



## Policy for Children Missing Education including Children at Risk of Missing Education

This local authority policy applies to all schools including maintained schools, academies, free schools and independent schools.

## 1. Introduction

This document is intended to inform all Children, Education and Social Care services; schools, including academies, free schools and independent schools; governing bodies; police; and other partner agencies including community safety; health & housing groups; about the procedures to be followed in order to prevent children from going 'missing from education' and to ensure missing children and young people are located and re-engaged in education as quickly as possible.

The Education (Pupil registration) (Amendment) (England) Regulations 2016 came into force on 1<sup>st</sup> September 2016, amending the 2006 regulations. These changes have been introduced due to the Chief Inspector's advice following Local Authority inspections in 2015 that gave rise to serious safeguarding concerns and a high risk of exploitation and radicalisation as a result of poor communication and coordination relating to 'off rolling' pupils. A lack of legal duty on schools to establish and record destinations for pupils removed from the school admission register impacted on the Local Authorities clear link with safeguarding duties.

The secretary of State is clear that Missing Education is one of the most significant risk factors for poor outcomes later in life. All children, regardless of their circumstances, are entitled to a full-time education which is suitable to their age, ability, aptitude and any special educational needs they may have. Children Missing Education (CME) are at significant risk of underachieving; of being victims of trafficking; sexual exploitation; forced marriage; radicalisation, and of becoming NEET (not in education, employment or training) later on in life.

Stockton-on-Tees local authority has robust procedures and policies in place to enable the Council to meet its statutory duty in relation to these children. The Attendance Co-ordinator (CME) is the named person for the Local Authority to whom schools, other agencies, and other local authorities can make Children Missing Education (CME) referrals.

Arrangements are in place between local, regional and national CME Officers, to communicate details of children and young people referred as CME and identify, track, monitor and locate these pupils working in collaboration with schools and other agencies.

This document sets out how Stockton-on-Tees Borough Council fulfils its statutory function in relation to Children Missing Education and the 2 main regulation changes "Off Rolling" a pupil and "Admitting" a pupil" in collaboration with all schools in Stockton-on-Tees.

Raising awareness to both statutory and voluntary organisations including all schools including academies, free and independent schools of their statutory responsibility to refer any child or young person to the local authority CME Officer that they identify or are in contact with who may be missing or at risk of missing their education;

Working in partnership with all schools regardless of type to ensure all pupils "off rolled" are reported to the Local Authority

- Ensuring that all pupils admitted on to a school roll are reported to the Local Authority within 5 days of being admitted.
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- Ensuring that children and young people at risk of missing education are identified and appropriate actions are taken promptly to re-engage them;
- Ensuring that where appropriate, a cohesive multi-agency approach, is in place to support children and young people who are missing, or who are at risk of missing their education;

- Maintaining an up-to-date database of children and young people referred as Children Missing Education, to track and record their movement in conjunction with the referrer.
- Ensuring a system is in place to fulfil the statutory requirement of ensuring all in year admissions are reported to the Local Authority within 5 days of admittance on to a school roll.
- Ensuring a system is in place to monitor the removal of children from a school roll to comply with statutory guidance.

Stockton-on-Tees Borough Council aims to ensure all that children and young people access their full educational entitlement by:

- Requiring maintained schools and academies to notify the local authority of any pupil on their roll who is receiving their education other than the usual way (i.e. other than full time school based provision) and stating the reasons and duration of the alternative provision. This includes children and young people accessing education via hospital provision; alternative vocational provision or another educational establishment.
- Requiring maintained schools and academies to notify the local authority of any pupil on their roll who they have initiated a part time or reduced timetable for and giving the reasons and length of this. For example this would include pupils who have a reduced timetable due to behaviour, attendance or medical reasons.

## 2. Legislative Requirements

There are various statutory duties placed upon Local Authorities and parents (supplemented by guidance) relating to the provision of education and safeguarding the welfare of children and which are relevant to children missing education.

