



# **Access to Education Multiagency Guidance**

June 2025

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## Introduction

Children have a right to an efficient, suitable and full-time education. Not only does this provide children with opportunities, qualifications, skills, and attributes to live independent and successful lives, and contribute positively to their communities, but we know that **children are safer in education**.

A child's right to education is recognised under UK law and all children of compulsory school age have a right to be provided with a free education by the state. Parents, by law, have a duty to ensure a child is in full-time education when they reach compulsory school age. Many parents opt to fulfil this duty by enrolling their children in education provided by schools run either by the local authority, academies, free schools or private schools. Other parents opt to fulfil this duty via elective home education.

However, there are also situations in which a child will be unable, or face barriers, to accessing education. It is important that every professional and service working with children and families in Lambeth can identify and respond when this occurs.

Learning from local reviews has highlighted that professionals may not always know how the education system works and, consequently, may provide unclear or incorrect information to children and families about their rights and options. This can create further barriers to accessing education and prolong the period of children missing education, leaving them more vulnerable to harm.

As such, this information pack summarises the laws, policies, procedures, best practice approaches and local resources needed to identify and respond to these situations. The information relates to children of compulsory school age.

Throughout this guidance, the term '*must*' refers to a legal duty whereas the term '*should*' refers to best practice approaches. '*Parents*' applies to any parent, carer or person with parental responsibility for a child.

## Key rights & responsibilities

**Children have a legal right to an education** and all children of compulsory school age have a right to be provided with free education by the state.<sup>1</sup> Compulsory school age means any age between 5 and 16.<sup>2</sup>

Several laws and duties underpin the child's right to an education and define the responsibilities of parents, schools and local authorities to ensure that children receive a suitable education. Some core legal duties are summarised as follows:

Parents	Schools	Local authorities
Must ensure their child receives efficient full-time education suitable to their age, ability, aptitude and any special educational needs ( <a href="#">S7 Education Act 1996</a> )	Must have a broad and balanced curriculum which promotes the spiritual, moral, cultural, mental and physical development of pupils and prepares them for the opportunities, responsibilities, and experiences of later life ( <a href="#">S78 Education Act 2002</a> )	Must ensure that free education is available for children living in their area ( <a href="#">S13 Education Act 1996</a> )
Where parents decide to have their children registered at school, they must ensure their child attends that school regularly ( <a href="#">S7 Education Act 1996</a> ).	Must safeguard and promote the welfare of children ( <a href="#">S175 Education Act 2002</a> )	Must promote high standards of education and fair access to education ( <a href="#">S14 Education Act 1996</a> )
	Must provide appropriate support for children with special educational needs and disabilities ( <a href="#">S66 Children and Families Act 2014</a> )	Must make arrangements for the provision of suitable education (at school or otherwise) for children who because of illness, exclusion or otherwise cannot access education ( <a href="#">S19 Education Act 1996</a> )
		Must make arrangements to establish the identities of children not receiving suitable education ( <a href="#">S436A Education Act 1996</a> )
		Must begin procedures to issue a School Attendance Order if a child is not receiving a suitable education ( <a href="#">S437 Education Act 1996</a> )
		Must comply with specific duties in relation to children with special educational needs and disabilities ( <a href="#">Part IV Education Act 1996</a> )

<sup>1</sup> Articles 28 and 29 of [United Nations Convention on the Rights of the Child](#) ("UNCRC") and Article 2 of Protocol II, Schedule 1 of the [Human Rights Act 1998](#)

<sup>2</sup> Schedule 40 of the [Education Act 1996](#): compulsory school age starts on 31 Dec, 31 Mar or 31 Aug after the child's 5<sup>th</sup> birthday (whichever comes first) and it ends on the last Friday of June in the school year that the child turns 16

## Key principles

Principles refer to the core values and beliefs which underpin how systems and frameworks operate. When we think about access to education, there are some key principles which must underpin our approaches to working with children and their families as regard their right to access education:

Children have a right to access education and are safer in education.

Children who miss education are at significant risk of underachieving, being victims of harm, exploitation or radicalisation, and becoming NEET (not in education, employment or training) later in life.

Children should start their learning experiences at the earliest opportunity and receive suitable, fulltime education throughout their education journey.

Children should have access to excellent, high performing, efficient and inclusive educational settings.

Children should have the opportunities, qualifications, skills, and attributes to live independent and successful lives, and contribute positively to their communities.

Effective information sharing between parents, schools and local authorities is critical to ensuring that all children of compulsory school age are safe and receiving suitable education.

Schools and partners should work in partnership with children and families to remove barriers to accessing education by building strong and trusting relationships and working together to put the right support in place.

Where there is concern for a child's welfare, safeguarding processes must be followed without delay.

If there is reason to suspect a crime has been committed, the police should also be involved.

Improving school attendance is everyone's business.

# The different types of education and education provision

## **The different types of education**

In England, there are 5 stages of education:

1. Early years
2. Primary
3. Secondary
4. Further education
5. Higher education

This information pack covers the laws, processes and frameworks for primary and secondary education only.

### Early years education

Early years education refers to the education provided to children from birth to the age of 5. This includes nurseries, preschools, playgroups, childminders and reception classes. The [Early Years Foundation Stage Framework](#) sets the standards that all early years providers must meet to ensure that children learn and develop well.

### Primary education

Primary education refers to the education provided to infants (age 5 to 7/8) and juniors (up to age 11/12). Children in Years 1 and 2 cover Key Stage<sup>3</sup> 1 curriculum; children in Years 3 to 6 cover Key Stage 2 curriculum. Some primary schools might also have a nursery school or children's centre attached; and might also offer a reception year.

### Secondary education

Secondary education refers to the education provided to children aged 11 to 16. Children in Years 7 to 8 cover Key Stage 3 Curriculum. Children in Years 10 and 11 cover Key Stage 4 curriculum, and children sit their GCSE examinations in Year 11.

### Further education

Further education normally refers to all non-advanced courses taken after the period of compulsory education. This includes education provided to people over 16, excluding universities, and includes college courses, sixth-forms and work-based learning (like apprenticeships).

### Higher education

Higher education is defined as courses higher than an A Level or NVQ Level 3. For example, undergraduate degrees, postgraduate degrees, diplomas and NVQ Level 4 or 5.

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<sup>3</sup> Key stages refer the way that the national curriculum is organised into blocks of years

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## **Who can provide primary and secondary education in England?**

State-funded schools are funded by the government to provide free education. There are lots of different types of state schools:

- *Maintained schools* – which are run by local authorities and must follow the national curriculum
- *Academies and Free schools* – are funded directly by government and operate independently of the local authority. They have more flexibility in curriculum design and teaching methods.
- *Faith schools* – these schools are affiliated with a specific religion, and can be maintained schools, academies or free schools.
- *Special schools* – these schools cater to children with special educational needs and disabilities, and can be maintained schools, academies or free schools.
- *University Technical Colleges (UTCs)* – provide specialised education for secondary-age pupils that focus on technical, vocational or work related learning.

Independent, or private, schools are schools which operate independently of government funding and charge fees for attendance.

Alternative education providers include pupil referral units (which are established and maintained by the local authority) and specialist providers (which are academies or free schools).

Elective home education is also a form of alternative education provision.

## Children missing education (CME)

Children missing education are defined as: **children of compulsory school age who are *not* registered pupils at a school AND are not receiving suitable education otherwise than at a school.**<sup>4</sup> This might include, for example: children who have been removed from a school by their parents due to dispute or disagreement with management of the school; children who are new to the area who are awaiting a school placement; or children whose parents have opted for an elective home education but are not providing suitable education (this is not an exhaustive list).

Local Authorities have a legal duty under [S436A of the Education Act 1996](#) to make arrangements to establish the identities of children who are missing education. The Department of Education has produced statutory guidance [Children Missing Education](#) which mandates how local authorities must fulfil this duty.<sup>5</sup> Core duties under this guidance are summarised as follows:

Parents	Schools <sup>6</sup>	Local authorities
Must ensure that children of compulsory school age are receiving a suitable full-time education.	Must update the admission register (also known as the school roll) when children join or leave the school. For further information see <a href="#">school admissions</a> and <a href="#">off-rolling</a> .	Should consult the parents of the child when establishing whether the child is receiving suitable education.
	Must notify the local authority of changes to the admission register.	Should have robust policies and procedures in place to enable them to meet their duty in relation to these children.
	Must monitor child's attendance through a daily attendance register and inform the local authority with details of children who fail to regularly attend or are continuously absent for more than 10 days.	Should have effective tracking and enquiry systems in place.
	Must investigate any unexplained absences.	Should appoint a named person to whom schools and other agencies can make referrals about children who are missing education.
	Must inform the local authority if a parent opts to electively home educate a child.	Where children are identified as not receiving suitable education, should return these children to full time education either at a school or alternative provision.

<sup>4</sup> [Children Missing Education: Statutory Guidance \(Aug 2024\)](#)

<sup>5</sup> The guidance also offers advice to schools, health professionals, police and youth justice teams about how to respond to children missing education.

<sup>6</sup> Full details of admission and off-rolling rules are found in [The School Attendance \(Pupil Registration\) \(England\) Regulations 2024](#)



In Lambeth, local process and procedure is set out in the Lambeth Children Missing Education Policy. CME work is undertaken via the [Lambeth School Inclusion Team](#); the CME Officer can be contacted via [inclusion@lambeth.gov.uk](mailto:inclusion@lambeth.gov.uk). The responsibilities of the CME officer include:

- Receiving all CME notifications;
- Maintaining a register of all children reported as missing from education; and
- Tracking children until they are placed into suitable education.

Lambeth Schools should notify the Inclusion Team on at least a termly basis of all admission register additions/deletions (with the exception of primary entry, secondary transfer and leaving post year 11).

***What do I need to do if I am working with a child missing education?*** If you work for the local authority, you *must* notify the Inclusion Team of any child missing education (i.e. not on a school roll). If you work for another agency, for example, health, police or voluntary and community sector, you *should* notify the Inclusion Team. You can notify the Inclusion Team by emailing [Inclusion@lambeth.gov.uk](mailto:Inclusion@lambeth.gov.uk)

#### **What action will the local authority take?**

The Inclusion Team will enter the child's data onto the CME log of core information and chair monthly Vulnerable Pupil Monitoring Group (VPMG) meetings until a resolution occurs.

