service should continue to challenge schools on their use in order to identify instances of poor attendance.
- R7. School Governors should be supported, where needed, with training and awareness on tracking and identifying poor attendance, particularly in relation to poor attendance as an indicator of broader problems that a child may be facing.

## 7. Unofficial exclusions

### What are the key issues surrounding unofficial exclusions?

- 7.1. The issue of “unofficial” or “informal” exclusions relates to situations when a school requires a young person to leave the premises but does not record it as a formal exclusion. This might be for a fixed, usually short, period of time, or in the worst cases indefinitely.
- 7.2. While schools can exclude pupils by reason of their behaviour, provided the school acts within the law (which is explained to schools through Statutory Guidance), the practice of unofficial exclusion is illegal. The Department for Education issued guidance on this specific matter in April 2011 (‘Managing and eliminating incidents of unofficial exclusion’), which restated that the practice of unofficial exclusion is illegal.
- 7.3. Examples of the kind of illegal activity that the enquiry and the guidance noted include the following
- Unrecorded short-term exclusions to allow children to ‘cool off’
  - Students being sent home and not allowed back into school until a reintegration meeting had taken place with the parents (and which may be delayed)
  - Parents being told that their child risks being permanently excluded if they return to school after a fixed-term exclusion
  - Parents being recommended to educate their child otherwise, even though they do not realise what is involved
  - Students being sent home without being told the reason, or without the parent being told
  - Students being coerced by head teachers into moving to different schools
  - Requesting students to stay out of school for a particular reason, such as an Ofsted inspection
  - Placing pupils on study leave for longer than usual
- 7.4. A report by the Office of the Children’s Commissioner Exclusions Inquiry<sup>8</sup> provided examples of unofficial exclusions, including students being “sent home” and not allowed back into school until after a meeting has taken place with their parents. Where parents are unwilling or unable to attend this meeting, the informal exclusion can run for a week or more. Other examples involved students being coerced by head teachers into moving to different schools; and in one extreme case, a head teacher admitting to researchers that he managed Year 11 pupils from Christmas until May, with parents asked to keep their children at home for the rest of the academic year, otherwise they will be permanently excluded.
- 7.5. Pupils who are unofficially excluded are in a particularly vulnerable situation. The reasons for them being unofficially excluded in the first place may constitute vulnerability, and the position they are put in increases that, while

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<sup>8</sup> ‘They Never Give up on You’, Office of the Children’s Commissioner Exclusions Inquiry, 2012 ([http://www.childrenscommissioner.gov.uk/content/publications/content\\_561](http://www.childrenscommissioner.gov.uk/content/publications/content_561))

removing the means of support to address their issues. By definition, an unofficially excluded pupil has already fallen through the gap.

- 7.6. The Office of the Children’s Commissioner (OCC) report explained that given this behaviour is already illegal but persists in the system, further regulation is unlikely to be either necessary, or an effective deterrent. Because it is usually covert and informal with no records kept, it is extremely hard to identify and quantify. The acquisition of information therefore depends on scrutiny of procedures, on reliable sharing of data between partners who encounter examples, and on anecdotal evidence from parents or others. To protect children and young people’s legal rights, the OCC recommended that more must be done to prevent these illegal exclusions. This could include measures such as creating mandatory standard wording for documentation sent to parents in cases of exclusion.
- 7.7. Many parts of England operate “managed move” systems as an alternative to formal exclusions. Under these systems, when a school is no longer able to continue to educate and support a child as a result of the child’s behaviour or in the case of an irretrievable breakdown in relationships for other reasons, the “home” school makes an agreement with another school or an alternative educational setting for the child to move without a formal exclusion appearing on their record.
- 7.8. Systems and practice vary enormously. The OCC report found that in some cases the move is negotiated informally between head teachers, and often consists of a simple reciprocal exchange of disruptive pupils between schools. In others, there is a more formal and closely monitored process.
- 7.9. A review of educational exclusion by Centre for Social Justice<sup>9</sup> highlighted the use of managed moves (on a ‘voluntary’ basis) to remove a pupil from the school roll, though the process is subject to no regulation and little statutory guidance. The Centre for Social Justice reported that the process is being abused by some head teachers who engineer these moves with carefully chosen words and implicit threats to permanently exclude pupils contrary to the relevant guidance, with some schools are taking an ‘out of sight out of mind’ approach to challenging pupils, and getting their behaviour ‘off their hands.’ As a result the child’s learning is not carefully or adequately structured and unofficially excluded children are at risk of becoming unknown.

