



Lawn  
Primary  
School

# Children Missing Education Policy & Procedures

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**DERBY CITY COUNCIL APPROVED POLICY**  
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## **1. INTRODUCTION**

1.1 Statutory Guidance for Local Authorities (LA) in England to Identify Children Not Receiving Education (November 2013) was used to develop procedures in this document. The statutory guidance was issued under the new section 436A of the Education Act 1996 which requires all LA's 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'.

1.2 Although the main focus of this document is on processes and systems within the LA, the work should be seen within the context of the wider remit of all agencies to safeguard the welfare of all children.

1.3 This protocol applies to any children of compulsory school age who are not on a school roll, or who have left a school with destination unknown and who are not receiving suitable education otherwise than being at school (for example: at home, independent /private school or in alternative provision).

1.4 This guidance does not replace any Child Protection procedures. Children for whom the duty applies.

1.5 The duty applies in relation to children of compulsory school age who are not on a school roll (at either a Local Authority, academy, free school, or an independent/private school), and who are not receiving a suitable education otherwise than being at school (for example, at home or in alternative provision).

1.6 The duty does not apply in relation to children who are registered at a school but who are not attending regularly.

1.7 The duty does not apply to children who are being educated at home for whom monitoring arrangements exist.

1 'Suitable Education': Section 436A of 1996 Education Act includes the definition that suitable education, in relation to a child, means efficient full-time education suitable to their age, ability and aptitude and to any special educational needs they may have.

1.8 This guidance puts in place arrangements for joint working and appropriate information sharing with other local authorities and relevant partner agencies which come into contact with families with children, as far as it relates to children not receiving education. These arrangements strengthen and complement the existing duties under sections 10, 11 and 12 of the Children Act 2004.

1.9 Relevant partner agencies are:

- Education (maintained schools, independent schools, Academies, Free Schools, Pupil Referral Units, special schools)
- LA Education Welfare Service (EWS)

- LA School Admissions Service
- LA Performance and Improvement Team
- LA Children’s Social Care/Multi Agency Teams
- Health (Strategic Health Authorities)
- Police and police authorities
- LA Youth Offending Teams
- Derby Homes
- Department For Work and Pensions
- LA New Communities Achievement Team
- Connexions

1.10 Other key partner agencies include:

- Information Governance Support
- Statutory and voluntary youth services
- Border Agency
- Voluntary and community organisations.

1.11 More detail of what is expected of parents, schools, local authorities and other agencies in relation to safeguarding children and providing a suitable education is included in the ‘Relevant Legislation’ section of this guidance at Appendix 1.

1.12 The purpose of the statutory duty, and of this guidance, is to ensure that children who are not receiving education are identified quickly, and that effective tracking systems are established to confirm that swift action is taken to provide them with suitable education.

1.13 A lack of consistency across local authority boundaries contribute to a child becoming “lost” when moving from one area to the other.

1.14 Vulnerable/at risk groups are identified and monitored by teams and agencies within the authority and those receiving education are monitored by schools and other teams when being educated other than at school, such as at Language Centre and The Bridge provision.

1.15 The processes in this guidance are designed to close the gap, by ensuring there is a clear route in place, understood by all parties involved, for them to notify a named person(s) when a child is identified as not receiving education.

Implementing the statutory duty locally

1.16 There are a number of key processes that need to be co-ordinated to ensure that the needs of children missing education are met. These processes involve:

- monitoring children’s registered school status
- tracking and reconciling movements both within and outside the LA
- receipt of information about a child
- checking if place of education is already known
- logging details on database
- locating and contacting family
- determining the child’s needs and vulnerabilities (SEN status, CP, MAT involvement)
- identifying and accessing available provision and places

External monitoring of the implementation of the Statutory Duty

Ofsted:

1.17 Ofsted, as part of their inspection framework (‘Framework and evaluation schedule for the inspection of services for children in need of help and

protection, children looked after and care leavers') identify CME as being within scope of the inspection.

- Inspectors will need to satisfy themselves that the local authority hold clear records in respect of the numbers of children receiving alternative education, and for those missing from education
- Inspectors will make enquiries about local practice in respect of responses to children who are absent as well as those who are missing

Internal monitoring of the implementation of the Statutory Duty  
1.18 Monitoring is the responsibility of the Local Authority. Regular reporting is to be carried out by the Information and Performance Team via a report which details the education status of all children of compulsory school age in terms of whether they are on roll at a school, home educated or CME. This report also provides a breakdown of all the CME children; cases open to the EWS; pupils awaiting placement, and records undergoing checks for possible missing child status by the CME Officer.

Reducing the risk of children not receiving education

1.19 There are a range of systems, processes and procedures currently used by Derby City Council to reduce the risk that children become disengaged from the education system and go missing. Existing good practice broadly falls into three categories where measures are in place to:

- reduce the likelihood that children become disengaged from the education system, through measures such as audits of rolls and registers of schools
- the provision of named points of contact to receive notification of children from other agencies and members of the public
- re-engage children with appropriate educational provision, for example through adherence to Derby City Council Fair Access Agreement:  
<http://www.derby.gov.uk/media/derbycitycouncil/contentassets/documents/schools/DerbyCityCouncil-Fair-Access-Agreement-July-2012.pdf>

## **2. THE VULNERABILITY OF CHILDREN WHO BECOME DISENGAGED FROM THE EDUCATION SYSTEM**

Why do children go missing from education?

