



Policy for

Children Missing Education

Prepared by:	Adopted by Board of Directors	Signed	Renewal Date (3 year cycle) or sooner if there are statutory guidance updates
Nov 16 MATBOM (using DfE CME non- Statutory Advice Sep 16		----- Chair of Board of Directors	

Contents:

1. Statement of intent
2. Definition
3. Why children miss education
4. Children at particular risks of missing education
5. Roles and responsibilities
 - 5.1 Academies
 - 5.2 The Local Authorities
 - 5.3 Parents and Carers
6. Working with others
7. Safeguarding

1 1. Statement of intent

This policy has been prepared in line with the DfE guidance 'Children Missing Education' September 2016.

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.

Children missing education (CME) 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.

Effective information sharing between parents, schools/academies and local authorities is critical to ensuring that all children of compulsory school age are safe and receiving suitable education.

Local authorities have a duty under section 436A of the Education Act 1996 to make arrangements to establish the identities of children of compulsory school age in their area who are not registered pupils at a school and are not receiving suitable education otherwise. Arrangements made under section 436A also play an important role in wider safeguarding duties.

Local authorities should have in place arrangements for joint working and information sharing with other local authorities and agencies including schools. This policy highlights what the academies of The Aspire Educational Trust will do to fulfil our responsibilities, to support Local Authorities with their duties and to safeguard and promote the welfare of children.

This policy complies with the following legislation and statutory guidance:

- DfE 'Working together to safeguard children' 2015
- DfE 'Keeping children safe in education' 2016
- DfE 'Children missing education' Statutory guidance for local authorities Sept 2016
- The Education Act 1996
- The Education Act 2002
- The Education and Inspections Act 2006
- The Children Act 1989
- The Children Act 2004
- The Education (Pupil Registration) (England) Regulations 2006 (as amended in 2016)
- The Education (Pupil Information) (England) Regulations 2005 (as amended in 2016)

- The Academy Information (England) Regulations 2008 (as amended in 2012)
- The Education (Provision of Full-Time Education for Excluded Pupils) (England) Regulations 2014

2. Definition

For the purpose of this policy, a Child Missing Education (CME) is defined as a child or young person of compulsory school age who is not attending school, not placed in alternative provision by an LA, and who is not receiving a suitable education elsewhere. This definition also includes children who are receiving an education, but one that is not suitable; this could include children who are not receiving full-time education suitable to their needs, e.g. age, ability, aptitude, special educational needs and disabilities (SEND).

3. Why children miss education

The most common reasons for children missing education include the following:

- Failing to be registered at a school or academy at the age of five
- Failing to make a successful transition
- Exclusion
- Mid-year transfer of education provision
- Families moving into a new area

4. Children at particular risk of missing education

As there could be many reasons for a child to be missing from education, the LA will make a judgement on a case-by-case basis. The following list indicates pupils who are most at risk of missing education:

Below is a list of children who are likely to go missing from education. This list is not exhaustive.

- Fail to start school at Reception entry, hence never entering the Authority's system.
- Transfer between Local Authorities
- Cease to attend for an unknown reason and the whereabouts of the child/young person cannot be established.
- Fail to complete transition at:
 - Key Stage 1 to 2 (infants to juniors); or
 - Key Stage 2 to 3 (primary to secondary)
- Young people who have committed criminal offences
- Children living in women's refuges/escaping domestic violence or families who have to move quickly under the Police Protection Witness Scheme

- Children in homeless families, perhaps living in temporary accommodation, houses of multiple occupancy or Bed & Breakfast accommodation
- Young runaways
- Children with long-term medical or emotional health problems
- Unaccompanied asylum seekers and refugees, or the children of asylum seeking families
- Cared for Children within Cheshire East
- Children from Gypsy/Roma/Traveller background
- Young carers
- Children from transient families, i.e. children who have experienced high levels of mobility between different education providers, as they move from area to area
- Teenage mothers
- Children excluded from school
- Children in private fostering arrangements
- Children informally excluded from school and/or those placed on long-term part-time timetables
- Children taken off roll following a lengthy absence due to an extended family holiday taken in term-time or not returning to the UK*
- Children entering or leaving the independent schools sector
- EC nationals who have the right of abode in the UK – this now includes a significant number of asylum seekers granted status by other EC countries and who have subsequently moved to the UK
- Young people who have come from abroad to live in the Borough including potentially sex trafficked young people

*this could include forced/arranged marriages

5. Roles and responsibilities

When children are missing education, schools/academies and the local authorities are required to jointly make reasonable enquiries to ascertain where these children may be.

