

Children Missing From Education

Policy

Spring 2018

This document is for staff within Trafford's Children and Young People service, our partner agencies and the voluntary sector and relates to children who are missing from education.

Version	Date	Who
Version 1.0 (D)	June 2006	Andy Phoenix
Version 1.1 (D)	February 2007	Sarah Scott / Andy Phoenix
Version 1.2 (D)	September 2008	Sarah Scott / Andy Phoenix / Fiona Waddington
Version 1.3 (D)	March 2010	Andy Phoenix
Version 1.4	April 2010	George Herbert / Andy Phoenix
Version 1.5	March 2011	Catherine Fleming
Version 1.6	October 2013	Karen McCallum / Marie Castle / Kevin Mossop
Version 1.7	November 2013	Marie Castle
Version 1.8	January 2014	John Pearce
Version 1.9	January 2014	Karen McCallum
Version 2	Summer 2017	Karen McCallum & CME Panel
Version 2.1	Spring 2018	Karen McCallum & CME Panel

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Acronym	Meaning
CME	Children Missing Education
LA	Local Authority
UK	United Kingdom
ECM	Every Child Matters
EHA	Early Help Assessment
NEET	Not in Education, Employment or Training
S2S	School 2 School – Secure DCSF file transfer site
CTF	Common Transfer File
Sims	Schools Management Information System
DCSF	Department for Children Schools and Families
EWO	Education Welfare Officers
SARF	Single Agency Referral Form
MARAT	Multi Agency Referral and Assessment Team
ICS	Integrated Children’s System – Social Care Case Management System

SECTION 1 - INTRODUCTION

We take our duty to educate and safeguard all Trafford children and young people very seriously and work tirelessly to ensure that all children are supported to receive a timely return to appropriate education.

1.1 Statutory Guidance

This policy follows the statutory guidance which sets out key principles to enable local authorities in England to implement their legal duty under section 436A of the Education Act 1996 to make arrangements to identify, as far as it is possible to do so, children missing education (CME).

This guidance replaces the Autumn 2015 version and will next be reviewed in Spring 2020.

1.2 What legislation does this guidance refer to?

Section 436A of the Education Act 1996 (added by section 4 of the Education and Inspections Act 2006)

Under section 436A of the Education Act 1996 (inserted by section 4 of the Education and Inspections Act 2006) local authorities have a duty to:

...make arrangements to enable them to establish (so far as it is possible to do so) the identities of children in their area who are of compulsory school age but—

(a) are not registered pupils at a school, and

(b) are not receiving suitable education otherwise than at a school.

This duty does not apply to home educated children who are receiving suitable education. Yet, as the Department's guidelines on home education outline, under section 437(1) of the Education Act 1996, local authorities have a duty to intervene if it appears that parents are not providing a suitable education for their child

Education Act 1996 (section 7, 8, 14 and 19)

7. *Duty of parents to secure education of children of compulsory school age.*

The parent of every child of compulsory school age shall cause him to receive efficient full-time education suitable—

(a) to his age, ability and aptitude, and

*(b) to any special educational needs he may have,
either by regular attendance at school or otherwise.*

8. *Definition of Compulsory School age*

14. *Functions in respect of provision of primary and secondary schools.*

19 *Exceptional provision of education in pupil referral units or elsewhere.*

(1) Each local education authority shall make arrangements for the provision of suitable education at school or otherwise than at school for those children of compulsory school age who, by reason of illness, exclusion from school or otherwise, may not for any period receive suitable education unless such arrangements are made for them

Education and Inspections Act 2006 (section 4 and 38)

Education (Pupil Registration) (England) Regulations 2006

Education (Pupil Registration) (Amendment) (England) Regulations 2016

1.3 Who is this guidance for?

This guidance is for:

- Trafford staff
- School leaders, school staff and governing bodies in all maintained schools and academies, independent schools
- Staff within Trafford's Children and Young People service including Health professionals, Youth Offending Teams, and the police,
- Our partner agencies and the voluntary sector

n.b. The 'Children missing education, Statutory guidance for local authorities September 2016' DfE also contains other information about schools' statutory duties.

The policy does not replace any of the Child Protection or safeguarding procedures and should be used in conjunction with Trafford's safeguarding procedures.