The principal provisions are as follows:

**Children Act 1989, Section 17** states that there must be an adequate provision of services for those children and young people identified as in need. 'In need' is not tightly identified in the legislation but there is a general duty to safeguard and promote the welfare of children 'in need'.

**Education Act 1996, Section 14(1)** provides that a local authority must make sure there are sufficient schools for providing all pupils with the opportunity of an appropriate education in their area.

**Section 7** provides that the parent of every child of compulsory school age shall cause him to receive efficient full-time education suitable to his age, ability and aptitude and to any special educational needs he may have, either by regular attendance at school or otherwise.

**Section 437 (1)** provides that if it appears to a local authority that a child of compulsory school age in their area is not receiving suitable education, either, by regular attendance at school or otherwise, they must serve a notice in writing on the parent ("a school attendance order") requiring the parent/carer to satisfy them within the period specified in the notice that the child is receiving such education.

**Section 19 (1)** requires every local authority to make arrangements for the provision of suitable education at school or otherwise for those children of compulsory school age who by reason of illness, exclusion from school or otherwise, may not for any period receive suitable education unless such arrangements are made for them.

**Section 19(4A)** provides: "In determining what arrangements to make under subsection (1) in the case of any child or pupil, a local authority shall have timely regard to guidance given by the Secretary of State".

**Section 63** amends Schedule 5 of the Tax Credit Act, meaning that the Inland Revenue now has lawful authority to provide local authorities with the limited amount of information relating to children and their whereabouts. This information can only be requested where it is needed in order for the local authority to fulfil their statutory responsibilities to safeguard and promote the welfare of children. Such enquiries will generally be made under s47 of the Children Act 1989.

**Section 436A** requires local authorities to make arrangements that enable them to establish the identities of children in their area, of compulsory school age, who are not registered pupils at a school, and who are not receiving suitable education, otherwise than at a school.

Includes provisions relating to the safeguarding and promotion of welfare of children, including:

- A duty upon each children's services authority to promote cooperation between it and various other bodies to improve the well-being of children so far as relating to (amongst other things) education and training;
- A duty upon various bodies (including children's services authorities) to make arrangements for ensuring that their functions are discharged having regard to the need to safeguard and promote the welfare of children;
- Provision for the Secretary of State to put into place information databases for the purposes of arrangements under s. 175 of the Education Act 2002, for children's services and other bodies to promote and have regard to the safeguarding of children, and for the purpose of an information sharing framework.

### **The Children Act 2004**

Includes various provisions relating to the safeguarding and promotion of the welfare of children and young people. Stockton-on-Tees Local Authority (LA) set up systems and protocols early in 2005 and identified a designated officer to undertake the associated duties.

### **Education Act 2002** (enacted 2004)

**S. 175** imposes a duty upon local authorities and school to exercise their functions with a view to safeguarding and promoting the welfare of children. It clarifies specific roles and responsibilities of individuals within local authorities and schools and provides information and links to further advice and guidance. For these purposes, "functions" includes the powers and duties of local authorities and governing bodies. The same duty is put on Independent schools by regulations made under **S. 157**.

Identifying children not receiving a suitable education is a key part of discharging the duty to safeguard and promote the welfare of children and young people.

**The Education and Inspections Act 2006** introduced a new statutory duty for local authorities to identify children who are not receiving a suitable education. This duty does not apply to children and young people of compulsory school age who are on the roll of a school but are failing to attend. These children and families will be supported through well-established attendance procedures including prompt referral to the Attendance and Exclusion Team.

### **Education (Pupil Registration) Regulations 2006**

**Regulation 8** of the Education (Pupil Registration) Regulations 2006, introduced a duty on schools to inform the Local Authority of the deletion of school aged pupils from the attendance register. If a pupil is missing for 10 consecutive days, the absence is unauthorised, and no contact has been made with the

family to ascertain the reason for absence despite repeated attempts by the school; the school must inform the local authority; this is a statutory duty. After 10 days of unauthorised absence immediately following a period of extended leave of absence or 4 weeks of unauthorised absence where both the school and the local authority have made reasonable enquiries and failed to locate the pupil the school can remove the pupil from roll. This regulation also sets out the other circumstances upon which a school may remove a child from the roll.

