



## **Children Missing Education (CME)**

### **Introduction**

The Leader of the Council, Elected Members and officers of the council are committed to ensuring every child and young person in the county has the opportunity to grow up in a safe community.

The vision for the council is one where services are excellent. This will be characterised by safer, resilient communities where there are high levels of progress and attainment for all children including vulnerable groups; raised standards for gifted and talented children; low number of children in care; low numbers of teenage parents; low numbers of young people who are NEET and high satisfaction rates for children, young people and their families.

Derbyshire County Council is concerned about any child missing education not only in the way that it impacts on the individual's potential achievement but also in relation to their safety and welfare.

The purpose of the CME Policy is to ensure that children and young people missing education are re-engaged in appropriate education provision in the shortest possible time, with lasting success and that 'no child slips through the net'.

### **Legal Context**

The Children Act 2004 placed a duty on all agencies to work together to promote the welfare of children and share information.

The Education and Inspections Act 2006 placed a new duty on all local authorities in England and Wales for them to make arrangements to identify CME in their area. The duty applies to all children of compulsory school age who are not on a school roll and are not receiving a suitable education.

### **Purpose of the CME Policy**

The purpose of the CME Policy is to establish a set of principles which all schools, services and partner organisations can signed up to in order to ensure children and young people living in Derbyshire are safely on roll of a school, placed on alternative educational education programmes or electively home educated at the request of parents.

The CME Policy has been designed to help the council meet its statutory duties in relation to the provision and the safeguarding and welfare of children. It does not replace any of the current child protection procedures, existing safeguarding procedures and therefore this policy should be read in conjunction with existing safeguarding and child protection policies and procedures.

### **Aim of the policy**

This policy is intended to inform local authority officers, schools, governing bodies and other agencies of the procedure and practice to be followed in order to track, monitor and maintain contact with children missing from education and those at risk of going missing from education.

The policy will:

- Inform schools, services and partner agencies about their role in assisting the local authority in identifying CME;
- Raise awareness of the notification process;
- Explain how children will be tracked and monitored until they are re-engaged in education;
- Explain the mechanism available to access appropriate education provision;
- Provide clarity to stakeholders on how children can be tracked across boundaries when a child moves to another local authority area.

### **Definition of CME**

For the purpose of this document a child missing education is defined as:

*Any child of compulsory school age (5-16) who is not on a school roll, nor being educated otherwise (e.g. at home, privately, or in alternative provision) and who has been out of any education provision for a substantial period of time (practice nationally is four weeks or more.)*

*Department for Education*

### **Definition of Children at Risk of Missing Education**

Children and young people with poor school attendance are often the most vulnerable and are more likely to become children missing from education.

The authority recognises that the duty to identify children not receiving education does not apply in relation to children who are registered at school who are not attending regularly. The authority's CME strategy does however, include the reinforcement of duties that already exist for schools and therefore supports the monitoring of children at risk of missing education in the future.

The monitoring of children at risk of missing education is carried out in partnership with schools where attendance of individual pupils gives cause for concern with the aim of reducing the risk in the future.

### **Why children go missing from education**

Children and young people can go missing from school or agreed education provision, for a wide variety of reasons. Their personal circumstances or those of their families may contribute to the withdrawal process. Children can go missing when there is no systematic process in place to identify them and ensure they re-engage with appropriate provision.

The most common reasons why children miss education include:

- Failing to register at school at age 5;
- Failing to make successful transition from infant to junior and primary to secondary;
- Cease to attend, due to exclusion (formal/illegal withdrawal);
- Mid-year transfer of school;
- Unable to find a school place after moving into the local authority;
- Victims of bullying;
- Frequent moves of house including periods of homelessness or periods in a refuge;
- Transience/ family mobility;
- Family breakdown;
- Frequent absence leading to low attendance (especially Yr 10 and Yr 11);

- Disaffection resulting in parents withdrawing the pupil or 'being asked to leave';
- Involvement in youth offending.

Certain vulnerable groups are more likely to be affected by the factors; these are:

- Young people who have committed offences;
- Children living in women's refuges;
- Children of troubled families i.e. suffering bereavement, trauma, domestic violence, homelessness etc.;
- Young runaways;
- Children with special educational needs;
- Refugee and asylum seeking children;
- Travelling families;
- Looked after children;
- Teenage parenthood;
- Children with poor mental health;
- Young carers;
- Children who are permanently excluded from school;
- Young people being forced into marriage;
- Children involved in substance misuse.