1.3 Delegation of duties

There are number of key posts within Trafford that will support the implementation of this policy:

Lead Director	Director Service Development – Children, Families and Education
Pupil Tracking	Business Relationship Partner, Policy and Performance Team
Strategic Lead	Education of Vulnerable Children Adviser
CME Referral Screening & Operational Lead	Behaviour & Attendance Consultant
Admissions Issues	Service Manager, School Admissions
Education Welfare	Senior Education Welfare Officer (CME lead for Education Welfare)
Safeguarding	Specialist Education Practitioner,
YOS	Education Officer
Health	Children's Health Service Manager
EHE	Officer
MARAT	Officer

Section 2 –WHO IS A CHILD MISSING FROM EDUCATION?

2.1 Definition

A child missing from education is defined as being of compulsory school age who is not on a school roll, nor being educated otherwise (e.g. at home, in independent schools or in alternative provision).

n.b. OFSTED use a wider definition which includes children who are on a school roll but have poor/no attendance due to various factors.

Background

1. All children, regardless of their circumstances, are entitled to an efficient, full time education which is suitable to their age, ability, aptitude and any special educational needs they may have.
2. Children missing education are children of compulsory school age who are not registered pupils at a school and are not receiving suitable education otherwise than at a school. Children missing 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.
3. 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. Local authorities should focus their resources effectively in intervening early in the lives of vulnerable children to help prevent poor outcomes.
4. The National Children's Bureau produced a CME pupil voice research report (Ryder, Edwards & Rix, 2017) which identified four main factors leading to children becoming 'missing from education'.
 - The Child themselves
 - Family & Home
 - School
 - Wider systems and society

2.2 A child is not classed as missing from the education system if:

- they have a school place
- parents have elected to educate outside of the state system (Elective Home Education or Independent school);
- they are in temporary alternative provision for example a pupil referral unit, hospital education, or medical home tuition.

2.3 Reasons why a child may not be receiving a suitable education

- Illegal removal from school roll
- Parents not happy with allocated new school place
- Newly arrived in area
- Elective Home Education has ceased or is not 'suitable'

2.4 Safeguarding

When it comes to the attention of a professional that a child or young person is missing from education consideration should be given to completing an Early Help assessment to look at what support may be appropriate to put in place to assist the child or young person to return to education. If the concerns indicate that a child or young person is missing from education because of safeguarding or child protection concerns, a referral to MARAT should be made immediately.

Section 3 – RESPONSIBILITIES OF TRAFFORD LOCAL AUTHORITY

3.1 Implementing our duty

Local authorities have a duty under section 436A of the Education Act 1996 to make arrangements to establish the identities of children in their area who are not registered pupils at a school and are not receiving suitable education otherwise. This duty only relates to children of compulsory school age.

The CME Operational group meets monthly during the school year and cross-references tracking systems and intelligence to establish the identities of any children missing from education in Trafford.

The group is chaired and run by the Education of Vulnerable Children Service and includes Officers from Admissions, Behaviour & Attendance, Education Welfare, Health, Performance, Safeguarding and YOS.

The CME Operational group in Trafford will:

- Work closely with colleagues across schools and the different service areas to establish where there is a child who is resident in Trafford and not receiving a suitable education.
- Work with key agencies and other Local Authorities to establish the whereabouts of children who are missing from education and establish arrangements for joint working and information sharing wherever possible.
- Consult the parents/carers of the child when establishing whether the child is receiving suitable education.
- Return children identified as not receiving suitable education to full time education as quickly as possible.
- Identify the barriers and enablers to the child returning to full time education and address where possible.
- Regularly review their working practice with a view to continuous improvement. Trafford is a member of the CME North West Network and regularly attend Network meetings to share good practice.
- Recognise, and make provision for, the reasons why some children who are missing from education may have experienced more complex problems and face tougher obstacles to getting back into suitable education.
- Recognise that arrangements made under section 436A also play an important role in fulfilling the local authority's wider safeguarding duties.
- Refer appropriately and quickly where there is concern for a child's welfare, or where we suspect a crime has been committed.

