



## Holy Trinity Catholic School Children Missing in Education 2021

Date ratified by Governing Body.....

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### 1. Definition and Overview

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The statutory guidance **Children Missing Education (September 2016)** sets out the key principles to enable local authorities in England to implement their legal duty under section 436A of the Education Act 1996 to make arrangements to identify, as far as it is possible to do so, children missing education (CME). Local authorities should be able to demonstrate that they have considered this statutory guidance and, where it is not followed, the local authority should have reasonable grounds for not doing so.

1. All children, regardless of their circumstances, are entitled to an efficient, full time education which is suitable to their age, ability, aptitude and any special educational needs they may have;
2. Children missing education are children of compulsory school age who are not registered pupils at a school and are not receiving suitable education otherwise than at a school. Children missing education are at significant risk of underachieving, being victims of harm, exploitation or radicalisation (including travel to conflict zones), and becoming NEET (not in education, employment or training) later in life;
3. Effective information sharing between parents, schools and local authorities is critical to ensuring that all children of compulsory school age are safe and receiving suitable education. Local authorities should focus their resources effectively in intervening early in the lives of vulnerable children to help prevent poor outcomes.

**Statutory guidance for local authorities: Children missing education (September 2016)**

## 2. Risks

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These 'missing' children can be vulnerable; it is essential that all services work together to identify and re-engage these children back into appropriate education provision as quickly as possible. It is important to establish the reasons for the child being missing at the earliest possible stage.

Possible reasons why a child is missing education include:

- Failure to start appropriate provision and never enter the system;
- Stopped attending, due to illegal exclusion or withdrawal by parent/carers;
- Failure to complete a transition between schools;
- Children from refugee and asylum seeking families;
- Children from families who are highly mobile;
- Children experiencing mental health problems;
- Children at risk of a forced marriage;
- Children at risk of Female Genital Mutilation (FGM);
- Children experiencing abuse and neglect.

Children who remain disengaged from education are potentially exposed to higher degrees of risk.

Children who are missing out on education are at increased risk of being criminally exploited or being groomed and exploited by gangs.

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. See [Children Missing from Care, Home and Education Procedure](#).

When families move between local authority areas it can sometimes lead to a child becoming 'lost' in the system and consequently missing education. Where a child has moved, local authorities should check with other local authorities – either regionally or nationally – and share information in order to ascertain where a child has moved. Once the location of the child is established, the relevant local authority must ensure that the child is receiving an education either by attending a school or the provision of electronic or distance learning packages where these are available.

Research has shown that many children from Gypsy, Roma and Traveller (GRT) 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.

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)** for advice on making arrangements to ensure continuity of education for those children when the family moves.

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) work with young people (aged 10 to 18 years) who are involved with the Criminal Justice System. YOTs should work with the local authority CME officer to ensure that children they are working with are receiving, or return to, appropriate full-time education.

### **3. Indicators**

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#### **Schools**

As a result of daily admissions registration, schools are particularly well placed to notice when a child has gone missing. If a member of school/educational establishment/college staff becomes aware that a child may have run away or gone missing, they must try to establish with the parents/ carers, what has happened.

If this is not possible, or the child is missing, the designated safeguarding lead should, together with the class teacher, assess the child's vulnerability by making reasonable enquiries, and where appropriate refer (see also **Referrals Procedure**) any concerns about the child to Children's Social Care.

Schools must monitor attendance closely and address poor or irregular attendance. It is important that pupils' poor attendance is referred to the local authority.

In the more general circumstances of a child going missing who is not known to any other agencies, the Head Teacher should inform the Pupil Tracking Officer and Education Welfare Officer of any child who has not attended for 10 consecutive school days without provision of reasonable explanation.

In the more general circumstances of a child going missing who is not known to any other agencies, and there are no immediate safeguarding concerns, the Head Teacher must investigate and inform the Pupil Tracking Officer and Education Welfare Officer of any child who has not attended for 10 consecutive school days without provision of reasonable explanation.

All schools, colleges and educational providers have a safeguarding duty in respect of their pupils, and this includes investigating any unexplained absences.

**All schools are required to notify the local authority within 5 days when a pupil's name is added to the admission register at a non-standard transition point. Schools will need to provide the local authority with all the information held within the admission register about the pupil.**

Schools must notify the local authority when a pupil's name is to be removed from the admission register at a non-standard transition point under any of the fifteen grounds set out in the regulations, as soon as the ground for removal is met and no later than the time at which the pupil's name is removed from the register and investigate their forward destination.

In line with the duty under section 10 of the Children Act 2004, the expectation is that the school and the local authority will have in place procedures designed to carry out reasonable enquiries. The type of procedures may include the appropriate person checking with relatives, neighbours, landlords – private or social housing providers – and other local stakeholders who are involved. They should also record that they have completed these procedures. If there is reason to believe a child is in immediate danger or at risk of harm, a referral (see [Referrals Procedure](#)) should be made to Children's Social Care (and the Police if appropriate).

### **Other Agencies**

Where any agency in contact with children and families believes that a child is not on the roll of a school or receiving education otherwise, then this information must be passed to the Pupil Tracking Officer in the local authority with any details they have of the child in question. If they have concerns about the welfare of the child, they must refer to Children's Social Care.

### **Pupil Tracking Officer**

The Children Missing education Officer (CME) must ensure that reasonable enquiries are made - e.g. home visits, liaison with Children's Social Care and/or Housing - and notify the school if it appears that the child has moved out of the area.

If no information is forthcoming within 2 days, the CME Officer should alert their manager, who should inform Children's Social Care and the Police in writing.

## **4. Protection and Action to be Taken**

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Head Teachers must inform the CME Officer and the child's social worker immediately if child who is Looked After or subject to a Child Protection Plan is missing.

