The Meadows Primary

Children Missing in Education Policy

Department for Education

Children missing education

Statutory guidance for local authorities

August 2024

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Summary

About this guidance

This statutory guidance sets out key principles to enable local authorities in England to implement their legal duty under section 436A of the Education Act 1996 to make arrangements to identify, as far as it is possible to do so, children missing education (CME). Local authorities should be able to demonstrate that they have considered this statutory guidance and where it is not followed, the local authority should have reasonable grounds for not doing so. This advice is not exhaustive and local authorities will need to take into account the circumstances of individual cases.

This guidance replaces the September 2016 version.

What legislation does this guidance refer to?

- Section 436A of the Education Act 1996 (added by section 4 of the Education and Inspections Act 2006)
- Education Act 1996 (section 7, 8, 14 and 19)
- Education and Inspections Act 2006 (section 4 and 38)
- School Attendance (Pupil Registration) (England) Regulations 2024

Who is this guidance for?

This guidance is for:

- Local authorities

This guidance can be used as a non-statutory advice by:

- School leaders, school staff and governing bodies in all maintained schools and academies, independent schools
- Health professionals, Youth Offending Teams, and the police.
- This guidance also contains information about schools' other statutory duties.

What are the main changes from 19 August 2024?

This version includes technical updates only to bring the guidance in line with the Working together to improve attendance statutory guidance and the School Attendance (Pupil Registration) (England) Regulations 2024.

Introduction - overview

All children, regardless of their circumstances, are entitled to an efficient, full time education which is suitable to their age, ability, aptitude and any special educational needs they may have.

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. Children missing education are at significant risk of underachieving, being victims of harm, exploitation or radicalisation, and becoming NEET (not in education, employment or training) later in life.

Effective information sharing between parents, schools and local authorities is critical to ensuring that all children of compulsory school age are safe and receiving suitable education. Local authorities should focus their resources effectively in intervening early in the lives of vulnerable children to help prevent poor outcomes.

Local authorities' responsibilities

Local authorities have a duty under section 436A of the Education Act 1996 to make arrangements to establish the identities of children in their area who are not registered pupils at a school and are not receiving suitable education otherwise. This duty only relates to children of compulsory school age.[1]

The local authority should consult the parents of the child when establishing whether the child is receiving suitable education. Those children identified as not receiving suitable education should be returned to full time education either at a school or in alternative provision. Prompt action and early intervention are crucial to discharging this duty effectively and in ensuring that children are safe and receiving suitable education.

Local authorities should have **robust policies and procedures** in place to enable them to meet their duty in relation to these children, including ensuring that there

[1] A child reaches compulsory school age on or after their fifth birthday. If they turn 5 between 1 January and 31 March, then they are of compulsory school age on 31 March; if they turn 5 between 1 April and 31 August, then they are of compulsory school age on 31 August. If they turn 5 between 1 September and 31 December, then they are of compulsory school age on 31 December. A child continues to be of compulsory school age until the last Friday of June in the school year that they reach sixteen.

are effective tracking and enquiry systems in place, and appointing a named person to whom schools and other agencies can make referrals about children who are missing education.

Some children who are missing from education can be identified and supported back into education quickly; other children who have experienced more complex problems face tougher obstacles to getting back into suitable education. When developing policies and procedures for children not receiving a suitable education, local authorities should consider the reasons why children go missing from education and the circumstances that can lead to this happening.

Arrangements made under section 436A also play an important role in fulfilling the local authority's wider safeguarding duties. This duty should therefore be viewed alongside these wider duties and local initiatives that aim to promote the safeguarding of children.

Local authorities should have in place arrangements for joint working and information sharing with other local authorities and agencies. Individual local authorities can determine the specific detailed arrangements that work best in their area that not only meet this statutory duty but also enable them to contribute to a range of work aimed at improving outcomes for children. The *Working together to safeguard children* statutory guidance provides advice on inter-agency working to safeguard and promote the welfare of children.

Local authorities should **undertake regular reviews and evaluate their policies and procedures** to ensure that these continue to be fit for purpose in identifying children missing education in their area. We have set out a checklist at Annex B that local authorities may wish to use to satisfy themselves that they have effective systems in place.

Where there is concern for a child's welfare, this should be referred to local authority children's social care. If there is reason to suspect a crime has been committed, the police should also be involved. Where there is a concern that a child's safety or wellbeing is at risk, it is essential to take action without delay.

Local authorities have other duties, powers and expectations to support their work on CME. These include:

- Arranging suitable full-time education for permanently excluded pupils from the sixth school day of exclusion[2],

[2] The Education (Provision of Full-Time Education for Excluded Pupils) (England) Regulations 2007

- Safeguarding children's welfare, and their duty[3] to cooperate with other agencies in improving children's well-being, including protection from harm and neglect;

- Serving notice on parents requiring them to satisfy the local authority that the child is receiving suitable education, when it comes to the local authority's attention that a child might not be receiving such education[4],

- Issuing School Attendance Orders (SAOs) to parents who fail to satisfy the local authority that their child is receiving suitable education, if the local authority deems it is appropriate that the child should attend school[5],

- Prosecuting parents who do not comply with an SAO[6],
- Prosecuting or issuing penalty notices to parents who fail to ensure their school-registered child attends school regularly[6],

- Applying to court for an Education Supervision Order[7] for a child[9] to support them to go to school, and

- Carrying out the expectations of local authority School Attendance Support Teams set out in the statutory guidance 'Working together to improve school attendance'.[8]

To enable effective CME processes, all schools must make a 'new pupil return[9]' or a 'deletion return[10]' to the local authority when a pupil's name is added to or delete from the school admission register (except during standard transition points unless the local authority requests it, as set out in the School Attendance (Pupil Registration) (England) Regulations 2024. The law also allows local authority officers to access the attendance and admission registers of all types of school to carry out their functions under the Education Acts. Officers are permitted to take digital or physical extracts.

