

*'Growth through Jesus' love, so that we can learn, persevere and achieve'*



# **CHILDREN MISSING IN EDUCATION 2021-22**

*Love, Joy, Peace, Patience, Kindness, Goodness, Faithfulness, Gentleness & Self-Control*

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## ***Abbreviations and terms used on this page***

Capita ONE – pupil database used by Staffordshire County Council.

CME – Children Missing Education.

DFE – Department for Education.

EHE – Elective Home Education/Electively Home Educated. The term used to describe education provided by parents or carers to their children instead of sending them to school or other suitable provision.

EWV – Education Welfare Worker.

LA - Local Authority.

LST – Local Support Team. There are 19 teams based in the eight district councils of Staffordshire.

Schools – the generic term used to describe institutions in which statutory school-aged children receive education. These can also be known as academies or colleges and can be in the state or independent sectors.

SCC - Staffordshire County Council.

## **1: Introduction**

All professionals working with children, as well as the wider community can help by remaining vigilant to children's safety and wellbeing. The law states that 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 school.

Although the focus of this document is on the policy around CME in Staffordshire, the work should be seen within the wider context of the LA in safeguarding and promoting the welfare of all children living within the county boundaries.

The Department for Education guidance "Children Missing Education Statutory Guidance for Local Authorities September 2016" sets out the 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 document is followed by the Local Authority in its delivery of the above duties.

If you know of any child who is not receiving an education, or you know of a child who has gone missing from a school, or are in any doubt please contact:

Children Missing Education,  
Staffordshire County Council,  
Families First,  
Faraday Road,  
Stafford  
ST16 3NQ

Telephone: 01785 278999 or 895966  
Email: [cme.referrals@staffordshire.gov.uk](mailto:cme.referrals@staffordshire.gov.uk)

If you are concerned about a child's safety i.e.

you have a serious concern about the safety of a child  
you think a child is being harmed or is at risk of being harmed  
you are worried that a child is living in circumstances where they are treated badly and not cared for properly

You must contact First Response on: 0800 13 13 126

Office hours: 8.30 am to 5.00 pm Monday to Thursday; and 8.30 am to 4.30 pm Friday

Email: [frist@staffordshire.gov.uk](mailto:frist@staffordshire.gov.uk)

The Education and Inspections Act 2006 places a duty on local authorities in England and Wales to make arrangements to identify children and young people of compulsory school age missing education in their area.

The DFE documents Keeping "Children Safe in Education 2018" and "Working Together to Safeguard Children - A guide to inter-agency working to safeguard and promote the welfare of children", originally published in March 2010, and revised in 2013, 2015 and 2018 says:

"There is a Children Missing Education (CME) named point of contact in every Local Authority. Every practitioner working with a child has a responsibility to inform their CME contact if they know or suspect that a child is not receiving education. To help local agencies and professionals find children who are missing from education and identify those that are at risk of going missing from education, guidance was issued in July 2004, identifying and maintaining contact with children missing, or at risk of going missing, from education."

## **2: Context**

This policy is intended to inform LA staff, schools, headteachers, governing bodies, other agencies and the public about how we minimise and prevent CME. It relates primarily to children who are of compulsory school age who do not currently have a school place, or their educational provision is unknown.

The DFE defines CME as:

'All children of compulsory school age who are not on a school roll, nor being educated otherwise (e.g. privately or in an alternative provision) and who have been out of any educational provision for a substantial period (usually four weeks or more)'

This definition is adopted in this CME Policy, with an understanding that EHE is a valid alternative provision.

Staffordshire County Council acknowledges that it is a key responsibility of the LA to promote the educational achievement of all children resident within the county or attending schools within the county. The best way to promote these outcomes for children is to ensure that as far as possible children of compulsory school age are either enrolled with an educational provider or are being EHE.

The Children Act 2004 places a duty on all agencies to work together to promote the welfare of children and to share information appropriately. This principle underpins SCC's policy on CME, and there is an expectation that all

agencies and professionals will work together to ensure that children are participating in education, whether at an educational provision or at home.

There are certain points at which children are most at risk of becoming missing from education, and the most common reasons for this include:

Children not registered by parents/carers at school when they achieve compulsory school age.

Children not registered at school for the start of high school (Year 7).

Frequent house moves, periods of homelessness or time spent in refuges.

Family breakdown.

Parents "withdrawing" children from school for an invalid reason.

Schools off-rolling pupils without the correct checks and procedures being followed.

Exclusion (lawful and unlawful).

Children whose educational status is unknown, and it is therefore not possible to identify whether the child is receiving a suitable education.

Certain groups of children are more likely to be affected by the factors listed above and include:

Children in Public Care (Looked After Children).

Children who have been the subject of a Child Protection Plan.

Refugees and asylum seekers.

Gypsy, Roma and Traveller families.

Children who have experienced domestic violence or other adverse family circumstances.