The involved [education team](#) will maintain regular contact with families until resolution occurs and can complete referrals to help them access services to remove barriers to accessing education.

Where necessary, the Local Authority will serve a School Attendance Order (SAO) on a parent in line with [S437-442 Education Act 1996](#). This requires the parent to register their child at a school or make suitable alternative education arrangements. If a parent fails to comply with an SAO, this is a criminal offence, and the Local Authority can bring a prosecution against the parent in the Magistrates Court (which can result in a fine of up to £1,000).

The Inclusion Team also links in with boroughs on a local and national basis to transfer cases in and out when children relocate.

## School admissions

Parents can apply for a school place via [Lambeth's School Admissions Team](#). However, parents can also apply directly to schools for in-year admissions (i.e. applications outside of the normal admissions cycle, like moving to a new area mid-year or to transfer schools) and for independent schools (who are outside of the state school system, see [here](#) for more information).

The School Admissions Team is the preferred method of application for in-year admissions, as the team has oversight of availability of places throughout the Borough and are more likely to secure quicker access to education.

Once a person with parental responsibility makes an agreement for a child to join a school, the child's name must be added to the school roll on the date of agreed attendance (or if there is no agreed date, the date of actual attendance). Schools must notify the local authority within 5 working days when a child's name is added to the register at a non-standard transition point ('a new pupil return'). A standard transition point would be the start of primary or secondary school.

If a child fails to attend school on the agreed date, the school should undertake reasonable enquiries to establish the child's whereabouts and should notify the local authority at the earliest opportunity. Reasonable enquiries may include checking with relatives, neighbours, landlords and involved partners.

### ***How can I contact the school admissions team?***

T: 020 7926 9503

E: [schooladmissions@lambeth.gov.uk](mailto:schooladmissions@lambeth.gov.uk)

Service Manager: [PMcqueen@lambeth.gov.uk](mailto:PMcqueen@lambeth.gov.uk)

## Deletions from the school roll

A child's name can only be deleted from a school roll for a reason set out in Regulation 9 of [The School Attendance \(Pupil Registration\) \(England\) Regulations 2024](#). Removal of a child's name for any other reason could constitute 'off-rolling', which can sometimes be illegal and deemed never acceptable by Ofsted. The only circumstances in which a school is allowed to remove a child's name from the school roll are:

1. The child has been registered at another school.
2. The child has not continued at school following completion of nursery education.
3. The child is also registered at one or more other schools, and the other schools have agreed the deletion.
4. The child has a School Attendance Order which has been changed to name another school.
5. The child has a School Attendance Order which has been revoked (i.e. the Local Authority is satisfied the child is receiving suitable full-time education somewhere other than at school).
6. The child's parent has notified the school in writing that the child will be leaving to be educated otherwise than at school.
7. The child no longer normally lives a reasonable distance from the school and the school does not have reasonable grounds to believe the child will attend the school again. For example, the family are moving to a new area but have not been able to secure a school place in advance.
8. The child has not returned following a leave of absence, provided that:
  - a. the child has not attended school within the 10 school days immediately after the end of the period leave was granted for; and
  - b. the school does not have reasonable grounds to believe the child is unable to attend because of sickness or an unavoidable cause; and
  - c. the school and local authority have jointly made reasonable efforts to find out the child's location and circumstances and have not succeeded or they have succeeded but agreed it is unlikely the child will return (e.g. the child is abroad).
9. The child has been continually absent from school for 20 days, provided that:
  - a. all absences are marked as 'holiday (not agreed)' OR 'reason for absence not yet established' OR 'absent in other or unknown circumstance'; and
  - b. the school does not have reasonable grounds to believe the child is unable to attend because of sickness or an unavoidable cause; and
  - c. the school and local authority have jointly made reasonable efforts to find out the child's location and circumstances and have not succeeded or they have succeeded but agreed it is unlikely the child will return (e.g. the child is abroad).
10. The child has been found guilty of a crime and is detained in youth custody (this does not apply to children who are remanded to custody whilst awaiting trial).
11. The child has died.
12. The child will be over compulsory school age when the school next meets and is not transferring to sixth form.
13. The child is a boarder at a school maintained by the local authority and their boarding fees have not been paid.
14. The child has ceased to be a pupil at an independent or non-maintained special school.
15. The child has been permanently excluded from the school. Read more [here](#).

Schools must inform the local authority when a child's name is removed from the school roll (unless they are transitioning into secondary education or have completed compulsory school age), also known as a 'deletion return'.

## School attendance and absence

There is no strict legal definition of what constitutes good attendance, but the widely accepted benchmark is that **children are expected to have at least 95% school attendance**.<sup>7</sup> Any children not achieving 95% school attendance are classed as ‘*pupils with poor attendance*’. Particular emphasis and concern are placed for children with ‘*persistent*’ or ‘*severe*’ absence:

- Persistent absence occurs when a child has below 90% attendance (which is equivalent to 1 day or more every 2 weeks across the full school year)
- Severe absence occurs when a child misses 50% or more of school (which means the children are out of school more than they are in school).

**Persistent and severe absences can be, and often are, symptoms of wider issues in a child’s life and these issues may additionally require a safeguarding response.** [Working Together to Improve School Attendance](#) is the statutory guidance issued by the Department of Education to support school attendance and places legal duties on schools, trusts, governing bodies and local authorities. The guidance clearly outlines that **improving attendance is everyone’s business** and provides a helpful framework as to how schools, families and local authorities should work together to remove barriers to attendance. Some of the core duties to achieve good attendance are summarised as follows:

Parents	Schools	Local authorities
Must ensure their child attends school regularly. <sup>8</sup>	Must work jointly with families to understand barriers to attendance and work in partnership with families to remove them.	Must rigorously track local attendance data to provide a strategic approach to attendance.
Should contact the school when their child is absent to explain the reason.	Must have a clear attendance policy which all staff, leaders, pupils and parents understand. <sup>9</sup>	Must have a school attendance support team. Find more about the Lambeth Education services <a href="#">here</a> .
	Must hold regular meetings with the parents (and/or local authority) for pupils who are vulnerable or are persistently or severely absent	Must monitor and improve the attendance of children with a social worker through their Virtual School.
	Must identify pupils who need support from wider partners as quickly as possible and make the necessary referrals.	Must secure effective joint working between the School Attendance Support Team and statutory Children’s Social Care services to work together where there are safeguarding concerns OR absence becomes severe.
	Must provide the local authority with the names and addresses of all pupils of compulsory school age who fail to attend school regularly or have been absent for a continuous period of 10 school days where their absence is unauthorised.	

<sup>7</sup> As used by schools, local authorities and Ofsted.

<sup>8</sup> This means every day that the school is open, except in a small number of allowable circumstances such as being too ill to attend or being given permission for an absence in advance from the school.

<sup>9</sup> This should be sent to parents when pupils join the school and parents should be reminded of the policy at the beginning of each school year and when it is updated.

## Responding to concerns for poor, persistent or severe absence

If a child who attends a Lambeth School is continuously absent from school for 10 days and their whereabouts are unknown, schools would need to follow 10-day absence procedures by informing [Lambeth's Education Welfare Service](#) by completing the education welfare form and emailing [helpandprotection@lambeth.gov.uk](mailto:helpandprotection@lambeth.gov.uk) so further enquiries may occur (if the child attends an out of borough school, then the relevant local authority education welfare service should be contacted).

The expectation for poor attendance is that support should initially be provided by the child's school by working in partnership with the family to remove barriers to attendance. Schools normally do this via their in-house education welfare officer or attendance manager who is responsible for 'casework' (i.e. contacting families to understand barriers, setting up and leading meetings, developing in-school reasonable adjustments, developing initial attendance action plans and completion of referrals to other services). However, some schools also 'trade out' this service, i.e. may pay a charity or the local authority to complete casework.

***What does this mean in practice?*** Some schools might pay an Education Welfare Officer from their local authority to deliver attendance casework. For example, a Southwark School may pay a Southwark EWO to do this work. They may only be based at the school on certain dates, so bear this in mind when arranging meetings.

Where barriers are in-school, schools are expected to address these. They should have policies and procedures in place to address these barriers, and complaints processes can be utilised where there is no resolution. Schools should publish this information on their websites.

Where barriers are outside of the school's control, actions or interventions should be agreed to address these (which may include referrals to services and organisations that can provide support). Below are some (non-exhaustive) examples of what might constitute an in-school v. out-of-school barrier:

In-school barriers	Out-of-school barriers
Bullying and harassment Poor pupil/teacher relationships Lack of academic support Lack of special educational needs support	Caring responsibilities Physical or mental health issues Homelessness and housing issues Parental factors

The hope is that collaborative work between the school, family and (where relevant) partner agencies will remove the barrier and improve the child's attendance. However, where the child's absence intensifies, or becomes persistent or severe, then additional support needs to be offered via a multi-disciplinary approach. The type of approach will need to vary case-by-case, but some guiding principles are:

- If the needs and barriers are individual to the child, the child should be given more support. This might include provision of mentoring, counselling, 1-to-1 tuition, EHCP or alternative provision.
- If the needs and barriers are wider, a whole family response is more appropriate.
- If attendance is severe, local authority support should be requested.<sup>10</sup>

<sup>10</sup> This might be via Education Welfare Services for legal intervention, Early Help for whole family intervention or Children's Social Care for safeguarding intervention.

Schools are also under a duty to notify the Local Authority when children are continuously absent for unauthorised reasons for 10 days.

A whole family response means that the family should receive a single assessment, plan and – where necessary – a lead practitioner. In Lambeth, family assessments are completed using the [Supporting Families Assessment Form](#). The lead practitioner should be from the service best placed to support their family which may be from the school, a local authority team or another statutory partner such as a health professional. For example, if the primary concern is housing then a housing officer may be best placed to act as lead professional; if the primary concern is mental illness then a CAMHS practitioner may be best placed to act as lead professional.

Where voluntary support has not been effective and/or where parents have not engaged with the support then formal legal intervention in the form of an attendance contract or education supervision order (read more [here](#)).

***Is attendance a safeguarding matter?*** Poor attendance can be a symptom of a safeguarding matter and needs to be acted upon accordingly. It is also important to note that if all avenues of support have been provided by schools, local authorities and other parents *and* appropriate educational support and placements have been provided but a severe absence for unauthorised reasons continues, **this is likely to constitute neglect and requires a safeguarding response.**

### Planning and intervening with barriers to attendance

There are many potential barriers to achieving good attendance and each child will need an individually tailored approach which is curious and explores the link between attendance and attainment and wider wellbeing. It is important that conversations are completed with children and families to explore and identify these barriers in the first instance, and then develop plans and interventions to overcome these.

