

Counting children outside state education in England 2022

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Issues in the context of 'counting children outside state education' in England

1. MPs, Children's Commissioner and media accuracy.
2. Misleading framing leading to misleading arguments for policy need and practice.
3. Clarity of definition in the meaning of "Children Not in Education".
 - Absence; (persistent or "severely absent")
 - Children counted as "Elective Home Education" (EHE);
 - Children counted as "Children Missing Education" (CME);
 - Children "off the radar" and not counted anywhere;
 - Multiple systems and Unique identifiers. Police, Education, Social Services.
4. Children's rights.
5. Proposals

What we are doing

We are talking to people in organisations and academics with intersectional interests from across the fields of safeguarding and child protection, education, SEND, data protection, law, and human rights. We want to bring together experts and those affected. We want

- to increase the accuracy of informed knowledge and quality of public debate;
- to give those concerned about the issues a place to stay up to date with policy changes and proposed legislation;
- to understand shared concerns and consensus, as well as areas of disagreement;
- to be able to draw on expert and experienced voices who may wish to sign on to upcoming campaigns, briefings for policy makers, and open letters to press; and
- to create a 'go to' selection of volunteers for journalists' enquiries.

We have written to the Children's Commissioner, the Department for Education, and the Office of the Information Commissioner. Working on access to National Pupil Database by Home Office and Policing.

We need help with

- A go-to place-holder: drafting content for a webpage within our own
- Facts and figures
- Parliamentary reporting / blogs
- Media tracking
- Press and journalistic work
- Stakeholder contacts
- Report of data distribution and access across the public sector akin to the Health and Care Bill ask
- Spotting what are we missing?
- This is not a new fight, we need your experience and expertise.

In receipt of a suitable education

People of legal guardianship have the duty to ensure a child of compulsory age receives a suitable education. **This does not mean that the child has to attend a school** – it is possible to fulfil this duty in a broad variety of ways outside state settings.

What is the compulsory age to be in education in England and Wales?

A child is of age at the beginning of the 1st term after their 5th birthday, so:

- children who turn 5 between 1st January and 31st March will be of compulsory age at the beginning of the school term after 31st March;
- children who turn 5 between 1st April and 31st August will be of compulsory age at the beginning of the school term after 31st August;
- children who turn 5 between 1st September and 31st December will be of compulsory age at the beginning of the school term after 31st December.

A child remains of compulsory age until the last Friday in June in the school year that they turn 16. From September 2013 all 16 year olds must remain in education or training until the end of that academic year and from September 2015 they will be required to continue until their 18th birthday.

Absence (persistent or “severely absent”)



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Absence (persistent or “severely absent”) (a)

February 2022: Department for Education estimated persistent absence levels to be around 21% (including Covid related absences) and severe absence levels were estimated at 1.1%.

Historically, the main driver for absence is *illness*. In 2020/21, this was 2.1% across the full year. This is a *reduction* on the rates seen before the pandemic (2.5% in 2018/19). The number of pupils persistently absent increased to 501,642 in secondary schools in autumn 2020, compared with 454,167 in 2019, not including non-attendance in covid circumstances.*

Persistent absence is **when a pupil enrolment's overall absence equates to 10 per cent or more of their possible sessions** (one school day has two sessions, morning and afternoon.)

1.1% of pupil enrolments missed 50% or more of their possible sessions in 2020/21.

Children with additional educational and health needs or disability, have unsurprisingly, higher rates of absence. During Covid, the absence rate for pupils with an EHC plan was 13.1% across 2020/21.

“Authorised other reasons has risen to 0.9% from 0.3%, reflecting that vulnerable children were prioritised to continue attending school but where parents did not want their child to attend, schools were expected to authorise the absence.” ([DFE data, academic year 2020/21](#))

There is government Statutory Guidance called *“Ensuring a good education for children who cannot attend school because of health needs”* (Published in May 2013).

The DfE says 87.4% of pupils are attending. It is unclear what the necessary purposes are of this new national data collection for each and every named child, not statistics (8,422,521 children in state educational settings) every day.

