

Children Missing Education Policy

January 2025

<https://www.staffordshire.gov.uk/Education/Education-welfare/Children-missing-from-education.aspx>

Staffordshire County Council

Introduction

Under 436A of the Education Act 1996, local authorities have a duty to make arrangements to establish the identities of children in their area who are of compulsory school age but who are not registered pupils at school; and are not receiving suitable education otherwise.

Children who meet both conditions are referred to as ‘children missing education’ (CME).

The Department for Education guidance “Children Missing Education Statutory Guidance for Local Authorities August 2024” sets out the key principles to enable local authorities in England to implement their legal duty under section 436A of the Education Act 1996.


This guidance clearly states it is the expectation of each Local Authority to make reasonable enquiries to identify, as far as it is possible to do so, children missing education (CME).

In Staffordshire, the named individual who is responsible for CME is the Deputy Head of Attendance and Inclusion. Their responsibility is to receive referrals about children missing education and ensure all reasonable enquiries are made to identify them and ensure they are receiving a suitable education.

What legislation does this guidance refer to?

- 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)
- School Attendance (Pupil Registration) (England) Regulations 2024

Staffordshire County Council’s policy also refers to:

- Working Together to Safeguard Children 2024
 - Keeping Children Safe in Education 2024
 - Working together to improve school attendance 2024
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Context

“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.” Section 7, Education Act 1996

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, and becoming NEET (not in education, employment or training) later in life.

“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. All Local authorities have a duty to focus their resources effectively, intervening early in the lives of vulnerable children to help prevent poor outcomes.” (DFE Children Missing Education Statutory Guidance for Local Authorities August 2024)

Staffordshire County Council has high aspirations for all children living in its authority and has robust processes to identify compulsory school age children living in their area who are not registered at school or receiving an appropriate education. The admissions team and education welfare officers contact parents, work with other professionals (within and outside Staffordshire) and complete multiple lateral checks to identify children and support them back into education. This work is monitored by the Deputy Head of Attendance and Inclusion and the Team Leader of Families & Communities Education, Business Support and Assurance. The processes in place are regularly reviewed within bi-monthly meetings and the data is analysed. The Head of Attendance and Inclusion oversees the operational work undertaken.

When a safeguarding concern is identified, this is referred to social care immediately and if there is reason to believe a crime has been committed, the police are informed.

The admissions team and Education Welfare Officers work with the Virtual School and a range of professionals to ensure that there are effective arrangements in place to support the education of children in the care of the local authority and children with a social worker. This includes ensuring that there is timely communication and effective cooperation with other local authorities in relation to education placement changes, school admissions, achievement and exclusions.

Where there are concerns that children are at risk of becoming involved in violent extremist activity, in consultation with the schools these will be referred to Staffordshire Police Prevent Team in partnership with Staffordshire County Council's Education Safeguarding Advice Service (ESAS) and Staffordshire Children's Advice Service (SCAS).




Children at risk of CME

There are many circumstances where child may be missing from education and Staffordshire County Council assess child on an individual basis. There are certain points at which children are most at risk of becoming missing from education, and the most common reasons for this include:

- Children not registered by parents/carers at school when they achieve compulsory school age.
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- Children not registered at school for the start of high school (Year 7).
- Frequent house moves, periods of homelessness or time spent in refuges.
- Missing children and runaways
- Family breakdown.
- Children who cease to attend school for EHE or other reasons.
- Schools off-rolling pupils without the correct checks and procedures being followed.
- Exclusion (lawful and unlawful).

Certain groups of children are more vulnerable and so more likely to be affected by the factors listed above and include:

- Children in Public Care (CIC)
 - Children who have been or are the subject of a Child Protection Plan or a Child in Need plan.
 - Children of Service Personnel
 - Children and young people supervised by the Youth Justice System
 - Refugees and asylum seekers.
 - Gypsy, Roma and Traveller families.
 - Children who have experienced domestic violence or other adverse family circumstances.
 - Children with special educational needs.
 - Migrant families.
 - Children who have had attendance difficulties in the past.
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Parents' Responsibilities

The law entitles every child of compulsory school age to an efficient, full-time education suitable to their age, aptitude, and any special educational need they may have. It is the legal responsibility of every parent to make sure their child receives that education either by attendance at a school or by education otherwise than at a school. Where parents decide to have their child registered at school, they have an additional legal duty to ensure their child attends that school regularly. This means their child must attend every day that the school is open, except in a small number of allowable circumstances such as being too ill to attend or being given permission for an absence in advance from the Head of School.

