

# Children Missing Education

## Policy and procedure

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## Contents

1. Introduction .....	2
a) Legal context .....	2
b) Purpose of the document .....	3
c) Who are CME? .....	4
2. A multi-agency approach.....	5
a) How and why do children become CME?.....	5
b) CME referral processes .....	6
c) CMEO responsibilities .....	6
d) Risk assessment / prioritisation of referrals .....	6
e) Responsibilities of all educational provisions.....	7
3. CME – off rolling procedures for schools.....	9
Who should be referred as a CME?.....	10
Elective home education.....	11
Common transfer file (CTF) requirement .....	11
Lost pupil database.....	11
Child protection.....	12
4. The role of partner agencies .....	12

5. CME referral process .....	12
6. Referral forms .....	13
CME pro-forma .....	13
Out of education referral form .....	14
7. Reporting and monitoring arrangements .....	14
Appendix 1 .....	15
Appendix 2 .....	0
Further advice and information .....	1
Other useful contacts .....	1

## 1. Introduction

Luton Council is concerned about any child missing education, as it is not just attainment at risk, but also potentially safety and welfare. Children who are not receiving a suitable education are more likely to be vulnerable and at risk of negative outcomes which may have implications on later life chances. They are also at greater risk of becoming NEET (not in education, employment or training).

The key concept of the CME policy is to ensure that children missing, or at risk of missing, education are identified, tracked and re-engaged in appropriate full time education with lasting success, and that children who move out of Luton are tracked until they are engaged in education elsewhere, so that no child ‘slips through the net’.

### a) Legal context

In summary the procedures in this policy support the following acts.

- The Education and Inspections Act 2006 which places a duty on local authorities to make arrangements to enable them to identify children and young people of compulsory school age missing education in their area.
- These procedures are in line with the local authority’s statutory duty under Section 436A of the Education Act 1996, as amended by Section 4 of the Education and Inspections Act 2006. These require all local education authorities to make arrangements to establish (so far as it is possible to do so) the identities of children in their area who are not registered at a school, for example, at home, privately or in alternative provision, and are not receiving a suitable education.
- Section 175 of the Education Act 2002, which places a duty on local authorities to exercise their functions with a view to safeguarding and promoting the welfare of children

The policy should be read in conjunction with:

- [The Education \( Pupil Registration\) Regulations 2006 amended 2016](#)
- [Children missing education – statutory guidance for local authorities, DFE 2013](#)
- [Children missing education – statutory guidance for local authorities, DFE 2015](#)
- [Keeping children safe in education – statutory guidance for schools and colleges Sept 2016](#)
- [Luton Safeguarding Children Board interagency policies and procedures](#)

## b) Purpose of the document

This document is intended to inform local authority (LA) staff, head teachers, governing bodies of schools and other involved agencies about the policy and procedures to be followed in order to prevent children becoming CME.

Unless otherwise specified, 'school' means all schools whether maintained, non maintained or independent schools, including academies and free schools, alternative provision academies and pupil referral units.

The best way for the LA and its schools to track the welfare of all children is to ensure that they are all on a school roll and that children do not 'slip' off school rolls and become 'missing' or that they are registered with the LA as home educated. All schools are encouraged by the LA to adopt this policy as good practice.

The purpose of the CME policy is to enable the local authority to fulfil its statutory duty to provide education for all children of compulsory school age. It also outlines the processes in place to identify and track children and young people missing education, and to identify those at risk of becoming missing from education and the monitoring systems to ensure that action is taken to re-engage them with 'suitable education'.

'Suitable education' is defined as efficient full-time education suitable to their age, ability and aptitude and to any additional educational needs.

The policy applies to children of compulsory school age who:

- are not on school roll
- are not receiving a suitable education otherwise than being at school
- have been out of any educational provision for a substantial period of time

In relation to children who are registered at a school and not attending regularly (missing from education) this would be subject to interventions through the existing attendance strategies and education welfare procedures.

The duty to identify children not receiving an education does not apply to children whose parents have chosen to electively home educate them. Parents have a duty to ensure that their children receive an efficient and suitable full-time education.

This may be through regular attendance at school or otherwise (section 7, Education Act 1996), and they may arrange this outside the state or independent school system.

