



KALEIDOSCOPE
Multi Academy Trust

Children Missing Education Policy 2021

Based on the North Somerset Council Policy

Approved by: Kaleidoscope Trust Board
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Introduction

Children missing, or at risk of missing, education are vulnerable to academic underachievement and risk being out of education, employment or training (NEET) in later life. They may also be at risk of abuse and exploitation.

In most circumstances, pupils leaving a school will be planned and discussed with the school in advance of the pupil leaving. Schools should work with families to gain sufficient information to ensure that the pupil's next school and/or address is established before the pupil leaves to reduce the risk of pupil becoming a child missing education through lack of shared information.

The purpose of this policy is to ensure that:

- Kaleidoscope MAT supports the Local Authority with its statutory duties for children missing education (CME).
- The MAT follows the local framework to support the local authority, schools, key agencies and parents to work together to ensure that children do not end up as CME.
- Processes are in place to swiftly re-engage children who are missing education.
- Roles and responsibilities are clearly defined.

Key guidance and legislation

This policy is underpinned by the following key documents:

- [Children Missing Education, Department for Education, 2016](#)
- [School Attendance, Department for Education, 2018](#)
- [Keeping Children Safe in Education, Department for Education, 2018](#)
- [Working Together to Safeguard Children, HM Government 2018](#)

And the following legislation:

- [The Education Act 1996](#) – sections 7, 8, 14, 19 and 436A
- [Education \(Pupil Registration\) \(England\) Regulations 2006](#)
- [Education \(Pupil Registration\) \(Amendment\) \(England\) Regulations 2010, 2011, 2013 and 2016](#)
- [Education Inspections Act 2006](#) – sections 4 and 38
- [Education Act 2002](#) – sections [157](#) and [175](#)
- [Children's Act 2004](#)

Key Terms

Child 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.

Local authorities' responsibilities for children missing education apply to all children of compulsory school age. Children are of **compulsory school age** from the first full term after the child reaches their fifth birthday until the last Friday in June in the school year that they reach sixteen.

A **Parent** is defined in [Section 576, Education Act 1996](#) 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).

Roles and Responsibilities

Parents have a duty under section 7 of the Education Act 1996 to ensure that their children of compulsory school age are receiving a suitable full-time education either by regular attendance at school or a suitable, full time education otherwise than at school.

Local authorities have a duty under section 436A of the Education Act 1996 to make arrangements to establish the identities of children in their area who are not registered pupils at a school and are not receiving suitable education otherwise. This duty only relates to children of compulsory school age.

The local authority should consult the parents of the child when establishing whether the child is receiving suitable education. Those children identified as not receiving suitable education should be returned to full time education either at a school or in alternative provision. Section 437(1) of the Education Act 1996 further requires the Local Authority to intervene if it appears that parents are not providing a suitable education. The local Authority also has wider safeguarding duties under the [Children's Act, 2004](#), to safeguard children's welfare, cooperate with other agencies in improving children's well-being, including protection from harm and neglect.

All **Schools** must:

- enter pupils on the admission register at the beginning of the first day on which the school has agreed, or been notified, that the pupil will attend the school. If a pupil fails to attend on the agreed or notified date, the school should undertake reasonable enquiries to establish the child's whereabouts and consider notifying the local authority at the earliest opportunity.
- monitor pupils' attendance through their daily register. Schools should agree with their local authority the intervals at which they will inform local authorities of the details of pupils who fail to attend regularly or have missed ten school days or more without permission. Schools should monitor attendance closely and address poor or irregular attendance. It is important that pupils' poor attendance is referred to the local authority. In North Somerset schools can request that the local authority issues a penalty notice or request that the local authority considers court action for persistent absence.

All schools (including academies and independent schools) must notify their local authority when they are about to remove a pupil's name from the school admission register under any of the fifteen grounds listed in the Education (Pupil Registration) (England) Regulations 2006 (Annex A). This duty does not apply when a pupil's name is removed from the admission register at standard transition points – when the pupil has completed the final year of education normally provided by that school – unless the local authority requests that such returns are to be made.

When removing a pupil's name, the notification to the local authority must include: (a) the full name of the pupil, (b) the full name and address of any parent with whom the pupil normally resides, (c) at least one telephone number of the parent, (d) the pupil's future address and destination school, if applicable, and (e) the ground in

regulation 8 under which the pupil's name is to be removed from the admission register (see Annex A).

Schools must make **reasonable enquiries** to establish the whereabouts of the child jointly with the local authority, before deleting the pupil's name from the register if the deletion is under regulation 8(1), sub-paragraphs (f)(iii) and (h)(iii) (see Annex A).