Where a parent notifies the school in writing that they intend to home educate their child, the school must delete the child's name from the admission register once that date has passed and inform the local authority. However, the exception to this is if a School Attendance Order (SAO) is in place or there is an Education Health and Care Plan (EHCP) that names a specialist setting and the child is on roll, the child cannot be removed from roll without agreement from the local authority.

However, where parents verbally indicate that they intend to withdraw their child to be home educated, the school should consider notifying the local authority at the earliest opportunity. In Staffordshire, the Elective Home Education Lead can be requested to meet with parents and schools to discuss their intention with them and ensure that they have all the information they need prior to making a formal decision. Children with an EHCP can also be home educated but will need agreement from the local authority if the child is on roll at a specialist setting.

Where the EHCP sets out special education needs (SEN) provision that the child should receive at home, the local authority is under a duty to arrange that provision.

Where the EHCP names a school or type of school as the place where the child should receive his or her education, but the parent chooses to home educate their child, Staffordshire County Council's SEND Keyworker must assure themselves that the provision being made by the parent is suitable.

In such cases, Staffordshire County Council will review the plan to assure itself that the provision set out in it continues to be appropriate and that the child's individual needs continue to be met.



Local Authority Responsibilities

Staffordshire County Council (as all local authorities) has duties, powers and expectations to support their work on CME.

These include:

- Arranging suitable education for permanently excluded pupils from the sixth school day of exclusion
- Safeguarding children's welfare, and their duty to cooperate with other agencies in improving children's well-being, including protection from harm and neglect
- Serving notice on parents requiring them to satisfy the local authority that the child is receiving suitable education, when it comes to the local authority's attention that a child might not be receiving such education
- Issuing School Attendance Orders (SAOs) to parents who fail to satisfy the local authority that their child is receiving suitable education, if the local authority deems it is appropriate that the child should attend school
- Prosecuting parents who do not comply with a School Attendance Order
- Prosecuting or issuing penalty notices to parents who fail to ensure their school-registered child attends school regularly
- Applying to court for an Education Supervision Order for a child to support them to go to school
- Carrying out the expectations of local authority School Attendance Support Teams set out in the statutory guidance 'Working together to improve school attendance'.

Local authority officers have the authority to access the attendance and admission registers of all types of school to carry out their functions under the Education Acts. Officers are permitted to take digital or physical extracts.



School Responsibilities

To enable effective CME processes, all schools must make a 'new pupil return' or a 'deletion return' to the local authority when a pupil's name is added to or deleted from the school admission register (except during standard transition points unless the local authority requests it, as set out in the School Attendance (Pupil Registration) (England) Regulations 2024).

Schools must enter pupils' names on the admission register on the first day that the school and a person with control of the pupil's attendance (parent/carer) have agreed that the pupil will attend the school. If no date has been agreed or notified, the pupil's name must be entered on the first day they attend the school. Names must be entered from the beginning of the first session.

All schools must make a return to the local authority within five days when a pupil's name is added to the admission register (a 'new pupil return').

It is important that the school's admission register is accurate and kept up to date. Schools should regularly encourage parents to inform them of any changes whenever they occur, through using existing communication channels such as regular emails and newsletters. This will assist both the school and local authority when making enquiries to locate children missing education.

All Staffordshire schools and academies are expected to undertake reasonable enquiries, if a pupil fails to attend on the agreed date, to establish the child's whereabouts and to notify the local authority at the earliest opportunity of them failing to attend the school.