## Definition for children missing education (CME)

The DfE defines CME as:

‘Children of compulsory school age who are not registered pupils at a school and are not receiving suitable education otherwise than at a school and who have been out of any educational provision for a substantial period of time (usually four weeks or more).’

### c) Who are CME?

Whilst the council recognises that all CME are vulnerable it recognises that particular groups of children may be more at risk of becoming CME and will target these groups accordingly. These groups include children and young people:

- with high mobility
- excluded from school
- involved in the youth justice system
- involved in persistent antisocial behaviour
- at risk of harm
- who are privately fostered
- at risk of child sexual exploitation, trafficking, FGM or radicalisation

There will be instances where the LA or school is unaware of children with complex issues, who may come to the attention of other agencies such as community organisations, and include children and young people. These include:

- at risk of forced marriage, and honour-based violence
- at risk of sexual exploitation, including children who have been trafficked to or within the UK
- involved with their families in the witness protection programme and may be required to relocate without explanation or trace
- from families who are involved in fraud, social difficulties, crime and anti-social behaviour
- young runaways
- are from migrant worker families who may not be familiar with the education system
- are newly arrived immigrant families
- are from families who disappear without trace when asylum has not been granted or if accommodation has not been allocated in their preferred location

These children can only be identified via multi-agency involvement, thus requiring strong partnership working and clear referral procedures.

## 2. A multi-agency approach

Children who remain disengaged from education provision are potentially exposed to higher degrees of risk that could include engagement in anti-social or criminal behaviour, social disengagement and/or sexual exploitation.

Children and young people from these groups often have complex needs due to difficult family dynamics or social or lifestyle factors, all of which may contribute to the withdrawal process and failure to make successful transition.

The vulnerability of many children missing education requires that practitioners across all agencies and services use multi-agency approaches to identify and re-engage these children and their parents to return to appropriate education quickly and to develop action plans and make relevant referrals to ensure successful reintegration.

The responsibility for reducing the risks of children missing education is carried out through a strategic and multi-agency framework where all agencies share information on the identification of children and young people missing education.

### a) How and why do children become CME?

Children and young people become children missing education for a variety of reasons. They may:

- simply move and their families do not tell either the new or old authorities
- be unable to attend their preferred school as no places are available and do not take up the offer of an alternative place
- never enter the education system because they fail to start appropriate provision at the start of compulsory school age (there is no requirement for parents to inform local authorities that they intend to educate at home if the child has never attended school)
- be withdrawn by their parents who elect to educate at home and both parents and the school fail to notify the local authority
- cease to attend school due to disputes, parental dissatisfaction, unofficial exclusion or removal from school roll
- have fled the area as part of a planned/unplanned safety arrangement
- fail to complete a transition between providers, for example from primary to secondary school or from a school to alternative provision
- move area and do not register with a school, or depending on their circumstances may not see re-enrolment at school as a matter of urgency
- enter the country and do not register with a school
- move into or out of the Looked after Children (LAC) system without prior notice or planning
- be excluded or withdrawn from independent schools
- not wish to be found and may change names and move quickly from place to place

Note this list is not exhaustive.

## b) CME referral processes

Within the LA there is a dedicated Children Missing Education Officer (CMEO) whose role is to receive notifications of children possibly missing education, and to manage local procedures in line with statutory guidance.

## c) CMEO responsibilities

The LA/CMEO lead officer will:

- produce a written policy and procedure
- ensure that there are embedded arrangements to identify and provide services for children missing education
- identify and provide clear notification routes and processes for key stakeholders
- investigate CME referrals made by schools, other agencies and other LAs
- support out of school children and families with action planning for reintegration into education where possible
- maintain a database of CME
- use the Lost Pupil Database area of the S2S site for tracking CME
- ensure that up to date information regarding school places and access to alternative provision is readily available from pupil Admissions
- ensure appropriate monitoring and tracking systems are in place
- deliver training to schools and agencies to support the CME function, if requested
- support schools to make an effective contribution to the referral and tracking processes
- support and encourage schools to transfer files via S2S
- monitor the effectiveness of processes
- information share with other service leads including the single point of contact for CSE
- provide reports to senior managers, elected members, the LSCB and the DfE against agreed criteria as part of the LA Performance Management Framework
- ensure representation at regional and local meetings

The LA has a duty under Section 436 A of the Education Act 1996 to establish (in so far as is possible to do so), the identities of children in its area who are of compulsory school age but are not registered pupils at a school or receiving some other form of suitable education.