#### *In-school barriers*

Overcoming in-school barriers will depend on the resources, policies and procedures of individual schools. One measure which is available to schools in exceptional circumstances are part-time timetables.

Part-time timetables are governed by [Working Together to Improve School Attendance](#) statutory guidance which states that in very exceptional circumstances and where it is in a child's best interests, schools can provide a less than full-time education through a part-time timetable to meet their individual needs. The guidance is clear that **part-time timetables should not be used to manage a child's behaviour**. Where part-time timetables are in the child's best interest, these should:

- Be agreed by the school and the parent the child normally lives with;
- Have clear ambition and be part of the child's wider support, health care or reintegration plan;
- Have regular review dates and be in place for the shortest time necessary;
- Have a proposed end date (although it can be extended via the review process);
- If the child has a social worker, the school is expected to keep them informed and involved in the process; and



- If the child has an EHCP, the school should discuss the part-time timetable with the local authority.

### Out-of-school barriers

There are lots of potential out-of-school barriers, and as above these may well necessitate a whole family assessment and plan where parenting capacity, family, environmental and contextual factors are at play. Anyone can complete a whole family assessment using the [Supporting Families Assessment Form](#) to explore the wider barriers and identify actions to address these. An example of an action might be a referral to the [Lambeth Parenting Support Service](#) who provide a range of free parenting programmes to develop parenting skills. These are age specific and include support around certain needs, e.g. autism, ADHD and behaviour.

Needs and barriers may also be individual to the child and below are some examples of potential interventions to support this:

Poor physical health	Support may be available via the <a href="#">Lambeth School Inclusion Team</a> if the child is <a href="#">too ill to attend</a> school. An application can also be made to Lambeth SEN Team for an <a href="#">Education Health Care</a> Needs Assessment.
Poor mental health	As well as the support available for poor physical health, access to an in-school counsellor or community counselling (e.g. the <a href="#">Well Centre</a> or <a href="#">Marcus Lipton</a> ) may be useful, or access to specialist mental health support via Lambeth Child & Adolescent Mental Health Service (CAMHS). Please also refer to the <a href="#">Emotional Wellbeing and Mental Health</a> support local guide. The government has also issued guidance around <a href="#">Support for pupils where a mental health issue is affecting attendance</a> .
Caring responsibilities	Support may be available via the <a href="#">Lambeth Carers Hub</a>

### Children who are too ill to attend

If a child can't go to school because they're ill, schools should make sure they still get education the first few weeks. If they're ill for more than 15 days, or aren't getting help from a school, the [Inclusion Team](#) can help by arranging education outside of school. **This must be requested by the child's school.** This would involve tutoring, which might be at home or in a public place.

Read more about Lambeth's Too Ill To Attend policy and how to access support [here](#).

**How can I support barriers to attendance?** If you are involved with a child who has poor, persistent or severe absence contact the school and ask how you can be part of the support plan.

### Attendance legal intervention

Where voluntary support has not led to improved attendance, a referral to the [Lambeth's Education Welfare Service](#) must be made by the school. Lambeth's Children Missing Education Policy states that **where a child fails to attend school or goes missing from the school roll for 10 days the**

**school must notify the Education Welfare Service (“EWS”)** to enable the school and local authority to jointly offer support.

Upon involvement, the EWS will work with the school to consider the individual circumstances of the family before agreeing on one of the following legal interventions:

- **Attendance Contract:** a formal written agreement between a parent and the school or local authority; this is not legally binding. Parents cannot be compelled to enter an attendance contract, and these cannot be agreed in a parent’s absence.
- **Education Supervision Order:** are made through the Family Court and give the local authority a formal role in advising, helping and directing the child and parent to ensure the child receives an efficient, full-time and suitable education. Directions can include, for example, to attend support meetings/parenting programmes/counselling or for an educational psychology assessment. Orders initially last for 1 year. Failure to comply might be a criminal offence.
- **Attendance Prosecution:** are criminal prosecutions in the Magistrates Court instigated by the local authority. There are various criminal offences related to failing to secure regular attendance at school, and parents can be fined up to £2,500 or imprisoned for up to 3 months.
- **Parenting Order:** these can be imposed by the court following a criminal conviction for non-attendance and require parents to attend counselling or guidance sessions (e.g. parenting education or parenting support). Parental consent is not required to make these orders. Failure to comply can lead to a fine.
- **Penalty Notice:** these can be used by schools, local authorities and the police and require a parent to pay a fine (paid to the local authority). Failure to pay the fine can result in criminal prosecution. There is no right of appeal. Only 2 penalty notices can be issued to the same parent in respect of the same child within a 3 year rolling period.

### Parental defences

**S444 Education Act 1996** sets out the circumstances where parents will not be considered legally liable for poor school attendance, which are:

- Proof that ill health or other unavoidable causes, e.g. exclusion, prevented the child from attending.
- Proof that the child was granted a leave of absence by the school.<sup>11</sup>
- The absence was on a day set aside for religious observance by the religious body to which the child’s parent(s) belong.
- If the school is an independent school, proof that the school is not in walking distance of the home and the local authority has not made suitable arrangements for the child to either board at the school or be admitted to a state funded school closer to home.
- If the absence was from certain types of alternative provision, proof that the child receives education otherwise than by regular attendance.
- If the absence was from alternative provision, the parent was not notified about the provision in writing before the absence.
- If the child has no fixed abode and the parent’s work requires them to travel, where the child is over 6 there is proof the child has attended school for at least 200 sessions during the preceding 12 months.

<sup>11</sup> Schools can grant a leave of absence in strict circumstances, set out in [Regulation 11 of the School Attendance \(Pupil Registration\) \(England\) Regulations 2024](#), which are: taking part in a regulated performance or employment abroad; attending an interview (e.g. for another school or future employment); study leave; a temporary, time-limited part-time timetable; or, exceptional circumstances. Generally the DfE does not consider the need or desire for a holiday or other absence for purpose of leisure and recreation to be an exceptional circumstance. Leave of absence should not be granted for a pupil to take part in protest activity during school hours.



## Suspensions, exclusions and off-rolling

The government supports headteachers to use suspension and permanent exclusion as a sanction to create calm, safe and supportive environments where both pupils and staff can work in safely and are respected. Behaviour both inside and outside of school can be grounds for a suspension or permanent exclusion. The government also recognises that suspensions and permanent exclusions should be used as a last resort, and that other strategies are preferred to manage behaviour (read more [here](#)).

There are laws which govern both processes and lay down limitations on the use of both sanctions, which can be located in [The School Discipline \(Pupil Exclusions and Reviews\) \(England\) Regulations 2012](#) and DfE Statutory Guidance [Suspension and permanent exclusion of pupils from local authority maintained schools, academies and pupil referral units](#).

### ***What is the difference between a suspension and an exclusion?***

Suspensions, sometimes called ‘fixed term exclusions’, occur when a child is temporarily removed from the school on disciplinary grounds. This includes, for example: asking them not to attend school for a set number of day(s); sending a child home for disciplinary reasons and asking them to log-on online; or asking a child to leave school for the lunch period. Permanent exclusions occur when a child is no longer allowed to attend school.

Only a school headteacher can make the decision to suspend or exclude a child. In establishing the facts, the civil standard of proof is used, i.e. on the balance of probabilities it is more likely than not that the fact is true. Government guidance includes (non-exhaustive) examples of circumstances which may warrant a suspension or permanent exclusion: physical assault against a pupil or adult, verbal abuse or threatening behaviour against a pupil or adult, use or threat to use an offensive weapon, bullying, racist abuse, abuse against sexual orientation or gender reassignment, or abuse relating to disability.

The school must inform the local authority, without delay, of all school exclusions regardless of the length of the exclusion. For permanent exclusions, the school must ensure the child’s home local authority is also notified (e.g. if they live in one Borough but attend school in another Borough).

### Suspensions

Schools do have limits on the power and use of suspension as a disciplinary measure:

- A pupil cannot be suspended for more than 45 school days in a single academic year.
- A suspension cannot be open-ended, there must be a defined end date that is fixed when the suspension is first imposed (a ‘fixed period’).
- Suspensions cannot be extended or ‘converted’ into a permanent exclusion. In exceptional cases<sup>12</sup> a further suspension or permanent exclusion may be issued to begin immediately after the first suspension ends.
- A pupil may be suspended for one or more fixed periods, provided it does not exceed the 45 days.

<sup>12</sup> Normally when further evidence has come to light during the period of the suspension.

Processes which must be applied by the school whenever a decision is made to suspend is made are:

- To formally record the suspension.
- To inform parents without delay about the period of exclusion and the reasons for it (information must also be provided in writing).
- To inform parents of the right to make representations about the decision to the school's governing body. This right applies where the suspension:
  - Is for more than 5 school days in a term.
  - Is for more than 15 school days in a term.
  - Results in the loss of an opportunity to take a public examination or a National Curriculum test.
- To notify the school governing body and local authority where the suspension:
  - Is for more than 5 school days in any term.
  - Results in the loss of an opportunity to take a public examination or a National Curriculum test.

Best practice also states that schools should also take steps to ensure that work is set and marked for pupils during the first five school days of a suspension. This can include utilising any online pathways such as Google Classroom or Oak National Academy. The school's legal duties to pupils with disabilities or SEN remain in force, for example, to make reasonable adjustments in how they support disabled pupils during this period.

It is important that these processes are followed whenever a child is told or forced to leave school, or not allowed to attend school, even if this is for a short period of time (e.g. half a day or during lunchtime).

It is also important to note that whilst reintegration should take place with the child, **a child should not be prevented from returning to school if their parents are unable or unwilling to attend a reintegration meeting.**

***What should I do if I am working with a child who has been suspended from school?*** Check that the correct processes have been followed and contact the school to advocate that work is set and marked. Ensure the child's parent has made adequate supervision arrangements for the child when not in school. Offer to attend and support the child at their reintegration meeting.

### Permanent exclusions

The decision to exclude a pupil permanently should only be taken:

- In response to a serious breach or persistent breaches of the schools' behaviour policy; *and*
- Where allowing the pupil to remain in school would seriously harm the education or welfare of the pupil or others such as staff or pupils in the school.