*<https://www.gov.uk/government/news/new-measures-to-increase-school-attendance>

Absence (persistent or “severely absent”) (b)

Headline facts and figures - 2020/21

Summary

Rate of sessions recorded as not attending due to COVID circumstances

21.3%

▶ [What is this?](#)

Overall absence rate

4.6%

Down from 4.7% in 2018/19

▶ [What is this?](#)

Percentage of persistent absentees (10% or more missed)

12.1%

Up from 10.8% in 2018/19

▶ [What is this?](#)

- 21.3% of possible sessions in the 2020/21 academic year were recorded as not attending in circumstances related to coronavirus. This includes pupils self-isolating and shielding, including when a class or bubble has been required to stay at home, and includes the period of national restrictions in Spring term 2021 when 57.5% of sessions were recorded as not attending. Schools were expected to provide immediate access to remote education.

- A further 4.6% of sessions were recorded as absence in 2020/21. This equates to over 58 million days.
- 12.1% of enrolments missed 10% or more possible sessions in the 2020/21 academic year.

<https://explore-education-statistics.service.gov.uk/find-statistics/pupil-absence-in-schools-in-england> March 24, 2022

Absence (persistent or “severely absent”) (c)

Information caveats:

Note that (1) the 2019 Guide to Absence Statistics suggests that, “Year on year comparisons of local authority data may be affected by schools converting to academies.” https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/787314/Guide_to_absence_statistics_21032019.pdf

(2) The persistent absence threshold has consistently been made easier to reach since 2010

3.2 Persistent absence methodology

The persistent absence measure was introduced in 2005/06. The sections below outline how the measure has changed since it was implemented.

In published releases, to allow users to compare over time, time series information is recalculated following any methodology change.

3.2.1 Overview of persistent absence measures used since 2005/06

Table 2: Persistent absence measures since 2005/06

Description of persistent absence measure	Academic years
10% or more of sessions missed (based on each pupil's possible sessions)	2015/16 onwards
Around 15% or more of sessions missed (based on a standard threshold)	2010/11 to 2014/15
Around 20% or more of sessions missed (based on a standard threshold)	2005/06 to 2009/10

Media reporting June and July 2021



Elective Home Education ("EHE")



Media reporting January 2022



As reported in the Telegraph of January 18, 2022 "Thousands of children have fallen off the radar during lockdown." The article contains various quotes attributed to the Children's Commissioner, about databases, public authorities and their statutory duties.

- "there is no national database of children who are not on the school roll"
- "some youngsters have dropped off the school roll altogether, meaning they are not even captured by DfE data"
- "we need to know where they are"
- "these children were not enrolled in school nor were they known to the local authority"

January 18, 2022 <https://www.telegraph.co.uk/news/2022/01/18/thousands-children-have-fallen-radar-lockdown-warns-dame-rachel/>

Elective Home Education (EHE)

What is a suitable education?

The education must be:

- full-time;
- efficient – the education must achieve what it sets out to achieve;
- suitable – to their age, ability and aptitude and any special educational needs they may have. The education must equip the child for life within the community and must not limit a child's options in later life.

In autumn 2018, ADCS issued a survey to all 152 local authorities (LAs) in England to understand better the volume and characteristics of this cohort of children and young people who are known to be home schooled and the support on offer to them and their families. They published the report : Elective Home Education Survey 2018

Of all 152 local authorities (LAs) in England 106 responded to the ADCS and recorded a total of 40,359 children and young people known to be home schooled on school census day, 4 October 2021

February 2022 "More LA's had clearer data on the number of children who were receiving Elective Home Education (EHE), and responses suggest that an average of 0.9% of children in each LA are home educated." (Attendance Action Alliance, February 2022) (Note: 0.9% of 8.8 million = ca. 79,500 - private?)