The obligation under Section 436A of the Education Act 1996, as outlined above, includes a duty under s437 of the Education Act to intervene if it appears that a child is not receiving a suitable education.

## d) Risk assessment / prioritisation of referrals

Due to large numbers of referrals it may be necessary for the CME caseload to be prioritised due to the potential risk to the child. High risk will be identified by the following criteria:

- children with a child protection plan
- looked after children

- young runaways
- children engaged in offending behaviour
- children 'in need'
- children living in homes where domestic abuse exists
- children with vulnerabilities as defined under Safeguarding in Specific Circumstances
- where there is known parental substance misuse, mental illness or learning disability

### e) Responsibilities of all educational provisions

Schools also have safeguarding duties under section 175 of the Education Act 2002 in respect of their pupils, and as part of this should investigate any unexplained absences. Academies and independent schools have a similar safeguarding duty for their pupils.

Schools have a key role in ensuring that children do not become CME. All schools are required to have an admission register and, with the exception of schools where all pupils are boarders, an attendance register. All pupils must be placed on both registers.

From 1 September 2016, under The Education (Pupil Registration (England) (Amendment)) Regulations 2016, all schools, including independents, are required to:

- inform their LA when they are about to delete a pupil's name from the admission register under **all fifteen grounds**
- record details of the pupil's residence, the name of the person with whom they will reside, the date from which they will reside there, and the name of the destination school (where they can reasonably obtain this information)
- inform their LA of the pupil's destination school and home address if the pupil is moving to a new school
- provide information to their LA when registering new pupils within five days, including the pupil's address and previous school (where they can reasonably obtain this information).

## [Education \(Pupil Registration \(England\) \(Amendment\) Regulations 2016](#)

The following is an extract from The Education (Pupil Registration (England) (Amendment) Regulations 2016 which sets out the grounds for deletion from roll.

### **Deleting a pupil of compulsory school age from the school admission register (Pupil Registration) (England) amendment Regulations 2016**

1. 8(1) (a) - where the pupil is registered at the school in accordance with the requirements of a school attendance order, that another school is substituted by the local authority for that named in the order or the order is revoked by the local authority on the ground that arrangements have been made for the child to receive efficient full-time education suitable to his age, ability and aptitude otherwise than at school.
2. 2.8(1)(b) - except where it has been agreed by the proprietor that the pupil should be registered at more than one school, in a case not falling within sub-paragraph (a) or regulation 9, that he has been registered as a pupil at another school.
3. 8(1)(c) - where a pupil is registered at more than one school, and in a case not falling within sub-paragraph (j) or (m) or regulation 9, that he has ceased to attend the school and the proprietor of any other school at which he is registered has given consent to the deletion.
4. 8(1)(d) - in a case not falling within sub-paragraph (a) of this paragraph, that he has ceased to attend the school and the proprietor has received written notification from the parent that the pupil is receiving education otherwise than at school.
5. 8(1)(e) - except in the case of a boarder, that he has ceased to attend the school and no longer ordinarily resides at a place which is a reasonable distance from the school at which he is registered.
6. 8(1)(f) - in the case of a pupil granted leave of absence in accordance with regulation 7(1A), that:
  - i. the pupil has failed to attend the school within the ten school days immediately following the expiry of the period for which such leave was granted;
  - ii. the proprietor does not have reasonable grounds to believe that the pupil is unable to attend the school by reason of sickness or any unavoidable cause; and (iii) the proprietor and the local authority have failed, after jointly making reasonable enquiries, to ascertain where the pupil is.
7. 8(1)(g) - that he is certified by the school medical officer as unlikely to be in a fit state of health to attend school before ceasing to be of compulsory school age, and neither he nor his parent has indicated to the school the intention to continue to attend the school after ceasing to be of compulsory school age.
8. 8(1)(h) - that he has been continuously absent from the school for a period of not less than twenty school days and —
  - i. at no time was his absence during that period authorised by the proprietor in accordance with regulation 6(2);