[3] Section 10 of the Children Act 2004
[4] Section 437(1) of the Education Act 1996
[5] Section 437(3) of the Education Act 1996 [6]
Section 443 of the Education Act 1996
[6] Prosecution under section 444 of the Education Act 1996 and penalty notices under section 444A (as amended by section 23 of the Anti-social Behaviour Act 2003)
[7] Section 447 of the Education Act 1996 [9]
Section 47 of the Children Act 1989
[8] See 'Working together to improve school attendance: Statutory guidance for maintained schools, academies, independent schools and local authorities'.
[9] Returns: 'new pupil return' regulation 13(1)-(3) of the School Attendance (Pupil Registration) (England) Regulations 2024
[10] Returns: 'deletion return' regulation 13(4)-(6) of the School Attendance (Pupil Registration) (England) Regulations 2024

Parents' responsibilities

Parents have a duty[11] to ensure that their children of compulsory school age are receiving suitable full-time education. Some parents may elect to educate their children at home[12] and may withdraw them from school at any time to do so, unless they are subject to a School Attendance Order.

Where a parent notifies the school in writing that they are going to be home educating their child after a certain date, the school must delete the child's name from the admission register once that date has passed (unless a SAO is in place) and inform the local authority[13]. However, where parents orally indicate that they intend to withdraw their child to be home educated, the school should consider notifying the local authority at the earliest opportunity.

Children with Education, Health and Care (EHC) plans or statements of special educational needs (SEN) can be home educated. Where the EHC plan or statement sets out SEN provision that the child should receive at home, the local authority is under a duty to arrange that provision. Where the EHC plan or statement names a school or type of school as the place where the child should receive his or her education but the parent chooses to home educate their child, the local authority must assure itself that the provision being made by the parent is suitable. In such cases, the local authority must review the plan or statement annually to assure itself that the provision set out in it continues to be appropriate and that the child's SEN continue to be met.

Schools' responsibilities

Schools must enter pupils' names on the admission register on the first day that the school and a person with control of the pupil's attendance[14] have agreed that the pupil will attend the school. If no date has been agreed or notified, the pupil's name must be entered on the first day they attend the school. Names must be entered from the beginning of the first session.[15]

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[11] Section 7 of the Education Act 1996

[12] See 'Elective home education: guidelines for local authorities'.

[13] Deletion: regulation 9(1)(f) of the School Attendance (Pupil Registration) (England) Regulations 2024. Informing the local authority: regulation 13(4)-(6) of the same Regulations.

[14] A person with control of the pupil's attendance is defined in regulation 3(2) of the School Attendance (Pupil Registration) (England) Regulations 2024. This includes the pupil's parent and the pupil if they are over compulsory school age or will be over compulsory school age on their starting day at the school. There may be a small number of cases in which this is also another person with the authority to require the pupil to attend the school, such as a governing body when requiring a pupil to attend another school to improve their behaviour (off site direction).

[15] Regulations 3(2)-(5) and 8(1) of the School Attendance (Pupil Registration) (England) Regulations 2024.

[18] Returns: 'attendance return' regulation 13(7)-(8) of the School Attendance (Pupil Registration) (England) Regulations 2024.

If a pupil fails to attend on the agreed date, the school should undertake reasonable enquiries to establish the child's whereabouts and consider notifying the local authority at the earliest opportunity.

Schools must monitor pupils' attendance through their daily attendance register. Schools should agree with their local authority the intervals at which they will make a return to the local authority (an 'attendance return[18]') with the details of any pupil of compulsory school age who has failed to attend regularly (excluding where they were out of school and attending an approved educational activity covered by codes D, K, V or B), or has been absent for a continuous period of ten school days where their absence had been recorded with one or more of the codes statistically classified as unauthorised (G, N, O and/or U). . Schools should monitor attendance closely and address poor or irregular attendance. It is important that pupils' poor attendance is referred to the local authority.

Where a pupil has not returned to school for ten consecutive school days after a leave of absence [15] or is absent from school for reasons statistically recorded as unauthorised absence for twenty consecutive school days[16], the pupil's name can be removed from the admission register when the school and the local authority have failed, after jointly making reasonable enquiries, to find out the location and circumstances of the child or have succeeded but agree there are no reasonable grounds to believe that they will attend the school again. In deciding there are no reasonable grounds to believe the pupil will attend the school again both school and local authority must agree, including that there are no reasonable steps that could be taken (either jointly or separately) to secure the pupil's attendance. Neither ground for deletion applies if there are reasonable grounds to believe that the pupil is unable to attend because of sickness or unavoidable cause.

Schools must also arrange full-time education for excluded pupils from the sixth school day of a fixed period exclusion. This information can be found in the *Exclusion from maintained schools, academies and pupil referral units in England* statutory guidance.

Maintained schools have a safeguarding duty[16] in respect of their pupils, and as part of this should investigate any unexplained absences. Academies and independent schools have a similar safeguarding duty[17] for their pupils. Further information about schools' safeguarding responsibilities can be found in the *Keeping children safe in education* statutory guidance.

Recording information in the school's admission register

It is important that the school's admission register is accurate and kept up to date. Schools should regularly encourage parents to inform them of any changes whenever they occur,

[16] Under section 175 of the Education Act 2002
[17] Part 3 of the Schedule to the Education (Independent School Standards) Regulations 2014

through using existing communication channels such as regular emails and newsletters. This will assist both the school and local authority when making enquiries to locate children missing education.

Where a parent notifies a school that a pupil will normally live at another address, whether in addition to or instead of their current address, all schools are required[0] to record in the admission register[18]:

- the address;
- the full name of each parent the pupil will normally live with; and
- the date when the pupil will start normally living there.

Where the school becomes aware, in circumstances set out in regulation 8(5), that the pupil is will be attending a different school (in addition to or instead of the current school), schools must record this in the admission register in accordance with regulation 8(4)[19]:

- the name of the other school; and
- the date when the pupil began or will begin attending the school.

Sharing information with the local authority

All schools must make a return to the local authority when a pupil's name is to be deleted from the admission register (a 'deletion return').[20] This duty does not apply at standard transition points – where the pupil has completed the school's final year – unless the local authority has asked for such information to be provided. The school must provide the local authority with the following information from the admission register:

- the full name of the pupil;
- address;
- the full name and address of any parent the pupil normally lives with;
- at least one telephone number by which any parent the pupil normally lives with can be contacted;
- if applicable, the pupil's future address, the full name and address of the parent who the pupil is going to live with, and the date the pupil will start living there;

[18] Under regulation 8(3) of the School Attendance (Pupil Registration) (England) Regulations 2024
[19] Under regulation 8(4) and (5) of the School Attendance (Pupil Registration) (England) Regulations 2024
[20] Regulation 13(4)-(6) of the School Attendance (Pupil Registration) (England) Regulations 2024.