Elective Home Education (EHE) 2: The ADCS 2018 survey

In autumn 2018, ADCS issued a survey to all 152 local authorities (LAs) in England to understand better the volume and characteristics of this cohort of children and young people who are known to be home schooled and the support on offer to them and their families. Headline findings from this exercise include:

- 106 responding LAs recorded a total of 40,359 children and young people known to be home schooled on school census day, 4 October 2018. It can therefore be estimated that there were 57,873 children and young people being home schooled across the 152 LAs in England. This represents an increase of approximately 27% from 5 October 2017, when this exercise was last carried out
- Across the 106 responding LAs, the number of known home-schooled children and young people has increased in each of the past five years, by an average of approximately 20% each year
- Overall there is a significant jump in the number of children being home schooled between key stages one and two. Key Stage 4 saw the largest percentage increase of those being home schooled from 2017 (32%), however, the majority are in Key Stage 3
- LAs reported that an average of 11% of their home schooling cohort were known to children's social care, both historic and/or current. On average, 18% of their home schooling cohort were known to wider children's services, meaning that nearly a third of the known cohort had some contact with children's services
- At any one point in the academic year, a total of 54,204 children and young people were known to be home schooled in 105 responding LAs, meaning somewhere in the region of an estimated 78,466 were known to be home schooled in England during 2017/18
- A combined total of 515 School Attendance Orders (SAOs) were issued relating to the suitability of home schooling. This represents a relative increase of approximately 112% from 2017
- The majority of respondents reported that over 80% of their known cohort had previously attended school, with general dissatisfaction with the school being the most commonly cited reason for families choosing to home school.

Elective Home Education (EHE) 3: The Education Select Committee Enquiry

Letter from Robert Halfon to Gavin Williamson, December 2020:

"We take on board the point made during the session that a register on its own would not achieve much. It would need adequate resourcing and a clear purpose, along with sensitive and consistent communication. Indeed, one measure of its success would likely be the extent to which more consistency of support is available to home educating families.

As a witness put it on 24 November, 'one of the roles of a register is to rule out all those children that you don't need to have worries about.' The purpose for any register should not be to intrude into the lives of those choosing the option to home educate, but instead to ensure that the minority of children who might need further support are able to access it."

Children Missing Education (CME)



Children Missing Education (CME)

Key Issues

- CME Definitions
- How to move children into the CME definition at LA level
- "Only a small number of LA's were able to estimate the number of Children Missing from Education in their area, but based on these responses the Children's Commissioner's Office estimates this to be around 9,000 across England." (*Attendance Action Alliance, February 2022*)

Children Missing Education (CME) definitions (a)

The 2014 National Children's Bureau (NCB) report found the same lack of consistency as we do in 2022.

i) The definition of children missing education

Our FOI request and review of the legal and policy frameworks revealed a lack of clarity about the terms used for children who are missing education, and a number of local authority respondents indicated concern that the definition differs between the statutory guidance and the inspection frameworks. For example, while the Department for Education's statutory guidance refers to 'children missing education', Ofsted's inspection documents refer to children 'missing from education' or 'missing and absent from education', and its thematic report looked at 'pupils missing out on education'. These phrases arguably have different meanings and may require different educational or social service responses.

Recommendation: The national review into CME should seek to set out a clear definition of the children and young people under consideration, and this should be used consistently in all statutory guidance and relevant inspection frameworks.

Children Missing Education (CME) definitions (b)

The 2014 NCB report found the same problems with consistency eight years ago, as we did in 2018 in the count of children in AP, measured in the Alternative Provision Census.

ii) Data collection

There is currently no system for collecting national data on the number of CME over a given year or on a particular day, making it very difficult to establish an accurate picture of the extent of the problem, monitor trends and scrutinise performance by local authorities, schools and their partners. At the same time, our FOI request and investigations by Ofsted show that data collection at the local level is inconsistent.

Different local authorities are gathering data annually, monthly or for a given day.

At the same time, local authorities are taking varying approaches to collecting demographic information or information about the reasons for a child missing education, and Ofsted found that, in the majority of local authorities examined, systems for tracking children are not sufficiently robust.

Recommendation: The national review into CME should assess existing systems for national and local data collection and monitoring, and put in place a consistent approach across local authorities.

Children Missing Education (CME) definitions (c)

The 2018 NCB report (based on 2016-17 data) found the same ongoing inconsistency of conflation of definitions.

A child can become CME for a variety of reasons. They may have moved into a different local authority or from abroad and find no school place available. They may have been withdrawn from school because of bullying, or there may be no school places available that can meet their special educational needs. They may have been unofficially excluded from school, or taken off the school roll after a long period of unexplained absence⁵.

