

Children Missing Education – Changes to Regulations from September 2016

On September 5, the Department for Education (DfE) issued the updated statutory guidance 'Children Missing Education' (<https://www.gov.uk/government/publications/children-missing-education>).

Children missing education are children of compulsory school age who are not registered pupils at a school and are not receiving suitable education otherwise than at a school.

The Guidance is to help local authorities (LAs) and schools in England improve collaboration, communication and information-sharing in identifying children missing education (CME) and to help LAs meet changes to the Regulations. The Regulations have been strengthened to ensure that schools provide regular and accurate information to their local authority about children as they are removed or added to school admissions registers. The revised Regulations Education (Pupil Registration) (Amendment) (England) Regulations 2016 (<http://www.legislation.gov.uk/ukxi/2016/792/regulation/3/made>) came into force on 1st September 2016, with the revised processes being a requirement from the start of the academic year.

The guidance sets out key principles to enable local authorities to identify children who are missing education and helping these children back into education. It includes advice for a range of professionals including school leaders, school staff and governing bodies in all maintained schools, academies and independent schools along with health professionals, Youth Offending Teams and the police. This guidance replaces the 2015 version.

The major changes from 1st September make changes to the Education (Pupil Registration) Regulations 2006. There is now a requirement that **all** schools notify the local authority whenever a pupil is added to their roll or removed.

Introduction

The guidance was updated following a consultation earlier this year, after Ofsted raised concerns that during a number of targeted inspections they had found a significant number of children had left schools without a known destination or without authorities being informed. This raised serious safeguarding concerns with children potentially exposed to the risk of harm, exploitation or radicalisation. For further information see the Government response to the consultation ([https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/539310/Annex_B - Government response to CME consultation - July 2016 - final.pdf](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/539310/Annex_B_-_Government_response_to_CME_consultation_-_July_2016_-_final.pdf)).

Schools have a safeguarding duty in respect of their pupils, and as part of this should investigate any unexplained absences. The Department's statutory guidance Keeping Children Safe in Education (<https://www.gov.uk/government/publications/keeping-children-safe-in-education--2>) provides further guidance for schools and colleges on their safeguarding responsibilities.

Local authorities have a legal duty under section 436A of the Education Act 1996, which 'requires that all local education authorities make arrangements to enable them to establish the identities of children in their area who are not receiving a suitable education', so far as it is possible to do so. The Local Authority must also ensure that it 'monitors the numbers of children/young people in the authority who are not receiving an education, including those new to the area or the country.'

Annex B (https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/550416/Children_Missing_Education_-_statutory_guidance.pdf#page=22) sets out a checklist that local authorities may wish to use to review their arrangements on their effectiveness in identifying children missing education.

Key Points

The Guidance highlights that children missing education are at significant risk of being victims of harm, exploitation or radicalisation. All agencies must follow their Local Safeguarding Children Board procedures where there are concerns that a child or young person is at risk of significant harm. 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). They may also be at risk of underachieving and becoming NEET (not in education, employment or training) later in life.

It is very important that effective information sharing and joint working is maintained between parents, schools, local authorities and all agencies to ensure that all children of compulsory school age are safe and receiving suitable education. The Working Together to Safeguard Children (<https://www.gov.uk/government/publications/working-together-to-safeguard-children--2>) statutory guidance provides advice on inter-agency working to safeguard and promote the welfare of children. Prompt action and early intervention is crucial and those children identified as not receiving suitable education should be returned to full time education either at a school or in alternative provision.

Local Authority policies and procedures should be in place and regularly reviewed and evaluated to ensure they continue to be effective in identifying children missing in their area. They should include implementing effective tracking and enquiry systems, and appointing a named person to whom schools and other agencies can make referrals about children who are missing education. It is also important to consider the reasons why children go missing from education, and the circumstances that can lead to this happening.

The Guidance highlights the importance of raising awareness with other agencies and partners working with children and families of policies, procedures and notification routes. Professionals in, for example, Housing, Health, Youth services etc. may hold crucial safeguarding information about a child and/or may become aware of the arrival or existence of a child living in the area who is not receiving suitable education (e.g. children of migrant worker families). LAs should therefore

consider all routes of information and the involvement of other agencies when making enquiries about children missing education.

Further Information on the Revised Processes

With regard to the revised regulations the DfE will be investigating the effectiveness of the revised processes to ensure that all schools are taking appropriate action, with a review to be carried out before 1st September 2019.

‘What are the main changes from 1 September 2016?’

https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/550416/Children_Missing_Education_-_statutory_guidance.pdf#page=4

The full changes to the Regulations can be found here

http://www.legislation.gov.uk/ukxi/2016/792/pdfs/ukxi_20160792_en.pdf

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