

East Sussex County Council

Children Missing Education

Policy and Procedures

Nutley Church of England Primary School



Last Updated:
Next Review:

Feb 2024
Feb 2025

1 INTRODUCTION

- 1.1 This policy clarifies the responsibilities of all staff working in schools (including their governing bodies) and the Local Authority (LA) in ensuring that all children and young people are given the opportunity to access appropriate and suitable education provision. Following changes in September 2016 by government this now includes independent educational establishments.
- 1.2 The focus of this policy relates directly to Children Missing from Education (CME). However, this should be recognised as being a part of the Local Authorities' broader remit to safeguard and promote the welfare of children within East Sussex.
- 1.3 Children Missing from Education are among the most vulnerable in society. It is therefore paramount that practitioners in all services collaborate to efficiently identify and engage children into appropriate education provision at the earliest possible opportunity. This includes supporting other Local Authorities who have reason to believe a child from their area may be in East Sussex.
- 1.4 The Education Act 1996 places a duty on Local Authorities to make arrangements to enable them to establish (so far as it is possible to do so) the identities of children residing in their area who are not receiving a suitable education.
- 1.5 The duty does not strictly include children who are registered at school but are failing to attend regularly. However, it must be recognised that experience demonstrates these children are often extremely vulnerable and are **at risk of becoming missing**. Consequently, it is paramount that this category of children is adopted within this policy and should be a key focus for prevention, in particular those children who are persistently absent. This duty also applies to Elective Home Education (EHE) families who after repeated attempts of contact have failed to respond to our requests of communication.

2 CONTEXT

- 2.1 The Department for Education (DfE) defines CME as - *all children of compulsory school age who are not on a school roll, nor being educated otherwise (e.g., privately or in an alternative provision) and who have been out of any educational provision for a substantial period (usually four weeks or more)*.
- 2.2 The overarching purpose of this policy and its relative procedures is to clearly set out principles which **all** Schools, Academies and agencies should subscribe to. It is underpinned by the local safeguarding board procedures and national CME guidance to ensure the LA can fulfil its statutory duty to;
 - Provide a rapid response when a CME is identified
 - Develop robust procedures to ensure systems in place can swiftly identify CME. East Sussex County Council are to be now able to place children missing education on the national School to School database and track them.
 - Support strategies to prevent and minimise the possibility of CME
- 2.3 There are specific points when children are at most risk of becoming CME;
 - Children not registered at a school when reaching statutory school age or transferring
 - Children not registered at a school when arriving in East Sussex for the first time
 - Schools Off-Rolling without following the Off-Rolling procedures
- 2.4 Children who are disengaged from education, whether not being registered in provision or children persistently absent are at significant risk of exposure to harm. They may be at significant risk of exploitation (both criminal and sexual), forced marriage, teenage parenthood,

mental health, substance misuse, Female Genital Mutilation (FGM), criminal and anti-social behaviour. This list is not exhaustive.

2.5 Certain groups of children are at higher risk of becoming CME;

- Children who have had difficulties in school, particularly with attendance or bullying
- Children experiencing adverse family circumstances such as domestic violence
- Highly mobile families such as Gypsy Roma, Travellers and Migrant families
- Unknown / unregistered Electively Home Educated children

Further information can be found on page 6 of the [DFE's statutory guidance](#)

3 REDUCING THE RISK OF CHILDREN GOING MISSING FROM EDUCATION

- 3.1 This policy sets expectations for there to be a multi-agency approach to identifying CME and the expectation extends to all Schools, Academies and agencies to ensure timely CME referrals are made using the appropriate procedure.
- 3.2 Schools should exercise appropriate measures to reduce children disengaging from education, using robust attendance monitoring and support referrals for attendance, behaviour, anti-bullying and reintegration. Advice and guidance is found in the 'Working Together to Improve School Attendance Guidance' May 2022 (DfE). Within appropriate referrals there is scope for drawing down additional support including Family Key Work support and Social Care referrals.
- 3.3 CME staff will proactively interrogate information and databases to support identification of children missing education. This will include liaising with schools to ensure defined procedures are followed in respect of attendance management and removing children from school rolls.
- 3.4 CME staff are responsible for coordinating the monthly CME Panel which is attended by Inclusion Special Education Needs and Disability (ISEND) service colleagues from Education Support, Behaviour And Service, Teaching & Learning Provision, Assessment and Planning and Admissions and Transport to share information on the current CME list and update information shared and identify actions to locate pupils.

4 RESPONSIBILITIES FOR ACTION

- 4.1 East Sussex Local Authority responsibilities for Children Missing Education is held within the Education Support, Behaviour and Attendance Service (ESBAS).
- 4.2 School Attendance Orders (Appendix 3)

Introduction:

This guidance clarifies the responsibilities of staff working in the local authority (LA) and in schools (including their governing bodies) in ensuring that all children and young people are given the opportunity to access appropriate and suitable education provision. This guidance also informs with regards to the safeguarding duties that rest with all professionals in ensuring the welfare of the child/young person, which includes their suitable education.

What is a School Attendance Order?

A **School Attendance Order** is issued when the authority is not satisfied that suitable education is being provided otherwise than at **school** and where the authority considers it expedient that the child should attend school. A **School Attendance Order** is issued to parents of children of compulsory school age by the local authority as per the legislation from

section 437 - 444 of the **Education Act 1996**. The order will require the child's parents to register the child at a named school. Failure to comply with a School Attendance Order amounts to an offence which the parent can be prosecuted for.

