

# Children Missing From Education Policy

Approved by RET Board

Approved on June 2019

SLT contact Headteacher

Revision due Every 2 years



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## 1. Purpose

This policy seeks to tackle the issue and disenfranchising of children missing from education. A CME is defined as a child or young person of compulsory school age who is not attending school, not placed in alternative provision by the Local Authority and who is not receiving a suitable education elsewhere. This definition also includes children who are receiving an education, but one that is not suitable for e.g. age, ability, aptitude, SEND.

## 2. Scope

This policy applies to:

- Children who fail to make a successful transition from another school into our own.
- Children who have been excluded.
- Children whose parents/carers have sought to transfer them mid-year.
- Families moving to a new area.
- Children who have not been registered at any school.

## 3. Summary of Children at Particular Risk of Being Missing from Education and Appropriate School Action

- a. Children at risk of harm or neglect. Where this is suspected, the Designated Safeguarding Lead will follow local Child Protection Procedures including making an immediate referral to Children's Services (and the police if appropriate) if a child is thought to be in danger of serious harm.
- b. Children of gypsy, roam and traveller communities (GRT). If a GRT child leaves the school without naming their next destination school, the school will contact the local authority for support and advice.
- c. Children of service personnel. The school will contact the Ministry of Defence Children's Education Support Services for advice to ensure continuity of education for these children.
- d. Missing children/runaways. Should the school suspect that a child has gone missing or run away, the DSL will make an immediate Child Protection Referral to the Local Authority.
- e. Children and young people supervised by the Youth Justice System. In this circumstance, Local Authority youth offending teams are responsible for supervising children (aged 8-18). Where a child is registered at the academy prior to custody, the school will keep the place open for their return (dependent upon the nature and location of the crime committed).
- f. Children who cease to attend school. Where the reason for the child being missing from education is unknown, the school will refer the case to the local authority for investigation. This will happen if a child does not attend school for 10 days.
- g. Children of migrant families. There is an increased risk of a child missing education if they are part of a migrant family who may not yet have settled into a fixed address or may have arrived at an area without the knowledge of the local authority. If the school becomes aware of such a case, it will refer the case to the Local Authority admissions office immediately and complete a Child Protection referral.

## 4. The School's Legal Responsibility

- a. The school will enter a child on to the admissions register at the beginning of the first day on which it has been agreed by the school, or the day that the school has been notified that a child will be joining the school.
- b. In the event that a child fails to attend school on the agreed or notified date, the school will undertake reasonable enquiries to establish reasons for this absence and will consider notifying the Local Authority (dependent upon the circumstance and potential length of absence).
- c. The school will keep an accurate and up to date admissions register by encouraging parents/carers to inform them of any changes.
- d. If a child misses school for ten or more days without permission, the school will inform the local authority.

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- e. The School and Local Authority will make reasonable efforts to establish the whereabouts of a child missing for ten or more days.
- f. Where a child has not returned to the school for 10 days after an authorised absence or is absent from the school without authorisation for 20 consecutive school days, the school will remove the child from the admission register if the school and the Local Authority have failed to establish the whereabouts of the child after making reasonable enquiries.
- g. The school will notify the Local Authority if a child is to be deleted from the admission register in the circumstance outline in Regulation 8 of the Education (Pupil Registration) Regulations 2006 (as amended in 2016).
- h. Some children will be absent for periods of time that trigger the school or Local Authority to take action regarding establishing their whereabouts. These children will remain on the school roll if their parents/carers have made contact because despite absence they are not missing in education. They will be monitored and attendance will be addressed formally if it causes concern.
- i. The school will arrange full time education for excluded children from the 6<sup>th</sup> school day of a fixed term exclusion.
- j. The school will demonstrate prompt action and have early intervention procedures in place to ensure children are safe and receiving a suitable education.
- k. The school will provide information to the Local Authority regarding standard transitions – the following information will be provided:
  - i. Full name of child
  - ii. Full name and address of parent/carer and at least 1 telephone number
  - iii. Any relevant date and details of address change
  - iv. Name of destination school and start date
  - v. Grounds for removal from admission register under Regulation 8

