

Children Missing Education Policy

September 2016

Updated January 2021*



1) Introduction

- 1.1. Every child of statutory school age is entitled to an education; this entitlement is enshrined in legislation.
- 1.2. Children who are missing education (CME) are children of compulsory school age who are not on roll at a school and are not in receipt of suitable education otherwise than at school, such as a placement in alternative provision or electively home educated by their parents or carers.
- 1.3. CME miss learning opportunities, which is likely to lead to poor outcomes in later life. CME are less likely to take up further education opportunities or find employment after they reach school leaving age.
- 1.4. In addition, CME miss the daily monitoring and oversight that is ordinarily available through contact with professionals to children who are on roll at a school; this in turn can mean missed opportunities to support families and vulnerable children. CME have also been found to be at greater risk of harm, including exploitation and radicalisation.
- 1.5. The reasons for CME are various and include the following: families newly arrived in the area (from UK or abroad), failure to take up provision offered at 5+ or secondary transfer, parental reluctance to utilise alternative provision after a permanent exclusion, failure of a parent to ensure that a child being home educated is in receipt of suitable provision or a child's name being removed from a school roll in error.
- 1.6. This policy sets out the local authorities of Kensington and Chelsea and Westminster commitment to reducing CME and outlines the key roles and responsibilities of all those working with children identified as CME are enabled to access appropriate education as soon as practical. Appendix 1 summarises the key legislation which informs this policy.

2) Key roles and responsibilities

- 2.1. All staff who have contact with children have a duty to be aware of their responsibilities in relation to any children identified as CME. Staff who may identify a child as CME will include school admissions colleagues, Early Help and social work staff, school staff, housing officers, health professionals and the police.
- 2.2. A 'Starters and Leavers' protocol and database is in place, in line with September 2016 guidance and managed by School Admissions. The new Regulations require *all* schools, state maintained and independent, to notify the maintaining Local Authority of *all* children placed on a school roll and when they are removed. The protocol is attached (Appendix 2).
- 2.3. In Kensington and Chelsea and Westminster, it is the Admissions and Access to Education team who has oversight of all notified CME cases.

(n.b. School staff and Early Help Services are responsible for supporting children who are on a school roll but cease to attend.)

3) Overview of Local Authority responsibilities in relation to CME

3.1. The LA will ensure that information and guidance are available to:

- Prevent where possible children becoming CME e.g. advising schools on appropriate off rolling process, swift referral to alternative provision after Permanent Exclusion
- Raise awareness of CME through training and publicity
- Publicise contact details and methods for colleagues to refer identified CME to the designated officer (Appendix 3 – poster)
- Maintain accurate data in relation to all CME and publicise this termly
- Track and support all CME until child is in receipt of education or case can be closed

3.2. There is a senior officer in the Admissions and Access to Education team who is familiar with the law and responsible for the oversight of policy and practice relating to CME. In addition, there are two designated CME Officers, both can support and advise colleagues or families in relation to CME.

3.3. Appendix 4 (flowchart) illustrates the process followed in referred cases of CME.

4) Information management of CME

4.1. The Team maintains a database of all notified CME believed to be resident in Kensington and Chelsea or Westminster. The Team will produce termly reports of CME including numbers, time taken to resolve and any untraceable children.

4.2. The data is used to identify any trends, inform future practice and target existing resources effectively and shared with the Vulnerable Children's Collaborative operational group at each twice termly meeting.

5) Support and casework

5.1. The role of the CME Officers, is to work with other professionals to inform and support families by clarifying options, including elective home education, and removing barriers to the take up of a school place.

5.2. The CME Officers are also responsible for processing any CME cases where it is deemed necessary for the Local Authority to pursue a School Attendance Order.

6) Untraceable CME

6.1. Most CME are located and education provision established following reasonable enquiries. For any CME that remain untraceable, the CME Fieldworker will complete the *Record of untraceable child of statutory school age* form (Appendix 5) and submit it to the Head of Admissions and Access to Education for final sign off.

END

Appendix 1 - The Legal Context

Responsibility of parent/carer

Section 7 of the Education Act 1996 states

- *“The parent of every child of compulsory school age shall cause him to receive efficient full-time education suitable: (a) to his age, ability and aptitude, and (b) to any special educational needs he may have, either by regular attendance at school or otherwise.”*

In England the law specifies that parents have a responsibility to ensure that any child of compulsory school age is in receipt of an education: education is compulsory but school is not. Parents therefore have a legal right to elect to home educate their children.

