

**Draft Revised Statutory Guidance for local authorities in
England to identify children not receiving education**

Education Otherwise October 2008

Extent of guidance

This guidance applies to England only. It updates the original statutory guidance issued in February 2007.

The law

Duty of parents to secure education of children of compulsory school age

The parent of every child of compulsory school age shall cause him to receive efficient full-time education suitable—

- (a) to his age, ability and aptitude, and
- (b) to any special educational needs he may have,

either by regular attendance at school or otherwise.

Section 7 Education Act 1996

http://www.opsi.gov.uk/ACTS/acts1996/ukpga_19960056_en_2#pt1-ch1-pb3-11g7

Duty for local authorities to make arrangements to identify children not receiving education

Section 436A of the Education Act 1996 brought a duty for local authorities to make arrangements to identify children not receiving education. Section 436A was introduced via section 4 of the Education and Inspection Act 2006.

http://www.opsi.gov.uk/Acts/acts2006/ukpga_20060040_en_2#pt1-11g4

436A Duty to make arrangements to identify children not receiving education

(1) A local education authority 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.

(2) In exercising their functions under this section a local education authority must have

regard to any guidance given from time to time by the Secretary of State.

(3) In this Chapter, “suitable education”, in relation to a child, means efficient full-time education suitable to his age, ability and aptitude and to any special educational needs he may have.”

Overview

“Children not receiving education” applies to children whose educational setting is not known. These children are not on a school roll nor in local authority care nor in juvenile custody, nor in immigration removal centers, nor in alternative provision nor in Further Education nor being educated at home by parents/carers. The duty to make arrangements to identify children not receiving education does not apply in relation to children who are registered at a school who are not attending regularly. Further guidance and information on school attendance can be found here: <http://www.dcsf.gov.uk/schoolattendance/> . **See also paragraph on First Day Contact.**

Named individual responsible for receiving information

All local authorities must have a named individual responsible for receiving information about children of compulsory education age in their area who may not be receiving education either at school or otherwise and for brokering support for them through the most appropriate agencies.

Children who are missing from education are more likely to be vulnerable. They may be from disadvantaged families, traveling communities, immigrant families, be unaccompanied asylum seeking or trafficked children, or be at risk of neglect or abuse. It is imperative that local authorities, therefore, have robust measures in place both to identify quickly when a child is missing from education and to follow through with effective tracking and enquiry systems.

Closing the gaps

It is often lack of consistency across local authority boundaries that allow a child to get “lost” when moving from one area to the other, or between agencies/services. Vulnerable/at risk children are often already identified and monitored by other teams and agencies within the authority, and those receiving education are monitored by schools and other teams when being educated otherwise than at school. The processes in this guidance are designed to close any gaps, and minimise the risks that are part of transition points, by ensuring there is a clear route in place, understood by all parties involved, and for them to notify a named person(s) when a child is identified as not receiving education.

How will the duty be assessed?

The Comprehensive Area Assessment will be a joint independent assessment by the local services inspectorates, including Ofsted. It will consider priority outcomes for the area as a whole delivered by Local Strategic Partnerships, as well as councils, not simply the individual public bodies. CAA will embrace within its scope the roles and responsibilities of local statutory and non-statutory partners who are contributing to the delivery of outcomes in an area. It will pay particular attention to children whose circumstances make them vulnerable.

<http://www.audit-commission.gov.uk/caa/>

Children most at risk of missing education

When developing a policy and procedures for children not receiving education, local authorities should consider the reasons why children go missing from education and the circumstances that can lead to this happening. This includes considering the important transition points during childhood and adolescence.

Parent Support Advisers

Parent Support Advisers work with parents whose children are registered pupils in schools with the aim of improving children's school attendance, offering advice with parenting, and providing support for families at the first sign a child or young person may be experiencing behavioural or emotional issues. Parent Support Advisers should also be aware that the parent is legally entitled to educate the child at home.

http://www.tda.gov.uk/remodelling/extendedschools/whatarees/parentingsupport/psa_project.aspx

<http://www.tda.gov.uk/>

Transition Points

Children can go missing either when they fail to register with a school, or when they fall out of the education system and there is no systematic process in place to identify them and ensure they re-engage with appropriate provision (which may include services outside of school to meet their needs). Their personal circumstances or those of their families may contribute to the withdrawal process and the failure to make a successful transition. For example they may:

- fail to start appropriate provision and hence never enter the system;
- cease to attend, due to illegal exclusion or not returning after absence ; or
- fail to complete a transition between providers (e.g. being unable to find a suitable school place after moving to a new local authority area, or after leaving a custodial establishment).

Risk assessment

Some circumstance form part of a risk assessment for children:

- children and young people under the supervision of the youth justice system;
- children living in women's refuges;
- children of homeless families, perhaps living in temporary accommodation, house of multiple occupancy or Bed and Breakfast;
- young runaways (for further information, see the [Young Runaways Action Plan](#) – DCSF 2008);
- children whose parent/carer(s) and other close family members move to another local authority area;
- children who were registered with a school that has closed and have not made the transition to another school;
- children with long term medical or emotional problems;
- children in families involved in anti-social behaviour;
- children who are on the child protection register;
- children affected by substance and/or alcohol misuse [see the [Youth Alcohol Action Plan- DCSF 2008](#), and the Home Office's [Tackling Drugs, Changing Lives](#) website];
- unaccompanied asylum seekers;
- children of refugees and asylum seeking families;
- children in new immigrant families, who are not yet established in the UK and

- may not have fixed addresses;
- children of families who can be highly mobile, e.g. parents in the armed forces; Gypsy, Roma and Traveller families;
 - children who have been bullied;
 - children who have been trafficked to, or within the UK;
 - children at risk of forced marriage;
 - looked after children/children in care;
 - children who are privately fostered;
 - young carers;
 - teenage mothers; and
 - children who are permanently excluded from school, particularly those excluded unlawfully e.g. for problematic behaviour or offending

When local authorities identify/are made aware of children/young people in any of these groups who may not be receiving education, they should seek advice from the relevant specialist team/partner agency, including where appropriate Targeted Youth Support arrangements led by the Children's Trusts, on how best to proceed.