## 5. Local Authority Responsibilities

- a. Under the Education Act 1996, the Local Authority has a duty to establish the identities of children in the area who are not registered at a school and are not receiving education provision.
- b. The Local Authority must provide full time education for permanently excluded children from the 6<sup>th</sup> school day.
- c. When it is brought to the attention of the Local Authority that a child may not be receiving a suitable education, it is their responsibility to serve notices to parents/carers to assure the LA that their child is receiving an appropriate education.
- d. The Local Authority will issue School Attendance Orders to parents/carers who fail to assure the LA that their child is receiving a suitable education and the LA believes that the child should attend school.
- e. The Local Authority will prosecute parents/carers who do not comply with a School Attendance Order.
- f. The Local Authority will prosecute and/or fine parents/carers of school registered children who fail to ensure that their child attends regularly.
- g. The Local Authority will apply to court for an Education Supervision Order for a CME.
- h. The Local Authority will ensure that children identified as not receiving suitable education are returned to education either at the school or elsewhere.
- i. If a child with diagnosed Special Educational Needs or an Education Healthcare Plan is educated at home, the Local Authority will arrange the SEN provision and ensure that education is suitable for the child's special educational needs. The Local Authority will review this provision annually.
- j. The Local Authority is responsible for liaising and sharing information with other agencies to support children who are missing from education.

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## 6. Parents/Carers

- a. Parents/Carers are responsible for ensuring that their children, who are of compulsory school age are receiving a suitable full-time education.
- b. Parents/Carers are responsible for notifying the school in writing where they will be home schooling and removing their child from the school roll.
- c. Parents/carers must notify the school regarding reasons for any absences or changes to a child's education arrangements.

## 7. Safeguarding

- a. For the purpose of this policy 'reasonable enquiries' are defined as limited investigative powers that the school may action to determine a child's whereabouts and whether they may be in danger.
- b. In line with the Children Act 2004, the school will follow appropriate procedures when carrying out reasonable enquiries in order to establish whether a child may be at risk of immediate harm e.g.
  - Discussion with neighbours, relatives or Landlords
  - Discussion with the child's peer group/friends and their parents (without divulging confidential information)
- c. The DSL will record the procedures that have been completed and if necessary make a referral to the Local Authority Child Protection Team and/or the police.
- d. Where the whereabouts and safety of a child is unknown, the academy, in conjunction with the Local Authority may carry out the following actions:
  - Make contact with the parent/carer, relatives and neighbours using known contact details
  - Check local databases
  - Check data transfer systems
  - Follow local information sharing arrangements and make enquiries to other agencies where possible
  - Check with UK Visas and Immigration and/or the Border Force
  - Check with agencies known to have had involvement with the family
  - Check with the Local Authority and School from which the child originally came (if relevant)
  - Check with the Local Authority where the child lives if different to the school's Local Authority
  - Check with the Ministry of Defence Children's Education Advisory Service in the case of children of Service Personnel
  - Conduct home visits via an appropriate team, following local guidance concerning risk assessments and making enquiries with neighbours or relatives if appropriate.
  - Check with peer group or friends to ascertain whether or not they are aware of any specific circumstances

NB. This list is not exhaustive – the school and Local Authority will use their professional judgement regarding what reasonable enquiries are appropriate once the known facts of the case have been considered.

## 8. The admissions register

- a. The school will ensure that the admissions register is kept up to date at all times and will encourage parents/carers to notify the school of any changes as they occur e.g. via email or newsletter.
- b. Children will be recorded on the admissions register at the beginning of the first day on which it has been agreed by the school, or the day that the school has been notified as the date that the child will attend the school.
- c. Once a child has been recorded on the admissions register, the school will notify the Local Authority within 5 days and will supply the LA with all of the details contained on the admissions register for the new student.
- d. Where a parent/carer notifies the school that a child is to live at a new address, the school will record the following on the admissions register.
  - The full name of the parent/carer with whom the child will live.

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- The new address.
- The date from which it is expected the child will live at the new address.
- e. Where a parent/carer notifies the school that the child is registered at another school, or will be attending a different school in future, the school will record the following information on the admissions register:
  - The name of the new school
  - The date when the child first attended or is due to attend the new school. This notification must be completed in writing.
- f. Parents/carers are able to choose to educate their children at home and in such a case will withdraw them from school. This can happen at any time unless the child is subject to a School Attendance Order. If a parent/carer notifies the school of such an event, this must be in writing and the Local Authority will be informed that the child is to be deleted from roll, when and why.

