

Children Missing Education Protocol

Southwark Children's & Adults
Services, February 2017

Children Missing Education Protocol

1. Introduction and Legal Context

Who are 'children missing education'?

- 1.1 Department for Education statutory guidance (2016) defines children missing education as 'children of compulsory school age who are not registered pupils at a school and are not receiving suitable education otherwise than at school'.
- 1.2 Children may come to miss education for a number of reasons, including the following:
 - they may never have started in a school;
 - they may cease to attend school, due to exclusion or parents withdrawing them;
 - they may have left primary school but not completed transition to secondary school;
 - they may have moved into a new area, including from abroad.
- 1.3 Southwark faces particular challenges with a highly mobile population and significant movement in and out of the borough throughout the school year. Children missing education have been identified as a priority by Southwark Safeguarding Children's Board.
- 1.4 Children missing education are plainly at risk of educational under-achievement, with a potential long term impact on their opportunities. They may also be exposed to other risks: 'Keeping Children Safe in Education' (Dfe, 2016) states that: 'A child going missing from education is a potential indicator of abuse or neglect and such children are at risk of being victims of harm, exploitation or radicalisation'. Ofsted (2014) has identified that 'Children who are missing from home, school or care are at greater risk of sexual exploitation'.

Local Authority responsibilities

- 1.5 Section 436A of the Education Act 1996 states that Local Authorities 'must make arrangements to enable them to establish (so far as it is possible to do so) the identities of children in their area who are of compulsory school age but—
 - (a) are not registered pupils at a school, and
 - (b) are not receiving suitable education otherwise than at a school.... "suitable education", in relation to a child, means efficient full-time education suitable to age, ability and aptitude, and any special educational needs she/he may have'.
- 1.6 'Children missing education: Statutory guidance for local authorities' (Department for Education, 2016) states that Local Authorities should:
 - have 'robust policies and procedures in place to enable them to meet their duty in relation to these children, including ensuring that there are effective tracking and enquiry systems in place, and appointing a named person to whom schools and other agencies can make referrals about children who are missing education';
 - 'undertake regular reviews and evaluate their policies and procedures to ensure that these continue to be fit for purpose in identifying children missing education in their area';
 - 'consult the parents of the child when establishing whether the child is receiving suitable education';
 - 'have procedures in place to prevent children at risk of becoming CME';

- ensure that ‘those children identified as not receiving suitable education’ are ‘returned to full time education either at a school or in alternative provision’.

School responsibilities

- 1.7** ‘Keeping children safe in education: statutory guidance for schools and colleges’ (DfE, 2016) states that ‘School and college staff members should follow the school’s or college’s procedures for dealing with children who go missing from education, particularly on repeat occasions, to help identify the risk of abuse and neglect including sexual abuse or exploitation and to help prevent the risks of their going missing in future... Governing bodies and proprietors should put in place appropriate safeguarding responses to children who go missing from education’.
- 1.8** All schools (including maintained, academy, free and independent schools) must inform the Local Authority when they are about to add or delete a pupil’s name from the school admission register for any reason. This applies to all children with the exception of those starting or leaving school at standard transition points, i.e. at the start of the first year and completion of the final year of education normally provided by that school. The legal basis for these duties is set out in Education (Pupil Registration) (England) (Amendment) Regulations 2016, with further details in Annexe A of ‘Keeping children safe in education’ (DfE 2016) and ‘School Attendance: Guidance for maintained schools, academies, independent schools and local authorities’ (DfE, 2016).
- 1.9** Schools must notify the local authority within five days when a pupil’s name is added to the admission register, and must notify the local authority when a pupil’s name is to be deleted from the admission register as soon as the ground for deletion is met and no later than the time at which the pupil’s name is deleted from the register. Where a school notifies a local authority that a pupil’s name is to be deleted from the admission register, it must provide the local authority with:
- the full name of the pupil;
 - the full name and address of any parent with whom the pupil lives;
 - at least one telephone number of the parent with whom the pupil lives;
 - the full name and address of the parent with whom the pupil is going to live, and the date the pupil is expected to start living there, if applicable;
 - the name of pupil’s destination school and the pupil’s expected start date there, if applicable; and
 - the ground under which the pupil’s name is to be deleted from the admission register.
- 1.10** ‘Keeping Children Safe in Education’ (DfE 2016) states that ‘It is essential that schools comply with these duties, so that local authorities can, as part of their duty to identify children of compulsory school age who are missing education, follow up with any child who might be at risk of not receiving an education and who might be at risk of being harmed, exploited or radicalised’.
- 1.11** DfE School Attendance guidance (2016) also states that ‘All schools (including academies) must agree with the relevant local authority, the regular interval that the school will inform the local authority of any pupil who fails to attend school regularly, or has been absent without the school’s permission for a continuous period of 10 days or more’.

