

Children Missing Education - amendments to Pupil Registration Regulations

Revised Guidance for Schools

September 2017

This protocol seeks to provide clarity and definition about 'joint reasonable enquiries', in response to the amended Pupils Registration Regulations with effect from September 2016 - <http://www.legislation.gov.uk/ukxi/2016/792/contents/made>.

It is important to note that this is now a statutory requirement placed upon all schools. All Schools MUST comply with these new legislative expectations and consider the most effective means by which to share information in order to do so.

Requirements

From September 2016, HLT requires the following from all schools:-

- All schools – including Academy / Independent / Free – are required to inform the LA when they are about to remove a pupil's name from the admissions register.
- Schools also have to inform the LA within 5 days of registering new pupils (including at reception and the start of year 7, for independent schools only)
- For a pupil who has not returned after 10 days, the amended regulations require the school and LA to make those enquiries collaboratively, not separately. Schools should ensure that they consult with HLT before any decisions are made to de-register a child without a clear destination having been established and agreed. The Pupils Registration Regulations as below is now amended to make reference to 'jointly making reasonable enquiries'

Deletions from Admission Register

Pupils Registration Regulations 2006 (as amended 2016) -

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

8. (1) (f) in the case of a pupil granted leave of absence exceeding ten school days for the purpose of a holiday in accordance with regulation 7(3), that —

(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) the proprietor does not have reasonable grounds to believe that the pupil is unable to attend the school by reason of sickness or any unavoidable cause; and

(iii) both the proprietor and the local education authority have failed, after reasonable enquiry, to ascertain where the pupil is;

8.(1) (h) that he has been continuously absent from the school for a period of not less than twenty school days and —

(i) at no time was his absence during that period authorised by the proprietor in accordance with regulation 6(2);

(ii) the proprietor does not have reasonable grounds to believe that the pupil is unable to attend the school by reason of sickness or any unavoidable cause; and

(iii) both the proprietor of the school and the local education authority have failed, after reasonable enquiry, to ascertain where the pupil is;

Notification to Schools

Since the introduction of the amended Pupil Registration Regulations in September 2016, Hackney schools have been notified and supplied with guidance on the following occasions:-

- 26th September 2016 – Letter from Interim Director, HLT guidance and schools lists (B2B and non B2B)
- 26th September 2016 - Leadership Update, as above
- 9th December 2016 – Leadership Update, reminding Head teachers and Principals of new requirements.
- 4th January 2017 – Individual letters from Interim Director to all Academy Principals / Non B2B schools – expressing preference for use of B2B but also attaching spreadsheet.

Non-compliance with the new legislation is of significant concern. Guidance, as referenced above, has been previously sent to all Hackney Schools during the 2016/17 academic year, explaining the rationale for change, and that this is a significant safeguarding issue. Given this, it is now essential that HLT defines what joint reasonable enquiries would look like, and who needs to be involved. It must be noted that the expectation to make such enquiries is the responsibility of 'the Local Authority', not just HLT services – this must be interpreted as all relevant services that are involved in working with schools on issues relating to admissions, registration and de-registration. The following are suggested as minimum requirements.

Joint Reasonable Enquiries within Schools.

It is important to note that with effect from September 2017, the Education Attendance Service (EAS) is a fully traded service. Schools that do not place orders or purchasing that service from September 2017 must make their own arrangements for managing attendance, including seeking advice on any proposed de-registration.

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 FAST 0208 356 5500 – Fast@Hackney.gov.uk (and the police if appropriate).

Where Schools are purchasing the EAS, it is expected that the allocated School Attendance Officer will work with the school and undertake relevant joint enquiries which are compliant with DfE guidance and can be evidenced on any subsequent CME referral to the HLT Pupil Tracking Team if the family cannot be located.

Where Schools are NOT purchasing EAS, in situations mostly where parents have sought other places / provision, then the initial responses should come from the school as the child is on roll from the date that they are expected to arrive. If they have not arrived then the school will have to make those initial enquiries themselves.

When the whereabouts 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 actions described below. This will apply in situations where Schools continue to purchase resource from HLT EAS post-September 2017. Where Schools do not purchase the EAS, they will retain responsibility for reasonable enquiries and how such enquiries can be jointly undertaken with the relevant branch of the Local Authority.

In regard to children missing from schools and joint reasonable enquiries, the following are identified as minimum requirements and are in accord with DfE guidance -

<https://www.gov.uk/government/publications/children-missing-education>

- 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 will differ from case to case and additional enquiries to those suggested in this section may be necessary. The Flow Chart appended to this document clarifies the expectations and process to be undertaken when making enquiries in regard to missing children.

If, after making joint reasonable enquiries as above and still unable to locate the child or family, a referral should be made to the HLT Pupil Tracking Team who will investigate further and update both Capita One and the Lost Pupils Database after investigating fully.

