

North Lincolnshire Council

Learning Skills & Culture

Children Missing from Education Policy

January 2019

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27 April 2015		Wendy Holmes
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1.0 Overview

This document provides an outline of North Lincolnshire Local Authority's policy for identifying, registering and tracking Children Missing from Education. It also identifies the statutory responsibility of schools, academies, independent and free schools.

This policy has been produced to effectively support the implementation of the duty that local authorities have to identify children who are not registered pupils at a school and are not receiving a suitable education otherwise than at a school. This policy implements the revised statutory guidance for local authorities in England, issued in January 2015.

The overall aim is for all children and young people in North Lincolnshire to have the opportunity to fulfil their potential through access to education. The purpose of the section 436A of the Education Act 1996 is to ensure that local authorities' arrangements enable them to establish the identities of children in their area who are not registered pupils at a school, and are not receiving suitable education otherwise than at a school (e.g. privately or in alternative provision). Those children identified, as not receiving suitable education should be returned to full time education either at a school or in alternative provision. This duty only relates to children of compulsory school age.

Children not receiving a suitable education are at increased risk of a range of negative outcomes that could have long term damaging consequences for their life chances. For example they are at risk of not attaining the skills and qualifications they need to succeed in life, and are at significant risk of becoming NEET (not in education, employment or training) once they have reached the compulsory school leaving age.

They could also be more vulnerable, and may be from disadvantaged families (experiencing multiple risks such as poverty, substance misuse, mental ill-health and poor housing), travelling communities, subject to forced marriages, immigrant families, be unaccompanied asylum seeking or trafficked children, and any child may be at risk of neglect, abuse, child sexual exploitation or disengaged from education.

Children at risk of harm and neglect, families of Armed Forces, children of Gypsy, Roma and Traveller (GRT) families, missing children and runaways, children at risk of child sexual exploitation, radicalisation and children supervised by the Youth Justice System are highlighted as particularly at risk of missing education. However, this list is not exhaustive.

This policy supports;

- Section 175 of the Education Act 2002, which places a duty on local authorities to exercise their functions with a view to safeguarding and promoting the welfare of children.
- Section 10 of the Children Act 2004, which requires the local authority to make arrangements to promote co-operation between the local authority, each of their relevant partners and such other persons or bodies, working with children in the local authority's area, as the authority consider appropriate. The arrangements are to be made with a view to improving the wellbeing of children in the authority's area – which includes protection from harm or neglect alongside other outcomes.
- Section 11 of the Children Act 2004, which requires a range of organisations to make arrangements for ensuring that their functions, and services provided on

their behalf, are discharged having regard to the need to safeguard and promote the welfare of children.

- Section 436A of the Education and Inspections Act 2006 requires all local authorities to make arrangements to enable them to establish (so far as it is possible to do so) the identities of children residing in their area who are not receiving a suitable education.
- The requirements of Statutory Instrument 2006 No 1751 The Education (Pupil Registration) (England) Regulations 2006.
- The local authority Joint Missing Children Protocol.
- Procedures for information sharing and the Early Help Assessment framework.
- MARS (Children's Multi Agency Resilience and Safeguarding) procedures to safeguard, protect from harm and promote the welfare of all children.

2.0 Definitions

2.1 The national definition of children who are not receiving a suitable education is:

“A compulsory school-age child who is not on the roll of a school, not placed in alternative provision by a local authority, and who is not receiving a suitable education at home”.

Suitable education is defined as:

“Efficient full-time education suitable to a child's age, ability and aptitude and to any special educational needs the child may have”.

Alternative provision is defined as:

“Educational provision arranged by local authorities or schools, and made off-site by a voluntary or private sector provider or by a Pupil Referral Unit or Short Stay School”.

3.0 North Lincolnshire Council will embrace its statutory responsibilities by ensuring:

- That all pupils who go missing from schools in the North Lincolnshire area and move to other areas are speedily located and children are adequately safeguarded in the process
- All departments, services and agencies will work together and share information regarding children who may be missing education
- Support is given to other local authorities to locate their own missing pupils
- The local authority encourages all independent, non-maintained and free schools to notify them when children of compulsory school age leave their roll, and of their destination wherever possible.

4.0 Reasons for Missing Education

Children can go missing when they do not enter, or fall out of the education system and there is no systematic process in place to identify those children; or to ensure that once identified they engage or re-engage with appropriate provision.

