

Local authority and maintained schools protocol on the management of children missing education - September 2023

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Background

Leicester is a diverse city with high levels of mobility. This has an impact on children who are attending our schools as each year, high numbers of children leave at points other than the usual transfer times and many of these children go to countries outside the UK. It is important to fully consider any known or suspected risk to all children who leave our schools, and that appropriate action is taken to safeguard them when necessary. It is important that schools and the local authority work in partnership to ensure children's safeguarding requirements are met.

Children may be subject to various risks including forced marriage, FGM, radicalisation and CSE; it is imperative that consideration is given to any possible safeguarding issues when children stop attending school and leave our area. The Education (Pupil Registration) (England) (Amendment) Regulations 2016 came into force on 1 September 2016 with the aim of improving information sharing regarding children missing in education.

This removal from roll elements of this protocol relate to children on school rolls up to the **school leaving age (i.e., up to the end of the school year during which the child turns 16)**. The regulations are slightly different for children on school rolls who are **under school age** – see the end of Annex A. There is specific reference to children with EHCPs at the end of this section, and on page 6.

It should be followed where removal from roll is being considered other than as part of routine transition at usual transfer points; it should also be followed however if it comes to the school's attention that due to a house move, the child is unlikely to attend the school they are due to transfer to.

The protocol includes details of:

1. Relevant Regulations
2. Schools' responsibilities – Removal from roll (listed by scenario)
3. General advice – concerns about the child's whereabouts or destination
4. Children with irregular attendance and/or 10 or more days of unauthorised absence
5. Children on part-time timetables
6. LA responsibilities and actions
7. Annex A – Regulations – Removal from roll
8. Annex B – Safe removal from roll form / Referral to LA
9. Annex C – Child no longer ordinarily resident - removal from roll decision form
10. Annex D - Informing the LA about children with irregular attendance and/or 10 or more days of unauthorised absence.

In addition to the safe transfer of all children in the city, a further priority is to identify as quickly as possible where children can safely be removed from school rolls in

order that the place can be allocated to another child. This protocol aims to address both these priorities.

The protocol also covers the duty all schools have to share information with the local authority about children who do not attend school regularly and/or those who have 10 or more consecutive days of unauthorised absence. Also, the expectation Ofsted have regarding the sharing of details of children on part-time timetables is covered in section 5.

The number of cases where parents elect to home educate a child has increased significantly in recent years. If a parent informs you that they are opting to take responsibility for their child's education (i.e., **home educating** them) and withdrawing them from school, you must have this in writing from the parent and you must refer them to the Education Welfare Service (EWS) (providing a copy of the letter as the referral). Wherever possible, it is good practice to seek to have a three-way conversation with the parent and the local authority Education Welfare Officer (EWO) prior to the child being removed from roll.

In the case of pupils with **EHCPs on roll at special schools**, where parents advise that they wish to **home educate**, please also discuss with the Special Education Service and your link EWO; prior to removal from roll, the local authority has a process that is followed to consider how the parent intends to meet the child's needs and the local authority must be satisfied that the arrangements will be suitable before agreement to remove from roll can be confirmed.

It is never appropriate for a school to suggest home education to a parent; this practice is considered to be off-rolling. Further information on elective home education is available on the council's website; [Home education \(leicester.gov.uk\)](http://leicester.gov.uk/home-education)

1. Relevant Regulations

Removal from school roll of both pre-statutory and statutory school age children is governed by section 8 of the [Education \(Pupil Registration\) \(England\) Regulations 2006](#). The criteria that are relevant to children on school rolls are listed in this document in Annex A; the list incorporates the amendments as per the regulations enacted on 1st September 2016.

There is a statutory duty on all Local Authorities in England and Wales to have systems and procedures in place to monitor Children missing education; [Children missing education statutory guidance for local authorities – September 2016](#).

The local authority maintains records of the education provision of all children in the city known to education services. Work is undertaken by schools, the Education Welfare Service and Children Missing Education (CME) Information Officers with the aim of ensuring that all children who leave our schools safely enter the education

system in their new location. This protocol provides details of the working arrangements for all maintained schools.

The duty to share information with the local authority on children with irregular attendance is stated in section 12 of the 2006 Regulations. With regards to children on part-time timetables, Ofsted takes the view that there is an obligation for all schools to notify the local authority of any such arrangements for their pupils. This includes all schools including both maintained and independent Schools. (See section 5.)

2. Schools' responsibilities - Removal from roll

There are different scenarios that can apply which may lead to removal of a child from the school roll; these scenarios are listed below with guidance.

