Gateshead Council

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Children Missing From Education

Strategy, Procedures and Guidance

2020 - 2025

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Introduction

Gateshead Council is committed to exploring all possible avenues to identify and locate all children who go missing from education, both when they move out of, or in to, the area.

This is best achieved by developing procedures that:-

- Are underpinned by the relevant statutory requirements relating to children missing from education
- Make use of all available databases and records, such as Synergy, Care First, Housing, Benefits and the DfE central school to school (S2S) system
- Are supported by a range of cross-referencing practices, multi-agency and cross border cooperation and information sharing
- Are consistent with and supportive of local child protection best practice

This document explains Gateshead Council's procedures for identifying, registering and tracking Children Missing from Education, and the statutory responsibilities of parent(s), schools, the Local Authority (LA), and other agencies.

Children Missing from Education: Definition

Children missing from education are children of compulsory school age (5-16 years old) who are not registered pupils at a school and are not receiving suitable education otherwise than at a school.

Children Missing from Education (CME) in this document relates to:-

- children of compulsory school age who are thought to have left Gateshead, but their destination is either unknown and/or unconfirmed
- children of compulsory school age who have arrived in Gateshead but whose parents have not sought a school place

Overview

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.

Children missing from 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.

Local Authorities (LAs) have a legal duty under section 436A 0f the Education Act 1996 to make arrangements to identify, as far as it is possible to do so, children missing from education. The key principles that enable LAs to carry out this duty are set out in the statutory guidance Children Missing Education (September 2016).

This policy sits alongside safeguarding responsibilities placed upon professionals under Working Together to Safeguard Children (2018) and Keeping Children Safe in Education (2020).

It does not replace established safeguarding referral procedures which should still be followed in any case where there are safeguarding concerns.

Children at risk of going missing from the education system

Children fall out of the education system for a number of reasons including failure to enter the system in primary school, failing to enter the secondary system after primary, or moving from one area to another but being unable to secure a suitable school place.

Vulnerable groups include:-

- Children living in women's refuges
- Children of homeless families living in temporary accommodation
- Children living in a house of multiple occupancy or bed and breakfast accommodation
- Unaccompanied asylum seekers and refugees or children of asylum-seeking families
- Children with long-term medical or emotional problems
- Children and young people in care of the Local Authority (Looked After)
- Children for whom English is an additional language
- Children with a Gypsy, Roma and Traveller background
- Children from transient families
- Teenage mothers
- Children who are permanently excluded from school
- Children with poor attendance

- Children on roll of Alternative Education Providers e.g. early college placements
- Children and young people who have committed offences or are at risk of becoming involved in crime
- Children identified with specific child protection issues and those who are considered to be in need of a Child Protection Plan
- Young people at risk of forced marriage
- Young people at risk of radicalisation

Information sharing

To track and trace children successfully effective multi-agency and cross border information sharing is essential. The LA Children Missing Education (CME) Officer may need to contact sections both within the council (Benefits, Housing, CSC etc), and outside agencies (Health, Police) to locate a child.

Under GDPR the legal basis for processing personal data for the purpose of keeping children safe is Article 6(1)(c) - the processing is necessary for compliance with a legal obligation, and Article 6(1)(e) – processing is necessary for performance of a public task in the public interest or official authority vested in the council as the data controller.

Parent's responsibilities

Parents have a legal responsibility to ensure that their child(ren) of compulsory school age are receiving a suitable education (section 444 Education Act 1996).

This can either be at school or otherwise.

If a child has a school place, parents should ensure that the school has complete up to date contact details and should inform school if they intend to move out of the area, providing the new home address and new school contact details (where possible). This is so that the child can be tracked, and their educational information can be passed to the new school.

Some parents may elect to educate their children at home and may either not enrol their child at a school or withdraw them from the school they are attending. Parents are entitled to do this at any time, provided the child is not subject to a School Attendance Order.

Schools' responsibilities

Under the Education Act 2002 (section 175) all schools, including maintained schools, free schools, academies and pupil referral units, must monitor a pupils attendance on a daily basis and have a safeguarding duty to investigate any unexplained absence, as described in the Keeping Children Safe in Education (2020) statutory guidance.

Schools should monitor attendance closely and address poor or irregular attendance using the schools staged response. In normal cases of absence, once all school strategies have been exhausted and there is no improvement in attendance, schools should consider a referral to the Local Authority requesting legal action for non-attendance. These cases **ARE NOT** Children Missing from Education.

