



Leicester City Council

LA and Maintained Schools Protocol on the Management of Children Missing Education August 2020

Background

Leicester is a diverse city with high levels of mobility. This has an impact on children who are attending our schools as each year; high numbers of children leave at points other than the usual transfer times and many of these children go to countries outside the UK. It is important to fully consider any known or suspected risk to all children who leave our schools and that appropriate action is taken to safeguard them when necessary. It is imperative that schools and the LA work in partnership to ensure children's safeguarding requirements are met.

In July 2015, Ofsted wrote to the Education Secretary to highlight concerns identified in Birmingham and Tower Hamlets where schools did not appear to have sufficient information about children's destinations and they noted the risk children may be subject to including forced marriage, FGM, radicalisation and CSE. They also noted that the legislation underpinning schools' responsibilities was lacking and recommended that action be taken urgently at a government level. This resulted in a consultation process and in The Education (Pupil Registration) (England) (Amendment) Regulations 2016. The changes came into force on 1st September 2016 and are intended to improve information in identifying children missing in education. A copy of the LA briefing on the changes is available on the [Schools' Extranet](#).

This protocol relates to children on school rolls (of all ages) where removal from roll is being considered other than as part of routine transition at usual transfer points; it should also be followed however if it comes to the school's attention that due to a house move, the child is unlikely to attend the school they are due to transfer to.

The protocol includes details of:

1. Relevant Legislation,
2. Schools' responsibilities – Removal from roll (listed by scenario),
3. General advice – concerns about the child's whereabouts or destination
4. Children with irregular attendance and/or 10 or more days of unauthorised absence
5. Children on part-time timetables
6. LA responsibilities and actions
7. Annex A – Legislation – Removal from roll

8. Annex B – Safe removal from roll form / Referral to LA
9. Annex C – Child no longer ordinarily resident - removal from roll decision form
10. Annex D - Informing the LA about children with irregular attendance and/or 10 or more days of unauthorised absence and those who are on Part-time timetables.

In addition to the safe transfer of all children in the city, a further priority is to identify as quickly as possible where children can safely be removed from school rolls in order that the place can be allocated to another child. This protocol aims to address both these priorities.

NB If a parent informs you that they are opting to take responsibility for their child's education (ie home educating them) and withdrawing them from school, you must have this in writing from the parent and you must refer them to the EWS (providing a copy of the letter as the referral). In the case of statemented pupils on roll at special schools, please also discuss with the Special Education Service prior to removal from roll. (It is never appropriate for a school to suggest home education to a parent.)

The protocol also covers the duty all schools have to share information with the LA about children who do not attend school regularly and/or those who have 10 or more consecutive days of unauthorised absence. Also, the expectation Ofsted have with regard to the sharing of details of children on part-time time-tables is covered.

1. Relevant Legislation

Removal from school roll of both pre-statutory and statutory school age children is governed by section 8 of the *Education (Pupil Registration) (England) Regulations 2006*. The criteria that are relevant to children on school rolls are listed in this document in Annex A; the list incorporates the amendments as per the legislation enacted on 1st September 2016.

From 2007 there has been a statutory duty on all Local Authorities in England and Wales to have systems and procedures in place to monitor Children Missing Education (*DCSF Statutory Guidance for Local Authorities in England to Identify Children Not Receiving Education – February 2007*). Since this point, the local authority has maintained records of the education provision of all children in the city known to Education services. Work has been undertaken by schools, the Education Welfare Service and CME Information Officers with the aim of ensuring that all children who leave our schools safely enter the education system in their new location. This protocol provides details of the working arrangements for all maintained schools.

The duty to share information with the LA on children with irregular attendance is stated in section 12 of the 2006 Regulations. With regards to children on part-time timetables, Ofsted takes the view that there is an obligation for all schools to notify the local authority of any such arrangements for their pupils. This obligation was detailed for the first time in the Ofsted report Pupils Missing Out on Education in November 2013. This includes all schools including both maintained and independent Schools.

2. Schools' responsibilities - Removal from roll

There are a number of different scenarios that can apply which may lead to removal of a child from the school roll; these scenarios are listed below with guidance.

Schools should ensure that parents are aware of the importance of keeping the school fully updated regarding changes to their address, plans to move out of the area etc prior to any actual move. At the point a forthcoming planned move comes to light, or following an apparent unexpected move, the school should seek to identify all relevant information and record this on the form in Annex B. The form in Annex C is designed to assist schools in decision making regarding removal from roll when a child has moved but is still living locally. Both forms are designed to assist schools to establish and store as much relevant information as possible. The forms can also be used to refer to the EWS where necessary.