Local Authorities Responsibilities

- The Local Authority has a duty **under section 436A of the Education Act 1996, inserted by the Education and Inspections Act 2006**, to make arrangements to establish the identities, so far as it is possible to do so, of the children of compulsory school age in their area who are not registered at a school and are not receiving a suitable education otherwise than being at school.
- Under Section 437 (1) of the Education Act 1996 the Local Authority has a duty to intervene *if it appears that a child is not receiving* a suitable education. The Local Authority may serve a **School Attendance Order under Section 437 (3) of the Education Act 1996**
*“If –
a parent on whom a notice has been served under subsection (1) fails to satisfy the local education authority, within the period specified in the notice, that the child is receiving suitable education”*

Safeguarding and Child Protection

Working to resolve CME cases is part of the wider remit of the Local Authority to safeguard and promote the welfare of all children living in the Royal Borough of Kensington and Chelsea and the City of Westminster. The LA has a duty under the section 175 (1) of the Education Act 2002 to safeguard and promote the welfare of children:

“A local authority shall make arrangements for ensuring that the functions conferred upon them in their capacity as a local authority are exercised with a view to safeguarding and promoting the welfare of children”

Protocol for schools located in Kensington and Chelsea and Westminster Council to identify children missing education

This document sets out the new requirements for identifying children missing education (CME) and is for the attention and action of all schools with pupils of statutory school age (5 – 16). This includes Independent schools and Alternative Provision providers.

Background

With effect from 1 September 2016, all schools will be required to notify the maintaining local authority of starters and leavers. **This does not include those starting at the school at the first point of entry in reception or Year 7, or those leaving Year 11.**

The government consulted on amendments to the Education (Pupil Registration) (England) Regulations 2006 (“the Regulations”) to improve communication and co-ordination between schools and LAs. This includes independent schools. The consultation took place from 19 January to 7 March 2016. The outcome was circulated on 21 July 2016 and can be found on their website:

<https://www.gov.uk/government/consultations/identifying-children-who-are-missing-education>.

Legal Requirements

The following applies to non-standard transition points, also referred to as ‘in-year’.

All schools will be legally required to:

- Inform the LA when they are about to delete a pupil’s name from the admission register under the permitted grounds relevant to children of statutory school age (these are shown on the **‘starters and leavers’** form attached);
- Record details of the pupil’s residence, the name of the person with whom they reside, the date from which they will reside there, and then name of the destination school (where they can reasonably obtain this information);
- Inform the LA of the pupil’s destination school¹ and home address if the pupil’s moving to a new school; and
- Provide information to the LA when registering new pupils within **five** days, including the pupil’s address and previous school (where they can reasonably obtain this information).

System of notification

All schools will be required to notify the LA of all starters and leavers as set out in the legal requirements above. The attached **‘starters and leavers’** form is provided for completion **each Friday** in school term-time. This will only need to be returned if there are starters and/or leavers to notify. For Alternative Provision providers, including the Hospital School, new starters must still be notified if the child remains on a roll of a school and it is a dual roll arrangement. This is to ensure the child/young person is tracked by the LA and both establishments fulfil their safeguarding duty.

The majority of schools will need to return their notifications to the Admissions team using the [LGfL Document Exchange](#). For Independent schools, returns will need to be made via the [s2s website](#).

¹ In the case of refusal to disclose the name of the destined school, please contact then admission team key contact who will advise and assist.

Notifications must not be returned by email unless it is encrypted.

The Admissions Team has designated officers that will be checking and monitoring the information returned and will be the key contact for any enquires.

RBKC State schools contact – Marcia Gibbs - mgibbs2@westminster.gov.uk

WCC State schools contact – Vida Yamini - vyamini@westminster.gov.uk

RBKC and WCC Independent schools contact –
Filiz Bayram - fbayram@westminster.gov.uk

Hospital School contact – Filiz Bayram - fbayram@westminster.gov.uk

Alternative Provision (TBAP) contact – Paul Worts - paul.worts@rbkc.gov.uk

It is the responsibility for each school to ensure that notifications are sent to the LA's Admissions Team. Reminders will not be sent but the designated officer will contact you if notifications have not been submitted for a period of 4 weeks.

Requirements at standard transition points

Systems are already in place between schools and the LA to identify children that either do not accept a school offered to their child or do not turn up to the school for which they have been accepted and been placed on roll.

The Admissions Team will monitor cases where a school place has not been secured at the standard point of entry (Reception and Year 7).

The Early Help service are the point of contact for schools where pupils placed on a school roll have not arrived on their given start date.

Independent schools do not currently notify the LA of children that do not arrive on their given start date. To ensure the safeguarding responsibly is consistent with state maintained schools, it is requested that Independent schools use the '**starters and leavers**' form to notify the LA of children that have not arrived as expected. The school must have carried out their own checks before passing to the LA.