Ellison, R. and Hutchinson, D. (2018) 'Children missing education', p. 18.
<https://www.ncb.org.uk/sites/default/files/uploads/files/Children%2520Missing%2520EducationFINAL.pdf>

Children uncounted and "off the radar"



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Children Missing Education (CME) and “off the radar” of any services

The 2014 NCB report found the number of children “off the radar” at 3,000 children at any one time.

Of particular concern was the **1,022 CME whose whereabouts were unknown by their local authority**, making up almost a third (30.1 per cent) of the children missing education in the 45 local authorities. **We estimate that this equates to over 3,000 children across England at any one time.** If the local authority does not know these children’s whereabouts, there is a risk that they will be ‘off the radar’ for a range of services, including children’s social care, health and family support.

It should be noted that, **of the 139 local authorities that provided figures for CME, 51 (42 per cent of all local authorities) did not provide any breakdown by category or reason.** While a minority of those (two local authorities) referred to data protection as a justification for not providing a breakdown, it is unclear whether the remaining local authorities actually collect this information or not.

Alternative Provision *is* counted (badly)



Alternative Provision is different again

The DfE describes AP settings are places that provide education for children who can’t go to a mainstream school. We would argue this is of itself mislabelling, as they may be able, but may have been told not to. [AP guidance](#) covers the use of settings that are still considered state education, children out of school but in state funded educational settings, where:

- local authorities arrange education for pupils who, because of exclusion, illness or other reasons, would not otherwise receive suitable education
- schools arrange education for pupils on a fixed-period exclusion
- schools arrange education for pupils to improve their behaviour off-site

These children [are counted by Local Authorities](#) and the named records are [sent to the DfE once a year in the Spring Term](#). The AP census includes pupils attending a school not maintained by a local authority *for whom the authority is paying full tuition fees*, or educated otherwise than in schools and pupil referral units, under arrangements made (*and funded*) by the authority. The introduction of the dedicated schools grant requires that accountability for expenditure in this area be demonstrated, since the place is funded through the dedicated schools grant by way of the high needs block, and not via the school census per-pupil registration.

[Broadly speaking](#), for the purposes of this census, ‘alternative provision’ includes the following settings when *state funded* ([more details p8-10](#)) and may be of varying hours but this leads to confusion in how to count them and why.

As we wrote to the Children’s Commissioner in January 2022,

"[It] might be better to prioritise the standardisation of the quality of the existing and extensive Local Authority data on CME and other data held. When we researched the expansion of the [separate] Alternative Provision ("AP") Census in 2018, when the DfE added sensitive 'reasons for exclusion' to the transfer records without informing families, we found that Local Authorities had inconsistent ways to count children; (a) a headcount of those in AP on the day of the census, (b) a total headcount of those ever in AP in the 365 days previous, (c) the number of hours spent on total AP funding calculated as a Full Time Equivalent (FTE) which could be significantly lower than the actual headcount (eg 18 children each spending one hour in AP a week may have been only counted as if 'one' child in total.)"

Published data

Other organisations' published data

2014 National Children's Bureau (NCB) on Children Missing Education

This FOI focussed on the number of children missing at any one point in time. This estimated that 14,800 children were missing education across England at any one time, and the whereabouts of 3,000 of these was unknown. (NCB Policy Unit (2014) *Not Present, what future?* Available at: <https://www.ncb.org.uk/sites/default/files/uploads/files/Not%2520Present%2520What%2520Future.pdf> (Accessed: 3 April 2022). This report used numbers made up from data from 79 Local Authorities on one day in early 2014, which was 7,701 from which the NCB extrapolated the estimation of 14,800 across England of which 1,022 were counted as of unknown whereabouts and again after estimation, suggest this is 3,000 across England. Across the same 45 Local Authorities 1,474 were known children awaiting place in AP, and an estimated 5,000 awaiting places for other reasons.