2.1 Children can go missing when they become disengaged from the education system and there is no systematic process in place to identify them and ensure they re-engage with appropriate provision (which may include services outside of school to meet their needs). Their personal circumstances or those of their families may contribute to the withdrawal process and failure to make a transition.

2.2 For example they may:

- fail to start appropriate provision and hence never enter the system
- cease to attend, due to illegal exclusion or withdrawal
- fail to complete a transition between providers (for example, being unable to find a suitable school place after moving to a new local authority area, or after leaving a custodial establishment).

Vulnerable groups

2.3 Some children who experience certain life events could be more at risk of not receiving education. These can include:

- children at risk of harm/neglect
- young people who have committed offences

- children living in women's refuges
- children of homeless families, perhaps living in temporary accommodation, house of multiple occupancy or Bed and Breakfast
- young runaways
- children with long term medical or emotional problems
- children affected by substance misuse
- unaccompanied asylum seekers
- children of refugees and asylum seeking families
- children in new immigrant families, who are not yet established in the UK and may not have fixed addresses
- children who have been trafficked to, or within the UK
- looked after children
- children who are privately fostered
- young carers
- teenage mothers
- children who are permanently excluded from school, particularly those excluded illegally, for example, for problematic behaviour or offending.

2.4 When Derby City Council or partner agencies identify and/or are made aware of children/young people in any of these groups who may not be receiving education, a notification should be made to the EWS on 01332 641445 or 642254. The exception to this is where a professional is involved in assisting the parent/s to follow the school admissions procedure, ensuring that the child does start at a school.

Potential vulnerability due to high mobility

2.5 Children from families of members of the Armed Forces are likely to experience high mobility both within and outside the UK. Moves can be made at quite short notice, with future home address and school not known until just before the move. Schools and local authorities can make enquiries through the MOD Children's Education Advisory Service (CEAS) on 0190 618244. CEAS can also liaise between local authorities, and with devolved authorities in Scotland, Wales and Northern Ireland. Service Children's Education (SCE) also keeps records of all pupils in Service schools overseas. Enquiries about children in Service schools overseas should also be made via CEAS.

2.6 Children in Gypsy, Roma and Traveller (GRT) families may have a mobile lifestyle. The DfE identify this group of children as being at particular risk of missing education in "Children Missing Education" (2013). The CME Officer or school linked Education Welfare Officers within Derby City can advise schools on strategies for ensuring the minimum disruption to GRT pupils' education. New arrivals into the city, including those from CEE (Central and Eastern European) and Asylum Seekers are supported by the New Communities Achievement Team, working in close partnership with School Admissions and the Education Welfare Service.

2.7 From September 2007 regulations made under the Education and Inspections Act 2006 required local authorities to ensure that suitable full-time education is made available to permanently excluded pupils from the sixth school day of exclusion, and schools are required to arrange full-time education from the sixth school day of fixed period exclusion.

2.8 If it becomes apparent that a child has been unofficially excluded, Derby City Council will challenge the school, as this practice is illegal. Examples of unofficial exclusion should be referred and liaison will take place with

colleagues as necessary to resolve any incorrect practice issues. DfE statutory guidance on exclusions is available via:  
<http://www.education.gov.uk/schools/pupilsupport/behaviour/exclusion/g00210521/statutory-guidance-regs-2012>

### Missing children/runaways

2.9 Children who go missing or run away from home or care may be in serious danger and are vulnerable to crime, sexual exploitation or abduction in addition to missing education. A joint protocol 'Runaway and Missing from Home or Care (RMFHC), is in place, between Derby City Council, Derbyshire County Council and Derbyshire Police. This can be found on Derby Childrens Safeguarding Board website: <http://www.derbyscb.org.uk/docs/joint-runaway-and-missing-from-home-or-care-protocol-final-july-2014.pdf>  
Runaways workers are based in each of the Multi Agency Teams (MATs) within every Locality of the City. They are tasked to respond to instances of missing by young people who are looked after, and for those where there is cause for concern.

### Children and young people supervised by the Youth Justice System

2.10 Children who have offended or who are at risk of doing so are at risk of disengaging from education. Further information is provided in 3.14 below.

### Children who stop attending school

2.11 Schools are required to refer children who have stopped attending school to the Education Welfare Service (even where they have been able to confirm safe onward destination onto another school's roll). The LA must then investigate the child's situation and ensure a prompt return to education where appropriate, or, track the child to another location and ensure the child is in the new LA's education system. Where a child goes abroad, the aim must be to ascertain as much information as possible to enable the LA to consider whether there may be any safeguarding issues; normal social care protocols apply.