Processes which must be applied by the school whenever a decision is made to permanently exclude is made are:

- To inform the parent, governing body, local authority and (where different) home local authority of the permanent exclusion.

- To provide the parent notice in writing of the exclusion, the reasons for it and the right to make representations to the school governing body.
- To inform the parent of the right to have representation at the meeting and that they may be accompanied by a friend.

Headteachers should, as far as possible, avoid permanently excluding any pupil with an Education Health Care Plan or children who are Looked After by the Local Authority.

Best practice guidance also states that schools should:

- Take reasonable steps to ensure that work is set and marked for pupils during the first five school days (if the pupil will not be attending alternative provision); and
- Consider appropriate referrals to support services and/or notify key workers (such as a pupil's social worker).

***What should I do if I am working with a child who has been permanently excluded from school?*** Ensure the child's parent has made adequate supervision arrangements for the child. Contact [Lambeth Inclusion Team](#) to find out what the plan for the child is and how you can support the child and family to follow the plan.

#### Duties to arrange education for excluded pupils

**The first 5 days:** for children with a social worker or looked-after children, the school and local authority should try and arrange alternative provision from the first day of the suspension or permanent exclusion. Schools should always take reasonable steps to set and mark work for any child during the first 5 days.

#### **The 6<sup>th</sup> day onwards:**

- For a *suspension* of more than 5 school days, the governing body (or local authority for children suspended from a PRU) must arrange suitable full-time education for any child of compulsory school age. This is normally called alternative provision. This duty applies cumulatively, i.e. if a child is suspended for 1 day on 6 separate occasions, the duty starts on the sixth occasion.
- For *permanent exclusions*, the local authority where the child lives must arrange the suitable full-time education from the sixth school day after the permanent exclusion.

#### Appealing to school governing bodies

Parents can request a school governing body reviews a decision to suspend a pupil for more than 5 days in any school term. The governing body must make a decision within 50 school days from receipt of request.

Upon request, school governing bodies must automatically review decisions to:

- Permanently exclude a pupil
- Suspend a pupil for more than 15 school days in any term
- Suspend or exclude where the decision results in the loss of an opportunity to take a public examination or National Curriculum tests.

These decisions must be made within 15 school days of notification, or (as far as reasonable practicable to do so) before the public examination or National Curriculum test.

Parents, headteachers and local authorities may make representations to the school governing body. The governing body must take reasonable steps to arrange a meeting with the parent, headteacher and local authority. Parents can request a representative or friend to attend.

School governing bodies must decide whether or not a child should be reinstated. Decisions must consider the interests and circumstances of the excluded child and have regard to the interests of other pupils and persons working at the school.

If the governing body upholds the permanent exclusion then they must inform the parent, headteacher and local authority in writing. Parents have the right of appeal to an independent review panel. Read more [here](#).

### ***Is support is available for children who are suspended or excluded?***

[Communities Empowerment Network](#) and [School Exclusion Clinic](#) are charities who can provide specialist advice and support to children and parents.

### ***Off-rolling***

Off-rolling refers to the situation where a child's name is removed from the school roll. There are lots of situations where this is allowed, as laid out in Regulation 9 of [The School Attendance \(Pupil Registration\) \(England\) Regulations 2024](#): read [deletions from the school roll](#) to find out more about when it is okay to remove a child's name from the school roll.

One of times when it is okay to delete a child's name from the school roll is the situation where they have been permanently excluded, *provided the formal legal processes have been followed and the exclusion is lawful*. It is unlawful to suspend or exclude a child:

- If they have special educational needs or a disability that the school feels it is unable to meet;
- For a reason such as academic attainment or ability;
- If a child fails to meet specific conditions before they are reinstated (e.g. to attend a reintegration meeting);
- Informal or unofficial exclusions, e.g. sending a child home to 'cool off' is unlawful *if* the formal school exclusion process is not followed as above.

Another example of when off-rolling is not okay, is where a school has exercised undue influence over a parent to remove their child from the school under the threat of a permanent exclusion and encouraging them to choose Elective Home Education or to find another school place.

***What should I do if I suspect illegal off-rolling has occurred?*** Inform parents that they are encouraged to follow the school's complaints procedure with the school governing body and in the case of a maintained school, with the local authority. Parents can also report to Ofsted and should notify the [Lambeth Inclusion Team](#).

## Managing behaviour and preventing school exclusions

Schools must have behaviour policies which include detail about school rules and the consequences of breaking these. This should include specific detail about child-on-child abuse, banned items and mobile phones. Consequences for breaking the rules can include verbal warnings, setting written tasks, losing privileges, detention, school-based community service, suspension and permanent exclusion.

**Top-tip.** If you are supporting a child whose behaviour in school is of concern, why not have a look at the behaviour policy with the child? This gives a chance to explore their understanding of the rules and what underlies rule-breaks, so that additional support can be put in place.

Alternative provision (AP) can be a way to manage behaviour and provide alternatives to school exclusion. AP might include outreach support (e.g. a mentor) or short-term places to children who need time-limited interventions away from mainstream school ('[off-site direction](#)'). Schools might also use [managed moves](#).

**Part-time timetables should *not* be used to manage a child's behaviour.**

The DfE has produced guidance for schools ([Behaviour in Schools](#)) to support managing a child's behaviour in school.

### Off-site direction

[S29A Education Act 1996](#) defines off-site direction as when the governing body of a maintained school requires a child to attend another education setting to improve their behaviour. The law doesn't apply to academies, but they also have the general power to arrange off-site provision.

Off-site direction can only be used to improve future behaviour, and not as a sanction or punishment, *and* where in-school interventions and/or outreach have been unsuccessful or are otherwise deemed inappropriate.

Off-site direction **must be time-limited**, and there should be a contingency plan once the time limit is reached (e.g. a managed move on a permanent basis).

Off-site direction can be full-time or a combination of part-time in alternative provision and mainstream (e.g. 2 days in alternative provision and 3 days in mainstream provision).

The governing body of a maintained school must comply with the [Education \(Educational Provision for Improving Behaviour\) Regulations 2010](#) and have regard to the [Alternative Provision: statutory guidance for local authorities](#) (Academy Trusts are also encouraged to follow this guidance).

Parents must be notified in writing and provided with information about the placement as soon as practicable and no later than 2 school days before the placement starts.

During the period of off-site direction, there should be review meetings with the school, parents, child and other involved agencies (for example, Children's Social Care, Youth Justice, CAMHS and

(if the child has an EHCP) the local authority). The length of time the child spends in an off-site provision will depend on what best support their needs and potential improvement in behaviour.

Schools are responsible for identifying which education provision the child will be directed to attend and for giving the direction. Schools might do this via private agreement (e.g. asking a sister school to offer a provision) or via the support of Lambeth's [Primary or Secondary Inclusion Panels](#). However the placement is agreed, the school is the body who makes the decision and gives the direction.

***What should I do if I am involved with a child who is being educated off-site?***

Ask to be included in the review meetings and find out if you can support the plan to improve the child's behaviour and their access to education. If the child has an EHCP, the local authority can request (in writing) that the governing body holds a review meeting and the governing body must comply (unless there has already been a review meeting in the last 10 weeks).

## Managed moves

A managed move is used to initiate a process which leads to the transfer of a child to another mainstream school: these are subject to a trial (i.e. an agreed period of time) and can become permanent moves if the trial proves successful.

These should be voluntary and agreed with all parties involved, **including the parents and the new school**.

If the child has an EHCP, additional statutory duties apply and the local authority must follow statutory procedures to amend the EHCP before the managed move can take place. Read more [here](#).

The original school and new school must share information about the child, including prior/current attainment, academic potential, a risk assessment and advice on effective risk management strategies. The child should also be provided with an effective integration strategy.

If a parent believes they are being pressured into, or is unhappy about, a managed move they should utilise the school's complaints procedure.

Schools can identify the 'trial' school either by private agreement (e.g. with a sister school) or via a request to the [Primary or Secondary Inclusion Panels](#). Schools should notify the local authority however the arrangement is made by using this [form](#).

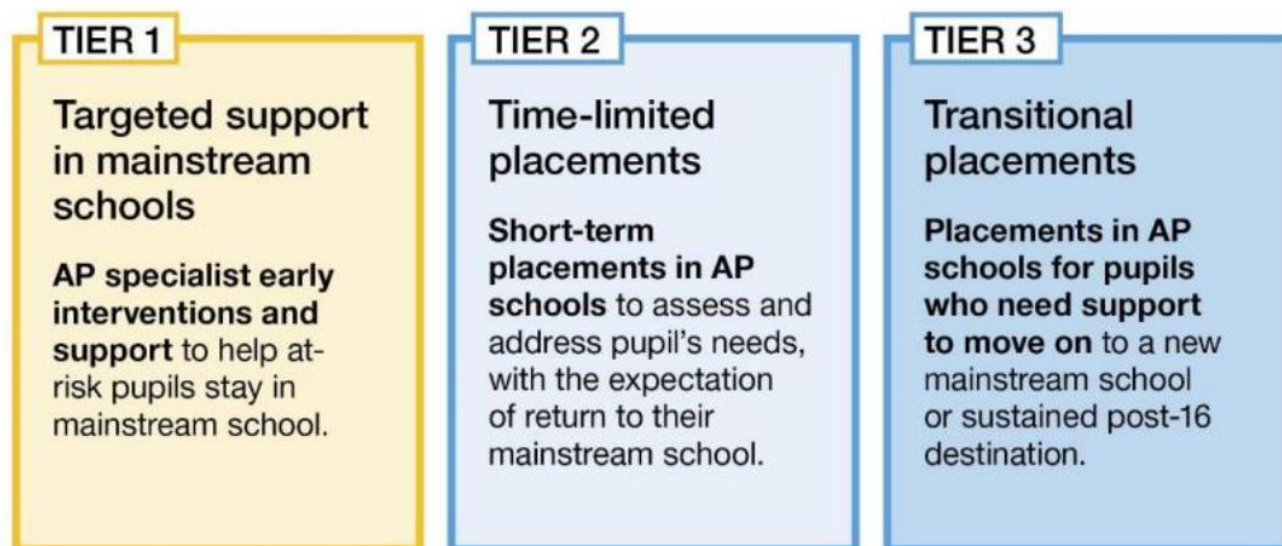
Once the managed move process has begun, at the end of the trial period the move may become permanent if successful. However, if behaviour has not improved the school can either accept the child's return to the school, arrange another managed move or permanently exclude.