Where a child is absent and is thought to have left the area, the school must make reasonable enquiries to establish the child's whereabouts. Schools should keep a dated record of the attempts to locate the child.

Reasonable enquiries by school

When the whereabouts of a child is unclear or unknown, it is reasonable to expect that the school will complete and record one or more of the following actions:

- Contact the parent by phone, email, letter
- Carry out a home visit
- Contact others listed on contact information provided by parent
- Check with known relatives, neighbours, landlords, private or social housing providers
- Check with any other agency involved with the family such as CSC, etc
- Check with the local authority and school from which child moved originally, if known

If school think 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 (and the police if appropriate).

Deletion from the school admissions register

A pupil's name can only be removed from the admission register under regulation 8(1), sub-paragraph (f)(iii) or (h)(iii) if the school and the local authority have failed to establish the pupil's whereabouts after jointly making reasonable enquiries.

Following Sir Michael Wilshaw recommendations, amendments were made to the Education (Pupil Registration)(England) Regulations 2006 which require schools to report when a pupil's name is added or removed from their pupil admissions register.

All schools (including academies and independent schools) must notify the LA when they are about to remove a pupil from the school admissions register in line with Regulation 8 of the Education (Pupil Registration) (England) Regulations 2006 (this duty does not apply at standard transition points).

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 lives;

c. at least one telephone number of the parent with whom the pupil lives;

d. the full name and address of the parent who the pupil is going to live with, and the date the pupil is expected to start living there, if applicable;

e. the name of pupil's destination school and the pupil's expected start date there, if applicable; and

f. the ground in regulation 8 under which the pupil's name is to be removed from the admission register (appendix 1).

Local Authority responsibilities

The Local Authority has 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. However, Gateshead Council will investigate as far as possible when concerns about the whereabouts of preschool children are raised.

'Suitable education' is considered to be efficient, full-time education suitable to the age, ability and aptitude of the child and to any special educational needs which he/she may have.

Statutory guidance says that Local Authorities should: -

- Have robust policies and procedures
- Ensure they have effective tracking and enquiry systems
- Designate a named person to whom schools and other agencies can make referrals about children who are missing education.
- Make arrangements for joint working and information sharing with other local authorities and agencies.
- Ensure inter-agency working to safeguard and promote the welfare of children.

Anyone who is concerned for a child's welfare, should make a referral to Children's Social Care as per local safeguarding procedures. If there is reason to suspect a crime has been committed, the police should also be involved. Where there is a concern that a child's safety or well-being is at risk, it is essential to take action without delay.

Children Missing from Education (CME) Officer

There is a named CME Officer within the Local Authority whose role is to receive notifications of children possibly missing from education and to manage the CME procedures.

All CME referrals and enquiries should be sent to – **LITCMEReferrals@gateshead.gov.uk**

Notifications may be submitted either from within the LA, or from other agencies such as schools, health, housing, police, or other local authorities.

The CME Officer is responsible for: -

- Maintaining a Children Missing from Education database
- Opening and updating individual case files
- Investigating referrals made by schools, other agencies and other LAs
- Contacting, communicating and updating all relevant agencies
- Using available databases to locate children
- Liaising with schools, other agencies and other LAs
- Attending regional meetings
- Providing reports and statistical data to senior managers and DfE

If any agency becomes aware that a child has either left Gateshead or has arrived in the area but is not in education, the CME Officer should be notified and as much information as possible provided to assist in tracking and tracing the child.

If a child is subject to a child protection plan the school (or other agency) must inform Childrens Social Care immediately. Any concerns about child protection, sexual exploitation and trafficking should also be reported.

Reasonable enquiries by the Local Authority

If there is evidence to suggest the child has moved to a different local authority area, contact should be made with the CME Officer in the new authority using secure communication.

The local authority should maintain a record of the child's details until they are located or attain school leaving age.