- if applicable, the name of pupil's other school and when the pupil began or will begin to attend the school; and

- the ground for deletion under which the pupil's name has been deleted from the admission register. (see chapter 7 of 'Working together to improve school attendance' for guidance on grounds for deletion).

All schools[21] must make a return to the local authority **within five days** when a pupil's name is added to the admission register (a 'new pupil return'). Schools will need to provide the local authority with all the information held within the admission register about the pupil. This duty does not apply when a pupil's name is entered in the admission register pupil. This duty does not apply when a pupil's name is entered in the admission register at a standard transition point – at the start of the first year of education normally provided by that school – unless the local authority requests for such information to be provided.

All schools must make a return to the local authority (an 'attendance return') with the full name and address of any pupil of compulsory school age who is not a boarder and has failed to attend regularly (excluding codes D, K, V or B) or has missed ten consecutive school days or more with their absence being recorded in the attendance register in ways statistically recorded as unauthorised absence.[22]

All schools must also make a return to the local authority (a 'sickness return') where a pupil of compulsory school age has been recorded in the attendance register as absent using code I (illness) and the school have reasonable grounds to believe that the pupil will be, or will have been unable to attend school because of illness for at least 15 school days during the school year, whether consecutive or not.[26]

Providing information on standard transitions

As set out in paragraph 24, schools are under an automatic duty to provide information to the local authority for non-standard transitions. This relates to pupils removed from the admission register before completing the final year of education normally provided by the school, or pupils added to the admission register after the start of the first year of education normally provided by that school.

Schools are also **only** under a duty to provide information to the local authority for standard transitions **if** a local authority requests that schools make such returns. This relates to pupils

[21] Under regulation 13(1) to (3) of the School Attendance (Pupil Registration) (England) Regulations 2024
[22] Under Regulation 13(7) and (8) of the School Attendance (Pupil Registration) (England) Regulations 2024. [26] Under Regulation 13(9) to (11) of the School Attendance (Pupil Registration) (England) Regulations 2024.

removed from the school's admission register after the pupil has completed the final year of education normally provided by the school, or pupils added to the admission register at the start of the first year of education normally provided by the school. For the majority of pupils, a standard transition occurs when a pupil moves between a primary and secondary school, but this can also include other types of schools including where pupils move between infant and junior schools and in local areas with three-tier education systems with first, middle and high schools.

In a small number of cases, pupils removed from the admission register in one school would be a standard transition but their transfer to another school would be a non-standard transition and vice-versa. For example, a pupil leaving a primary school at the end of Year 2 is a non-standard transition, but their transfer to a junior school at the beginning of Year 3 is a standard transition. In such cases, only the school where the non-standard transition occurs is under an automatic duty to notify the local authority. The local authority would need to make a request for the information from the other school, if they required information on the standard transition.

There is no expectation for local authorities to request information from schools on pupils for standard transitions. Local authorities should consider carefully the benefits of having this information in meeting their duties in relation to children missing education and safeguarding, and assess the likely burden on schools and the local authority before deciding to do so.

If local authorities decide to request information on pupils for standard transitions, it should be made clear to schools that they are therefore under a duty to make such notifications. Local authorities should also establish a clear and efficient procedure for this and communicate the procedure to schools in their area.

Making reasonable enquiries

The term 'reasonable enquiries' grants schools and local authorities a degree of flexibility in decision-making, particularly as the steps that need to be taken in a given case will vary. The term 'reasonable' also makes clear that there is a limit to what the school and local authority is expected to do.

In line with the duty under section 10 of the Children Act 2004, the expectation is that the school and the local authority will have in place procedures designed to carry out reasonable enquiries. The type of procedures may include the appropriate person checking with

relatives, neighbours, landlords – private or social housing providers – and other local stakeholders who are involved. They should also record that they have completed these procedures. If there is reason to believe a child is in immediate danger or at risk of harm, a referral should be made to children's social care (and the police if appropriate).

A pupil's name can only be removed from the admission register under regulation 9(1)(h) or (i) of the School Attendance (Pupil Registration) (England) Regulations 2024 if the conditions of paragraph (iii) have been met - the school and the local authority must have jointly made reasonable efforts to find out the pupil's location and circumstances and have either failed to do so, or located the pupil and found out their circumstances but agree there are no reasonable grounds to believe the pupil will attend the school again, taking into consideration any reasonable steps that the school and local authority could take jointly or separately) to secure the pupil's attendance.. Local authorities and schools should agree roles and responsibilities locally in relation to making joint enquiries. Further information on the deletion of the names of pupils who have been located but have not returned to school is included in the 'Working together to improve school attendance' guidance (Chapter 7 - Ground H and Ground I).

As set out in *Working Together to Safeguard Children* statutory guidance, the Local Safeguarding Children Board should agree with the local authority and its partners a threshold document, which includes the criteria for when a case should be referred to local authority children's social care for assessment and for statutory services. In addition, local authorities, with their partners, should develop and publish local protocols for assessment, which set out clear arrangements for how cases will be managed once a child is referred into local authority children's social care.

If there is evidence to suggest the child has moved to a different local authority area, contact should be made with the named person in the new authority using secure communication methods. The local authority should maintain a record of the child's details until they are located or attain school leaving age.

When the whereabouts and circumstances of a child is unclear or unknown, it is reasonable to expect that the local authority and the school will complete and record one or more of the following actions:

- make contact with the parent, relatives and neighbours using known contact details;

- check local databases within the local authority;
- check Key to Success or school2school (s2s) systems;
- follow local information sharing arrangements and where possible make enquiries via other local databases and agencies e.g. those of housing providers, school admissions, health services, police, refuge, Youth Justice Services, children's social care, and HMRC;
- check with UK Visas and Immigration (UKVI) and/or the Border Force;
- check with agencies known to be involved with family;
- check with local authority and school from which child moved originally, if known;
- check with any local authority and school to which a child may have moved;
- check with the local authority where the child lives, if different from where the school is;
- in the case of children of Service Personnel, check with the Ministry of Defence (MoD) Children's Education Advisory Service (CEAS); and
- home visit(s) made by appropriate team, following local guidance concerning risk assessment and if appropriate make enquiries with neighbour(s) and relatives.