2 Identifying and tracking Children Missing Education

Notification of potential CME

- 2.1** Southwark's process for identifying and tracking children missing education is led through the Pupil Tracking and Licensing Team in the Education Access division in Southwark Children's and Adults' Services. The Pupil Tracking and Licensing Manager (cme@southwark.gov.uk) is the named person for CME to whom schools and other agencies can make referrals. Where direct case work is required to support children back into education, this is undertaken by the Early Help Localities service.
- 2.2** The majority of children missing education, or at risk of missing education, are identified by schools. Where a child remains on a school roll and there are concerns about them not receiving full time education as a result of poor attendance or other factors, the school should notify Southwark Early Help Localities Service via their regular meetings, or via a CAF if additional support services may be required.
- 2.3** All schools, including academies, have a Southwark link Education Welfare Officer and should notify them of children who have been absent for ten days or more. They should also consult with their link EWO before removing a child from the school admissions register on the grounds of absence, or in any other case where this is uncertainty. Details of the link EWOs for schools can be obtained from Early Help duty desk on 020 7525 4780 or email earlyhelp@southwark.gov.uk.
- 2.4** As set out above, schools have a statutory duty to inform the LA when a child is being removed from the admission register. Southwark has developed an electronic 'Change to School Admission Register Notification Form' for schools to use to submit this information:
https://forms.southwark.gov.uk/beta/ShowForm.asp?fm_fid=1545
- 2.5** Upon receipt of this form, Southwark will either confirm that it has amended its records accordingly or will contact the school for further information if any clarification is required. Southwark expects that schools will have undertaken reasonable checks to confirm the destination school and/or address of a child leaving the school, including telephone calls, letters and where appropriate home visits to establish this information.
- 2.6** Schools should use the 'Change to School Admission Register Notification Form' to identify children believed to be at risk of missing education, and this will be acted on as a CME referral.
- 2.7** Children may also be identified as potentially missing education through a number of other sources:
- children may come into contact with health or other services who identify that they do not appear to be in school;
 - children may be found out of school during the school day by truancy patrols or the police, with no record of them being on a school roll;
 - other local authorities may inform Southwark that a child has moved into the area;
 - members of the public may notice that a child of school age does not appear to be in school.
- 2.8** Southwark positively encourages other agencies and members of the public to inform the Local Authority of children who they believe may be missing education by completing a CME referral form and sending it to cme@southwark.gov.uk. The CME referral form is available at: http://www.southwark.gov.uk/downloads/download/2746/children_missing_from_education_referral_form. Southwark schools, however, should use the 'Change to School Admission Register Notification Form' for CME referrals, as described above.
- 2.9** In addition to following up on referrals, Southwark uses the termly school census returns to audit whether children may be missing education. Where the school census indicates that a child has left a school and no notification has been received by the Local Authority, the school will be asked for an explanation.

