

Educational Neglect Policy

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1. Purpose

To set out West Berkshire Council's approach to identifying, preventing and responding to educational neglect so that all children and young people receive suitable, full-time education and are safeguarded from harm. This expanded version integrates core guidance from the Association of Education Welfare Management (AEWM) to strengthen definitions, thresholds, indicators, and practice expectations across the partnership.

Educational Neglect can have significant impact on a child's outcomes including

- Persistent/severe absence correlates with significantly reduced attainment at KS2 and KS4;
- Pupils with lower attainment can lead to higher absence rates.
- For vulnerable pupils, regular attendance is a protective factor;
- Persistent absence is associated with increased risk of offending and serious violence.

These impacts underscore the need for early identification, sustained support, and prompt escalation where risks persist

2. Applicability

This Policy applies to:

- Local authority staff working in education, safeguarding, children's social care, Early Help, and related services.
- Commissioned and partner agencies, and all education providers within West Berkshire, including maintained schools, academies, alternative provision, and post-16 providers.
- It is the responsibility of each employee and other person mentioned **above** to familiarise themselves with and adhere to this Policy.

Adherence to this Policy is a condition of working for the council or using its assets.

3. Principals

This policy is sustained by 4 main principals as:

1. **Child centred and rights based:** Practice is underpinned by the UN Convention on the Rights of the Child, and a child centred approach is fundamental to safeguarding (Working Together 2023; Keeping Children Safe in Education).
2. **Right to suitable education:** Parents, schools and the local authority have statutory responsibilities to secure efficient, full-time, suitable education accounting for age, ability, aptitude and any special educational needs/additional learning needs (Education Act 1996 s7).
3. **Support first:** Barriers to attendance/engagement are complex and require individual assessment, collaborative work with families, and early, coordinated multiagency support.
4. **Attendance is everyone's responsibility:** A shared, collaborative culture across Early Help, schools and partners increases the chances of successful outcomes.

The Local Authority is committed to safeguarding and promoting the welfare of all children.

Educational neglect is recognised as a form of neglect that significantly impacts a child's wellbeing, development, and future life chances. The Local Authority will take a clear,

structured approach to identifying, assessing, and addressing educational neglect in partnership with families, schools, and safeguarding partners.

4. Aims

The aim of this policy is to:

- Ensure all practitioners understand what educational neglect is and how to recognise it.
- Provide a clear multi-agency pathway for intervention, from early help through to statutory action.
- Embed thresholds into safeguarding procedures in line with CME (Children Missing Education) and SAO (School Attendance Order) frameworks.
- Promote timely assessment, intervention, and where necessary, enforcement, to secure a suitable education for every child.

5. Definition of Educational Neglect

Educational neglect involves a carer failing to:

- provide a stimulating environment,
- show an interest in the child's education (at school or otherwise),
- support their learning, or respond to any special needs,
- as well as failing to comply with state requirements regarding education and attendance.

6. Legal and Policy Framework

This policy is informed by the following legislation and statutory guidance:

- Children Act 1989 and 2004
- Education Act 1996
- Education and Inspections Act 2006
- Keeping Children Safe in Education (DfE, 2025)
- Working Together to Safeguard Children (Gov.uk 2025)
- Local Safeguarding Children Partnership (BWSCP) guidance
- Statutory responsibilities of the Local Authority for school attendance, safeguarding, and children missing education (CME).
- Neglect is defined as the persistent failure to meet a child's basic physical and/or psychological needs, likely to result in serious impairment of health or development and includes failure to provide suitable education (Working Together to Safeguard Children, 2023).
- Significant harm is defined as assessed relative to what could reasonably be expected of a similar child; includes ill-treatment and impairment of health or development (Children Act 1989, s31).
- Four broad types of neglect to consider in assessment related to Educational Neglect are, physical, educational, emotional, medical

7. Thresholds (and use of professional judgement)

Thresholds support multi-agency understanding and do not replace individual assessment (including medical/SEND factors and the child's lived experience).

Persistent failure (sustained over time) may be indicated where:

- Parents persistently do not consent to or fail to engage with support services/interventions (including Early Help).
- Parents persistently do not consent to or engage with specialist support (CAMHS, Educational Psychologists, Paediatrics) needed to remove barriers to attendance.
- Parents fail to attend most school/LA meetings and/or engage with support offered.
- Parents are unable to substantiate most absences; or Elective Home Education (EHE) provision is unsuitable.
- The child is not on roll and not receiving any education (CME).
- Primary & Secondary pupils: Attendance below 75% for a sustained period
- Attendance below 50% (severe absence);
- Persistent lack of parental engagement with single/multi-agency support to address barriers.