***A child must never be removed from roll simply because they are not attending. The absence must be unauthorised and despite investigation by the school the absence remains unexplained.***

### **The Education (Pupil registration) (Amendment) (England) Regulations 2016.**

#### **3. Children Missing Education – some definitions.**

There are many circumstances where a child may become missing from education. The list below (which is not exhaustive) presents some of the risk factors associated with CME:

**Children and young people leaving the area without a known destination school.** Should a pupil residing in the Stockton-on-Tees area leave the school where they are on roll without notification received about their destination the school should make all reasonable efforts to locate the pupil. When school have exhausted all avenues of enquiry and failed to locate the pupil he or she should be classed as missing, and a referral made to the locality Team at the earliest opportunity.

If the child is subject to a protection plan or should any member of staff or professional working with the family have concerns about the safety or wellbeing of the child, it is the professional's duty to report this to Social Care via the completion of a SAFER referral without delay. Where the child or young person is believed to be at risk of immediate harm contact should be made by the professional who hold these concerns and/or information shared with Cleveland Police who will determine if the child or young person is categorised as 'absent' or 'missing'

Absent is defined as – not at a place they are expected or required to be

Missing is defined as – not at a place they are expected to be, but the circumstances are out of character, or the context suggests they may be subject of a crime or at risk of harm to themselves or others.

**Children and young people who have failed to return from a holiday on the expected return date.** In line with the Education (Pupil Registration) Regulations 2013 leave of absence during term time will be given at the discretion of the Head teacher and only in exceptional circumstances. Where a period of leave has been agreed by the Head teacher a return date must also be agreed with the parent/carer. Should the child fail to return to school on the agreed date without reasonable explanation school should investigate the absence in line with their school attendance procedures and where this is unsuccessful a referral to the Locality Team for CME procedures should be initiated.

**Children who move into the LA without an identified school place** - this includes children and young people who are unable to obtain a place at their parents' preferred school or schools, due to a shortage of spaces at the specific school(s) requested.

Children and young people can be considered vulnerable for a variety of reasons and Stockton-on-Tees Borough Council supports Early Help, underpinned by the Early Help Assessment where necessary to ensure an effective multi agency response to both family and individual child needs. Some children considered at risk of missing or missing their education such as children and young people whose families frequently move house, children and young people in families fleeing domestic violence or experiencing family breakdown, teenage parents or pregnant teenagers, children and young people affected by

substance and/or alcohol abuse, children and young people who are young carers (these suggestions are not exhaustive) may be suitably supported via the correct and timely intervention of Early Help.

**Referrals and information regarding any pupil at risk of or missing education can be made by any professional or person within or outside the local authority and should be passed to the Locality Team at an early stage.**

The categories below represent some of the risk factors associated with Children Missing Education. Whilst these pupils will be maintained on a school roll, children who are subject to one of more of the factors below may be at risk of becoming CME.

**Pupils at risk of harm, neglect including missing children/runaways** - Children and young people who go missing or run away from home or from care may be in serious danger and are vulnerable to crime, sexual exploitation as well as missing their education. Where this is suspected or known schools and agencies should follow the Stockton Local Safeguarding Children's Board (SLSCB) procedures. If there is reason to suspect that a crime has been committed or the child's safety is at risk, the police should also be involved. Statutory guidance 'Keeping Children Safe in Education' (2014) and 'Working Together to Safeguard Children (2013)' are available on the Department for Education's website and are the key documents that must be followed by schools in such cases. In Stockton-on-Tees, proactive multi agency partnerships are in place such as the Vulnerable, Exploited, Missing and Trafficked Group (VEMT) to ensure cohesive multi agency work.