Schools should ensure that parents are aware of the importance of keeping the school fully updated regarding changes to their address, plans to move out of the area etc prior to any actual move. At the point a forthcoming planned move comes to light, or following an apparent unexpected move, the school should seek to identify all relevant information and record this on the form in Annex B.

The form in Annex C is designed to assist schools in decision making regarding removal from roll when a child has moved but is still living locally. Both forms are designed to assist schools to establish and store as much relevant information as possible.

The forms can also be used to refer to the EWS where necessary. (It is not necessary to share the forms with the local authority unless local authority involvement is appropriate in which case the form serves as the referral; schools are advised to store these forms in the relevant child's records whether or not referred to the local authority.)

NB Where a child has moved but is still attending, other than ensuring the school records are updated, no action needs to be taken.

There are different scenarios and these are covered individually below.

New school has child on roll – confirmed with school directly:

- There is no need to complete either form in Annex B or C as the child is on roll at another school – complete destination field in the school's management information system:
- Enter details in destination field in SIMs or your school's MIS system using following format:
 - **[LA Number and Establishment Number],[Start Date as DD/MM/YY],[Name of Person Spoke to]**

- Remove from roll

a.) Child is understood to be moving – new address is in city or nearby in county (i.e., possibly within travelling distance) and parent states child will no longer attend:

- Use the form in Annex B to capture the relevant information as far as possible with parent/carer
- Ensure they are aware that child must continue to attend until they leave the current address – explore with them how the child could travel and continue to attend
- Ensure they are aware that if they are remaining in the city or nearby in the county (within travelling distance), they should continue to send the child to the school unless they secure a place in another school -
 - Whilst the parent may wish to apply for a place in another school closer to the address, unless there are safeguarding concerns or SEN needs preventing travel, all secondary age children will be expected to travel. Transport may be available if a place is applied for but unavailable at a school within walking distance
 - For primary pupils, parents must continue to ensure their child's regular attendance as far as possible until a place at a school closer to the address is available and, in the meantime, transport may be available if they apply but no school within walking distance has an available place
- Where a school is considering removal from roll in these circumstances, the **Child No Longer Ordinarily Resident and Stopped Attending form** (see Annex C) should be completed by the school and submitted securely to the EWS. This enables legal advice to be sought if this is deemed necessary and ensures the decision to remove complies with the regulations. (The form should be completed in Word and shared securely with the EWS.)

b.) Child has moved and stopped attending - confirmed child in admissions process in new LA (or known to a service in new LA which has responsibility to ensure child receives an education e.g., social worker) and confirmed child is not returning to the city:

- Enter the details of the LA, who spoke to, their role in destination field
- Remove from roll
- NB Follow b.) where the child still lives locally in the county

c.) Child is understood to be moving/has moved – distant county location or elsewhere in UK, or left address but no information on whereabouts - Safe transfer to school or professionals in new LA unconfirmed:

- Complete Form in Annex B
- Discuss the case with the EWS and refer using Annex B form.

- EWO will undertake relevant casework, seek guidance from EWS management as necessary and provide guidance to school on removal from roll
- Remove from roll in line with advice from EWS (see Annex A (1h))
- Enter in destination field – “referred to EWS” and date referred

d.) Child is understood to be moving out of UK / is reported to have moved out of UK already:

- Complete the form in Annex B as far as possible
- If the child has a Social Worker, as soon as the information about the move comes to light, contact the Social Worker
- If the child has any other professional working with the family in a supportive capacity, contact them if there are concerns about the move
- Refer to EWS (using form in Annex B) for further investigation - only if there are any current or previous concerns
- EWS will undertake casework, seek guidance from EWS management as necessary and provide guidance to school on removal from roll
- Remove from roll in line with advice from EWS or, if no referral has been deemed to be necessary (as there are no current or previous concerns), remove from roll.
- Destination field: emigrated referred/not referred to EWS

e.) Parent has taken child away on an extended period of leave of absence

- Where a parent advises that they intend to return, a child should not be removed from roll, even when the parent states that the absence is going to be for months. The regulation that **could** apply when a family are abroad or living too far away from the school for the child to continue to attend is 8(1)(e) – see section 7 below.
- Regulation 8(1)(e) states that a child may be removed from roll where they have stopped attending and they are no longer ordinarily resident. The reference to ordinarily resident means the address where the child is habitually and normally resident apart from temporary or occasional absences. **If a family normally reside in Leicester, and they advise they intend to return, they cannot be removed from roll under 8(1)(e).**

f.) Parent is keeping child at home and refusing to send child to school

- Where a parent is refusing to send a child to the school where the child is on roll, the child cannot be legally removed from roll unless one of the removal from roll criteria is met – see section 7 below.