What is being done locally to address the key issues surrounding unofficial exclusions?

- 7.10. The authority has a duty to secure suitable provision for every child in its areas, suitable to their age, aptitude and special needs. If this is a child with behavioural issues, the suitable education may include assistance provided through the school’s delegated budget, or via a statement, or in specialist provision such as the behaviour resource at New Woodlands.

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<sup>9</sup> ‘No excuses: A review of educational exclusion’, Centre for Social Justice 2011 (<http://www.centreforsocialjustice.org.uk/publications/no-excuses>)

- 7.11. Officers explained that there is a robust approach to formal exclusions, which includes a shared understanding that there should be no permanent exclusions of Looked After Children, children with statements of special educational need or those with a Child Protection Plan.
- 7.12. Within Lewisham, only the headteacher (or the deputy head if the head is absent) has the power to recommend exclusion, which the school governors' discipline committee must then consider. The process should involve an exploration of what measures have been put in place for the pupil to address any behaviour issues, and what alternatives to exclusion have been considered. The parent has the right to make representations to the governors, for most fixed term exclusions and for all permanent exclusions.
- 7.13. Lewisham has a Fair Access Policy<sup>10</sup> which is agreed to by all maintained mainstream schools including Academies in the borough. The Policy is legally binding and is underpinned by the School Admissions Code. The purpose of this policy is to ensure unplaced children are admitted to school and receiving education without delay and to ensure all schools admit a fair share of such children. The aim is to strengthen and develop the existing admissions arrangements and procedures, with the Fair Access Panel taking account of any genuine concerns about the admission. In certain circumstances, it may be appropriate to transfer a pupil to another school to reduce the risk of the pupil being permanently excluded.
- 7.14. Lewisham also has a managed moves policy, which sets out the principles, procedures and guidance to parents and carers. A managed move must be with the agreement of the pupil's parents and the receiving school, and should have the signed agreement of the parents, known as the Managed Moves Contract. Copies of this contract and correspondences must be forwarded to the Inclusions Officer within 5 working days for the purposes of tracking and monitoring. Prior to a managed move, headteachers should satisfy themselves that the usual requirements of behaviour management have been met.
- 7.15. Officers also highlighted a number of other approaches that Lewisham has to deal with exclusions, including
- The Inclusion Officer, whose role is to challenge the school involved and set out the authority's expectations in terms of a return to school or alternative placement. It would also involve raising the matter at the Fair Access Panel,
  - The Early Intervention framework means support can be provided to families whose children are experiencing exclusion (official or otherwise), with the aim of ensuring their reintegration and addressing the wider difficulties that the family may be facing. To reiterate, schools already have

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<sup>10</sup> 'Fair Access Policy' Lewisham Council, October 2012  
(<http://www.lewisham.gov.uk/myservices/education/schools/school-admission/Pages/Fair-Access-Policy.aspx>)

a range of resources available to help these pupils and unofficial exclusion should not be an option.

- The School Recovery Board monitors school performance, and issues of concern such as high levels of exclusion, or instances of unofficial exclusion, would be reported there, and could result in the school being placed into a category of concern

- 7.16. Evidence from the Headteacher of Coopers Lane Primary School and the Principal of Bonus Pastor Catholic College showed that the approach taken in those schools is a preventative one. The aim is to avoid exclusion by using behaviour strategies and other disciplinary strategies such as internal exclusion where a child is removed from class and educated separately, or by using learning mentors. Both schools have clearly defined behaviour policies which set out the expectations of pupils. No child has been permanently excluded from a primary school in Lewisham for many years and this is seen as a measure of success of these school policies.
- 7.17. Despite the systems and safeguards mentioned above, it is not possible to guarantee that unofficial exclusions will not take place in Lewisham schools. None of the usual safeguards and support applied to formal exclusions such as daily phone calls, work sent home and planned reintegration apply to pupils who are unofficially excluded. As an unofficial exclusion is informal the parent has no formal right of appeal. They also be unaware of the child's right to a suitable education and the school's responsibility to provide this, and may lack the wherewithal to assert their concerns and rights.
- 7.18. As highlighted earlier in the report, information gathering on this group of pupils is less straightforward than for other groups where there is a reporting requirement between schools and the authority and possibly the DfE. As an unofficial exclusion can be characterised in a number of ways, partners should be alert to any situation where a child or young person is on roll of a school, is not attending, and has not been formally excluded
- 7.19. The Attendance and Welfare Service is a key source of information on unofficial exclusions. The service now routinely collects information which can help identify whether any informal exclusions are taking place. The Inclusion Officer and the Children Missing Education Officer may also encounter instances of informal exclusion. In the academic year 2011-12, the service uncovered about 14 instances of informal exclusion, 11 from secondary schools and 3 from primary schools
- 7.20. Lewisham has a zero tolerance approach to unofficial exclusions, supplementing its zero tolerance of permanent exclusions of Looked After Children and other vulnerable groups. However, it is important to establish the extent of any failure to follow proper procedures, and how any instances that do occur are dealt with
- 7.21. Case studies of unofficial exclusions that occurred in Lewisham were also presented to the Committee. In the first case study, a gap in attendance originated from the pupil not returning to school after a fixed term exclusion,