- ii. the proprietor does not have reasonable grounds to believe that the pupil is unable to attend the school by reason of sickness or any unavoidable cause; and (iii) the proprietor of the school and the local authority have failed, after jointly
  - iii. making reasonable enquiries, to ascertain where the pupil is;
- 9. 8(1)(i) - that he is detained in pursuance of a final order made by a court or of an order of recall made by a court or the Secretary of State, that order being for a period of not less than four months, and the proprietor does not have reasonable grounds to believe that the pupil will return to the school at the end of that period.
- 10. 8(1)(j) - that the pupil has died.
- 11. 8(1)(k) - that the pupil will cease to be of compulsory school age before the school next meets and—
  - i. the relevant person has indicated that the pupil will cease to attend the school; or (ii) the pupil does not meet the academic entry requirements for admission to the school's sixth form.
- 12. 8(1)(l) - in the case of a pupil at a school other than a maintained school, an Academy, a city technology college or a city college for the technology of the arts, that he has ceased to be a pupil of the school.
- 13. 8(1)(m) - that he has been permanently excluded from the school.
- 14. 8(1)(n) - where the pupil has been admitted to the school to receive nursery education that he has not on completing such education transferred to a reception, or higher, class at the school.
- 15. 8(1)(o) where—
  - i. the pupil is a boarder at a maintained school or an Academy;
  - ii. charges for board and lodging are payable by the parent of the pupil; and (iii) those charges remain unpaid by the pupil's parent at the end of the school term to which they relate.

### 3. CME – off rolling procedures for schools

Schools cannot remove a pupil from roll until all reasonable enquiries have taken place over a period of no less than four weeks. If this process has not been followed schools will be required to reinstate pupils back on to the school roll. If the new address of a family is known, in another area of the authority, the child must not be removed from roll.

If a child leaves a Luton school without a destination school, or when a child does not return from a holiday, the school should follow the CME procedures (please See process chart 2)

A child missing education pro-forma should not be completed for a child:

- of non compulsory school age
- being home educated (confirmed in writing to the school) – see the procedures in place for EHE
- moving to an independent school (registered with the DfE) and it is confirmed that he/she is on roll there
- moving area and is confirmed as attending another school

- living at the given address, and has stopped attending the school - the child must not be removed from roll and the EWO/school should proceed with non-school attendance interventions as appropriate

### Who should be referred as a CME?

A CME referral (CME pro-forma) **should be** completed for:

- a child of compulsory school age who is missing school and reasonable enquiries have been completed to establish that the child is **no longer living at the given address**

Following completion of reasonable enquiries, by the EWO/school if the child is not located at the registered address, the child can be removed from roll after twenty school days (unless there are child protection/safeguarding concerns). A CME pro-forma must be completed by the school/EWO, clearly stating that the child is no longer living at the address in the 'Reason for removal from Roll' section:

- a child who has been confirmed as having moved abroad
- a child who has not returned from extended leave on the agreed date and enquiries have been completed within a period of the next ten days
- where a child is found at the address, who has returned from abroad, he/she must not be removed from roll – Education Welfare Service interventions should be employed  
(a child can be removed from roll after this period if they have still not returned from abroad)
- a child who has moved to a private unregistered provision

For all 4 of these categories, following completion of reasonable enquiries online CME pro-forma should be completed.

The reason for removal from roll should be clearly stated and any relevant and current child protection information must be completed including actions taken for:

A child **must not be removed from roll**, even if moved out of the area (until registered with another educational provision) where:

- he/she is a looked after child (child in care);
- has an EHC Plan
- there are child protection concerns - reasonable enquiries
  - reasonable efforts must be made in collaboration between the EWO/school to identify the child's current whereabouts/destination this may include the following: (please refer to the Flow Chart 2) checks with the pupil's friends, siblings, and known relatives at this school and other schools
- contact to the extended family
- checks with members of school based staff who the child may have had contact with SENCO, school nurse etc
- checks with other agencies with known involvement

- home visits and enquiries with neighbour(s) (minimum of 3 non contact visits made at different times of day to be evidenced)
- telephone calls to any numbers held/identified
- letters sent to the family
- enquiries made with the Housing Department

### Elective home education

It is sufficient for a school to inform the Education Welfare Officer (EWO) and for the EWO to inform the Elective Home Education Officer if a child is being home educated. A CME pro-forma is not required to be sent to CME officer.