### **The Role of the Access, Inclusion and Multi Agency Teams**

To reduce the risk of children and young people falling out of the education system, the authority has developed Multi Agency Teams (MATs) and Access and Inclusion services that support the work needed in this area. These teams work closely together to ensure there is coherence and consistency within the system. These teams ensure that the process for identifying, investigating and finding CME is carried out.

The duties and responsibilities of these teams include:

- Tracking CME through a dedicated CME coordinator;
- Ensuring all notifications of CME are correctly recorded on the relevant databases;
- Investigating relevant databases e.g. S2S, Lost Pupil Database;
- Coordinating casework in relation to investigating CME including working closely with relevant services and agencies to determine appropriate provision for the child;
- Ensuring admission into school through the admissions process and the Authority's Fair Access Protocol where required;
- Reviewing and monitoring cases held until re-engagement in education is successfully secured through the Education Planning Group – Pupils missing out on education;
- Providing relevant reports for the SMT performance focus groups and relevant Boards;
- Hold regular CME meetings to review complex and urgent cases;
- Raise awareness of the CME policy and practice including training/awareness raising events for school governors and partner organisations.

### **Key Stakeholders**

The Children Act 2004 places a duty on all agencies to work together to promote the welfare of children and share information. In order to fulfil the requirements of the CME policy the authority has agreed to work in collaboration to ensure the early identification and intervention

of children who are not receiving a suitable education. All stakeholders have a responsibility for CME.

In relation to the CME Policy key stakeholders include:

- Children's Services including Admissions, Out of School Team, Equality for Minorities (Ethnic Minority and Travellers), Parent Partnership, Education Welfare Officers, EHE manager, MATs, Integrated Pathways team;
- Schools and Academies including Support Centres;
- Health/PCT;
- Youth Offending Service;
- Voluntary Organisations;
- Housing Associations;
- Police;
- CAMHS;
- Homeless Services;
- Job Centres;
- CME tracking officers in other authorities;

### **Reducing the Risk of Children Missing Education**

All DCC officers, schools, academies and the general public have a moral and corporate responsibility in relation to CME. Parents who do not ensure their children are accessing a 'suitable' education can be deemed as breaking the law. Anyone who becomes aware of a child or young person who does not appear to be accessing education should refer this child to Call Derbyshire or the MATs (refer to CME procedures).

The authority in partnership with the other agencies listed above aims to ensure that all colleagues in all agencies who become aware of a child who is living in the county but not in identified education provision, will notify the authority.

### **The Role of Children's Services**

Individual services within the Children and Younger Adults (CAYA) Department play a role in preventing the risk of CME. These services will continue to be proactive in addressing issues related to non-attendance/poor attendance/persistence absence at the same time working in partnership with Access, Inclusion and MATs monitor and investigate children who meet the criteria under the definition of CME and at risk of missing education.

### **The role of Schools and Academies**

All schools have a duty under section 10 of the Children's Act 2004 to work in partnership with the local authority with a view to improving the wellbeing of children in the authority's area. Section 175 of the Education Act puts a duty on all schools to exercise their functions with a view to safeguarding and promoting the welfare of children. This includes identifying children who are not receiving education.

It is expected that schools and academies will have carried out all reasonable enquiries within their capacity to ascertain the whereabouts of the young person and engaging them in education prior to informing the local authority that the child is missing education. Where it has been brought to the attention of the local authority that a child is missing education and the school/academy has failed to report a child as CME, the local authority will write to the school/academy requesting details of the child's attendance.

### **Safeguarding of CME**

A significant number of children referred as missing education are either found in education following initial investigations or found but not in education and subsequently supported to return. There are a number of children who are not found in education as the family cannot be located following the normal investigations.

A child who is not found in education following CME investigations does not infer that the child is at risk. However, it is appropriate to escalate the concerns to consider potential risks to the child. A process is in place to facilitate this.

### **Monitoring the policy and procedures**

The Education Planning Group is made up of a range of services and is responsible for ensuring that robust systems and procedures are in place to identify, support, track and monitor children not receiving education.

The Education Planning Group monitors and evaluates the impact of the CME policy and procedures and contributes to future developments.