Roles and Responsibilities of professionals:

- **Schools**

Relevant staff within schools have the responsibility to follow the ESCC off-rolling/Children Missing Education guidance (<https://sid.eastsussex.gov.uk/CMEOffRollingForm/>) and notify the local authority of children being withdrawn to be electively home educated or otherwise. Where SAO notices are served due to failed elective home education, the named school in the Order will keep a place available for the child/YP and follow the guidance set out in the ESCC **School Attendance Order flowchart** to ensure the legal and safeguarding responsibilities that rest with the named school are fulfilled. Where appropriate the local agreement regards placing failed EHE cases back in their original schools will be adhered to.

- **Children Missing Education (CME), ESCC**

The ISEND administration team have the responsibility to notify the Teaching and Learning Provision of children being withdrawn from schools to be electively home educated and of those who have been referred from elsewhere as possibly being home educated. The CME team will initiate and execute the SAO process where EHE has been deemed unsuitable and failed. CME and school admissions will liaise with regards to appropriate allocation of school places. The CME team will ensure that the processes set out in the **School Attendance Order flowchart** are robustly followed with timely interventions to ensure the legal and safeguarding responsibilities of the LA are fulfilled.

- **Teaching and Learning Provision (TLP), ESCC**

TLP professionals will undertake home visits following notification of child/children being electively home educated, especially for those highlighted as with SEN/vulnerable/past and current social care involvement/past and current ESBAS involvement/Year 11s and schools raising concerns, to assess the educational provision in place for them. Telephone contact will be made with all others where no concerns have been highlighted. TLP will inform CME where EHE is deemed unsuitable and therefore failed. CME will initiate the SAO process at this stage. Where EHE is deemed unsuitable and therefore failed for a child/YP with an EHCP (mainstream/special facilities/special schools), TLP, Assessment and Planning (A&P) and CME will liaise to agree the SAO process.

- **School Admissions, ESCC**

School admissions will liaise with the CME team regarding availability and allocation of school places for children whose home education has been deemed unsuitable and therefore failed by TLP. School admissions will consider and advice on school applications received for the child/young person in question and consider any local agreement arrangements within Behaviour and Attendance Partnerships to ensure school places are allocated appropriately.

- **CME Panels, ISEND**

Monthly panels are held to discuss and appraise relevant ISEND professionals of the status and progress of current CME cases where an SAO is initiated as well as gathering additional information on CME cases following the involvement from ISEND teams such as Elective Home Education (EHE), Assessment & Planning (A&P), School Admissions, Education Support, Behaviour & Attendance Service (ESBAS)

Safeguarding responsibilities:

The LA and schools have safeguarding responsibilities where an SAO is issued following a failed EHE and where parents/carers fail to enrol them at an allocated school. The guidance sections shared below will support the processes robustly.

The East Sussex County Council Elective Home Education Policy and Procedures refers to the safeguarding responsibilities.

The important sub sections and quotes are as follows:

7.1 The welfare and protection of all children, both those who attend school and those who are educated at home, is of paramount concern and the responsibility of the whole community. Working Together to Safeguard Children 2018 and Section 175 of the Education Act 2002 imposes a duty on the Local Authority to make arrangements for ensuring that the functions conferred on them are exercised with a view to safeguarding and promoting the welfare of all children resident in East Sussex.

7.2 The EHE team will follow East Sussex safeguarding procedures at all times and will work with relevant agencies and individuals to proactively safeguard and promote the welfare of children. East Sussex Children's Services will work collaboratively to proactively safeguard and promote the welfare of children and, in the event of any concerns about the welfare of an EHE child, initiate and follow through established safeguarding procedures, which may include necessary sharing of information with GPs, health visitors and other health professionals in the interest of a child or young person.

7.3 The EHE team will discuss any welfare concerns with the family and ensure, wherever possible, that the family understands the reasons for any referral to East Sussex Children's Social Care. If this discussion would put the child at increased risk of harm, the EHE team will seek further advice and guidance from Children's Social Care.

7.4 ESCC acknowledges that parents can decide to EHE at any time. However, the safety of the child is paramount and where the child has a Child Protection (CP) or Child in Need (CIN) plan, the suitability of home education will be considered within the context of the plan.

Where ESCC considers the child to be at a greater safeguarding risk by being home educated, a SAO will be issued.

On receipt of a declaration to EHE, the social worker or the team manager will:

- inform the family that they should provide a written proposal for their plans to provide a full time, suitable and efficient home education
- consider whether a strategy discussion is required
- make any necessary changes to protect the child at the next Child Protection conference, core group or Child in Need review meeting

- assess the risk to the child, to include health, well-being and possible neglect and record how the risk is increased because of continuing, or starting to, educate the child at home within the record of the meeting
- review the suitability of the family's EHE plan within the meeting
- consult with education colleagues and the previous school
- amend the plan to reflect the necessary actions that need to be taken, which may include the referral to Fair Access Panel to identify a school place.

Where a child whose education provision is EHE has a CP plan, and the CP plan is stepped down to CIN or early help, the plan should detail how the parent/carer will sustain regular reviews of the suitability of education with the EHE team.