Sharing information with others

- Families moving between local authority areas can sometimes lead to a child who is unknown to any local authority and consequently missing education. Where a child has moved or where the destination of a child is unknown, Trafford CME Panel will identify relevant local authorities – either regionally or

nationally – and check with them in order to ascertain where the child has moved.

- Once the location of the child is established to be in Trafford, Panel should satisfy themselves that that the child is receiving a suitable education.
- Secure systems will be used to share and transfer personal information and we will not make blanket enquiries, as contacting all local authorities with a list of children is poor practice. This is also not a secure method of sharing personal information. Best practice is for local authorities to carry out thorough local checks in their own authority area before contacting specific local authorities that they believe to be linked to the child.

Local authorities have other duties and powers to support their work on CME. These include:

	Duty	Trafford	
a)	Arranging suitable full-time education for permanently excluded pupils from the sixth school day of exclusion.	All pupils are placed in alternative provision (usually at Trafford High School or Longford Park PRU) from the 6 th school day following a permanent exclusion.	Adviser for Education of Vulnerable Children
b)	Safeguarding children’s welfare, and their duty to cooperate with other agencies in improving children’s well-being, including protection from harm and neglect;	A MARAT representative and a Health representative sit on the CME operational group. There is a two way flow of information and all unresolved cases are placed on the ICS system for cross referencing.	Specialist Education Practitioner (MARAT) Children’s Health Service Manager
c)	Serving notice on parents requiring them to satisfy the local authority that the child is receiving suitable education, when it comes to the local authority’s attention that a child might not be receiving such education;	This action is used when all reasonable enquiries and actions have failed. Where a child who is Home Educated (EHE) is not receiving a suitable education, CME procedures are followed. See flow chart.**	Senior EWO’s ESSO
d)	Issuing School Attendance Orders (SAOs) to parents who fail to satisfy the local authority that their child is receiving suitable	This action is followed when all other reasonable strategies have been followed and have failed.	Senior EWO’s

	education, if the local authority deems it is appropriate that the child should attend school;		
e)	Prosecuting parents who do not comply with an SAO;	As above	Senior EWO's
f)	Prosecuting or issuing penalty notices to parents who fail to ensure their school-registered child attends school regularly;	Children on a school roll are not within the remit of the CME Panel. When school have exhausted all reasonable strategies, and a child's attendance is less than 90% (persistent absentee), the school can request Parental responsibility Measures to be issued.	Senior EWO's
g)	Applying to court for an Education Supervision Order for a child to support them to go to school.	As above	Senior EWO's
h)	Children with an EHCP and not on a school roll and not receiving suitable EHE.	CME Panel will notify SEN and pass all available information to SEN so that SEND processes can be followed to return the pupil to education as quickly as possible.	SEN Panel
i)	The Youth Offending service have the powers to direct pupils to attend education as part of either an Intensive Supervision and Support (ISS) or Bail package. Courts can enforce an Education requirement to a Youth Rehabilitation Order (YRO	Court orders and packages are overseen by the Youth Offending Service	Youth Offending Service

4. Parents' responsibilities

Parents have a duty to ensure that their children of compulsory school age are receiving suitable full-time education. Some parents may elect to educate their children at home and may withdraw them from school at any time to do so, unless they are subject to a School Attendance Order.

5. Schools' responsibilities

Schools **must** enter pupils on the admission register at the beginning of the first day on which the school has agreed, or been notified, that the pupil will attend the school. If a pupil fails to attend on the agreed or notified date, the school should undertake reasonable enquiries to establish the child's whereabouts and consider notifying the local authority at the earliest opportunity.

Schools **must** monitor pupils' attendance through their daily register. Schools should agree with their local authority the intervals at which they will inform local authorities of the details of pupils who fail to attend regularly, or have missed ten school days or more without permission¹⁴. Schools should monitor attendance closely and address poor or irregular attendance. It is important that pupils' poor attendance is referred to the local authority.

Where a pupil has not returned to school for ten days after an authorised absence or is absent from school without authorisation for twenty consecutive school days, the pupil can be removed from the admission register **when the school and the local authority have failed, after jointly making reasonable enquiries, to establish the whereabouts of the child**. This only applies if the school does not have reasonable grounds to believe that the pupil is unable to attend because of sickness or unavoidable cause.