<http://www.everychildmatters.gov.uk/deliveringservices/targetedyouthsupport/>. Further details on some of these 'groups' and actions that should be taken are shown below.

Potential vulnerability due to high mobility

Armed Forces

Children from families of members of the Armed Forces are likely to experience high mobility both within and outside the UK. Moves can be made at quite short notice, with future home address and school not known until just before the move. Schools and local authorities can make enquiries through the MOD Children's Education Advisory Service (CEAS).

<http://www.mod.uk/defenceinternet/defencefor/servicecommunity/education/childrenseducationadvisoryservice.htm>

Gypsy Roma Traveller

Children in Gypsy, Roma and Traveller families often have a mobile lifestyle and local authority Traveller Education Support Services (TESS) already advise schools on the best strategies to include these children and promote their achievement and engagement in school activities. There are times when the high mobility of some of these children means they can be more at risk of going missing from education, for example, highly mobile Roma or Traveller families who are living on unauthorised sites and are subject to unpredictable forced movement which hinders access to school. Local authorities should work closely with their TESS in these cases to ensure the correct procedures are followed. More information is available at:

<http://www.standards.dcsf.gov.uk/primary/publications/inclusion/tess/>.

Pupils excluded from school

Regulations require local authorities to ensure that full-time education is made available to permanently excluded pupils, and to any pupils excluded from pupil referral units from the sixth school day of exclusion.

<http://www.teachernet.gov.uk/wholeschool/behaviour/Exclusion/guidance2007/>

Illegal/informal exclusion

If it becomes apparent that a child has been unofficially excluded the local authority will need to challenge the school as this practice is unlawful.

Children and Young People Supervised by the Youth Justice System

Youth Offending Teams (YOTs) in each local authority supervise a range of young people (aged primarily between 8 and 18 years old) who are often at risk of disengagement from education (including young people who have been sentenced for committing crimes and young people who have been identified as at risk of offending). YOTs therefore have a unique role in working with young people who are at risk and who may not be attending school or other provision

<http://www.yjb.gov.uk/en-gb/yjs/YouthOffendingTeams/>

Forced marriage

Agencies must take care not to mediate in suspected cases. LA children's social care should contact the Foreign and Commonwealth Office's Forced Marriage Unit where experienced caseworkers are able to offer support and guidance. They can be contacted on 020 7005 0151. Practice guidelines for social workers in dealing with cases of forced marriage are available from <http://www.fco.gov.uk/en/fco-in-action/nationals/forced-marriage-unit/info-for-professionals>.

Statutory guidance on forced marriage will be published in November 2008, setting out the responsibilities of agencies dealing with forced marriage issues, and will be followed by revised operational guidelines for front line staff.

Trafficked children

Further guidance on safeguarding children who may have been trafficked is available from: <http://www.everychildmatters.gov.uk/socialcare/safeguarding/>. New statutory guidance on safeguarding children from sexual exploitation will be launched, and the consultation version is available from: <http://www.dcsf.gov.uk/consultations/>

Children subject to immigration controls

UK Border Agency - UKBA (<http://www.bia.homeoffice.gov.uk>) routinely informs local authorities about children subject to immigration controls coming to stay in their area, such as:

- all cases of unaccompanied asylum-seeking children (UASC), who will generally become looked after by a local authority;
- children who are part of a family which is seeking asylum - in such cases, when a family is provided with accommodation, the provider responsible for the provision of their accommodation is required to notify the local authority; and,
- children who are non-European Economic Area nationals who arrive in the UK to stay with someone other than their parent(s) or close relatives (i.e. a private fostering arrangement).

In addition, there are two points of contact provided by UKBA for local authorities to verify the immigration status of children:

- for enquires about the immigration status of individuals who are not claiming asylum, contact the 'LA Desk' in the UKBA Enquiries Unit on: Tel: 0845 601 2298; Fax: 020 8196 3049; and

- for enquires about the immigration status of individuals who are claiming asylum, contact the UKBA 'LA Communications Team' on: Tel: 020 8760 4527.

Anti-social behaviour/family intervention projects

Family Intervention Projects are currently in place in 65 local authorities working with some of the most challenging families. Projects ensure that support is in place for all family members. A lead key worker is assigned to manage or 'grip' the family's problems, co-ordinate the delivery of services and use a combination of support and sanction to motivate the family to change their behaviour.

Guidance on referrals to Social Services and the police

When a child is absent from school/alternative provision without explanation it is possible that this is due to other behaviour associations or activity that puts them at risk of harm.

Where there is genuine concern that young person's safety and/or well-being is at risk, it is essential to take action quickly, as delays can see problems escalate. To ascertain whether it is appropriate to make a referral to children's social care and/or the police, a number of issues should be considered.

More guidance on these questions, which were developed with the Metropolitan Police, can be found on the London Child Protection Committee website, in their *London Good Practice Guidance for Safeguarding Children Missing from School* at <http://www.londoncpc.gov.uk/procedures>.