## **3. PREVENTATIVE SYSTEMS TO REDUCE THE LIKELIHOOD OF CHILDREN FALLING OUT OF THE EDUCATION SYSTEM**

### Monitoring attendance for all provision

3.1 Derby City Council's strategic approach to the monitoring of school attendance is set out in the 'Derby City School Attendance Policy', with reference to Department for Education guidance relating to School Attendance:  
[https://www.gov.uk/government/uploads/system/uploads/attachment\\_data/file/361008/Advice\\_on\\_school\\_attendance\\_sept\\_2014.pdf](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/361008/Advice_on_school_attendance_sept_2014.pdf)  
An updated version of this document for academic year 2015-16 will be available from October 2015.

3.2 Elective Home Education is monitored by the Elective Home Education co-ordinator, with an overview from the Education Welfare Service.

3.3 The local authority does not have a legal responsibility to monitor attendance in independent/private schools. However, the same duty that is placed on local authorities to carry out their functions with a view to safeguarding and promoting the welfare of children (s75 Education Act 2002) is also placed on independent schools through regulations made under s157 of the Education Act 2002 and through Part 3 of Schedule 1 to the Independent School Standards (England) Regulations 2010 (SI 2010/1997). These schools are also subject to the provisions of the Education (Pupil Registration) (England) Regulations 2006 with respect to removals from roll and must inform the LA of removals from roll for the reasons of home education, permanent exclusion, when the young person has no provision, and when their whereabouts are unknown. Independent schools are reminded of their responsibilities in writing on an annual basis and during contact with LA officers where contact is made regarding specific children and/or during contact about the schools' rolls.

#### Audit of Registers

3.4 The EWS routinely monitors the attendance level of all pupils in maintained schools through regular referral meetings at each school. The frequency of these meetings varies depending on the needs of the school with meetings taking place two, three or four school weekly and, in some cases, on a half termly basis. The data reviewed is extracted from computerised attendance records. Action is then discussed and agreed with the school, including where pupils have stopped attending.

#### Register Deletion procedures

3.5 Deletions from the admission and attendance registers must be made in line with the provisions of Regulation 8 of the Education (Pupil Registration) Regulations 2006 (SI 2006/1751). The name of a pupil of compulsory school age may only be deleted from the attendance register on the grounds prescribed in this Regulation. Under regulation 12(3), schools must also inform their local authority of deletions of compulsory school age pupils due to: ceasing to attend the school; being withdrawn to be educated outside the school system; being certified by the school medical officer as unlikely to return; being in custody; being permanently excluded.

3.6 In line with the duty on all children's services to safeguard the welfare of children (s11, Children Act 2004), Derby City Council has procedures in place to track the whereabouts of the child when they cease to attend and their whereabouts are not known. These are included in the 'Children Missing from Education Guidance for Professionals' available through the Education Welfare Service and CME Officer. Please see Appendix 2.

Schools need to record that they have completed these procedures before deleting them from the School register. The type of procedures will include the appropriate agency checking with relatives, neighbours, private or public

landlords and other local stakeholders who are involved. If there is reason to believe the child/young person may be or is at risk of significant harm procedures should be followed in line with the Local Safeguarding Children Board at <http://www.derbyscb.org.uk/>

3.7 If the child/young person is located and the current school is still the appropriate school then steps will be taken to engage with the child/young person and the parent to improve attendance

3.8 If the child/young person is located, but has moved, and a place in a new school is required within the same local authority, the necessary steps should be taken to access a new school and steps should be taken to transfer the Common Transfer File (CTF) via S2S (see paragraph 3.15)

3.9 If there is evidence to suggest the child/young person has moved to a different local authority then contact should be made with the named individual in the new authority; the aim is always to establish safe onward destination with a relevant professional.

3.10 Where the child/young person cannot be located these procedures may also prompt an alert on Tribal database, including Admissions, of the untraced pupil's information and the transfer of information via School2School (s2s) and the Lost Pupil Database (see paragraph 3.17). Until a child/young person is located the local authority maintains a record of their details.

3.11 The Police are key partners in this work and they undertake safe and well checks where a child is believed to be at an address but no response is being received by other professionals (usually Education Welfare Officers).

### Tracking and reconciling movements

3.12 This is the process by which the local authority maintains visibility of children who have ceased to be registered with a provider and monitoring progress until they are registered with a new provider, by effective use of available local authority systems (Tribal database) and through inter-local authority exchange of information. Derby City has a protocol with its schools to ensure that all children leaving a school are subsequently tracked and their whereabouts identified.

3.13 There are particular challenges locally where children:

- • have left the maintained sector for the independent sector
- • cross boundaries to attend schools in other authorities
- • leave schools at other than normal ages of transfer
- • return to country of origin
- • Flee the city due to domestic violence issues

3.14 In addition, similar issues regarding the transfer of information apply for young people involved in the Youth Justice system and who are leaving custody. The Youth Offending Service monitors the whereabouts of young

people in and out of secure units, and ensures that young people reintegrate into education on leaving custody if they are not on a school roll:

- a. Going into custody. The preparation of a Pre Sentence Report (PSR) by the YOS Case Manager details the young persons' current educational status. This information will be transferred to the Young Offender Institution or Secure Training Centre to ensure staff in the organisation have background knowledge prior to the young person beginning work in the secure estate. Preparation of the PSR is the responsibility of the individual case manager.
- b. Transfer from custody to community. Re-engagement is assisted by the YOS Education Officer who works closely with case managers to ensure a smooth transition back into education. Difficult cases are referred to Secondary Behaviour Panel for advice and action.