Useful contacts:

The Admissions and Access to Education Team – tel. 020 7745 6432 / 6433

Email contacts are the designated notification officers as provided above.

Early Help Service:

Early Help Service in Westminster: AcesstoChildrensServices@westminster.gov.uk

Early Help Service in Kensington and Chelsea: earlyhelp@rbkc.gov.uk

Admissions and Access to Education Service

children missing education

**Do you know
of a child*
who you
believe is
not receiving
education?**

If so, please contact the Admissions and Access to Education Service who can offer parents and carers advice on school placements and monitor progress in placing children. The team can be contacted on 020 7745 6448

Every child has a right to an education and in this country, it is illegal for a parent/carer to fail to provide a child, of compulsory school age, with an education. Apart from the vital contribution education can make to the life chances of young people, school attendance is a unique opportunity to monitor all children and to detect early warning signs of possible difficulties or concerns, both educational and social.

- * A child is of compulsory school age from the beginning of the term immediately following their 5th birthday, when he/she should be legally receiving education.
- * A child ceases to be of compulsory school age on the last Friday in June of the academic year in which the child has their 16th birthday.
- * A parent/carer can decide to educate their child at home but they should notify the local authority of their intention to enable the local authority to assess the provision and offer support as necessary.
- * The academic year runs from 1 September to 31 August.



