

## Remote Education: The impact of absence coding on vulnerable groups.

### Full Paper

*A commentary on the impact of not allowing quality remote education to be coded as 'attendance', where this is the most effective form of education for that young person. Additionally, a rationale for creating attendance codes for remote learning that recognise student attendance at live, teacher led remote education as attendance (not absence).*

### Summary

The recent update to the [Working together to improve school attendance](#) has outlined the now statutory coding expectations for recording attendance and absence. The aim to improve the provision of attendance data and support to schools, families and young people is vitally important. However, there are concerning consequences of schools and establishments not being able to code remote education, under specific circumstances, as attendance (not absence). This has been queried across the sector from a range of stakeholders.

These consequences are felt most keenly by vulnerable groups of learners and the wider community that supports them.

These include:

- A) the potentially discriminatory and unfair effects on protected groups of young people who cannot regularly attend school physically.
- B) the impact on schools' ability to deploy effective, child centred, inclusion practice.
- C) possible contradictions to other statutory guidance designed to protect students with additional needs.
- D) the lack of recognition of the role of safe, quality assured technology in building capacity to support vulnerable learners.

The ability for schools and establishments to code of specific, live, quality assured remote education within the attendance register is a necessary change.

### Context

There is important context to keep in mind. The regulator, Ofsted, has [proposed](#) that they intend to consult on introducing a new inspection criterion for inclusion. To increase "*the focus on, and scrutiny of, how education providers support vulnerable children and young people, such as those who are disadvantaged or who have SEND.*" This is part of a wider focus on reform as part of the [SEND and alternative provision improvement plan](#). This work is a timely review of how support for vulnerable young people is offered.

There is clearly (and rightly) an aim to improve outcomes and experiences for our most vulnerable. Yet the update to the now statutory attendance guidance sits in contrast to this aim. It is limiting school's capacity to support and not recognising the efforts of students using remote education, who for whatever reason cannot attend a physical school yet wish to continue to learn.

Key concerns regarding the consideration of remote education within the guidance, both in the treatment of all remote education as the same and all remote education as an absence are outlined below, followed by a proposed solution shared in the spirit of collaboration with policy makers to better serve our young people.

## Consideration 1: Equality and Fairness

*The direction to code all remote education as 'absence' has an unfair, and likely discriminatory, impact on the opportunities afforded to children and young people who cannot regularly access physical school due to disability, medical need or other need.*

Children and young people who experience long periods of school absence for medical conditions, personal crisis or additional needs often feel disconnected from their home school and their peers. They simply cannot attend school physically as it would be detrimental to their health and recovery. They crave community connection and recognised routes to education that don't expect them to attend school physically where this simply is not possible. Whilst that may be an aim, **we should not disaffect these young people in the short-medium term by invalidating one of their best options to remain connected to their community** – live, remote learning. This is the reality of directing absence coding for all forms of remote learning, regardless of safeguards such as DfE accreditation. It is important to state that attendance codes are not viewed as a purely as a statistical collection, whilst that may be a core aim the reality for schools and children is that have a much profound impact on decision making at the school, trust and local level and of course on student self-regard.

Additionally, there appears to be insufficient recognition and assessment within the updated guidance of those with additional needs and disabilities under the [Public sector Equality Duty](#), particularly to 'advance equality of opportunity to all'. As described above, the omission of remote education as an attendance code does not meet this standard.

Full recognition of attendance at remote learning is required for those children with significant additional needs, disability or medical conditions that prevent regular attendance. Without recognition that these students are 'attending', when doing so remotely, they will feel their efforts are not worth the same as a student living without a disability or need who can attend school. This situation fails to advance equality of opportunity to all.

The reality is the attendance codes perform more than a statistical function – they matter to schools and to young people as a form of recognition.

Regardless of welcome encouragements from the DfE to use the support schools think is best, if a student is not recognised as attending school despite engaging fully in online classes it is fundamentally unfair. This is because one of the fundamental recognitions of a child's engagement with education is the 'present mark'. It carries weight for the child in that moment, in their interactions with their teachers and impacts them longer term in moving to the next stage of education and beyond.