5.1 Academies' responsibilities

Academies must:

- **Keep an accurate and up to date Admission Register**
- **Notify the local authority within five days of adding a pupil's name to the admission register at a non-standard transition point. The notification must include all the details contained in the admission register for the new pupil.**
- **Monitor attendance closely**
- **Investigate any unexplained absences and make reasonable enquiries to establish the whereabouts of a child (including jointly with the Local Authority where appropriate)**
- **Keep their Local Authority informed**

- **Arrange Full Time Education for excluded pupils from the 6th Day of a fixed period of exclusion**
- **Notify their local authority when they are about to remove a pupil's name from the school admission register at a non-standard transition point under any of the fifteen grounds listed in the regulations (Appendix 1).**
- **The Principal at each academy will be responsible for ensuring that the relevant staff at their academy are familiar with the content of this policy and procedure and with the requirements of their Local Authority**

Academies will keep an accurate and up-to-date admissions register and encourage parents/carers to inform them of any changes including by requesting validation of data held at least annually.

Each academy will enter students on the admissions register at the beginning of the first day on which it has been agreed by the academy, or the day that the academy has been notified, that the pupil will attend the academy.

If the pupil fails to attend the academy on the agreed or notified date, the academy will undertake reasonable enquiries to establish the reason for this absence, make a record of the enquiries made and will notify their LA at the earliest opportunity and at a minimum within 5 school days of the start date.

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.

Academies will monitor pupils' attendance closely through their daily registers and immediately address poor or irregular attendance in order to safeguard the welfare of children.

Academies will agree with their LA what intervals are best to inform them of pupils who are regularly absent from school, or who have missed 10 school days or more without permission.

Where a pupil has not returned after an authorised absence, or is absent from the academy without authorisation, the academy will make reasonable checks to locate the child such as:

- making telephone calls,
- completing a home visit,
- checking with neighbours/friends,
- checking with other schools and or checking with other agencies.

The Academy will notify their LA at the earliest appropriate opportunity and certainly within 5 school days of a CME.

If the academy and the LA fail to establish the whereabouts of the child after making reasonable enquiries, where a pupil has not returned to the academy for 10 days after an authorised absence, or is absent from the academy without authorisation for 20 consecutive school days, the academy will remove the student from the admission register and confirm to the LA that they have done so 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 will only apply if the academy does not have reasonable grounds to believe that the pupil is unable to attend due to sickness or unavoidable cause.

The academy will notify the LA if any student is to be deleted from the admission register in any of the 15 circumstances outlined in Regulation 8 of the Education (Pupil Registration) (England) Regulations 2006 (as amended in 2016) (See Appendix 1).

Where an academy notifies a local authority that a pupil's name is to be removed from the admission register, the local authority must be provided 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 Appendix 1).

Students who remain on the academy roll are not necessarily missing education, but will be monitored and attendance will be addressed when it is poor.

Academies will arrange full-time education for excluded students from the sixth school day of a fixed period exclusion.

Academies will provide information to their LA regarding standard transitions, if requested to do so by the LA.

Parents/carers may elect to educate their children at home unless they are subject to a School Attendance Order. In these circumstances the following procedures apply:

- If a parent notifies the academy in writing that they are home educating, the academy must delete the child's name from the admission register and inform the local authority.
- If parents orally indicate that they intend to withdraw their child to be home educated, the academy should notify the local authority immediately.

5.2 Local Authorities' responsibilities

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 local authority should consult the parents of the child when establishing whether the child is receiving suitable education. Those children identified as not receiving suitable education should be returned to full time education either at a school or in alternative provision. Prompt action and early intervention are crucial to discharging this duty effectively and in ensuring that children are safe and receiving suitable education.