The Elective Home Education team will update the database and Capita One to reflect this status to ensure there are no gaps when reconciling and tracking the movement of a child. The Home Education officer will alert the CMEO if education is unsatisfactory, for a School Attendance Order to be issued.

### Common transfer file (CTF) requirement

There is a statutory requirement to send specified information about a pupil moving school to the receiving school. Detailed guidance on compiling and sending the CTF is available here: [GOV.UK: School to school \(S2S\) data transfer system - guides](#)

A CTF must be sent within 15 school days of the pupil ceasing to be registered at the old school, unless the new school is not known. In this case, a missing child investigation must be carried out by the school. Then a transfer file using XXXXXXXX as the destination should be created and uploaded onto the secure site.

If a request is made from the pupil's new school, it should be sent within 15 school days.

Schools should upload CTF files to the 'lost pupil' section of the S2S secure website when a child has moved:

- into the independent sector
- on to elective home education
- abroad
- and their destination is unknown

### Lost pupil database

All CTF files for children moving as above will be securely stored in the 'lost pupil' area of the S2S website. Schools must upload CTF files to this site. The LA cannot accept hard copy school records of 'lost pupils'. These must be archived by the last school and transferred on request.

It is important that any new school views current child protection concerns in the context of previous concerns, therefore, it is particularly important that any child

protection chronologies should be kept separate from the school file and transferred to the new school (once known) in line with LSCB transfer guidance.

## Child protection

This policy and the multi-agency procedures within it do not replace any of the local safeguarding board (LSCB) multi agency procedures and are to be used in conjunction with them.

Existing safeguarding procedures and mechanisms for reporting and recording child protection concerns are to be observed at all times whilst understanding the relationship between the increased risks to children who are missing from education.

If at any time a school has child protection concerns, in line with Luton's threshold guidance, they must report this to:

### **Rapid Interventions and Assessment team**

Telephone: 01582 547653

Email: [cme@luton.gov.uk](mailto:cme@luton.gov.uk)

The CMEO must be notified of any child or young person thought to be missing education over four week period by secure email.