First Day Contact

There are also some circumstances when a registered pupil of compulsory school age is absent without explanation. Most cases are relatively minor whereby the child returns home quickly or is not believed to be in any serious danger even if they are not found or do not return. However, there are more serious cases, including those where a child may become a victim of crime, such as being abducted by his/her parent, or abduction by a stranger. It is best practice for school administrative staff or support staff to contact parents on any day a registered pupil is absent without explanation (i.e. First Day Contact). By contacting the parents/carers the school also ensures that the parents/carers are aware that the child is not in school enabling any parent/carer to take steps, where necessary, to establish that the child is safe. Further information on first day contact is in the "Tackling it Together toolkit" at:

<http://www.dcsf.gov.uk/schoolattendance/goodpractice/tackling.cfm>.

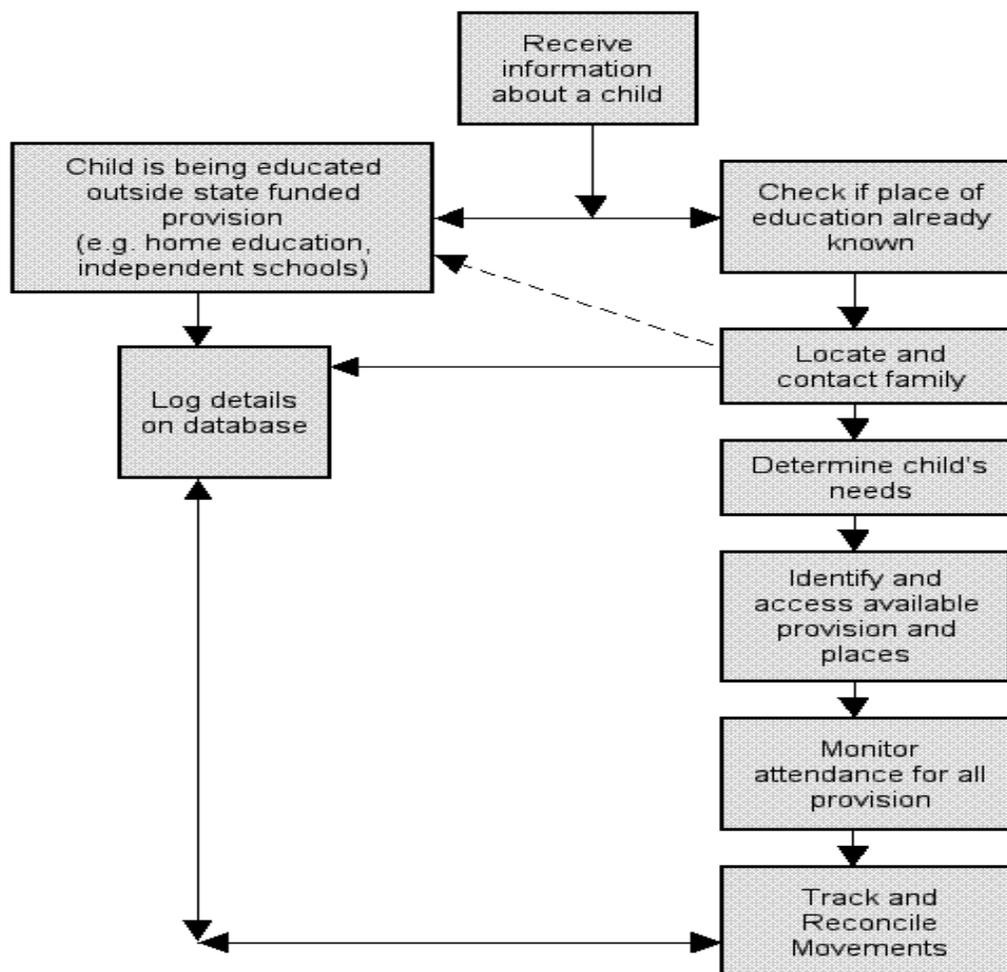
Missing Children

Other sources of information on where to look for advice about missing children are also available via some non-Government organisations, for example: the National Missing Peoples Helpline (their “Education” section on their website www.missingpeople.org.uk contains information which may be useful); also the Parents and Abducted Children Together (PACT) website <http://www.pact-online.org>; and support in relation to international child abduction is available from the voluntary organisation ‘reunite’ - www.reunite.org.

Practical model of process steps

Local authorities should select, according to local circumstances, from the practical model of process steps given below.

- receive information about a child;
- check if place of education already known;
- log details on database;
- locate and contact family;
- determine child’s needs;
- identify and access available provision and places;
- monitor attendance for all provision; and
- track and reconcile movements



Notification routes

Information about children not receiving education can be received from within local authority boundaries (from colleagues within schools, members of the public, the local authority, and other agencies) and/or from other local authorities around the country.

Notifications could be about children who are actually receiving an education, which is being delivered by a route not known to the local authority at that time: e.g. independent schools, home education, or alternative provision. When the route of education has been determined it should be logged on the local authority database for future reference. Education outside the state system eg in independent schools or education at home by parents is not a cause for concern and the Department does not consider that these children are more at risk of not receiving education.

Connexions

Providers of the Connexions service are required to hold details of all 13-19 year old registered pupils on their local Client Caseload Information System (CCIS). Connexions Personal Advisors offer information and advice in schools and may have identified a young person moving into the area. Connexions providers also have cross border arrangements with neighbouring services in order to help keep contact with young people as they move from a school in one area to another. Local authorities are expected to ensure that information about children missing education is passed to their Connexions provider so that they can be recorded on CCIS. This will ensure that the young person gets the support at 16, including an offer of learning under the September Guarantee.