Schools **must** also arrange full-time education for excluded pupils from the sixth school day of a fixed period exclusion. This information can be found in the Exclusion from maintained schools, academies and pupil referral units in England statutory guidance.

Maintained schools have a safeguarding duty in respect of their pupils, and as part of this should investigate any unexplained absences. Academies and independent schools have a similar safeguarding duty for their pupils. Further information about schools' safeguarding responsibilities can be found in the Keeping children safe in education statutory guidance.

Where a parent notifies the school in writing that they are home educating, the school **must** delete the child's name from the admission register and inform the local authority. However, where parents orally indicate that they intend to withdraw their child to be home educated, the school should consider notifying the local authority at the earliest opportunity.

Recording information in the school's admission register

It is important that the school's admission register is accurate and kept up to date. Schools should regularly encourage parents to inform them of any changes whenever they occur, through using existing communication channels such as regular emails and

newsletters. This will assist both the school and local authority when making enquiries to locate children missing education.

Where a parent notifies a school that a pupil will live at another address, all schools are **required** to record in the admission register:

- a. the full name of the parent with whom the pupil will live;
- b. the new address; and
- c. the date from when it is expected the pupil will live at this address.

Where a parent of a pupil notifies the school that the pupil is registered at another school or will be attending a different school in future, schools must record in the admission register:

- a. the name of the new school; and
- b. the date when the pupil first attended or is due to start attending that school.

Sharing information with the local authority

- Schools **must** notify the local authority when a pupil's name is to be removed from the admission register at a non-standard transition point under any of the fifteen grounds set out in the regulations, as soon as the ground for removal is met and no later than the time at which the pupil's name is removed from the register.
- This duty does not apply at standard transition points – where the pupil has completed the school's final year – unless the local authority requests for such information to be provided.
- Where a school notifies a local authority that a pupil's name is to be removed from the admission register, the school **must** provide the local authority with:
 - a. the full name of the pupil;
 - b. the full name and address of any parent with whom the pupil lives;
 - c. at least one telephone number of the parent with whom the pupil lives;
 - d. the full name and address of the parent who the pupil is going to live with, and the date the pupil is expected to start living there, if applicable;
 - e. the name of pupil's destination school and the pupil's expected start date there, if applicable; and
 - f. the ground in regulation 8 under which the pupil's name is to be removed from the admission register (see Annex A).
- All schools **are required** to notify the local authority **within five days** when a pupil's name is added to the admission register at a non-standard transition point. Schools will need to provide the local authority with all the information held within the admission register about the pupil.
- This duty does not apply when a pupil's name is entered in the admission register at a standard transition point - at the start of the first year of education normally provided by that school – unless the local authority requests for such information to be provided.

Making reasonable enquiries

- The term 'reasonable enquiries' grants schools and local authorities a degree of flexibility in decision-making, particularly as the steps that need to be taken in a given case will vary. The term 'reasonable' also makes clear that there is a limit to what the school and local authority is expected to do.
- In line with the duty under section 10 of the Children Act 2004, the expectation is that the school and the local authority will have in place procedures designed to carry out reasonable enquiries. The type of procedures may include the appropriate person checking with relatives, neighbours, landlords – private or social housing providers – and other local stakeholders who are involved. They should also record that they have completed these procedures. If there is reason to believe a child is in immediate danger or at risk of harm, a referral should be made to children's social care (and the police if appropriate).
- A pupil's name **can only be removed** from the admission register under regulation 8(1), sub-paragraph (f)(iii) or (h)(iii) if the school and the local authority have failed to establish the pupil's whereabouts after **jointly** making reasonable enquiries. Local authorities and schools should agree roles and responsibilities locally in relation to making joint enquiries.
- As set out in *Working Together to Safeguard Children* statutory guidance, the Local Safeguarding Children Board should agree with the local authority and its partners a threshold document, which includes the criteria for when a case should be referred to local authority children's social care for assessment and for statutory services. In addition, local authorities, with their partners, should develop and publish local protocols for assessment, which set out clear arrangements for how cases will be managed once a child is referred into local authority children's social care.
<http://www.tscb.co.uk/docs/TSCB-Threshold-Guidance.pdf>
- If there is evidence to suggest the child has moved to a different local authority area, contact should be made with the named person in the new authority using secure communication methods. The local authority should maintain a record of the child's details until they are located or attain school leaving age.