which is one of the indications quoted in national guidance of an illegal exclusion. This was followed by attempts to identify a managed move to another school, which the parents refused. There was no indication of any attempts to establish what the parents' wishes actually were. The case highlighted the limitations of the effectiveness of managed moves if parents choose not to accept them. Although the Attendance and Welfare service correctly identified this as an unofficial exclusion, this was only conclusively done after the third register check.

- 7.22. In the second case study the pupil missed school between February and May, because the attempted managed move failed, and because parents kept the pupil at home inappropriately, and the school colluded with this. The protocol agreed by schools in Lewisham is that pupils should only have one managed move, as the evidence is that repeated moves are unlikely to be successful. It was incorrect for Pupil B's absence to be marked as receiving education offsite as he was not.
- 7.23. The case studies highlight that unofficial (illegal) exclusions often follow a Fixed Term Exclusion, and the latter should be markers for investigation in the half-termly register checks by the Attendance and Welfare Service

Where are the gaps?

- 7.24. Due to the lack of definitive information available, unofficial exclusions are hard to pick up on and therefore a gap.
- 7.25. Absence after a formal exclusion or around time periods where a managed move is being negotiated or about to take place could be an indicator of an unofficial exclusion.
- 7.26. Due to the illegal nature of the exclusions, those involved are unwilling to talk about unofficial exclusions or to raise the issue.
- 7.27. A school could inappropriately and inaccurately authorise absence, creating a gap and 'legitimising' it.

**Recommendation:**

- R8. The local authority should ensure that schools operate close monitoring of attendance when a pupil has been formally excluded or around a managed move, to ensure that an unofficial exclusion is not taking place.
- R9. Parents should be able to access accurate information to support them in dealing with exclusions, both official and unofficial.

## 8. Elective home education

### What are the key issues surrounding elective home education?

- 8.1. Parents have a right under the Education Act 1996 to choose to educate their children otherwise than at school. They are required to inform the authority in writing that they intend to educate their child otherwise. Once they have done so, schools can remove the child's name from their roll, in line with the Pupil Registration Regulations. The authority has limited powers to ascertain the standard of the education being provided, as the authority does not have the right to enter the home to inspect the provision being made, unless they have reason to think there are concerns, which in some ways is contradictory. This means a 'visit' may have to take place for example in a library rather than in the family home.
- 8.2. Parents have various reasons for saying they are going to home educate. These include not being willing to accept an alternative offer of a school place when they did not get the school they wanted. This may be partly related to the greater pressure on primary school places in recent years, and the number of parents of primary children who home educate has indeed increased.
- 8.3. Evidence supplied from Children and Young People Directorate officers showed that there are also isolated instances where schools encourage parents to say they will home educate, in order to avoid an exclusion. This was reinforced by anecdotal evidence from members of the Committee who had come across examples of this either through their casework, or through their roles as school governors. However, the parent may realistically be unable to provide suitable education for the child. If the parent then decides to seek a place in another school, there is disruption both to that child's education and potentially to that of pupils in another school where they may be admitted. Lewisham's Fair Access Protocol seeks to prevent this transfer of responsibilities by requiring the original school to readmit the pupil.
- 8.4. Mark Gale, the School Improvement Officer with responsibility for elective home education (EHE) explained that attainment levels by children in EHE are generally not as good as school educated children and this is explained to parents as a potential outcome. They are not required to take SATS, GCSEs or A levels.