<http://www.everychildmatters.gov.uk/youthmatters/connexions/>

Data Protection /consent/ information sharing protocol.

http://www.connexions-tw.co.uk/index2.asp?http://www.connexions-tw.co.uk/downloads/view_downloads.htm

Partner Agencies understand who and how to notify

Awareness should be raised amongst Children's Trust partners and other agencies about how the local authority will be informed about children not receiving education, to ensure that all of them employ this route consistently. It will often be the case that another partner or agency is aware of the arrival or existence of a child, living in the local authority area but not in education, before the local authority is aware.

The first step is to identify all likely routes of information, for example:

- school secretaries/administrators/Designated Senior Persons;
- Pupil Referral Units and alternative education providers;
- housing departments;
- homeless hostels;
- Missing People Helpline;
- Accident and Emergency;
- NHS Walk-in services;
- GPs;

- Children's Social Care;
- Police;
- Youth Offending Teams;
- Fire and Rescue Services;
- Other agencies involved in Crime and Disorder Reduction partnerships;
- Health Visitors;
- UK Border Agency;
- Education Welfare Officers (Education Social Workers);
- SEN caseworkers;
- Connexions;
- General Public;
- Voluntary and community organisations.

Partner agencies should be reminded that parents educate their children at home. Education of children at home by their parents is not in itself a cause for concern about the child's welfare. DCSF Elective Home Education Guidelines 2007.

<http://www.dcsf.gov.uk/localauthorities/documents/content/7373-DCSF-Elective%20Home%20Education.pdf>

See paragraphs on Elective Home Education.

Information sharing

Local authorities should agree arrangements with the agencies with whom they need to share information. Guidance on information sharing and tools for integrated working can be found on the Every Child Matters website:

www.everychildmatters.gov.uk/deliveringservices/informationsharing/.

When the named person(s) receive notification about a child believed to be in their area it may be necessary to check the child's name and other details, if available, against all alternative provision rolls in the local area held by the local authority and schools to see if they are already registered. One way to achieve this is to have all names of school-aged children kept on a central database which is frequently updated and can be checked

by the staff members who require access. This is not a requirement to set up new IT systems for children not receiving education.

Another way to check a child's name and other details would be via communication links with all educational providers: this includes all schools; Pupil Referral Units; custodial institutions and other providers of alternative provision.

Enquiry to another local authority in England

In the first instance an enquiry should be made by telephone. Appropriate information sharing protocols and data protection guidance should be followed.

http://www.ico.gov.uk/what_we_cover/data_protection/your_legal_obligations.aspx

If further information needs to be sent secure messaging is available using s2s.

Local authorities should not make "blanket" enquires. Contacting all local authorities with a list of children asking them to search their databases is seen as poor practice and the majority of local authorities will ignore this request, as it is time consuming with little reward (very rare that they find the child in their area). It is also not secure. Best practice is for local authorities to carry out thorough local checks in their own authority area before contacting specific local authorities that they believe to be linked to the child/young person that they are looking for.

Useful information to share with another local authority in England

To enable local authorities to make their best efforts to search for a child/young person on behalf of the enquiring local authority the following basic information could be shared (as appropriate) with the named officer:

- Name (plus any know aliases)
- Date of Birth
- Gender
- Ethnicity
- Parents/carers names including who has parental responsibility
- Siblings names
- Previous Address
- Previous school and date of last attendance

- Possible new address and school if known or suspected
- Previous home education
- Date child/young person left area
- If recent entry to UK - their country of origin.
- Care must be taken to ensure information is factual and evidence based. (Also consideration should be given to guidance on “custodians of child protection register”: <http://www.everychildmatters.gov.uk/socialcare/safeguarding/missing/>).

Local authority actions on receipt of an enquiry

When another local authority has provided an address, the family should be contacted as soon as possible (which would be carried out by the relevant team in the local authority, e.g. Education Welfare Service, or Children’s Social Care). Unless concerns justify an immediate visit, initial contact should be made in writing before calls or visits are made.

If no address is provided but reasonable evidence to suggest a child/young person could have moved to the area then check with local schools including independent schools via the local authority database, or a secure communication medium. Also follow local information sharing arrangements and where possible make enquiries via other local databases e.g. those of housing providers, health and social care services, police, Inland Revenue. Whatever the result of the search, the enquiring local authority will need a response.

Safeguarding Children/Children at risk of harm

Local authorities can insist on seeing any child if the authority has reasonable cause to suspect that the child is suffering or is likely to suffer significant harm. Section 47 1989 Children Act.

http://www.opsi.gov.uk/acts/acts1989/ukpga_19890041_en_7#pt5-11g47

Local Safeguarding Children Board procedures must be followed.

<http://www.everychildmatters.gov.uk/socialcare/safeguarding/lscb/>

Utilising existing databases

The practical model does not involve a requirement to set up new IT systems for children not receiving education. The following are suggestions on how to utilise existing databases.

Some authorities hold information on a centrally held database or a locally developed system) and a download of information from school via SIMS every month which ensures the information held is reasonably current. The individual with responsibility for monitoring pupil registration and coordinating pupil mobility will check the names notified against the data held in the centrally held database.

ContactPoint

ContactPoint, to be implemented across England mid 2009, will help local authorities fulfill their responsibilities for identifying children not receiving education by recording the place where a child is being educated, where that is known. ContactPoint will also record whether a Common Assessment Framework has been undertaken with a child and whether the child has a 'lead professional.

