

# **Derbyshire's Policy on Children Missing from Education**



## Who are children missing education?

A child missing from education is a child or young person of compulsory school age who is not on a school roll, not placed in alternative provision by a local authority and who is not receiving a suitable education otherwise, e.g. educated at home, privately or in alternative provision. A significant proportion of this category are children whose whereabouts are currently unknown, and Derbyshire CME focuses its priority on tracking such 'missing' cases. The Children's Act and Section 4 Education & Inspection Act 2006 set out this statutory duty.

## Child missing from suitable education

In July 08 the Department for Education broadened the definition to include those children who are not receiving a **suitable** education. The word "suitable" is added to take account of children who might not otherwise have received an education because they're ill or excluded, for example, and is defined as: "efficient full-time education suitable to his/her age, ability and aptitude and to any special educational needs he/she may have".

## Why do children go missing from education?

Some children are missing from education simply because they don't start school – their parents don't enrol them. Other children stop going to school, or don't make the move from primary to secondary. And some families never enrol their children when they move to the county from elsewhere.

## At risk

Any child or young person missing education is at risk of not achieving their educational potential and could be placing their safety and welfare at risk.

## Derbyshire's procedures

Derbyshire has a full time worker who co-ordinates the tracking, identification and liaisons of Children Missing from Education (CME).

A central database (Tribal) is kept of all children on roll in Derbyshire schools and children known to be educated otherwise, Elective Home Education.

Once a child or young person has been identified as 'missing' the CME Officer marks the pupil's records on the Tribal database with a flag that pupil is currently missing and includes the date the pupil last attended school. The flag has the benefit of being very visible to other services that use the system. Appropriate processes can then be followed to ensure the pupil is tracked and moved into education.

If the child has moved out of the area but enquiries have established a likely destination, the CME Officer will initiate enquiries in that area, alerting Education Welfare Service or Children Missing from Education Officer in the likely county, of the probable arrival of that child in their area.

Until confirmation has been received that the child has been found the child's name is left on the Tribal database with the missing child flag.

## **Referrals received from out of county**

These are passed to the CME Officer who initially searches Tribal and the Admissions database to establish if they are on roll in any Derbyshire school. If a probable address is provided, CME asks an Education Welfare Officer (EWO) to visit and to assess and oversee the case until education provision has been identified and accessed.

## **Referrals received from in-county**

Searches made by CME Officer include visiting the address, contacting parent/carer, contacting pupils and siblings in other schools, contacting friends, neighbours and extended family.

All referrals where the child is not found are regularly reviewed by the CME Officer. The CME contacts referrers and ascertains the level of concern and the next steps to be taken.

## **Children Found**

Referrers are notified immediately a child is found. The date the child is found and the new school are marked on Tribal, and the alert flag

removed. Where a child has moved out of county, the CME Officer verifies with the new school that they are on roll and closes the case.

## **Children on roll of a school**

All schools have been made aware of their responsibilities regarding placing and removing children's names from a school roll and the marking of attendance registers.

Education Welfare Officers work with schools, regularly meeting with staff to identify children missing from education, or at risk of doing so.

## Legislation

There are various statutory duties upon LAs and parents (supplemented by guidance) relating to the provision of education and the safeguarding of the welfare of children and which may be relevant to children missing education. The principal provisions are as follows:

**Section 14(1) of the 1996 Education Act** provides that a Local Authority must make sure there are sufficient schools for providing education in their area. For these purposes, the schools must be sufficient in number, character and equipment to provide all pupils with the opportunity of appropriate education (s. 14(2)). “Appropriate education” means, broadly education which is desirable in view of the pupils’ different ages, abilities and aptitudes and the different periods for which they may be expected to remain at school (s. 14(3)).

**Section 7 of the 1996 Education Act** provides that the parent of every child of compulsory school age shall cause him to receive efficient full-time education suitable to his age, ability and aptitude and to any special educational needs he may have, either by regular attendance at school or otherwise.

Furthermore **Section 437 (1) of the 1996 Education Act** provides that if it appears to a Local Authority that a child of compulsory school age in their area is not receiving suitable education, either by regular attendance at school or otherwise, they must serve a notice in writing on the parent (“a school attendance order”) requiring him to satisfy them within the period specified in the notice that the child is receiving such education.

**Section 19 (1) of the 1996 Education Act** requires every Local Authority to make arrangements for the provision of suitable education at school or otherwise than at school for those children of compulsory school age who by reason of illness, exclusion from school or otherwise, may not for any period receive suitable education unless such arrangements are made for them. For these purposes, “suitable” education is defined as “efficient education suitable to the age, ability, aptitude and to any special educational needs the child (or young person) may have.” (s. 19(6)).

Moreover, section **19(4A) of the 1996 Education Act** provides:

“In determining what arrangements to make under subsection (1) in the case of any child or pupil, a Local Education Authority shall have regard to guidance given from time to time by the Secretary of State.”

**s. 175 of the Education Act 2002** (which came into force on June 1 2004) imposes a duty upon LAs and governing bodies to exercise their functions with a view to safeguarding and promoting the welfare of children. For these purposes, “functions” includes the powers and duties of LAs and governing bodies.

## Related Guidance

Guidance of the LA responsibility for arranging education outside of school is set out in **Circular No. 11/99 Social Inclusion: the LA role in Pupil Support**: LAs decide what is suitable education out of school for a particular child, in consultation with parents, in line with their own policies, the efficient use of resources and having regard to this guidance. LAs

cannot decide not to arrange any education, to make arrangements which do not provide suitable education for that child.

Guidance for LAs for schools on monitoring attendance is contained within [www.dfes.gov.uk/behaviourandattendance/](http://www.dfes.gov.uk/behaviourandattendance/).

Good practice for Gypsy/Traveller Achievement and for Supporting Asylum Seeking and Refugee children which are part of the Department's Aiming High strategy to raise Minority Ethnic Achievement: Aiming High: Guidance on Supporting the Education of Asylum Seeking and Refugee Children - A Guide to Good Practice Ref: DfES/0287/2004 (Issued April 2004); Aiming High: Raising the Achievement of Gypsy/Traveller pupils - A Guide to Good Practice Ref: DfES/0443/2003 (Issued July 2003). Details of how to obtain copies of these publications can be found on: [www.standards.dfes.gov.uk/ethnicminorities](http://www.standards.dfes.gov.uk/ethnicminorities)