

Ormiston Academies Trust

## Ormiston Sandwell Community Academy Children Missing Education policy

### Policy version control

Policy type	OAT mandatory template
Author	Sarah Bloomer
Approved by	Rob Pritchard June 2020
Trust Board approval	July 2020
Release date	July 2020
Next release date	July 2021
Description of changes	<ul style="list-style-type: none"><li>▪ No changes</li></ul>

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# 1. Statement of intent

All children are entitled to a full-time education, regardless of their circumstances. Unfortunately, children missing education (CME) risk underachieving, being victims of abuse, and not being in education, employment or training (NEET) in later life.

The Local Authority (LA) has a legal duty to identify when there are CME and help them back into education. This policy highlights what OSCA will do to help the LA with its duty.

This policy complies with the following legislation and statutory guidance:

DfE 'Working together to safeguard children' 2018

DfE 'Keeping children safe in education' 2018

DfE 'Children missing education' 2016

The Education Act 1996

The Education Act 2002

The Education and Inspections Act 2006

The Children Act 1989

The Children Act 2004

The Education (Pupil Registration) (England) Regulations 2006 (as amended in 2016)

The Education (Pupil Information) (England) Regulations 2005 (as amended in 2016)

The Academy Information (England) Regulations 2008 (as amended in 2012)

The Education (Provision of Full-Time Education for Excluded Pupils) (England) Regulations 2014

Signed by:

_____	Principal	Date:	_____
_____	Chair of governors	Date:	_____

## 2. Definition

2.1. For the purpose of this policy, a CME is defined as a child or young person of compulsory school age who is not attending school, not placed in alternative provision by an LA, and who is not receiving a suitable education elsewhere. This definition also includes children who are receiving an education, but one that is not suitable; this could include children who are not receiving full-time education suitable to their needs, e.g. age, ability, aptitude, special educational needs and disabilities (SEND).

## 3. Why children miss education

3.1. The most common reasons for children missing education include the following:

- Failing to be registered at a school at the age of five
- Failing to make a successful transition
- Exclusion
- Mid-year transfer of education provision
- Families moving into a new area

3.2. Going missing, particularly repeatedly, can act as a vital warning sign of a range of safeguarding risks, including: abuse and neglect, which may include sexual abuse or exploitation; child criminal exploitation; mental health problems; substance abuse and other issues.

3.3. Early intervention is necessary to identify the existence of any underlying safeguarding risk and to help prevent the risks of them going missing in future. (KCSIE 2018)

## 4. Children at particular risk of missing education

As there could be many reasons for a child to be missing from education, the LA will make a judgement on a case-by-case basis. The following list indicates pupils who are most at risk of missing education:

### 4.1. Pupils at risk of harm or neglect:

Where this is suspected, local child protection procedures will be followed; however, if a child is in immediate danger or at risk of harm, a referral should be made immediately to children's social care (and the police if appropriate) as per the academy's safeguarding procedures. The LA officers responsible for CME will check a referral has been made and will contact children's social care if this is not the case. Should there be a reason to suspect a crime has been committed or the child's safety is at risk, the LA will contact the police.

#### 4.2. Children of gypsy, roma and traveller (GRT) families:

When a GRT pupil leaves the academy without naming their next destination school, the academy will contact the LA. If necessary, the academy will consult the named CME officer for advice on the best strategies to ensure minimal disruption to the GRT pupil's education.

#### 4.3. Children of service personnel:

The academy will contact the Ministry of Defence Children's Education Advisory Service for advice to ensure continuity of education for these children.

#### 4.4. Missing children/runaways:

Should the academy suspect a child has gone missing/run away, an appropriate staff member will consult the DfE for advice on missing children.

#### 4.5. Children and young people supervised by the Youth Justice System:

In this case, LA youth offending teams are responsible for supervising children (aged 8 to 18). Where a young person is registered at the academy prior to custody, the academy will keep the place open for their return.

#### 4.6. Children who cease to attend school

Where the reason for a child who has stopped attending the academy is not known, the LA will investigate the situation.

#### 4.7. Children of migrant families/unaccompanied minor:

There is an increased risk of a child missing education if they are part of a new migrant family who may not yet have settled into a fixed address, or may have arrived into an LA area without the authority becoming aware.

## 5. Roles and responsibilities

### 5.1. The Academy

- 5.1.1. The academy will enter pupils on the admissions register at the beginning of the first day on which it has been agreed by the academy, or the day that the academy has been notified that the pupil will attend the academy.
- 5.1.2. In the event that a pupil fails to attend the academy on the agreed or notified date, the academy will undertake reasonable enquiries to establish the reason for this absence, and will consider notifying the LA at the earliest opportunity.
- 5.1.3. The academy will keep an accurate and up-to-date admissions register by encouraging parents/carers to inform them of any changes.
- 5.1.4. The academy will monitor pupils' attendance through a daily register.