NB Where a child has moved but is still attending, other than ensuring the school records are updated, no action needs to be taken.

a.) New school has child on roll – confirmed with school directly:

- There is no need to complete either form in Annex B or C as the child is on roll at another school – complete destination field in the school's management information system:
- Enter details in destination field in SIMs or your school's MIS system using following format:
 - ***[LA Number and Establishment Number],[Start Date as DD/MM/YY],[Name of Person Spoke to]***
- Remove from roll

b.) Child is understood to be moving – new address is in city or nearby in county (ie possibly within travelling distance) and parent states child will no longer attend:

- Use the form in Annex B to capture the relevant information as far as possible with parent/carer
- Ensure they are aware that child must continue to attend until they leave the current address – explore with them how the child could travel and continue to attend
- Ensure they are aware that if they are remaining in the city or nearby in the county (within travelling distance), they should continue to send the child to the school unless they secure a place in another school -
 - Whilst the parent may wish to apply for a place in another school closer to the address, unless there are safeguarding concerns or SEN needs preventing travel, all secondary age children will be expected to travel. Transport may be available if a place is applied for but unavailable at a school within walking distance

- For primary pupils, parents must continue to ensure their child's regular attendance as far as possible until a place at a school closer to the address is available and in the meantime, transport may be available if they apply but no school within walking distance has an available place
- Where a school is considering removal from roll in these circumstances, the ***Child No Longer Ordinarily Resident and Stopped Attending form*** (see Annex C) should be completed by the school and submitted securely via AnyComms+ to the EWS. This enables legal advice to be sought if this is deemed necessary and ensures the decision to remove complies with the legislation. (The form should be completed in Word and shared securely with the EWS.)

c.) Child has moved and stopped attending - confirmed child in admissions process in new LA (or known to a service in new LA which has responsibility to ensure child receives an education eg social worker) and confirmed child is not returning to the city:

- Enter the details of the LA, who spoke to, their role in destination field
- Remove from roll
- NB Follow b.) where the child still lives locally in the county

d.) Child is understood to be moving/has moved – distant county location or elsewhere in UK, or left address but no information on whereabouts - Safe transfer to school or professionals in new LA unconfirmed:

- Complete Form in Annex B
- Discuss the case with the EWS and refer using Annex B form.
- EWO will undertake relevant casework, seek guidance from EWS management as necessary and provide guidance to school on removal from roll
- Remove from roll in line with advice from EWS (see Annex A (1h))
- Enter in destination field – “referred to EWS” and date referred

e.) Child is understood to be moving out of UK / is reported to have moved out of UK already:

- Complete the form in Annex B as far as possible
- If the child has a Social Worker, as soon as the information about the move comes to light, contact the Social Worker
- If the child has any other professional working with the family in a supportive capacity, contact them if there are concerns about the move
- Refer to EWS (using form in Annex B) for further investigation - only if there are any current or previous concerns
- EWS will undertake casework, seek guidance from EWS management as necessary and provide guidance to school on removal from roll
- Remove from roll in line with advice from EWS or, if no referral has been deemed to be necessary (as there are no current or previous concerns), remove from roll.
- Destination field : emigrated referred/not referred to EWS

Transferring information to the local authority

For schools that use Capita SIMS with electronic transfer (B2B) with the LA this is done automatically when you have updated SIMS. Maintained schools that use other MIS should ensure that they have updated their system prior to sending the usual weekly extract for the LA and uploading to AnyComms+.

3. General advice – concerns about the child’s whereabouts or destination

If no referral has been made to an EWO, avoid stating in the destination field in the school’s MIS that the EWO is aware.

Where i) a child is understood to be moving address or ii.) the move has subsequently come to the school’s attention, where there are concerns due to the school being unable to confirm safe transfer, **in particular where a move abroad is known or suspected**, schools should seek to ascertain as much of the information in Annex B as possible. Where the school is aware of another agency or professional being involved with the family, they should alert them to the concerns as a matter of urgency and both seek information and support from them to confirm the child’s wellbeing. It may be appropriate to seek information from a named emergency contact on the child’s school records.

Key principle is that independent confirmation of the details is always ideally required prior to removing a child from roll when a parent has advised of a move to another area or to a country outside of the UK. Where the only available information is from the parent, the child should be referred to the EWS and they will provide guidance on removal from roll.