Checking children potentially missing education

- 2.10** Upon referral, in the first instance, checks are carried out by the Pupil Tracking and Licensing Team, on all children identified as potentially CME. These may include:
- checking on the Capita One education system and school census returns to identify if the child is on the roll of a school in Southwark;
 - checking Capita One, Mosaic and Synergy children's databases to identify what contact details are available for the family, and whether they are currently being supported by Early Help or Children's Social Care;
 - contacting the social worker or Early Help lead professional, where a case is currently open, to identify if they have any information about the child's school;
 - checking the Council's housing and Council tax systems to identify current address;
 - contacting the parent(s) by telephone and/or email if available to determine whether the child is on roll at another school or is being home-educated;
 - requesting information from partner agencies, such as GP practices and other community health services;
 - requesting information from Department of Work and Pensions to help establish whereabouts of child;
 - requesting information from other Local Authorities if there are indications that the child may be elsewhere in the UK;
 - requesting information from Home Office Border Force if there are indications that child may have left the UK;
 - checking that any identified siblings are attending school;
 - sending a letter to parents at last known address requesting information on the school the child is attending.
- 2.11** Information received from parents, professionals or data systems about a child's school will be verified by contacting the school to confirm whether or not child is attending.
- 2.12** In many cases children identified as potentially CME will be found to be actually on the roll of a school or being home-educated. Details on systems will be amended, and referrers informed of the outcome. However should this not be the case, and no reply to the letter to the parent has been received within five working days, the referral will be passed to the relevant Early Help locality team for allocation of the case to a member of the team to conduct a home visit.
- 2.13** The home visits will aim to establish if the child remains at last known address. If the child is living there and not in education, Early Help will ensure that a school application is submitted and any necessary enforcement action is taken to return child to education.
- 2.14** Where it appears that the child is not living at the premises, and all reasonable efforts to locate the family have been exhausted, the case will be closed as CME and loaded on to the 'Lost Pupil' section of the national S2S (School to School) system. This will enable other Local Authorities to identify the child should he/she start attending a school in their area.
- 2.15** Where there is an indication that a child has moved to another part of the UK and may be missing education, details will be forwarded to the CME lead for the relevant local authority, using the list of CME contacts provided by the Department for Education.
- 2.16** Where the child's whereabouts remain unknown and there have previously been safeguarding concerns, the case will be risk assessed via the Multi-Agency Safeguarding Hub to identify whether any further action, such as referral to the police, is appropriate.
- 2.17** Children who are confirmed as being home-educated are not as classified as CME unless there are grounds for believing that the education provided is not suitable to the child's needs. Southwark's

Elective Home Education protocol sets out the LA's approach to working with home educating families: http://southwark.proceduresonline.com/chapters/p_elective_home_edu_prot.html

3 Supporting children back into education

- 3.1** Children who do not have a school place will be supported in finding a place through the Admissions Team. The service has an 'in year' admissions process and a Fair Access Protocol to ensure that all children whatever their circumstances are able to access and secure a school place as quickly as possible or alternative provision (see Appendix A and B).
- 3.2** Where parents are declining to engage with the Admissions process or may not otherwise be meeting the requirement to ensure that their child receives a suitable education, the case will be referred to the Early Help Service Locality Service for follow up case work and where appropriate enforcement action, such as the issuing of a School Attendance Order.

4 Monitoring children at risk of missing education

- 4.1** The following groups may be particularly at risk of becoming CME:
- children with poor school attendance, in particular those approaching or exceeding the 20 day absence limit when a school must inform LA of its intention to remove child from school roll;
 - children permanently excluded from school, or at risk of permanent exclusion;
 - young people being supported through the Youth Offending Service;
 - young parents of statutory school age;
 - children with episodes of missing from home or care;
 - children of homeless families living in temporary accommodation;
 - unaccompanied asylum seekers and refugees or children of asylum seeking families;
 - children living in refuges for women affected by domestic abuse;
 - children from a Gypsy/traveller background.
 - children being Electively Home Educated where there are concerns about whether a suitable education is being provided.
 - children facing delay in being allocated a suitable school place through in-year Admissions.
 - new arrivals to the Borough who delay seeking a school place or are identified as "hard to place"
- 4.2** Children may also be more broadly considered to be missing out on education if, despite being enrolled at school, they are not in practice receiving their statutory entitlement to 25 hours of suitable education per week due to poor attendance or other factors, or if the home education they are receiving is not suitable to their age, ability and aptitude and to any special educational needs they may have.
- 4.3** Southwark monitors children at risk of missing education through its monthly Children at Risk of Missing Education Monitoring Group meetings, the main purpose of which is to ensure that there is no drift, delay or avoidance in following up cases where there are concerns. This meetings include managers from the following services:
- Education Access (Admissions and Pupil Tracking and Licensing Teams);
 - Early Help Localities;
 - Specialist Family Focus Team;
 - Children's Social Care (MASH Manager);
 - Southwark Inclusive Learning Service;
 - SEND team;
 - Community health services;
 - Youth Offending Service.
 - Southwark Participation, Education and Training (16-19).