This list is not exhaustive or prescriptive, and so local authorities and schools should treat each case on its individual merits and use their judgement, ensuring they have taken into account all of the facts of the case. It should be recognised that the type of reasonable enquiries required to try to locate a child and establish their circumstances will differ from case to case and additional enquiries to those suggested in this section may be necessary.

Making these enquiries may not always lead to establishing the location or circumstances of the child, but will provide a steer on what action should be taken next, for example, to contact the police, children's social care and, in cases where there may be concerns for the safety of a child who has travelled abroad, the Foreign and Commonwealth Office.

Using Common Transfer Files to transfer pupil information

The Department provides a secure internet system – school2school – to allow schools to transfer pupil information to another school when the child moves[23]. If the school the child is leaving agrees, the local authority may do this on the school's behalf.

The *Common Transfer File (CTF) guidance* makes clear that all schools maintained by a local authority in England are required when a pupil ceases to be registered at their school, and becomes a registered pupil at another school in England or Wales, to send a CTF to the new school.

Academies (including free schools) are also strongly encouraged to send CTFs when a pupil leaves to attend another school. Independent schools can be given access to school2school by the Department. Many independent schools also have Management Information Systems that are compatible with those used in the maintained sector and so would be able to download CTFs. Where a pupil transfers to a new school in Scotland or Northern Ireland the previous school in England is still required to send a CTF.

The school2school system also contains a searchable area, 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. If a pupil arrives in a school and the previous school is unknown, schools should contact their local authority who will be able to search the database.

There may be exceptional circumstances when standard rules for sending and 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; if the family is

in a witness protection programme; or where there are concerns that the child is at risk of forced marriage. Guidance on how to share information in these circumstances is included in the CTF guidance.

[23] In line with The Education (Pupil Information) (England) Regulations 2012

Sharing information with others

Families moving between local authority areas can sometimes lead to a child who is unknown to any local authority and consequently missing education. Where a child has moved or where the destination of a child is unknown, local authorities should identify relevant local authorities – either regionally or nationally – and check with them in order to ascertain where the child has moved.

Once the location of the child is established, the named person in the local authority where the child lives should satisfy themselves that that the child is receiving suitable education.

Secure systems should be used to share and transfer personal information. Local authorities should not make blanket enquiries, as contacting all local authorities with a list of children is poor practice. This is also not a secure method of sharing personal information. 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.

Local authorities may wish to have a dedicated CME email address to where enquiries can be sent from other local authorities and agencies. Any sharing of information by email or other means must comply with the law relating to data protection and should be done in line with local arrangements for recording and sharing information. Further advice is available in the *Information sharing advice for safeguarding practitioner's* guidance.

Local authorities should regularly **raise awareness of their policies and procedures** and notification routes with all schools in their area, and with local partners and agencies working with children and families, such as GPs, other health professionals, clinical commission groups, police and other emergency services, housing agencies, children's homes, statutory and voluntary youth services, voluntary and community organisations, and Youth Offending Teams.

These partners and agencies may become aware of the arrival or existence of a child living in the area, who is not receiving suitable education, before the local authority does (for example children of migrant worker families). They may also hold crucial safeguarding information about a child, and local authorities should identify all likely routes of information and consider involving them when making enquiries about children missing education.

It may also be helpful for local authorities to have local contacts with the Department for Work and Pensions, the Border Force, and HMRC to assist them in tracing children missing education. There may be others depending on local circumstances.

Children at particular risk of missing education

There are many circumstances where a child may become missing from education so it is vital that local authorities make judgements on a case by case basis. Although not exhaustive, the list below presents some of the circumstances that local authorities should consider when establishing their CME policies and procedures:

- **Pupils at risk of harm/neglect** – Children may be missing from education because they are suffering from abuse or neglect. Where this is suspected schools should follow local child protection procedures. However, if a child as in immediate danger or at risk of harm, a referral should be made immediately to children's social care (and the police if appropriate). Local authority officers responsible for CME should check that a referral has been made and, if not, they should alert children's social care. The Department's statutory guidance *Keeping children safe in education* provides further advice for schools and colleges on safeguarding children.
- **Children of Gypsy, Roma and Traveller (GRT) families** – Research[24] has shown that many children from these families can become disengaged from education, particularly during the secondary school phase. It is therefore important that schools inform the local authority when a GRT pupil leaves the school without identifying a new destination school, particularly in the transition from primary to secondary so that they can attempt to facilitate continuity of the child's education. Although many are settled, some GRT families move regularly and their children can be at increased risk of missing education. Local authority Traveller Education Support Services (TESS), where these exist, or the named CME officer within the local authority, can advise schools on the best strategies for ensuring the minimum disruption to GRT pupils' education, for example dual registration with other schools or the provision of electronic or distance learning packages where these are available.

- **Children of Service Personnel** – Families of members of the Armed Forces are likely to move frequently – both in the UK and overseas and often at short notice.

[24] Wilkins, A et al (2010) Improving the outcomes for Gypsy, Roma and Traveler pupils: final report DFE-RR043 pp54-60

30 See 'Children who run away or go missing from home or care' statutory guidance

Schools and local authorities should contact the MoD Children's Education Advisory Service (CEAS) on 01980 618244 for advice on making arrangements to ensure continuity of education for those children when the family moves.

- **Missing children and runaways**[30] – Children who go missing or run away from home or care may be in serious danger and are vulnerable to crime, sexual exploitation or abduction as well as missing education. Further sources of information about missing children are listed at the back of this document.
- **Children and young people supervised by the Youth Justice System** – Children who have offended or are at risk of doing so are also at risk of disengaging from education. Local authority Youth Offending Teams (YOTs) are responsible for supervising those young people (aged 8 to 18). YOTs should work with the local authority CME officer to ensure that

  children are receiving, or return to, appropriate full-time education. Where a child is registered at a school and is given a custodial sentence, the school may be required to keep their name on the admission register where there are reasonable grounds to believe they will return to the school after they cease to be detained. [25] As set out in the 'Working together to improve school attendance' guidance, in determining whether the pupil will return to the school, it is expected that school will discuss this with the pupil's youth offending team worker. Schools are expected to communicate with the pupil's Youth Offending Team worker while the pupil is in custody and remains on the school roll to discuss the pupil's educational needs, progress and return to the school upon their release where appropriate.