All available information should be triangulated to identify potential concerns.

Where there are concerns about the child’s wellbeing, the concerns should be carefully considered with the aim of either taking action to confirm the child’s safe transfer to another school or LA or, to involving city services as appropriate.

Confirmation from an independent source could come from another LA, a school in another area or the parent/carer may have some documentation relating to the new address which can be confirmed independently. Schools abroad will usually be willing and able to confirm a child is on roll with them via e-mail; the address should match the one on their website.

Where concerns exist due to a lack of clarity, a lack of willingness to share information on the parent’s part, or due to the destination (eg a conflict zone), or due to further information that has come to light from the child or their friends, or from a sibling’s school, an assessment should be undertaken with a view to:

- Following safeguarding procedures where significant risk is believed to exist – referral to DAS or contact Social Worker if already involved

- Referring to EWS to make relevant enquiries

When a parent has been transparent and cooperative in their sharing of information, this will usually indicate that the child is not at risk, but there could be individual cases where this is not the case hence all cases should be carefully considered with information available being triangulated to identify concern.

Leavers joining a Witness Protection Scheme or Fleeing Violence/abuse

Occasionally when a child leaves, there are special circumstances which make it necessary to keep their new location highly confidential. Typically this is because they are fleeing violence or some other threat or in a very few cases they are joining a witness protection scheme.

It is important that you confirm with the new school that the child is on roll, but do not record the new address or the new school in SIMS. Please select the Other/Unknown option in the reason for leaving field. For these cases it is also important for you to contact the CME Information Officers (CME@leicester.gov.uk, 0116 454 1132) so that the centrally held record can be updated in a way which protects the child's new location and prevents a CME investigation from being triggered. Please do not email child's personal details.

Where children have left due to domestic violence, witness protection or some other known threat; if you are unable to locate them at a new school, you should refer them to the EWS. The EWS will then take appropriate steps and ensure that the child is in education and ensure that the centrally held record is updated in a way that protects the child's new location.

Schools in the UK

It is never sufficient to accept the word of a parent/guardian. Confirmation from the receiving school needs to be obtained. To find the contact details of schools in England or Wales, you can look them up on the .gov website (<https://www.get-information-schools.service.gov.uk/>)

If a pupil has relocated to Scotland or Northern Ireland, you should attempt to have contact with the new school to confirm that the child is either in their admissions system or has started there.

Policy & Practice Guide For Schools on Absent Pupils – Safe & Well Checks

This policy applies where children have not been seen as expected in school and there are concerns about their whereabouts. The policy could apply to cases where a move is suspected but not confirmed and cases should be considered on a case by case basis.

New starters

Schools have a duty to share the details of all new starters with the LA.

Common Transfer Files or SIMS queries should be addressed to your MIS (SIMS) support provider.

4. Children with irregular attendance and/or 10 or more days of unauthorised absence

Existing requirements set out in the Regulations require all schools to share information with the local authority regarding pupils who have irregular attendance and those who have 10 or more consecutive days of unauthorised absence. These requirements have been met historically via the Education Welfare Service (EWS) systems of routine work with maintained schools and the monitoring of attendance information received through the electronic transfer of data. Maintained schools that do not use SIMS and therefore cannot use B2B electronic transfer are required to complete the information on Annex D and send it to the LA via Anycomms+

5. Children on part-time timetables

Ofsted takes the view that there is an obligation for all schools to notify the local authority of any part-time education arrangements for their pupils. This obligation was detailed for the first time in the Ofsted report Pupils Missing Out on Education in November 2013. This includes all schools and relates to children who are not attending a registered school or alternative provision for a part of the school week. Schools should inform the local authority of children who are on part-time timetables through the completion of an “Irregular Attenders” form. See Annex D. This requires schools to identify how the arrangements will be reviewed. The irregular attenders form should be completed and submitted when the part-time timetable arrangement is agreed and half-termly from then on.

6. LA responsibilities and actions

The LA must ensure that where safe transfer to another school or admissions system in the UK has not been established, that all possible relevant actions have been undertaken to ensure the child’s safe transfer. Where the child is understood to be moving abroad, or where they have not returned as expected, it will usually be appropriate to refer to the EWS for further investigation. In order to decide the extent of the actions deemed appropriate, the details in the form in Annex B will be fully considered.