**Children who cease to attend a school/ educational provision** – there are many reasons why a child or young person stops attending their education. It could be because the parent chooses to home educate their child or there are complex reasons surrounding the child's non-attendance. In any event the school or academy where the child is on roll should make an early referral to appropriate agencies to support a re-engagement in attendance. Where the parent has chosen to home educate established LA elective home education procedures will be followed. Where the absence is unauthorised the parent is deemed to be committing an offence under Section 444 of the Education Act 1996 and a referral to the Attendance Team for statutory intervention should be considered.

**Children of Gypsy, Roma and Traveller (GRT) Families** -Although many are settled, some GRT families move regularly, and their children can be at an increased risk of missing education. In Stockton-on-Tees a key duty of a Specialist Community Liaison Officer is working with GRT families and other vulnerable groups such as Asylum Seekers, and children where English is an additional language to encourage and support engagement in education. Re-establishing it where it has been ended and encouraging families to keep children in school particularly during the transition from primary to secondary phase.

**Families of Armed Forces** - Families of members of the Armed Forces are likely to move frequently, both in the UK and overseas, and often at short notice. Schools should be aware of this and have systems in place as with all parents for the ease of sharing such information. Where schools are concerned they have not received information on the destination of the child despite their own enquiries they should seek and early referral to the Attendance Co-Ordinator (CME).

**Children and young people supervised by the Youth Justice System** - Children and young people who have offended, or who are at risk of doing so, are also at risk of disengaging from education. Stockton-on-Tees Borough Council regularly monitors the educational provision and engagement of young people in that educational provision through a multi-agency meeting led by the Youth Offending team.

**Looked after children and young people, and those placed on the Child Protection register** – attendance figures for children and young people in care are collated and monitored on a weekly basis and reported to social care colleagues on a monthly basis; the information is then disseminated to social work teams. There is rigorous monitoring of children and young people in care through the virtual school, whose management team ensures that schools, social workers and relevant agencies work together to ensure the best possible outcome for such children and young people. The virtual school, and its partners,

ensures that within 20 days of becoming a child or young person in care, appropriate educational provision is provided (if this is not already in place).

**Children and young people whose families experience a period of homelessness.** Parents of children and young people who are on a school roll within Stockton-on-Tees LA are able to access support through 'Crisis Transport' (see section 7). Financial support to provide assistance with travel to the school where the child is registered will be available, depending on personal circumstances, for a short period of time not exceeding 3 school weeks to enable pupils to maintain their attendance and education at their registered school, thereby avoiding any unnecessary disruption to their education.

**Children and young people who have been excluded,** whether this is permanent; fixed-term; or due to having been sent home 'unofficially'. Pupil suspension and exclusion is monitored by the Placements and Governance team and any cases of unofficial or repeat exclusion challenged and discussed with schools.

**Children and young people receiving education other than in the usual way** due to long-term medical or emotional problems; behaviour and attendance reasons (these examples are not exhaustive). These children and young people are on the school roll, but it is deemed and agreed appropriate for them to attend alternative provision and/or on a reduced timetable basis. School should have in place robust monitoring and registration systems for those children who are accessing an alternative curriculum away from the school site so that absence can be followed up in line with the school attendance policy. Schools must notify the local authority of any child who is accessing a part time timetable or an alternative curriculum via completion of the relevant forms. It is expected that this notification will be received no later than 5 school days after arrangements have been put in place and agreed with the parent. Schools should also notify the local authority of the reason, duration and review date of these arrangements. It is important to remember that all children are entitled to 25 hours per week education. Any variation from this must therefore be justified and time limited. This information will be shared within SEND and Inclusion via performance clinics where the information will be regularly reviewed, and the documentation and notification forms submitted by schools. Where concerns arise challenge and support to schools may be necessary and this will be initiated by the appropriate team.

**Parent and or pupil dissatisfaction with a school,** which results in the parent withdrawing the child or young person from the school, or being 'asked to withdraw the child or young person'. The local authority has in place robust procedures for the monitoring of elective home education however before this decision is made every effort will be made by the Locality Team to ensure that disagreements with schools and parents can be resolved satisfactorily and the child or young person return to school provision. Where it is apparent that the school have requested that the child be withdrawn from roll by the parent this will be discussed and challenged.