## 4. The role of partner agencies

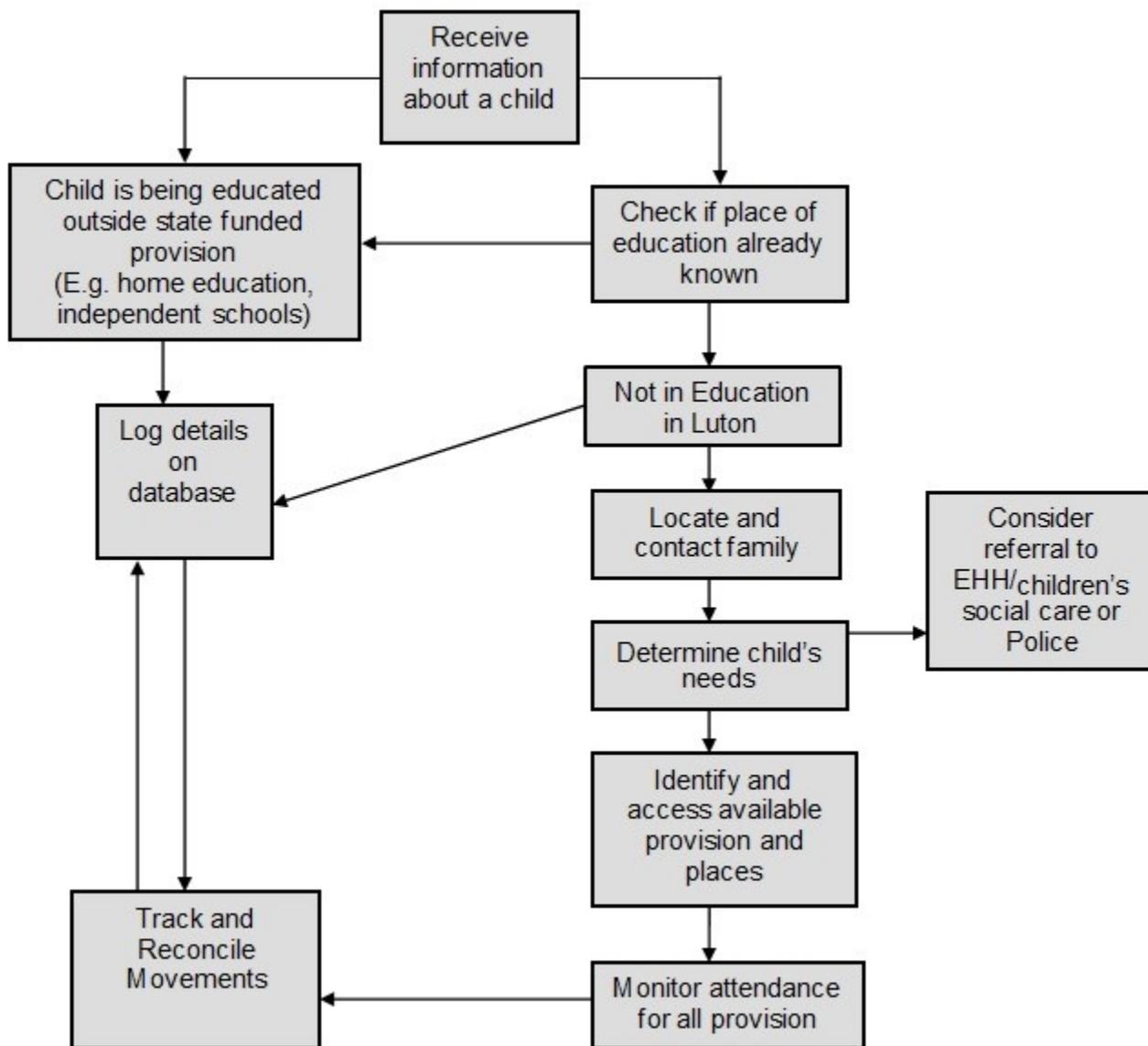
There is an expectation under the Children Act 2004 that all agencies will work together to promote the safeguarding and welfare of children and to share information so that children and young people do not 'slip through the net' and become missing.

There is a fundamental principle that all professionals and practitioners of Luton Council and partners have some level of responsibility around the issue of children missing education. In terms of ensuring that children are identified and tracked, referred appropriately, with needs assessed and coordinated interventions put in place.

Therefore, as notification can be received from within the local authority, external agencies, the public, schools, children and young people and other local authorities, it is vital that all agencies understand and use the referral route appropriately and consistently.

## 5. CME referral process

The flowchart on the following page shows the CME referral process in Luton, from first receiving information about a child.



## 6. Referral forms

The following monitoring forms underpin the multi-agency procedures and responsibilities of the Local Authority, Schools and other agencies/services.

### CME pro-forma

(For use by school staff and other referrers of statutory aged children who move with no known destination school)

Schools are required to use the CME pro-forma. A full investigation, as detailed in this form should be undertaken, and the CTF uploaded to the 'lost pupil'

section of the S2S secure website before the child can be removed from the school roll.

A CME pro forma must be completed when a child:

- has moved and their forwarding address/destination school is unknown
- moved abroad
- failed to return from authorised or unauthorised leave

If supporting letters from parents verifying how and where their child is being educated are attached to a CMA pro-forma, a full investigation is not always required. A CME pro-forma will still need to be completed and a copy of this should be emailed to the CME officer.

### Out of education referral form

(For use by all referrers of statutory aged children resident in Luton but not on roll with a school)

This form must be used to refer any child who is resident in Luton who may be out of school. As casework with the family often runs parallel to a School Attendance Order it is essential that the full names (including first names) of parents or carers are provided where possible, as well as details of other children living in the home.

Other relevant information needs to be included about the child or family in the referral form. After an initial database search the CME officer will contact the referrer to confirm if this referral will be included in CME casework.