### What is being done locally to address the issues surrounding elective home education?

- 8.5. The actual number of EHE children increased significantly in 2011-12 (up 49% on the previous year) though in terms of the overall pupil population the change was not statistically significant. The current caseload, at the most recent available figures, is 145, which demonstrates a significant amount of churn in the system. 111 new cases were recorded from 1 September 2011, but many of these parents only educated otherwise for a short time

- 8.6. The caseload is red, amber and green rated to indicate where there may be concerns. Out of 157 children on the list at the end of the summer term 2012, 118 (75%) were rated 'green' to indicate that EHE provision is suitable and there are no safeguarding concerns. 19 (12%) were 'amber', which meant either this was a new referral where provision is unknown and a visit is required, or the provision has previously been inspected and judged suitable, but the parent is slow to engage with the authority for annual inspection or review. 20 (13%) were 'red', which means that the parent is not engaging, or poses a legal challenge (by refusing access), or the previous school has raised concerns about the family's capacity to deliver EHE. It may also indicate the authority has stated that the education is not suitable but the family continues to believe it can deliver, or the case is being monitored.
- 8.7. There are no leans towards specific ages, genders or geographic clusters for children in EHE and Lewisham has similar numbers of EHE children to neighbouring boroughs and very similar issues. Lewisham has good practice and shares it.
- 8.8. Lewisham has an Elective Home Education Policy<sup>11</sup>, which was developed in January 2012 and outlines guidance for local authority staff, the procedures for EHE children, and guidance for schools (including part-time or 'flexi-time' schooling). The system for monitoring children who are receiving Elective Home Education is well embedded in Lewisham. The authority recognises the parental right to choose to educate their children otherwise than at school, and that it has a responsibility to safeguard both education and welfare and ensure that children are being educated outside of school, of whom its officers are aware, are being provided with a suitable education. The authority has measures in place to ensure that partners should report any children being home educated of whom the authority is unaware.
- 8.9. A School Improvement Officer will contact the family to ascertain whether the education being provided is suitable. The contact is usually in the form of a visit. Regular reviews take place thereafter. If the education is found not to be suitable, the School Improvement Officer may agree a plan of action with the parent, or may refer the matter to the Fair Access Panel, which initiates a School Attendance Notice, if parents are less co-operative. This is intended to prompt the parent to say what arrangements they are making for their child's education, and can lead to prosecution if the parent refuses to co-operate or does not satisfy the authority that the arrangements are suitable. A school place would normally be identified during this process and the child would be expected to start there by a given date.
- 8.10. The EHE Safeguarding Board meets twice a term with representatives from across CYP and Health to discuss EHE cases where there may be concerns over a child.

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<sup>11</sup> Elective Home Education Policy, Lewisham Council, January 2012  
(<http://www.lewisham.gov.uk/SiteCollectionDocuments/ElectiveHomeEducationPolicy.pdf>)

8.11. Developments in the School Improvement Service have meant enhanced join-up with other services across CYP and Health to explore unknowns, risk assess, problem-solve and monitor progress. Enhanced tracking and monitoring systems are now in place and there is increased frequency of visits and contact with families. There is also increased challenge to parents who refuse access to their children as the authority argues that they have a statutory duty to ensure that the welfare and education of all children and young people is safeguarded.

Where are the gaps?

8.12. Legislation around EHE means that local authorities lack the power to enforce visits to ensure standards of education and safeguarding.

8.13. If parents are uncooperative there is a danger of a lag, which could be months, between the Council being informed a child is being EHE and the visit.

8.14. There is a potential link between a child being declared EHE after problems with a school and an unofficial exclusion.

8.15. A child who has never been in the school system would not be picked up by School Improvement Officer as there is no requirement for the parents to notify the local authority.

**Recommendation:**

R10. Lewisham should encourage networking between parents and children in elective home education to provide more accessible opportunities for informal contact between those families and officers.