From the student's point of view, not being able to have an attendance mark can be devastating for their self esteem, their sense of belonging, their wellbeing and ultimately, the ease with which they can integrate and return to their physical school. **An attendance code demonstrates to them their resilience and their determination to continue with their education regardless of circumstance.** These pupils deserve the same recognition for attending live, remote classes to their peers not a different set of codes that state they are absent

Equally, a student with medical or significant other needs that the school has recognised needs online provision should not have to explain the difference in their 'attendance' marks and why they required remote education for a period. The difference in the codes will inevitably require this justification from the young person and their family, be it to the future education establishments, employers or whoever. It highlights difference, suggests their education is not as valid and is thus potentially discriminatory and not inclusive.

Schools and education authorities have had a duty to provide reasonable adjustments for disabled pupils since 2002, originally since the Disability Discrimination Act (DDA) 1995 and, from October 2010, under the Equality Act 2010. From 1<sup>st</sup> September 2012, the reasonable adjustments duty for schools and education authorities includes a duty to provide auxiliary aids and services for disabled pupils.

*“For pupils with special educational needs and disabilities, **schools are expected to... consider adjustments to practice and policies to help meet the needs** of pupils who are struggling to attend school, as well as **making formal reasonable adjustments under section 20 of the Equality Act 2010** where a pupil has a disability.”*

Many schools and local authorities have looked successfully to remote learning to achieve these requirements and many, as has been referenced, have experienced success in supporting student progress whilst at home and in scaffolding their return to school. Remote learning or telepresence systems have been effective and can support learners who can't be physically present in school.

The EHRC technical guidance 2024 outlines the expectations of the Equalities Act for Schools and Local Authorities. It questions a statutory attendance rule that asks school leaders to mark a child with a disability doing the same activity as a non-disabled child as absent rather than present based on their inability to be physically present in school.

We cannot emphasise enough the importance of having an attendance code to a young person who is unable to attend school due to a special educational need, mental health need or other medical need yet still engaged with learning via live, remote education.

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## **Consideration 2: Contradictions & Policy Aims**

*The requirement to code students accessing live, remote education as absent contradicts other requirements upon schools and providers and is set against policy aims to reduce absence, support inclusion and provide for vulnerable learners.*

It is clear from an examination of other guidance related to attendance and support for students access to education that the omission of remote education from the attendance register is contradictory.

### ***Working together to improve school attendance***

In the new attendance guidance (DfE, August 2024), schools are being asked to do more to '*remove any barriers*', '*put the right support in place*', '*provide additional support*' for those absent from school due to mental or physical ill health or SEND. This is encouraging schools to be creative and innovative in the ways in which they engage young people who are struggling to attend school, be that due to physical or mental health challenges. This is an important aim the sector supports fully.

This aim is also articulated in training and communication around the guidance states:

*“Face to face attendance whenever it is possible should always be the priority, but the Department is clear schools may continue to use remote education in line with the remote education guidance and we recognise the value it can add to pupils who would not otherwise be able to access education. Schools and local authorities are expected to **provide support to pupils who are facing barriers to attendance and***

***should do so in the pupil's best interests*** rather than how it is recorded in the attendance register. Where remote education is provided, schools can, and should, monitor participation in it and credit pupils for their efforts." (School Attendance Policy and Strategy Team 2024).

Additionally, the following expectations are placed on schools within the updated attendance guidance: [Working together to improve school attendance](#)

*"For pupils with special educational needs and disabilities, schools are expected to... consider adjustments to practice and policies to help meet the needs of pupils who are struggling to attend school, as well as making formal reasonable adjustments under section 20 of the Equality Act 2010 where a pupil has a disability."* p24

And... *"Be particularly mindful of pupils absent from school due to mental or physical ill health or their special educational needs and/or disabilities and provide them with additional support."* p9

*"Supportive approaches are most effective when they are put in place as early as possible and therefore it is essential all partners work together in a timely manner. If a pupil's absence requires support from an outside agency which is not provided quickly (e.g., subject to a waiting list), schools and/ or local authorities should consider other avenues of support or other temporary solutions whilst waiting..."* p13

The guidance to code any remote education as absence works in direct contrast to the aims above and will contravene the aim of early intervention to support school attendance and potentially harm students. Not enabling schools to credit remote attendance fully undermines these directives to offer additional support. It makes it harder to use remote education, especially as an appropriate early intervention. It reduces the likelihood that remote education, even if in a student's best interest, is considered by schools and families, who may see the drawbacks that repeated 'absence' marks can have on a student's self-esteem and ongoing education.