The CME Information Officers and the EWOs have access to the information submitted electronically by schools via B2B in the ONE Pupil database. Where safe transfer is not evident in destination field via B2B, if an EWO is not involved, the CME Information Officers will follow up and confirm information with schools as deemed appropriate and they will check the latest available housing information. When EWS intervention is required, the standard actions the EWO will undertake are:

- *Home visits, checks with neighbours
- Check of council databases e.g. Revenue and Benefits, Liquid Logic
- Phone calls and emails
- Referral to other LA’s
- Check with health re GP registration

- Follow up all other possible sources of information identified during the investigation

*Schools who do not have an LA EWO are responsible for undertaking home visits, checks with neighbours, with the child's friends etc prior to referral to the LA.

The CME Information Officers will undertake a monitoring function of the system whereby cases where there has been no EWS involvement will be sampled to identify any issues. This will result, where appropriate, in training being offered and/or the amendment of the protocol.

Key LA CME personnel regularly liaise and review procedures to ensure practices support the purpose of the protocol.

Nothing in this protocol affects the duty to refer to social care when thresholds are met.

The LSCB guidance is available on the [LSCB website](#).

Legislation – Removal from Roll

Children of statutory school age:

	Grounds for deleting a pupil of compulsory school age from the school admission register set out in the Education (Pupil Registration) (England) Regulations 2006, as amended
1.) 8(1)(a)	where the pupil is registered at the school in accordance with the requirements of a school attendance order , that another school is substituted by the local authority for that named in the order or the order is revoked by the local authority on the ground that arrangements have been made for the child to receive efficient full-time education suitable to his age, ability and aptitude otherwise than at school.
2.) 8(1)(b)	except where it has been agreed by the proprietor that the pupil should be registered at more than one school, in a case not falling within sub-paragraph (a) or regulation 9, that he has been registered as a pupil at another school .
3.) 8(1)(c)	where a pupil is registered at more than one school , and in a case not falling within sub-paragraph (j) or (m) or regulation 9, that he has ceased to attend the school and the proprietor of any other school at which he is registered has given consent to the deletion .
4.) 8(1)(d)	in a case not falling within sub-paragraph (a) of this paragraph, that he has ceased to attend the school and the proprietor has received written notification from the parent that the pupil is receiving education otherwise than at school.
5.) 8(1)(e)	except in the case of a boarder, that he has ceased to attend the school and no longer ordinarily resides at a place which is a reasonable distance from the school at which he is registered.
6.) 8(1)(f)	in the case of a pupil granted leave of absence in accordance with regulation 7(1A), 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) the proprietor and the local authority have failed, after jointly making reasonable enquiries, to ascertain where the pupil is.
7.) 8(1)(g)	that he is certified by the school medical officer as unlikely to be in a fit state of health to attend school before ceasing to be of compulsory school age, and neither he nor his parent has indicated to the school the intention to continue to attend the school after ceasing to be of compulsory school age
8.) 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) the proprietor of the school and the local authority have failed, after jointly making reasonable enquiries, to ascertain where the pupil is.
9.) 8(1)(i)	that he is detained in pursuance of a final order made by a court or of an order of recall made by a court or the Secretary of State, that order being for a period of not less than four months, and the proprietor does not have reasonable grounds to believe that the pupil will return to the school at the end of that period.
10.) 8(1)(j)	that the pupil has died.
11.) 8(1)(k)	that the pupil will cease to be of compulsory school age before the school next meets and— (i) the relevant person has indicated that the pupil will cease to attend the school; or (ii) the pupil does not meet the academic entry requirements for admission to the school's sixth form.
12.) 8(1)(l)	in the case of a pupil at a school other than a maintained school, an Academy, a city technology college or a city college for the technology of the arts, that he has ceased to be a pupil of the school.
13.) 8(1)(m)	that he has been permanently excluded from the school.
14.) 8(1)(n)	where the pupil has been admitted to the school to receive nursery education, that he has not on completing such education transferred to a reception, or higher, class at the school.
15.) 8(1)(o)	where— (i) the pupil is a boarder at a maintained school or an Academy; (ii) charges for board and lodging are payable by the parent of the pupil; and (iii) those charges remain unpaid by the pupil's parent at the end of the school term to which they relate.

Children not of statutory school age (taken directly from legislation)

8(3a) that he has ceased to attend the school, or, in the case of a boarder, that he has ceased to be a pupil of the school

(3b) 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 agreed by the proprietor; .

