

SEC Response to Parliament's Education Committee's Call for Evidence

Persistent absence and support for disadvantaged pupils

The Special Educational Consortium (SEC) is a membership organisation that comes together to protect and promote the rights of disabled children and young people and those with special educational needs (SEN). Our membership includes the voluntary and community sector, education providers and professional associations. SEC believes that every child and young person is entitled to an education that allows them to fulfil their potential and achieve their aspirations.

SEC identifies areas of consensus across our membership and works with the Department for Education, Parliament, and other decision-makers when there are proposals for changes in policy, legislation, regulations and guidance that may affect disabled children and young people, and those with SEN. This response therefore focuses on relevant SEN and disability aspects of this consultation.

Context and Underlying Principles

Disabled pupils, and those with SEN are disproportionately represented in both absence and persistent absence figures (DfE, 2020). Government statistics show clearly that those on SEN support are more likely than non-SEN pupils to be absent, while those in receipt of EHCPs are yet significantly more likely to be absent, suggesting a possible correlation between complexity of need and lower attendance levels. DfE's 2018-19 data (DfE, 2020) further shows that amongst setting types, specialist provisions have the highest levels of absence. SEC welcomes the recognition in the May 22 Guidance (DfE, 2022), that school absence is a consequence of complex and multi-layered factors, stating that '*the barriers to accessing education are wide and complex, both within and beyond the school gates, and are often specific to individual pupils and families*' (DfE, 2022: 1.7). Indeed, SEC believes that the promotion of high attendance rates should be seen through an inclusion prism: namely, that an inclusive, welcoming environment must be the first response, and that conversely, the focus of the interrogation into school absence should move away from laying the blame with parents or seeing the issue as one predominantly of poor behaviour. SEC's approach is informed by the social model of disability, which advocates for the school environment to adapt itself to the needs of children. This, in turn, is underpinned legally by the Equality Act and the associated obligation to consider reasonable adjustments, including anticipatory duties towards those with protected characteristics. To ensure pupils are not absent from school due to unmet need, schools require appropriate funding, recognising the additional costs of SEN and disability.

We welcome the clear commitment of the Guidance that school attendance will not be seen in isolation, and will involve interaction '*with schools' efforts on curriculum, behaviour, bullying, special educational needs support, pastoral and mental health and wellbeing*' (DfE, 2022: 1.8).

Below, we respond to the five questions set out in the Call for Evidence. The responses to questions four and five have been amalgamated.

Question 1: The factors causing persistent and severe absence among different groups of pupils, in particular:

- **Disadvantaged pupils**
- **Pupils from minority ethnic backgrounds**
- **Pupils with special educational needs or disabilities (SEND), and those who are clinically vulnerable to covid-19**
- **Pupils in alternative provision**

Government statistics for the latest year available with a full data set, 2018-19 (DfE, 2020) show that of those persistently absent (defined as missing 10% or more of sessions), over 30% of absences show an inconclusive reason; this includes 'other' categories both registered as authorised and unauthorised. Analysis of data by the FFT (Beynon, 2022), indicates that the largest source of variance in the absence figures arises from individual rather than school or local authority factors and that the pupils who miss the most school tend to have the most complex reasons for doing so. SEC supports DfE's proposed reform's promotion of data gathering and analysis at a school level (DfE, 2022: 2.32), as long as it maintains a focus on individual pupils and their specific challenges and how these interact with the school environment. This should include collection and analysis of data regarding pupils with protected characteristics as defined in the Equality Act, 2010. Those pupils with medical needs, and high levels of anxiety, for example, will benefit from a greater understanding of the barriers they face to improve attendance, and what steps might be taken to overcome them. SEC calls for a leading role for DfE in this enterprise: ensuring support and resource are provided to schools and LAs, gathering and analysing data and identifying systemic challenges faced by those with protected characteristics. We call for DfE to share best practice in relation to data gathering, and how data can be acted upon through adaptation of school policies as well as strategies for improving attendance.

NHS data, also analysed and considered by the Children's Commissioner (Children's Commissioner, 2022) has shown that pupils aged 6-17 with mental health needs are roughly three times more likely than their peers to miss more than 15 days of schooling.

It will also be important to interrogate intersectional disadvantages, involving SEND; FSM; ethnic minorities etc. and understand better their challenges and best ways - based on inclusive practice - to support them.

Evidence has demonstrated that pupils with SEND are considerably more likely than their peers to be bullied (ABA, 2021) and that in turn, bullying is a common underlying cause of school absences (ABA, 2022). These trends demonstrate the importance of gaining a deep, person-centred understanding of the causes of poor attendance and of approaching the issue holistically, and posing at the outset the question: *how might we make all pupils feel welcome in our schools?*

Question 2: How schools and families can be better supported to improve attendance, and how this affects pupils and families who are clinically vulnerable to covid-19.