### **Arranging education for children who cannot attend school because of health needs**

The following expectations are placed on schools within the guidance: [Arranging education for children who cannot attend school because of health needs](#)

*"All children, regardless of circumstance or setting, should expect to receive the same high standard of education...provision for children who are not attending school due to their health needs, ...should offer good quality education equivalent to that provided in mainstream schools, as far as the child's health needs allow."* p8

*"Children unable to attend school because of a health need should be able to access suitable and flexible education appropriate to their needs. The nature of the provision must be responsive to the demands of what may be a changing health status."* p10

*"If a child returns home and is not well enough to return to school, the local authority, home school, parent and medical practitioners should consider whether the child should be supported to be educated at home or whether alternative provision is more appropriate. Any alternative should be arranged as quickly as possible and in full consultation with the child and the parent / carer."* p13

Equally, here, remote education may be the only way to deliver an education of equal regard, that is flexible enough to adapt to need and delivered quickly as expected in the guidance. Yet now, an unnecessary barrier – mandatory absence coding – has been placed in the way implying high quality remote education is not of a high standard and slowing down the decision to use it, where it is the most effective route forward for a student.

## ***Supporting pupils with medical conditions at school***

In the guidance: [Supporting pupils with medical conditions at school](#) schools are directed with the following:

*Further advice: Although school staff should use their discretion and judge each case on its merits with reference to the child's individual healthcare plan, it is not generally acceptable practice to...*

- ... penalise children for their attendance record if their absences are related to their medical condition, e.g. hospital appointments;
- ...prevent children from participating, or create unnecessary barriers to children participating in any aspect of school life p23

The updated guidance does run the risk of penalising such students using remote education by not recognising their attendance in educational activity, which impacts their engagement. Equally, it will create unnecessary barriers to participation where the student and school feel they cannot put online provision in place and thus they remain separate from school life for longer.

## ***SEND and alternative provision improvement plan***

Schools will be required, under the proposed changes within the [SEND and alternative provision improvement plan](#), to be more inclusive. The Council for Disabled Children are indeed putting together a list of proposed National Standards for Inclusion in schools. However, we are aware that there are very limited further resources being provided beyond advice and guidance with which to do this well. Remote education is one resource that is actually available and affordable.

The plan outlines a new vision for AP.

*“Alternative provision is an important aspect of our reforms and will be used as an intervention, not a destination. High-quality alternative provision, including for social, emotional and mental health needs, will create additional capacity for mainstream school leaders and staff to address challenging behaviour earlier and re-engage pupils in education. Interventions will be based on a three-tier model with a focus on targeted support whilst children are in mainstream school, to deal with needs early and reduce preventable exclusion. Time-limited or transitional placements into an alternative provision setting will provide more intensive intervention or longer-term support where it is needed, before these young people return to a new mainstream setting or progress to a sustainable post-16 destination. p24*

Current reforms being tested by the DfE seek to increase available provision, which in many areas is not readily available. Remote education is one such provision that has capacity and where students remain on roll with their home school allows genuine early intervention, which itself cuts the social, economic and individual costs caused by a lack of available provision or worsening student disengagement.

Disincentivising the use of online education by instructing absence codes to be used, contradicts this policy aim. It also removes the incentive and ease of using a genuine early intervention – remote learning – that can be deployed flexibly.

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## **Consideration 3: Accreditation**

*The direction to code all remote education as 'absence' undermines the use of capacity building technology and the recognition of remote education by the DfE itself. This limits access to appropriate education and the use of effective inclusive technology.*

Leaders in schools, APs and hospital schools are frustrated about this lack of recognition for remote learning, notably because it is penalising them for providing personalised learning programmes designed to re-engage students, help them reintegrate back to school, and know that they still 'belong' to that school.

Leaders and practitioners feel that a pupil accessing a live lesson, taught by a suitably qualified teacher, with full monitoring, effective safeguarding measures and the aim to reintegrate into physical settings should be entitled to a 'present' mark. The prevailing view is that they should not be marked as absent because they are not missing quality teaching and learning.