Some local authorities also helpfully include in their database, as a subgroup, all those children of compulsory school age living in their authority but not in educational provision. The other information allows local authorities to monitor the educational status and progress of recognised vulnerable groups.

Data Protection Act/Human Rights Act

Any sharing of information must comply with the law relating to confidentiality, data protection and human rights.

Data Protection Act 1998

http://www.opsi.gov.uk/Acts/Acts1998/ukpga_19980029_en_1

Human Rights Act 1998

http://www.opsi.gov.uk/ACTS/acts1998/ukpga_19980042_en_1

European Convention on Human Rights

<http://conventions.coe.int/Treaty/en/Treaties/Html/005.htm>

Further guidance on legal Issues may be found

<http://www.everychildmatters.gov.uk/resources-and-practice/IG00065/>.

See also the Information Commissioner's website

http://www.ico.gov.uk/for_organisations.aspx

Determine child's needs

If a child has been identified as not receiving education it is important that any process to access education is as speedy as possible. Parental and child preference should be taken into account. In order to ensure a successful return to education, an assessment and intervention plan, that takes into account the reasons the child or young person has become disengaged from education, will assist the process of successful re-engagement. Guidance on re-integration can be found at www.dscf.gov.uk/behaviourandattendance

Common Assessment Framework

A Common Assessment Framework (CAF) is available to help in assessing needs and improving services to children, young people and families.

The completion of the CAF requires the full informed consent of the family members concerned.

<http://www.everychildmatters.gov.uk/deliveringservices/caf/>

Lead Professional

Where a child not receiving education needs support from several agencies to help them return to full-time learning, having a lead professional should help ensure that the actions identified in the assessment process are fully co-ordinated. The lead professional will provide a single point of contact for the child and family.

Information about the CAF and Lead Professional can be found at:

<http://www.everychildmatters.gov.uk/deliveringservices/integratedworking/>.

Identify and access available provision and places

If the process is to progress efficiently, then information about available places is best held centrally, if at all possible. In areas with high transience, turnover in schools will be high and therefore school places will come and go rapidly.

School Admissions Procedures

The School Admissions Code 2007 applies to all admissions to all maintained schools and Academies. The Code imposes mandatory requirements and refers to statutory requirements.

All admission authorities and Admission Forums must have In-Year Fair Access Protocols. These protocols should ensure that children are admitted to suitable provision as quickly as possible, and should ensure that all schools in an area admit their fair share

of children with challenging behaviour.

<http://www.dcsf.gov.uk/sacode/>

Multi-agency panels

Additionally, some authorities find it useful to use multi-agency panels to place children in provision, often called “hard to place panels”. These panels track progress and alert the Inclusion and Access Managers if there are concerns about delay or inability to meet the child/young person’s needs.

<http://www.everychildmatters.gov.uk/deliveringservices/multiagencyworking/multiagencypanels/>

Audit of Registers

It is known that children go missing from alternative provision and therefore there should be an audit of registers.

<http://www.dcsf.gov.uk/schoolattendance/uploads/EffecPra%20An%20audit%20tool%20for%20registration%20July%202007.doc>

When to remove the child's name from the school roll

Education (Pupil Registration) (England) Regulations 2006

<http://www.opsi.gov.uk/si/si2006/20061751.htm>

Guidance on the Regulations

<http://www.bristol-cyps.org.uk/services/pdf/keeping-registers-guidance.pdf>

Deletions from the admission and attendance registers must be made in line with the provisions of Regulation 8 of the Education (Pupil Registration) Regulations 2006.

The school and the local authority will have procedures aimed at establishing where possible the whereabouts of the child before removing the name from register. This may include checking with relatives, neighbours, landlords - private or social housing providers - and other local stakeholders who are involved. If there is reason to believe the child/young person may be at risk of significant harm, procedures should be followed in line with the Local Safeguarding Children Board.

<http://www.everychildmatters.gov.uk/socialcare/safeguarding/lscb/> :

- if the child/young person is located and the current school is still the appropriate

school then steps should be taken to engage with the child/young person and the parent to improve attendance;

- if the child/young person is located, but has moved, and a new school is necessary but in the same local authority, the necessary steps should be taken to access a new school as previously mentioned and steps taken to transfer the Common Transfer File (CTF) (see paragraph 6.68 below);
- if there is evidence to suggest the child/young person has moved to a different local authority then contact should be made with the named individual in the new authority.

Reasonable enquiry to ascertain whereabouts of pupil

Education (Pupil Registration) (England) Regulations 2006

<http://www.opsi.gov.uk/si/si2006/20061751.htm>

Guidance on the Regulations

<http://www.bristol-cyps.org.uk/services/pdf/keeping-registers-guidance.pdf>

The regulations prescribe “reasonable enquiry, to ascertain where the pupil is”. It is reasonable to expect that the appropriate team in the local authority will complete and record the following actions:

- check local databases within the local authority (including ContactPoint when implemented);
- follow local information sharing arrangements and where possible make enquiries via other local databases e.g. those of housing providers, health services, police, Youth Justice Services, social care services, the Inland Revenue;
- check with agencies known to be involved with family;
- check with local authority from which child moved originally, if known;
- where appropriate check with the Youth Offending Team responsible for the child’s supervision or with the custodial institution from which a child has been released;
- check with any local authority to which a child may have moved (see below);

- check with the local authority where the child lives, if different from where the school is;
- in the case of children from families of those in the Armed Forces, check with the Children's Education Advisory Service (CEAS) on 01980 618244; and
- home visit(s) made by appropriate team, following local guidance concerning risk assessment and if appropriate make enquiries with neighbour(s).