SEC believes that school attendance, and more widely the educational journey of children and young people, should be seen in a social context, and that of their community. This means that, to address barriers to attendance, a multi-agency approach is necessary. We would emphasise the need for on-going communication between different agencies such as the SEND team, early help, health, youth work, youth justice and VCS partners to unblock wider societal barriers to attendance. All agencies must work together, with the pupil at the centre, to ensure appropriate support is being identified and provided in a timely manner. The quality of the relationship between schools and the local authority is central to this, as are the clear definition of their respective responsibilities and the funding streams to support these.

A recent Rapid Evidence Evaluation (Education Endowment Foundation, 2022) found that there is not enough clear evidence regarding effective strategies to improve attendance. Some general trends were identified, such as initiatives involving '*parental engagement approaches and responsive interventions that target the individual causes of low attendance*' but the evidence is weak, and many of the studies in question were based in the US and therefore lack the specific local and cultural weight which would be desired in relation to a complex matter such as school attendance. SEC calls for a renewed effort to find evidence-based interventions to support better attendance which should include co-production with pupils and families.

Question 3: The impact of the Department for Education's proposed reforms to improve attendance.

SEC is concerned that the guidance is non-statutory, and how this might adversely affect its implementation into practice. SEC further calls for the adoption of an attendance Code of Practice to underpin expectations on this matter.

For SEC's comprehensive response to DfE's consultation (SEC, 2022) see [this link](#). Here we focus on some salient concerns:

- **(DfE,2022: Section 2) Expectations of schools:**

SEC values the repeated refrain that attendance should not be seen in isolation, and the acknowledgement of the importance of building and fostering strong relationships with families. Some of the language used, however, is concerning as it suggests reverting to a narrative of poor attendance as an issue of behaviour management: '*Good attendance is a learned behaviour*' (DfE, 2022: 2.16). In the context of pupil with SEND, SEC – as stated above - calls for an approach rooted in inclusive practice and adopting reasonable adjustments proactively. Namely, one which places on schools the duty to act on prevention of school absence by creating a welcoming environment to all pupils.

The proposals state that '*schools should help parents to understand what is expected of them and why attendance is important to their child's attainment, wellbeing, and wider development. It should*

also include clarity on the short and long term consequences of poor attendance': SEC is concerned this disproportionately places the responsibility of attendance on parents, when we know that many factors beyond their control underpin poor attendance, such as school anxiety; lack of appropriate SEND support; unmet medical needs or bullying.

(DfE, 2022: 2.18): SEC welcomes the reference to the Equality Act 2010 and the UN Convention on the Rights of the Child. However, we would expect this to be framed in stronger terms than 'should consider' as adopted in the guidance. SEC would expect schools to be legally compliant with the Act; in the absence of legislation, we have concerns around the implementation of these crucial legal duties.

(DfE, 2022: 2.21): SEC welcomes the call to involve parents and pupils in the review process of schools' attendance policies. However, pupil and parent voice placed as a last consideration raises a concern this is an afterthought. SEC would call for pupil and family voice to be front and centre during the development of these policies, rather than just having a role in review.

(DfE, 2022: 2.34-39): SEC supports the call for strong relationship building between schools and parents, including the recognition of the need to be always respectful and treating issues surrounding school absence sensitively. However, the trajectory presented in this section suggests that school absences becoming persistent and / or long term automatically draw a punitive approach towards parents. SEC do not believe that attendance should be seen as an issue of poor behaviour and has produced evidence that most long-term absences are a consequence of complex needs profiles rather than poor discipline – in the child or the family. SEC would also ask what evidence informs the approach which pushes families with long-term absence towards legal action. Research shows that parents and families are at risk of suffering significant stress when facing the pressures of LA – mandated fines combined with the attendance challenges experienced by their child and this is often exasperated due to a perceived power imbalance between the family and professionals (Munroe-Burrows, 2020; Epstein, Brown and O'Flynn, 2019).

(DfE, 2022: 2.40-42): SEC welcomes the fact that language used in the section attending to pupils with medical needs, SEN and disabled pupils is rights-based, non-punitive and uses the term 'ambition' in relation to their attendance rather than 'expectation'. It is also encouraging to see explicit reference to the need to remove in-school barriers to the attendance of these pupils. However, SEC would like to see a stronger emphasis on prevention strategies and an expectation for an individual plan to support good attendance, including the steps schools must take to remove barriers. The principle of early identification of need (in this case, relating to attendance), as well as the best-practice usage of a co-produced individual plan, are compatible with the SEND Code of Practice.

While SEC welcomes the reference to reasonable adjustments, the absence of their legal underpinning by the Equality Act is an oversight.