### Transfer of Information between Schools

3.15 The Education (Pupil Information) (England) Regulations 2005 (SI 2005/1437) (<http://www.opsi.gov.uk/si/si2005/20051437.htm>) governs the transfer of information from school to school when a child moves school. In particular, regulation 9(3) provides that: "...the governing body of the old school or, where this has been agreed between that governing body and the local authority, that authority shall transfer the pupil's common transfer file and educational record to the responsible person of the new school no later than fifteen school days after the day on which the pupil ceases to be registered at the old school". In Derby City, this is the individual schools responsibility.

3.16 The DfE provides a secure internet site (S2S) for the electronic transfer of information Common Transfer Files (CTFs) from school to school when a child moves school. There is a publication for schools which local authorities can order and distribute. S2S also provides a secure messaging facility.

3.17 There may be exceptional circumstances when standard rules for sending or receiving a CTF for a pupil might not apply. Each case will need to be judged on its merits in consultation with relevant parties. Circumstances when it is not considered appropriate to pass on details via a CTF might include: a family escaping a violent partner or the family is on a witness protection programme.

3.18 Work undertaken by relevant staff to locate pupils where the above applies is recorded very carefully to ensure that whereabouts are hidden. In the most extreme circumstances, for example, witness protection, neither the home address nor the current school are accessible to CYP staff but rather a message is provided on CCM database directing them to contact Social Care should those details be required.

### Lost Pupil Database (LPD)

3.19 The LPD is not a separate database, it is a searchable area of the S2S website containing CTFs of pupils where the destination (or next) school of the pupil is not known to the school the pupil is leaving.

3.20 Where a school knows that a pupil is leaving but cannot identify the school to which the pupil is transferring, the school creates a CTF with just that pupil in it and identifies the destination school as unknown. The CTF file is then posted to the S2S website.

3.21 The Local Authority has established procedures for checking the S2S lost pupils website in order to conduct investigations into the whereabouts of pupils whose last known school was in Derby.

3.22 The Local Authority informs the previous school/local authority that the child has been placed.

3.23 A similar process is used when a pupil is leaving a school and is known to be transferring to a non-maintained school or to a school outside England and Wales.

3.24 The purpose in providing this "searchable area" of the website is to provide a facility whereby local authorities, on being requested by a school which has just enrolled a new pupil but cannot identify the previous school to request a CTF, can search for a CTF which may have been "posted" there by the previous school.

3.22 By encouraging schools to upload CTFs to the LPD (when the child's destination or next school is unknown, or if the child moves abroad/transfers to a non-maintained school) local authorities and schools are ensuring that these details are being held on a secure website.

## 4 IDENTIFYING CHILDREN WHO ARE NOT RECEIVING EDUCATION

### Shared responsibility for action

4.1 Although the main focus of this document is on processes and systems within Derby City Council, it is important that the Council works with its partners to ensure that there are robust arrangements across partner agencies for identifying children not receiving education. There are a set of actions that are taken by partners within the City Council that are effective in identifying CME cases where children are already known to the Council, but where the young person may not be in education. The Tribal database is set up in a way that ensures that each and every child for whom there is a record is immediately identifiable as being in education (including those who are registered as being educated otherwise), or being out of education. Key partners engaged in this work are:

- School Admissions
- Education Welfare Service (including CME Officer)
- New Communities Achievement Team
- Performance and Improvement Team
- Housing (Derby Homes)

NB Pre-school children previously known to nurseries are tracked into education (or action taken if necessary) at the point they reach statutory

school age.

When a City school advise that a pupil has moved to a school out of the LA area, this is confirmed by the Education Welfare Officer. When schools remove pupils from roll with no destination an EWO is involved and checks are made in-City and passed to the CME Officer who takes action to confirm that safe onward destination has been established and take appropriate action if this is not the case.

4.2 The work to identify children not receiving education should also be seen within the wider remit of the local authority to safeguard the welfare of all children. If at any time there are concerns about a child's welfare, to the extent that a child may be, or is, suffering significant harm, Local Safeguarding Children Board procedures must be followed.

### Agencies likely to identify Children Missing Education

4.3 Information about children not receiving education can be received from within local authority boundaries (from colleagues within Derby City, other agencies and members of the public) and/or from other local authorities around the country. Some common sources of this information may be:

- School staff
- Education Welfare Officers
- Pupil Referral Units and alternative education providers
- Derby Homes
- Refuges and homeless hostels
- Accident and Emergency
- NHS Walk-in services
- GPs
- Children's Social Care and MAT teams
- Police
- Health Visitors
- SEN caseworkers
- General Public
- Youth Offending Service (see paragraph 4.5)
- The Border Agency (see paragraph 4.8)

4.4 Connexions hold details of all 13-19 year olds and where they are being educated on their local Profile System. Staff offer information and advice in schools and may have identified a young person moving into the area. They also have cross border arrangements with neighbouring services in order to help keep contact with young people as they move from one area to another. Further to this, children aged year 9 and above who come off school roll are tracked to check what provision is in place.

