

**ESSEX COUNTY COUNCIL**  
**Children Missing Education**

(Updated April 2023)

**Education Compliance: Policy and Practice  
Guidance in respect of Children Missing  
Education (CME)**

**Person responsible: Head teacher**  
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**Chair of Governors**

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#### Education Compliance – Children Missing Education (CME)

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. CME are children of compulsory school age who are not registered pupils at a school and are not receiving suitable education otherwise than at a school. The CME category also includes those children/young people who are on roll at a school but cease to attend **and** where contact cannot be made with the family/emergency contacts to establish the pupil's whereabouts/reasons for absence. CME 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.

The Education Compliance team sits within the Specialist Education Services strand of the Education directorate within Essex. This team is responsible for responding to all referrals where it appears that a child, who is believed to be resident within Essex County Council jurisdiction, is not in receipt of a suitable education, either by attendance at school or otherwise than at a school (which includes home education arrangements which do not appear to be suitable and are a cause for concern).

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.

## **Parental duty under section 7 Education Act 1996:**

Parents have a duty, under section 7 Education Act 1996, 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 and may withdraw them from school at any time to do so, **unless they are subject to a School Attendance Order.**

Education Compliance staff will seek to consult the parents/carers of a child when establishing whether the child is receiving suitable education. Where children are identified as not receiving suitable education, the Education Compliance team will take action to return these children to full time education. Prompt action and early intervention are crucial to discharging this duty effectively and in ensuring that children's right to an education is protected. The Education Compliance team is committed to intervening early in the lives of vulnerable children to help to prevent poor outcomes.

Referrals may be made to the Education Compliance team by schools/academies, other professionals, local authorities, members of the public, etc. and all referrals will result in investigations being conducted to establish whether the child or young person concerned is 'missing' from education. Our primary role is to establish the whereabouts of a child who is believed to be CME and we use a variety of mechanisms to confirm whether such children remain resident within Essex or whether they have left the county.

This document seeks to set out the processes and protocols that are in place across Essex to safeguard our children and young people's right to an efficient, full time education. This document should be read in conjunction with the following DfE guidance documents:

[Children Missing Education- Statutory guidance for local authorities](#)

[Working Together to Safeguard Children](#)

## **Section 1: Children Missing Education (CME)**

### **1.1 Making a CME referral to the Education Compliance team**

#### **Who can make a referral to the CME and EHE Team?**

There are a number of referral pathways which may be used to access the support available via the Education Compliance team. The team accept referrals from a variety of sources and welcome contact from colleagues within all educational settings, school admissions, social care, Essex libraries, professionals from health, housing, youth services, Essex Countywide Traveller Unit, youth offending teams, other local authorities, members of the public, etc.

### **1.2 Schools: Referring a pupil who appears to have gone missing from education**

Schools, including Academies and Free Schools are required to inform the local authority - as stated within The Education (Pupil Registration) (England) Regulations, 2006 - of the details of pupils who have been absent from school for 10 continuous school days and where contact cannot be made with the parent/carer to establish the reason for the absence and the absence has not been reported. In Essex, schools are required to notify the local authority, via the [Missing Pupil Checklist](#), of any child falling into one of the following categories:

- A pupil has gone missing and no contact can be made with their parent/carer to establish the reason for absence;
- A pupil has ceased to attend the school and the forwarding address of the family is not known;
- A pupil has not returned from holiday within 10 schools days of their expected date of return;
- A pupil fails to take up their place at the start of the academic year and the whereabouts of the child/young person is unknown.

### 1.3 Pupils deemed at high risk

If a pupil is missing from school and the child is subject to a child in need/child protection plan or is a looked after child, the school must notify their social worker **within the first 24 hours** of the unauthorised absence, where contact cannot be made with the family home.

Where it is suspected or known that a pupil is at potential risk of harm, or where the school has information or reason to suspect that the pupil has been the victim of criminal activity or is at risk of Child Sexual Exploitation, the school should notify the Children and Families Hub and/or police without delay and then make a referral to the Education Compliance team as soon as possible afterwards.

#### 1.3.1 What happens if both the school and local authority are unable to establish the whereabouts of a pupil who is reported as 'missing'?