- 5.1.5. The academy will agree with the LA what intervals are best to inform them of pupils who are regularly absent from school, or who have missed 10 school days or more without permission.
- 5.1.6. Where a pupil has not returned to school for 10 days after an authorised absence, or is absent from the academy without authorisation for twenty consecutive school days, the academy will remove the pupil from the admission register if the academy and the LA have failed to establish the whereabouts of the child after making reasonable enquiries.
- 5.1.7. The academy will notify the LA if any pupil is to be deleted from the admission register in the circumstance outlined in Regulation 8 of the Education (Pupil Registration) (England) Regulations 2006 (as amended in 2016).
- 5.1.8. Pupils who remain on the academy roll are not necessarily missing education, but will be monitored and attendance will be addressed when it is poor.
- 5.1.9. The academy will arrange full-time education for excluded pupils from the sixth academy day of a fixed period exclusion.
- 5.1.10. The academy will provide information to the LA regarding standard transitions, if requested to do so by the LA.

## 5.2. The Local Authority

- 5.2.1. Under the Education Act 1996, the LA has a duty to establish the identities of children in the area who are not registered pupils at a school and are not receiving education provision otherwise.
- 5.2.2. The LA will provide full-time education for permanently excluded pupils from the sixth academy day of a fixed period exclusion.
- 5.2.3. When it is brought to the LA's attention that a child may not be receiving a suitable education, the LA will serve notices on parents/carers to assure the LA that their child is receiving such an education.
- 5.2.4. The LA will issue Academy Attendance Orders to parents/carers who fail to assure the LA that their child is receiving a suitable education, and the LA believes that the child should attend school.
- 5.2.5. The LA will prosecute parents/carers that do not comply with a Academy Attendance Order.
- 5.2.6. The LA may prosecute or fine parents/carers of academy-registered children who fail to ensure their child attends school regularly.
- 5.2.7. The LA will ensure that children identified as not receiving suitable education are returned to full-time education either at the academy or elsewhere.

- 5.2.8. The LA will ensure that the academy demonstrates prompt action and effective early intervention procedures to ensure children are safe and receiving suitable education.
- 5.2.9. The LA will apply to court for an Education Supervision Order for a CME.
- 5.2.10. The LA will ensure that children who return to full-time education are appropriately supported, taking into account the reasons why they missed education in the first place.
- 5.2.11. Pupils with special educational needs statements, or EHC plans, are able to be home educated. If the statement/EHC plan sets out the provision that the pupil should receive at home, or names a school where the provision will be received but the parent/carer chooses to home educate the child, the LA will arrange the provision and ensure that it is suitable to the child's special educational needs. The LA will review this statement annually.
- 5.2.12. The LA is responsible for liaising and sharing information with other agencies to support children who miss education.
- 5.2.13. The LA is responsible for referring to the LA children's social care where there is concern for a child's welfare, as well as the police if there is reason to suspect a crime has been committed.

### 5.3. Parents/carers

- 5.3.1. Parents/carers are responsible for ensuring that their children of compulsory school age are receiving suitable full-time education.
- 5.3.2. Parents/carers are responsible for notifying the academy in writing where they will be home-schooling their child, in order for the child to be removed from the admissions register.
- 5.3.3. Parents/carers will notify the academy regarding any absences or changes to the pupil's education arrangements.

## 6. Working with others

- 6.1. Families moving from one LA to another can sometimes lead to a child being lost in the system and consequently missing education. When a child moves, LAs will work with other LAs, regionally or nationally, to ensure this does not happen.
- 6.2. The LA will raise awareness of its procedures with local academies, partners and agencies working with children and families.
- 6.3. To assist them in tracing CME, the LA has contacts with the Department for Work and Pensions, the UK Border Agency and HMRC.

- 6.4. OSCA uses a secure internet system, "Movelt" to allow the academy to transfer pupil information when a child moves education setting.

## 7. Safeguarding

- 7.1. For the purpose of this policy, "reasonable enquiries" are defined as limited, investigative powers that the academy may action to determine a child's whereabouts and whether they may be in danger.
- 7.2. In line with the Children Act 2004, the academy will follow appropriate procedures when carrying out reasonable enquiries, such as the designated safeguarding lead (DSL) conducting discussions with neighbours, relatives or landlords, to determine whether a child may be at risk of harm.
- 7.3. The DSL will record that they have completed these procedures and, if necessary, make a referral to the children's social care or police.
- 7.4. Where the whereabouts and safety of a child is unknown, the academy, in conjunction with the LA, may carry out the following actions:
- 7.4.1. Make contact with the parent/carer, relatives and neighbours using known contact details. Where possible the academy will hold three different contact details for each pupil.
  - 7.4.2. Check local databases
  - 7.4.3. Check data transfer systems such as academy2academy or Key to Success
  - 7.4.4. Follow local information sharing arrangements, and making enquiries via other local databases and agencies where possible
  - 7.4.5. Check with UK Visas and Immigration and/or the Border Force
  - 7.4.6. Check with agencies known to be involved with the family
  - 7.4.7. Check with the LA and school from which the pupil moved originally
  - 7.4.8. Check with the LA where the pupil lives, if this is different to where the academy is located
  - 7.4.9. Check with the Ministry of Defence Children's Education Advisory Service in the case of children of Service Personnel
  - 7.4.10. Conduct home visits via an appropriate team, following local guidance concerning risk assessments, and making enquiries with neighbours or relatives, if appropriate