In all cases, where it is not already agreed that a child should be removed from roll **where a child has an EHCP**, the school should liaise with the SES caseworker when removal is being considered. For school age children, EWS may also need to be involved where removal from roll is being considered, and EWS will certainly be

involved where the parent of a child with an EHCP who is on roll at a special school advises that they intend to home educate.

For any young people over school age with an EHCP, schools should liaise with SES and there is no role for EWS.

Transferring information to the local authority

For schools that use Capita SIMS with electronic transfer (B2B) with the local authority, this is done automatically when you have updated SIMS. Maintained schools that use other MIS should ensure that they have updated their system prior to sending the usual weekly extract for the local authority and uploading to AnyComms+.

When a referral is made to the EWS under this policy using Annex B or C, where removal from roll is advised, this will be communicated by the LA EWO via e-mail to the school noting the relevant regulation that is met.

3. General advice – concerns about the child's whereabouts or destination

If no referral has been made to an EWO, schools should avoid stating in the destination field in the school's MIS that the EWO is aware.

Where i) a child is understood to be moving address or ii.) the move has subsequently come to the school's attention, where there are concerns due to the school being unable to confirm safe transfer, **in particular where a move abroad is known or suspected**, schools should seek to ascertain as much of the information in Annex B as possible. Where the school is aware of another agency or professional being involved with the family, they should alert them to the concerns as a matter of urgency and both seek information and support from them to confirm the child's wellbeing. It may be appropriate to seek information from a named emergency contact on the child's school records.

- The key principle is that **independent confirmation of the details is always ideally required** prior to removing a child from roll when a parent has advised of a move to another area or to a country outside of the UK. If the only available information is from the parent, that will usually be sufficient unless there are concerns identified in which case, a referral to the LA EWO is appropriate (including details of the concerns) prior to removal.
- All **available information should be triangulated to identify potential concerns**. Where there are concerns about the child's wellbeing, the concerns should be carefully considered with the aim of either taking action to confirm the child's safe transfer to another school or LA or, to involving LA services as appropriate

Confirmation from an independent source could come from another local authority, a school in another area or the parent/carer may have some documentation relating to the new address which can be confirmed independently. Schools abroad will usually be willing and able to confirm a child is on roll with them via email; the address should match the one on their website.

Where concerns exist due to a lack of clarity, a lack of willingness to share information on the parent's part, or due to the destination (e.g., a conflict zone), or due to further information that has come to light from the child or their friends, or from a sibling's school, an assessment should be undertaken with a view to:

- Following safeguarding procedures where significant risk is believed to exist – referral to DAS or contact Social Worker if already involved
- Referring to Education Welfare Service to make relevant enquiries

When a parent has been transparent and cooperative in their sharing of information, this will usually indicate that the child is not at risk, but there could be individual cases where this is not the case hence all cases should be carefully considered with information available being triangulated to identify concern.

Leavers joining a Witness Protection Scheme or Fleeing Violence/abuse

Occasionally when a child leaves, there are special circumstances which make it necessary to keep their new location highly confidential. Typically, this is because they are fleeing violence or some other threat or in a very few cases, they are joining a witness protection scheme.

It is important that you confirm with the new school that the child is on roll, but do not record the new address or the new school in SIMS. Please select the Other/Unknown option in the reason for leaving field. For these cases it is also important for you to contact the CME Information Officers (cme@leicester.gov.uk, 0116 454 1132) so that the centrally held record can be updated in a way which protects the child's new location and prevents a CME investigation from being triggered. Please do not email child's personal details.

Where children have left due to domestic violence, witness protection or some other known threat; if you are unable to locate them at a new school, you should refer them to the EWS. The EWS will then take appropriate steps and ensure that the child is in education and ensure that the centrally held record is updated in a way that protects the child's new location.

Schools in the UK

It is never sufficient to accept the word of a parent/guardian. Confirmation from the receiving school needs to be obtained. To find the contact details of schools in England or Wales, you can look them up on the [Get Information about Schools website](#).

If a pupil has relocated to Scotland or Northern Ireland, you should make contact with the new school or the relevant local authority to confirm that the child is either in their admissions system or has started there.

Policy and Practice Guide for Schools on Absent Pupils – Safe and Well Checks

This policy applies where children have not been seen as expected in school and there are concerns about their whereabouts. The policy could apply to cases where a move is suspected but not confirmed and cases should be considered on a case-by-case basis. The Policy is available on the Schools' Extranet - [School's Extranet \(leicester.gov.uk\)](#).