Children with special educational needs.

Migrant families.

Children who have had attendance difficulties.

The cost of children missing out on education can be very high – to themselves, their families and society as a whole. Children who do not engage in education are unlikely to gain any formal qualifications, and a fragmented educational history can result in low levels of functional literacy and numeracy in adult life.

Missing out on learning is also linked to other problems in later life including: Unemployment.

Homelessness.

Criminal and anti-social behaviour.

Involvement in prostitution and the sex trade.

Substance abuse.

Teenage parenthood.

Mental health and self-esteem issues.

Physical health issues (including those linked to poverty).

Forced marriage.

### **3: *The duty of the local authority***

As an LA, we have a duty under s436A of the Education Act 1996 to establish (so far as it is possible to do so) the identities of children in our area who are of compulsory school age but who are not registered pupils at a school or receiving some other form of suitable education.

We therefore must identify all children within our area and ensure that they are either registered pupils at a maintained, non-maintained or independent school, or that they are receiving another form of suitable education. Part of this duty therefore requires us to have details of those pupils registered at all schools who are ordinarily resident within Staffordshire.

SCC has a duty to act in accordance with the aforementioned Statutory Guidance for local authorities in England to identify children not receiving a suitable education, published in November 2013. This requires us to “put in place arrangements for joint working and information sharing with other local authorities and relevant partner agencies that come into contact with children and families”.

The guidance makes clear that such “partner agencies” will include all types of education providers both maintained and independent schools, and local authorities are recommended to maintain a database of all school age children, along with how they are being educated.

As outlined above, the obligation under s436A of the Education Act 1996 to make arrangements to identify children who are not receiving a suitable education includes a duty under s437 of the same Act to intervene if it

appears that a child is not receiving a suitable education. Local authorities also have a duty under s175 of the Education Act 2002 to safeguard and promote the welfare of children through their educational obligations.

In relation to the LA's duties around Promoting the Education of Looked After Children (DfE Statutory Guidance July 2014), as a corporate parent we do not tolerate drift and delay where children the LA looks after are without an education placement that is appropriate to their assessed needs. This includes using our powers of direction in a timely way rather than because of protracted negotiation.

CME works with the Virtual School and a range of professionals to ensure that there are effective arrangements in place to support the education of looked after children. This includes ensuring that there is timely communication and effective cooperation with other local authorities in relation to education placement changes, school admissions, achievement and exclusions.

Where there are concerns that children are at risk of becoming involved in violent extremist activity, in consultation with the schools these will be referred to the Police Prevent Team in partnership with the Education Safeguarding Advice Service.

#### **4: The role of schools**

It is understandable and appropriate that schools should be concerned about revealing personal information about pupils. However, all information held by SCC is processed in accordance with the Data Protection Act 1998. Under Paragraph 5(c) of Schedule 2 to the Act, personal information can be disclosed where necessary for the exercise of any function given to any person under an enactment. As noted in 3, SCC has a duty to ensure that children within its boundaries are being appropriately educated, and it is necessary for this function that we obtain this information.

When a child is expected to join a school and does not arrive, for the first 10 school days the school should make their own enquiries. This should include trying to contact the parents/carers by telephone or letter. School may also wish to contact the School Admissions Team to establish if the child has been registered elsewhere.

For absence of between 10 and 20 school days, schools may request EWW support (if eligible) to establish the reason for the unknown absence and lack of information. The request must include a record of the reasonable enquiries made so far (see CME "Reasonable enquiries" for more details).

If after 20 school days (four school weeks) the child has not been located, the school should complete and submit a CME Referral Form to [cme.referrals@staffordshire.gov.uk](mailto:cme.referrals@staffordshire.gov.uk) and it is at this point that the Headteacher should take the child off the school roll.

If a child is absent, or fails to return from an agreed holiday, the school should follow their normal procedures for investigating the absence, using "Reasonable Enquiries" (see CME webpage).

If a child is absent from school because they are believed to have moved away, schools are still required to keep the pupil on roll whilst making reasonable enquiries, and only remove from roll after 20 school days have elapsed. It is at this point that a referral to CME should be made.

When the school and EWW have investigated, but not located the child and 20 school days have elapsed, schools should follow the procedure outlined in 4.4.

If there is a concern regarding the immediate safety of the child First Response must be contacted (see 1.4). Dependent on the level of concern, the Education Safeguarding Advice Service can also be consulted by emailing [esas@staffordshire.gov.uk](mailto:esas@staffordshire.gov.uk) or telephoning 0800 13 13 126 (option 3).

It is the decision of the Headteacher of the school as to when to remove a child from roll; however, deletions from a school roll can usually be made after four school weeks (20 school days) continuous absence where all reasonable attempts have been made to trace a child and the CME team have been notified. In these circumstances the child's details should also be uploaded onto the Teachernet s2s lost pupils' database.