In the following circumstances a referral to Children's Social Care and / or the Police must always be made promptly:

- The child may be the victim of a crime;
- The child is subject of a Child Protection Plan;
- The child is subject of Section 47 enquiries;
- The child is Looked After;
- There is a known person posing a risk to children in the household or in contact with the household;
- There is a history of the family moving frequently.

Where a child on a school roll is missing, the child's name must not be removed from the school roll until they have been continuously absent for at least 4 school weeks and both the school and the education service have failed, after reasonable enquiry, to locate the pupil and their family. After 4 school weeks, the child's Common Transfer file should be uploaded to the Department for Education secure site for the transfer of pupil information when a pupil moves between schools. The CME Officer in the local authority must also be informed and school must note on S2S.

In these circumstances the child's name is kept on a centrally held register, and should be clearly identified as missing education.

Where the child's name has been removed from the school roll, but they have not been located, the Head Teacher should arrange for the pupil's records to be retained until the child is located. They may be held centrally according to local arrangements.

Where a Head Teacher has been notified by a parent that a pupil is receiving education other than at school, and has removed the child's name from the school roll, notification must be given to the education service within 10 school days; the pupil's records should then be transferred to the education service to be stored in accordance with local arrangements.

If a school receives a new pupil without receiving information about the pupil from their previous school, the school must contact the previous school to receive records.

If the CME Officer becomes aware the child has moved to another school they should ensure that all relevant agencies are informed and ensure the receiving school makes arrangements made to receive records from the previous school.

## 5. Issues

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A child missing from education is not in itself a child protection matter, and there may be a reasonable explanation for this. However, regular school attendance is an important safeguard and unexplained non-attendance can be an early indicator of problems, risk and vulnerability.

Schools should endeavour to deal with this problem in three ways:

- By preventing poor school attendance and truancy;
- By acting once absence has occurred to establish children's safety and try to get them back to school;
- By taking action to trace children whose whereabouts are not known.

## 6. Elective Home Education

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There is no suggestion or evidence that home-educated children are at any greater risk of abuse or neglect than other children. However, it is possible that where abuse or neglect is already taking place, it can be easier to hide if the child is home-educated and is not necessarily being seen on a regular basis by professionals such as teachers. This potentially increases the chances that any parents who set out to use home education to avoid their child having contact with agencies may be more successful by doing so.

Safeguarding concerns may not simply arise in relation to the family. Some parents who educate at home believe that by doing so, they are safeguarding their child from risk in the school environment (e.g. because their child was being bullied or their emotional well-being was being adversely affected by the school system).

Local authorities should approach all cases where they have concerns about the suitability of home education being provided using their powers in the Education Act 1996. However, they should also be ready, if a lack of suitable education appears likely to impair a child's development, to carry out their safeguarding responsibilities to protect the child's well-being, which includes their right to a suitable education.

These duties are set out in [Elective Home Education - Guidance for Local Authorities and Schools About Children Educated At Home \(GOV.UK\)](#).

## 7. Unregistered Schools

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An unregistered school is a setting that is operating as an independent school, without registration. Independent schools in England must be registered by the Secretary of State for Education before operating. It is a criminal offence to operate an independent school that is not registered.

An 'independent school' is defined as a school that is not maintained by a local authority, an academy or free school or is not a non-maintained special school, and at which full-time education is provided for:

- a. Five or more pupils of compulsory school age; or
- b. For at least one pupil of that age who is looked after by a local authority or has an Education, Health and Care plan.

The term "full-time" is not defined in legislation but Department for Education guidance states that an institution providing education for more than 18 hours per week is considered to be providing full-time education.

Unregistered schools may operate for a variety of reasons of which the most common are alternative provision (for pupils who do not attend mainstream school due to school exclusion, behaviour issues, school refusal, or short- or long-term illness), general education providers (including for home educated children) or religious instruction.

Where unregistered schools are found to have been operating illegally, it may simply be because of a lack of awareness of legislation or an administrative oversight, however children in these settings are potentially at risk because there is no formal, external scrutiny of the arrangements for safeguarding, health and safety or the quality of education provided.

If the local authority becomes aware of an unregistered setting operating in Oxfordshire, it must inform the DfE Unregistered Settings team immediately.

See: [Regulating independent schools \(GOV.UK\)](#) for more information.

### [Brexit Information Domestic Abuse Act 2021](#)

#### **Further Information**

This guidance should be read in the context of the statutory duties upon local authorities and parents as set out in the following:

- [The Education Act 1996 section 436A](#);
- [The Education Act 2002](#);



- **The Children Act 1989;**
- **The Children Act 2004;**
- **Statutory guidance for local authorities: Children missing education (September 2016);**
- **Elective Home Education Guidelines;**
- **Unregistered independent schools and out of school settings** - non-statutory guidance for local authorities;
- **School Admissions Code;**
- **School to school service: how to transfer information;**
- **The Education (Pupil Registration) (England) Regulations 2006**, as amended (Education law regarding pupil registration where a child is on a school roll); **The Education (Pupil Registration) (England) (Amendment) Regulations 2013**; as amended **The Education (Pupil Registration) (England) (Amendment) Regulations 2016**.

The **Children Missing Education (Statutory Guidance)** emphasises the safeguarding duties placed on maintained schools by **Section 175 of the Education Act 2002**.

It also seeks to ensure that the duty to co-operate to improve the well-being of children under **Section 10 of the Children Act 2004** is discharged. All schools will have a Designated Teacher for Looked After and Previously Looked After Children. These teachers are ideally placed to assist when identifying those children currently in school who may be at greater risk of going missing from education.