2015/2016 BBC on Children Missing from Education

"Thousands of children 'missing' from education" <https://www.bbc.co.uk/news/education-38145058>

The figures, obtained by the [BBC's Victoria Derbyshire programme](#), show that **33,262 school-aged children were recorded as missing from education in the academic year ending in July 2015**. They were collated from a Freedom of Information request to **90 local education authorities** in England and Wales.

2017 National Children's Bureau (NCB) Children Missing Education

Suggested 49,187 school-aged children were recorded as missing from education in the academic year ending in July 2017. This FOI looked at children missing at any point in the year 2015-16 ever, a total count over 365 days, not a snapshot in time on any given day. Also notes that 15% of children recorded as CME were known to social services. (Elison, R. and Hutchinson, D. (2018) 'Children missing education', NCB Report p. 18. <https://www.ncb.org.uk/sites/default/files/uploads/files/Children%2520Missing%2520EducationFINAL.pdf>

2018 ADCS on Elective Home Education

issued a survey to all 152 local authorities (LAs) in the Elective Home Education Survey 2018. Of all 152 local authorities (LAs) in England 106 responded and recorded a total of **40,359 children and young people known to be home schooled** on school census day, 4 October 201 <https://adcs.org.uk/education/article/elective-home-education-survey-2018>

2021 Education Select Committee on Elective Home Education <https://committees.parliament.uk/publications/6974/documents/72808/default/> The

"Association of Directors of Children's Services projected that as of October 2020 more than 75,000 children were being educated at home, an increase of 38 per cent from the previous year."

January 2022 CSJ Claim on Absence: "*Severe absence has spread through our school system like wildfire: nearly 800 schools have an entire class-worth of ghost children. In fact, in half of all local authorities over 500 children are severely absent.*" https://www.centreforsocialjustice.org.uk/wp-content/uploads/2022/01/CSJ-Lost_but_not_forgotten-2.pdf

CSJ recommendation January 2022

Claim: "*Severe absence has spread through our school system like wildfire: nearly 800 schools have an entire class-worth of ghost children. In fact, in half of all local authorities over 500 children are severely absent.*"

Recommendation

We must act now to return these children to the classroom. Each day that we wait is a day that pushes them further from the education system.

While the National Tutoring Programme has great potential to support educational catch up, there are concerns that it is not reaching the most disadvantaged pupils. As we highlighted in our first paper, severely absent pupils in particular will be unable to benefit from this programme as kids can't catch up if they're not in school.

The Government should reallocate the forecasted underspend from the National Tutoring Programme to ensure that the severely absent pupils are returned to school. This money should be reinvested into school attendance practitioners who can address the underlying causes of school absence and remove the barriers to engagement for severely absent pupils.

The support offered would be highly personalised but would entail a practitioner creating a plan for each pupil to improve attendance.

The benefit of this model is that it is seen as independent from school which can provide a platform to build trust with families where relationships have broken down. The independence from school also frees up teachers' time to focus on teaching. By focusing solely on attendance and not imposing strict time constraints, this model offers the flexibility needed to address severe absence.

Evidence presented in this report shows the impact of attendance practitioners on reducing severe absence. The Department for Education should appoint 2,000 school attendance practitioners to address the underlying causes of school absence and remove the barriers to engagement for severely absent pupils, at a cost of approximately £80 million. Each attendance practitioner would cost £40k in total. These practitioners could support 32 individuals each year. Therefore, adopting this model could help the government to reengage over half of all severely absent pupils over the course of this year.

It is critical that we act with urgency to find the "ghost children" of lockdown. The longer we wait, the harder it will be to get them back into the classroom.

The Centre for Social Justice (2022) *Lost but not forgotten: the reality of severe absence in schools post-lockdown* https://www.centreforsocialjustice.org.uk/wp-content/uploads/2022/01/CSJ-Lost_but_not_forgotten-2.pdf

Schools White Paper launch in Parliament March 2022

Robert Halfon

"Perhaps one of the most important priorities is the 124,000 Oliver Twist ghost children, who are possibly on our streets. What is he doing about those children who have not returned since schools reopened last year?"

Nadhim Zahawi

"He is right to remind us of the 124,000 children who are out of education. That is why, for the first time in our country, we will have a register to ensure that we know exactly where those children are. There are many parents who deliver great home education, some of whom are in my own constituency, but many children are lost in the system and we have to make sure we know where they are."