Safeguarding checks and procedures by CME and Schools when a SAO is initiated:

- Home visit will be undertaken by the Legal and Interventions Officer, CME team within 15 days of the issue of SAO order and or where a Notice of Intention to Prosecute is being considered
 - At issue of the Notice of Intention to Prosecute, Legal and Interventions Officer, CME team will contact SPOA for further advice and support
 - The named school to keep a place available for child/young person (cannot go on roll until parent/carer agrees to the school place)
 - The school will arrange a timely Pre-Admissions Meeting fulfilling their safeguarding responsibility
 - Where the parent/carer attends the Pre-Admissions Meeting, a start date is agreed, and the pupil is put on roll from the start date (regardless of whether the pupil attends on the agreed date or not). This is to be adhered to as per the 'Working together to Improve School Attendance Guidance May 2022, DfE pg 45
https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/1099677/Working_together_to_improve_school_attendance.pdf
 - If child/young person fails to attend school following the Pre-Admissions Meeting at which a start date is agreed for putting the child/young person on roll, the school should make a home visit as part of their safeguarding responsibility and follow their school's attendance monitoring procedures. School may also consider a police welfare check if the child has not been seen and no contact has been received from the parent/carer. An ESBAS referral to be considered by the school via the ISEND Front Door if all supportive strategies to encourage attendance has been exhausted by the school and there is no improvement in attendance
 - The school should contact the CME team if the parent/carer fails to attend the Pre-Admissions Meeting
- 4.3 Appropriate CME staff will co-ordinate responses to referrals and also continually review and develop procedures to ensure all CME can be identified efficiently.

The contact details below should be used for any queries relating to CME;

Children Missing Education
 Ocean House
 87-89 London Road
 St Leonards-on-Sea
 TN37 6DH

Telephone: 01273 481967
Email: cme@eastsussex.gov.uk

- 4.4 In the East and the West of East Sussex, there are monthly meetings relating to children who go missing from home/care (MISPER) and children who are being or at risk of being sexually exploited (MACE). ESBAS attends the MACE meetings and holds responsibility for the input of education information and any other relevant intelligence that may be held.

5 INFORMATION SHARING

- 5.1 Sharing information is vital for early intervention to ensure that children receive the services that they require, to protect them from harm. The Children Act 2004 places a duty on all agencies to work together to promote the welfare of children and to share information appropriately. They have a responsibility to provide a duty of care which includes the duty to share and exchange information, particularly in terms of Child Protection. Where sharing is likely to support the safeguarding and protection of a child, there should be no barriers to the sharing of information so that a proper assessment can be made.

Under the GDPR and Data Protection Act 2018 we may share information without consent if, there is a lawful basis to do so, for example if sharing is necessary to comply with a legal obligation such as the protection of children under the Children Act. However, any sharing of information by email or other means must comply with the law relating to data protection and should be done in line with local arrangements for recording and sharing information. For example, information that is shared must be: necessary and proportionate, relevant, adequate, accurate, timely, secure and recorded.

Further information can be found in the [DFE Information Sharing Guidance updated in July 2018](#).

6 FURTHER INFORMATION

Further sources of useful relevant information can be found on Page 9 of the [DFE's Statutory Guidance last updated September 2016](#)

CME Guidance from DfE quotes below legislation:

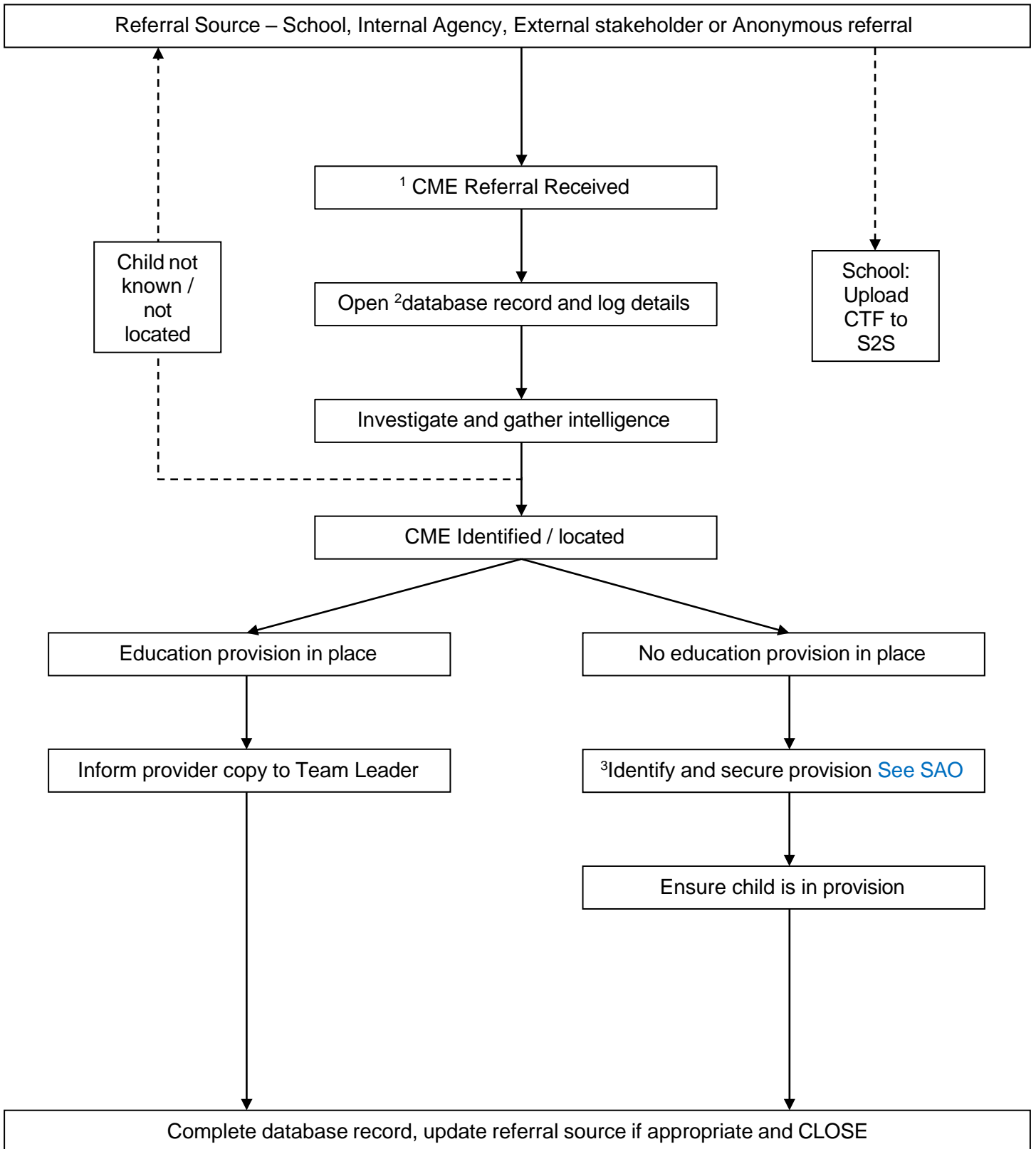
Section 436A of the Education Act 1996 (added by section 4 of the Education and Inspections Act 2006)