- **Children who cease to attend a school** – there are many reasons why a child stops attending a school. It could be because the parent chooses to home educate their child. However, where the reason for a child who has stopped attending a school is not known, the local authority should investigate the case and satisfy itself that the child is receiving suitable education.
- **Children of new migrant families –** children of new migrant families may not have yet settled into a fixed address or may have arrived into a local authority area without the authority becoming aware, therefore increasing the risk of the child missing education.

[25] Regulation Deletion from admission register: 9(1)(j) of the School Attendance (Pupil Registration) (England) Regulations 2024

Further sources of information

Associated resources (external links)

- Action Against Abduction
- Reunite International Child Abduction Centre
- Forced marriages (FCO)
- HM Revenue and Customs (HMRC)
- Home Office
- National Crime Agency (NCA)
- Missing People
- National Centre for Missing & Exploited Children (NCMEC)
- Border Force
- National Society for the Prevention of Cruelty to Children (NSPCC)
- Barnardos
- Missing Children and Adults strategy

Additional departmental advice and guidance

- Behaviour in schools
- Child sexual exploitation
- Child abuse
- Child trafficking
- Elective Home Education guidelines
- Keeping children safe in education
- School Admissions Code
- School suspensions and permanent exclusions
- School to school service: how to transfer information
- Supporting pupils with medical conditions at school
- Working together to safeguard children
- Working together to improve school attendance
- Young runaways

Annex A: Grounds for deleting a pupil from the school admission register

1. **Ground A - The pupil has been registered at another school**

Relevant regulation 9(1)(a)

222. Where a pupil has been registered at another school, unless:

- a school attendance order naming the school is in force in relation to the pupil (see further information below),
- the pupil is a mobile child and the school is their main school (see further information below),
- the school has agreed with a person with control of the pupil's attendance at the other school that the pupil should be registered at more than one school (see further information on dual registration below), or
- the school itself has control of the pupil's attendance at the other school and has decided that the pupil should be registered at more than one school (see further information on dual registration below).

Transfer between schools

Where a pupil is transferring to another school, the original school must delete the pupil's name from the admission register as soon as they are entered on the admission register of the new school. The new school must enter the pupil's name on the admission register on the first day that it has agreed or been told the pupil will attend the school as explained under Expected First Day of Attendance.

For example, if a pupil leaves School A on 28 March and their expected first day of attendance at School B is 29 March, they would be added to the admission register of School B and deleted from that of School A on 29 March.

School A will:

- record the pupil's attendance and absence up to and including 28 March, • delete the pupil's name from the admission register on 29 March, and
- transfer the appropriate pupil information via the S2S system.

School B will:

- enter the pupil's name on the admission register on 29 March,
- record the pupil's attendance and absence from 29 March, • follow up any unexpected absence on or after the 29 March, and
- request the transfer of the pupil information.

There are a small number of exceptions, these are:

School attendance order

If a school attendance order is in place for the pupil, and the name of the school has been replaced by the relevant local authority with that of another school, their name must be deleted from the admission register under the reason for deletion at ground D (regulation 9(1)(d)).

If the school attendance order has not been amended and still names the school, the pupil's name must not be deleted under ground A even if they have been registered at another school as well.

Mobile child

Where a child of compulsory school age has no fixed abode and their parent(s) is engaged in a trade or business of such a nature as to require them to travel from place to place, the child can temporarily attend another school without the need for their main school to remove their name.

Main school in this context means the school that, during the last 18 months, the child has attended during periods when their parent was not travelling in the course of their trade or business, or, if there is more than one school that fits that description, the school that most recently fulfils those criteria.

Dual registration

In circumstances where it has been agreed between the school and a person with control of the pupil's attendance that the pupil will be registered at more than one school, the pupil's name will remain on the admission register. This is also the case where it has been decided by the school if it has control of the pupil's attendance at the other school. The main examples of dual registration are pupils who are attending another school on a temporary basis, such as a pupil referral unit, a hospital school or a special school.

2. Ground B - The pupil has not continued at the school following completion of nursery education

Relevant regulation 9(1)(b)

Where a pupil has been admitted to the school to receive nursery education and on completing nursery does not continue into reception (or more senior class).

3. Ground C – The pupil is also registered at one or more other schools and the other schools have agreed the deletion

Relevant regulation 9(1)(c)

Where a pupil is registered at one or more other schools, and:

- the school does not have reasonable grounds to believe that the pupil will attend the school again,
- each school where the pupil is registered has given consent to the deletion,
- there is no school attendance order naming the school in force in relation to the pupil (see further information below), and
- the pupil is not a mobile child, or if they are, the school is not their main school (see further information below).

School attendance order

If a school attendance order is in place for the pupil, and the name of the school has been replaced by the relevant local authority with that of another school, their name must be deleted from the admission register under the reason for deletion at ground D (regulation 9(1)(d)).

If the school attendance order has not been amended and still names the school, the pupil's name must not be deleted under ground C even if the other criteria are satisfied.

Mobile child

Where a child of compulsory school age has no fixed abode and their parent(s) is engaged in a trade or business of such a nature as to require them to travel from place to place, the child can temporarily attend another school without the need for their main school to remove their name.

Main school in this context means the school that, during the last 18 months, the child has attended during periods when their parent was not travelling in the course of their trade or business, or, if there is more than one school that fits that description, the school that most recently fulfils those criteria.

4. Ground D - The pupil has a school attendance order which has been changed to name another school

Relevant regulation 9(1)(d)

Where the pupil is the subject of a school attendance order that previously named the school, but another school has now been named on that order instead.

5. Ground E - The pupil had a school attendance order which has been revoked

Relevant regulation 9(1)(e)

Where the pupil was the subject of a school attendance order naming the school, but the order is revoked because the local authority that made the order is satisfied that arrangements have been made for the child to receive suitable full-time education for their age, ability and aptitude and special educational needs somewhere other than at a school.