## 9. Removing a child from the admissions register

The school will inform the Local Authority of any child who will be deleted from the admission register where they:

- a. Have been removed from the school by their parents/carers and are being educated outside the school system e.g. home-schooled.
- b. Have ceased to attend school and no longer live within a reasonable distance of the school.
- c. Have been certified by a health professional as unlikely to be in a fit state of health to attend school before ceasing to be of compulsory school age, and the parent has not indicated that they wish to continue education at the school if and when the child recovers (this would apply in cases of serious illness such as cancer, and will be treated sensitively by the school).
- d. Have been certified by a health or social care professional as unable to attend mainstream provision for the foreseeable future (as in the case of children with long standing mental health issues). The Local Authority should make appropriate provision for such children.
- e. Are in custody for a period of more than 4 months due to a final court order and the school does not reasonably believe that the child will be returning after this date.
- f. Have been permanently excluded.
- g. Have died.
- h. Have been registered at another school where it is not indicated that this should be the case.
- i. Are registered at more than one school and have failed to attend school (where representatives of the other school have documented that the child is attending there).
- j. Have been granted authorised leave but have failed to attend the school within 10 school days after the period of authorised absence.
- k. The Local Authority and School after working together are unable to determine the child's whereabouts after making reasonable enquiries.
- l. Have been continuously absent from school for a period of not less than 20 school days and the absence was not authorised.
- m. Will cease to be of compulsory school age and has not been attending.
- n. Does not meet the academic requirements for any post 16 provision at the school.

The school will notify the Local Authority that a child is to be removed from the admissions register as soon as any of the above criteria are met, and no later the time at which the child's name is physically removed.

If a child's name is to be removed from the admission register, the school will provide the Local Authority with the following information:

- The full name of the child
- The full name and the address of any parent/carer with whom the child lives
- At least one telephone number of the parent/carer with whom the child lives
- The full name and address of the parent/carer who the child is going to live with and the date the child is expected to start living there (if applicable).

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- The name of the child's new school and their expected start date if applicable.
- The grounds for removal from the admissions register under Regulation 8 of the Education Regulations 2006 (as amended) as outlined in this policy.

## 10. Private Fostering

- a. Should an application for a school place be made by an adult who has a different name from the child or by an adult who notes their relationship as anything other than parent or legal guardian/carer, the school will contact the Local Authority to establish whether there is a private fostering arrangement in place.
- b. It is the responsibility of the Local Authority to investigate the living and care arrangements and ordinarily a social worker will be assigned since any such child is deemed 'looked after'.
- c. If the private fostering arrangement is deemed appropriate, the child will be placed on roll, no matter whether they indicate they are staying in the country permanently or not.
- d. Should a privately fostered child be absent for more than 10 consecutive school days, the school will notify the local authority and investigate the circumstances (using some or all of the potential methods in this policy).

## 11. Staff Training and Support in School

All staff will receive training as part of the rotation of training for Safeguarding. The school's Pastoral Lead and/or Designated Safeguarding Lead will have overall responsibility for the co-ordination of response when a child is missing in education. Parents, carers, staff may refer to this member of staff when they have information, questions or concerns.