Col 580 <https://hansard.parliament.uk/commons/2022-03-28/debates/9A4CD42B-7990-43ED-91FD-B9A99F362EBC/SchoolsWhitePaper>

Our data

FOI requests of all 152 Authorities

Existing most relevant laws of note



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Obligations on Local Authorities (a) Education Act 1996 436a

[F1]436A Duty to make arrangements to identify children not receiving education

- (1) A [F2]local authority] must make arrangements to enable them to establish (so far as it is possible to do so) the identities of children in their area who are of compulsory school age but—
 - (a) are not registered pupils at a school, and
 - (b) are not receiving suitable education otherwise than at a school.
- (2) In exercising their functions under this section a [F2]local authority] must have regard to any guidance given from time to time by the Secretary of State.
- (3) In this Chapter, "suitable education", in relation to a child, means efficient full-time education suitable to his age, ability and aptitude and to any special educational needs he may have [F3] (in the case of a local authority in England) or suitable to the child's age, ability and aptitude and to any additional learning needs the child may have (in the case of a local authority in Wales).]

Textual Amendments

- F1** S. 436A and cross-heading inserted (27.2.2007 for E., 1.9.2009 for W.) by Education and Inspections Act 2006 (c. 40), ss. 4(1), 188(3); S.I. 2006/3400, art. 6(a); S.I. 2009/1027, art. 3(a)
- F2** Words in Act substituted (5.5.2010) by The Local Education Authorities and Children's Services Authorities (Integration of Functions) Order 2010 (S.I. 2010/1158), Sch. 2 para. 7(2) (with Sch. 2 para. 7(4)(5))
- F3** Words in s. 436A(3) inserted (1.9.2021 for specified purposes, 1.1.2022 for specified purposes) by Additional Learning Needs and Education Tribunal (Wales) Act 2018 (anaw 2), s. 100(3), Sch. 1 para. 4(13); S.I. 2021/373, arts. 3, 4, 6, 7 (as amended by S.I. 2021/938, art. 2); S.I. 2021/1243, art. 3(o)(v); S.I. 2021/1244, art. 3(o)(v); S.I. 2021/1245, arts. 3(o)(v), 4 (with art. 1(4))

<https://www.legislation.gov.uk/ukpga/1996/56/section/436A>

New proposals



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1a. Published proposals Department for Education Schools White Paper

76. Having learnt from the pandemic how important having a real-time national picture of attendance can be, we will also make it easier for schools to understand individual attendance patterns and for trusts, local authorities and the Department for Education to identify concerning patterns more quickly. We will design a national data solution and introduce legislation to modernise the rules on recording attendance. This integrated, 21st century approach to tracking attendance will provide a safety net for spotting vulnerable children at risk of falling through the net. It will also provide a blueprint for wider data improvements across the system.

77. We will also introduce legislation to establish a register for children not in school, exploring how this data should be used by local authorities and multi-agency teams to undertake their duties and support children's education.

78. We recognise that attendance is an issue that requires all local and national bodies to play their part. That is why, subject to the results of our February consultation, we will also set new statutory expectations of local authority attendance services. We will expect schools and local authorities to work closely with these bodies to re-engage children who are 'severely absent' (those missing more than 50% of their sessions in school).

Schools White Paper 'Opportunity for all - Strong schools with great teachers for your child' (2022), p. 64. Department for Education https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/1063601/Opportunity_for_all_strong_schools_with_great_teachers_for_your_child_web_accessible.pdf

1b. Published proposals Department for Education “1-2-1 Mentors”

11.1.4) Short description

Regular attendance at school is vital for children’s education, wellbeing, and long-term development. The Secretary of State for Education, Nadhim Zahawi, has made clear that excellent attendance is a priority to ensure that all children can catch up on lost learning caused by the pandemic.

As announced in the Levelling Up White Paper, the department is planning a new attendance pilot in a group of Education Improvement Areas where there is a clear demographic need to improve persistent and severe absence rates.

Persistent and Severe absence are a concern across the education sector, raised in publications by, for example, the Centre for Social Justice and the Children’s Commissioner. Mentoring to improve attendance has been suggested as a potential solution to this issue.