6. Ground F - The parent of a pupil has notified the school in writing that the pupil will be leaving the school to be educated otherwise than at a school

Relevant regulation 9(1)(f)

Where the pupil's parent has informed the school in writing that the pupil will no longer attend the school after a certain day and will receive education otherwise than at a school and that day has passed, and there is no school attendance order naming the school in force in relation to the pupil.

School Attendance Order

If a school attendance order has been revoked because the local authority that made the order is satisfied that arrangements have been made for the child to receive suitable full-time education for their age, ability and aptitude somewhere other than at a school, the pupil's name must be deleted from the admission register under the reason for deletion at regulation 9(1)(e).

7. Ground G - The pupil no longer normally lives a reasonable distance from the school

Relevant regulation 9(1)(g)

Where a pupil no longer normally lives a reasonable distance from the school, the school does not have reasonable grounds to believe the pupil will attend the school again, and the pupil is not a boarder at the school.

In circumstances where parents are moving away and withdrawing their child but are unable to say how their child will continue with their education, for example, the family are relocating but have not been able to secure a place at a new school in advance, once the pupil has completed their final day at school and moved out of the area, the school must delete the pupil's name from the admission register and the pupil's information should then be transferred to the Lost Pupil Database via the S2S system.

Reasonable distance

DfE does not define reasonable distance because each case depends on the family situation and the geography of the area for example, the parent's ability to get the child to the school, a safe walking route or the accessibility of local transportation.

Temporary or occasional absence

Relevant regulation 9(5)(a)

Whether a pupil normally lives a reasonable distance from the school is not affected by a temporary or occasional absence. A judgement should be made in an individual case as to whether an absence is temporary or occasional, but a prolonged absence is not generally considered as temporary.

8. Ground H - The pupil has not returned following a leave of absence

Relevant regulation 9(1)(h)

Where a pupil has been granted a leave of absence and:

- the pupil has not attended school within the ten school days immediately after the end of the period that the leave was granted for,
- the school does not have reasonable grounds to believe that the pupil is unable to attend because of sickness or an unavoidable cause, and
- the school and the local authority have jointly made reasonable efforts to find out
- the pupil's location and circumstances, but: ○ they have not succeeded, or

- they have succeeded but they agree that there are no reasonable grounds to believe that the pupil will attend the school again, taking into account any reasonable steps that could be taken (either jointly or separately) to secure the pupil's attendance.

DfE's guidance on Children Missing Education sets out the expectations for schools and local authorities in respect of making reasonable efforts to find out a pupil's location and circumstances.

Pupils who have been located but have not returned to school

Where a pupil has been located and their circumstances discovered but they have not returned to school, a joint decision is required between the school and the local authority before this ground is used. Both must agree that there are no reasonable grounds to believe the child will return to the school, even with reasonable support and/or enforcement to try to cause their return to school. This means the final criterion will be met very rarely, usually when a pupil has been out of the country for a prolonged period and there are no signs of the pupil returning.

This ground cannot be used in any case where the pupil could reasonably be supported to return to school regardless of whether that support has been provided. It cannot be used where a pupil is absent because of a health reason. It also cannot be used in cases where attendance legal action to cause the pupil to return to school could reasonably be taken instead. In such cases, the appropriate support or enforcement should be taken rather than the pupil's name being deleted from roll.

Examples of appropriate use include:

- The pupil is still away from home and the parent has refused to give a date for their return but there is no reason to think there is anything preventing them from returning.
- No date or evidence of the pupil returning has been provided by the deadline set out in the school's contact with the parent and there is no reason to think there is anything preventing them from returning.
- The parent has given a date, or several dates, for returning and the pupil has failed to return by or on the last given date.

Examples of where regulation 9(1)(g) may be appropriate instead:

- The date for return the parent has provided is too vague or too far in the future to reasonably believe the pupil still normally lives a reasonable distance from the school.

The school does not believe, taking account of any information from the parent, that the pupil still resides within the area and the pupil's absence does not appear to be temporary.

9. Ground I - The pupil has been continually absent from school for 20 school days

Relevant regulation 9(1)(i)

Where a pupil has been continuously absent from the school for a period of 20 school days or more and:

- at no point during that period did any of the circumstances in regulation 10(3) Table 2 or 10(4) Table 3 other than the ones for codes G, N, or O apply.
- the school does not have reasonable grounds to believe that the pupil is unable to attend because of sickness or an unavoidable cause, and
- the school and the local authority have jointly made reasonable efforts to find out
- the pupil's location and circumstances, but: ○ they have not succeeded, or
    - ○ they have succeeded but they agree that there are no reasonable grounds to believe that the pupil will attend the school again, taking into account any reasonable steps they could take (either jointly or separately) to secure the pupil's attendance.

DfE's guidance on Children Missing Education sets out the expectations for schools and local authorities in respect of making reasonable efforts to find out a pupil's location and circumstances.

Pupils who have been located but have not returned to school

Where a pupil has been located and their circumstances discovered but they have not returned to school, a joint decision is required between the school and the local authority before this ground is used. Both must agree that there are no reasonable grounds to believe the child will return to the school, even with reasonable support and/or enforcement to try to cause their return to school. This means the final criterion will be met very rarely, usually when a pupil has been out of the country for a prolonged period and there are no signs of the pupil returning.

This ground cannot be used in any case where the pupil could reasonably be supported to return to school regardless of whether that support has been provided. It cannot be used where a pupil is absent because of a health reason. It also cannot be used in cases where attendance legal action to cause the pupil to return to school could reasonably be taken instead. In these cases, the appropriate support or enforcement should be taken rather than the pupil's name being deleted from roll.

Examples of appropriate use include:

- The pupil is away from home and the parent has refused to give a date for their return but there is no reason to think there is anything preventing them from returning.
- No date or evidence of the pupil returning has been provided by the deadline set out in the school's contact with the parent and there is no reason to think there is anything preventing them from returning.
- The parent has given a date, or several dates, for returning and the pupil has failed to return by or on the last given date.

Examples of where regulation 9(1)(g) may be appropriate instead:

- The date for return the parent has provided is too vague or too far in the future to reasonably believe the pupil normally lives a reasonable distance from the school.