Making these enquiries may not always lead to location of the child, but it will provide a steer on what action should be taken next, for example, contact the police and, in cases where there may be concerns for the safety of a child who has travelled abroad, contact the Foreign Office

In the absence of the location of the child/young person being found these procedures will also prompt reference to the transfer of information to the police and Children's Social Care and the transfer of information via school2school (s2s). Until a child/young person is located the local authority should maintain a record of their details. Children who are both not receiving education and whose current residential whereabouts are unknown are likely to be deemed vulnerable.

For further information on children who are removed from the school roll in order to be home educated please see the Education Otherwise website page on deregistration.

<http://www.education-otherwise.org/deregistration.htm>

When the school must notify the local authority that pupil's name has been deleted from roll

Information about this may be found in the Pupil Registration Regulations (England) 2006 notably regulations 8 and 12. Regulation 12 instructs the school as to the returns which must be made to the local authority from within regulation 8.

Returns

12-(3) As to the contents of the admission register comprising particulars relating to a pupil whose name is to be deleted in accordance with regulation 8(1)(d), (e),(g),(i) or (m), the proprietor shall make a return to the local authority for every such pupil giving the full name of the pupil, the address of any parent with whom the pupil normally resides and the ground upon which their name is to be deleted from the admission register as soon as the ground for deletion is met in relation to that pupil, and in any event no later than deleting the pupil's name from the register.”

<http://www.opsi.gov.uk/si/si2006/20061751.htm>

Deletions from Admission Register

8. — (1) The following are prescribed as the grounds on which the name of a pupil of compulsory school age shall be deleted from the admission register—

(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;

(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;

(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;

(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;

(m) that he has been permanently excluded from the school;

Track and reconcile movements

This is the process by which the local authority maintains visibility of children who have ceased to be registered with a provider and monitoring progress until they are registered with a new provider, by effective use of available inter-local authority exchange of information. Monitoring at the transfer between Key Stage 2 and 3 is vital. Local authorities will need to develop protocols with their schools to ensure that all children leaving a primary school are subsequently registered at a new provider.

There are challenges in areas where children leave the maintained sector for the independent sector in high numbers, in areas where children commonly cross boundaries to attend schools in other authorities and in areas of high transience, particularly if children leave schools at other than normal ages of transfer. Also, similar issues regarding the transfer of information apply for young people involved in the youth justice system and who are leaving custody.

Transfer of Information between schools

The Education (Pupil Information) (England) Regulations 2005 govern the transfer of information from school to school when a child moves school. Regulation 9(3) provides that: "...the governing body of the old school or, where this has been agreed between that governing body and the local authority, that authority shall transfer the pupil's common transfer file and educational record to the responsible person of the new school no later than fifteen school days after the day on which the pupil ceases to be registered at the old school".

<http://www.opsi.gov.uk/si/si2005/20051437.htm>

Common Transfer Files and s2s

The DCSF provides a secure internet site (s2s) for the electronic transfer of information Common Transfer Files (CTFs) from school to school when a child moves school. On the home page for s2s- www.teachernet.gov.uk/s2s, a description of the processes and guidance is provided for local authorities and schools on how to use the system. There is also a publication for schools which local authorities can order and distribute. s2s also provides a secure messaging facility. Guidance notes for schools and local authorities to clarify the creation and use of CTFs can be found at:

www.teachernet.gov.uk/management/ims/datatransfers/CTF/ .

Lost Pupil Database on s2s

The s2s website also contains a searchable area referred to as the Lost Pupil Database where schools can upload CTFs of pupils who have left but their destination, next school is unknown or the child has moved abroad or transferred to a non-maintained school.

Information sharing protocols

There may be exceptional circumstances when standard rules for sending a receiving a CTF for a pupil might not apply. Each case would need to be judged on its merits in consultation with relevant parties. Circumstances when it is not considered appropriate to pass on details via a CTF might include: a family escaping a violent partner; or the family is in a witness protection programme. Guidance on how to share information in these circumstances is available in Annexe A of the CTF Guidance Notes

www.teachernet.gov.uk/management/ims/datatransfers/CTF/

Attendance and Exclusions Sweeps

Attendance and exclusion sweeps involve stopping any young person believed to be of school age, whether accompanied by an adult or not. The intention is to establish whether or not the young person is registered at school and, if so, whether he/she is out of school legitimately.

Section 16 of the Crime and Disorder Act 1998 may be found here

http://www.opsi.gov.uk/acts/acts1998/ukpga_19980037_en_3#pt1-ch1-pb3-11g16

DCSF/Home Office Guidance on Attendance and Exclusions Sweeps 2007 may be found here

<http://www.dcsf.gov.uk/schoolattendance/uploads/ATTENDANCE%20AND%20EXCLUSION%20SWEEPS%20FINAL%20SEPT07.pdf>

Parents are responsible for the first five days of the child's education following exclusion. Parents must also ensure their child is not present in a public place during the first five days of exclusion or they may be removed by the police. Police and police community support officers do not have the power to remove children who are educated outside the school system. Officers are not required to provide a record of encounters under Section 16 of the Crime and Disorder Act 1998. Local authorities and schools have a duty to arrange alternative education from the sixth day of the exclusion.

Elective Home Education

All parents of children who are of compulsory school age have a duty to ensure that they receive an efficient, full time education, suitable to their ages, abilities, aptitudes and any special educational needs they may have, either by regular attendance at school or otherwise (section 7 of the Education Act 1996).

http://www.opsi.gov.uk/ACTS/acts1996/ukpga_19960056_en_2#pt1-ch1-pb3-11g7

Some parents provide education for their children by educating them at home. Children with statements of SEN can be educated at home. The duty of the parent remains to provide efficient full time education for the child suitable to age ability aptitude and any special educational needs.