***What should I do if I am involved with a child who is offered a managed move?*** Contact the original school and ask to be involved in the process, for example, as part of the integration and support plan.



## Behaviour and SEMH support in Lambeth

In Lambeth, there are two panels to support children with behaviour challenges: the Primary Inclusion Panel (for children in primary education) and the Secondary Inclusion Panel (for children in secondary education). Schools can refer pupils to these panels using the [gateway form](#). Support is offered via a three-tier system.



The Inclusion Panels are made up of representatives from various Lambeth teams and services, including Inclusion, Early Years, Children's Social Care, Early Help, Area SENCo Team, Education Welfare Service, SEND and Behaviour and SEMH Advisors. Local primary and secondary school representatives are also in attendance. Read more about the panels and referral criteria in the [Lambeth SEND and Alternative Provision Framework](#).

***What can I do to access this support for a child I am working with?*** Referrals must come via the child's school, so please speak to them in the first instance. To discuss whether a child may be eligible for this support please contact [inclusionpanel@lambeth.gov.uk](mailto:inclusionpanel@lambeth.gov.uk)

## Alternative Provision & Pupil Referral Units

Alternative provision is defined as education:

- (1) arranged by local authorities for pupils who, because of exclusion, illness or other reasons, would not otherwise receive suitable education; *or*
- (2) education arranged by schools for pupils on a fixed period exclusion; *or*
- (3) pupils being directed by schools to off-site provision to improve their behaviour.<sup>13</sup>

A reminder of who is responsible for arranging alternative provision:

- Local authorities are responsible for arranging suitable education for permanently excluded pupils, and for other pupils who – because of illness or other reasons – would not receive suitable education without such arrangements being made.
- Governing bodies of schools are responsible for arranging suitable full-time education from the sixth day of a fixed period exclusion.
- Schools may also direct pupils off-site for education, to help improve their behaviour.

In Lambeth, **alternative provision is used as an intervention and not a destination**. Any school that is *established and maintained* by a local authority to enable it to discharge its duty under [S19 Education Act 1996](#) is known as a Pupil Referral Unit (PRU). Local authorities can also discharge this duty by using other specialist providers.

In Lambeth, the main provider for alternative provision arranged by the Local Authority is [Evolve Academy](#). Most children who need to access alternative provision will be directed to attend Evolve Academy. Although in some exceptional circumstances, the Local Authority may arrange for the child to attend a specialist SEMH resource base, attend an independent alternative provision or to access Home Tuition. You can read more in the Lambeth [SEND and Alternative Provision Framework](#)

It is important that professionals are clear as to what alternative provision options are available to the child to avoid mixed messages, which can ultimately delay a child's access to education (for example, misinforming a parent that their child can receive home tuition when they are not eligible for this).

***What can I do if I am supporting a child who has been directed to attend a alternative provision?*** We know a lot of children and parents may have concerns about alternative provision, but it is important that professionals are providing a consistent message about the options available and parental responsibilities. Please contact [Lambeth Inclusion Team](#) in the first instance to find out more about the child's circumstances and options so that clear and realistic messages can be given to the child and family about their rights.

<sup>13</sup> [Alternative Provision: Statutory guidance for local authorities](#)



## Elective home education

Elective Home Education (EHE) is the term used to describe a choice by parents to provide education for their children at home instead of sending them to school full-time. This is different to education provided by a local authority otherwise than at school, for example, tuition for children who are too ill to attend school.

There are many reasons why parents may choose EHE, for example, for ideological, philosophical, religious or cultural reasons, health reasons, dissatisfaction with the school system or familial reasons. Often EHE is a positive choice which is expected to lead to a better outcome, but in some cases EHE may be a last resort. Wherever possible, local authorities should encourage parents to discuss an intention to home educate children before putting it into effect.

Whilst parents have a lot of flexibility as to how they choose to home educate (rights), there are also clear responsibilities which they should be aware of before choosing EHE (responsibilities):

Parental Rights	Parental Responsibilities
To choose to educate a child at home or in some other way instead of sending them to school full-time.	To provide an efficient full-time education suitable to the age, ability, aptitude and any special educational needs of the child.
To choose to engage private tutors or other adults to assist in providing an education.	To take on financial responsibilities for the cost of education, including the cost of tutors, etc.
To choose to use a parental support group or other company giving full-time education.	To take on financial responsibility for any examination costs.
To choose to use provision from a further education college for children aged 14+.	
To choose 'flexi-schooling', i.e. making arrangements for a child to receive part of their education at a school. <sup>14</sup>	
To choose whether or not to enter the child into public examinations: there is no obligation for children to sit exams.	
To choose subject matter: there is no need to include any particular subjects or follow the national curriculum.	
To choose when to educate: there is no obligation to follow the school day or have holidays which mirror those observed by schools.	

<sup>14</sup> Schools are under no obligation to agree to this.

All parents have the right to educate their children at home: there is no legal duty on parents to inform the local authority that a child is being educated at home.

There is, however, a legal duty for parents to ensure the education they provide is efficient, full-time and suitable:

- **Efficient:** is not defined in statute, but is interpreted to mean education which ‘*achieves what it is intended to achieve*’.
- **Full-time:** is not defined in law and will depend on the facts of each case. There is no requirement to have a timetable, to set hours during which education will take place or to observe school hours, days or terms. Parents should be able to demonstrate the amount of time which a child is being educated and this should occupy a significant proportion of a child’s life.
- **Suitable:** education must be suitable to the age, ability and aptitudes of the child, and any special educational needs. This means it must be age-appropriate, enable the child to make progress according to their level of ability and should take account of any specific aptitudes (for example, if a child is very good at mathematics the education might focus more on that than some other subjects). To be suitable, education should enable a child to participate fully in life in the UK: education should not directly conflict with the Fundamental British Values as defined in government guidance. The environment in which the education is provided is also considered, for example, if delivered in very noisy and/or cramped premises it may not be suitable. Also, education may be deemed unsuitable if it leads to excessive isolation from the child’s peers and impeded social development.

The DfE has produced EHE [guidance for parents](#) which they should be encouraged to access before making any decision to choose EHE.

### The role of the local authority

The Department of Education has produced non-statutory guidance for local authorities about [Elective Home Education](#) to support them in fulfilling legal duties. The law requires local authorities to establish, so far as it is possible to do so, the identities of children who are not receiving a suitable education. Some of the challenges include:

- If a child has never attended school, a local authority may be unaware that the child is being home educated.
- If a child has attended a school, parents are under no legal obligation to notify the school and/or the local authority – either in writing or otherwise – of the decision to withdraw a child from a school (or indeed to provide a reason for withdrawal).

The procedures around [Children missing education \(CME\)](#) are designed to help address some of these challenges.

When a local authority is made aware that a child is, or appears to be, home educated the law requires the local authority to enquire about what type of education is being provided:

- The local authority should initially attempt to establish quality of education via informal contact and enquiries, e.g. asking parents for detailed information about the education they are providing and/or asking to see the child.
- Where a parent does not respond or provide details about the child’s education, or informal contact fails to establish that the child is receiving suitable education then the S437(1) of the Education Act 1996 requires the local authority to serve a notice on the parent requiring them to satisfy that the child is receiving suitable education.

- Where a parent fails to respond to the S437(1) notice and/or where the response does not establish that the child is receiving a suitable education, then the local authority should serve a School Attendance Order (SAO) on the child in line with [S437-442 Education Act 1996](#). This requires the parent to register their child at a school or make suitable alternative education arrangements. If a parent fails to comply with an SAO, this is a criminal offence, and the Local Authority can bring a prosecution against the parent in the Magistrates Court (which can result in a fine of up to £1,000).
- The local authority can also apply for an [Education Supervision Order](#) as an alternative, or addition to, prosecution for failing to comply with an SAO.

The DfE also recommends that local authorities make annual contact with parents of children who are EHE to ensure the education remains suitable, which are undertaken in Lambeth by the [Inclusion Team](#).

It is important to note, from a safeguarding perspective, **that a failure to provide suitable education is capable of satisfying the threshold of significant harm necessary to undertake S47 Child Protection enquiries**. The causing of significant harm does not need to be intentional or deliberate.

***What should I do if I am working with a child who is being home educated?***

You should notify the Inclusion Team to check if they are aware of the child and that enquiries have been made as to the suitability of the home education:

T: 020 7926 6928 / E: [inclusion@lambeth.gov.uk](mailto:inclusion@lambeth.gov.uk)

## Special educational needs and disabilities

[S20 of the Children and Families Act 2014](#) defines a child as having Special Educational Needs (SEN) if they have a learning difficulty or disability which calls for special education provision to be made for them.

**A child is considered to have a learning difficulty or disability if they:**

- 1. Have a significantly greater difficulty in learning than the majority of others of the same age; OR**
- 2. Have a disability which prevents or hinders them from making use of facilities of a kind generally provided for others of the same age in mainstream schools or mainstream post 16 institutions.**

This would include, for example, children with: emotional and behavioural difficulties; autistic spectrum condition; attention deficit (hyperactivity) disorder; dyslexia; obsessive compulsive disorder; communication difficulties; medical needs such as epilepsy and cerebral palsy and mobility difficulties.

SEN and disability are classified within the 4 broad areas of need (which you will see named on an Education Health Care Plan if a child is in receipt of one):

**Communication and interaction:** this includes children with speech language and communication needs and/or children with autistic spectrum condition.

**Cognition and learning:** this includes children who learn at a slower pace than their peers and covers a wide range of needs, including moderate, severe or profound and multiple learning difficulties and also specific learning difficulties, such as dyslexia, dyscalculia and dyspraxia.

**Social emotional and mental health difficulties:** this can include mental health difficulties and/or challenging, disruptive or disturbing behaviour. Children with ADD, ADHD or attachment disorder would come under this broad category.

**Sensory and/or physical needs:** this can include vision impairment, hearing impairment, multi-sensory impairment and physical disability.

Children with SEN and disability may need extra help in a range of areas, for example: reading, writing, number work or understanding information; expressing themselves or understanding others; making friends or relating to adults; behaving properly in school; organising themselves; or, sensory or physical needs which may affect them in school.