The school does not believe, taking account of any information from the parent, that the pupil still resides within the area and the pupil's absence does not appear to be temporary.

10. Ground J - The pupil is detained under a sentence of detention

Relevant regulation 9(1)(j)

Where a pupil is found guilty of a crime and detained under a sentence of detention (as defined in regulation 3) before the pupil's name can be deleted from the admission register the school must have reasonable grounds to believe the pupil will not return to the school once they are released.

This must be decided on a case by case basis after considering whether the pupil will return at the end, or part way through their sentence (e.g. where part is served on licence in the community). In determining whether there are reasonable grounds to believe the pupil will return to the school following their detention, it is expected that schools will discuss this with the pupil's youth offending team worker.

Pupils who are remanded to custody awaiting trial or sentencing cannot be removed under this ground.

11. Ground K - The pupil has died

Relevant regulation 9(1)(k)

Where a pupil has died.

A pupil's name should only be deleted from the admission register when the school is informed of the death. This would normally come from the pupil's parent but it is possible that notification comes from another source, such as relatives or the police.

Once the school receives the information, it is particularly important to delete the pupil's name as quickly as possible to prevent inadvertent and unnecessary contact with the family about the child.

12. Ground L - The pupil will be over compulsory school age and will not continue into the sixth form

Relevant regulation 9(1)(l)

Where a pupil will be over compulsory school age by the school next meets, and:

- the school does not have reasonable grounds to believe the pupil will attend the school again, or
- the pupil does not meet the academic entry requirements to be transferred to the school's sixth form.

Compulsory school age

A pupil ceases to be of compulsory school age on the last Friday in June of the school year in which they reach the age of 16.

13. Ground M - The pupil is a boarder at a school maintained by a local authority or academy and their boarding fees have not been paid

Relevant regulation 9(1)(m)

Where a pupil is a boarder at the school and:

- the school is maintained by a local authority or is an academy,
- charges for the pupil's board and lodgings are payable by the pupil's parent, and

those charges remain unpaid by the pupil's parent at the end of the school term to which they relate.

14. Ground N - The pupil has ceased to be a pupil at an independent school or nonmaintained special school

Relevant regulation 9(1)(n)

Where a pupil has ceased to be a pupil at the school and the school is not maintained by a local authority or an academy (including a city technology college or a city college for the technology of the arts).

15. Ground O - The pupil has been permanently excluded from the school

Relevant regulation 9(1)(o)

Where a pupil has been permanently excluded from the school.

A pupil's name cannot be deleted from the admission register until the outcome of any consideration of reinstatement and independent review (in the case of a disciplinary exclusion from a maintained school, pupil referral unit, or academy) or appeal (in the case of a city technology college or city college for the technology of the arts)

Deleting the name of a pupil of compulsory school age from the register of a special school

Relevant regulation 9(2)

Where a pupil of compulsory school age is registered at a special school under arrangements made by a local authority, the pupil's name cannot be deleted without the consent of the local authority, or if the local authority refuses to give consent, without a direction from the Secretary of State, unless:

- The pupil is registered at the school as result of a school attendance order, but the school is not now named on that order or the order has been revoked because arrangements have been made for the child to receive suitable full-time education for their age, ability and aptitude somewhere other than at a school, and the pupil's name is deleted under regulation 9(1)(d) or (e); or
- The pupil has died, and the pupil's name is deleted under regulation 9(1)(k); or
- The pupil has been permanently excluded from the school, and the pupil's name is deleted under regulation 9(1)(o).

It is expected that the local authority will not withhold consent unnecessarily, nor delay for an unreasonable period.

Annex B: CME policies and procedures checklist

We have set out a checklist below that local authorities may want to use to review whether they have effective policies and procedures in place to identify children missing education.

Strategic Management and Leadership
Does the local authority have a written policy - covering objectives, procedures, roles and responsibilities - agreed with partners concerning children not receiving a suitable education?
Are there arrangements to identify and provide the full range of services for children not receiving a suitable education and are they embedded? Are they translated into effective operational arrangements?
Is there regular monitoring of the processes/numbers by senior management and lead members?
Networks and Points of Contact
Has the local authority identified the key stakeholders (both statutory and non- statutory) to provide information about children without suitable educational provision in the local authority area?
Has the local authority provided and publicised notification routes for all key stakeholders?
Does the local authority have a named contact point to receive details about children not receiving suitable education?
Are there clear responsibilities for this role or those to whom the duties are delegated?
Information Systems
Does the local authority maintain a database of children not currently in suitable education?
Does the local authority monitor the numbers of children/young people in the authority area who are not receiving suitable education, including those new to the area or the country?
Are there clear access rules and procedures to ensure fair and safe data processing?
Re-engaging children into suitable education
Does the local authority have clear processes for securing the support of other agencies where it is needed e.g. for welfare or health reasons?
Does the local authority have an agreed process for securing suitable educational provision for children once found?
Does the local authority monitor the pace at which children move into provision?
Does the local authority have the information systems in place to allow access to up to date information concerning availability of school places and availability of places with alternative providers?

Effective Child Tracking Systems
Does the local authority have systems in place to keep children engaged in the education that is suitable for them?
Does the local authority keep a record of children who have left educational providers (school, custody and alternative provision) without a known destination?
Does the local authority keep a record of children whose parents or carers, fathers as well as mothers; it considers are not providing them with a suitable education and a note of action it has taken to address these concerns?
Does the local authority follow up children at regular intervals until they are registered with a new school?
Does the local authority have an agreed system with schools concerning children leaving schools that maximises the contribution schools can make to preventing children not receiving a suitable education?
Does the local authority have in place arrangements to share information with other local authorities concerning children who move between areas?
Does the local authority support and encourage schools to transfer files via s2s?
Does the local authority have an identified officer as database administrator for s2s?
Does the local authority upload to and download from the searchable area of the s2s website?

Birmingham Local Authority role and duties

Birmingham City Council has procedures in place to prevent children at risk of becoming CME.

When the CME Officer receives a referral from a school, they will undertake a joint enquiry with the school to try to locate the family and ensure the child is in receipt of a suitable education.