This creates a sense of confusion where a child is attending live lessons with DfE accredited online providers (OEAS) either at home, via APs, hospital schools, or their own school with telepresence systems.

The DfE has instituted a scheme to ensure the quality of remote education - [online education accreditation scheme \(OEAS\)](#). OEAS was designed to give schools, parents and children the confidence that accredited providers uphold high standards in teaching, welfare and effective safeguarding arrangements.

This aims of this scheme are clearly outlined by the department:

*"The Department for Education (DfE) is introducing an accreditation scheme to reassure children, parents and local authorities of the quality of education and safeguarding arrangements offered by these providers."*

*"DfE is establishing the online education accreditation scheme (OEAS) to incentivise online education providers to meet high standards of education and safeguarding arrangements their students and, through public reporting, to share best practice across the sector."*

**This DfE scheme has been welcomed by the sector.** It mitigates concerns around remote education to ensure, if choosing DfE accredited providers, students are getting high quality education. The confidence this scheme should instill is underwritten by its regulatory framework, assessed by OFSTED, a body schools and families know and understand.

Several providers have passed through this rigorous accreditation process, overseen by the Department itself and quality assured by OFSTED. Indeed, the DfE has encouraged online providers to be accredited:

*The Department encourages all eligible providers to apply for accreditation and recommends that, from autumn term 2023 or as soon as practicable, commissioners of full-time online education for school-age pupils in England should only use accredited providers. All inspection reports will be published by Ofsted and accredited providers will appear on the [Get information about schools \(GIAS\) register of schools and colleges in England](#).*

It remains a source of confusion to schools, LAs and others as to why such a scheme would be developed and providers, schools and commissioners would be encouraged to use it if at same time it is undermined. The implication is that student in attendance at high quality of provision, quality assured by OFSTED, is worthy of 'attendance' in lessons. There is a real unintended consequence likely here, that schools may use less well-regulated or quality assured options to educate students.

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#### **Consideration 4: Capacity in the system**

*Not recognising student learning in quality remote providers fails to acknowledge capacity issues in SEND and AP, whilst missing opportunity to build resource and understanding.*

Remote education adds a considerable capacity into an area with identified resource challenges - support for pupils with additional SEND, mental or physical health challenges. For example, in medical AP and hospital schools this has reduced the need for expensive home tuition services, improved reintegration rates, and enabled pupils to practise socialising in a safe space before going back to school. Mainstream schools and Trusts are reporting the same successes. It feels counter intuitive to ignore this progress, and the additional capacity and opportunities that technology has offered to our pupils.

We know capacity in the SEND and AP system is a priority for the DfE and our new government.

*“The government has been clear that the education and care system does not currently meet the needs of all children, particularly those with special educational needs and disabilities – with earlier interventions in mainstream schools key for those with less complex needs.” [Press release 2023](#)*

*“Improving capacity and expertise in mainstream education from early years to post 16. This is so that all those working with children and young people with SEND have the confidence and expertise to do so and can identify additional needs and access targeted support when this is needed”. [SENDAP Improvement Plan 2023](#)*

Moreover, we now live in a time where we can do something about accessibility to education and use technology for genuine inclusion. The Government has recently stated its intention to [invest in AI](#) to support the sector.

Yet, this is set against this is the current expectation of absence marks for all remote learning. We know remote learning can be an effective tool, when deployed correctly. We know it is cost effective. We know it possesses the capacity and flexibility to serve students with a range of needs, often at short notice.

Remote education, through quality providers, is a technological solution that provides much needed capacity today. It makes little sense to be limiting the use of technology by invalidating it as attendance when it is providing much needed access to education. It is arguably a backward step, especially given controls like the OEAS are in place.

As we enter a world with greater digital influence in education, it is far better to acknowledge and understand the use of remote tools rather than not. The current guidance does not ensure consistent recording of remote education and it surely must.

## **Proposed solution: Recognising remote education as attendance**

Fully recognising remote education would not only create a more inclusive and fair system, that avoids discriminating consequences, but also generate useful data – an aim of the updated guidance.

By enabling schools to code live, remote education as ‘present’ a more consistent and accurate picture of those students using such provision can be arrived at. This means we identify an ‘addressable cohort’ of students who can be monitored, supported and their experience analysed.