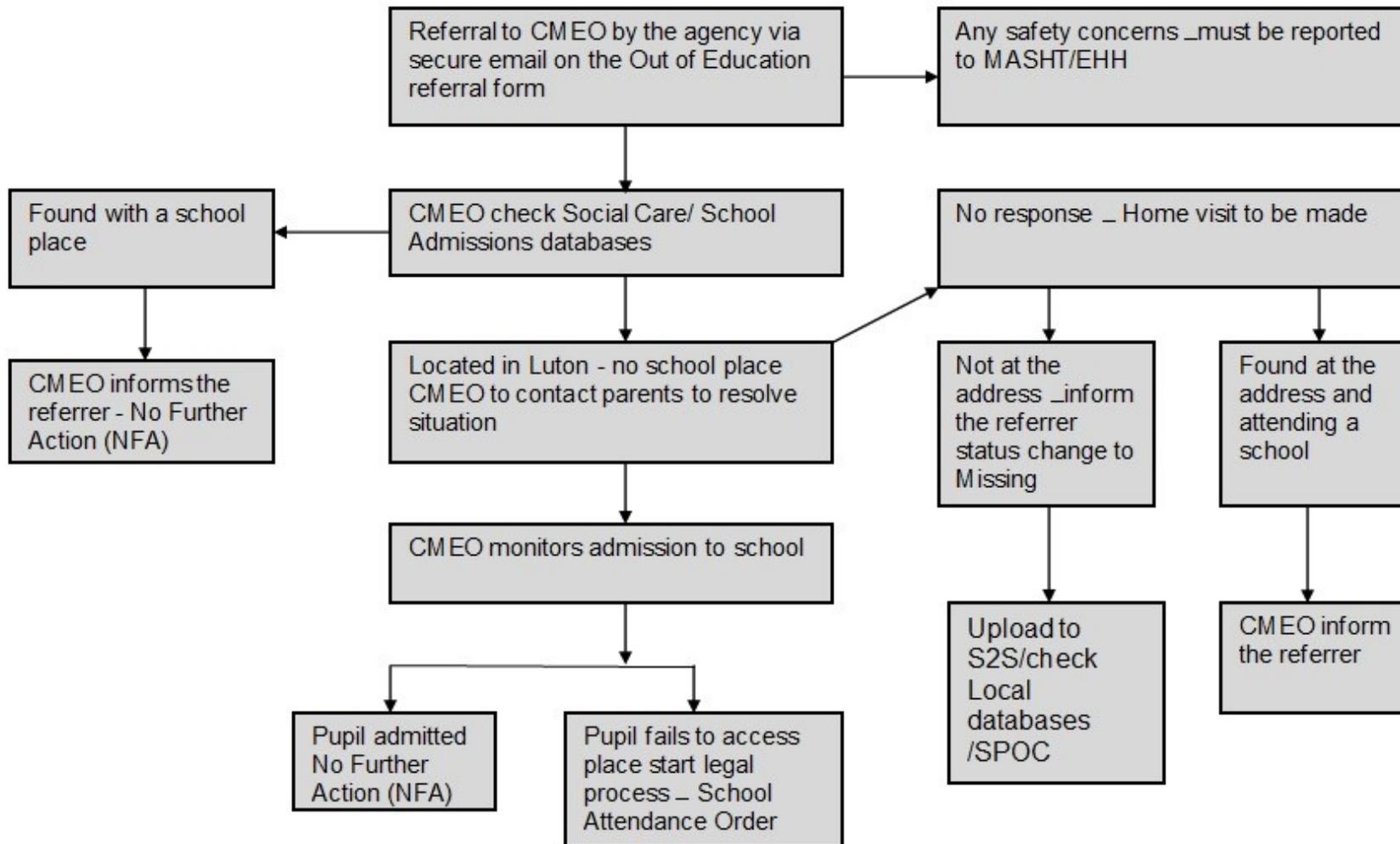
## 7. Reporting and monitoring arrangements

The process of CME is subject to regular monitoring and reporting including but not exhaustive to:

- an annual report to Luton Safeguarding Children Board
- annually to the Children, Families and Education department - Departmental Management team
- monthly service performance reports
- through the EMS database (status and numbers)