## **Appendix 1**

### **Relevant legislation**

#### **Children Act 1989**

##### **Section 17 – Provision of services for children in need, their families and others**

Under the terms of section 17 of the Act, every child under the age of 18 is entitled to a full assessment of his/her needs and, if approached, social services have a legal duty to carry out this assessment and can be challenged if they fail to respond to any request for a section 17 child-in-need assessment. Section 17 places a general duty on social services to safeguard and promote the welfare of children 'in need' living in the area and to ensure appropriate services are provided for those children. Social services do not have any right to opt out of this requirement or any other part of the Act on the grounds that they do not have resources. The term 'in need' is not tightly defined in the legislation, but left open to reinforce preventative services and support for families.

##### **Section 47 – Local authority's duty to investigate**

Councils with Social Services Responsibilities (CSSRs) are required to conduct enquiries, in accordance with section 47 of the Children Act 1989, when they receive information that a child is suffering, or is likely to suffer, significant harm.

#### **Children Act 2004**

Section 10 requires each local authority to make arrangements to promote co-operation between the local authorities, each of their relevant partners and such other persons or bodies, working with children in the local authority's area, as the authority consider appropriate. Relevant partners are also under a duty to co-operate with the local authority in the making of those arrangements. The arrangements are to be made with a view to improving the wellbeing of children in the authority's area – which includes protection from harm or neglect alongside other outcomes. This section is the legislative basis for Children's Trust partnerships.

Section 11 requires range of organisations to make arrangements for ensuring that their functions, and services provided on their behalf, are discharged having regard to the need to safeguard and promote the welfare of children.

Section 12 enables the Secretary of State to require local authorities to establish and operate databases relating to the section 10 or 11 duties (above) or the section 175 duty (below), or to establish and operate databases nationally.

Section 17 enables the Secretary of State to require local authorities to prepare and publish a plan setting out the authority's strategy for discharging their functions in relation to children and relevant young persons. The Children and Young People's Plan Regulations (England) 2005 requires local authorities to publish their first Children and Young People's Plan on or before 1st April 2006 and to review the plan annually.

Section 63 of the Children Act 2004 amended Schedule 5 of the Tax Credits Act 2002 meaning that the Inland Revenue now has lawful authority to provide local authorities with "...information, other than information relating to a person's income, which is held for the purposes of functions relating to tax credits, child benefits or guardian's allowance by the Board" (extract from section 63 (1)). This information can only be requested where it is needed in order for the local authority to fulfil their statutory responsibilities to safeguard and promote the welfare of children. Such enquiries will generally be made under section 47 of the Children Act 1989, which requires local authorities to make enquiries where they suspect a child may be suffering or is likely to suffer significant harm.

Children Act 2004 guidance can be found at:

<http://www.dcsf.gov.uk/everychildmatters/about/guidance/dutytooperate/>

### **Education and Inspections Act 2006**

Section 38 laid a duty on the governing bodies of maintained schools, primary, secondary, special and Pupil Referral Units, in discharging their functions relating to the conduct of the school, to promote the well-being of pupils at the school. The duty came in to effect in September 2007. Since that date, an equivalent requirement has been placed on new Academies through their funding agreements.

### **Education Act 2002**

Section 175 puts a duty on all local authorities, maintained (state) schools, and further education institutions, including sixth form colleges, to exercise their functions with a view to safeguarding and promoting the welfare of children (children who are pupils and students under 18 years of age, in the case of schools and colleges). The same duty is put on Independent schools, including Academies by regulations made under section 157 of that Act.

Identifying children not receiving a suitable education is a key part of discharging the responsibility to safeguard and promote the welfare of children. Local authorities should use the powers identified above and work with their partners to ensure that appropriate measures are put in place to share information when identifying children not receiving suitable education.

For more guidance on safeguarding children local authorities should refer to the Working Together to Safeguard Children 2006 document (Part 1 of which is statutory) and other guidance available on the Every Child Matters website:

<http://www.dcsf.gov.uk/everychildmatters/safeguardingandsocialcare/safeguardingchildren/workingtogether/workingtogethertosafeguardchildren/>

### **Education Act 1996**

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

Section 8 provides that compulsory school age starts on the relevant day on or after a child's fifth birthday and ends on the specified day of the school in which the child's 16th birthday falls. Regulations provide that the relevant days are the 31 August, 31 December and 31 March and that the specified day is the last Friday in June.

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

Section 19(1) requires every local authority to make arrangements for the provision of suitable education at school or otherwise than at school for those of compulsory school age who by reason of illness, exclusion from school or otherwise, may not for any period receive suitable education unless such arrangements are made for them.