4.5 The Youth Offending Service (YOS) who work with young people who offend are well placed to identify young people out of education. The ASSET assessment, completed by the YOS, is designed to identify educational and other needs at specific periods of the young person's relationship with the YOS or secure establishment.

4.6 The Border Agency informs local authorities about children subject to immigration controls coming to stay in their area, including:

- all cases of unaccompanied asylum-seeking children (UASC), who are looked after by local authorities;
- children who are part of a family which is seeking asylum - in such cases, when a family is provided with accommodation, the contractor responsible for that provision is required to notify the local authority
- children who are non-European Economic Area nationals who arrive in the UK to stay with someone other than their parent(s) or close relatives (for example, a private fostering arrangement).

4.9 There are two points of contact provided by the Immigration and Nationality Directorate (IND) for local authorities to verify the immigration status of children: for enquires about the immigration status of individuals who are not claiming asylum, contact the 'LA Desk' in the Enquiries Unit on 0845 601 2298; or Fax: 020 8196 3049; and for enquires about the immigration status of individuals who are claiming asylum, contact the 'LA Communications Team' on: 020 8760 4527. IND's main contact number is: 0870 606 7766

#### Establishing if a child is defined as 'not receiving education'

4.10 It is important to establish if a child is defined as 'not receiving education', and therefore covered by the provisions laid out in the Statutory Duty. To assist with the task of making this distinction, please refer to the flowcharts at Appendix 2.

### **5 NOTIFYING PEOPLE SERVICES DIRECTORATE OF CHILDREN NOT RECEIVING EDUCATION**

#### Clear responsibilities for appropriate action

5.1 The Statutory guidance requires Derby City Council to have: 'A named individual responsible for receiving information about children of compulsory school age in their area who may not be receiving a suitable education at school or otherwise, and for brokering support for them through the most appropriate agencies.'

5.2 The named individual for the purposes of enquiries to/from other LAs is the service manager of the EWS.

5.3 Responsibility for taking action when a young person is identified as not receiving education lies initially with the city council service who first identify the child as being CME; where possible, the parent should be supported if necessary to apply for a school place but where there is doubt about the situation, a referral should be made to the named responsible officer. Also, there is close liaison between the school admissions service, the EWS and staff in the Performance and Improvement team including when a routine

admissions procedure does not result in a child entering education as expected.

### Partner Agencies understand who and how to notify

5.4 Derby City Council continues to raise awareness amongst partner agencies (as identified in paragraph 4.3) about how to inform the Council about children not receiving education, to ensure that agencies employ this route consistently. It will often be the case that another agency is aware of the arrival or existence of a child, living in the local authority area but not in education, before the City Council is aware. See Appendix 3.

5.5 Partner agencies should be aware that parents have a legal right to educate their children at home. Where a parent states that their child is educated at home, the child is receiving education and is not the target of this duty. Education of children at home by their parents is not in itself a cause for concern about the child's welfare. However, they should still notify the LA so that the Elective Home Education Co-Ordinator can be notified of the child's status in order that the appropriateness of the provision can be confirmed.

### Arrangements for Information Sharing between agencies

5.6 To locate children and young people when it is believed they are resident in Derby City Council's area, it will be necessary to share information with other agencies. Agencies will include those who are already notifying the City Council when they encounter a child not receiving education.

5.7 Any sharing of information must comply with the law relating to confidentiality, data protection and human rights. Derby City Council works within its arrangements for recording information and within any local information sharing protocols that are in place. These arrangements and protocols are in accordance with the Data Protection Act 1998, the key provisions of which are summarised in 'Information Sharing: Further Guidance on Legal Issues': <http://www.education.gov.uk/childrenandyoungpeople/strategy/integrate/working/a0072915/information-sharing>

## **6 ACTIONS FOLLOWING THE RECEIPT OF A NOTIFICATION OF A CHILD NOT RECEIVING EDUCATION**

### Access to rolls of all providers

6.1 When the named person(s) receives a notification about a child believed to be in the Derby City area a check is made on the Tribal database and CCM (Social Care) database which together contain information about the education provision of all children and young people known to the LA.

### Reasonable enquiry

6.3 In relation to pupils for whom an application has been received by the School Admissions team but where there is no subsequent progress, the admissions service will complete and record the following actions:

- check information available to them on the application form and/or on the
- child's record on the Tribal database
- refer the case to the EWS CME Officer on Tribal via Appendix 4 if the situation is not resolved

6.4 When making "reasonable enquiry, to ascertain where the pupil is" as referred to in Regulation 8(1)(f)(iii) and (h)(iii) of the Education (Pupil Registration) Regulations 2006, the EWS will complete and record the following actions:

- write to the parent to enquire if and how the child is receiving education
- home visit (where necessary), following local guidance concerning risk assessment and if appropriate make enquiries with neighbour(s), known emergency contacts
- follow local information sharing arrangements and where possible make enquiries via other local databases e.g. housing, health, police, YOS, social care
- check with agencies known to be involved with family
- in the case of children from families of those in the Armed Forces, check with the Children's Education Advisory Service (CEAS) on 01980 618244.