The CME Officer will ensure the referral is checked to see if the child/family is known to Birmingham Children's Trust (BCT) by accessing the 'Eclipse' database. If known to BCT, the CME Officer will contact the named BCT officer to alert them to the child's missing education status.

The CME Officer will triage all referrals to ensure that any safeguarding concerns identified by the school are clearly noted and have been promptly referred to the CASS and/or the Police.

Any significant safeguarding concerns highlighted within the referral but not reported to CASS and/or the Police by the school or referrer will be actioned immediately and appropriately by the CME Officer and will be discussed with the Head Teacher and Designated Safeguarding Lead of the referring school to ensure that such concerns are appropriately escalated in the future.

After the initial checks have been undertaken, an acknowledgement email confirming receipt of the referral will be sent by the CME Officer to the referring school. When a dedicated CME Officer has been allocated the missing pupil case, a further email will be sent to the school to advise that any associated communications regarding the pupil can be sent to the CME inbox for the attention of the allocated CME Officer.

On completion of traces, all referrals will be flagged on BCC's Central Pupil Database, 'Impulse,' as 'child missing' and a note to this effect will be placed on the child's record (if whereabouts remain unknown). This will enable any Birmingham professional accessing the child's education record to be alerted to the child's current status and prompt them to share any appropriate intelligence on the child's current whereabouts with the CME Team.

Safeguarding

If, at any stage of the enquiry into a child's whereabouts schools or BCC have concerns for a child's safety, an immediate referral must be made to CASS by completing and submitting a 'Request for Support' referral form to:

• cass@birminghamchildrenstrust.co.uk (secure email)
For advice on particular cases, CASS can be contacted on 0121 303 1888 or out of hours on 0121 675 4806.

The School and the CME Team will aim to complete their joint enquiry as quickly as possible and will inform any other associated professional of the outcome within the remit of GDPR.
Upon completion of the reasonable enquiry the CME Team will confer with the child's school to confirm the outcome.

CME form

https://www.birmingham.gov.uk/info/20014/schools_and_learning/1325/children_missing_education

For office use only
OUR REF:

Birmingham City Council

Children Missing Education Referral Form

Please complete and return this form **by email** to cme@birmingham.gov.uk with details of pupils who have unauthorised absence whose **whereabouts cannot be traced. Please contact the CME team on 0121 303 4983 for background checks before completing this form.**

This form should **not** be used for matters of persistent absence **(see guidance notes below).**

CHILD'S DETAILS					
SURNAME*					
FIRST NAME*					
GENDER*		DOB*		YEAR GROUP	
UPN*:					
CURRENT ADDRESS* (include post code)					
PARENT'S NAME/PHONE NO*					
CURRENT/PREVIOUS SCHOOL*					
DATE LAST ATTENDED:					
PUPIL STATUS* (Please tick/delete as appropriate)	Looked After Child Formerly/Currently Known to Social Services Special Education Needs Traveller				

	YES	NO
Does the child have a history of non-attendance?		
Is there a pattern of unauthorised term time leave?		
Is this child subject to Private Fostering?		
Do you have any supporting documentation to support relocation out of Birmingham? Please attach.		

YOUR CONTACT DETAILS	
NAME	
JOB TITLE	
TEAM NAME	
TEL NO	
EMAIL	
DATE	

Birmingham City Council

ACTIONS TAKEN PRIOR TO REFERRAL				
OUTCOME OF HOME VISITS				
DATE	AM	PM	ADDRESS VISITED: (if different from above)	WHO DID YOU SPEAK TO? (State relationship to the pupil as well as forename and/or surname)

SAFEGUARDING RISK APPRAISAL (TO BE COMPLETED BY DSL)	
Risk Assessment* (are there any known concerns/safeguarding risks; is this child known to Children's Social Care/subject to a Child protection assessment/plan?)	
Date any concerns referred to MASH:	
Outcome of referral to MASH:	

OUTLINE CURRENT CIRCUMSTANCES

Please return completed form to: cme@birmingham.gov.uk

DO NOT SEND CONFIDENTIAL INFORMATION UNSECURED. PLEASE ENSURE THAT YOU USE AN ENCRYPTION SERVICE.

Checklist

In most circumstances, the school's enquiries will commence from the first day of unauthorised absence. Have you:

- Called the CME team for background checks on the family e.g. schools attended by siblings?
- Has the DSL ensured that any safeguarding concerns have been promptly referred to the Children's Advisory Support Service (CASS) on 0121 303 1888?
- Tasked appropriate staff to check with all members of staff who the pupil may have had contact with?
- Checked with the pupil's friends, siblings and known relatives at this school or other schools?
- Tasked appropriate school staff to conduct telephone calls to ALL numbers held on the pupil file?
- Tasked appropriate staff to conduct home visit(s) to the last known address of the pupil?
- If possible, enquired of neighbours as to the location of the family?
- Sent a letter to the last known address and recorded the outcome?

ALSO:

- If there is good reason to believe that a crime may have been committed, have you made a prompt referral to the Police? E.g. this is a very sudden, unexpected situation and/or there are particular causes of concern such as the risk of Female Genital Mutilation, Forced Marriage, Criminal Exploitation, Modern Day Slavery, Child Sexual Exploitation
- Have there been past suspicions concerning the pupil and family which, together with the sudden disappearance, are worrying?
- If the pupil is subject to a Child Protection plan or investigation, has the social worker been informed of the pupil's absence?
- Similarly as above if the pupil is 'looked after'?

In the three instances above, CASS should be informed immediately.

Contacts:

• CME – Children Missing in Education Team
Telephone: 0121 303 4983
Email: cme@birmingham.gov.uk

• CME Team (Normal office hours 08.45 – 4.00pm)
Telephone: 0121 303 1888 for general enquiries
Email: cme@birmingham.gov.uk

• School Admissions
Telephone: 0121 303 1888 for general enquiries
Email: admissions@birmingham.gov.uk

• Education Legal Intervention Team (ELITs)
Telephone: 0121 464 8979.
Email: attendance@birmingham.gov.uk

• Children's Advice and Support Service (CASS)
Telephone: 0121 303 1888.
Email: cass@birminghamchildrenstrust.co.uk

• Special Education Needs, Assessment and Review Service (SENAR)
Telephone: 0121 303 1888 for general enquiries
Email: senar@birmingham.gov.uk