New starters

Schools have a duty to share the details of all new starters with the LA.

Common Transfer Files or SIMS queries should be addressed to your MIS (SIMS) support provider.

4. Children with irregular attendance and/or 10 or more days of unauthorised absence

Existing requirements set out in the Regulations require all schools to share information with the local authority regarding pupils who have irregular attendance and those who have 10 or more consecutive days of unauthorised absence. These requirements are met by the routine sharing of attendance data by schools with the local authority, either via the use of B2B electronic transfer or, the sharing of data at agreed intervals.

5. Children on part-time timetables / in alternative provision

The Ofsted inspection framework for local authority children's services includes a focus on children who are missing from education (on school rolls but without full-time provision) and/or who are being offered alternative provision. The local authority is therefore required to have knowledge and oversight of such arrangements. There is an E form system in place for schools to use to inform the local authority about such arrangements. Full information is available: [School's Extranet \(leicester.gov.uk\)](#). The duty relates to children of statutory school age only.

6. Local authority responsibilities and actions

The local authority must ensure that where safe transfer to another school or admissions system in the UK has not been established, that all possible relevant actions have been undertaken to ensure the child's safe transfer. Where the child is understood to be moving abroad, or where they have not returned as expected, it may be appropriate to refer to the EWS for further investigation. In order to decide the extent of the actions deemed appropriate, the details in the form in Annex B will be fully considered.

The CME Information Officers and the EWOs have access to the information submitted electronically by schools via B2B in the ONE Pupil database. Where safe transfer is not evident in destination field via B2B, if an EWO is not involved, the CME Information Officers will follow up and confirm information with schools as deemed appropriate and they will check the latest available housing information.

When schools have been unable to locate a child and family, all possible actions should have been tried **prior to referral to the local authority**, including the following:

- Home visits and checks with neighbours
- Emails to the family/young person
- Phone calls – all numbers including extended family, emergency contacts
- Texts to request contact
- Checks on the school's portal/website – is the child engaging/contactable?
- Checks on social media sites that you are aware the child might access
- Where other known siblings attend other schools, check if the other school are having contact with the family
- If relevant, contact the social worker, family support worker or any other involved professional – have they had any involvement with the child/family?

When EWS intervention is required, the standard actions the EWO will undertake are:

- Check of council databases e.g., Revenue and Benefits, Liquid Logic
- Phone calls and emails (using contact information held by the LA)
- Referral to other local authorities
- Check with health re GP registration
- Follow up all other possible sources of information identified during the investigation

The CME Information Officers will undertake a monitoring function of the system whereby cases where there has been no EWS involvement will be sampled to identify any issues. This will result, where appropriate, in training being offered and/or the amendment of the protocol.

Key LA CME personnel regularly liaise and review procedures to ensure practices support the purpose of the protocol.

Nothing in this protocol affects the duty to refer to social care when thresholds are met. The LSCPБ guidance is available on the [LSCPБ website](#).

7. Annex A - Regulations – Removal from Roll

Children of statutory school age – a child becomes of statutory school age when they turn five on or before one of the three prescribed days (31 August, 31 December, 31 March);

	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

	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
8) 8(1)(h)	that he has been continuously absent from the school for a period of not less than twenty school days and(i) at no time was his absence during that period authorised by the proprietor in accordance with regulation 6(2); (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 of the school and the local authority have failed, after jointly making reasonable enquiries, to ascertain where the pupil is.
9) 8(1)(i)	that he is detained in pursuance of a final order made by a court or of an order of recall made by a court or the Secretary of State, that order being for a period of not less than four months, and the proprietor does not have reasonable grounds to believe that the pupil will return to the school at the end of that period.
10) 8(1)(j)	that the pupil has died.
11) 8(1)(k)	that the pupil will cease to be of compulsory school age before the school next meets and— (i) the relevant person has indicated that the pupil will cease to attend the school; or (ii) the pupil does not meet the academic entry requirements for admission to the school's sixth form.
12) 8(1)(l)	in the case of a pupil at a school other than a maintained school, an Academy, a city technology college or a city college for the technology of the arts, that he has ceased to be a pupil of the school.
13) 8(1)(m)	that he has been permanently excluded from the school.
14) 8(1)(n)	where the pupil has been admitted to the school to receive nursery education, that he has not on completing such education transferred to a reception, or higher, class at the school.
15) 8(1)(o)	where— (i) the pupil is a boarder at a maintained school or an Academy; (ii) charges for board and lodging are payable by the parent of the pupil; and (iii) those charges remain unpaid by the pupil's parent at the end of the school term to which they relate.

