



Children Missing Education

Policy and Procedures

July 2020

1. Introduction

School aged children residing in Hackney have the right to receive an appropriate education and the vast majority of children are doing so. However, there are a number of ways a child fails to access the school system and hence becomes Missing from Education.

Hackney Education is committed to ensuring that every child of compulsory school age is receiving an excellent full-time education which will give them the opportunity to build their own futures. Parents/carers have a duty to ensure children are receiving suitable full-time education, either by regular attendance at school or otherwise.

Children may not be attending or may leave school for a number of reasons, but if they are still of compulsory school age, then parents, schools and local authorities have a responsibility to ensure the continuity of their education.

2. Legal framework

Section 436A of the Education Act 1996 requires all local authorities 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 than at school.

Regulations 8(f) and 8(h) of the Education (Pupil Registration) (England) Regulations 2006, as amended 2016, place a duty on schools and local authorities to jointly carry out reasonable enquiries to try and locate pupils absent from school whose whereabouts are unknown.

3. Rationale

This guidance document has been created to assist all schools and other professionals who work with children and families within Hackney, to ensure that they:

- Meet statutory duties relating to the provision of education and safeguarding the welfare of children missing education.
- Have robust multi-agency systems in place to identify, refer and track children missing from education or at risk of doing so.
- Establish monitoring and reporting systems for all children missing from education and at risk of becoming CME.

4. Definition – Children Missing from Education (CME)

This policy refers to any child of compulsory school age who are:

- known to have resided in Hackney, who have moved away from their last known address, and their whereabouts are unconfirmed, or unknown or,
- known to be residing in Hackney and are believed not to be in receipt of education or,
- whose parents claim to be providing elective home education but, as a result of the local authority's informal enquiries, are believed not to be in receipt of suitable and efficient education.

5. The following groups are not included in the definition of Children Missing from Education:

Irregular, or non-attendance at school

Schools and education provisions are primarily responsible for managing the attendance of children at their establishments. They must have a published attendance policy that sets out how they will manage the attendance of children who are registered at the school, especially procedures for those whose attendance is irregular, or have stopped attending completely.

Non-school attendance caused by long term illness or injury (and the involvement of the Home Tuition Service) – If a child is missing from school due to a long-term illness, or injury, then

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the school must ask the parent to provide documentary medical information that states that the child is unfit to attend school. The school may consider asking their School Nurse to provide advice. If the absence is going to be authorised, then the school must consider how the child will be educated. This can be achieved by referring the child to the borough's Home Tuition Service.

The Home Tuition Service is not to be confused with Elective Home Education (also known as Education Otherwise than at School)

Elective Home Education (EHE) – Parents may, by law, choose to home educate, either through privately provided services, or (more usually) by themselves. The local authority will undertake informal enquiries to satisfy itself that suitable and efficient education is being provided. If it is, then the child is not considered to be missing from education.

Also see the borough's policy on Elective Home Education for further information and guidance.

6. Roles and Responsibilities

Local Authority's Responsibilities

The Pupils Out of School Team will co-ordinate, through multi-agency work, the identification, referral, tracking and engagement of children missing education.

The Pupils Out of School team will;

- In accordance with statutory guidance, act as a point of contact for enquiries and referrals from other Local Authorities, partnership agencies and Children's Services staff,
- maintain a database of identified CME children who are not registered to a school,
- regularly provide senior managers and service leads with a list of current CME cases,
- take responsibility for investigating all children referred or identified as missing education,
- raise awareness of Children Missing Education through training and publicity, and,
- act as the point of contact for schools if they are aware that a child is unplaced, i.e. has no destination school.

Schools Responsibilities

Children who have a history of poor school attendance and/or high rates of exclusion are at greater risk of becoming CME. Therefore, schools need to ensure that they have a robust process for early identification of potential attendance issues. Measures should be put in place to address these issues as soon as possible, following school attendance policy protocols.

The statutory requirements for all schools to record joiners and leavers are defined in The Education (Pupil Registration) (England) 2006.

Schools must make reasonable enquiries to establish the whereabouts of the child jointly with the Local Authority, before deleting the child's name from the register if the deletion is under regulation 8(1), sub-paragraphs (f) (iii) and (h) (iii)

When removing a child's name, the notification to the Local Authority must include:

- a) the full name of the child,
- b) the full name and address of any parent with whom the child normally resides,
- c) at least one telephone number of the parent,
- d) the child's future address and destination school, if applicable, and
- e) the ground in regulation 8 under which the child's name is to be removed from the admission register (see appendix 1).