It is important to outline a possible solution to the issues outlined above. In reviewing the updated attendance guidance, there is strong evidence to include an attendance (not absence) code for remote education as outlined below.

This could be achieved with an alternation to the *Code B: Attending any other approved educational activity* to include remote education.

For example:

There could be the separation of the *Code B* into the following:

- B1 - physically educated offsite
- B2 - remotely educated offsite by accredited or inspected online providers, in live lessons provided by suitably qualified staff, and monitored by the commissioner\*

\*The important conditions for B2 could be that of:

- a. ‘live’ lessons
- b. accredited/inspected providers
- c. suitably qualified staff
- d. monitored by commissioner

The specific section of Code B subsection 310: ‘*Supervision means the pupil is physically supervised by someone who meets this definition.*’ would need to be altered in line with the above.

This would put in place clear benchmarks for what constitutes effective remote education, including monitoring and safeguarding arrangements in line with the current guidance. It is imperative a high standard is set for approved remote provision and the suggestion is to use the DfE’s own accreditation or inspection programme for this.

An additional consideration could be for schools to enter subcategory reasons for the use of remote education into the attendance register from a specified list for analysis. The original consultation included a series of categories here: [Section 7: Contents of the admissions register](#)

These could be adopted as well as additional reasons more akin the additional and medical needs uses described above. For example, attending approved remote education due to medical or additional needs.

We would also suggest this is mirrored within *Code K: Attending education provision arranged by the local authority* (not school) to ensure coding from Local Authorities and schools align.



## A note on consultation

It is prudent to consult widely but urgently on this proposed change but there are strong indications it would be acceptable to the sector, families and young people.

The following analysis was provided within [Modernising school attendance and admission registers and setting national thresholds for legal intervention August 2023](#)

*Providing for recording remote education in the register in some circumstances where pupils do not attend 87% of local authority employees and 72% of school and academy trust employees and governors or trustees strongly or somewhat agreed that remote education should be required to be recorded in the attendance register. 45% of parents strongly or somewhat agreed. 64% of local authority employees and 56% of school and academy trust employees and governors or trustees viewed that the definition for remote education was entirely or somewhat sufficient, with most answering that the proposal was only somewhat sufficient compared with entirely sufficient. 80% of parents viewed the definition to be entirely or somewhat insufficient or were unsure.*

*Respondents who agreed focused on the potential benefits of remote education to reintegrating or supporting pupils who face barriers to attendance as did those who disagreed. Respondents who disagreed mentioned concerns regarding balancing the potential benefits with the need to safeguard pupils and ensure they still receive the full-time education to which they are entitled. Other directly relevant themes from free text responses included that the proposal does not go far enough, particularly in not requiring the recording of remote education for pupils absent because of illness; the need for guidance around the proposed change to be clear; and that success of the proposal would be determined by how effectively it is implemented by schools and local authorities.*

The response to the updated guidance around remote education has continued the theme above. There is a strong sense, in the consultation and since, that there would be support for recognising remote education within the attendance register, especially with effective benchmarks and safeguards in place (described above) to address concerns.

Equally, within an adjacent consultation report below, there is a commitment that future thinking will be informed by the considerations outlined above.

### School attendance: improving consistency of support

*Across these numerous protected characteristics, and particularly disability, a key issue raised was that some groups face greater barriers to attendance and there were concerns that school policies, the new guidance, and the national framework for legal intervention would not recognise this nor allow for flexibility in meeting individual needs. There was therefore a call for greater support for such pupils and parents. "It is important to note that some groups of pupils may be at particular risk of poor attendance, particularly if action is not taken to identify and provide appropriate support before attendance becomes an issue. These groups of pupils include those with SEND; those struggling with school academically, socially, or emotionally; and pupils experiencing problems at home, such as domestic violence."*

*DfE recognises that some pupils (including those with and without particular protected characteristics) face greater barriers to attendance than others. **Equalities considerations have been at the forefront of the development of these proposals and the responses to this consultation have, and will continue to, inform and progress our thinking.** We have noted views from respondents on potential disproportionate impacts of the measures on pupils with certain protected characteristics, particularly pupils with disabilities (including some of those with special educational needs and disabilities and mental health conditions).*

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