Examples of children who have never been on a school roll include:

- New to the country or area and not yet registered at a school
- Refusal to accept an offered school place
- Refusal to start school
- Elective home education that is unsuitable in accordance with Section 7 of the 1996 Education Act
- Children of transient families
- Lack of understanding and disregard of their parental responsibilities with regard to education
- Modern slavery such as forced labour, domestic servitude, unlicensed employment
- Children caring for parents or siblings (young carers)
- Children living in refuges
- Children who should be in alternative provision but are awaiting placements to be made.

Examples of children who have been on a school roll, but have then left, destination unknown include:

- Children sent abroad to be with other family
- Forced Marriage
- Children believed to have moved location within the UK but destination unknown
- Permanently excluded and not placed in other provision from the sixth day of exclusion
- Children working illegally, location unknown
- Runaways
- Children removed from school by parents or carers, alternative provision unknown
- Illegal or informal exclusion**
- Children at risk of radicalisation

There are also situations where personal circumstances of the child or of their family or carers may contribute to the withdrawal process and the failure to make a transition, for example parents and carers escaping domestic violence, or families moved quickly under the police witness protection scheme. It is therefore essential that when any child goes missing from education, the case be approached in a sensitive and structured manner.

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'Informal' or 'unofficial' exclusions, such as sending pupils home 'to cool off', are unlawful, regardless of whether they occur with the agreement of parents or carers.

Any exclusion of a pupil, even for short periods of time, must be formally recorded. North Lincolnshire Council will always undertake statutory intervention against education providers where exclusion can be shown to be illegal.

5.0 Identifying and Engaging Stakeholders

Agencies that regularly come into contact with families with children must ensure that in each new contact, basic information about the child is recorded. This must include the child's name, address, age, and the name of the child's primary carer, the child's GP and the name of the child's school if the child is of school age. Gaps in this information should be passed on to the relevant authority in accordance with local arrangements."

It is necessary to raise awareness amongst all stakeholders about how to inform the local authority about children missing from education, in order to ensure that all agencies apply this principle consistently. Often another agency becomes aware of the arrival or the existence of a child living in the area but not in education, before the local authority is aware.

In order to ensure all children and young people in North Lincolnshire are receiving education it will be necessary to regularly raise awareness with all stakeholders of the importance of missing children and remind agencies of the need to notify the local authority if they suspect a child is missing from education.

6.0 Assessing Vulnerability

Although the subject of this policy is about children missing from education, there may be occasions when a child is identified as missing from education may have been subject to a crime. Is there a good reason to believe that a crime may have been committed? If yes, then a referral to the police and social care should be made and local MARS procedures must be followed. The Children Missing Education Officer should also be informed.

7.0 The cost of missing education

The costs of missing out on education are very high both to the young people and their families and to society as a whole. Lack of or no qualifications, a fractured educational history and low levels of literacy and numeracy can be a likely outcome.

The most striking link is crime. According to the Audit Commission, nearly half of all school age offenders have been excluded from school and a quarter truanted significantly.

8.0 Parents Responsibilities

Parents have a duty to ensure that their children of compulsory school age are receiving a suitable full-time education. Some parents may elect to educate their children at home 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** delete the child from its admission register and then inform the local authority.

Children with special educational needs or an Education Health and Care Plan (EHCP) can be home educated. Where the EHCP 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 EHCP names a 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 to the child's special educational needs. In such case the local authority must review the EHCP annually.

9.0 Schools' Duties

Schools, including Academies and Free Schools, must monitor pupil's attendance through their daily register. Schools should agree with their local authority the intervals in which they will inform local authorities of the details of pupils who are regularly absent from school or who have missed 10 school days or more without permission. Schools must also notify the authority if a pupil is to be deleted from the admission register.

Pupils who remain on a school roll are not necessarily missing education but schools should monitor attendance and address it when it is poor. It is also important that pupils' attendance is discussed with the authority, particularly if they are in Persistent Absentee (PA) status of 90% or less. It is important that schools recognise the expectation to identify patterns of absence and concerns as early as possible to reduce the impact on attainment and on young people missing from education and address this with appropriate support packages through early help assessment.

Schools also 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 (*Part 3 of Schedule 1 to the Independent Schools Standards (England) Regulations 2010 (SI 2010/1997)*). It is expected that schools ask parents or guardians for contact details, including names and addresses, of **all parents** when they register a pupil and ensure that they note details of court orders in a pupil's record.