All schools must also notify the local authority within five days of adding a pupil's name to the admission register at a non-standard transition point. The notification must include all the details contained in the admission register for the new pupil. This duty does not apply when a pupil's name is entered in the admission register at a standard transition point – at the start of the first year of education normally provided by that school – unless the local authority requests that such returns are to be made.

When adding a pupil's name, the notification to the local authority must include all the details contained in the admission register for the new pupil.

Education Welfare Service

In North Somerset it is the responsibility of the Education Welfare Service to identify and track children missing education, working closely with the Education Inclusion Service, school admissions, and North Somerset Business Intelligence team.

Informing the LA of admissions and deletions

The children missing education guidance 2016 requires all schools to inform the LA of deletions and admissions from the school admissions register. In North Somerset all schools who use SIMs and SCOMIS communicate weekly with the LA via B2B for the transfer of information for admissions and deletions.

Schools need to ensure that the “reason for leaving” field within their MIS system is completed fully indicating the reason for leaving from the options in the drop- down box. This field must not be left blank.

Working together in North Somerset

Schools must make all “reasonable enquiries” when they suspect that a child is missing education.

The term ‘**reasonable enquiries**’ grants schools and NSC a degree of flexibility in decision-making, particularly as the steps that need to be taken in a given case will vary. The term ‘reasonable’ also makes clear that there is a limit to what the school and NSC is expected to do. If there is reason to believe a child is in immediate danger or at risk of harm, a referral should be made to children's social care via the duty intake team if the case is not already open to a social worker (or the police if appropriate).

The Education (Pupil Registration) (England) Regulations 2006 list the 15 legal reasons when a school can remove a pupil from its admission register, pupils cannot be removed from the admissions register unless they meet one of the 15 listed regulations.

If schools think one of these reasons may apply to a pupil on their roll, they should check the relevant paragraph to ensure the legal grounds for deletion is met.

If after reading the full section relating to the reasons for deletion school staff are still unsure, they should contact the Education Welfare Service for further advice.

If a school is considering removing a pupil from roll under Reason 6 (pupil has failed to return to school following a leave of absence) or Reason 8 (the pupil has been continually absent for a period not less than 20 school days) the school must make a Children Missing Education referral and must not remove the pupil from roll until NSC has confirmed to the school in writing that they can remove the pupil from roll. Please note that before making a CME referral the school must try to establish the pupil's whereabouts. Schools should:

- Use all known contact telephone numbers to attempt to speak with the parent/carer and other emergency contacts.
- Make home visit(s) to attempt to ascertain if the family are in the home at different times of the day.
- Contact any involved professionals for example the child's Social Worker, Youth Offending Team Worker, HIF worker.

The school should begin its enquiries as soon as it becomes aware that a pupil's absence may meet the criteria for removal from roll under Reason 6 or Reason 8. If the school-based actions result in finding the pupil then the school should establish why the pupil is not attending and follow its normal attendance procedures.

If the school-based actions do not result in locating the pupil, the school must make a CME referral as a matter of urgency. The school does not need to wait until a pupil reaches the 10/20-day unauthorised absence threshold before making a referral, providing they have completed their reasonable enquiries.

This guidance is not exhaustive, and schools should refer to the DfE guidance documents and the amended Regulations before removing a pupil from roll. The legal document from the Education (Pupil Registration) (England) Regulations 2006 is included as Annex A. This document sets out the fifteen reasons why children may legally be removed from roll. Schools may need to seek legal advice in some cases.

Notifying the LA of CME

On receipt of a CME referral, NSC will conduct reasonable enquiries. Once CME investigations are completed NSC will advise the school of the outcome. Schools must not delete a child from the school roll until advised in writing by NSC.

Making CME enquiries may not always lead to establishing the location of the child but will provide a steer on what action should be taken next by NSC, for example, to contact the police, children's social care and, in cases where there may be concerns for the safety of a child who has travelled abroad, the UK Border Agency.

A pupil's name can only be removed from the admission register under Reason 6 or Reason 8 if the school and the local authority have failed to establish the pupil's whereabouts after **jointly** making reasonable enquiries.

Removing pupils from the admissions register – Processes in North Somerset

Reason 1: School Attendance Order Pupils

Definition: The Local Authority has approved change of provision for a pupil who is already subject to a School Attendance Order (SAO).