## 9. Traveller children

### What are the key issues surrounding traveller children?

- 9.1. The 2011 Census categorised Roma and Irish Travellers as distinct ethnic groups, for the first time. Recent estimates of the numbers of Travellers living in Great Britain vary widely, from 15,000 to 300,000. As children of Travellers often grow up outside conventional health and education systems, their progress and outcomes can be significantly worse than those of other groups, in particular a high mortality rate. This was supported by Brenda Downes, the Traveller Outreach worker with Lewisham Irish Cultural Centre, who provides access to services, advice and some advocacy to Travellers, both adult and children.
- 9.2. Brenda Downes informed the Committee that Traveller children are amongst the lowest achieving and lowest attending in schools and suffer from both a general lack of access and a lack of successful access. Their high mobility means that they can be queuing for places in schools, especially in inner London and in secondary schools mid-term. The Ofsted report 'Children missing from education' highlighted that schools in the authorities visited did not always follow the legislation on attendance which requires them to keep Traveller children on the roll of their 'base school'. The result was that if the school was full, Traveller children were unable to be readmitted when they returned to the school.
- 9.3. Further evidence from Brenda Downes highlighted that Traveller communities are still nomadic, but that there has been a shift from elective nomadism (such as moving to different traveller sites or physically moving) to forced nomadism where families are in private sector rented accommodation and move every 6 months at the end of tenancies due to the instability of rental contracts and a lack of records and references. Accommodation is frequently of a poor standard, which can also contribute to the low level health issues in children.
- 9.4. Traveller communities tend to have low levels of literacy. Previously there had been efforts to improve education for travellers via the Traveller Education Service, which had a national network contacting the receiving borough when travellers moved to the area and was quite efficient. However, the service was disbanded in 2011 and the loss of it has had a significant impact. Support for Travellers was mainstreamed, which relies on support and effort to make sure that education and awareness of needs is built into those mainstream services. The Traveller Education Service had a 100% secondary transfer record, but Brenda Downes informed the Committee that she had come across Traveller children that had not made the transfer, with 8 or 9 identified over the last 2 years.
- 9.5. Communication by official bodies is largely via textual and IT means, such as an email or a letter. However, as pointed out by Brenda Downes, traveller culture is generally oral so obtaining responses to this approach is not always successful. This means that Travellers may not be able to access services as successfully.

- 9.6. Within Lewisham, of the 63 Traveller pupils identified in the Schools Census, 22 (34%) were persistent absentees, meaning they attended school on less than 85% of the available sessions. Previous research by the Attendance and Welfare Service showed that on average, Travellers had the worst attendance of any ethnic group.

What is being done locally to address the key issues surrounding Traveller children?

- 9.7. The January 2012 school census showed there were 63 Travellers recorded as being in Lewisham schools (43 nursery and primary, 20 secondary). Figures were from nursery, primary and secondary schools and academies. The previous year there were 75 (57 nursery and primary and 18 secondary). Officers stressed that these are small samples and it would probably be wrong to draw firm conclusions from them, but that secondary numbers are much smaller than the primary, suggesting possible disengagement at secondary age. There were no Travellers recorded as being in years 12 to 14. Brenda Downes estimates that there are around 223 traveller children in or around the borough.
- 9.8. The Attendance and Welfare Service works closely with community representatives on the Traveller Forum and the Irish Community Centre to reduce the marginalisation that Travellers can experience. Their work includes embedding stricter expectations in schools about the attendance of Traveller children and helping make services more accessible to them.
- 9.9. A member of the School Improvement Team has strategic responsibility for traveller education, though the immediate responsibility for education of Travellers rests with schools. Schools are well aware of the need to differentiate their support to Traveller children and to monitor their attendance closely.
- 9.10. Brenda Downes also meets with the School Improvement Team and social workers to take a preventative approach. As part of this preventative approach there are also links to different agencies providing support and services. There are often a series of complex needs for her clients, but once involved with a Traveller family she is able potentially identify if children within that family may be at risk. Clients are mostly self-referred, though there are increasing tenant and welfare referral concerning children and referrals may come via agencies such as police and education.
- 9.11. The Traveller Community was used to having trusted workers who they know, though this has largely gone due to mainstreaming of services. As staff turnover, local knowledge about Travellers can be lost so the clear handover of information is important.
- 9.12. Obtaining a statement of Special Educational Need can be quite difficult for traveller children due to them moving. Some counties and boroughs have

agreements in place to share information and build upon it. Brenda Downes informed the Committee that Kaleidoscope in Lewisham does well in obtaining statements of Special Educational Need for Traveller children.

Where are the gaps?

- 9.13. Due to the disbanding of the Traveller Education Service and the mainstreaming of services there is a potential lack of awareness among service providers of the specific needs of traveller children and the issues faced by them.
- 9.14. Traveller children are at risk of being inappropriately taken off the school roll.