Statutory guidance for supporting these children is contained in the [Special Educational Needs and Disabilities Code of Practice](#). By law, every school is required to have systems in place to identify children who are in need of support and to assess, monitor and secure appropriate support for any SEN they may have. A summary of some core duties are set out as follows:

Schools	Local authorities
Must use their best endeavours to ensure that special educational provision is made for those who need it.	Must ensure that children and their parents are involved in decisions about their individual support and local provision.
Must not refuse to admit a child who has SEN but does not have an EHCP because they do not feel able to cater for those need OR refuse to admit a child on the grounds they do not have an EHCP. <sup>15</sup>	Must provide impartial information, advice and support to children with SEND and their parents about matters relating to their SEN or disabilities, including matters relating to health and social care.
Should take action to remove barriers to learning using the 4-part cycle of SEN support: Assess, Plan, Do and Review. <sup>16</sup>	Must provide a local SEND offer which details how information, advice and support can be accessed and how it is resourced.
Must ensure that children with SEN engage in the activities of the school alongside children who do not have SEN.	Must work to integrate educational provision and training provision with health and social care children.
Must designate a teacher to be responsible for co-ordinating SEN provision (the SENCO)	Must conduct an EHC needs assessment upon request if it considers that (a) the child has or may have SEN; and (b) it may be necessary for special educational provision to be made of the child in accordance with an EHCP
Must make reasonable adjustments to prevent disabled children being put at a substantial disadvantage.	
Should take steps to ensure that children and parents are actively supported in contributing to needs assessments, developing and reviewing EHCPs.	Where a child has an EHCP, must review that plan a minimum of every 12 months.
Must publish an annual SEND report on their website.	

### The Local Offer

Local Authorities are legally required to publish a Local Offer which sets out, in one place, information about provision they expect to be available across education, health and social care for children in their area who have SEN or are disabled (including children without an EHCP).

**Access the Lambeth SEND Local Offer [here](#)**

As part of the local offer, Lambeth provides free and impartial information, advice and support via the [Lambeth Information, Advice and Support Service](#) (IASS). The service is consent-based and so only accepts self-referrals from parents or children. The service can also provide professionals with information about general SEN issues, cannot advise on specific cases without the express consent of the relevant parent, carer or young person.

### Education Health Care (EHC) Needs Assessment and Plans (EHCPs)

An Education, Health and Care Plan (EHCP) is a legal document that outlines a child's special educational needs (SEN) and the support they require to achieve specific outcomes. EHCPs

<sup>15</sup> [School Admissions Code](#)

<sup>16</sup> Read more in Paras 6.44-6.56 of the [Special Educational Needs and Disabilities Code of Practice](#)

describe a child's needs in relation to education, health and social care and specifies the additional resources and provisions required to meet these needs. EHCPs are legally binding, and the Local Authority must ensure the provision set out in the EHCP is delivered.

EHCPs have two key differences as compared to SEN Support:

1. EHCPs should clearly set out the child's SEN and what provision is required to meet those needs. The Local Authority then has a legal duty to ensure that this provision is provided. A legal remedy can be pursued if this does not happen. The EHCP can then follow the child or young person from one educational setting to another, where they transition between two phases of education (e.g. from primary to secondary school) or whether they move area.
2. If an EHCP does not include all the provision a child needs, the parent or young person (if over compulsory school age) can engage in a mediation process with the LA and/or appeal to the SEND Tribunal and ask for further provision to be included in it.

An Education Health Care (EHC) needs assessment refers to the process carried out by the local authority to determine whether a child with SEN requires additional support via an EHCP.

**Who can request an EHC needs assessment?** Anyone! Parents, children aged 16-25 and people acting on behalf of the child's school have a specific right to request an EHC needs assessment, but anyone else can request one (for example, foster carers, health and social care professionals, youth justice practitioners or family friends). This should always be done with the knowledge of and, wherever possible, agreement of the child's parent.

***How can I request an EHC needs assessment?*** Complete an application via the [EHC Hub](#) – this must be done with parental consent. It is best practice for the child's school to make the request as they will be in a better position to evidence what support has already been provided.

**What happens when the local authority receives a request for an EHC needs assessment?**

Legally, the local authority must assess a child if, after having regard to any views expressed and evidence, the local authority is of the opinion that:

1. The child has or may have SEN; *and*
2. It may be necessary for special educational provision to be made of the child in accordance with an EHCP.<sup>17</sup>

The local authority must make a decision about whether or not to carry out an EHC needs assessment within 6 weeks of the request and must communicate this decision to the child's parent. The local authority does not need to consider whether an EHC needs assessment is necessary if it has already undertaken an EHC needs assessment in the previous 6 months.

**What happens during an EHC needs assessment?** Local authorities must consult the child and their parent during the assessment. This can include observation of children and use of different methods of communication (e.g. using the Picture Exchange Communication System (PECS)).

The local authority must also gather advice from relevant professionals. For example, educational information (from teachers, SENCOs and other school staff), health information (from GPs, therapists or other healthcare professionals) and social care information. If the local authority has

<sup>17</sup> [S36\(8\) Children and Families Act 2014](#)

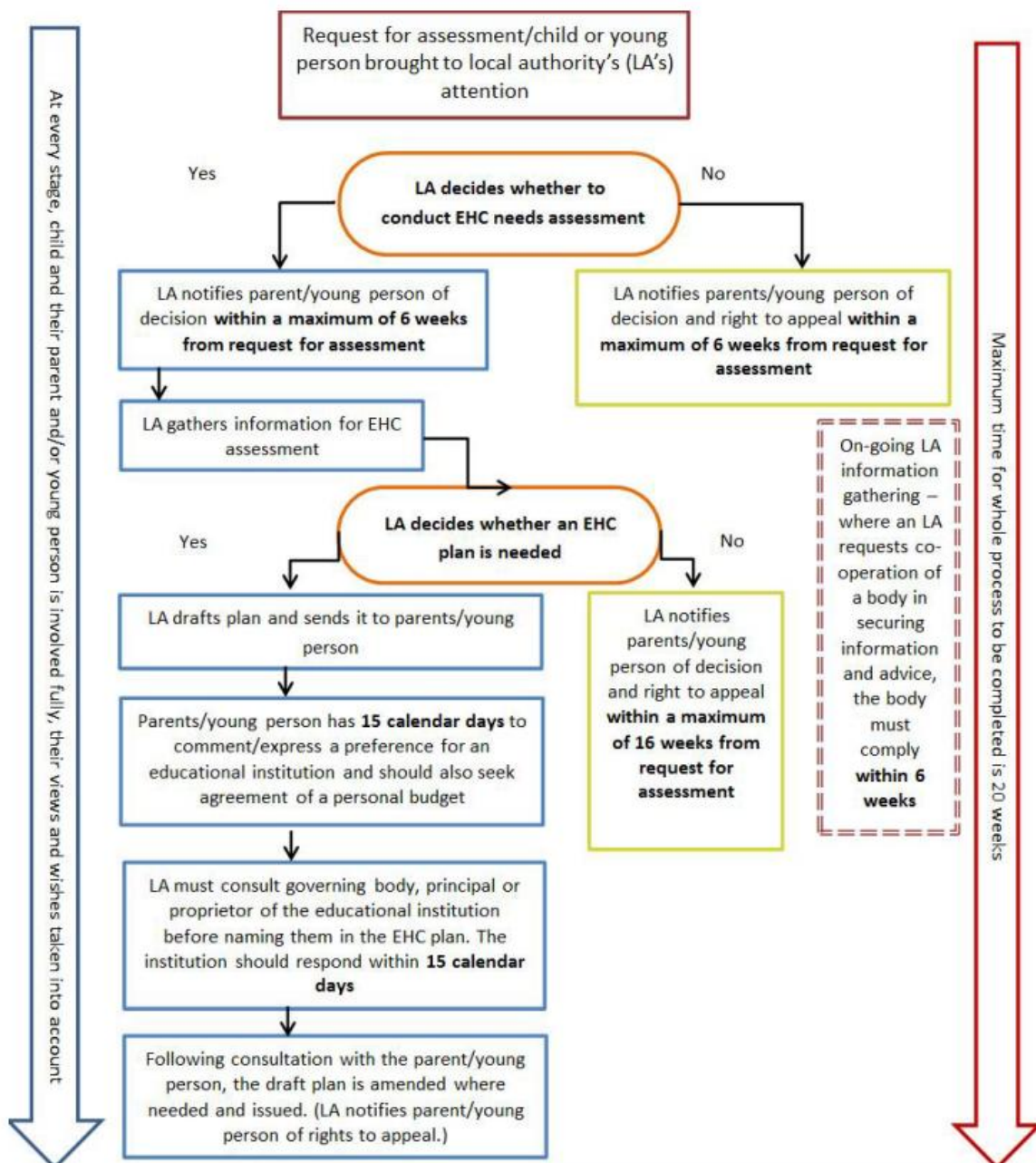


requested information, this must be provided within 6 weeks of the date of the request. The local authority may also make arrangements for a specialist assessment, for example, an assessment by an Educational Psychologist or Speech and Language Therapist.

Where the local authority decides an EHCP is not needed, this decision must be made and communicated within 16 weeks of the date of the request for an EHC needs assessment.<sup>18</sup> Parents do have the right to appeal against this decision.

Where the local authority decides that an EHCP is needed, this should be drafted and sent to the parent for comment. The local authority must also consult with any school before naming them in the EHCP. **Once a school is named on a final EHCP the child has a legal right to attend that school.** The whole process of agreeing, drafting, consulting and finalising an EHCP should take 20 weeks from the date of the request for an EHC needs assessment.

### Statutory timescales for EHC needs assessment and EHC plan development



<sup>18</sup> There are exceptions set out in para 9.42 of the [Special Educational Needs and Disabilities Code of Practice](#) where it is recognised that it is not reasonable to expect local authorities to comply with the time limit.

***What should I do if I am working with a child who is subject of an EHC needs assessment?*** Ask the child's parent to put you down as a contributor on the EHC Hub or contact [sendsupport@lambeth.gov.uk](mailto:sendsupport@lambeth.gov.uk) to include your views.