- 4.4** As part of the preparation for each meeting, all current CME cases are checked against Children's Services systems to identify any additional risk factors, including current Children's Social Care and SEND status.
- 4.5** The Children at Risk of Missing Education Monitoring Group reports to the Education Sub Group of Southwark Safeguarding Children Board (SSCB).

5 Safeguarding

- 5.1** Should there be concerns that a child believed to be missing education may be at risk of harm, a safeguarding referral to the Multi Agency Safeguarding Hub should be considered in line with 'Working Together to Safeguard Children' (2015) and with reference to Southwark Safeguarding Children Board thresholds:
http://www.southwark.gov.uk/downloads/file/10847/southwark_threshold_document_2013
- 5.2** London Child Protection Procedures on 'Children Missing from Care, Home and Education' (2016) state that from the first day that a child does not attend school and there is no explanation or authorisation of the absence, the following steps should be taken:
- 'A trained staff member will make contact with the parents/carers (person with parental responsibility for the child) to seek reassurance that the child is safe at home;
 - The outcome of the contact should be assessed and if there are any concerns a consultation with the school/establishment/colleges designated safeguarding adviser should take place to consider the child's vulnerability.
 - In the following circumstances a referral to children's social care and /or the police should always be made promptly:
 - a. The child may be a victim of a crime;
 - b. The child is subject of a Child Protection plan;
 - c. The child is subject of Section 47 enquiries;
 - d. The child is looked after;
 - e. There is a known person posing a risk to children in the household or in contact with the household;
 - f. There is a history of the family moving frequently;
 - g. There are serious issues of attendance'.
- 5.3** Where children missing education are also identified as missing from home or care, Southwark's protocol for Children missing from home or Care must be followed
http://southwark.proceduresonline.com/pdfs/protocol_child_missing.pdf
- 5.4** Where children identified as potentially missing education are currently open to Children's Social Care, details of the CME enquiry will be sent to the relevant social worker to consider any impact on risk.
- 5.5** Young people who are missing education may be at increased risk of child sexual exploitation (CSE). The Pupil Tracking and Licensing Team is represented at the monthly Southwark Child Sexual Exploitation Operational Group and checks before each meeting if any children to be discussed are believed to be missing education. Where there are CSE concerns, Southwark's CSE Protocol (2015) is followed: http://southwark.proceduresonline.com/pdfs/southwark_cse_protocol.pdf
- 5.6** Where children who are missing education are identified as being at risk of involvement in extremist activity, 'Southwark Children's Services Practice Guidance on Safeguarding Children from Extremism' (2016) is followed:
http://southwark.proceduresonline.com/chapters/p_sfgd_children_exp_extrem.html

6 Review

- 6.1 The CME protocol was agreed by the Children and Adults Board, April 2015 and updated to reflect organizational changes in April 2016. It has been further reviewed and updated in February 2017 to reflect changes in statutory guidance, and has been approved by the Director of Education/Chair of the Education Sub Group of Southwark Safeguarding Children's Board.