#### Enquiry to another local authority in England

6.5 Where a child is believed to have moved to another LA, secure systems are used to appropriately share personal information. If an address is being provided then the correct person at the other local authority is identified first. Data protection laws are followed when information is shared with other authorities.

6.6 Local authorities are advised not to make 'blanket' enquires (by email or hard copy). Contacting all local authorities with a list of children asking them to search their databases is seen as poor practice and the majority of local authorities will ignore this request, as it is time consuming with little reward (very rare that they find the child in their area). It is also not secure. The LA carries out thorough local checks before contacting other local authorities that are believed to be linked to the child/young person.

#### Useful information to share with another local authority in England

6.7 Care is taken to ensure information is factual and evidence based. To enable the local authority to make appropriate efforts to search for a child/young person on behalf of an enquiring local authority, the following basic information may be shared (as appropriate) with the named officer:

- Name (plus any known aliases)
- Date of Birth
- Gender
- Ethnicity
- Parent's/carer's names including who has parental responsibility
- Siblings' names
- Previous Address
- Previous school and date of last attendance
- Possible new address and school if known or suspected
- Date child/young person left area
- If recent entry to UK - their country of origin.

6.8 For all children who the EWS is unable to trace, checks are made on CCM Social Care database and with Health. At this point, consideration is also given to whether the child's whereabouts not being known is a concern from a child welfare point of view. (NB For all new CME cases where child protection is known to be an issue, contact is made immediately with the social care team or the named Social Worker). Social care record all cases of missing children who have been reported to the police irrespective of whether they are known to social care.

#### Actions necessary on receipt of an enquiry from another Local Authority

6.10 When another Local Authority has provided an address, the EWS or Admissions team (depending on which service receives the enquiry) checks Tribal database for a record of the child or young person. Where there is evidence of the family being in the City but no evidence of the child being in receipt of education, the CME Officer is contacted. If the EWS has received the information directly, the CME Officer attempts to contact the family. An assessment of vulnerability based on the information provided is made prior to any home visit. The level of priority should be based on the information provided which will indicate the level of vulnerability of the child/young person. Unless concerns justify an immediate visit, initial contact is made in writing before calls or visits are made.

6.11 Whatever the result of the search, a response will be given to the enquiring local authority.

#### Elective Home Education

6.12 Parents of children who are of compulsory school age have a duty to ensure that they receive an 'efficient, full time education, suitable to their ages, abilities, aptitudes and any special educational needs they may have, either by regular attendance at school or otherwise' (Section 7 of the

Education Act 1996). Some parents decide, as they are entitled, to provide suitable education for their children by educating them at home.

6.13 Where parents decide to withdraw their child from school and notify the Head Teacher in writing that the child is receiving education at home, the school must delete the child from the admissions register (in accordance with regulation 8(1)(d) of the Education (Pupil Registration) (England) Regulations 2006) ('the Pupil Registration Regulations').

6.14 When a parent opts for elective home education, it is the duty of the Head Teacher of the school to inform the local authority of the deletion and the reason for it, no later than when the pupil's name is deleted from the register (regulation 12(3) of the Pupil Registration Regulations 2006). The Pupil Registration Regulations apply to all city schools: maintained, Pupil Referral Units, special schools and Academies. All maintained, Pupil Referral Units, special schools and Academies send data to the LA School Admissions team.

6.15 Children with statements of SEN can be educated at home. The duty of the parent remains to provide a suitable education for the child. Where the local authority maintains a statement for the child, the authority is responsible for ensuring that the special educational provision specified in the statement is made for the child, unless the child's parent has made suitable arrangements (section 324(5)(a) of the Education Act 1996). If the parent's arrangements are suitable, the local authority is relieved of their duty to arrange the provision directly, but it still remains the local authority's duty to ensure the child's special educational needs are met.

6.16 To help identify quickly if a child is already known to be receiving education at home, the EWS maintains a list of children known to be educated at home by parents. This is incorporated in the Tribal database. Parents are not, however, required to inform the local authority if they decide to home educate a child who has not previously attended school.

6.17 If it becomes known that a child identified as not receiving education is being home educated, this should be recorded on the Tribal database. Monitoring arrangements exist for children being educated at home via the EHE Co-ordinator. Where there are concerns about the child's safety and welfare, LSCB procedures are followed. In instances where the EHE co-ordinator does not feel that 'suitable education' is being provided, a referral is made to the EWS to instigate the School Attendance Order process.

### Monitoring the effectiveness of systems

6.18 For each CME pupil, the following dates are recorded on Tribal database:

- date referred in;
- Last date on roll;
- date form of provision determined;
- date moved into provision.