There is statutory guidance governing when schools can delete children from their admissions register. These are outlined in Regulation 8 of the Education (Pupil Registration) (England) Regulations 2006.

When a child is deleted from the school's admissions register, the school must update their school management information system and clearly indicate the date and the reason for removal from roll. On the "i" tab next to "Reason for Leaving" the new school's name should be given together with its seven-digit school identifier number (schools in England and Wales) or the school name and locality (schools in Scotland, Northern Ireland, Isle of Man, Channel Islands, Gibraltar or Armed Forces Schools abroad).

When a pupil leaves a school for a known destination, the school should upload the child's records to s2s – a secure national database. This generates an email to the receiving school which then downloads the information.

In February 2018 all schools in Staffordshire were issued with "Deregistration Guidance". This is a quick reference sheet which lists all the reasons why a pupil can be taken off roll. Schools are asked to refer to this guidance (see CME webpage) and notify the LA accordingly depending on the reason.

When a pupil is taken off roll due to their having been admitted to a new school, the school the pupil is leaving should complete an OR.1 (off-rolling)

form which they should then send to  
schools.capitadatateam@staffordshire.gov.uk.

This will then ensure that the pupil is recorded as being at the new school and will avoid unnecessary investigation.

Where a pupil leaves a school without a known destination, (which will have been referred to CME see 4.4.) the school should also upload the child's records to the secure area of s2s known as the Lost Pupils Database. Any school then admitting the child without previous school history can request their LA to search the Lost Pupils Database for the child's records.

For those pupils mentioned in 4.14 above, the "Reason for Leaving" on the school's management information system should be amended to show "Unknown Destination". The Common Transfer File must also be completed, and coded XXXXXXXX (destination unknown) or MMMMMMMM (moved to independent sector or out of England and Wales). It can then be uploaded onto s2s in the normal way. These records are securely stored in an area of s2s known as the Lost Pupils Database. If a file is rejected, schools should recode the file MMMMMMMM.

Important – Please note that new Statutory Guidance for Local Authorities was issued by the DFE in September 2016. This makes specific reference to schools' responsibilities around CME and sets out the correct reporting mechanisms to ensure that these often-vulnerable children are accurately monitored.

Schools should pay particular attention to the section entitled "School Responsibilities" regarding notifying the local authority at the earliest opportunity for those children who move onto and off school rolls at non-standard transition points. Please also give regard to the section entitled "Making reasonable enquiries".

All relevant documentation is available on the CME webpage, however if schools have any queries they should contact the CME team for advice.

## **5: Elective home education**

If a parent wishes to EHE his/her school educated child, the school must deregister the child at the point written notification is received from the parent stating that the child is now in receipt of home education. Deletion from the admissions register should take place as soon as such notification is received, and schools should follow the aforementioned "Deregistration guidance".

Schools must inform the EHE team when a pupil has been removed from their roll to be home educated. They should do this by forwarding a copy of the parent's written correspondence (this can be a letter or email) together with a

completed School Exit Form to the Elective Home Education team at [electivehomeeducation@staffordshire.gov.uk](mailto:electivehomeeducation@staffordshire.gov.uk).

It is imperative that this is done at the time of removal from the school roll because unless the EHE team are notified, the pupil will remain the safeguarding responsibility of the school.

Information is cross-referenced at regular half-termly liaison meetings between CME and EHE, to ensure that home educating families are identified, contacted and support is offered.

If the EHE team has concerns that the child is not being provided with a suitable education, then the matter will be referred to an Education Welfare Worker. If the EWW is not able to establish that a "suitable education" is being provided, they may seek a legal remedy, i.e. a School Attendance Order (DFE "School Attendance – Statutory guidance and departmental advice", August 2013).

EHE legislation currently states that the only obligation for parents to notify anybody is at the point they withdraw their child from school (see 5.1). This is when they must give written notification to the Headteacher of the school. If a family has never enrolled their child in a school, there is no obligation to notify the LA.

If the LA has reason to believe that a child is not receiving a suitable education, there is an expectation that this will be investigated. In the case of children previously unknown to the LA this may simply be confirmation that the child is being EHE rather than missing education.

## ***6: Related legislation and useful links***

Children Act 2004

Children Missing Education – DfE Statutory Guidance for Local Authorities

Education Act 1996

Education Act 1996 s436A

Education Act 1996 s437

Education Act 2002

Education Act 2002 s175

Education (Pupil Registration) Regulations 2006

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Education (Pupil Registration) (England) Regulations 2006 Regulation 8

Every Child Matters 2003

Families First

Local Authority Attendance guidance

Local Authority Elective Home Education guidance

Local Authority School Admissions guidance

Promoting the Education of Looked After Children – Statutory Guidance for Local Authorities, DFE July 2014

School Attendance Order

Staffordshire Safeguarding Children Board

Teachernet s2s lost pupils database

Working Together to Safeguard Children - 2018  
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