7 Dissemination

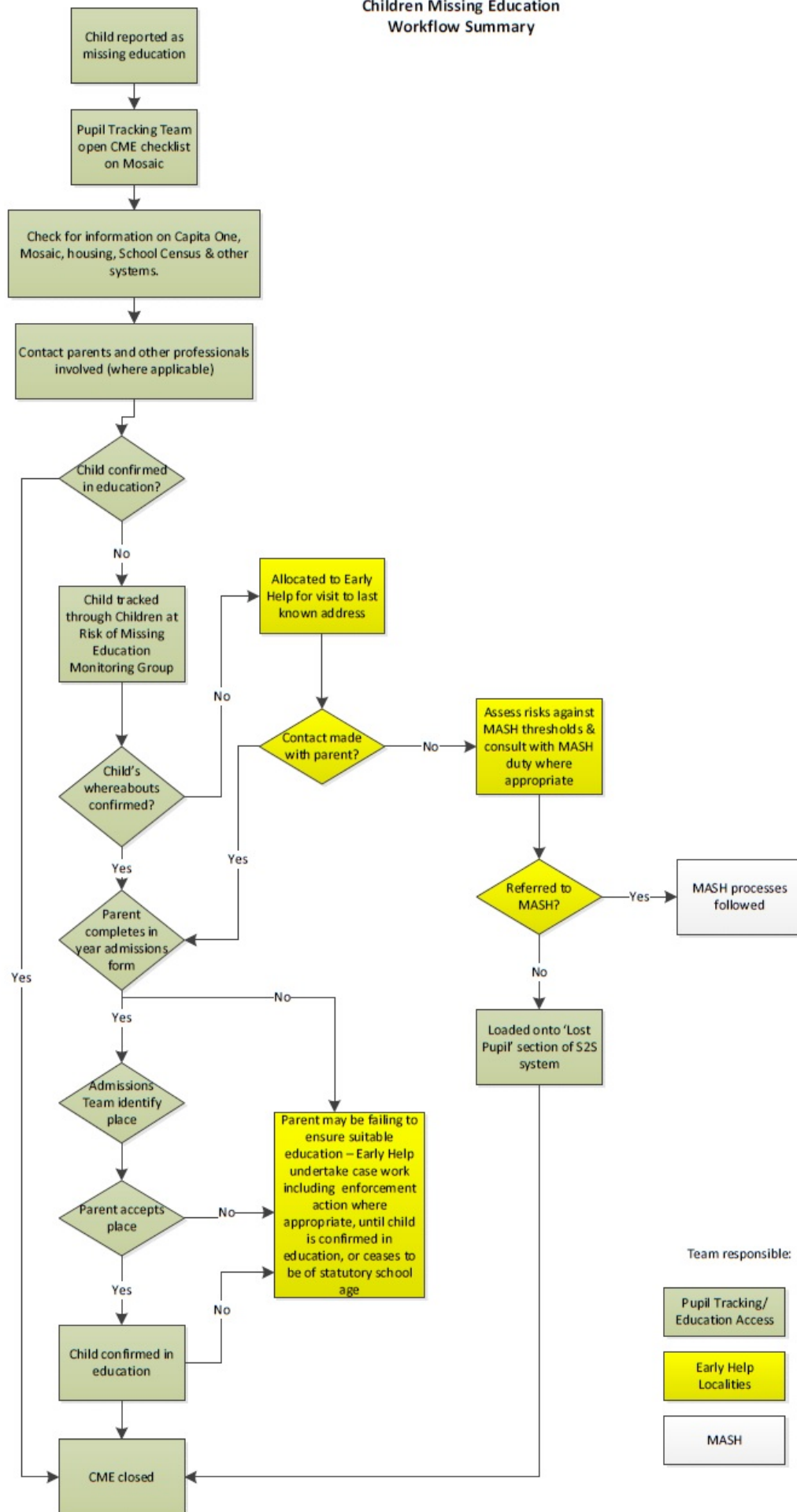
- 7.1 This protocol is for distribution to:

- Headteachers of all Southwark schools;
- Managers and staff in Children's & Adults Services;
- Southwark Safeguarding Children's Board members and partner agencies for dissemination to their staff.

8. References and further information

- Department for Education (2016), Children Missing Education: Statutory Guidance for Local Authorities <https://www.gov.uk/government/publications/children-missing-education>
- Department for Education (2007, revised 2013), Elective home education: guidelines for local authorities. <https://www.gov.uk/government/publications/elective-home-education>
- Department for Education (2016), Keeping Children Safe in Education: Statutory Guidance for Schools and Colleges. <https://www.gov.uk/government/publications/keeping-children-safe-in-education--2>
- Department for Education (2016), School Attendance: Guidance for maintained schools, academies, independent schools and local authorities https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/564599/school_attendance.pdf
- Department for Education (2014, School to School (S2S) guide https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/360445/DfE_S2S_Guide_LA.pdf
- Her Majesty's Government (2015), Working Together to Safeguard Children: a guide to inter-agency working to safeguard and promote the welfare of children. <http://www.workingtogetheronline.co.uk>
- London Safeguarding Children Board (2016), London Child Protection Procedures: Children missing from care, home and education http://www.londoncp.co.uk/chapters/ch_miss_care_home_sch.html
- Ofsted (2014), The sexual exploitation of children: it couldn't happen here, could it? <https://www.gov.uk/government/publications/sexual-exploitation-of-children-ofsted-thematic-report>

