



CHILDREN MISSING FROM EDUCATION



The Legal Framework

The European Convention for the Protection of Human Rights and Fundamental Freedoms, Article 2 of Protocol No 1 states "No person shall be denied the right to education"

Section 436a of the 1996 Education Act requires Local Authorities to make arrangements to establish (so far as it is possible to do so) the identities of children who are not pupils at schools and who are not otherwise receiving suitable education.

Statutory guidance on Children Missing Education [September 2016] outlines the various responsibilities of Local Authorities, Schools, Health Professionals, Police, and Youth Offending Teams. This document can be found by following the link below:

https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/550416/Children_Missing_Education_-_statutory_guidance.pdf

This guidance refers to legislation including:

- Section 436A of the Education Act 1996 (added by section 4 of the Education and Inspections Act 2006)
- Education Act 1996 (section 7, 8, 14 and 19)
- Education and Inspections Act 2006 (section 4 and 38)
- Education (Pupil Registration) (England) Regulations 2006
- Education (Pupil Registration) (Amendment) (England) Regulations 2016

Identifying Children Missing from Education [CME]

A child is classed as CME if they are of compulsory school age and not on a school roll and not receiving a suitable education otherwise than being at school, for example, Elective Home Education [by parents] or in an alternative provision. This might include:

- A child who has arrived into Wirral from another Local Authority or country or after leaving a custodial establishment and does not yet have a school place
- A child who has left private schooling or Elective Home Education (EHE) and intends to enter the school system
- A child who is missing and the family whereabouts are unknown
- A child who has not taken up an allocated school place as expected.
- A child who is not at their last known address
- A child who has left school and the destination is unknown [either within the UK or abroad].
- A child who is resident in Wirral but not on a school roll or Electively Home Educated or registered at an Alternative Education Provision.

The LA identifies children who may be missing education working with partners and other agencies. The LA:

- Receives notification from individuals, schools, other local authorities, and other agencies of Children who are Missing from Education.
- Accesses the School 2 School [s2s] database to check for pupils reported as missing from education.
- Keeps a register of all reported Children Missing From Education including all pupils who are not on a school roll unless they are Electively Home Educated [by parents].
- Tracks pupils reported as missing from education using the Capita ONE system and other systems.
- Works with Police, Social Care, Health and a range of other agencies to find the whereabouts of children missing from education and to ensure they are able to re-engage with education.

Children at particular risk of missing education

Certain children are likely to face obstacles to their entitlement to education. This may include children and families who are:

- a. Pupils at risk of harm/neglect** – Children may be missing from education because they are suffering from abuse or neglect. Where this is suspected schools should follow local child protection procedures. However, if a child is in immediate danger or at risk of harm, a referral should be made immediately to children's social care (and the police if appropriate). Local authority officers responsible for CME should check that a referral has been made and, if not, they should alert children's social care. The Department's statutory guidance *Keeping children safe in education* provides further advice for schools and colleges on safeguarding children.
- b. Children of Gypsy, Roma and Traveller (GRT) families** – Research has shown that many children from these families can become disengaged from education, particularly during the secondary school phase. It is therefore important that schools inform the local authority when a GRT pupil leaves the school without identifying a new destination school, particularly in the transition from primary to secondary so that they can attempt to facilitate continuity of the child's education. Although many are settled, some GRT families move regularly and their children can be at increased risk of missing education. Local authority Traveller Education Support Services (TESS), where these exist, or the named CME officer within the local authority, can advise schools on the best strategies for ensuring the minimum disruption to GRT pupils' education, for example dual registration with other schools or the provision of electronic or distance learning packages where these are available.
- c. Children of Service Personnel** – Families of members of the Armed Forces are likely to move frequently – both in the UK and overseas and often at short notice. Schools and local authorities should contact the MoD Children's Education Advisory Service (CEAS) on 01980 618244 for advice on making arrangements to ensure continuity of education for those children when the family moves.
- d. Missing children and runaways** – 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 as well as missing education. Further sources of information about missing children are listed at the back of this document.
- e. Children and young people supervised by the Youth Justice System** – Children who have offended or are at risk of doing so are also at risk of disengaging from education. Local

authority Youth Offending Teams (YOTs) are responsible for supervising those young people (aged 8 to 18). YOTs should work with the local authority CME officer to ensure that children are receiving, or return to, appropriate full-time education. Where a young person was registered at a school prior to custody, the school may be able to keep the place open for their return.

f. Children who cease to attend a school – there are many reasons why a child stops attending a school. It could be because the parent chooses to home educate their child. However, where the reason for a child who has stopped attending a school is not known, the local authority should investigate the case and satisfy itself that the child is receiving suitable education.

g. Children of new migrant families – children of new migrant families may not have yet settled into a fixed address or may have arrived into a local authority area without the authority becoming aware, therefore increasing the risk of the child missing education.

Who might report a child as CME?

Anyone concerned that a child is missing from education can make a referral to the Education Social Welfare Service at Wirral Council. Agencies will be asked to complete a Referral Form CME01 which is also available on Wescom and from Education Social Welfare Service.

Most referrals come from:

- **Schools.** Schools should contact ESWS if a child has missed 2 weeks of school and it is believed they are no longer resident at the address held by school or immediately if there are safeguarding concerns. Safeguarding Procedures must be followed if school staff have safeguarding concerns.
- **Admissions Department.** If admissions processes have been followed and it has not been possible to secure education provision
- **CME Officer or Education Officer from another local authority.** If it is believed a child has moved into Wirral from that area.
- **Other Agencies or members of the public.** Other Agencies including: NHS, Community Health Services, Independent Schools, Education Welfare Service, Social Care, community agencies, or a concerned relative, friend or member of the public.

Definitions

Children Missing Education (CME) refers to ‘any child of compulsory school age who is not registered at any formally approved education activity (eg school, alternative provision, elective home education), and has been out of education provision for a substantial period of time (usually agreed as 4 weeks)’.

‘Suitable and efficient’ education refers to an education that achieves what it sets out to achieve and is suitable to a child’s age, ability and aptitude, and any special educational needs that child may have.

Compulsory school age. A child reaches compulsory school age on or after their fifth birthday. If they turn 5 between:

- 1st January and 31st March they are of compulsory school age on 31st March.
- 1 April and 31st August they are of compulsory school age on 31 August.
- 1st September and 31st December, then they are of compulsory school age on 31st December.

A child continues to be of compulsory school age until the last Friday of June in the school year that they reach sixteen.

Parent. A parent is defined in Section 576 of the 1996 Education Act as:

- all natural parents, whether they are married or not
- any person who, although not a natural parent, has parental responsibility for a child or young person
- any person who has care of a child (having care of a child or young person means that the child lives with and is looked after by that person, irrespective of their relationship).

School. For the purposes of this guide school is used to refer to all maintained schools, academies, free schools, independent schools, alternative provision schools or any education provision where a child is registered as their main education base.

Appendix 1

SCHOOL REFERRALS

Actions BEFORE schools consider removing a pupil from the school roll:

- 1. Make appropriate school enquiries and record the efforts and information obtained in the first 2 weeks that the pupil is missing from education.**
- 2. If concerns exist for the pupil's safety or wellbeing, contact CADT on 0151 606 2008 immediately, then report the pupil as Missing from Education (as soon as possible and within 3 days) using form CME01.**
- 3. Complete CME01 Referral form detailing all school enquiries made and forward to the Missing Pupil Officer at Wirral Council.**
- 4. The Referral will be logged. Additional enquiries to those made by school will be made by Education Social Welfare Service. Pupils names should not be removed from the school roll without the agreement of the CME Officer or ESWS.**