We are looking for a contractor that will recruit and train mentors to provide targeted 1 – 1 support with an identified pupil or their family to overcome barriers to attendance. This relationship will need to be reactive to the individual needs with the overall end goal to improve attendance.

11.1.5) Estimated total value

Value excluding VAT: £5,000,000

Ref <https://www.find-tender.service.gov.uk/Notice/007918:2022>

Background: Schools Week March 25, 2022 <https://schoolsweek.co.uk/persistently-absent-pupils-to-be-mentored-under-5m-trial/>

2a. Published proposals from the Children’s Commissioner

2. LA level data collection

The way that data is collected and shared at a local level is not consistent or uniform. We propose the following to make this easier:

Unique identifier: One option to consider to address problems around data-sharing would be a ‘unique identifier’ (or a more consistent multi-agency use of widely used ‘identifiers’, such as an NHS number). This would enable LAs to better track children who move around the system. Having a single unique identifier would better enable services to share information on a child, identify where they need help, and allow services to support them back into school. This should be explored further.

Data sharing: Data sharing between MATs and LAs is needed to enable LAs to identify children who need additional support. In some areas, however, good partnership working between MATs and LAs is not well established. In such cases, essential data might not be openly shared between the MAT and the LA. Further guidance on this area would enable effective working relationships and data sharing between LAs and MATs so every child is accounted for and known to the LA.

More understanding about what facilitates good data collection and sharing what works well. There appears to be a lack of information available for LAs on what constitutes good practice in data sharing. Excellent work by LAs and other services working to overcome barriers posed by a fractured system are not well documented, and services can therefore struggle replicate good models of working. Though LAs and services within LAs are all different, and face different challenges and barriers, good working models could be shared and adapted to suit local needs. For example, the creation of a template Data Sharing Agreement or Memorandum of Understanding which documents the legal and ethical framework within which data can be shared within an LA would reduce the time LAs currently spend drawing up bespoke agreements with their partners.

Children’s Commissioner (2022) *Where are England’s Children Interim Findings*, Page 16
Available at: <https://www.childrenscommissioner.gov.uk/wp-content/uploads/2022/03/cco-where-are-englands-children-interim-findings-mar-2022.pdf> (Accessed: 3 April 2022).

Multiple systems and Unique identifiers. Police, Education, Social Services

The main concern is that if you breach a child’s trust in one public authority, it will be harmed across them all. They will not only be out of education, but avoid seeking medical care and public health services. There is already extensive data sharing across authorities. Demands for “more data” will not uphold any child’s rights, will distract needed resources, and will likely fail those many say they most want to help.

• The Unique Pupil Number (UPN)

The UPN is allocated to any child at risk even pre-birth, or for a child once in education, and is already widely used across Local Authority and DfE databases. It is however, supposed to be by law, a blind number and not an automatic adjunct to a child’s name. It must not be used for any other purpose outside education. (See Unique pupil numbers (UPNs): A guide for schools and local authorities (current version 1.2) https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/807381/UPN_Guide_1.2.pdf)

• The NHS number

The NHS number is intrinsic to the confidentiality of patient data, and for patient trust in attendance of national health services. If you were to use it for non-health purposes, you will jeopardise not only parents’ trust in the health service but it will mean some of the most vulnerable children would not present to health and social care services at all.

• Police identifiers

The Home Office and College of Policing have recently had to ‘reset’ the consolidation of the PNC and PND into LEADS. There is no such thing as standard numbers. Each force has its own systems, and those systems are not necessarily interoperable nor do they use consistent data standards for fields, for audit, for security access or for governance.

2b. Published proposals from the Children’s Commissioner

Home Office and Border Force involvement



4. Attendance is everyone’s business

Every department and public body needs to make the attendance and safeguarding of every child in England their priority. This includes departments and bodies that may not typically associate their work with school attendance policy (for example, the Home Office/Border Force hold information on children entering the country, but this is not shared with LAs). These bodies should work together with the Department for Education to understand how they can contribute to enabling school attendance and ensuring all children are receiving a suitable education. Sharing departmental insights nationally and locally will help to plug the gap in data for the ‘known unknown children’.

