

Education Welfare

Gypsy Roma Traveller Reference Guide 2021 - 2022



School attendance matters

Education Welfare contributes to the Barnsley Alliance to promote a cohesive approach to improving education. Our goal is that we all work together to ensure the very best education outcomes for children and young people in Barnsley.

We share a collective commitment that education in the borough should support the Council's vision for Barnsley to have a thriving and vibrant economy; be a place where people achieve their potential and where they live within strong and resilient communities. We share the vision of the Children and Young People Plan 2019-22 for every child to attend a school rated 'good' or better by Ofsted, to achieve success in learning and work while growing up in strong and resilient families. Success in education and engagement in lifelong learning is the key to good employment prospects, good health and well-being, and to building thriving communities. Improving education quality and outcomes are a shared priority, fundamental to achieving our broader vision for Barnsley.

Safeguarding - through school attendance, we can track the progress of all children, including vulnerable groups, such as children in care and those subject to a Child Protection Plan, and children missing education, as well as other groups at significant risk of slipping through the net. Children not attending school regularly can also be an indicator that there are concerns at home.

This guidance is aimed at schools and Academies and throughout the document reference is made to Gypsy, Roma, and Traveller Pupils who are included in the larger cohort of vulnerable groups as outlined above. The Education Welfare Service (EWS) will work closely with schools and academies to ensure that attendance is monitored, and interventions put in place whilst considering the range and makeup of these vulnerable families which will include any of the groups below:

- Gypsies
- Scottish Travellers or Gypsies
- Welsh Gypsies or Travellers
- Roma
- Traveller of Irish Heritage
- Show people
- Fairground families
- Circus families
- New Travellers
- Bargee or Canal – boat families

Gypsy, Roma, and Irish Travellers of Irish heritage are protected by the Race Relations Act of 1976 and have ethnic status in law. "Traveller" is an all-embracing term for those groups who do not have this status. There are several distinct groups. Some terms are interchangeable, but it is important to approach the question of identity with respect and for individuals to self-ascribe.

Ofsted Report -Gypsy, Roma, and Traveller (GRT) pupils

In December 2014, Ofsted published a national survey 'Overcoming barriers: ensuring Roma children are fully engaged and achieving in education'

www.gov.uk/government/publications/ensuring-roma-children-achieve-in-education.

Despite the national attention this report received and the setting up of a ministerial working group on tackling inequalities experienced by the Gypsy and Traveller communities, outcomes over the last three years for these pupils have continued to decline. They remain by far the lowest achieving pupil groups in both primary and secondary schools, as evidenced by the Prime Minister's 'Race disparity audit' (October 2017):

www.gov.uk/government/publications/race-disparity-audit.

The independent Roma Support Group's report 'Exclusion of Roma pupils' (October 2017) found that Roma pupils are the group most likely to be excluded from school. It featured the 12 local authorities with the highest number of Roma pupils nationally including Rotherham and Sheffield. The report highlighted the exceptionally high exclusion rates in some local authorities (Rotherham and Sheffield) compared with very low exclusion rates in others. The report proposed the following recommendations:

- A national inquiry to understand the scale of exclusions of Roma pupils and to include a particular focus on what happens to young people in the years that follow a permanent exclusion.
- A review of the current mechanisms of the appeal system for exclusion focusing on the experience of parents and the transparency of the governor panel.
- Reinstating a dedicated mechanism within the DfE to monitor issues relevant to GRT pupils.
- Ensure that there is a dedicated and knowledgeable senior leader in local authorities who can drive strategies for improving outcomes for Roma pupils, especially in areas which show a disproportionate level of Roma pupil exclusions.
- Better safeguards to ensure the new system of academies are accountable for their approach towards the education of GRT pupils.

The DfE has accepted the findings from the report and is taking it into account as it develops its future policy in this area. It has commissioned an external review on exclusions and carried out visits to local authorities to identify good practice. It has already found that low exclusions are not necessarily a sign of good practice, for example if GRT pupils leave by other means such as agreement from parents to home educate.

In November 2017, representatives from Ofsted met with the GRT parliamentary group, ahead of Lord Soley's Private Members' Bill on home education which was introduced in the House of Lords later that month. The group has raised with Ofsted its concerns for GRT pupils around: home education; bullying; the high proportion of children in care; educational outcomes; and exclusions.

In Barnsley the number and location of Travellers varies from year to year most live on Private or Council Sites, some are housed and a few live on unauthorised encampments.

What the Law States

Section 444(1) of the Education Act 1996 (EA 1096)

<http://www.legislation.gov.uk/ukpga/1996/56/section/444>

All parents have a legal duty to educate their children of compulsory school age either by registering them at a school or otherwise. Where a parent chooses to educate their child at a school, they have a legal duty to ensure their child attends schools regularly regardless of their background or ethnicity.