**Children and young people whose elective home education is unsatisfactory.** All children and young people, whose parents/carers have elected to home educate, are contacted by the Caseworker (EHE) to ensure that a suitable education is being provided. The Locality Team holds details of all children and young people notified to the local authority as currently receiving elective home education. Should parents fail to satisfy the Local Authority that their child is receiving a full time and suitable education then School Attendance Order procedures will be followed. Should it become evident that the child is not resident at the home address and a forwarding address is not established within 10 working days then a referral to the Locality Team should be made for Children Missing Education procedures to be initiated.

**Asylum seekers or refugees including unaccompanied young people who are seeking asylum.** The School Admissions Team, working closely with the Locality team and within the ins year transfer protocol seek to ensure that children of school age are placed in a school as soon as possible.

**Children who may be subject to forced marriage or female genital mutilation (FGM)**

Legislation has been in place for a number of years in respect of female genital mutilation (FGM) the latest, the Female Genital mutilation Act was implemented in 2004 which carries a maximum custodial term of 14 years for anyone found to be involved with or responsible for carryout FGM. The Anti-Social Behaviour,

Crime and Policing Act June 2014 made the offence of forced marriage a criminal act. Head teachers, school staff and other agencies working with families must have an awareness that a plan to instigate FGM or forced marriage may first be indicated by an extended period of absence request from school. Should the Head teacher, or any professional working with the family hold any concerns regarding the possibility of a child being subject to forced marriage or FGM a SAFER referral must be made without delay.

#### **4. Duties of schools**

All schools, including academies and free schools, must monitor pupils' attendance through their daily register. All schools have a duty to inform their Attendance Team Officer of the details of pupils for whom they have recorded ten days' unauthorised absence and despite school investigation no contact has been established with the family. Schools must also notify the local authority if a pupil is to be deleted from the admission register in circumstances as outlined within the Education (Pupil Registration) Regulations 2006.

Pupils who remain on a school roll are not necessarily missing education, but schools should monitor attendance and any alternative arrangements that are in place for specific pupils. Schools should also notify the local authority of any pupils accessing part-time or alternative timetables; the reasons for this arrangement; and the length of time it is expected to continue. It is also important that schools make their Locality caseworker aware of any irregular attendance patterns.

Schools have safeguarding duties under section 175 of the Education Act 2002 in respect of their pupils, and as part of this should investigate any unexplained absences. Academies and independent schools have a similar safeguarding duty for their pupils.

Schools must also arrange full-time education for excluded pupils from the sixth school day of a fixed-term exclusion.

#### **5. Duties and powers of the Local Authority**

The duties and powers that can be utilised by the Local Authority to support their work with children and young people either missing or at risk of missing education include:

- Providing suitable full-time education to permanently excluded pupils from the sixth school day of exclusion;
- Safeguarding children's welfare, and their duty to cooperate with other agencies in ensuring children's safety;
- Issuing warnings and School Attendance Orders (SAOs) to parents who fail to satisfy the LA that their child is receiving suitable education, and in the opinion of the Local Authority it is appropriate that the child should attend school;
- Prosecuting parents that do not comply with an SAO;
- Prosecuting or fining parents who fail to ensure their school-registered child attends school regularly;
- Applying to court for an Education Supervision Order for a child;
- Monitoring children and young people that are receiving their education other than in the usual way including those who have a reduced timetable in place.

Any child or young person referred to the LA as missing education will be logged on a CME database.



Cross boundary procedures are in place to ensure a consistent approach for all pupils who are missing or at risk of missing education. The School Admissions team operates a robust system to coordinate the admission of reception-aged children and of pupils transferring from Year 6 to Year 7. They also process requests for in-year transfers between schools, which unless the transfer is the result of a house move should be dealt with as a Managed Move between schools where appropriate in the first instance. The transfer procedure in place has been agreed by schools and support services. Details of the transfer procedure are also available to parents.