Using Common Transfer Files to transfer pupil information

- The Department provides a secure internet system – school2school – to allow schools to transfer pupil information to another school when the child moves.
- The *Common Transfer File (CTF) guidance* makes clear that all schools maintained by a local authority in England are required when a pupil ceases to be registered at their school, and becomes a registered pupil at another school in England or Wales, to send a CTF to the new school.
- Academies (including free schools) are also strongly encouraged to send CTFs when a pupil leaves to attend another school. Independent schools can be given access to school2school by the Department. Many independent schools also have Management Information Systems that are compatible with those used in the maintained sector and so would be able to download CTFs. Where a pupil transfers to a new school in Scotland or Northern Ireland the previous school in England is still required to send a CTF.

- The school2school system also contains a searchable area, where schools can upload CTFs of pupils who have left but their destination, next school is unknown or the child has moved abroad or transferred to a non-maintained school. If a pupil arrives in a school and the previous school is unknown, schools should contact their local authority who will be able to search the database.
- There may be exceptional circumstances when standard rules for sending and receiving a CTF for a pupil might not apply. Each case would need to be judged on its merits in consultation with relevant parties. Circumstances when it is not considered appropriate to pass on details via a CTF might include a family escaping a violent partner; if the family is in a witness protection programme; or where there are concerns that the child is at risk of forced marriage. Guidance on how to share information in these circumstances is included in the CTF guidance.

5. Who to contact

5.1 Missing from home or care

If it is established that a child or young person is missing from home or care the Children and Young People Who Go Missing from Home or Care procedure must be followed

http://greatermanchesterscb.proceduresonline.com/chapters/p_ch_missing_fm_home_care.html

5.2 What to do if you feel a child is missing from the education system

If you worried that a child is not in any educational provision contact Trafford's nominated officer with the details. They will ensure the referral is followed through the appropriate pathway and all necessary agencies are informed.

By Email: cme@trafford.gov.uk
By Post: CME Panel
Education of Vulnerable Children Service
2nd Floor
Waterside House
Sale
M33 7ZF

By Phone: 0161 912 1010

6 Useful links and e-mails

<http://www.tscb.co.uk/Home.aspx>

<http://www.tscb.co.uk/procedures/children-in-specific-circumstances.aspx>

<http://www.trafford.gov.uk/residents/schools/school-attendance.aspx>

<http://www.trafford.gov.uk/residents/schools/elective-home-education.aspx>

- cme@trafford.gov.uk
- behaviour@trafford.gov.uk
- ElectiveHomeEducation@trafford.gov.uk
- www.education.gov.uk
- www.tscb.org.uk
- www.trafford.gov.uk
- http://greatermanchesterscb.proceduresonline.com/chapters/p_ch_missing_from_home_care.html