**What happens when an EHCP is finalised?** The final plan must be issued to the child's parent and the school governing body, proprietor or principal. Schools named on an EHCP must admit the child to their school. EHCPs must be reviewed by the local authority as a minimum every 12 months (known as annual EHCP reviews), but if a child's SEN changes then the local authority should hold a review as soon as possible (known as emergency EHCP reviews). Local authorities can also require some education providers to convene and hold EHCP review on its behalf.<sup>19</sup>

There may be occasions where a re-assessment of the EHCP is needed, particularly where the child's needs change significantly. The local authority must re-assess if asked to do so by the child's parent or the school governing body (unless less than 6 months have passed since the last EHC needs assessment was conducted OR if the local authority does not consider it necessary). Further guidance can be found in Paras 9.186-9.198 of the [Special Educational Needs and Disabilities Code of Practice](#).

If a child moves to a new local authority area, the 'old' local authority must transfer the EHCP to the 'new authority' on the day of the move (unless the old local authority was not given 15 working days notice of the move, in which case they must transfer within 15 working days of becoming aware of the move).

***What should I do if I am working with a child who has an EHCP?*** Ask to be invited to any annual or emergency reviews by contacting [sendsupport@lambeth.gov.uk](mailto:sendsupport@lambeth.gov.uk)

**Can an EHCP be ended?** Yes: if the local authority determines it is no longer necessary for the plan to be maintained or it is no longer responsible for the child. see Paras 9.199-9.210 to of the [Special Educational Needs and Disabilities Code of Practice](#) for more information. EHCPs will also be attended if a young person goes to University.

### Children with SEND and no EHCP

There will be children who have SEN but where it is not deemed necessary to provide them with special educational needs provision to meet their education, health and care needs. In some exceptional circumstances (outlined in Para 1.29 of the [Special Educational Needs and Disabilities Code of Practice](#)) these children might still be able to access special schools:

- Where they are admitted to a school to be assessed for an EHCP
- Where they are admitted to a special school following a change of circumstances as an emergency placement
- Where they are in hospital and admitted to a special school established in the hospital
- Where they are admitted to a special academy.

<sup>19</sup> See Para 9.173 of the [Special Educational Needs and Disabilities Code of Practice](#) for a list of education providers whom the local authority can require to convene and hold the meeting.



Most of these children will, however, be supported by their school. Schools are expected to adopt a graduated approach to supporting these children. Information is available on the Lambeth School Services website, giving examples of what support schools can and should put in place using the graduated approach. These are located in the [documents section](#) according to the type of SEN (e.g. cognition and learning, autism, speech language & communication needs, physical and medical needs, hearing impairment, visual impairment and social emotional and mental health).

*The first level of support - quality first teaching:* the people who teach children should always be checking that children are making progress suitable to their age and, where they are not, they should be working out what might be wrong, doing something different or putting in extra help and keep checking this support is helping.

*The second level of support - SEND support:* With parental consent, children can be added to the school's SEN Register. Schools should have an amount identified within their overall budget (called the notional SEN budget) to provide additional support. Schools have discretion over how to spend this budget but may, for example, secure services such as Educational Psychologists, CAMHS, specialist teaching or support services, speech and language therapists, occupational therapists and physiotherapists to support these children. The [Lambeth Autism Advisory Service \(LAAS\)](#) can also provide free support to schools in relation to children with autistic spectrum condition.

Schools are expected to follow this graduated approach by putting different strategies or intervention in place and reviewing the impact. This should continue in 'cycles' so that the strategies can adapt and change. Each cycle should normally last for one school term. Generally, schools need to evidence they have tried 3 cycles of support before an EHC needs assessment would be undertaken.

In January 2024, Lambeth launched the [Exceptional Needs Grant](#) pilot. This is additional funding available to Lambeth mainstream primary and secondary schools for children who have an 'exceptional level of need'. The funding is only available for children living in Lambeth and attending a Lambeth school. Only schools can apply for this funding.

***What should I do if I am working with a child who has SEND needs but no EHCP?*** Ask the school what strategies are in place for the child and how schools have used the graduated response tables to inform decision making. Where additional interventions and strategies are not working, ask the school to apply for exceptional needs grant funding. For questions, please contact: [AreaSENCoTeam@lambeth.gov.uk](mailto:AreaSENCoTeam@lambeth.gov.uk)

### SEND and EHE

For children *without* an EHCP, parents must ensure that education provided at home or otherwise is suitable to the child's special educational needs. Local authorities should work in partnership with, and support, parents to ensure that the SEN of these children are met where the local authority already knows the children have SEN or the parents have drawn the children's special needs to the authority's attention.

For children *with* an EHCP, if it is agreed that EHE is the right provision then the EHCP must make clear the child will be educated at home. The local authority must arrange the special educational provision set out in the plan. However, if the EHCP has named a school but parents choose EHE, the local authority is under no obligation to make the special educational provision set out in the plan provided the arrangements made by the parents are suitable. The EHCP must continue to be reviewed annually. Paras 10.30-10.38 of the [Special Educational Needs and Disabilities Code of Practice](#) provides further detail.

### SEND and suspensions/exclusions

Children and young people with SEND are statistically at higher risk of exclusion than their peers. Schools are required to take SEND into account when considering exclusion. Also, the SEND Code of Practice states that: *"Schools have a duty to arrange suitable, full-time education from the sixth day of a fixed period exclusion. Suitable education means efficient education suitable to a child's age, ability and aptitude and to any SEN the child may have."*

For children *without* an EHCP, suspension and exclusion should be used as a last resort and the guidance for [preventing school exclusions](#) applies.

For children *with* an EHCP, schools should contact Lambeth SEN Team and/or the allocated EHCP Case Worker about any behavioural concerns at an early stage and consider requesting an emergency review before making the decision to suspend or permanently exclude. A managed move should only take place where the local authority, parents and both schools are in agreement. The procedure to review and amend an EHCP would apply.

Schools *can* permanently exclude a child subject to an EHCP, but are legally required to make reasonable adjustments in order to avoid doing so and could be in breach of the Equality Act 2010 and the [Special Educational Needs and Disabilities Code of Practice](#) if they fail to do so. It is not encouraged for children with EHCPs to be permanently excluded and schools should always proactively seek advice at the earliest opportunity to avoid this.

## Educational neglect

Parents have a legal duty to ensure their child receives efficient full-time education suitable to their age, ability, aptitude and any special educational needs ([S7 Education Act 1996](#)). Failure to fulfil this duty can lead to [legal intervention from attendance services](#) but **can also require an additional safeguarding response**.

[Working Together to Safeguarding Children](#) (WTSC) defines neglect as “*the persistent failure to meet a child’s basic physical and/or psychological needs, likely to result in the serious impairment of the child’s health or development...neglect may involve a parent or carer failing to provide suitable education*”. The 2023 revision to WTSC specifically mentions educational neglect for the first time in the definition.

In Lambeth we view educational neglect as being the parent/carer’s failure to allow purposeful activity directed at achieving certain aims, such as transmitting knowledge or fostering skills which is in line to a child’s age, ability and aptitude and to any special educational needs he/she may have either by regular attendance at school or otherwise. This might include, for example:

- Not engaging with meetings to address attendance concerns
- Failure to provide substantiated reasons for absence
- Supporting or encouraging children to miss school or truant
- Failure to provide a suitable [elective home education](#).

[Working Together to Improve School Attendance](#) states that when all avenues of support have been facilitated by schools, local authorities and other partners, and the appropriate educational support or placements have been provided but severe absence for unauthorised reasons continues, it is likely to constitute neglect.

It does not matter whether the failure is intentional or not, although parental intention may impact on the type of response provided. Lambeth uses the [pan-London Threshold Document](#) to determine what type of response is needed on a case-by-case basis. Generally speaking:

- Where educational neglect is occurring due to lack of knowledge or skills, an Early Help response should be considered;
- Where educational neglect is occurring due to parental risk factors or vulnerabilities, or provision of early help support has not succeeded, a Child in Need response should be considered;
- Where parental behaviours are persistent (continuing to happen over time), cumulative (the impact on the child is increasing), chronic or acute (either ongoing/cumulative or episodic and often associated with crisis) and resistant to intervention, then a Child Protection response should be considered.

***What should I do if I am concerned about educational neglect?*** Complete the [Multi-Agency Referral Form](#) and be ensure to include details of the history, timeline of interventions, parental engagement, child’s academic attainment, child’s social development and opportunities and any contributing factors (such as parental vulnerabilities and their views).

## Lambeth Education Services

In Lambeth, there are lots of teams dedicated to helping children access education and you can read more about what these teams do and how to contact them here.

- [Area SENCo Team](#)
- [Behaviour Outreach Service](#)
- [Contextual Safeguarding Service](#)
- [Education Welfare Service \(EWS\)](#)
- [Inclusion Team](#)
- [Lambeth Autism Advisory Service](#)
- [Lambeth Information, Advice and Support Service \(IASS\)](#)
- [Prevent Team](#)
- [School Admission Service](#)
- [School Transport Team](#)
- [Special Educational Needs Team](#)
- [Virtual School](#)

### Area SENCo Team

This team focusses on early intervention and supporting schools to ensure that the right support is in place for children who have, or are believed to have, special educational needs and disabilities. Support includes:

- Observation of the child, or groups of children, to inform recommendations.
- Recommending or delivering screening assessment tools for individual pupils e.g., The York Assessment of Reading for Comprehension (YARC), Dyslexia Portfolio, and Strengths and Difficulties Questionnaire (SDQ).
- Developing and reviewing SEN Support Plans and risk assessments
- Developing integration plans for pupils and young people on part-time timetables.
- Signposting to Lambeth's Outreach Services.
- Gathering evidence towards a request for EHC Needs Assessment.
- Meetings with parents (e.g., annual reviews where a change of provision or placement is being requested).

The team is also piloting Exceptional Needs Grants, which are sums of money payable to schools to provide additional interventions and support for children who are awaiting an Education Health Care needs assessment.

Contact the team: [areasencoteam@lambeth.gov.uk](mailto:areasencoteam@lambeth.gov.uk)

### Behaviour Outreach Service

The service develops the ability of schools to support children and young people displaying behaviour that challenges, or who are experiencing Social, Emotional and Mental Health difficulties (SEMH). The service aims to reduce the risk of permanent exclusions.