School Action: If a child is at a school as a result of a SAO, the school is not able to remove the child from roll without written consent from NSC. The school must check with the LA before removing the child from roll. Please note that this criterion is rarely met. If met, NSC will write to the school via the Headteacher and Chair of Governors to provide it with instructions.

Reason 2: Immediate transfer to another school

Definition: When a pupil leaves the school and has been enrolled at a new school. The school must have confirmation in writing from the new school that the child has been given a place and a start date has been agreed.

School Action:

- If the school is informed by another school or the parent/carer that the pupil is changing provision, the school obtains written confirmation from the new school that the pupil has been given a place and a start date has been agreed.
- The school must obtain written confirmation from the new school that the pupil has started attending before they remove a pupil from roll; once received, the school can delete the pupil from roll from the day before the child's first date of attendance at their new school.

Reason 3: Dual Registered pupils

Definition: This criterion applies to dual registered pupils if one school wants to delete the pupil from roll. The main examples of dual registration are pupils who are on managed moves or are attending a pupil referral unit, a hospital school or a special school on a temporary basis. If the Headteacher of the other school where the pupil is registered gives written consent to the pupil being deleted from your school's roll you may remove the pupil.

School Action: If the Headteacher of the other school where the pupil is registered gives written consent to the pupil being deleted from your school's roll you may delete the pupil from your roll from that date.

Please note this criterion does not apply to pupils who fit the criterion of 'traveller' in that the pupil has no fixed abode for the reason that their parent is 'engaged in a trade or business of such a nature as to require [them] to travel from place to place'. A 'base school' is the school that a child from a Gypsy, Roma or Traveller family most recently attended during the preceding 18 months, when the family was not travelling. The legislation calls it the 'school of ordinary attendance'.

If a school is the base school for a dual-registered child from a Gypsy, Roma or Traveller family, the law says the school cannot remove that child from the register just because they have registered at another school. However,

nothing prevents schools other than the base school from doing so if the child is no longer attending. If a school needs specific advice regarding removing a child from its register, in these circumstances, it should consult NSC before taking any action.

Reason 4: Elective Home Education (EHE)

Definition: The school has received written notification from the parent that they have chosen to home-educate their child (also known as Elective Home Education). Please note schools should not seek to persuade parents/carers to educate their children at home as a way of avoiding exclusions or because the pupil has a poor attendance record.

School Action: If a parent informs the school in writing that they are going to electively home educate the child the school must notify NSC by completing an EHE referral form and sending it with a copy of the parent/carer's letter or email. In most circumstances the school then removes that pupil from roll from the date the letter was received by the school.

- If the pupil lives outside the NSC area which the school is located the Headteacher must also notify the EHE Officer in the pupil's home authority.
- In cases where a pupil has a statement of SEN/EHCP the school must also notify the SEND Team in Writing.
- If the child is a registered pupil at a Special School, the school cannot remove the child from roll without the written consent of the Local Authority
- In cases where a pupil is registered at the school under the terms of a School Attendance Order the school must notify the local authority using the EHE referral form in the usual way, however, the school **MUST** not remove the child from roll until/unless it receives notification from NSC that the school attendance order has been revoked (also see Reason 1 above).

Reason 5: Pupils who move house

Definition: The pupil no longer resides within a reasonable distance of the school (and the pupil is not a boarder). This section relates to pupils who move house - 'movers'.

School Action:

Temporary Accommodation

In the case of families being made homeless and moving to temporary accommodation, within or outside North Somerset, schools should not remove the pupil from roll until or unless:

- a. it is confirmed the child has started at a new school (in which case you would remove them from roll under Reason 2); or
- b. the parent confirms in writing that the child will not be returning to your school due to no longer living within a reasonable distance of the school (the parent must also provide written evidence of their new address, for example, temporary housing agreement).

Please note if (b) applies, you must make a CME referral when removing the pupil from roll in order for the EWS to follow up on the pupil's

destination school and ensure the child does not go missing from education.

Permanent House Move within North Somerset or our 3 Neighbouring Local Authorities

In cases of families moving within North Somerset, or to one of our three Neighbouring Local Authorities (BANES, Bristol and South Gloucestershire), schools should not remove the child from roll until or unless:

- a. it is confirmed the child has started at a new school (in which case you would remove them from roll under Reason 2); or
- b. the parent confirms in writing that the child will not be returning to your school due to no longer living within a reasonable distance of the school (the parent must also provide written evidence of their new address for example tenancy agreement or solicitor's letter proving purchase.

Please note if (b) applies, you must make a CME referral when removing the pupil from roll in order for the EWS to follow up on the pupil's destination school and ensure the child does not go missing from education.