**Recommendation:**

R11. The local authority should take into account differences in language and communication among groups identified in the review, for example the oral culture of Travellers or language barriers for children who are newly arrived in the country, and consider appropriate approaches when dealing with these groups to ensure that children are known to local organisations.

## 10. Young carers

### What are the key issues surrounding young carers?

- 10.1. Young carers are children and young people under 18 who provide regular and ongoing practical, personal care and, or emotional support to a family member who has a physical, learning or mental disability, or who misuses substances, or where there are issues of domestic violence.
- 10.2. A young carer's role within a family can vary according to the nature of the illness or disability, the level and frequency of the family member's need for care and the family structure as a whole. Young carers often take on practical and/or emotional caring responsibilities that would normally be undertaken by an adult within a family. The tasks undertaken by a young carer can leave them significantly disadvantaged in terms of them being able to enjoy and achieve in their lives and maintain their school work. The mental health of a young carer could be affected.
- 10.3. Nationally there are estimated to be one million Young Carers.<sup>12</sup> 56% are girls, 56% live in lone-parent families, one in ten are caring for more than one person, and 20% receive no support other than that provided by their Young Carers link.<sup>13</sup>
- 10.4. Barriers and challenges that young carers face include:
  - Social Exclusion
  - Guilt
  - Physical & Emotional Health Problems
  - Missed Youth
  - Few Qualifications
  - Restricted choices as an adult
  - Expected to have poorer life outcomes
- 10.5. These challenges can lead to children being unknown to local authorities. A child may be missing school and have poor attendance due to caring commitments, have behavioural problems that can lead to issues around exclusion (either official or unofficial) or be pulled out of school to be home educated so they can be at home to help. Due to caring commitments young carers may not be able to socialise or leave the home very often, further cutting them off from potential contact with authorities. The focus on the needs of the person they care for, which can often be very serious, could also mean that agencies in contact with the family overlook the needs of the young carer.
- 10.6. Lack of awareness is a problem, as children and young people carrying out caring responsibilities do not always recognise themselves as 'carers'. Evidence from officers and from Philip Mills, Young Carers Manager with

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<sup>12</sup> National Carers Strategy, 2008

<sup>13</sup> 'Young Carers in the UK 2004', Chris Dearden and Saul Becker

Carers Lewisham showed that carers often feel that it is wrong to want or seek outside intervention and that there can be a fear of social services so families are wary of services or interference. Also adult services don't always think "family" and health professionals do not routinely refer Young Carers to social services.

- 10.7. Schools will often pick up on a caring situation due to issues such as being late to school, poor attendance or falling standards in their work. The identification of young caring situations can assist schools in monitoring and supporting pupils to reach their potential, with better understanding of their situation if they are aware that they have additional responsibilities at home.
- 10.8. Until there is an assessment in the home it is difficult to tell whether a case has crossed from a child helping out in a family situation to a carer situation. Not all young people referred to Carers Lewisham are carers, but this is a low amount.
- 10.9. Getting the person being cared for into appropriate services is important, as this is the primary concern for the young carer, as well as providing provide respite for the young carer and allowing them to engage in activities so they can have fun, which is important for children.
- 10.10. The Committee raised concerns over children who may have been brought over to the UK to take on caring responsibilities. Officers indicated that for many of these children the usual methods of identification would apply, however those that were in the country illegally may avoid getting in touch with authorities and could be missed.

What is being done locally to address these?

- 10.11. There are 511 young carers registered with Carers Lewisham and there is rolling waiting list throughout the year. Research from Carers Lewisham<sup>14</sup> suggests that one in ten children or young people are Young Carers. This would equate to 6,500 in the borough. One in three Young Carers have regularly missed school, or experienced educational difficulties because of their role.
- 10.12. Carers Lewisham provides support to carers in Lewisham generally, with 21 years' experience of supporting Young Carers. They are funded partly by LBL and the PCT but currently get nearly 40% of the cost of providing the services from Trusts and other donors. They are a holistic service to support all carers and the main organisation within Lewisham dealing with young carers. Their aims are to improve life skills and learning for young carers, reduce inappropriate care for young carers and to improve self-esteem, confidence and resilience for young carers.