Children below statutory school age (taken directly from regulations)

8(3a) that he has ceased to attend the school, or, in the case of a boarder, that he has ceased to be a pupil of the school

(3b)that he has been continuously absent from the school for a period of not less than twenty school days and

(i) at no time was his absence during that period agreed by the proprietor;

- (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 of the school has failed, after reasonable enquiry, to ascertain where the pupil is.*
- (c)that the pupil has died;*
- (d)where the pupil has been admitted to the school to receive nursery education, he has not on completing such education transferred to a reception, or higher, class at the school;*
- or (e)that he has been permanently excluded from the school.*

Local Authority advice – when a parent stops sending their child to school despite encouragement from the school to return the child, **where that child is under school age**, prior to removing the child from the school roll, a letter should be sent to the parent advising of the intention to remove from roll and giving the parent ten calendar days to contact them should they wish for the child to remain on the roll of the school.

8. Annex B - Safe removal from roll form / Referral to local authority

Completion of this form will assist schools to determine **if** referral to the EWS is appropriate. (For use with reference to the case scenarios.) **Referral may not be necessary.**

Save form electronically in child's school record. Use form to refer to EWO. LA may request form.

Leicester City School:	
Child/ren's name(s): 1. 2. 3.	Child's dob & UPN: 1. / 2. / 3. /
Person providing information: 1. Name: 2. Mobile no: 3. E-mail addresses: 4. Relationship to child	1.
	2.
	3.
	4.
Parent/s carers if different to the above:	Enter 1 – 4 as above in this box
New Address:	
Date family moving if still in city:	
Last date child will attend the school:	
If child has stopped attending, last date:	
Is child in the Admissions process in the new LA, if yes, give details of a. LA and b. schools applied for:	Yes/No a. b.
If destination is outside of UK, how will the family be travelling?	
Flight details: a. Airline: b. Date of travel: c. Flight number: d. Destination Airport: e. If there is a connecting flight, record same details as above:	a.
	b.
	c.
	d.
	e.
Place in school for child/ren in new location? Yes / No (State name of school/s with tel no if known):	1. 2. 3.
Any other information including concerns from friends, information from siblings' schools:	
Is social care involved? Y/N – if Y, inform social worker: date informed Is there a need for the LA to investigate further? Y/N – if Y, send form to EWO	
If child/ren not referred to the EWO, how do you know the family has left the address? Provide details:	
Is the school view that CP thresholds have been met? Yes / No If Yes, confirm that CP processes have been followed – Yes / No	

Date form completed: _____ Dates of subsequent updates: _____

If form to be sent to LA, send to link EWO.

9. Annex C - Purpose - to determine if removal from roll due to distance is appropriate

EDUCATION WELFARE / SCHOOL ADMISSIONS CHILD NO LONGER ORDINARILY RESIDENT AND STOPPED ATTENDING – FOR USE WHEN CHILD HAS MOVED BUT IS STILL LIVING IN CITY OR NEARBY IN COUNTY

For completion in Word – send securely

Name of child:		Dob:		School Yr:	
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School:		Date last attended:	
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1. Previous address when attending:	
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	Distance from school (shortest walking):	
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2. Date moved to new address:	
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3. New address from which no longer attending:	
--	--

	a.) Distance from school (shortest walking): b.) Journey time by bus at school start/time time:	
--	--	--

4. Siblings		
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Names	Schools	Attending?	
		Y	N
		Y	N
		Y	N
		Y	N

5. Parent's view:	
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6. Head teacher's view:	
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7. Is child in admissions process for place at another school? Yes / No	
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DATE FORM SENT TO EWS: _____

Pass form to EWS management:

Decision re removal from roll and rationale:

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Name of EWS manager:		Date:	
Admissions manager:		Date:	

DATE FORM RETURNED TO EWO: _____ DATE FORM RETURNED TO SCHOOL: _____

If form to be sent to LA, send to link EWO.

10. Annex D - Informing the LA about children with irregular attendance and/or 10 or more days of unauthorised absence

This sheet should be completed whenever irregular attendance, or more than 10 days of absence is noted. (Where schools share their attendance data with the local authority, this information is received via that process and no form is needed.)

Student details

Surname	
Forename	
Middle Names	
UPN	
Date of Birth	
Gender	
Flat	
Number	
Street	
City	
County	
Postcode	

Children who fail to attend regularly

(only complete for those who are irregular attenders)

Date last attended	
Absence reason	
Action undertaken to date	
School responsible person (name)	
Contact details for responsible person email/telephone number	

Please use 'Irregular Attenders – Annex D' in [AnyComms+](#).