The services offered by the service are:

- Observation of a child or group of pupils with recommendations, including 1:1 work

- Developing and reviewing Behaviour Support Plans (BSPs), risk assessments and re-integration plans for pupils and young people on part-time timetables or returning to mainstream schools from and alternative provision.
- Gathering evidence towards a request for EHC Needs Assessment.
- Meetings with parents
- Bespoke insets for teachers and/or support staff around positive behaviour management
- Support in developing a school's graduated responses around behaviour and for individual teachers with behaviour management
- Revising and supporting the implementation of behaviour policies

Contact the team: Betsy Hall (Behaviour and Inclusion Consultant) - [bhall@lambeth.gov.uk](mailto:bhall@lambeth.gov.uk)

## Contextual Safeguarding Service

The Contextual Safeguarding Service is made up of four teams: Support, Community, Knowledge and Missing. The team offers school location assessments where coordinators identify areas where harm in the school can take place and implement interventions to disrupt this risk. The community team works with early year provisions, primary and secondary schools as well as colleges.

Contact the team: [contextualsafeguarding@lambeth.gov.uk](mailto:contextualsafeguarding@lambeth.gov.uk)

## Education Welfare Service (EWS)

Lambeth Educational Welfare Service (EWS) works with Lambeth schools, parents, and partner agencies to ensure that all statutory age school children receive their educational entitlement. Lambeth EWS oversees the statutory functions for the council such as issuing Fixed Penalty notices, undertaking criminal investigations and prosecutions for non-school attendance.

The EWS also carries out children at risk missing home visits. Lambeth EWS support schools via way of targeted attendance meetings, register trawls, meeting parents to discuss poor school attendance. Where there are safeguarding concerns, the EWO's conduct home visits with school staff.

When working with parents, Lambeth EWS takes a listening ear approach and signposts to the appropriate agency for support. Lambeth EWS works with Partner agencies to safeguard young children and young pupils.

Contact the team: Patrick Ackason (Service Manager) [PAckason@lambeth.gov.uk](mailto:PAckason@lambeth.gov.uk)

## Inclusion Team

The Inclusion team provide support and resolution for pupils either not in education or not in a mainstream provision relating to the following areas:

- Exclusions
- Teenage pregnancy
- Too ill to attend school

- Elective Home Education
- Pupil Referral Units (PRUs) and Alternative Provisions
- Children Missing Education (pupils without an offer of a school place after completing Admissions processes).

The team provides services including:

- Inspecting and commissioning alternative provisions
- Arranging PRU or alternative provision placements post exclusion
- Seeking alternative educational placements when no mainstream placements are available
- Ensuring that pregnant pupils remain supported by their schools and that timely reintegration occurs
- Monitoring and assessing Home Education provided by parents who have taken full responsibility for their child's education
- Providing educational support to those too ill to attend mainstream school and ensuring they reintegrate at the earliest opportunity

Contact the team: [inclusion@lambeth.gov.uk](mailto:inclusion@lambeth.gov.uk)

## Lambeth Autism Advisory Service (LAAS)

The Lambeth Autism Advisory Service (LAAS) advises schools to enable statutory school-age pupils and young people on the autism pathway to reach their full potential academically and socially, whilst promoting their independence. The team provides support in schools for staff to develop a greater understanding of autism and to empower staff to apply good practice.

The team primarily provides training, professional advice and modelling and can also support outcome and target setting and support at annual reviews. The team uses practice from evidence-based interventions such as SCERTS, TEACCH and Attention Autism. The team runs regular workshops across the school year for staff, and bespoke-in-school training which can be arranged to support individual staff teams and are free to Lambeth schools.

The team also offers half-term drop-in Parent Support Groups. These aim to provide opportunities to meet other parents of pupils and young people with autism, to share experiences and to discuss strategies and interventions with both parents and professionals. The team runs National Autistic Society Early Bird+ and Teen Life Parent Training Courses across the academic year (access [here](#)). Referrals are made via school SENCOs and are then added to the LAAS data.

Contact the team: [LAAS@lambeth.gov.uk](mailto:LAAS@lambeth.gov.uk)

## Lambeth Information, Advice and Support Service (LIASS)

Provides free, impartial and confidential information about education, health and social care for children, young people, and their parents relating to special educational needs and disabilities. Support is also available for professionals, read more [here](#).

Contact the team: [Lambethiass@lambeth.gov.uk](mailto:Lambethiass@lambeth.gov.uk)



## Prevent Team

The Lambeth Prevent Team offer a range of bespoke support which is arranged by the Channel multi-agency panel for pupils and young people at risk of being drawn into terrorism.

**Contact the team:** [prevent@lambeth.gov.uk](mailto:prevent@lambeth.gov.uk)

## School Admission Service

Provides information and guidance about getting a child into a school in Lambeth and how to appeal against their school place allocation.

**Contact the team:** [schooladmissions@lambeth.gov.uk](mailto:schooladmissions@lambeth.gov.uk)

## School Transport Team

Children or young people with special educational needs and disabilities (SEND) may be entitled to help travelling between home and school. The team deals with applications. Read more about the transport policy [here](#).

**Contact the team:** [transport@lambeth.gov.uk](mailto:transport@lambeth.gov.uk)

## Special Educational Needs Team

The SEN team provides a service that ensures identification and assessment of special educational needs are completed to statutory timescales. The team are responsible for undertaking EHC needs assessments and overseeing EHCPs.

**Contact the team:**

General Support: [sendsupport@lambeth.gov.uk](mailto:sendsupport@lambeth.gov.uk)

Annual Review: [annualreviews@lambeth.gov.uk](mailto:annualreviews@lambeth.gov.uk)

## Virtual School

Lambeth Virtual School for Looked After Children is an educational organisation set up to promote the educational achievement of children in care to Lambeth. The Virtual School aims to improve the educational outcomes of children in care with an innovative programme of early intervention and targeted support to narrow the attainment gap with their peers.

**Contact the team:** [lambethvirtualschool@lambeth.gov.uk](mailto:lambethvirtualschool@lambeth.gov.uk)

## Further reading

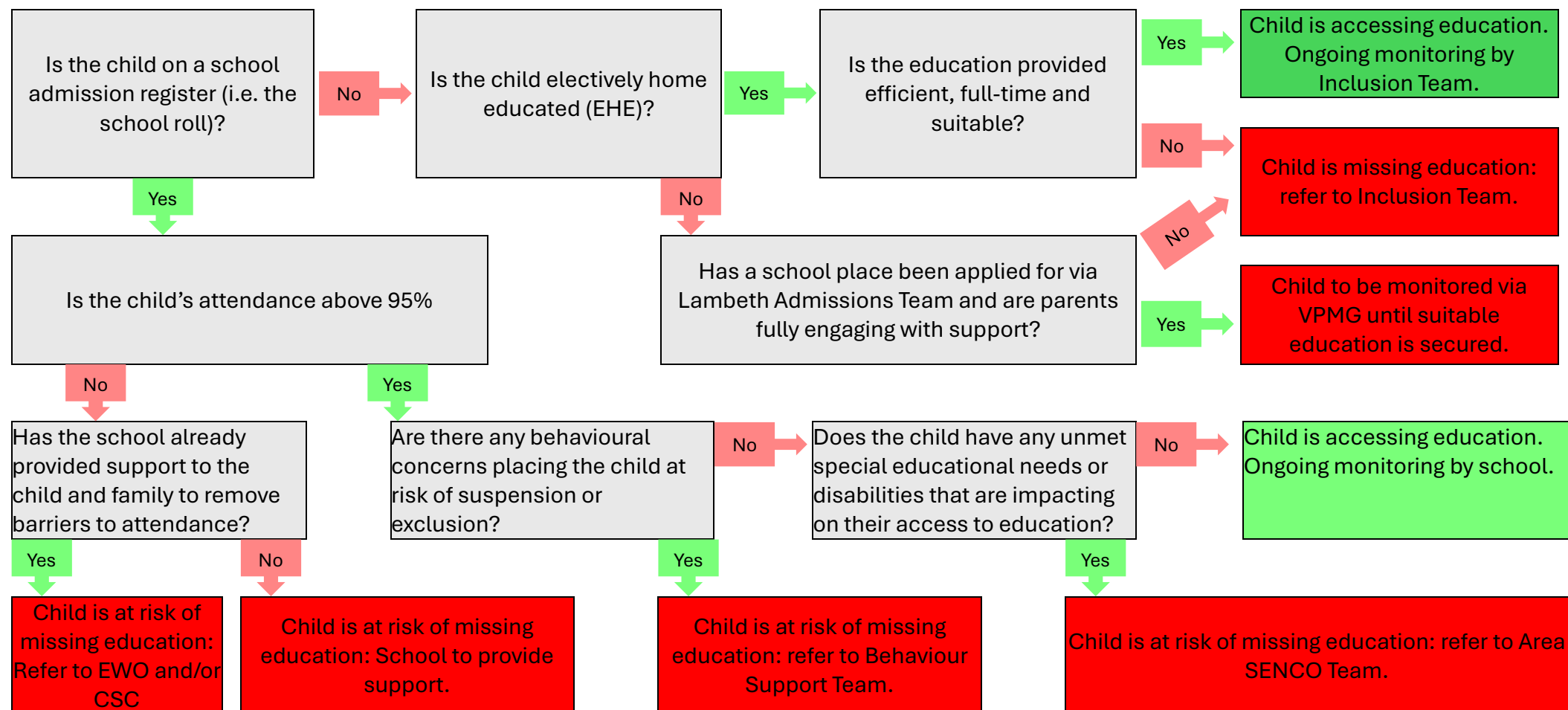
### Department of Education (DfE) guidance:

- [Alternative provision: statutory guidance for local authorities \(Jan 2013\)](#)
- [Behaviour in schools: advice for headteachers and school staff \(Feb 2024\)](#)
- [Children missing education: statutory guidance for local authorities \(Aug 2024\)](#)
- [Elective home education: departmental guidance for local authorities \(Apr 2019\)](#)
- [Keeping children safe in education 2024 \(Sep 2024\)](#)
- [Special educational needs and disabilities code of practice: 0 to 25 years \(Jan 2015\)](#)
- [Suspension and permanent exclusion from maintained schools, academies and pupil referral units in England, including pupil movement: guidance for maintained schools, academies and pupil referral units in England \(Aug 2024\)](#)
- [Working together to improve school attendance: statutory guidance for maintained schools, academies, independent schools and local authorities \(Aug 2024\)](#)
- [Working together to safeguard children 2023 \(Dec 2023\)](#)

### Lambeth policy and practice:

- [Education support for pupils who are too ill to attend policy](#)
- [SEND and Alternative Provision framework](#)
- [SEND Travel Assistance policy](#)

## Appendix: Access to Education Flowchart





Document schedule:

Created: Feb 2025

Reviewed: June 2025