- Education Act 1996 (section 7, 8, 14 and 19)
- Education and Inspections Act 2006 (section 4 and 38)
- Education (Pupil Registration) (England) Regulations 2006
- Education (Pupil Registration) (Amendment) (England) Regulations 2016

Children Missing Education Procedures

- Appendix 1 CME Referral Process (Internal)
- Appendix 2 CME Referral Process (Outbound)
- Appendix 3 School Attendance Order Process
- Appendix 4 Off Roll Logging Process
- Appendix 5 Register Inspection (CME Element)
- Appendix 6 Emigration Safeguarding Process
- Appendix 7 Terminology
- Appendix 8 Multi-agency Network

APPENDIX 1 – CME Referral Process (Internal and Inbound)

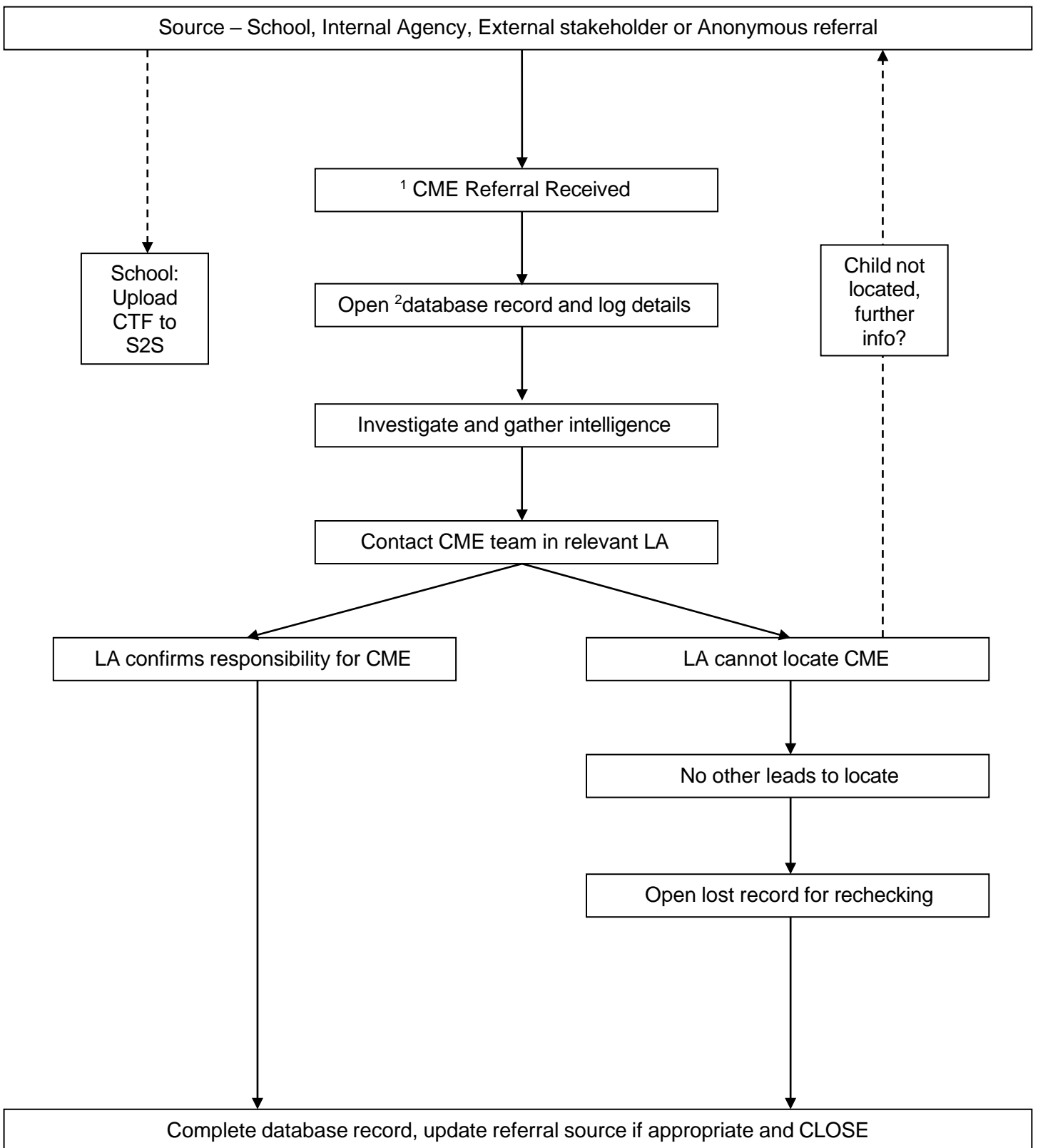


¹ Referrals from schools should be via the online Eform situated on Czone. External stakeholders or anonymous referrals from members of the public can refer via multiple methods including; Phone calls, email, S2S and in the case of some Local Authorities an outbound CME enquiry form

² Database refers to local East Sussex case management system within ISEND, Behaviour & Attendance Service.