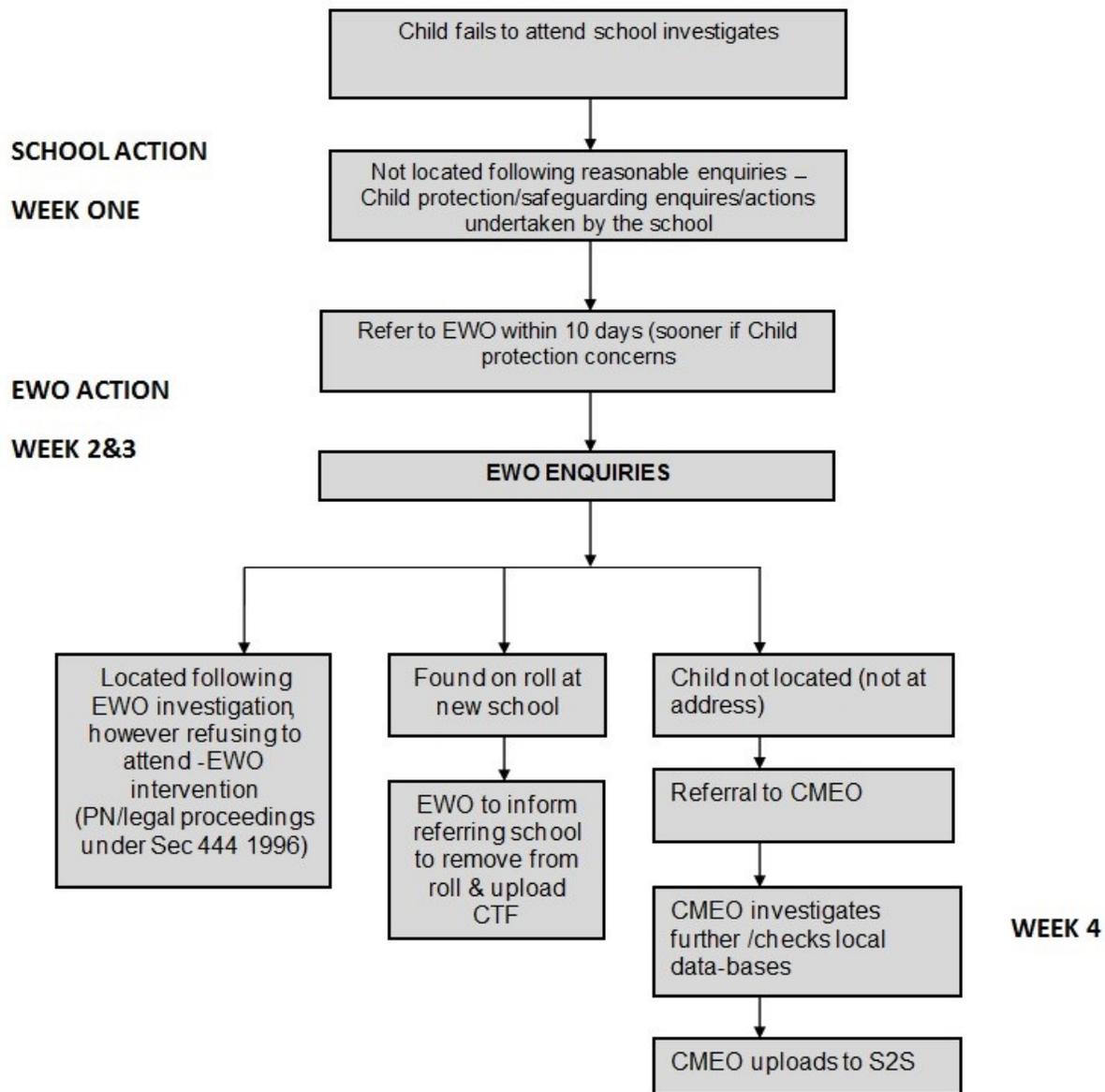
# Appendix 1

Process chart 1 - out of education referral from other authorities and agencies (OOS referral)



# Appendix 2

Process chart 2 – CME referral from Luton schools



## Further advice and information

For further advice and information contact CME Lead Officer on **01582 548180** or email: [cme@luton.gov.uk](mailto:cme@luton.gov.uk).

### Other useful contacts

- Safeguarding in Education Team: **01582 548980**
- Rapid Intervention and Assessment Team (MASH) Luton children and family social care services: **01582 547653**
- Early Help Assessment Team (EHA): **01582 548231**
- Education Welfare Service: **01582 548174**
- Police: **01582 401212**