A guide for concern thresholds:

- **Early Concern:** Below 90% attendance across 2 consecutive terms; unexplained absences.
- **Persistent Concern:** Attendance below 75% for a sustained period; refusal to engage with support; repeated missed meetings, education deemed unsuitable (including poor elective home education).
- **Severe Concern:** Attendance below 50% (severe absence); no education engagement; persistent refusal to cooperate; significant risk of developmental harm, child not on roll or not in receipt of education. Serious impairment of development:

8. Procedures & Pathways (Support-first to Statutory)

Stage 1 – Early Help / Support First

- School identifies concerns and works with the family to co-produce plans of support
- Early Help assessment and multi-agency support offered.
- Clear action plan agreed with timescales and monitoring on a plan, do, review cycle.

Stage 2 – Formal Local Authority Involvement

- Referral made via safeguarding pathways if concerns persist.
- LA convenes case discussion with school and partners.
- Attendance Officers review case for compliance with statutory duties.
- Interventions: parenting contracts, support services, formal attendance panels.

Stage 3 – Statutory Pathways

If non-engagement persists and the child remains without suitable education:

- Penalty Notice (Education (Penalty Notices) (England) Regulations 2007).
- School Attendance Order (SAO) (s437 Education Act 1996).
- Prosecution under Education Act 1996, s444.
- Education Supervision Order (s36 Children Act 1989).

Referral to Children's Social Care to consider an assessment under s17 or s47 where significant harm is indicated, based on local safeguarding threshold

9. Multi-Agency Safeguarding Alignment

- Educational neglect is embedded within Local Safeguarding Children Partnership thresholds.
- Multi-agency assessments must consider education alongside health and development.
- Escalation to statutory safeguarding should follow the “no order principle” but be swift where neglect is persistent.
- Multi-Agency Chronologies should be maintained and shared to support concerns across the partnership.

10. Elective Home Education (EHE) & Children Missing Education (CME)

- Where parents elect to home educate, the LA should assess suitability, offer support, and act where education appears unsuitable.
- Children off roll and not receiving education must be identified and supported swiftly via CME procedures and, where necessary, SAO action to secure provision.

11. Multi-agency working & organisational responsibilities

Effective practice requires:

- Shared multiagency understanding of educational neglect; jointly developed thresholds and pathways; inclusion in Berkshire West Safeguarding Children Partnership (BWSCP) documents; training for social workers/partners; awareness raising.
- Assessments should consider the full Assessment Triangle, barriers and promoters of attendance, and the child’s lived experience, including whether parental action/inaction prevents access to education.
- Professional/organisational actions can also impair access; systems must ensure:
 - Alternative provision is appropriate, timely, monitored and adapted to reduce impairment, reflecting individual needs/wishes.
 - Robust safeguarding checks for alternative placements.
 - Timely transfer/sharing of records to sustain learning and wellbeing across transitions.
 - No off rolling primarily in the interests of the school rather than the pupil; where removal from roll occurs, due process and legitimate grounds must be evidenced (in accordance with The School Attendance (Pupil Registration) (England) Regulations 2024) and Ofsted definition applied locally.
 - Timely action by agencies to minimise impact of known poor parental management of attendance/provision.
 - The child’s learning and development needs remain central to multi-agency planning, with monitoring and challenge where improvement is required
 - Child’s views must always inform decisions- Ensure children’s voices are heard in decisions affecting their education and welfare.

12. Training and Awareness

- All local authority staff working with children will receive safeguarding training that includes educational neglect.
- Specialist services (e.g. education attendance, social care) will access enhanced training and development.

- Schools and partners will be offered training, guidance, and resources on recognising and addressing educational neglect.

13. Roles and Responsibilities

- The overall responsibility for educational neglect within WBC rests with senior leadership for Children's Services, with operational leadership from Education Services.
- WBC maintains multi-agency governance (including Education Attendance, Early Help and Children's Social Care) to oversee practice, data, and procedures, and to review this Policy periodically.
- Day-to-day management sits with the Education Attendance Service working with Early Help and Children's Social Care, including maintaining procedures and providing advice and training.
- All managers are responsible for implementing this Policy within their service areas and for ensuring staff and partners comply.
- All personnel and partners have an individual responsibility to follow this Policy and related procedures.

14. Glossary

- **Educational neglect:** persistent failure to ensure a child receives suitable education (e.g., failure to secure attendance; non-engagement with school/LA support; failure to pursue identified SEND/EHCP processes; failure to provide essentials for participation).
- **Significant harm:** ill treatment or impairment of health/development; assessed relative to a similar child (Children Act 1989 s31).
- **Severe absence:** attendance below 50%.
- **Off rolling:** removal from roll without formal permanent exclusion or by encouraging a parent to remove the child, when primarily in the interests of the school rather than the pupil; only lawful where in the child's best interests, due process is followed and legitimate grounds evidenced (Ofsted definition applied locally)

15. Resourced and Relevant Documentation

- Children Act 1989 & 2004; Education Act 1996; Education and Inspections Act 2006.
- Working Together to Safeguard Children (HM Government, 2023).
- Keeping Children Safe in Education (DfE, current).
- Working Together to Improve School Attendance (DfE).
- West Berkshire policies on Attendance, Inclusion, CME.
- West Berkshire BWSCP threshold documents and procedures.