³ Provision is sourced via school admissions in most cases, however SEND will allocate for EHCPs

APPENDIX 2 – CME Referral Process (Outbound)

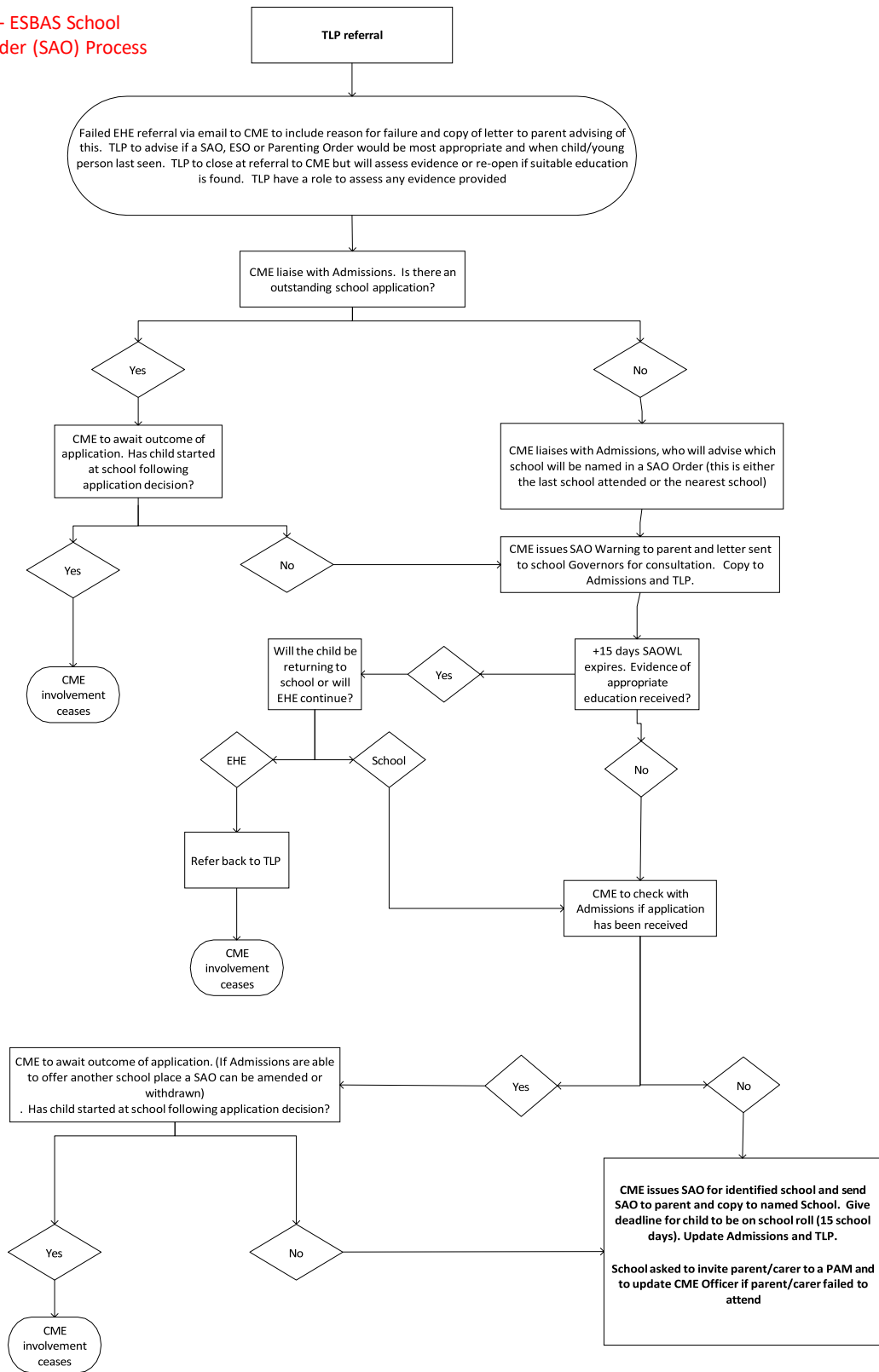


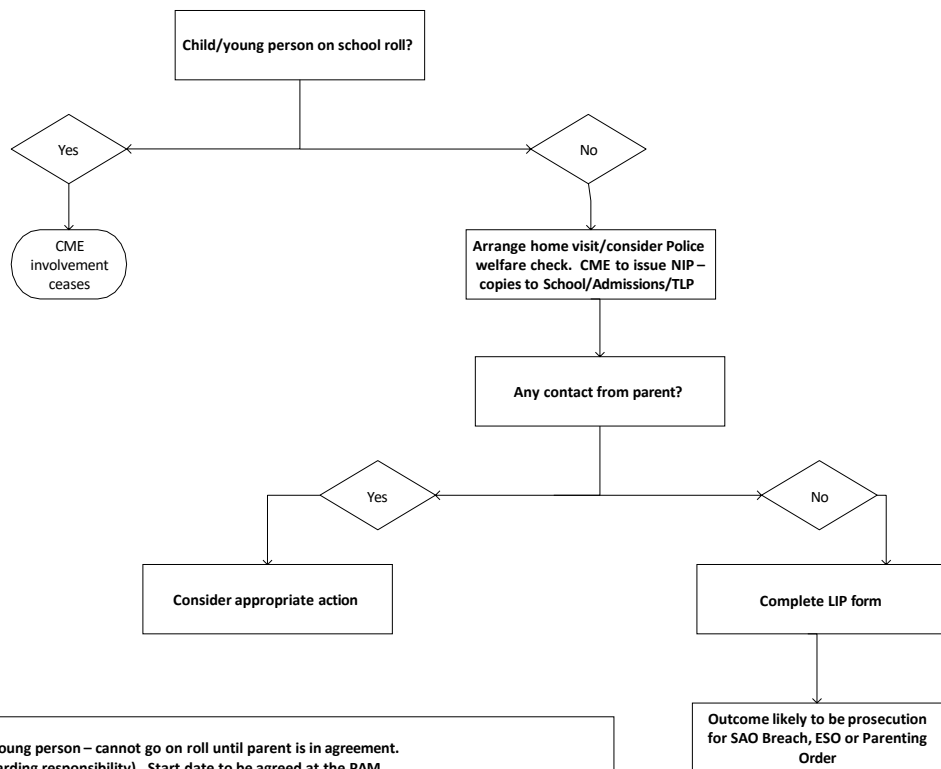
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² Database refers to local East Sussex case management system within ISEND, Behaviour & Attendance Service.

APPENDIX 3 – School Attendance Order (SAO) Process

APPENDIX – ESBAS School Attendance Order (SAO) Process



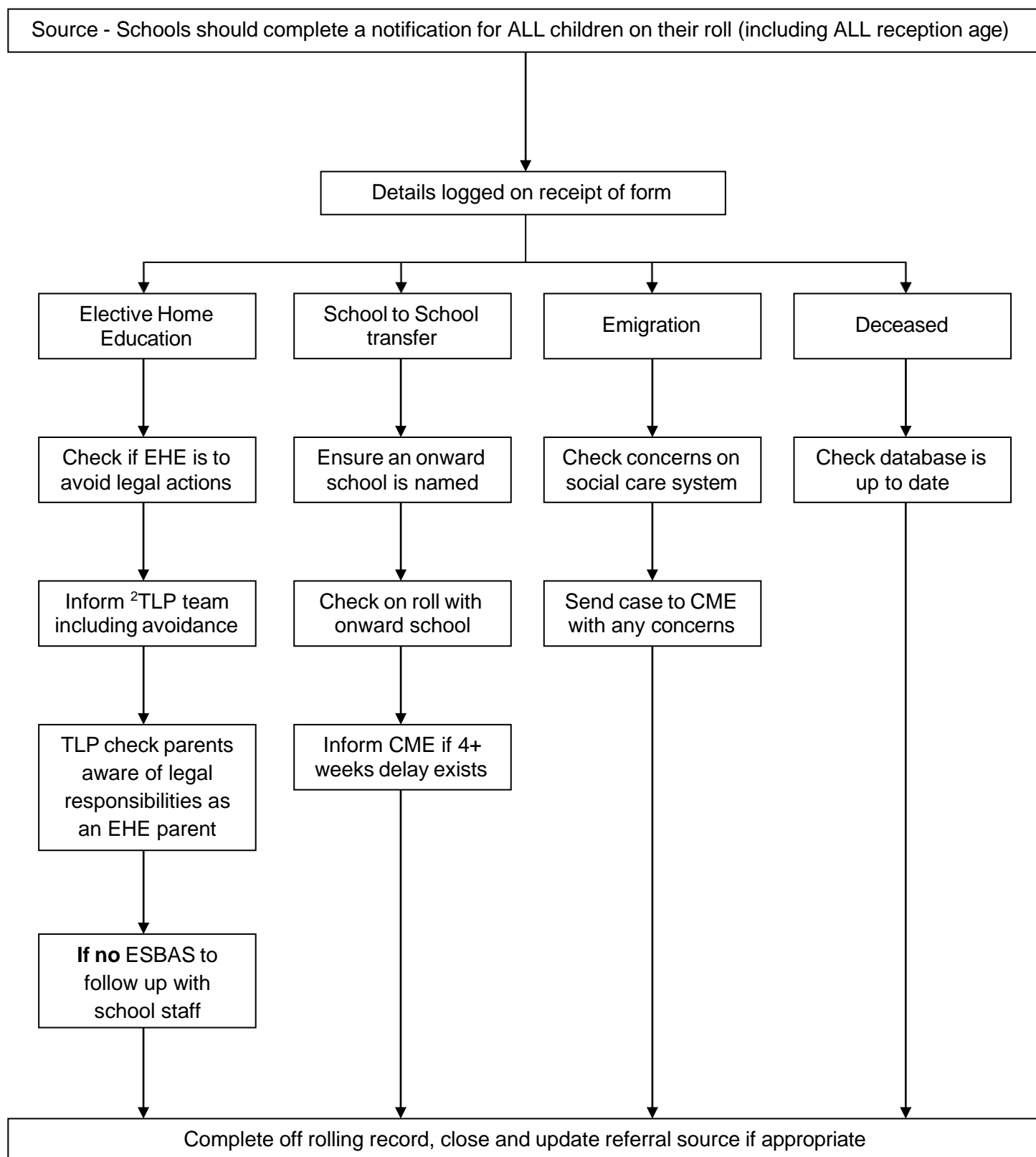


School responsibility:

- Keep a place available for child/young person – cannot go on roll until parent is in agreement.
- To arrange a timely PAM (safeguarding responsibility). Start date to be agreed at the PAM.
- School to advise CME Officer if parent/carer fails to attend PAM.
- If child/young person fails to attend school on agrees start, school should make a home visit (safeguarding), consider a Police welfare check and follow their attendance procedures and consider referral to ESBAS via ISEND Front Door where all supportive strategies to encourage school attendance have been exhausted.