When the whereabouts of a child is unclear or unknown, it is reasonable to expect that the local authority will complete and record one or more of the following actions:

- Attempt to contact the parent or other relatives by phone or letter using the known contact details
- Make home visit(s) and, if appropriate, make enquiries with neighbour(s) and relatives
- Check if any agencies known to be involved with family have further information which would help locate the child
- Follow local information sharing arrangements and where possible make enquiries via other local databases and agencies e.g. those of housing providers, school admissions, health services, police, refuge, Youth Justice Services, children's social care, and HMRC

- Contact the CME Officer in any local authority to which a child may have moved
- Contact the CME Officer in the local authority where the child lives, if different from where school is
- Contact the local authority and school from which child moved originally, if known, to establish if the family have returned
- Where appropriate, check with UK Visas and Immigration (UKVI) and/or the Border Force
- In the case of children of Service Personnel, check with the Ministry of Defence (MoD) Children's Education Advisory Service (CEAS)
- Check Key to Success or school2school (s2s) systems

Elective Home Education (EHE)

There is a separate and specific procedure to be followed in the case of children who leave a Gateshead school to be home educated. If a parent informs school of their intention to home educate, the school should: -

- Request written confirmation of the parent's intentions
- Once this has been received the child's name can be removed from the school roll (and then included on the migration return to the LA)
- Inform the LAs EHE Officer, Vicki McLeod by telephone: 0191 433 8745 or email: vickimcleod@gateshead.gov.uk

N.B It is the school, not the parent, that has a legal duty to inform the LA when deleting a child from the school roll under this criterion.

Intake (Reception) and Transition (Year 7)

If a child fails to attend the start of reception or Year 7 the school should attempt to contact the parent, the LA admissions team and any other known link.

The admissions team will provide the CME coordinator with details of any child who has not been located.

Using Common Transfer Files to transfer pupil information

The DfE provides a secure internet system – school2school – to allow schools to transfer pupil information to another school when the child moves.

The Common Transfer File (CTF) guidance makes clear that all schools maintained by a local authority in England are required to send a CTF to the new school when a pupil ceases to be registered at their school, and becomes a registered pupil at another school in England or Wales. Academies (including free schools) are also strongly encouraged to send CTFs when a pupil leaves to attend another school.

The school2school system also contains a searchable area, where schools can upload CTFs of pupils who have left but their destination/next school is unknown, they have moved abroad or have transferred to a non-maintained school. If a pupil

arrives in a school and the previous school is unknown, schools should contact their local authority who will be able to search the database.

There may be exceptional circumstances when standard rules for sending and receiving a CTF for a pupil might not apply. For example, where a family are escaping domestic violence, where the family is in a witness protection programme, or where there are concerns that the child is at risk of forced marriage. Guidance on how to share information in these circumstances is included in the CTF guidance.

Procedures for Children Missing from Education

Procedures for schools when children are thought to have left the area

It is expected that schools will exhaust all possible leads to locate a child and family before considering a CME referral.

Schools should try to establish the whereabouts of the child by

- attempting to contact the family by telephone, letter or home visit
- contacting other family members and other contacts named on the school contact list
- contact agencies with known involvement with the family for information

Possible outcomes of school investigations:-

1. **The child is traced by the school, but the parent is making no attempt to secure a school place in the new area**

   The school should complete and submit a CME referral (appendix 1) and the pupil must remain on the school roll. The school will be informed by the CME Officer when the child can be removed from roll.

2. **The child is traced by the school and a school place is pending**

   The school should allow 10 school days for the place to be confirmed before completing the CME form. It is only where a school place is not confirmed that the CME coordinator should be notified, and school will be informed by the CME Officer when the child can be removed from roll.

3. **The child is traced to another school and attendance is confirmed**

   The school should remove the child's name from roll, submit a migration form to the local authority and send the common transfer file (CTF) to the new school.

4. **The child is found to be still resident in Gateshead, but the parent is failing to send the child to school**

   This is an attendance issue (not CME) therefore the school should consider making a referral to the Legal Intervention Team for formal non-attendance procedures to be considered.

5. **The child is not traced after reasonable enquiries by the school**

   The school should complete and submit a CME referral (appendix 1). The CME Officer will inform the school when the child can be removed from roll.

CME referrals from schools

Referrals must be made on the CME referral form included in this document (appendix 2) and should provide as much information as possible about the child, their family, agency involvement, and the steps taken by school to locate the child.

Forms must be sent by securely to **LITCMEReferrals@Gateshead.Gov.UK**

All responses will be via secure email if the referrer is outside Gateshead Council's secure email system.