City of Westminster

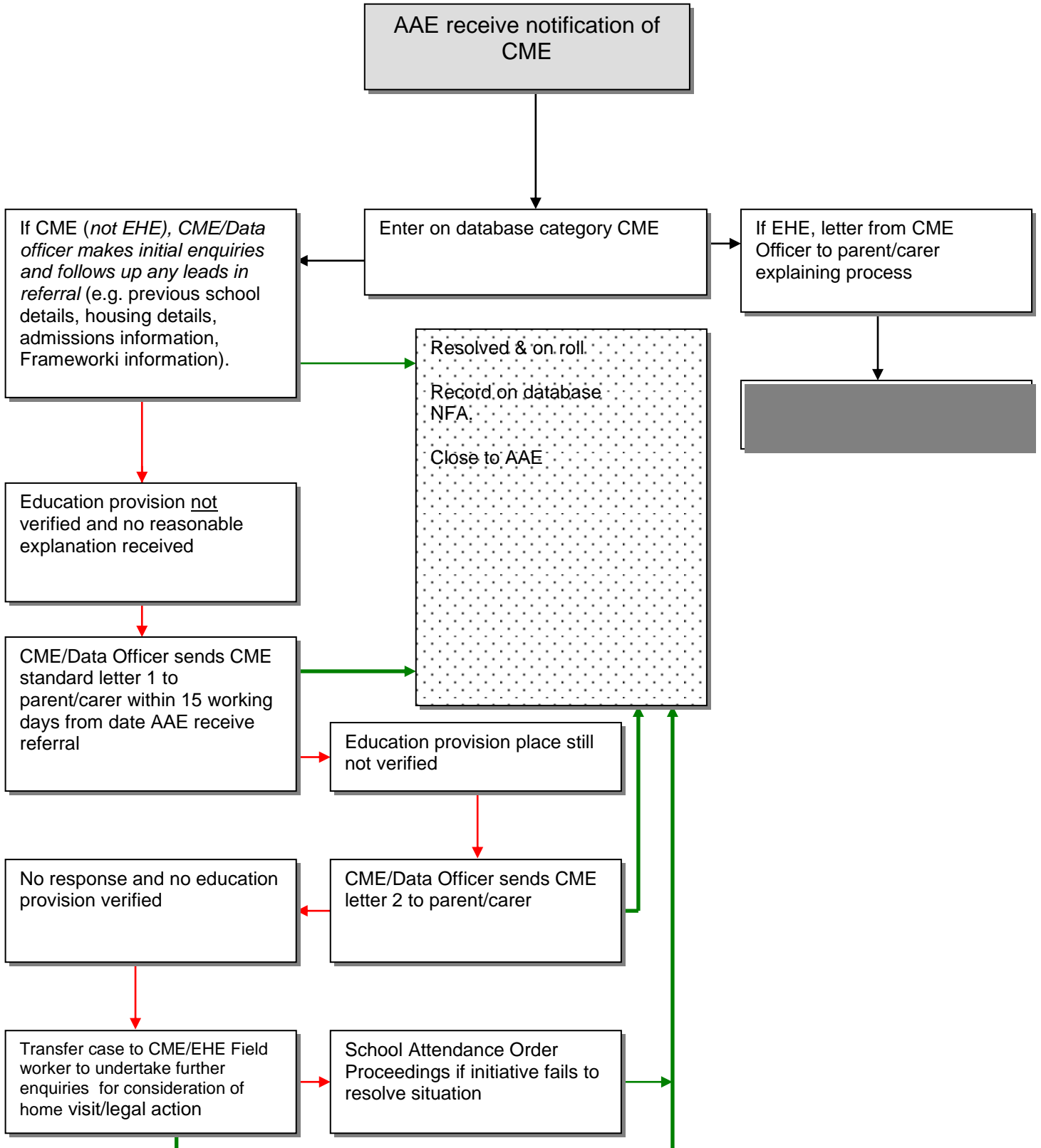


THE ROYAL BOROUGH OF
KENSINGTON
AND CHELSEA

**Children's Services
Admissions and Access to Education Service (AAE)**

Children Missing Education Flow Chart

(n.b. if CME *cannot* be located, reasonable enquiries form submitted to Head Admissions and Access to Education for sign off)





SCHOOL REASONABLE ENQUIRY FORM

Leading to Children Missing Education/ Off Roll

When schools should use this form

- Where pupils have stopped attending, attempts to make contact have not been successful, no leavers form has been completed and where the destination of the child is not known.

When should schools NOT to use this form

- Pupils who have stopped attending but who have not moved (eg parent still liable for council tax at the home address) are non-attenders NOT CME; they must remain on the school's roll and be dealt with as non-attenders.

When is it appropriate to take a pupil off the school roll?

- 20 days continuous unauthorised absence, after both the school and Local Authority have tried to locate pupil and Reasonable Enquiry has been undertaken, and this form has been returned to the LA CME team who have agreed off rolling after council tax and social care checks, and/or confirmed referral made to CME in new LA.

SCHOOL NAME _____

SCHOOL ATTENDANCE LEAD _____

Appendix 5

PUPIL DETAILS	
NAME:	DOB: / /
Last attendance date / /	<i>Please attach school attendance certificate</i>
Parent Details	
ADDRESS	
FATHER/CARER NAME Number	
MOTHER/CARER NAME Number	
EMAIL	
Ethnicity	
ADDITIONAL and/or EMERGENCY CONTACT DETAILS	
FAMILY/FRIEND NAME	
Email	
Telephone number	

ENQUIRIES MADE BY SCHOOL			
PHONE CALL 1	Tel:	Date: / /	Outcome:
PHONE CALL 2	Tel:	Date: / /	Outcome:
PHONE CALL 3	Tel:	Date: / /	Outcome:
LETTER SENT	Date: / /	Outcome	
Name:		Tel:	
Home Visit Date: / /	Time, Visit made by ...		

Please return your completed form by email to: missing.education@rbkc.gov.uk

Appendix 5

Outcome: Anyone Home? Accommodation appears uninhabited? Bins Empty .Post Piled Up, Estate agent Other	
Neighbor checked House No. Outcome	
Letter sent by school	Date: / / Outcome:

OTHER INFORMATION	
Was absence following a holiday?	Authorised <input type="checkbox"/> Unauthorised <input type="checkbox"/>
Any previous long absences or holiday?	
Housing Check.	<input type="checkbox"/> Yes <input type="checkbox"/> No Outcome:
Known to Children's Social Care?	<input type="checkbox"/> Yes <input type="checkbox"/> No Name of Social Worker: Social Worker Tel:
Any welfare/vulnerability concerns? E.g. domestic violence, SEN, temporary accommodation, mobility.	<input type="checkbox"/> Yes <input type="checkbox"/> No Give details:
Traveler's?	<input type="checkbox"/> Yes <input type="checkbox"/> No Previous known destinations:
Asylum Seeker?	<input type="checkbox"/> Yes <input type="checkbox"/> No
Friends Facebook?	Any comments
Previous Schools Attended?	

Appendix 5

<p>Any recent breakdown in relationships known e.g. in school between pupils, or between pupil or parent and school? <i>E.g. over different opinions relating to behaviour, exclusions or SEN</i></p>	
---	--

ADDITIONAL INFORMATION

--

SCHOOL SIGNATURE

Name: Role:	Date: / /
--------------------	-----------

SCHOOL ATTENDANCE SERVICE WORKER SIGNATURE

Name:	Date: / /
-------	-----------

CME SIGNATURE

Name:	Date: / /
-------	-----------

Appendix 5

OFF ROLL DECISION	
Name:	Date:

Please return your completed form by email to: missing.education@rbkc.gov.uk