Local authorities should have robust policies and procedures in place to enable them to meet their duty in relation to these children, including ensuring that there are effective tracking and enquiry systems in place, and appointing a named person to whom schools and other agencies can make referrals about children who are missing education.

Some children who are missing from education can be identified and supported back into education quickly; other children who have experienced more complex problems face tougher obstacles to getting back into suitable education. When developing policies and procedures for children not receiving a suitable education, local authorities should consider the reasons why children go missing from education and the circumstances that can lead to this happening.

Arrangements made under section 436A also play an important role in fulfilling the local authority's wider safeguarding duties. This duty should

therefore be viewed alongside these wider duties and local initiatives that aim to promote the safeguarding of children.

Local authorities should have in place arrangements for joint working and information sharing with other local authorities and agencies. Individual local authorities can determine the specific detailed arrangements that work best in their area that not only meet this statutory duty but also enable them to contribute to a range of work aimed at improving outcomes for children. The Working together to safeguard children statutory guidance provides advice on inter-agency working to safeguard and promote the welfare of children.

Local authorities should undertake regular reviews and evaluate their policies and procedures to ensure that these continue to be fit for purpose in identifying children missing education in their area. We have set out a checklist at Annex B that local authorities may wish to use to satisfy themselves that they have effective systems in place.

Where there is concern for a child's welfare, this should be referred to local authority children's social care. If there is reason to suspect a crime has been committed, the police should also be involved. Where there is a concern that a child's safety or well-being is at risk, it is essential to take action without delay.

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

- a. Arranging suitable full-time education for permanently excluded pupils from the sixth school day of exclusion;
- 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;
- 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;
- d. Issuing School Attendance Orders (SAOs) to parents who fail to satisfy the local authority that their child is receiving suitable 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;
- f. Prosecuting or issuing penalty notices to parents who fail to ensure their school-registered child attends school regularly; and
- g. Applying to court for an Education Supervision Order for a child to support them to go to school.

Children with Education, Health and Care (EHC) plans or statements of special educational needs (SEN) can be home educated.

- Where the EHC plan or statement sets out SEN provision that the child should receive at **home**, the local authority is under a duty to arrange that provision.
- Where the EHC plan or statement names a **school** or type of school as the place where the child should receive his or her education but the parent chooses to home educate their child, the local authority must assure itself that the provision being made by the parent is suitable, and review the plan or statement annually).

5.3 Parents/carers responsibilities

- Parents/carers are responsible for ensuring that their children, who are of compulsory school age, are receiving suitable full-time education.
- They may elect to educate their children at home, including a child with Education, Health and Care (EHC) plans, unless they are subject to a School Attendance Order (see also responsibilities of the Local Authority).
- Parents/carers are responsible for notifying the academy where they will be home educating their child.
- Parents/carers are responsible for notifying the academy regarding any absences or changes to the pupils education arrangements.

6. Working with others

Families moving from one LA to another can sometimes lead to a child being lost in the system and consequently missing education. When a child moves, LAs will work with other LAs, regionally or nationally, to ensure this does not happen.

Local Authorities will raise awareness of their procedures with local schools, academies, partners and agencies working with children and families. Aspire Educational Trust academies will ensure that staff are aware of their LA procedures and co-operate with them fully.

Academies of The Aspire Educational Trust will use a secure internet system, such as S2S to allow the secure transfer of student information when a child moves education setting.

7. Safeguarding

For the purpose of this policy, "reasonable enquiries" are defined as limited, investigative powers that the academy may action to determine a child's whereabouts and whether they may be in danger.

In line with the Children Act 2004, the academies will follow appropriate procedures when carrying out reasonable enquiries, such as office staff making telephone calls and checking with other schools, and the designated safeguarding lead (DSL) completing a home visit, conducting discussions with neighbours, relatives or landlords, and or checking with other agencies to determine whether a child may be at risk of harm.

The DSL will record that they have completed these procedures and, if necessary, make a referral to the children's social care or police. Where the whereabouts and safety of a child is unknown, the academy will notify the LA and work with the LA to continue enquiries. The academy and LA will use their judgement as to what reasonable enquiries are appropriate, once all the facts of the case have been taken into account.

Appendix 1: Grounds for deleting a pupil from the school admission register

The 15 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 in 2016

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 —
 - (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.