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<sup>14</sup> 'Still Unseen and Unheard' 2009 <http://www.carerslewisham.org.uk/wp-content/uploads/2011/12/Still-Unseen-and-Unheard-Web.pdf>

- 10.13. Young carers will often come into contact with Children's Social services when they cross the threshold of needs in relation to other areas of social work, such as concerns over safeguarding or opportunity. Referrals will therefore come from other areas. There is no specific legislation attached to provision for young carers, so Lewisham's approach is based on best practice for children and whether they cross the threshold of need.
- 10.14. Children's Social Care has one Young Carers Social Worker who worked with 32 cases between August 2011 and August 2012, and currently holds a caseload of 17. The Young Carers Social Worker will tend to be involved with the more complex cases and therefore the uses a case-led approach.
- 10.15. There is an internal process flowchart which provides a guide for Lewisham officers responding to the needs of young carers and their families. Sharing information about young carers is important and happens often within Lewisham, such as within and between teams in Children's Social Care and also with Adult Social Care, Mental Health and Carers Lewisham. Approaches such as Team Around the Child/Team Around the Family will enable information sharing to take place especially if there are concerns over safeguarding.
- 10.16. Carers Lewisham and the Young Carers Social Worker work in partnership to address and support young carers' needs, and have been undertaking a number of projects to improve the way they work together, including:
- A more streamlined and systematic way of collating data on young carers within Lewisham, with information specific to young carers who are excluded.
  - Redrafting the protocol between Lewisham Council and Carers Lewisham
  - Revised the terms of reference for the Young Carers Steering Group
  - Work closely with voluntary sector organisations who may be able to either provide assistance for the person being cared for or be able to identify a young caring situation
- 10.17. Raising awareness of young carers both internally and externally is important. Officers explained that, as recommended by the March 2012 Ofsted inspection of safeguarding and looked after children, Lewisham has made a push to encourage schools to sign up to the Young Carers Charter, which recognises and supports young carers. Additionally, awareness has been promoted within other areas of social care so that professionals in contact with families will recognise and identify young caring situations
- 10.18. GPs are well placed to gather and share information about their patients, especially if they have concerns about alcohol or substance misuse or a parent's physical or mental health.

Where are the gaps?

- 10.19. There can be reluctance and lack of awareness among young carers and their families (including parents and siblings) to approach authorities or to

recognise their situation and the potential impact for the young carer. This can be coupled with a reluctance to approach authorities to seek assistance.

- 10.20. There can be issues between adults and children's services about who is responsible for Young Carers needs this is particularly highlighted when the cared for person is a parent and due to their disabilities etc they have difficulty getting children to school. There are also issues about who is responsible for caring out Statutory Carers Assessments for young carers 16-18 who are legally entitled to them.
- 10.21. There is a potential link between young carers and children in elective home education.
- 10.22. There are a large number of potential young carers not been identified as such (potentially 6000 out of 6500 young carers not in contact with anyone about their caring)
- 10.23. GPs could be well placed to identify a child who is a young carer and pass on information, but due to concerns over the (potentially very serious and urgent) needs of the person receiving care the young carer situation could be overlooked.

**Recommendation:**

R.11 A further recommendation is that the Committee undertakes a further review looking at issues affecting young carers.

## 11. Newly arrived children

### What are the key issues faced by this group?

- 11.1. Data from the Migration Policy Institute shows that in 2004, the latest date for which information was available, there were 33,205 young people under the age of 16 who were granted leave to remain in the UK. This was about a quarter of the total number allowed entry.
- 11.2. The School Admissions Code<sup>15</sup> states that admission authorities must treat applications for children coming from overseas in accordance with European Union law or Home Office rules for non-European Economic Area nationals.
- 11.3. Newly arrived children can face a number of different issues and challenges, among them:
  - Disorientation, culture shock, confusion.
  - Fear of authority (police, officials, professionals)
  - Lack of language to express their needs.
  - Locating the right support services.
  - Lack of knowledge about asylum and immigration.
  - Fear about being put into a detention centre/ deportation.
  - Finding the right immigration advice.
  - Being exploited by people impinging on their vulnerability.
  - Depending on their experiences, trauma and PTSD symptoms.
- 11.4. Government guidance on this area is not entirely helpful, and can be contradictory. Different government departments have been known to have differing approaches to young people who have limited right to remain.
- 11.5. Experience from cases considered by the Local Safeguarding Children Board shows that a family's immigration status can impact on their willingness to engage with services, which in turn can lead to disadvantage

### What is being done locally?

- 11.6. Data from the 2011 Census showed that, apart from the City of London, Lewisham has the lowest number of short-term migrants of any Inner London authority (1300), while data from the Admissions Team shows that in the academic year 2011/12, 236 pupils who were new arrivals were admitted to Lewisham secondary schools.
- 11.7. New arrivals are identified and supported through a range of partner contacts, such as Customer Services, health and housing. Commonly, their status is flagged up when they apply for school places, or by schools on admission.