From our work with LAs we have already seen some examples of great practice in supporting children to attend school regularly, from innovative AP to models of family support and multi-agency partnerships where attendance is everybody’s priority. In our next report we will provide analysis of where these programs have delivered success for children and young people and explore what can be learned from them.

Children’s Commissioner (2022) *Where are England’s Children Interim Findings*, Page 18
Available at: <https://www.childrenscommissioner.gov.uk/wp-content/uploads/2022/03/cco-where-are-englands-children-interim-findings-mar-2022.pdf> (Accessed: 3 April 2022).

2c. Published proposals from the Children's Commissioner

Private Independent Pupils to be collected at the Department for Education termly

Independent and unregistered schools: As previously mentioned, Independent Schools are not legally required to send pupil level attendance data (data on individual pupils) to LAs, but they are required to submit a school-level (data on the total number of pupils at a school) annual school census to the Department for Education (DfE). All other schools have to return termly pupil level census data. LAs are therefore unable to accurately ascertain how many pupils are attending Independent Schools at the pupil level. One solution would be that all schools, including Independent and unregistered schools, could be required to complete a census every term to match the regular school census and as with the mainstream school census, data could then be shared with LAs at the pupil level. Overcoming these data collection and sharing problems is essential if LAs are ever to be able to meet their statutory duty to identify every child not receiving a suitable education.

Children's Commissioner (2022) *Where are England's Children Interim Findings*, Page 15
Available at: <https://www.childrenscommissioner.gov.uk/wp-content/uploads/2022/03/cco-where-are-englands-children-interim-findings-mar-2022.pdf> (Accessed: 3 April 2022).

3. Published proposals (a) Health and Care Bill “a report”

After Clause 148

- 83 Insert the following new Clause—
- “Child safeguarding etc in health and care: policy about information sharing**
- (1) The Secretary of State must publish and lay before Parliament a report describing the government's policy in relation to the sharing of information by or with public authorities in the exercise of relevant functions of those authorities, for purposes relating to—
 - (a) children's health or social care, or
 - (b) the safeguarding or promotion of the welfare of children.
 - (2) In this section, “relevant functions” means functions relating to children's health or social care, so far as exercisable in relation to England.
 - (3) The report must include an explanation of whether or to what extent it is the government's policy that a consistent identifier should be used for each child, to facilitate the sharing of information.
 - (4) The report must include a summary of the Secretary of State's views about implementation of the policy referred to in subsection (1), including any views about steps that should be taken to overcome barriers to implementation.
 - (5) The report must be published and laid before Parliament within one year beginning with the date on which this section comes into force.
 - (6) In this section “child” means a person aged under 18.”

“HCR293 without endorsement.fm” (no date), p. 52
<https://publications.parliament.uk/pa/bills/cbill/58-02/0293/110293.pdf>

Next steps



defenddigitalme.org

What we need to achieve

We are talking to people in organisations and academics with intersectional interests from across the fields of safeguarding and child protection, education, SEND, data protection, law, and human rights. We want to bring together experts and those affected. We want

- to increase the accuracy of informed knowledge and quality of public debate;
- to give those concerned about the issues a place to stay up to date with policy changes and proposed legislation;
- to understand shared concerns and consensus, as well as areas of disagreement;
- to be able to draw on expert and experienced voices who may wish to sign on to upcoming campaigns, briefings for policy makers, and open letters to press; and
- to create a ‘go to’ selection of volunteers for journalists’ enquiries.

Questions for challenge

- Real time attendance tracking of named individuals
- New obligations on Local Authorities
- NAHT: “a statutory register of home educated children is required. The fact that there is currently no official source of data on the number of home educated children is a clear indication that the current arrangements are unsatisfactory.”

What we are doing

Safe children and families

- The rights of every children and families are respected
- Trusted access to services
- Transparent use of data
- Safe oversight of who can access and who knows what about me

Safe data

- Accurate numbers
- Trustworthy access to minimised data
- Purpose limitation
- Safe oversight of statistical use: 5 safes (safe people, safe settings, projects, data, and outputs)

Questions?



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