All schools (including academies and independent schools) must:

- Enter pupils on the admissions register on the first day on which the school has agreed, or has

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been notified, that the pupil will attend the school.

- Notify Hackney Education within five days of adding a pupil's name to the admission register. The notification must include all the details contained in the admission register for the new pupil.
- Monitor each pupil's attendance through their daily register and follow non-attendance procedures in cases of unauthorised absence.
- Remove a pupil's name from the admissions register on the date that the child leaves the school.
- Notify Hackney Education when they are about to remove a pupil's name from the school admission register under any of the fifteen grounds listed in the regulations, no later than the date that the child's name is due to be removed.
- Where parents notify the school, in writing, of their intention to electively home educate their child the school must forward a copy of the letter to the Pupils Out of School Team. Where parents orally indicate that they intend to withdraw their child to be home educated and no letter has been received, the school must not remove the child from roll and should notify Pupils Out of School Team at the earliest opportunity.

Parents' responsibilities

Parents have a responsibility to ensure that their children of compulsory school age are receiving efficient full-time education. In addition, responsibility to inform the school or Local Authority of their child's new school destination and home address if they are moving to a new school, at any time during the period of statutory education.

Some parents may elect to home educate their children and may withdraw them from school at any time to do so (unless they are subject to a School Attendance Order).

Where a parent notifies the school in writing of their intention to home educate, the school must inform the local authority using Hackney Education's EHE de-registration form, before deleting the child from its admission register.

Children with special educational needs and who have an Education, Health and Care (EHC) Plan can be home educated. Where the EHC plan sets out special educational provision that the child should receive at home, the local authority is under a duty to arrange that provision.

Where the EHC plan names a school as the place where the child should receive his or her education and the parent chooses to home educate their child, the local authority must assure itself that the provision being made by the parent is suitable to the child's special educational needs and this must be reviewed annually.

For further information or advice, please contact the EHE Assessment Lead on

Telephone: 0208 820 7284

Email: electivehomeeducation@hackney.gov.uk

7. Joint Reasonable Enquiries within Schools

It is important to note that with effect from September 2017, the Education Attendance Service (EAS) is a fully traded service. Schools that do not place purchase the service must make their own arrangements for managing attendance, including seeking advice on any proposed de-registration.

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 (Appendix 2).

In line with the duty under section 10 of the Children Act 2004, the expectation is that the school

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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 FAST 0208 356 5500 – Fast@Hackney.gov.uk (and the police if appropriate).

Where Schools are purchasing the EAS, it is expected that the allocated School Attendance Officer will work with the school and undertake relevant joint enquiries which are compliant with DfE guidance and can be evidenced on any subsequent CME referral to the Pupils Out of School Team if the family cannot be located.

Where Schools are NOT purchasing EAS, in situations mostly where parents have sought other places / provision, then the initial responses should come from the school as the child is on roll from the date that they are expected to arrive. If they have not arrived, then the school will have to make those initial enquiries themselves.

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 actions described below.

Where Schools do not purchase the EAS, they will retain responsibility for reasonable enquiries and how such enquiries can be jointly undertaken with the relevant branch of the Local Authority.

In regard to children missing from schools and joint reasonable enquiries, the following are identified as minimum requirements and are in accord with DfE guidance - <https://www.gov.uk/government/publications/children-missing-education>

- make contact with the parent, relatives and neighbours using known contact details;
- check local databases within the local authority;
- check Key to Success or school2school (s2s) systems;
- 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;
- check with UK Visas and Immigration (UKVI) and/or the Border Force;
- check with agencies known to be involved with family;
- check with local authority and school from which child moved originally if known;
- check with any local authority and school to which a child may have moved;
- check with the LA where the child lives, if different from where the school is;
- in the case of children of Service Personnel, check with the Ministry of Defence (MoD) Children's Education Advisory Service (CEAS); and
- home visit(s) made by appropriate team, following local guidance concerning risk assessment and if appropriate make enquiries with neighbour(s) and relatives.

This list is not exhaustive or prescriptive, and so local authorities and schools should treat each case on its individual merits and use their judgement, ensuring they have taken into account all of the facts of the case.

It should be recognised that the type of reasonable enquiries required to try to locate a child will differ from case to case and additional enquiries to those suggested in this section may be necessary. The Flow Chart appended to this document clarifies the expectations and process to be undertaken when making enquiries in regard to missing children.

If, after making joint reasonable enquiries the whereabouts of the child remain unknown, a referral

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should be made to the Pupils Out of School Team who will investigate further.

If schools are making such referrals, it is essential that the information and evidence of trying to ascertain destinations is clear. Referrals which simply state 'gone abroad' etc will not be accepted and will be considered as a significant safeguarding risk should it prove that lack of information presents a significant challenge to ascertaining the whereabouts and wellbeing of a child.

