

<b>CHILDREN MISSING IN EDUCATION (CME) POLICY (INCLUDING STATUTORY NOTIFICATION OF LEAVERS/JOINERS AT NON-STANDARD TRANSITION POINTS)</b>
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**Context:**

The Education Act 2002 Section 175 puts a duty on all Local Authorities, maintained 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, by regulations made under section 157 of that Act. 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.

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

*Any child of compulsory school age (5-16) who is neither on a school roll, nor being educated otherwise e.g. at home, 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*

In September 2016, the Department for Education, updated the statutory guidance <https://www.gov.uk/government/publications/children-missing-education> to reflect the 2016 amendments to the Education (Pupil Registration) (England) 2006 Regulations.

All schools (including Independent schools) must notify their Local Authority when they are about to remove a pupil's name from the school admission register under any of the fifteen grounds listed in the 2006 regulations as amended (**Appendix A**). This duty does not apply when a pupil's name is removed from the admission register at standard transition points i.e. at the end of Year 6 and 13.

All schools must also notify the Local Authority within five days of adding a pupil's name to the admission register at a non-standard transition point. The notification must include all the details contained in the admission register for the new pupil. This duty does not apply when a pupil's name is entered in the admission register at a standard transition point or at the start of the first year of education normally provided by that school i.e. Reception and Year 7 September entry.

**Process:**

When the School receives notice that a pupil is leaving the School, other than at the end of Year 13, the Registrar will ascertain the intended new School. On the first day of the child's intended attendance at the new school, the Registrar will contact the admissions Department and confirm that the child has commenced their education. Once this is confirmed, the following details will be entered onto the Removal from School Roll/Leaver Notification to the Local Authority Form (Appendix B)

- the full name of the pupil
- the full name and address of any parent with whom the pupil normally resides
- at least one telephone number of any parent with whom the pupil normally resides
- the full name and address of the parent who the pupil is going to live with, and the date the pupil is expected to start living there, if applicable

- the name of the pupil's other or future school, and the pupil's start date or expected start date there, if applicable and
- the ground in regulation 8 under which the pupil's name is to be removed from the admission register

and the form will be sent to:

Education Welfare Central Team  
Children's Services  
Derbyshire County Council  
John Hadfield House  
Dale Road  
Matlock  
DE4 3RD

Should the child have failed to arrive at the new school as planned, or if no forwarding school has been provided, we will make reasonable enquiries to establish the whereabouts of the child. Should the child's whereabouts remain unknown, the Registrar will inform the DSL who will make a SR1a referral to Derbyshire County Council (Appendix D).

When a pupil applies to join the School, information about the previous educational establishment will be sought in order that suitable references may be obtained. When the pupil takes up their place, the Registrar will notify the Local Authority within five days . The notification must include all the details contained in the admission register for the new pupil and the Joining School Roll/Starter Notification to the Local Authority Form (Appendix C) will be used.

## **Appendix A**

### **Prescribed grounds under which pupils can be taken off-roll and notification to the Local Authority Education (Pupil Registration) (England) Regulations 2006 –**

**Regulation 8** sets out the criteria under which compulsory-school-aged children can be removed from school roll, summarised as follows:

#### **8 (1) (a) The Local Authority is approving a change of provision for a pupil subject to a School Attendance Order (SAO)**

A pupil who is subject to an SAO must not be removed from roll unless the Local Authority has substituted the school named on the SAO with a new school or revoked the order on the grounds that suitable education has been arranged otherwise than at school.

#### **8 (1) (b) The pupil has been registered at another school (no dual-roll agreement, 8(1)(a) does not apply, Reg 9 does not apply - dual registration of a child with no fixed abode )**

A pupil who becomes registered at a new school can be removed from the roll of the previous school from the last date of attendance. The pupil must not be deleted from roll until the new school placement and date of registration have been confirmed.

#### **8 (1) (c) The pupil is on dual roll and ceases to attend one of the schools (sub-paragraph (j) or (m) or Reg 9 does not apply - dual registration of a child with no fixed abode)**

A pupil registered at more than one school under a dual-roll arrangement can be removed from the roll of one of the schools providing the other school is in agreement.

#### **8 (1) (d) The parent(s) have elected to home-educate (EHE) and 8(1)(a) does not apply**

Parents have a right to withdraw their child from a school in favour of home education. The child must not be removed from the school roll until the parent has given written notification of their decision to educate the child at home. **(Parents sometimes use this option when there are problems for their child at school.**

**It would not be appropriate for school staff to encourage EHE as a solution to difficult issues as this is unlikely to be in the best interests of the child).**

The school - not the parent - has a legal duty to notify the Local Authority when deleting a child from roll under this criterion. Where schools have concerns regarding a parent choice to home educate they should consult with the EHE service.

#### **8 (1) (e) Except in the case of a boarder the pupil has ceased to attend and is no longer residing within reasonable distance to the school**

Pupils can be deleted from roll when the distance to school is deemed unreasonable by the LA, and the parent is not maintaining the school place. A distance of over eight miles from the home address measured along the shortest available route would be considered unreasonable by the LA.