This regulation should also be read in conjunction with North Somerset Council's Home to School Travel Policy 2020,

"Reasonable distance" is defined as a statutory walking distance of 2 miles for children under the age of 8 and 3 miles for children aged 8 and over; or a journey time of 45 minutes each way for a child of primary age and a journey time of 75 minutes each way for a child of secondary age.

Permanent House Move- Moving outside of the West of England area including abroad.

In cases of families moving outside of the West of England area (North Somerset, BANES, Bristol and South Gloucestershire), schools should not remove the child from roll until or unless:

- a. it is confirmed the child has started at a new school (in which case you would remove them from roll under Reason 2); or
- b. the parent provides written evidence of their new address for example tenancy agreement or solicitor's letter proving purchase, flight details, flight tickets. This regulation does not discriminate between moving within the UK or moving abroad; schools must make the same enquiries.

Please note if (b) applies, you must make a CME referral when removing the pupil from roll in order for the EWS to follow up on the pupil's destination school and ensure the child does not go missing from education.

Reason 6: Pupils who fail to return from planned leave of absence and cannot be traced

Definition: For this criterion to be met, a, b and c all have to apply: a) The pupil has not returned to school within 10 school days of the last day of exceptional circumstances absence authorised by the Headteacher; and b) the Headteacher does not have any grounds to believe that the pupil is unable to attend the school by reason of sickness or any unavoidable causes; and c) the pupil's whereabouts are not known, the absence is not being authorised and the school and local authority can evidence that it has exhausted its

reasonable enquiries. The school has had no notification as to why the pupil is absent.

School Action:

The school need to make and be able to evidence attempts made to contact the parent/carers in order to establish the reasons for absence.

School based actions will result in one of the following outcomes:

- a. The pupil is located and has not moved. If so, the school should follow its normal school attendance procedures to ensure the pupil's swift return to school.
- b. The pupil is located but has moved away. If so, the school should follow the 'reasonable distance' guidance - see Reason 5.
- c. The pupil is not located. If so, the school must complete a CME referral clearly detailing the steps it has taken in order to try and find the pupil, no later than the tenth day after the pupil's expected return date.

The EWS will then undertake reasonable enquiries which will result in one of the following outcomes:

1. The pupil could or should be reasonably expected to attend/return to the school. In this case the pupil is kept on roll and school casework must be undertaken to resolve any attendance issues.
2. The EWS reasonable enquiries:
 - a. fails to locate the pupil, or
 - b. establish that the pupil has moved away and no longer lives at a 'reasonable distance' from the school.

If the EWS confirms to the school in writing that the NSC has failed to locate the pupil despite its reasonable enquiries, the school may remove the pupil from roll.

NB: schools do not have to wait 10 days if they have completed all of their "reasonable enquiries" before this time.

Reason 7: Medical Grounds

Definition: A child has been certified by the school's medical officer as not being in a fit state of health to attend school before ceasing to be of school age.

School Action :The school should make enquiries to establish that the pupil and/or the parent/carer have no intention for the pupil to continue into post 16 education.

NB: this criterion rarely applies, and schools should ensure that they have read the North Somerset Council Policy "access to education for children with medical and health needs."

Reason 8: Pupil has been continuously absence for 20 school days and cannot be traced / new pupils who do not attend school on or after the expected/agreed start date.

Definition: The pupil has been absent continuously for at least 20 school days and their absence is not as a result of a pre-existing attendance concern.

School Action: The pupil's whereabouts are not known; the absence is not being authorised and the school can evidence that it has exhausted its school-based enquiries. The school has made and can evidence the attempts made to contact the parent/carers in order to establish the reasons for absence. The Headteacher does not have any grounds to believe that the pupil is unable to attend the school by reason of sickness or any unavoidable causes.

NB: This criterion is also applicable for new pupils who do not attend school on or after the expected/agreed start date.

School based actions will result in one of the following outcomes:

- a) The pupil is located and has not moved. If so, the school should follow its normal school attendance procedures to ensure the pupil's swift return to school.
- b) The pupil is located but has moved away. If so, the school should follow the 'reasonable distance' guidance - see Reason 5.
- c) The pupil is not located. If so, the school must complete a CME referral form clearly detailing the steps it has taken in order to try and find the pupil. The referral should be made as soon as the school suspects the child/family's whereabouts are not known. Schools do not need to wait until 20 days of absence have elapsed before making a CME referral.