Where a pupil has not returned to school for twenty consecutive school days after a leave of absence or is absent from school for reasons statistically recorded as unauthorised absence for twenty consecutive school days, the pupil's name can only be removed from the admission register when the school and Staffordshire County Council after jointly making reasonable enquiries, to find out the location and circumstances of the child or have succeeded but agree there are no reasonable grounds to believe that they will attend the school again. In deciding there are no reasonable grounds to believe the pupil will attend the school again both school and local authority must agree, including that there are no reasonable steps that could be taken (either jointly or separately) to secure the pupil's attendance.

Neither ground for deletion applies if there are reasonable grounds to believe that the pupil is unable to attend because of sickness or unavoidable cause.

If a child cannot be located the child's details should also be uploaded by the school onto the s2s lost pupils' database.



All schools have a safeguarding duty in respect of their pupils, and as part of this should investigate any unexplained absences. Further information about schools' safeguarding responsibilities can be found in the Keeping children safe in Education (statutory guidance).

All schools must also make a return to the local authority (a 'sickness return') where a pupil of compulsory school age has been recorded in the attendance register as absent using code I (illness) and the school have reasonable grounds to believe that the pupil will be, or will have been unable to attend school because of illness for at least 15 school days during the school year, whether consecutive or not.

For more information and guidance on this, please refer to "Children who are missing education by reason of illness, exclusion from school or otherwise Policy"

<https://www.staffordshire.gov.uk/Education/Education-welfare/Documents/Section-19-and-Reintegration-Guidance-for-Schools-and-Academies.pdf>

Making Reasonable Enquiries and Referring as CME

The term 'reasonable enquiries' grants schools and local authorities a degree of flexibility in decision-making, particularly as the steps that need to be taken in each case will vary. The term 'reasonable' also makes clear that there is a limit to what the school and local authority is expected to do

In line with the duty under section 10 of the Children Act 2004, the school and the local authority have in place procedures designed to carry out reasonable enquiries. The type of enquiries may include the appropriate person checking with relatives, neighbours, landlords – private or social housing providers – and other local stakeholders who are involved. This information must be recorded on the child's file to demonstrate they have completed these procedures.

It is understandable and appropriate that schools should be concerned about revealing personal information about pupils. However, all information held by Staffordshire County Council (SCC) is processed in accordance with the Data Protection Act 2018 and the UK GDPR.

Data sharing in relation to CME can be justified under Article 6(e) the processing is necessary for the performance of a task carried out in the public interest or in the exercise of official authority vested in the controller. If special category data needs to be shared, it can be done under the substantial public interest condition in Article 9(2)(g) – backed up by condition 18 (Safeguarding of children and individuals at risk). SCC has a duty to ensure that children within its boundaries are being appropriately educated, and it is necessary for this function that we obtain this information.

When a child is expected in school (note: all children should be put on roll from the first day of expected attendance not when they cross the threshold) and does not arrive, for the first ten school days the school should make their own enquiries.

This should include trying to contact the parents/carers and any known emergency contact by telephone, email, letter and home visits.

When a child has not been seen by school for ten days and is not believed to be at the known address, Staffordshire County Council accept referrals from schools for reasonable enquiries. This referral is made via Staffordshire Learning Net so it can be received directly by the Education Welfare Service who will support the school by completing lateral checks with internal and external partners.

If after twenty school days (four school weeks) the child has not been located, and whereabouts are unknown by any professional, the school should complete and submit a CME Referral Form via

<https://www.staffordshire.gov.uk/Education/Education-welfare/Children-missing-from-education.aspx>

If a child is absent, or fails to return from an agreed holiday, the school should follow their normal procedures for investigating the absence, using “Reasonable Enquiries” (see point 3 above)

If a child is absent from school because they are believed to have moved away, school are still required to keep the pupil on roll whilst making reasonable enquiries, and only remove from roll after twenty school days have elapsed and the CME referral has been submitted. If the school receive notification that the child has been taken on roll at another school, they can de-register earlier than the twenty day period.

When the school and EWO have investigated, but not located the child and twenty school days have elapsed, schools should refer to CME and can remove the child off roll.