6.19 In the school history area on Tribal, the previous history of each child's educational provision is recorded.

6.20 Derby City Council includes on Tribal subgroups of all children of compulsory school age living in the authority but not in educational provision. Through a range of reporting tools supported by the Performance and Improvement Team, the CME Officer identifies all records where further enquiries need to be made. The CME Officer and appropriate Education Welfare Officer undertake these enquiries and if these are not successful, the CME Officer will escalate to a missing child enquiry.

#### How to consider police involvement

6.21 Derbyshire Constabulary work to two documents which are open source and searchable online.

1. National Policing Improvement Agency Guidance on Missing Persons 2010.
2. College of Policing Interim Guidance on the Management, Recording and Investigation of Missing Persons 2013.

6.22 The definitions around when an individual is missing or absent are contained in the second document and are as follows,

Missing – anyone whose whereabouts cannot be ascertained and where the circumstances are out of character or the context suggests the person may be subject of crime or at risk of harm to themselves or another.

Absent – a person not at a place where they are expected or required to be. In Derbyshire Constabulary we will only treat an individual as missing for up to 24 hours. After that time they will be classed as missing.

6.23 When considering whether to report a child as missing / absent, the following should be addressed:

1. Does the individual meet the definition of a missing person?
2. What has been reasonably done to establish that their whereabouts cannot be ascertained? Last known address, enquiries with next of kin, emergency contacts held, YOS, Health, Probation and Housing.
3. What is the risk of harm to themselves or others? What is the immediacy of that risk? What is the significance of the harm?
4. Is it out of character? Have they been missing from education before? Are they 'without a school place'?

Where the whereabouts of a child cannot be established and there are identified risks, and whilst each case should be treated on its merits, a phone call to police on 101 would be merited.

6.24 Although the subject of this guidance is about children not receiving education, there may be occasions when a child identified as such may have

been the victim of a crime. Considering the following questions could also help identify episodes when police involvement may be necessary: Have there been suspicions in the past concerning this child and family which together with the sudden disappearance are worrying?

- Have there been any past concerns about the child associating with significantly older young people or adults?
- Was there a significant incident prior to the child's unexplained absence?
- Is there a good reason to believe that the child's absence may be the result of them being the victim of a crime?
- Has the child had missing episodes?

6.25 The following questions could assist a judgement:

- Is this very sudden and unexpected behaviour?
- Has the child/young person gone missing with their family?
- Has the child/young person gone missing without their family?
- Are there any health, religious or cultural reasons to believe that the child/young person is at risk of harm?

The 'Working Together to Safeguard Children' reference provides guidance on forced marriage and female genital mutilation.

6.26 If the answer to any of the above questions is yes then a referral to the Police should be made - local procedures should be followed. The EWS/designated lead officer should be informed if the referral was not made by the EWS.

6.27 Other questions to consider are:

- Is the child/young person the subject of a Child Protection Plan?
  - Is the child/young person looked after by the local authority?
- Is there current or previous social care involvement?

6.28 If the answer to any of these questions is yes, the social care team or the allocated worker if known within the social care & Children and Young Peoples Directorate should be informed immediately. Social care will then consider if a referral to the police is necessary. The local authority designated person for children missing from education should also be informed.

6.29 Positive responses to one or more of the following questions may give an indication that the family is avoiding contact:

- Has there been social care involvement in the past?
- Is there a history of mobility?
- Are there immigration issues?
- Has there been school or local authority intervention in relation to attendance, for example, visits by EWS, parenting contracts and court action (taken or impending)?

6.30 The quicker the intervention the more likely they will be traced. Delay may well lead to longer periods of interrupted education for the child/young person.

6.31 There are also some circumstances where a registered pupil of compulsory school age is absent without explanation. Most cases are relatively minor whereby the child returns home quickly or is not believed to be in any serious danger. However, there are more serious cases where children are concerned, including those where a child may become a victim of crime, such as being abducted by his/her parent, or abduction by a stranger. It is best practice for school administrative staff or support staff to contact parents on any day a registered pupil is absent without explanation (i.e: first day contact), including in cases where the pupil skips lessons after registration. By contacting the parent the school also ensures that the parent is aware that the child is not in school enabling the parent to take steps, where necessary, to establish that the child is safe.

## **7 RE-ENGAGING CHILDREN WITH APPROPRIATE EDUCATIONAL PROVISION**

### **Determine the child's needs**

7.1 Once a child has been identified as not receiving education, if there are not any significant issues, they will be admitted to a school via the normal admissions process.

7.2 Where issues prevent a straightforward admission, the school admissions team will refer the case using the Fair Access Agreement. CME may also be referred for consideration for the LA's Priority Family programme where one of the other criteria are also met: i.e. worklessness and/or crime/anti-social behaviour in the household. Once a school place is allocated, the additional support that may be made available can assist in terms of providing intensive support to ensure a good start at the school.