Note:
It should be noted that the offence of not complying with a specific School Attendance Order is only committed once. Therefore if a parent is convicted and fined but still does not send the child to school, the process of serving a notice must be undertaken again.

APPENDIX 4 – Off-Roll Logging Process

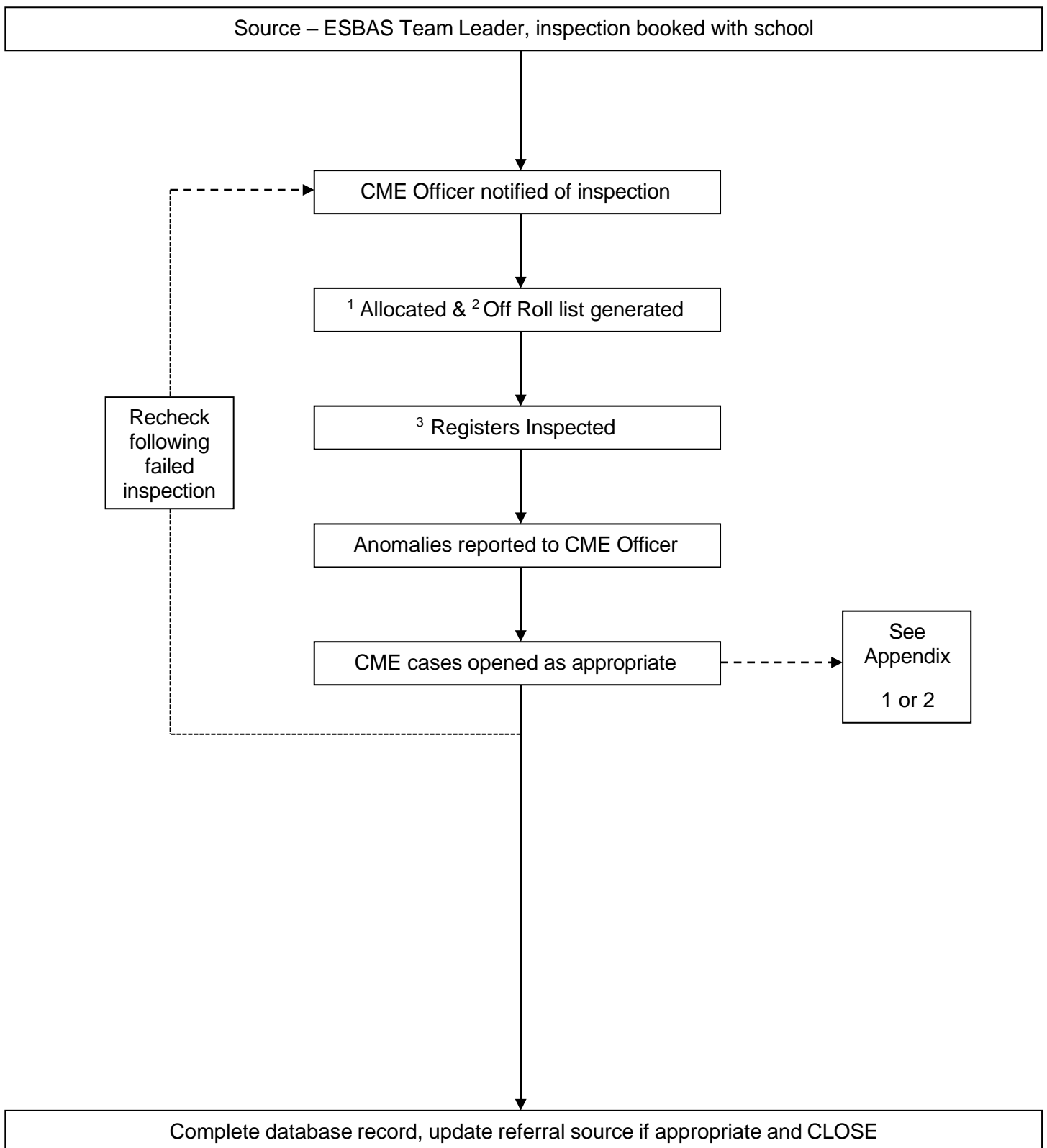


¹ CME in this context relates to lost pupils who a school can remove from their roll after 20 school days of continuous absence. This should only happen where there is no contact from parents and the location of the child is unknown despite best efforts to try and investigate