If there is a serious concern regarding the child, and you don't believe that the child or young person is being supported by an allocated worker, please contact the Staffordshire Childrens Advice & Support Service 0300 111 8007 and select option 1. <https://www.staffordshire.gov.uk/Care-for-children-and-families/childprotection/First-Response.aspx>

If the child is known to be at risk of immediate harm, this must be reported to the police on 999 or 101. Once you have reported to the police, please contact Staffordshire Childrens Advice and Support Service 0300 111 8007 and select option 1 or the Emergency Duty Team on [0345 604 2886](tel:03456042886) , outside office hours.

For all other concerns, the Education Safeguarding Advice Service (ESAS) is for educational professionals to seek non-urgent safeguarding advice on 01785 895836.

When a child is deleted from the school's admissions register, the school must update their school management information system and clearly indicate the date and the reason for removal from roll.

When a pupil leaves a school for a known destination, the school should upload the child's records to s2s – a secure national database. This generates an email to the

receiving school who then can download the information.

In September 2024 all schools in Staffordshire were issued with “Deregistration Guidance”. This is a quick reference sheet which lists all the reasons why a pupil can be taken off roll. Schools are asked to refer to this guidance (see [CME webpage](#)) and notify the LA accordingly depending on the reason. Further information on deregistering children can also be found in the DFE guidance Working Together to Improve School Attendance 2024.

When a pupil is taken off roll due to being admitted to a new school, the school the pupil is leaving should complete an OR.1 (off-rolling) form which they should then send to schools.capitadatateam@staffordshire.gov.uk.

This will then ensure that the pupil is recorded as being at the new school and will avoid unnecessary investigation.

Important – Please note that new Statutory Guidance for Local Authorities was issued by the DFE in August 2024. This makes specific reference to schools’ responsibilities around CME and sets out the correct reporting mechanisms to ensure that these often-vulnerable children are accurately monitored.

All relevant documentation is available at <https://www.staffordshire.gov.uk/Education/Education-welfare/Children-missing-from-education.aspx>

Elective Home Education (EHE)

If a parent wishes to EHE their school educated child, the school must deregister the child at the point written notification is received from the parent stating that the child is now in receipt of home education. Deletion from the admissions register should take place as soon as such notification is received, and schools should follow the aforementioned “Deregistration guidance”.

1. Schools must inform the EHE team when a pupil has been removed from their roll to be home educated. They should do this by forwarding a copy of the parent’s written correspondence (this can be a letter or email) together with a completed School Exit Information form to the Elective Home Education team at electivehomeeducation@staffordshire.gov.uk.

It is imperative that this is done at the time of removal from the school roll; if the EHE team are not notified, the pupil will remain the safeguarding responsibility of the school.

2. The child will be allocated to an Elective Home Education Officer who will ensure that a suitable full-time education is being offered to the child.
3. If the EHE team has concerns that the child is not being provided with a suitable education, then a referral will be sent to Education Welfare for allocation for an EWO to start the school attendance order process.
4. EHE legislation currently states that the only obligation for parents to notify anybody of EHE is at the point they withdraw their child from school. This is when they must give written notification to the Headteacher of the school that they wish to take on the responsibility of education. If a family has never enrolled their child in a school, there is currently no obligation to notify the LA though it is encouraged.
5. If the LA has reason to believe that a child is not receiving a suitable education, there is an expectation that this will be investigated. In the case of children previously unknown to the LA this may be confirmation that the child is being EHE rather than missing education.



Abbreviations and terms used

- Capita ONE – pupil database used by Staffordshire County Council.
 - CME – Children Missing Education.
 - DFE – Department for Education.
 - EHE – Elective Home Education/Electively Home Educated. The term used to describe education provided by parents or carers to their children instead of sending them to school or other suitable provision.
 - EHCP – Education Health and Care Plan
 - EWO – Education Welfare Officer.
 - LA - Local Authority.
 - Schools – the generic term used to describe institutions in which statutory school-aged children receive education. These can also be known as academies or colleges and can be in the state or independent sectors.
 - SAO – School Attendance Order
 - SCC - Staffordshire County Council.
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