Children Missing Education Workflow Summary



Team responsible:

Pupil Tracking/
Education Access

Early Help
Localities

MASH

Appendix A: In Year Fair Access Protocol (Secondary Schools)

The School Admissions Code states: the list of children to be included in a fair access protocol is to be agreed by the majority of schools in the area but **MUST**, as a minimum, include the following children of compulsory age who have difficulty securing a school place:

- a) Children from the criminal justice or pupil Referral Units who need to be reintegrated into mainstream education;
- b) children who have been out of education for two months or more;
- c) children of Gypsies, Roma, Travellers, refugees and asylum seekers;
- d) children who are homeless;
- e) children with unsupportive backgrounds for whom a place has not been sought
- f) children who are carers
- g) children with special educational needs, disabilities or medical conditions (but without a statement of Education, Health and Care Plan).

Southwark also includes: KS4 pupils who are new to the area and 'hard to place' at this age phase.

- Pupils should be enrolled as soon as possible and no later than four weeks after panel meeting. Where a family does not present for their induction appointment, the school will contact Graham Humphrey for follow up.
- Fair Access is about each school taking a fair share of these placements. Before requesting a school to admit under Fair Access, the admission team will consider the most appropriate location in relation to home address, the needs of the young person, family preferences e.g. for a single sex school or faith school (in cases where families meet the faith criteria) and the number of Fair Access admissions the school has taken over the course of the year. Admissions are to be transparent to all schools. This information will be tabled and discussed at the Fair Access Panel Meeting and any emerging issues regarding placement should be brought to the attention of the Director of Education, who will work with Head Teachers to resolve in a positive manner.
- Placements of pupils under Fair Access protocol should take account of any genuine concerns about the admission, for example, a previous serious breakdown in the relationship between the school and the family, or a strong aversion to or desire for the religious ethos of a school.
- The panel is most effective when all schools are represented and where there is consistency of membership with authority to make decisions about placements. Schools are committed to this principle.
- Once a pupil has been placed, the Early Help Locality Manager will be informed and ensure that an EWO, and any other support from Early Help Team is provided as required. Schools will report at each panel meeting if Early Help has not been sufficient enough.
- There will be support from the LA (depending on each case) where there has been misinformation or where a placement has not been successful. Schools should contact Graham Humphrey should support be required.
- In principle, a pupil returning to Southwark from abroad will be allocated to their previous school, unless, at panel, the school provides reasons why this should not be the case.
- Allocation is identified by considering (in order) parental preference, place of residence of the child, faith and gender. However, fair and even distribution is the main principle.

We agreed/clarified the following in the meeting on 27th September 2016:

- The allocation of pupils through the Fair Access Protocol is decided by a panel, comprising the Headteacher or nominee of Southwark Secondary schools meeting once or twice a term. Any

nominee must act in the meeting as if the Headteacher, and should not request to go back to their school to ask for permission to make a decision from the Headteacher.

- The panel collectively makes decisions about 'hard to place' pupils usually at year 10 and 11 age phase, and some from Year 9. There may also occasionally be students from Year 7 and 8 brought to panel.
- Any children who have been taken out of a school place at a Southwark school to 'home educate' must return to the same school. This will prevent parents/carers from sidestepping the Southwark admissions processes. The LA will amend the Fair Access list to include, last known Southwark school.
- Any children who were withdrawn by parents to home educate before they started Year 7 (because they were unhappy with the school they were allocated by the LA) should only be allowed to attend the allocated school unless the family circumstances have changed and the panel agree to an alternative school. This will prevent parents/carers from sidestepping the Southwark admissions processes.
- Safeguarding - The LA will provide detailed paperwork for all children who come to panel, in order that the panel can make informed decisions about which schools can take a child. In order to assist this process, the LA should not bring to the panel any child for whom there is no detailed paperwork or information, unless there are exceptional circumstances which must be cleared with the Chair before the meeting.
- The LA will publish a list of children who will be brought to panel at least 1 week in advance of the next meeting, and only who they have detailed paperwork / information for, unless there are exceptional circumstances which must be cleared with the Chair before the meeting.
- When a child has named a school as a preference, the school may approach that child in advance of the meeting if they wish to. Schools should not approach children where they are not the preferred school.
- Any children who the panel believe to pose a risk to the school, can be admitted on a 6 week trial, and if unsuccessful be returned to the care of the LA. Children may be returned to a future panel for allocation to another secondary school if the LA provision is not appropriate.
- Any school place application to Fair Access panel with missing/limited background information will be referred to Early Help Locality leads in order that appropriate checks/home visits can be carried out and feedback made available to the panel. This will be coordinated by the In-year team
- In-year admissions will send each Early Help Locality Leads, confirmation of the school each youngster has been allocated to immediately after each Fair Access panel
 - The LA will present a 'league table' of Southwark school's engagement with the IYFA process, so that schools can see that the children in this process are being fairly distributed.
 - The LA will produce minutes of each panel meeting and will send to the chair within 1 week for checking and circulation.