² Teaching and Learning Provision

APPENDIX 5

APPENDIX 5 – Register Inspection (CME Element) Process



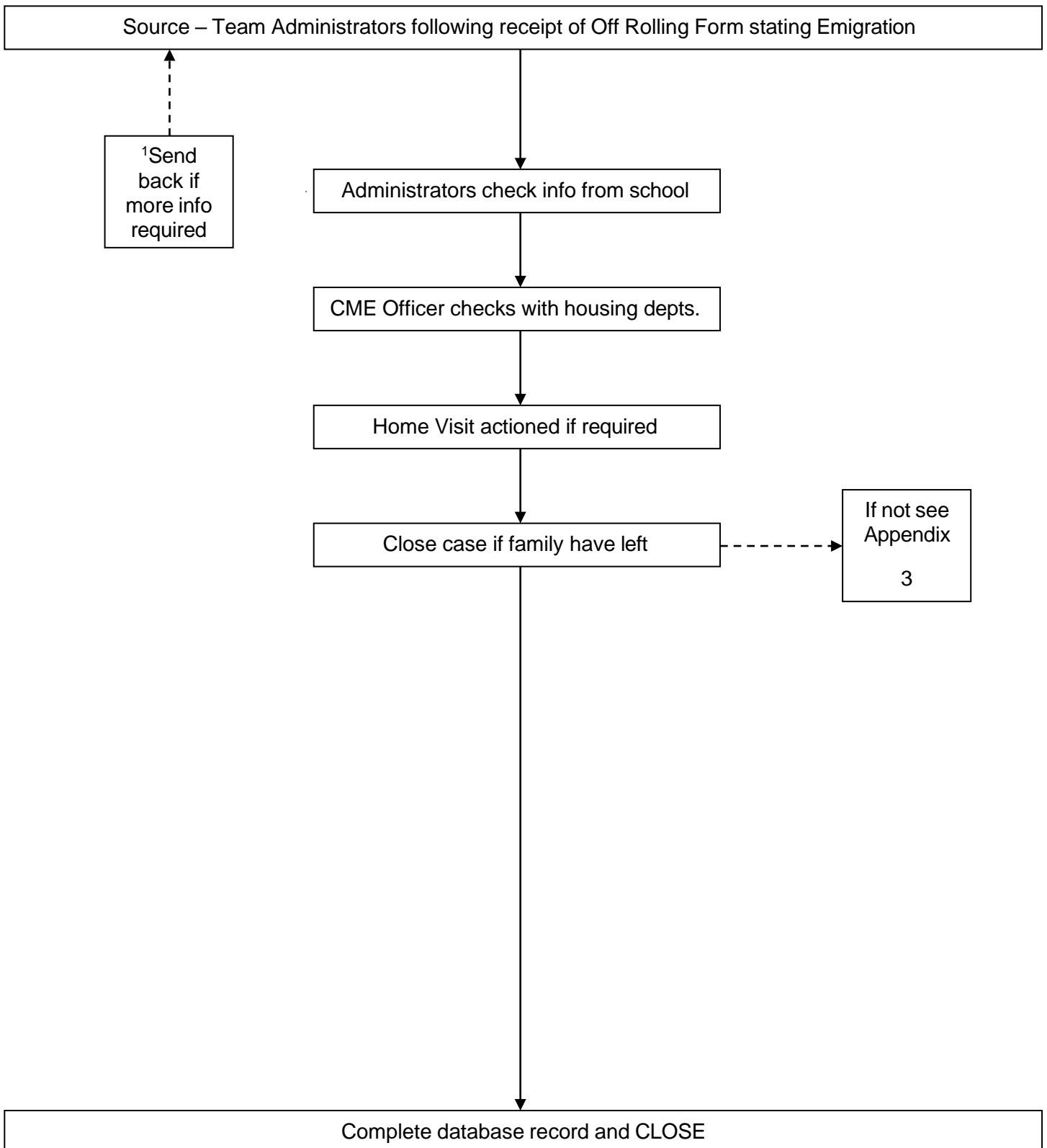
¹ The 'Allocated' list comprises of the young people who have been allocated to the named school in the current academic year and of whom may or may not have started.

² The 'Off Roll' list comprises of those young people who have been off rolled where an Off Roll notification has been submitted. It does not include those whom school have not submitted a form.

³ The CME element of the inspection is to check for young people off rolled but no notification was

APPENDIX 6

APPENDIX 6 – Emigration Safeguarding Process



¹ It is expected that when school staff are notified that a family are emigrating they request the destination address and must confirm the date the family are leaving the country. When there is an extensive period between emigration and parents wishing to remove children from school roll then schools should not

APPENDIX 7

APPENDIX 7 - Terminology

CME	Children Missing Education
ESBAS	Education Support, Behaviour & Attendance Service
TLP	Teaching and Learning Provision
LA	Local Authority
S2S	School to School transfer system
SEND	Special Education Needs and Disability
ISEND	Inclusion Special Educational Needs and Disability
EHE	Elective Home Education
EHCP	Education Health and Care Plan
Eform	Electronic version of a form completed online
SAO	School Attendance Order

APPENDIX 8 – Multi-Agency Network

CHILDREN'S SERVICES	HEALTH SERVICES
Pre Schools Early Years Provisions iSEND Services Youth Supports Teams Family Supports Teams Duty and Assessment Youth Offending Team School Improvement Service Schools (including independents) Targeted Youth Support	Child and Adolescent Mental Health Health Visitors Accident and Emergency centres GP Surgeries PCT/CCG Safeguarding Teams School Nurses Homeless Health team
DISTRICT COUNCILS	EXTERNAL STAKEHOLDERS
Homeless teams Housing teams Neighbourhood managers Leisure services Libraries	Children's Charities Police Immigration/Borders Agency Non East Sussex Schools Colleges Alternative Education Providers Independent Schools Employability Services External CME Officers Homeless Support Charities.