DCSF Elective Home Education Guidelines for Local Authorities should be followed.

<http://www.dfes.gov.uk/localauthorities/index.cfm?action=content&contentID=11357&categoryID=75&subcategoryID=106>

Where parents decide to withdraw their child from school and notify the proprietor in writing that the child is receiving education at home, the proprietor must delete the

child from the admissions register and notify the local authority no later than when the pupil's name is deleted from the register (regulation 12(3) of the Pupil Registration Regulations 2006).

<http://www.opsi.gov.uk/si/si2006/20061751.htm>

Guidance on the Regulations

<http://www.bristol-cyps.org.uk/services/pdf/keeping-registers-guidance.pdf>

The Pupil Registration Regulations apply to all schools: maintained; independent; Pupil Referral Units; special schools; City Technology Colleges; and Academies.

For further information on the procedure for children who are removed from the school roll in order to be home educated please see the Education Otherwise website page on deregistration.

<http://www.education-otherwise.org/deregistration.htm>

Local authorities will keep a record of children who are known to be educated at home by parents. Parents are not required to inform the local authority if they decide to home educate a child who has not previously attended school.

In order to discharge their duties in relation to children not receiving an education, local authorities should make inquiries with parents about whether their home educated children are receiving education. The *Elective Home Education Guidelines for Local Authorities* make clear that parents who home educate may take a number of equally valid approaches to educational provision for their children.

<http://www.dfes.gov.uk/localauthorities/index.cfm?action=content&contentID=11357&categoryID=75&subcategoryID=106>

Standard Data Definitions

“Suitable education” is defined as: “efficient full-time education suitable to the child's age, ability and aptitude and to any special educational needs he/she may have”.

“Alternative provision” is defined as: “educational provision arranged by local authorities or schools, and made off-site by a voluntary or private sector provider or by a Pupil Referral Unit”.

Children not receiving education applies to children whose educational setting is not known. These children are not on a school roll nor in local authority care nor in juvenile custody, nor in immigration removal centers, nor in alternative provision nor in Further Education nor being educated at home by parents/carers.

The national definition of “a child not receiving education” is as follows:

“A compulsory school-age child who is not on the roll of a school, not placed in alternative provision by a local authority, and who is not receiving education at home”.

Children who are both not receiving education and whose current residential whereabouts are unknown are likely to be deemed vulnerable.

According to local circumstances, subsets within this data definition could include:

- Children sent abroad to be with other family;
- Children believed to have moved location within the UK but destination unknown;
- Children permanently excluded and not placed in other provision
- Children working illegally, location unknown;
- Runaways;
- Children experiencing illegal or informal exclusion

Appendix 2

Relevant legislation

Children Act 1989

Crime and Disorder Act 1998

Human Rights Act 1998

Education Act 2002

Education Act 1996

Children Act 2004

Education and Inspection Act 2006

Elective Home Education by parents/carers

Schools

Schools Admissions Procedures

Alternative provision

Children not receiving education

School registration regulations

s2s Common Transfer File

Lost Pupil Database

Exclusion from school

Safeguarding and promoting welfare

Vulnerable children

Every Child Matters

Special Educational Needs

Human Rights

Data Protection

Information Sharing Protocol

Data Management Systems

Databases

Named individual responsible for receiving information

Children not receiving an education

Progress Checklist: Self Evaluation

Use the following categories to rate the Local Authority (LA):

No: N

(Not previously identified, but discussions have now taken place and a plan has been produced)

Working Towards: W

(Achieved some of what is expected, identified some gaps, discussions have taken place and a plan has been produced)

Achieved: A

(The LA can provide evidence to support positive responses to the questions below and plans are in place to review their policy/processes/systems to move towards “Embedded” status)

Embedded: E

(The LA can demonstrate that the policy/processes/systems have been in place for a period of time and have been reviewed)

	N, W, A or E
Strategic Management & Leadership	
Does the LA have a written policy (1) agreed with partners concerning children not receiving education?	

Are the arrangements for identifying children not receiving education embedded within the LA's Children's Trust governance and strategic planning arrangements (2) and the cross-cutting arrangements for safeguarding and inter-agency co-operation to promote wellbeing of children?	
Is there regular monitoring (3) of the processes/numbers by Senior Management, Lead Members and Children's Trust partners?	
Networks & Points of Contact	
Has the LA identified the key stakeholders (4) to provide information about children/young people without educational provision in the area?	
Has the LA provided and publicised notification routes (5) for all key stakeholders?	
Does the LA have a named contact (6) point to receive details about children not receiving education?	
Are there clear responsibilities (7) for this role or those to whom the duties are delegated?	
Information Systems	
Does the LA maintain a database (8) of children not currently in education, including those new to the area or country?	
If so does the database include fields (9) such as: date child/young person referred in; date of assessment, if necessary; date form of provision determined; date moved into provision.	

Does the LA monitor the numbers (10) of children/young people in the authority who are not receiving education?	
Does the LA have processes in place (11) to monitor the educational status of children in recognised vulnerable groups? Does the LA have clear information about the legality of education at home by parents?	
Are there clear access rules and procedures (12) to ensure fair/safe data processing?	
Provision Brokering Services	
Does the LA have clear processes (13) for securing the support of other agencies where it is needed e.g. for welfare or health reasons.	
Does the LA have an agreed process (14) for securing educational provision for children once found?	
Does the LA monitor the pace (15) they move into provision?	
Does the LA have the information systems in place (16) to allow access to up to date information concerning availability of school places and availability of places with alternative providers?	
Effective Pupil Tracking Systems	
Does the LA keep a record (17) of children who have left educational providers (school and alternative provision) without a known destination?	
Does the LA follow up children (18) at regular intervals until they are registered with a new provider?	