(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) the proprietor of the school has failed, after reasonable enquiry, to ascertain where the pupil is.

(c) that the pupil has died;

(d) where the pupil has been admitted to the school to receive nursery education, he has not on completing such education transferred to a reception, or higher, class at the school;

or (e) that he has been permanently excluded from the school.

ANNEX B

SAFE REMOVAL FROM ROLL FORM / REFERRAL TO LA

Completion of this form will assist schools to determine if referral to the EWS is appropriate. (For use with reference to the case scenarios.)

Save form electronically in child's record in SIMS. Use form to refer to EWO. LA may request form.

Leicester City School:	
Child/ren's name(s): 1. 2. 3.	Child's dob & UPN: 1. / 2. / 3. /
Person providing information: 1. Name: 2. Mobile no: 3. E-mail addresses: 4. Relationship to child	1.
	2.
	3.
	4.
Parent/s carers if different to the above:	Enter 1 – 4 as above in this box
New Address:	
Date family moving if still in city:	
Last date child will attend the school:	
If child has stopped attending, last date:	
Is child in the Admissions process in the new LA, if yes, give details of a. LA and b. schools applied for:	Yes/No a. b.
If destination is outside of UK, how will the family be travelling?	
Flight details: a. Airline: b. Date of travel: c. Flight number: d. Destination Airport: e. If there is a connecting flight, record same details as above:	a.
	b.
	c.
	d.
	e.
Place in school for child/ren in new location? Yes / No (State name of school/s with tel no if known):	1. 2. 3.
Any other information including concerns from friends, information from siblings' schools:	
Is social care involved? Y/N – if Y, inform social worker: date informed Is there a need for the LA to investigate further? Y/N – if Y, send form to EWO	
If child/ren not referred to the EWO, how do you know the family has left the address? Provide details:	
Is the school view that CP thresholds have been met? Yes / No If Yes, confirm that CP processes have been followed – Yes / No	

Date form completed: _____ Dates of subsequent updates: _____

If form to be sent to LA, use 'Removal From Roll – Annex B' in Anycomms plus.

**EDUCATION WELFARE / SCHOOL ADMISSIONS
CHILD NO LONGER ORDINARILY RESIDENT AND STOPPED ATTENDING –
FOR USE WHEN CHILD HAS MOVED BUT IS STILL LIVING IN CITY OR NEARBY IN COUNTY**

For completion in **Word** – send securely

Name of child:		Dob:		School Yr:	
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School:		Date last attended:	
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1. Previous address when attending:	
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Distance from school (shortest walking):	
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2. Date moved to new address:	
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3. New address from which no longer attending:	
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Distance from school (shortest walking):	
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4. Siblings

Names	Schools	Attending?	
		Y	N
		Y	N
		Y	N
		Y	N

5. Parent's view:

6. Head teacher's view:

7. Is child in admissions process for place at another school? Yes / No
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DATE FORM SENT TO EWS: _____

Pass form to EWS management:

Decision re removal from roll and rationale:

Name of EWS manager:		Date:	
Admissions manager:		Date:	

DATE FORM RETURNED TO EWO: _____ DATE FORM RETURNED TO SCHOOL: _____

If form to be sent to LA, use 'Removal From Roll – Annex C' in Anycomms plus.

Informing the LA about children with irregular attendance and/or 10 or more days of unauthorised absence and those who are on Part-time timetables.

Please complete the orange “irregular attenders” spreadsheet which can be found on the extranet: <https://schools.leicester.gov.uk>

The sheet should be completed whenever irregular attendance, or more than 10 days of absence is noted or when a child begins to attend part-time. If there is a child on a part-time timetable the sheet needs to be submitted half-terminly updating any change to this arrangement.

The sheet asks for the following information

Student Details	Surname
	Forename
	Middle Names
	UPN
	Date Of Birth
	Gender
	Flat
	Number
	Street
	City
	County
	PostCode
Children who fail to attend regularly (only complete for those who are irregular attenders)	Date last attended
	Absence reason
	Action undertaken to date
	School responsible person (name)
Children on part-time timetables (only complete for those that are on part-time timetables)	Contact details for responsible person email/telephone number
	Start Date
	Review date
	Number of sessions out of school (out of 10)
	Review date
	Number of sessions out of school (out of 10)
	School responsible person (name)

Please use '*Irregular Attenders – Annex D*' in Anycomms plus.