7.4.11. NB. This list is not exhaustive – the academy and LA will use their judgement towards what reasonable enquiries are appropriate once all the facts of the case have been taken into account.

## 8. Admissions register

- 8.1. The academy will ensure that the admissions register is kept up-to-date at all times, and will encourage parents/carers to notify the academy of any changes as they occur, such as via email or newsletters.
- 8.2. Pupils will be recorded on the admissions register at the beginning of the first day on which it has been agreed by the academy, or the day that the academy has been notified as the date that the pupil will attend the academy.
- 8.3. Once a pupil has been recorded on the admissions register, the academy will notify the LA within five days, and will supply the LA with all of the details contained on the admissions register for the new pupil.
- 8.4. Where a parent/carer notifies the academy that a pupil will live at another address, the academy will record the following information on the admissions register:
  - 8.4.1. The full name of the parent/carer with whom the pupil will live
  - 8.4.2. The new address
  - 8.4.3. The date from when it is expected the pupil will live at this address
- 8.5. Where a parent/carer notifies the academy that the pupil is registered at another school, or will be attending a different school in future, the academy will record the following information on the admissions register:
  - 8.5.1. The name of the new school
  - 8.5.2. The date when the pupil first attended, or is due to attend, that school
- 8.6. Parents/carers are able to elect to educate their children at home, and will subsequently withdraw them from school. This can happen at any time, unless the pupil is subject to a Academy Attendance Order. If a parent/carer notifies OSCA of a wish to EHE their child, the academy will follow the EHE guidelines provided by OAT. The pupil will be deleted from our admission register and the LA informed.

## 9. Removing a pupil from the admissions register

9.1. OSCA will inform the LA of any pupil who will be deleted from the admission register where they:

- 9.1.1. Have been taken out of academy by their parents/carers and are being educated outside the academy system, e.g. home-schooled
- 9.1.2. Have ceased to attend school and no longer live within a reasonable distance of the academy
- 9.1.3. Have been 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/she nor his/her parent/carer has indicated the intention to continue to attend the academy after ceasing to be of compulsory school age.
- 9.1.4. Are in custody for a period of more than four months due to a final court order, and the academy does not reasonably believe they will be returning at the end of that period.
- 9.1.5. Have been permanently excluded.
- 9.1.6. Have died.
- 9.1.7. Have been registered at another school where it is not indicated this should be the case.
- 9.1.8. Are registered at more than one school but have failed to attend the academy and the proprietor of any other schools concerned have consented to the deletion.
- 9.1.9. Have been granted authorised leave but have failed to attend school within 10 school days after the period of authorised absence ended, and:
  - 9.1.9.1. There is reason to believe the pupil is not unable to attend school.
  - 9.1.9.2. The LA and academy are unable to determine the pupil's whereabouts after making joint reasonable enquiries.
- 9.1.10. Have been continuously absent from school for a period of not less than 20 school days, and:
  - 9.1.10.1. The absence was not authorised.
  - 9.1.10.2. There is reason to believe the pupil is not unable to attend school.
  - 9.1.10.3. Will cease to be of compulsory school age before the academy next meets, and the relevant person has indicated the pupil will not attend the academy, or, the pupil does not meet the academic entry requirements for sixth form.

- 9.2. The academy will notify the LA that a pupil is to be removed from the admissions register as soon as any of the above criteria are met and no later than the time at which the pupil's name is actually removed.
- 9.3. If a pupil's name is to be removed from the admissions register the academy will provide the LA with the following information:
  - 9.3.1. The full name of the pupil
  - 9.3.2. The full name and address of any parent/carer with whom the pupil lives
  - 9.3.3. At least one telephone number of the parent/carer with whom the pupil lives
  - 9.3.4. The full name and address of the parent/carer who the pupil is going to live with and the date the pupil is expected to start living there, if applicable
  - 9.3.5. The name of the pupil's new school and their expected start date, if applicable
  - 9.3.6. The grounds for removal from the admissions register under Regulation 8 of the Education (Pupil Registration) (England) Regulations 2006 (as amended), as outlined in section 8 of this policy.

## 10. Policy review

- 10.1. This policy is reviewed annually, or sooner if there are statutory guidance updates.