*Simon Williams – Chair of IYFA panel
Nina Dohel – Director of Education
October 2016*

Appendix B: Primary Fair Access Process

All 'Fair Access Protocol' placements will be processed by the In-Year Admissions team which is within Education Access 0-25.

- 'Fair Access' allocations will be decided and placed within the borough's 4 locality areas with each having a panel representing schools and 'Hard to Place' pupils in their area. Each of the four panels are to take decisions for placing each 'Fair Access' child at a school (preferably) within their locality
- All discussions regarding 'Fair Access Protocol' cases must remain confidential to the panel and panel members will be responsible for keeping all case papers secure. All paperwork is to be handed back to the LA following a panel meeting
- Once a pupil has been identified as 'Hard to place' (in line with Southwark's 'Fair Access' criteria) the LA will contact the school of preference to check with the Headteacher whether the school is able to take the child. If the school is able to admit, arrangements will be made for the child to start (within 10 school days). Where appropriate, any additional support for the child agreed by the local authority will be put in place.
- Should the school of preference be of the view that it is unable to support the child, the LA will notify the relevant panel and inform the family that the case will be discussed at 'Fair Access Panel'.
- Each 'Fair Access Panel' will be represented by 3 Headteachers on a rolling basis (one Headteacher will chair); SEND rep; EH rep; Standards Advisor and an Admissions Officer
- The LA will arrange a meeting and will aim to have the meeting within 15 school days
- The LA will email case papers to the 'Fair Access Panel' five working days in advance of the meeting
- When reaching their decision(s), the 'Fair Access Panel' will take into account the following:
 - parental preference (which may include a preference for a faith school when the family meet the faith criteria);
 - the needs of the child and family circumstances;
 - appropriate schools in accordance with distance from the family home to school;
 - the school's current position (the panel would need to be mindful for example should the school be currently in 'special measures');
 - current class profile;
 - Health & Safety (particularly if the child were to have a physical disability);
 - the number of 'Fair Access' pupils the school has already admitted and any other relevant issue(s) relating to a particular case;
 - If a pupil returns to Southwark who had previously attended a Southwark school, the aim would be for the pupil to return to that school unless the Headteacher is of the view this cannot happen and if so would be required to provide a written report stating the reason(s).
- The 'Fair Access Panel' will decide which school is to be allocated and if any additional support is to be put in place; all discussions will remain confidential.

- The Panel will take into account any reason(s) that a preferred school has provided to the LA as to why the school was unable to take the child. There may be occasions when the panel decide that the preferred school should be the allocated school and will provide their reasons for this decision
- The LA will inform the allocated school's Headteacher of the 'Fair Access Panel' decision providing their reason(s) and will send out a form for the school to complete. The Headteacher will also be informed if the LA is to provide additional support.
- The LA will then inform the family of the 'Fair Access Panel' decision
- The Headteacher will arrange for the family to attend an induction appointment at the school where a start date will be agreed
- The school will inform the LA of the start date and when the child has physically started
- The LA will follow up with the school a month after the child had started to check if s/he is settling in and if there are any issues
- All 'Fair Access' admissions will be recorded in statistical form and emailed to all Headteachers on a termly basis; individual schools may request to view the statistics at any point in a school year.