## 12. Associated resources

Associated resources (external links) include

- Child abduction <https://www.legislation.gov.uk/ukpga/1984/37/contents>
- International child abduction <https://www.gov.uk/government/publications/international-parental-child-abduction>
- Forced marriages (FCO) <https://www.gov.uk/guidance/forced-marriage>
- HM Revenue and Customs (HMRC) <https://www.gov.uk/government/organisations/hm-revenue-customs>
- Home Office <https://www.gov.uk/government/organisations/home-office>
- National Crime Agency (NCA) <http://www.nationalcrimeagency.gov.uk/>
- Missing People [https://www.missingpeople.org.uk/help-us-find.html?gclid=CjwKCAiAmO3gBRBBEiwA8d0Q4vuipb-d2Cpl-Flk7rMj1cs3xcv4dAj0uSXW\\_FSJGFotfl-edUZ0SRoCaDoQAvD\\_BwE](https://www.missingpeople.org.uk/help-us-find.html?gclid=CjwKCAiAmO3gBRBBEiwA8d0Q4vuipb-d2Cpl-Flk7rMj1cs3xcv4dAj0uSXW_FSJGFotfl-edUZ0SRoCaDoQAvD_BwE)
- Missing Kids [https://www.childrensociety.org.uk/what-you-can-do/campaign-join/make-runaways-safe?gclid=CjwKCAiAmO3gBRBBEiwA8d0Q4tmGyoOYnncvQ2Co6pQcjkBW7I24iBVZb5BKk0l-1A\\_kE9QI7JbttRoCjvoQAvD\\_BwE](https://www.childrensociety.org.uk/what-you-can-do/campaign-join/make-runaways-safe?gclid=CjwKCAiAmO3gBRBBEiwA8d0Q4tmGyoOYnncvQ2Co6pQcjkBW7I24iBVZb5BKk0l-1A_kE9QI7JbttRoCjvoQAvD_BwE)
- Border Force <https://www.gov.uk/government/organisations/border-force>
- Missing Children and Adults strategy <https://www.gov.uk/government/publications/missing-children-and-adults-strategy>
- Ofsted report 2010: Children missing from education <https://dera.ioe.ac.uk/1140/1/Children%20missing%20from%20education.pdf>
- Ofsted report 2013: Missing children <https://www.gov.uk/government/publications/missing-children>

## 13 Additional Guidance

- Behaviour and attendance (including exclusions, bullying and alternative provision) <https://www.gov.uk/education/pupil-wellbeing-behaviour-and-attendance>
- Child sexual exploitation <https://www.gov.uk/government/publications/child-sexual-exploitation-definition-and-guide-for-practitioners>

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- Child trafficking <http://www.nationalcrimeagency.gov.uk/crime-threats/human-trafficking>
- Elective Home Education guidelines <https://www.gov.uk/government/publications/elective-home-education>
- Keeping children safe in education <https://www.gov.uk/government/publications/keeping-children-safe-in-education--2>
- School Admissions Code <https://www.gov.uk/government/publications/school-admissions-code--2>
- School to school service: how to transfer information <https://www.gov.uk/guidance/school-to-school-service-how-to-transfer-information>
- What to do if you're worried a child is being abused: Advice for practitioners <https://www.gov.uk/government/publications/what-to-do-if-youre-worried-a-child-is-being-abused--2>
- Working together to safeguard children [https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment\\_data/file/729914/Working\\_Together\\_to\\_Safeguard\\_Children-2018.pdf](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/729914/Working_Together_to_Safeguard_Children-2018.pdf)
- Young runaways <https://www.gov.uk/government/publications/children-who-run-away-or-go-missing-from-home-or-care>

## Appendix A: Legislation, Statutory Guidance and Advice

- Education Act 2002 and 2011
- Education and Inspections Act 2006
- Section 19 of the Education Act 1996, as amended by section 3A of the Children, Schools and Families Act 2010;
- Section 29A of the Education Act 2002;
- Sections 6A and 100 of the Education and Inspections Act 2006; • Sections 1C and 4 of the Academies Act 2010 (as amended);
- The Education (Pupil Referral Units) (Application of Enactments) (England) 4 Regulations 20071 ;
- The Education (Pupil Referral Units) (Management Committees etc.) (England) Regulations 2007;
- The Education (Educational Provision for Improving Behaviour) Regulations 20102
- The Education (Short Stay Schools) (Closure) (England) Regulations 2010;
- The Pupil Referral Units (Miscellaneous Amendments) (England) Regulations 2012; and
- The Schools Forums (England) Regulations 2012
- The Equality Act 2010
- The School Behaviour (Determination and Publicising of Measures in Academies) Regulations 2012
- Behaviour and discipline in schools: guidance for governing bodies Alternative Provision – Statutory guidance for local authorities (January 2013)
- School Uniform September 2013
- Sexual violence and sexual harassment between children in schools and colleges (December 2017)
- Use of reasonable force in schools (July 2013)