Does the LA have an agreed system (19) with schools concerning children leaving provision?	
Does the LA support and encourage (20) schools to transfer files via s2s?	
Does the LA have an identified officer (21) as database administrator for s2s?	
Does the LA upload to and download from (22) the searchable are of the s2s website known as the 'Lost Pupil Database'?	

Evidence to show 'Achieved' status

(1) The policy itself which should be shared with and understood by at least Health, Education (including all schools in the area), Children's Social Care, Police, Youth Justice Services and Housing. The document(s) containing the policy should contain:

- the current position of the authority;
- the current position of the authority;
- evidence about the scale and nature of any problem around children not receiving education;
- ways of tackling it in a multi-agency approach; and
- arrangements for monitoring.

(2) Arrangements for identifying children not receiving education are included in the integrated processes of the Children's Trust.

(3) The authority can provide copies of records, or the ready ability to produce termly records.

(4) The authority can provide documentary evidence listing other agencies in their area who their lead named individual has spoken to, referred children to and/or given details of children not receiving education, plus receiving details of children not receiving education from other agencies and the general public.

(5) Documents showing notification routes, and evidence of the dissemination of this information should be available. Dissemination should be by: mail outs, website, leaflets etc. Essentially, if a number of likely important stakeholders are approached they can say easily how they notify the authority.

(6) If contacted, the authority can give the name of a person or persons with the responsibility for receiving information on children not receiving education.

(7) The person(s) in (6) are readily contactable, and are able to provide, without difficulty information on their role and the limits of their responsibility and if they are not responsible they know who is.

(8) The authority can provide accurate, verifiable and up to date figures (no more than a month old), and trends over time, together with a description of how these figures are collected and calculated.

(9) The authority can provide information on any case within the database and show the dates of: notification, assessment (if necessary), identification of appropriate provision and actual access to that provision.

(10) The authority can provide documentary evidence that regular updates on the number of children not receiving education are sent to senior responsible officers within the organisation. Ideally the numbers should come from the same system that provides data in response to (8).

(11) The authority can provide documentary evidence of the mechanism by which they identify children in recognised vulnerable groups in their area. There are also documents detailing how the educational status of these groups is monitored. Ideally the monitoring should be robust, in that it should rely on more than one source of data to establish the situation regarding children in recognised vulnerable groups in their area.

(12) Access rules and procedures to ensure fair/safe data processing are known and understood by any member of staff in the authority who is likely to have to deal with any data on children not receiving education. Any case drawn at random should show the implementation of these processes if tracked through to support receipt. This knowledge should be consistent with written down and agreed procedures.

(13) Documented procedures for securing the support of other services is known understood and agreed by relevant staff both in the authority and those in the relevant support services and partner agencies. Any case tracked through the system that requires such support should reflect the documented procedure.

(14) Any member of staff if questioned understands the law with respect to children who are educated at home by parents. <http://www.education-otherwise.org/index.htm>

(15) Documented procedures for attempting to secure appropriate provision is known, understood and agreed by relevant staff and followed regularly, so that any case tracked reflects those procedures in principle and shows records of any failures to secure provision.

(16) The authority can provide documentary evidence that gives regular updates on, for example, the mean, mode and range of time taken to access provision are sent to senior responsible officers within the organisation. Ideally the data should come from the same system that provides data in response to (8).

(17) The authority can provide accurate, verifiable and up to date figures (no more than a month old) on the number of places available, broken down by at least statutory and alternative provision. A description of how these figures are collected and calculated should be available.

(18) The authority can provide accurate, verifiable and up to date figures (no more than a month old) on the number children who have left education without a known destination. A description of how these figures are collected and calculated should be available.

(19) The authority can provide documentary evidence of follow up procedures, together with a named contact for whoever is responsible for follow up work. Any case tracked should show evidence of regular (at least monthly) follow up contact until the case is registered with a new provider or the local authority designated person.

(20) Documentary evidence is available describing the process for children leaving provision. There should be evidence that this process has been agreed to by all school authorities in the area, and that contact with staff responsible for implementing these procedures should show knowledge consistent with an understanding of the process. Any case tracked upon leaving provision should show evidence reflecting the appropriate following of the process.

(21) The authority can provide documentary evidence of support given to all schools, and of appropriate encouragement of all schools in the use of the s2s system. Relevant staff in any school selected at random in the authority should be able to show that they are at least aware of the system. Ideally, where they are not currently using it, they should be able to show evidence of support from the authority to do so. This support should comprise at least the provision of relevant and appropriate materials on how to access the system.

(22) If contacted, the authority can give the name of a person or persons with the responsibility for administering the s2s.

(23) If contacted, the person(s) named in (21) can provide documentary evidence of regular (at least monthly) uploads and downloads to the Lost Pupil Database. This evidence could comprise upload and download reports for each session.

(24) If contacted, the person(s) named in (6) can demonstrate awareness of DCSF Elective Home Education Guidelines 2007

DCSF Elective Home Education Guidelines 2007 have been circulated to the stakeholders, partner agencies and to the children's workforce particularly Education Welfare Services within the Children's Trust.

Useful Websites and links to further information

Education Otherwise

<http://www.education-otherwise.org/index.htm>

Helpline 0845 478 6345