A school where the child is registered under section 444(1A) EA 1996, a parent commits a further offence where the circumstances in section 444(1) apply and the parent knows that the child fails to attend regularly at the school and fails to cause the child to attend. However, this legislation sets out defence in which they cannot be found guilty of a school attendance offence, provided that the child is of no fixed abode and:

- (a) Parents are engaged in a trade or business of such a nature as to require them to travel from place to place, and
- (b) The child has attended at a school as a registered pupil as regularly as the nature of that trade or business permits, and
- (c) If the child has attained the age of six, that he or she has made at least 200 attendances during the period of 12 months ending with the date on which the proceedings were instituted.

Parents who dual register their child at another school whilst travelling will not be affected as their child will not be recorded as absent from school.

Place of dwelling

The law makes no reference to a physical dwelling. So, a Gypsy, Roma and Traveller Family that live in a house, but travels during their trade or business, can be classed as of no fixed abode. Local authorities are therefore strongly advised to seek legal guidance from their chief officer before acting in any specific case.

The EWS delivers both statutory duties and offers additional support to schools and academies at varying levels which will often include a named link Education Welfare Officer (EWO) who will support the settings with, referrals, bespoke pieces of work, advice, and guidance on matters relating to all student absence. Schools and academies will have their own attendance and safeguarding policy which they should follow with consideration of vulnerable groups and families.

All schools should follow DFE guidance and refer to the Education Welfare service reference guide and website for further information and support.

Recording and Managing GRT School Absences

It is important that GRT parents/carers understand that school must comply with DfE legislation and guidance in relation to attendance and absence.

(There is an expectation that parents should inform schools that they intend to travel and provide school with an expected return date, parents need to be aware that their child can be removed from the register if they do not return and cannot be located)

This expectation should be set within school's attendance policy which should refer to the attendance and guidance for GRT pupils.

It is good practice for schools to meet with parents prior to the family travelling so that information can be gathered to safeguard pupils, this information should include the destination of travel and contact details that can be reached throughout the period of travel to ensure safeguarding measures can be maintained and remote learning can be accessed. If parents are not willing to provide this level of detail schools will need to consider whether to authorise the absence from school.

Schools and local authorities should use the full range of interventions and parental responsibility support measures with Gypsy, Roma, and Traveller Families, in the same way as they would for any other family. The use of legal interventions with parents may be appropriate if that child has high levels of unauthorised absence.

To raise the attendance of the Gypsy Traveller children

Strategies to promote good attendance are central to raising the achievement of GRT pupils. It is essential that schools have a consistent approach as well as respecting the families' right to a nomadic lifestyle. Schools need to have high expectations about attendance which are communicated to the pupil, parents/carers and the school response must be the same as for other pupils.

DFE Codes

(School attendance statutory guidance and departmental advice)

Code T: Gypsy, Roma, and Traveller absence

Several different groups are covered by the generic term Traveller – Roma, English, and Welsh Gypsies, Irish and Scottish Travellers, Showmen (fairground people) and Circus people, Bargees (occupational boat dwellers) and New Travellers.

This code should be used when Traveller families are known to be travelling for occupational purposes and have agreed this with the school, but it is not known whether the pupil is attending educational provision. It should not be used for any other types of absences by these groups.

To help ensure continuity of education for Traveller children it is expected that the child should attend school elsewhere when their family is travelling and be dual registered at that school and the main school. Children from these groups whose families do not travel are expected to register at a school and attend as normal. They are subject to the same rules as other children in terms of the requirements to attend school regularly once registered at a school.

Code D: dual Registered – at another educational establishment

This code is not counted as a possible attendance in the School Census. The law allows for dual registration of pupils at more than one school. This code is to be used to indicate that the pupil was not expected to attend the session in question because they were scheduled to attend the other school at which they are registered.

The main examples of dual registration are pupils who are attending a pupil referral unit, a hospital school, or a special school on a temporary basis. It can also be used for Gypsy, Roma, and Traveller children, but only when the pupil is known to be registered at another school during the session in question.

Each school should only record the pupil's attendance and absence for those sessions that the pupil is scheduled to attend their school. Schools should ensure that they have in place arrangements whereby all unexplained and unexpected absences are followed up in a timely manner.

Dual Registration: Base School, Subsidiary School

Base School

The school the children would normally attend when not travelling is regarded as their base school. Base school will keep places open to Traveller children who are travelling and record the absence as authorised while travelling. The children can register at other schools temporarily while away from base school

Subsidiary School

If a child that is GRT is newly arrived on roll as you are the subsidiary school – they are travelling, and have a base school – you should:

- Contact the Base school to confirm the child is on roll and is understood to be travelling. Check that the base school has not (and will not) take them off roll but will code them D for the time the child is on your roll, the subsidiary school you should code the child on your register as you would do for any child; and you hold the responsibility for ensuring the child's attendance and education during that period. Subsidiary schools should:
- Maintain contact and share attendance certificates with the base school.
- Communicate with the base school on what the child had been studying/ learning before the point of travel and deliver a best fit curriculum offer for the child or children concerned.
- Establish if there are any siblings in other local schools and log this within SIMS. Consider running joint school meetings with the parents/ carers to discuss support and/ or the progress of all the siblings at one school.