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<sup>15</sup> 'Schools admission code', Lewisham Council, February 2012  
(<https://www.lewisham.gov.uk/myservices/education/schools/school-admission/Pages/School-admission-appeals.aspx>)

- 11.8. Schools are well equipped to support new arrivals who are not fluent in English. There are programmes at Abbey Manor College and Lewisham College which provide for new arrivals in the latter stages of year 11, but the usual expectation is that new arrivals will be accommodated in schools up to that point.
- 11.9. Children or young people who are new arrivals should be identified by services at the first point of contact. Typically, this may be when the family applies for a school place or seeks support from Children's Social Care. Although schools do not have a duty to admit pupils who have visas for less than six months, the local expectation is that schools will admit pupils irrespective of their immigration status. This serves as a protective factor and enables pupils to access other services.
- 11.10. New arrivals may become known to Children's Social Care if they are unaccompanied minors. The Care Planning Panel links young people to Health and Education services, as well as addressing their social and emotional needs. If the young person has a family connection in Lewisham, this authority takes responsibility for them. If there is no such connection, and the young person is 16 or 17, there is a rota system managed by Croydon for allocating the young person to an authority.
- 11.11. Organisations in Lewisham such as the Lewisham Refugee and Migrant Network (LRMN) and Action for Refugees in Lewisham (AFRIL) provide advice, support and counselling to asylum seekers, refugees and migrants. Information supplied by LRMN highlighted that their responsibility is to attend to immediate needs for food, subsistence and shelter; to ensure access to appropriate services such as health and housing and to contain any emotional trauma and seek further specialist support. They also advise them on their rights and entitlement in the UK including immigration advice and assistance.
- 11.12. Since April 2012 LRMN have dealt with 4 children as new arrivals. If someone is claiming asylum and have presented themselves to the nearest immigration officer, they should be directed to the right services which could include an organisation like LRMN. If they have children they could be directed towards social services depending on the individual circumstances. If they are unaccompanied minors then arrangements ought to be made for referrals to social services.
- 11.13. It can be difficult for an organisation such as LRMN to pick up on children if they do not actively approach the organisation. Referrals often come through friends of clients and it is possible to reach them through their communities and social networks if they are in touch with them. Alternatively, if they are being looked after by relatives then contact with relatives could be appropriate.
- 11.14. LRMN also works in partnership with other agencies. Generally their experience is that it works well although occasionally differences in working methods can arise. There are often referrals from social services for immigration advice for minors and LRMN and they work closely with voluntary

sector agencies around domestic violence, homelessness, mental health and destitution.

- 11.15. LRMN shares information very sensitively, working with the family to ensure that appropriate links are made with health, education, immigration and social services. Confidentiality is vital to their work and they only share information as agreed by clients; however, if a child is at risk, immediate steps can be taken to contact social services and this does not require parental consent. LMRN follow up on all referrals, often working in partnership with agencies to support the family as they go through the asylum/ immigration process.
- 11.16. LRMN feel that sharing information works well if it is done sensitively with the needs of the client at the heart of the communications. More dialogue and working to create a shared understanding with other agencies is important, and that the best interest of the client are paramount. Mainstream agencies often misunderstand the issues faced by asylum-seekers and migrants in trying to adapt to a new country and find appropriate support. This could be improved by working with organisations like LRMN in cross-cultural awareness and communication.

Where are the gaps?

- 11.17. Children can potentially fall through the gaps and not be picked up if a child has been trafficked into the UK under false papers or using a falsified (older) age.
- 11.18. If a family has entered the UK unofficially and does not get in touch with education/ health/ community services or if a family goes 'underground' and does not declare themselves to any authority or organisation then they may not be picked up and identified.

**Recommendation:**

- R3. MPs and Councillors, who may deal with newly arrived or unidentified children in their casework, should be regularly reminded of the clear point of contact and encouraged to refer to it.
- R11. The local authority should take into account differences in language and communication among groups identified in the review, for example the oral culture of Travellers or language barriers for children who are newly arrived in the country, and consider appropriate approaches when dealing with these groups to ensure that children are known to local organisations.

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