The EWS will then undertake reasonable enquiries which will result in one of the following outcomes:

1. The reasonable enquiries show that the pupil could or should be reasonably expected to attend/return to the school. In this case the pupil is kept on roll and school casework must be undertaken to resolve any attendance issues.
2. The EWS reasonable enquiries:
 - a) fail to locate the pupil, or
 - b) establish that the pupil has moved away and no longer lives at a 'reasonable distance' from the school, EWS will provide an off-roll date.

Reason 9: Pupil has been detained in custody

Definition: The pupil has been remanded into custody for a period of four months or more and the pupil will not be returning to the school upon release.

School Action:

- If the pupil has been detained in custody for a period of less than 4 months, they must be kept on roll, but they can be coded Y for this period.
- If the pupil is detained for a period of more than 4 months, then each case should be assessed on a case by case basis taking in to account that in most cases it is usually in the best interests of the pupil to remain on roll.
- The school should make contact with the Youth Offending Service and any other agencies involved and satisfy itself that:
 - a) the pupil has been sentenced and not just remanded in custody pending trial;OR

- b) the pupil is subject to an order of recall made by the Secretary of State;
AND
- c) the period of sentence/recall is for at least 4 months; AND
- d) there are no reasonable grounds to believe that the pupil will return to the school at the end of that period.

Reason 10: Pupil death School

Action

- If Reason 10 is confirmed, the school may remove the pupil from roll.

Reason 11: Permanent Exclusion

Definition: The pupil has been permanently excluded

The guidance with regards to Permanent Exclusions is the 2017 DfE guidance “Exclusions from maintained schools, Academies and Pupil Referral Units in England.”

Whenever a head teacher excludes a pupil they must, without delay, notify parents of the period of the exclusion and the reasons for it.

The head teacher must, without delay, notify the governing body and NSC of a permanent exclusion. In North Somerset, the head teacher or representative must notify the respective Inclusion Panel (primary or secondary depending on the individual pupil).

If the pupil lives outside the local authority in which the school is located, the head teacher must also advise the pupil’s ‘home authority’ of the exclusion without delay.

For permanent exclusions, the local authority must arrange suitable full-time education for the pupil to begin no later than the sixth day of the exclusion.

This will be the pupil’s ‘home authority’ in cases where the school is maintained by (or located within) a different local authority.

In addition, where a pupil has an Education Health and Care Plan or a statement of SEN, NSC must ensure that an appropriate full-time placement is identified in consultation with the parents, who retain their rights to express a preference for a school that they wish their child to attend or make representations for a placement in any other school.

School Action:

- The Headteacher must notify NSC of the decision to permanently exclude without delay.
- The Inclusion Panel referral form needs to be completed promptly in order for NSC to provide full time provision for the pupil from the 6th day after the Headteacher’s decision to permanently exclude the pupil.
- The pupil’s attendance register should be marked as follows: E (excluded) from the start of the first session following the Headteacher’s decision to permanently exclude the pupil, until the commencement of full-time provision provided by NSC. An attendance code D (dual registered) should be used from the commencement of the full-time provision provided by NSC until the date for taking the pupil off roll.
- The school must not remove the pupil from roll until either:
 - a) the parent has completed the independent review process;

- b) the parent has confirmed in writing that they do not wish to have an independent review; or
- c) 15 school days have passed since the parent was notified of the governing body's decision to uphold the permanent exclusion and the parent has not made an application for review.

Reason 12: Nursery pupil not transferring to a higher class at the same school

Definition: A nursery pupil not transferring to a higher class at the same school

This criterion relates to a pre-school pupil in a nursery class that is not transferring to the reception class at the same school. This pupil will be under compulsory school age and therefore they are exempt from this guidance therefore no direct notification to NSC is necessary.

School Action : The school removes the pupil from roll.

Transferring information to the new school

Schools are expected to transfer information to the child's subsequent school using their school's system. For many schools this will be via the CTF. Safeguarding files should also be sent to the next educational establishment.

North Somerset Contact Information:

For advice and guidance on CME processes and procedures please contact: Telephone: 0300 1237336

Email: SomersetEducationSafeguarding@somerset.gov.uk

Inclusion Panel:

Email: jaida.aldred@n-somerset.gov.uk **telephone:** 01275 884 470

Primary Panel: Liz.gilmour@n-somerset.gov.uk telephone: 01275 884 489

Secondary panel: Collette.sweeting@n-somerset.gov.uk telephone: 01275 884 493

School admissions:

Telephone: 01275 884 078

NEET team:

Email: NEET@n-somerset.gov.uk Telephone: 01275 884 443



14/7/21

Tristan Cogan

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