If the child stops attending the subsidiary school and the base school has not received them back, then as for any other child the school should try to ascertain the child's whereabouts and inform the EWS and the base school that they are not attending. If you have been unable to locate the child on roll for 20 sessions and after 20 sessions, if you have been unable to locate the child and the child has not returned to the Base school, you should report the child to Education Welfare Service.

The child will remain a 'D' Code on the register until the subsidiary school informs you, they have left and are 'off' or until they return to you full time.

Statutory Instrument 1997 No 2624

Pupil registration regulations were amended with effect from 1 January 1989 to protect the continuity of learning of travelling children. The school that the children attend most regularly when they are not travelling is regarded as their Home school. This is the school receiving the money, which is claimed through the PLASC.

PLASC

In accordance with Section 4 of PLASC guidance:

Traveller children should be included by the school that they are attending on the census date. If this is unknown, they should be included by their base school, regardless of whether they are in attendance on the census date.

Once this information is fed into the central database, dual registration names will be picked up. At this stage LAs can negotiate as to who is the base school. The school where the child attends most regularly usually receives the money. However, it is up to the LA's to come to an agreement about this.

It is important to ascertain when a family arrives in the area if there is a base school and inform them that a child is dual registered.

Schools with any traveller children as guest pupils should report results of any tests the child takes to the base school who should take ownership of the results as well as the overall attendance data.

Travelling -Other factors which school need to consider

There is an expectation that the parents and or carers of traveller children will inform the school or academy that they are travelling and their expected return date.

School will need to address the law in relation to GRT pupils however, if a child does not meet these criteria, school would need to be satisfied that the family is genuinely travelling.

The decision to approve the leave should be made without consideration for leave taken for employment but school should consider the child's overall attendance rate, which may include other absences.

Other Factors to consider

Apart from travelling for work purposes, Gypsies and Travellers participate in events and occasions that are significant to them, e.g., Appleby show/ horse fairs.

- The offer of work will often mean the family have to leave at short notice.
- Extended family and religious events such as weddings and christenings or economic gatherings such as horse fairs will draw together extended family groups and reinforce communal identity.
- Gypsy Travellers put high value on extended family responsibilities so families may move to care for sick relative or a bereaved family member.

If a school or academy approves the leave of absence, they need to make it clear the days they are authorising and from what time that approval takes place. For example, they may approve the absence for the immediate family wedding that takes place on the Wednesday but may feel that due to the location of the wedding the child does not need to be absent for the entire week or for the two days travel either side of the event.

What to do if GRT child does not return to Base school

If a child/ young person does not return to their base school.

The school must:

- Make ongoing attempts, beginning on the first day of any unexplained absence to contact the pupil's parents either by telephone or text messaging.
- Contact any other school where the pupil or their siblings are known to have been contacted.
- Check with the pupil's peer group, other Traveller parents to ascertain if they are aware of any change in the pupil's place of residency
- Contact the Education Welfare Officer allocated to the school or academy and they will arrange visit the family home and contact the extended family members.

Every effort to locate and contact the family must be taken. For pupils known to be at risk or where Safeguarding is a concern the school should contact The Education Welfare Service and Children's Social Care.

If despite these efforts the pupil's absence continues and his/ her whereabouts remains unknown the school must email CME@barnsley.gov.uk and complete the CME (Child Missing Education) notifications form. If a school or academy requires specific advice regarding removing a child from its register, they should consult with the Education Welfare Service.

Reintegrating pupils back into school life after an extended period not accessing school

School is advised to have a systematic approach in place with one person overseeing the induction process to give consistency. This will help the pupil integrate quickly and ensure that their relevant needs are met.

Elective Home Education (EHE)

Section 7 of the Education Act (1996) states that the parent of every child of compulsory school age shall cause them to receive efficient full-time education, suitable to age, ability, aptitude, and to any special educational needs they may have, either by regular attendance at school or otherwise. Where parents have chosen to home educate, Barnsley Council wants the home educated child to have a positive experience and aims to achieve this by developing positive, supportive relationships with parents and by working together, ensure the provision is in the best educational interests of the child.

Schools and Academies must delete the child's name from their admissions register upon receipt of written notification from the parent that it is their intention to educate their child at home and inform the Local Authority by completing the EHE1 form, returning it to the EHE@barnsley.gov.uk inbox. School must also write to the parent informing them that the child has been removed from school roll.

Additional information can be found at www.barnsley.gov.uk/education-welfare-service

If you wish to discuss the information outlined in this booklet, please contact any of the following team members.

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