The CME Officer may contact the referrer for further details. If the referral is appropriate the case will be opened, and the CME Officer will: -

- Open the case on EMIS (electronic case management system)
- Contact other partner agencies in Gateshead for information about the whereabouts of the child
- Contact the relevant LA if a possible destination is known
- Arrange for the child's details to be added to the DfE S2S national database if there is no indication of a destination

If the child is found to be still resident in Gateshead but failing to attend the school where they are on roll, the school will be informed. The school can then work with the family and consider a referral into the Legal Intervention Team if non-attendance continues.

In order to protect vulnerable children and in line with best practice requirements, pupils should not be removed from the school roll until they are confirmed to have been admitted to a new school or the school has been advised to do so by the LA CME Officer.

Procedures for other agencies (statutory and voluntary) when children are thought to have left the area

Safeguarding is a key responsibility to all those who work with children and families. There is an expectation that any agency that becomes aware that a child may have left the area will contact the CME Coordinator, by telephone or email.

Partners agencies include: -

- Schools
- Admissions
- SEN
- Social Care teams
- Neighbourhood and Housing services
- Health including GPs, A&E departments, health visitors
- Police
- Benefit agencies
- Women's refuge
- General public and carers

Children Missing Education procedures do not replace any agency protocols or procedures in respect of safeguarding.

Once notified that a child may have left the area, the CME Coordinator will: -

- Open the case EMIS (electronic case management system)
- Contact other partner agencies in Gateshead for information about the whereabouts of the child
- Contact the relevant LA if a possible destination is known
- Arrange for the child's details to be added to the DfE S2S national database if there is no indication of a destination

If the child is found to be still resident in Gateshead but failing to attend the school where they are on roll, the school will be informed. The school can then work with the family and consider a referral into the Legal Intervention Team if non-attendance continues.

Procedures for all agencies when children arrive in the area

There is an expectation that any professional coming into contact with a school aged child will ask the parent why that child is not in school and where that child is registered. If the child appears not be on a school roll the CME Coordinator should be contacted either by telephone or email.

The CME Officer will: -

1. check if a school transfer request has bween made for the child
2. make a home visit to complete a school transfer form if the family is at home, or leave a letter and school transfer form
3. make a second home visit if a transfer form has not been received in 5 working days.
4. contact the Housing Company and other agencies to confirm the family is living at the address
5. discuss further action with the referrer if the CME Officer has been unable make contact with the family
6. refer the case to the Fair Access Team where the family are confirmed to be living at the address but have failed to complete the school transfer form despite contact and two home visits by the CME Officer

Appendix 1:

Grounds for deleting a pupil from the school admission register

Grounds for deleting a pupil of compulsory school age from the school admission register set out in the Education (Pupil Registration) (England) Regulations 2006, as amended.

1	**8(1)(a)** - where the pupil is registered at the school in accordance with the requirements of a school attendance order, that another school is substituted by the local authority for that named in the order or the order is revoked by the local authority on the ground that arrangements have been made for the child to receive efficient full-time education suitable to his age, ability and aptitude otherwise than at school.
2	**8(1)(b)** - except where it has been agreed by the proprietor that the pupil should be registered at more than one school, in a case not falling within sub-paragraph (a) or regulation 9, that he has been registered as a pupil at another school.
3	**8(1)(c)** - where a pupil is registered at more than one school, and in a case not falling within sub-paragraph (j) or (m) or regulation 9, that he has ceased to attend the school and the proprietor of any other school at which he is registered has given consent to the deletion.
4	**8(1)(d)** - in a case not falling within sub-paragraph (a) of this paragraph, that he has ceased to attend the school and the proprietor has received written notification from the parent that the pupil is receiving education otherwise than at school.
5	**8(1)(e)** - except in the case of a boarder, that he has ceased to attend the school and no longer ordinarily resides at a place which is a reasonable distance from the school at which he is registered.
6	**8(1)(f)** - in the case of a pupil granted leave of absence in accordance with regulation **7(1A)**, that - (i) the pupil has failed to attend the school within the ten school days immediately following the expiry of the period for which such leave was granted; (ii) the proprietor does not have reasonable grounds to believe that the pupil is unable to attend the school by reason of sickness or any unavoidable cause; and (iii) the proprietor and the local authority have failed, after jointly making reasonable enquiries, to ascertain where the pupil is.

7 **8(1)(g)** - that he is certified by the school medical officer as unlikely to be in a fit state of health to attend school before ceasing to be of compulsory school age, and neither he nor his parent has indicated to the school the intention to continue to attend the school after ceasing to be of compulsory school age.