Schools must also arrange full-time education for excluded pupils from the sixth school day of a fixed period of exclusion and the first five days of a permanent exclusion. This information can be found in the school attendance and exclusions advice.

In cases of general school absence, schools should follow their attendance management procedures (i.e. telephone calls, letters, invitations to meetings at the school etc, early help to address emerging needs and referrals to the Education Inclusion Service of the local authority).

Any unexplained absence of a child who is subject to a child protection plan, must be treated as the highest priority and the Children's Social Care Team must be advised.

10.0 Local Authorities' related duties and powers

Local authorities can use other duties and powers to support their work on CME. These 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 co-operate with other agencies in ensuring children's safety;
- Serving notice on parents requiring them to satisfy the local authority that their child is receiving suitable education when it comes to the local authority's attention that a child might not be receiving such education
- Issuing a School Attendance Order (SAO) on parents who fail to satisfy the local authority that their child is receiving a suitable education, and in the opinion of the authority it is appropriate that the child should attend school;

- Prosecuting parents who do not comply with an SAO;
- Prosecuting or fining parents who fail to ensure their school-registered child attends school regularly;
- Applying to the court for an Education Supervision Order (ESO) for a child.

11.0 Regulations about when a school may delete a pupil's name from its Admissions Register

The Education (Pupil Registration)(England) Regulations 2006, Regulation 8 (amended 2016) governs when a pupil can be removed from the admission and attendance register.

8(1) The following are prescribed as the grounds on which the name of a pupil of compulsory school age shall be deleted from the admission register—

(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 education authority for that named in the order or the order is revoked by the local education 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;

(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;

(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;

(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;

(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;

(f) in the case of a pupil granted leave of absence exceeding ten school days for the purpose of a holiday in accordance with regulation 7(3), 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) both the proprietor and the local education authority have failed, after reasonable enquiry, to ascertain where the pupil is;

(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;

(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) both the proprietor of the school and the local education authority have failed, after reasonable enquiry, to ascertain where the pupil is;

(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;

(j) that the pupil has died;

(k) that he will cease to be of compulsory school age before the school next meets and the relevant person has indicated that he will cease to attend the school;

(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;

(m) that he has been permanently excluded from the school; or

(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.

(2) In a case not covered by paragraph (1)(a), (j) or (m), the name of a child who has under arrangements made by a local education authority become a registered pupil at a special school shall not be removed from the admission register of that school without the consent of that authority, or if that authority refuse to give consent, without a direction of the Secretary of State.

(3) The following are prescribed as the grounds on which the name of a pupil not of compulsory school age is to be deleted from the admission register—

(a) that he has ceased to attend the school, or, in the case of a boarder, that he has ceased to be a pupil of the school;

(b) 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 agreed by the proprietor;

(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 has failed, after reasonable enquiry, to ascertain where the pupil is;

(c) that the pupil has died;

(d) where the pupil has been admitted to the school to receive nursery education, he has not on completing such education transferred to a reception, or higher, class at the school; or

(e) that he has been permanently excluded from the school.

(4) For the purposes of this regulation—

(a) a pupil shall be treated as ordinarily residing at a place where the pupil is habitually and normally resident apart from temporary or occasional absences;

(b) “reception class” means a class in which education is provided which is suitable to the requirements of pupils aged five and any pupils under or over that age whom it is expedient to educate together with pupils of that age;

(c) children are to be regarded as having been admitted to a school to receive nursery education if they were placed on admission in a nursery class;

(d) the permanent exclusion of a pupil from a maintained school does not take effect until the proprietor has discharged its duties under regulations made under section 52 of the Education Act 2002(1), and—

(i) the relevant person has stated in writing that he does not intend to bring an appeal under those regulations;

(ii) the time for bringing an appeal has expired and no appeal has been brought within that time; or

(iii) an appeal brought within that time has been determined or abandoned;

(e) the permanent exclusion of a pupil from an Academy, a city technology college or a city college for the technology of the arts does not take effect until the proprietor has discharged its duties in relation to a permanent exclusion under the agreement entered into pursuant to section 482 of the Education Act 1996(2) and

(i) the relevant person has stated in writing that he does not intend to bring an appeal;

(ii) the time for bringing an appeal has expired and no appeal has been brought within that time; or

(iii) an appeal brought within that time has been determined or abandoned.

All other deletions are illegal and could result in court proceedings against the person responsible. With the exception of pupils who are subject to a school attendance order and pupils with special educational needs for whom the LA has made arrangements, there is currently no requirement for LA approval of deletions from registers.