If schools are making such referrals, it is essential that the information and evidence of trying to ascertain destinations is clear. Referrals which simply state 'gone abroad' etc will not be accepted and will be considered as a significant safeguarding risk should it prove that lack of information presents a significant challenge to ascertaining the whereabouts and wellbeing of a child.

Capita

Capita (and presumably all other software suppliers) have developed their functionality with school systems to transfer data to the local authority to meet this statutory duty.

This is included in the summer developments for the school software, and will be live in September. SIMS can now (September 2017) meet the majority of the requirements for Missing Children in Education. Schools are advised to:

- record the Future Address and address Start Date for the
- pupil/student or contact
- record the destination school in the Destination Institution field in the School History panel of the pupil/student record
- record the start date in the Destination Expected Start Date field in the School History panel of the pupil/student record
- use the Communication Log or Linked Documents to store any evidence

In addition to the new recording options above, two new options have been added for CTF Export to help schools meet the obligations placed on them by the Pupil Registration regulations and the DfE guidance for Children Missing Education.

- At present, schools create a CTF to send to the new school when a pupil leaves. In addition to continuing to do this, they now have the option to:
- "CME - Leavers" can be used to provide the school's LA with information required when a pupil leaves the school
- "CME - Joiners" can be used to provide the school's LA with information required when a pupil joins the school
- So schools will be expected to / expecting to:
- If a pupil leaves their school: send a CTF to the new school and send a "CME – Leavers' CTF to the LA
- If a pupil joins their school: send a "CME joiners' CTF to the LA

It is important to bear in mind that the CML and CMJ files will need to be completed regardless of whether a school is transferring information to HLT via B2B. It will remain the responsibility of the Head teacher / Principal to ensure that staff are uploading the CTF files.

Conclusion

Sir Michael Wilshaw HMCI, in his letter to the Secretary of State on 14th July 2015, made the following statements:-

'It is vital that we have a much more accurate understanding of the whereabouts of children after they are deleted from an admissions register. There should be a requirement for head teachers to collect and record more detail about onward destinations. There should also be a clear requirement for schools to send these details to the local authority on a regular basis and to highlight any cases where they have been unable to obtain the necessary information. The regulations also need to be much more explicit about the action that local authorities should take if the onward destination data is uncertain.'

All schools must now take reasonable steps to ensure that there is sufficient leadership and resource to support this work. It is important to state that the responsibility for reporting rests with schools, and is now part of a clear legislative framework. Additionally, schools should be aware that much of the requirements within this legislation are those which schools should already be fulfilling, in seeking to ensure that as much information as is possible on pupil movement is obtained prior to de-registration.

JOINT REASONABLE ENQUIRIES FOR CME

Considerations / Questions

Do you believe the child to be at risk from harm?
Does the dial tone sound outside the UK?
Evidence of any flights/trips abroad?
Do you have access to family Social Media accounts?
Child's previous school if in-year admission or following



DAY 1-2

- Make contact using all numbers held on file
- Check with any known friends and or relatives
- Check with school staff
- Send text, letter or email

DAY 3-5

- Carry out a home visit
- Check with neighbours
- If sibling attends another school - are they attending?
- Contact any known linked agencies or professionals
- Contact home LA if different from school



Considerations / Questions

Do you believe the child to be at risk from harm?
Does the home look occupied (bins/post)?
Second visit at different time of day?
If sibling attending another school - has any new information provided increased risk?

DAY 6-20

- Check with local agencies and databases
 - Children's Social Care
 - Housing
 - Young Hackney
 - Health / GP
 - Council Tax
 - HLT SEN / Admissions
- Check Key to Success or s2s systems



Considerations / Questions

Do you believe the child to be at risk from harm?
Did this child arrive from another LA?
Known to any given destination?
Further home visit if no access to property?
Living in Temporary Accommodation

DAY 20+

- Checks made with HMRC
- Check UK Visas & Immigration and/or the Border Force
- Foreign & Commonwealth office
- Notify Database
- Neighbouring / linked Local Authorities



CHILD REMOVED FROM ROLL

REVIEW

- Tracking team to lead on any future investigation
- Monitor and review each case every half term
- Continue to carry out local & national checks
- Maintain CME register



Associated Legislation and Guidance

DfE guidance on Children Missing Education September 2016-

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

DfE guidance on School Attendance November 2016-

https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/564599/school_attendance.pdf

Within this guidance, it should be noted that All schools (including academies) must agree with the relevant local authority, the regular interval that the school will inform the local authority of any pupil who fails to attend school regularly, or has been absent without the school's permission for a continuous period of 10 days or more.

Those schools that do not purchase HLT EAS resources post September 2017 must now consider how this responsibility will be fulfilled.