8 **8(1)(h)** - that he has been continuously absent from the school for a period of not less than twenty school days and -

(i) at no time was his absence during that period authorised by the proprietor in accordance with regulation 6(2);

(ii) the proprietor does not have reasonable grounds to believe that the pupil is unable to attend the school by reason of sickness or any unavoidable cause; and

(iii) the proprietor of the school and the local authority have failed, after jointly making reasonable enquiries, to ascertain where the pupil is.

9 **8(1)(i)** - that he is detained in pursuance of a final order made by a court or of an order of recall made by a court or the Secretary of State, that order being for a period of not less than four months, and the proprietor does not have reasonable grounds to believe that the pupil will return to the school at the end of that period.

10 **8(1)(j)** - that the pupil has died.

11 **8(1)(k)** - that the pupil will cease to be of compulsory school age before the school next meets and -

(i) the relevant person has indicated that the pupil will cease to attend the school; or

(ii) the pupil does not meet the academic entry requirements for admission to the school's sixth form.

12 **8(1)(l)** - in the case of a pupil at a school other than a maintained school, an Academy, a city technology college or a city college for the technology of the arts, that he has ceased to be a pupil of the school.

13 **8(1)(m)** - that he has been permanently excluded from the school.

14 **8(1)(n)** - where the pupil has been admitted to the school to receive nursery education, that he has not on completing such education transferred to a reception, or higher, class at the school.

15 **8(1)(o)** where -

(i) the pupil is a boarder at a maintained school or an Academy;

(ii) charges for board and lodging are payable by the parent of the pupil; and

(iii) those charges remain unpaid by the pupil's parent at the end of the school term to which they relate.

Apprendix 2: CME Referral Form

			For office use only
Date Received		Off Roll Issued	

Gateshead Council

Children Missing From Education (CME)
Legal Intervention Team

This form should be used when a child is thought to have left Gateshead

If there is a known risk or suspicion of child protection/sexual exploitation, please inform children's services immediately and highlight actions taken on the referral form

PUPIL DETAILS	*****PLEASE PROVIDE AS MUCH INFORMATION AS POSSIBLE ON THIS FORM*****							
Name				DOB		Year Group		Gender
Last known address						Post Code		
School				Date last attended Please attach a register				
Ethnicity		Religion		Language used at home				

PLEASE PROVIDE DETAILS OF ANY KNOWN SIBLINGS

Siblings name/s	School/s	DoB and Year Group

PARENT(S) NAMES

Title	First name	Surname	Relationship	Address, contact number, email address

OTHER KNOWN CONTACTS FOR FAMILY

Title	First name	Surname	Relationship	Address and contact number

IT IS MANDATORY THAT THE FOLLOWING CHECKS ARE MADE PRIOR TO REFERRAL	**DATES AND DETAILS OF ACTIONS WITH OUTCOMES**
Contact with parent by phone, text, letter, email – copies to be attached	
Check with other named contacts (as recorded on the contact information)	
Visit to family address including asking neighbours (if appropriate)	
Check with any known agencies working with the family	
Check with other parents/staff	
Full details of any other action taken	

FURTHER INFORMATION ABOUT THE CHILD(S) WHEREABOUTS AND ACTIONS TAKEN

OTHER AGENCIES INVOLVED		
Agency	**Yes / No**	**Contact details and any other information**
Social Services		
Family Intervention Team		
Youth Offending Team/Youth Crime Education Prevention Team		
Other		

FURTHER INFORMATION			
Child Protection Plan	**Yes** ☐ **No** ☐	Families Gateshead	**Yes** ☐ **No** ☐
Child in Need	**Yes** ☐ **No** ☐	Single Plan (Education and Health Care Plan)	**Yes** ☐ **No** ☐
Looked after Child	**Yes** ☐ **No** ☐		

As a lone visit may be made to the child's home by the Legal Intervention Team (LIT) it is important to share any known issues which may affect their personal safety.	
Is there any information which may affect the health and safety of the worker?	**Yes / No**
If yes please give full details	

Referrer Details			
Name of Referrer		Designation	
Contact Details		Date	

Please return this form to mailto: LITCMEReferrals@Gateshead.Gov.UK

Legal Intervention Team, Dryden Centre, Gateshead Tyne and Wear, NE9 5UR

**** Please attach a register with the referral**

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