### **Early Help Assessment**

7.3 The Early Help Assessment (EHA) is available to help professionals in assessing needs and improving services to children, young people and families. There is no need to do an EHA for every child, and it is a useful tool to use if the child's needs are unclear and it can help identify the other services, which may need to be involved. The EHA enables a child's needs to be assessed in a holistic way, to decide what response is needed. If it is identified that the child has complex needs, a referral for a more specialist assessment appropriate to the child's situation will need to be made. This specialist assessment will build on the work undertaken in completing the EHA.

7.4 The EHA enables practitioners to join up with any other professional who might have already completed an assessment for the child and share concerns with them. This enables professionals from different agencies to

work more effectively together, to build up a picture of a child's needs over time and develop a more appropriate response.

### Current Information about places

7.5 The School Admissions team maintains information about available school places. All pupils who are on a school roll are recorded against the relevant school on Tribal database. The admissions officers in addition hold details regarding all offered places and how many children are on each school roll.

### School Admissions Procedures

7.6 The most recent School Admissions Code came into force in February 2012, and applies to all admissions to all maintained schools and academies. The Code imposes mandatory requirements and refers to statutory requirements.

7.7 All admission authorities and admission forums have in-year fair access protocols in place. These protocols ensure that children are admitted to suitable provision as quickly as possible, and should ensure that all schools in an area admit their fair share of children with challenging behaviour. The children that should be covered by the protocol, and the process by which a school is identified as the one that should admit a child, are matters for local agreement.

## **APPENDIX 1 – RELEVANT LEGISLATION**

### Children Act 2004

Section 10 requires each 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. This section is the legislative basis for children's trust arrangements.

Section 11 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 12 enables the Secretary of State to require local authorities to establish and operate databases relating to the section 10 or 11 duties (above) or the section 175 duty (below), or to establish and operate databases nationally.

Section 17 enables the Secretary of State to require local authorities to prepare and publish a plan setting out the authority's strategy for discharging their functions in relation to children and relevant young persons. The Children and Young People's Plan Regulations (England) 2005 required local authorities to publish their first Children and Young People's Plan on or before

1st April 2006 and to review the plan annually.

Section 63 of the Children Act 2004 amended Schedule 5 of the Tax Credits Act 2002, meaning that the Inland Revenue now has lawful authority to provide local authorities with “...information, other than information relating to a person’s income, which is held for the purposes of functions relating to tax credits, child benefit or guardian’s allowance by the Board” (extract from section 63(1)). 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 section 47 of the Children Act 1989, which requires local authorities to make enquiries where they suspect a child is suffering or is likely to suffer significant harm.

HM Government’s advice (“Working Together to Safeguard Children”) can be found via: <http://www.workingtogetheronline.co.uk/index.html>

### Education Act 2002

Section 175 puts a duty on all local authorities, maintained (state) schools, and further education institutions, including sixth form colleges, to exercise their functions with a view to safeguarding and promoting the welfare of children (children who are pupils and students under 18 years of age, in the case of schools and colleges). The same duty is put on Independent schools, including Academies by regulations made under section 157 of that Act.

Identifying children not receiving education is a key part of discharging the responsibility to safeguard and promote the welfare of children. The LA has used the powers identified above to work with partners to ensure that appropriate measures are in place to share information when identifying children not receiving education.

For more guidance on safeguarding children, refer to the Working Together to Safeguard Children (March 2013) document.

### Education Act 1996

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 14(1) provides that a local authority must make sure there are sufficient schools for providing education in their area. For these purposes, the schools must be sufficient in number, character and equipment to provide all pupils with the opportunity of appropriate education (section 14(2)).

“Appropriate education” means, broadly education which is desirable in view of the pupils’ different ages, abilities and aptitudes and the different periods for which they may be expected to remain at school (section 14(3)).

Section 19(1) requires every local authority to make arrangements for the provision of suitable education at school or otherwise than at school 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.

DfE statutory guidance for local authorities on Children Missing Education (November 2013) available via:  
<http://www.education.gov.uk/g00229816/children-missing-education>

## **APPENDIX 2**

Missing children referral process.doc

## **APPENDIX 3** **CME Flowchart for Professionals**

Contact Social Care First Contact Team on 641110

You identify that a school age child is not in education  
(5 yrs – 18 yrs)

You are concerned that the situation for this child may be harmful to their safety or welfare

You are concerned that this child is not in school and you are not able to contact parents

Child is not present to ask or unable to provide an answer

The child is able to tell you clearly which school they attend

You Must Contact Education Welfare on 641448 or 642254

Contact the parent if that is part of your professional role and contact School Admissions to clarify information on 642727 or 642729

You are not satisfied that action has been taken by parent or you remain worried with the explanation from parent

No further action required

Concerns emerge about the safety or welfare of the child including possible neglect

## **APPENDIX 4**

Workflow for opening up a WASP (Without a School place) case

Please follow the steps below for any applications received from children who haven't got a current school attendance and no offer is to be made.

Process application as normal – in addition click on the attendance tab

↓

Click the green add button and then in the school box

↓

You will be prompted with a small box. In LA you will notice it says Derby – scroll to the top and click “unknown”



In name select WASP and then click ok. Put the start date as the date of application.