In light of the disproportionate representation of pupils with SEND in the absence and persistent absence figures, SEC would like to see more emphasis and detail in this section. This could, for example, include guidance on best practice around issues of bullying or school anxiety, and seeing these linked to the Ordinarily Available Provision framework as set out in the Code of Practice. Recent qualitative research, which puts forward the voice of pupils with SEND (ONS, 2022; Webster,

2022; Children's Commissioner, 2022) shows that the system which is supposed to support their needs is far from perfect; that, in fact, many experience inclusion in name only, face social challenges and mental health needs which are far from always being met. In this context, SEC calls for further consideration for the needs of this group of pupils.

(DfE, 2022: 2.43-44): SEC welcomes the measured reference to the use of part-time timetables, and in particular these being couched in terms of re-integration and as part of an individual support plan. It is also crucial that the guidance expressly prohibits the use of part-time timetables as a means of managing behaviour. SEC would like to see an expectation for the monitoring of data around the use of part-time timetables in order to understand how they are used, and their impact.

SEC would like to see some reference to **Flexi-schooling approach**. This is an approach where a child is already enrolled in school but granted a flexi-schooling arrangement, where they attend school part of the time, and the rest are home-educated. We recognize concern around this issue and call for a DfE-commissioned study to explore the use of flexi-schooling. Flexi-schooling may not be appropriate for all pupils, but for the selected few who benefit from this form of learning, this could support their needs and attendance within school. The pandemic has highlighted the benefits of flexi-schooling for some pupils with medical needs and for others with anxieties about being in school as well as some reluctance within schools to take up the approach (Paxman, 2022). For some pupils, such as neurodivergent children and young people, a flexi-schooling approach could enable a more manageable routine and timetable. However, SEC is clear that the use of flexi-schooling must not be used as a form of behaviour management, nor dilute efforts to create an inclusive learning environment for all. It is also essential that such an approach be child and parent-led, and not imposed by schools. If this model is to be used, it will need to be recognized in the attendance codes, and considerations that sit around this approach need to be spelled out in guidance.

(DfE, 2022: 4) Section 4, Expectations of Local Authorities: SEC welcomes the recognition that often persistent absence is linked to issues wider than the school-specific, and that '*Local authorities are facilitators of wider support needed by individual families and schools*'. However, SEC is concerned that in this section, no specific reference is made to attendance issues related to SEND. While the guidance sets out an expectation for multi-disciplinary support, which SEC welcomes, the methodology of the School Attendance Support Teams is not specified. This raises concerns that LAs will be seen as predominantly punitive bodies, as well as questions regarding the consistency of quality of support across locations.

The support available within LAs has diminished due to funding changes and cutbacks, leading to loss of specialism in attendance and erosion of LA support. Given the pressures on funding and services, there is significant risk that expectations will be narrowly focused on improving attendance figures rather than focusing on prevention and addressing underlying causes which hold the potential for more enduring improvements. Greater clarity is required about the respective responsibilities of schools and LA and funding allocated to support those responsibilities.

Quite often, poor school attendance is automatically seen as a safeguarding issue without a full exploration of the underlying issues. Families who need support are automatically translated into

children who need protection; they often don't qualify for CWD support so safeguarding teams hold responsibility, which is not always appropriate.

Schools and LA must work with families through a holistic approach, ensuring person-centered planning to support pupils in school.

(DfE, 2022: 6) Section 6, Attendance legal intervention: we welcome the statement that first steps in attending to school absence should be '*to understand the barriers to attendance and provide support*'. However, SEC would like to caution against a legal framework that becomes a punitive approach to attendance, focussed on escalation as opposed to prevention. The framework should focus on attendance pathways instead of non-attendance escalation routes.

Question 4: The impact of school breakfast clubs and free school meals on improving attendance for disadvantaged pupils.

Question 5: The role of the Holiday Activities and Food programme and other after-school and holiday clubs, such as sports, in improving attendance and engagement with school.

As has been discussed above, school absence, and persistent school absence in particular, are often linked to a complex web of factors, including poverty and social isolation. On the former, DfE data from 2018-19 shows that pupils claiming FSM are more than twice as likely as their non-FSM peers to be persistently absent. With that in mind, and the escalating cost of living crisis exacerbating inequality (Karjalainen and Levell, 2021), SEC believes it is uncontroversial to assume that such provisions which can ease some of the financial pressures of families can positively contribute to better attendance rates. Holiday, and before and after school activities might also aid pupils struggling with attendance forge positive social relationships and feel welcomed in their school community. SEC must however stress that the success of such schemes will always rely on the quality of the offer, the level of training of staff, particularly in areas relating to SEND, and of their adherence to the spirit and letter of the SEND legislative framework. In other words, it is essential not to create yet another framework where pupils face unmet needs and barriers to positive, meaningful participation. SEC would expect appropriate local funding to be provided to schools for such provision.

For further information:

SEC would be pleased to clarify anything in this response or to provide further information.

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