8. Capita – Data Management

Capita (and presumably all other software suppliers) have developed their functionality with school systems to transfer data to the local authority to meet this statutory duty.

SIMS can now meet the majority of the requirements for Missing Children in Education. Schools are advised to:

- record the Future Address and address Start Date for the pupil/student or contact
- record the destination school in the Destination Institution field in the School History panel of the pupil/student record
- record the start date in the Destination Expected Start Date field in the School History panel of the pupil/student record
- use the Communication Log or Linked Documents to store any evidence

In addition to the new recording options above, two new options have been added for CTF Export to help schools meet the obligations placed on them by the Pupil Registration regulations and the DfE guidance for Children Missing Education.

- At present, schools create a CTF to send to the new school when a pupil leaves. In addition to continuing to do this, they now have the option to:
- "CME - Leavers" can be used to provide the school's LA with information required when a pupil leaves the school
- "CME - Joiners" can be used to provide the school's LA with information required when a pupil joins the school
- So schools will be expected to / expecting to:
- If a pupil leaves their school: send a CTF to the new school and send a "CME – Leavers' CTF to the LA
- If a pupil joins their school: send a "CME joiners' CTF to the LA

It is important to bear in mind that the CML and CMJ files will need to be completed regardless of whether a school is transferring information to Hackney Education via B2B. It will remain the responsibility of the Headteacher/ rincipal to ensure that staff are uploading the CTF files.

9. Contacts

For advice and guidance, please contact the Pupils Out of School Team

Telephone: 0208 820 7406 / 7279

Email: cme@hackney.gov.uk

Appendix 1 – 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 2016

Grounds	SIMS System Code (Drop Down list).	Explanatory Note
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	A – Change in School Attendance Order	May relate to change in circumstances in regard to named provision within EHCP, as example.
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.	B- Registered at another school	Pupils should not be removed from roll until their attendance at receiving school is confirmed.
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.	C- Was Dual Registered, going to single registration at another school	Requires agreement between both schools to confirm pupil status
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.	D- Education other than at School	Pupils CANNOT be removed from the school roll without receipt of written notification from parents. See link to EHE guidance below – <i>'10.5 Schools should not seek to persuade parents to educate their children at home as a way of avoiding an exclusion or because the child has a poor attendance record. In the case of exclusion, they must follow the relevant legislation and have regard to the statutory guidance. If the pupil has a poor attendance record, the school and, if appropriate, local authority should seek to address the issues behind the absenteeism and use the other remedies available to them'.</i>
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.	E- Distance	Ideally, dialogue with parent takes place before it is determined that child does not live at a reasonable distance. Many parents will send their children to Hackney Schools regardless of distance.

Grounds	SIMS System Code (Drop Down list).	Explanatory Note
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.	F- Failure to attend within 10 days after an exceptional leave of absence	Cannot be confused with 'H' below. A pupil can ONLY be removed from the roll under this category if they have failed to return within 10 days after an AGREED (authorized) period of absence.
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.	G- Health	Schools should consult with parents and Medical Practitioners involved with the Pupil. May require referral to Hackney Educations Medical Needs Service (Consultant Letter required for such referral)
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 authorized 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.	H- Unauthorised absence of 20 days or more	Joint reasonable enquiries MUST have taken place before a pupil can be deregistered.
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.	I - Detained	Must be supported by evidence that pupil will not be returning to school after being detained – usually relating to becoming over statutory age whilst detained.
8(1)(j) - that the pupil has died.	J- Deceased	
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	K – Not of compulsory school age	

Grounds	SIMS System Code (Drop Down list).	Explanatory Note
attend the school; or (ii) the pupil does not meet the academic entry requirements for admission to the school's sixth form.		
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.	L – Left School	Should not be used as a 'default' code. This code only applies to a pupil ' <i>at a school <u>other than</u> a maintained school, an Academy, a city technology college or a city college for the technology of the arts</i> '
8(1)(m) - that he has been permanently excluded from the school.	M – Permanent Exclusion	Must remain on school roll until 15 days following Pupil Disciplinary Committee (PDC) decision to uphold the exclusion. This enables parents to have time to consider whether to request an Independent Review Panel (IRP)
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.	N – Completed Nursery Education	All pupils become of statutory age in term after 5 th Birthday.
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.	O - Financial	

EHE guidance -

https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/791527/Elective_home_education_guidance_for_LAv2.0.pdf

Appendix 2 – Workflow for Joint Reasonable Enquiries for CME