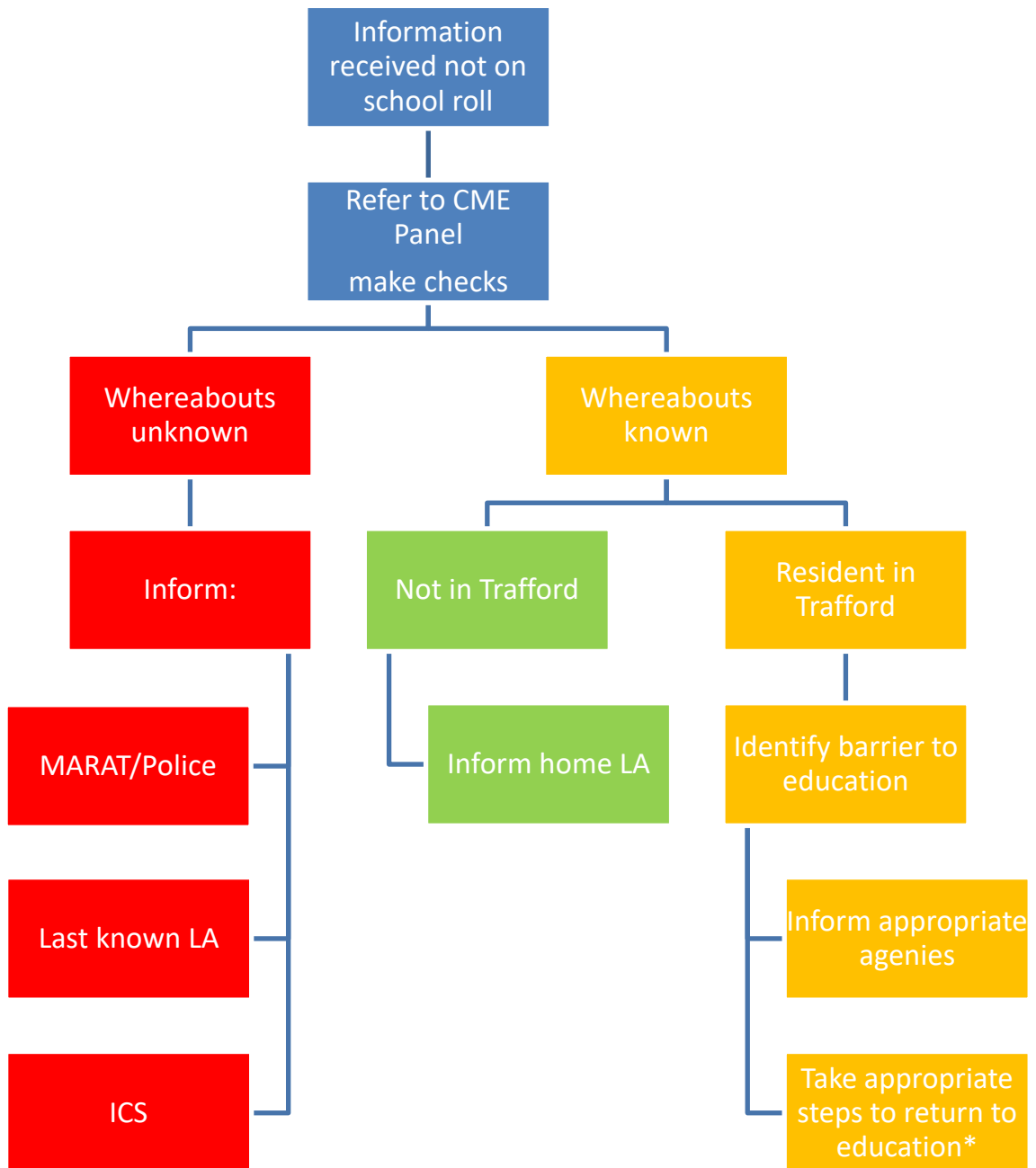
Appendix 1

When the whereabouts of a child is unclear or unknown, it is reasonable to expect that the local authority and the school will complete and record one or more of the following actions:

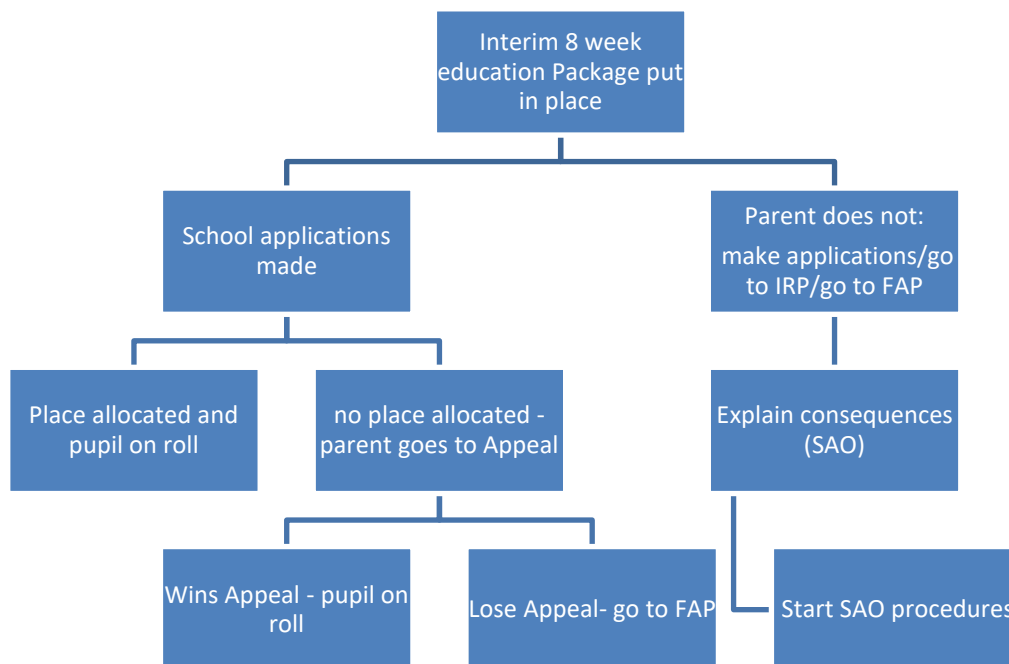
a. make contact with the parent, relatives and neighbours using known contact details;	
b. check local databases within the local authority;	
c. check Key to Success or school2school (s2s) systems;	
d. follow local information sharing arrangements and where possible make enquiries via other local databases and agencies e.g. those of housing providers, school admissions, health services, police, refuge, Youth Justice Services, children's social care, and HMRC;	
e. check with UK Visas and Immigration (UKVI) and/or the Border Force;	
f. check with agencies known to be involved with family;	
g. check with local authority and school from which child moved originally, if known;	
h. check with any local authority and school to which a child may have moved;	
i. check with the local authority where the child lives, if different from where the school is;	
j. in the case of children of Service Personnel, check with the Ministry of Defence (MoD) Children's Education Advisory Service (CEAS); and	
k. home visit(s) made by appropriate team, following local guidance concerning risk assessment and if appropriate make enquiries with neighbour(s) and relatives.	
other	

Making these enquiries may not always lead to establishing the location of the child, but will provide a steer on what action should be taken next, for example, to contact the police, children's social care and, in cases where there may be concerns for the safety of a child who has travelled abroad, the Foreign and Commonwealth Office.

Appendix 2: Trafford Procedures for CME



Appendix 3: Trafford Processes Appropriate steps to return to education



Appendix 4: DfE Grounds for deleting a pupil from the school admission register

Annex A: Grounds for deleting a pupil from the school admission register Grounds for deleting a pupil of compulsory school age from the school admission register set out in the Education (Pupil Registration) (England) Regulations 2006, as amended	
1	8(1)(a) - where the pupil is registered at the school in accordance with the requirements of a school attendance order, that another school is substituted by the local authority for that named in the order or the order is revoked by the local authority on the ground that arrangements have been made for the child to receive efficient full-time education suitable to his age, ability and aptitude otherwise than at school.
2	8(1)(b) - except where it has been agreed by the proprietor that the pupil should be registered at more than one school, in a case not falling within sub-paragraph (a) or regulation 9, that he has been registered as a pupil at another school.
3	8(1)(c) - where a pupil is registered at more than one school, and in a case not falling within sub-paragraph (j) or (m) or regulation 9, that he has ceased to attend the school and the proprietor of any other school at which he is registered has given consent to the deletion.
4	8(1)(d) - in a case not falling within sub-paragraph (a) of this paragraph, that he has ceased to attend the school and the proprietor has received written notification from the parent that the pupil is receiving education otherwise than at school.
5	8(1)(e) - except in the case of a boarder, that he has ceased to attend the school and no longer ordinarily resides at a place which is a reasonable distance from the school at which he is registered.
6	8(1)(f) - in the case of a pupil granted leave of absence in accordance with regulation 7(1A), that — (i) the pupil has failed to attend the school within the ten school days immediately following the expiry of the period for which such leave was granted; (ii) the proprietor does not have reasonable grounds to believe that the pupil is unable to attend the school by reason of sickness or any unavoidable cause; and (iii) the proprietor and the local authority have failed, after jointly making reasonable enquiries, to ascertain where the pupil is.
7	8(1)(g) - that he is certified by the school medical officer as unlikely to be in a fit state of health to attend school before ceasing to be of compulsory school age, and neither he nor his parent has indicated to the school the intention to continue to attend the school after ceasing to be of compulsory school age.
8	8(1)(h) - that he has been continuously absent from the school for a period of not less than twenty school days and —