School must obtain details of the child's new address and refer to the CME Officer to enable a referral to the receiving local authority and reduce the risk of the child falling out of the education system.

Where a parent has notified the school that the child is leaving the country and the school has reason for concern, such as a history of poor attendance or safeguarding issues, the parent should be asked to provide proof of travel.

The school needs to notify the Local Authority when removing a pupil from roll whose onward education has not been able to be confirmed. **(Use the CME Referral Form SR1a)**

### **8 (1) (f) The pupil has failed to return following authorised leave of absence exceeding 10 school days for the purpose of a holiday**

A pupil who has failed to return following extended authorised leave of absence can be removed from roll providing **all three of the following three conditions are fulfilled:**

- i. The pupil has failed to attend the school within the ten school days immediately following the expiry of the period for which such leave was granted
- ii. There are no reasonable grounds to believe that the pupil is unable to attend due to sickness or any unavoidable cause
- iii. Both the school and the Local Authority have jointly made reasonable enquiries and failed to ascertain the child's whereabouts.

Referrals should be made via the **CME Referral Form SR1a**

### **8 (1) (g) The pupil is certified too ill to pursue education**

This will apply on the very rare occasion when a pupil has a terminal or serious medical condition and is deemed medically unfit to continue with education. An appropriate medical professional will need to certify that the pupil is unlikely to be in a fit state of health to return to school before ceasing to be of compulsory school age. Removal from roll is not permitted if there is any indication from parent or pupil of the intention to continue to attend the school post compulsory school age.

The school is legally required to notify the Local Authority when removing a pupil from roll under this criterion. Please consult with the Out of school Tuition service prior to removal

### **8 (1) (h) The pupil has been missing from school for 20 days or more continuously**

Schools may remove missing children from roll providing **all three** of the following conditions are fulfilled:

- i. At no time was the absence during that period authorised by the school.
- ii. There are no reasonable grounds to believe that the pupil is unable to attend due to sickness or any unavoidable cause
- iii. Both the school and the Local Authority have jointly made reasonable enquiries and failed to ascertain the child's whereabouts.

During the first ten days of absence, schools must make reasonable attempts to locate the child and facilitate his/her safe return to school. Enquiries should include writing to the parents, attempting to make telephone contact with parents, appropriate friends and relatives, speaking to other children and parents and home visits.

Schools should refer to the CME officer, on Day 11 of the child's absence. The CME officer will support the school's efforts to locate the child.

### **8 (1) (i) The Pupil has been given a custodial sentence for four months or longer as a result of a final order**

A child who is taken into custody for four months or more as a result of a final order can be taken off roll, unless the school has reason to believe that he/she will return to the school at the end of the period.

Schools must not de-register a pupil who is remanded in custody and awaiting a trial or hearing at a future date. Schools must consult with the local manager of the Youth Offending Service before removing a child from roll. See contact information.

### **8 (1) (j) Death of pupil**

In the tragic circumstance that a pupil dies, the school should remove the child from roll upon notification of the death.

### **8 (1) (k) The pupil is above compulsory school age**

This applies to Year 11 pupils who do not wish to return to the school in the following academic year. The official school leaving date for Year 11 pupils is the last Friday in the month of June, in the school year in which they turn 16.

This may also apply to the small minority of pupils who have been moved into a lower year group but have reached the end of their official school-leaving age. Such pupils must be given an opportunity to confirm their intention to remain on roll.

School-leavers under this category who are at risk of not being in education, employment or training (NEET) should be referred to their link Personal Advisor.

Or this applies to year 11 pupils that do not meet the entry requirements for admission to the school's sixth form.

### **8 (1) (l) The pupil is leaving a school that is not maintained by the government**

This relates to pupils leaving the roll of a school in the independent sector. It is not relevant to government-maintained schools, academies and free schools in Derbyshire.

### **8 (1) (m) The pupil has been permanently excluded**

The permanent exclusion of a pupil does not take effect until:

- Expiry of independent review panel deadline/decision or
- Parent written confirmation that won't be applying for IRP

Schools must notify the LA's Inclusion Office by the first day of the exclusion.

The inclusion office will advise school of the date they are able to remove the pupil's names from school roll.

### **8 (1) (n) and 8(3) Nursery child leaving school**

This applies to children who have been admitted to a school to receive nursery education and are not transferring to a higher class at the school.

Although it is not a legal requirement to upload a CTF to the new school for children who have not reached compulsory school age (the start of the school term following their fifth birthday), it is good practice to do so.

**8 (1) (o) State-funded boarding schools where fees are unpaid**

If fees remain unpaid at the end of the school term for which they are due schools must check with Derbyshire's School Admissions and Transport Team to see if an application has been made for another school. If not, a CME referral should be made via **the CME Referral Form SR1a**

Ratified March 2018 (*Reviewed September 2019*)