On receipt of the checklist, staff within the Education Compliance team will carry out JOINT reasonable enquiries on behalf of the local authority. The school must continue their efforts to establish the whereabouts of the pupil and keep the local authority updated with any relevant new information. If following joint enquiries the **whereabouts of the pupil cannot be established**, the local authority will advise the school in writing, to remove the pupil from roll and will advise of the date from which the pupil in question may be removed from roll (not before 20 days of unauthorised absence have been recorded).

The school will then be required to upload the pupil's CTF (Common Transfer File) to the

s2s lost pupil database so that if the pupil is enrolled at an alternative school at a later date, the new school will be able to access this file via the database.

### **1.3.2 What happens if the pupil is located but is no longer residing within a reasonable travelling distance of the school at which they are on roll?**

If the pupil is located and found to be living outside reasonable travelling distance of the school, the Education Compliance team will notify the school that they may remove the pupil from roll.

### **1.3.3 What additional steps will the local authority take where a pupil is recorded as 'unable to trace'?**

As part of the local authority's statutory responsibilities around locating children who are missing from education, Essex County Council has entered into a data sharing pilot with HM Revenue and Customs, in order to reduce the number of CME cases the authority holds. This pilot has proven to be very useful in assisting the local authority to establish the whereabouts of children and young people who have been reported as missing and where initial investigations have been unsuccessful in locating the whereabouts of the child.

In addition to the use of the above-mentioned pilot, the Education Compliance team uses all available resources to assess and scrutinise the data held in relation to children and young people who are listed as 'unable to trace'. Any necessary and reasonable changes to processes will be introduced to ensure that the practices of the team remain fit for purpose.

### **1.4 Schools: Notifying the local authority when a pupil is added to OR deleted from the school admissions register**

**All schools** (including academies and independent schools) must notify their local authority when they are about to remove a pupil's name from the school admission register under any of the grounds listed in the [regulations](#). This duty does not apply when a pupil's name is removed from the admission register at a standard transition point – when the pupil has completed the final year of education normally provided by that school/setting.

**All schools** must also notify the local authority **within five days** of adding a pupil's name to the admission register at a non-standard transition point (mid-year admissions/transfers). The notification must include all the details contained in the admission register for the new pupil. This duty does not apply when a pupil's name is entered in the admission register at a standard transition point – at the start of the first year of education normally provided by that school.

These duties are outlined within the [Education \(Pupil Registration\) \(England\)](#)

[\(Amendment\) Regulations 2016](#), which came into force as from 1st September 2016.

Regulation 5 within the 2016 amendment specifically places additional responsibilities on all schools in relation to [Regulation 12](#) Education (Pupil Registration) (England) Regulations 2006, requiring them to make returns to the local authority **each time a pupil is added to the school admissions register or deleted from the school's register.**

When **adding a pupil** to roll, schools/academies within Essex are required to complete the following form:

#### [ADDITION TO ROLL NOTIFICATION](#)

When **deleting a pupil** from roll, schools/academies within Essex are required to complete the following form:

#### [DELETION FROM ROLL NOTIFICATION](#)

##### **1.4.1 Off-rolling – Extended Family Holidays**

Where a parent applies for extended leave during term time, it is at the head teacher's discretion whether the leave is granted. If a parent takes their child out of school for extended leave, it is imperative that a return date is agreed prior to the family's departure. Schools are advised to write to the family to state whether the period of leave is authorised or unauthorised and to stipulate the date on which the pupil is expected to return to school. The letter should make clear that, if the pupil does not return to school, as at the agreed date, the pupil will risk losing their place and parents would need to reapply for a school place. **Schools must wait ten school days, following the agreed return date, before seeking to remove the pupil from roll.** Where a school is able to evidence that clear advice has been provided to parents regarding a removal from roll if the pupil fails to return, the school should ensure that they notify the local authority of any resultant removal from roll via the relevant deletion from roll form, accessible via 1.4 above.

Where a pupil fails to arrive at school and parents/carers advise that the pupil is not currently in the country, schools must ensure that they provide the parent(s)/carer(s) with every opportunity to return the pupil to school before taking a decision to delete from roll.

In such circumstances it is advised that, as a matter of urgency, contact be made in writing with parent/s (either by letter/email) and that the correspondence clearly states:

- The child/young person is required to return to the school or may risk losing their school place;
- A date by which the pupil is expected to return and clear advice that, should this deadline not be adhered to, the pupil will face removal from roll;

- Any advice that the parent may need to be aware of in respect of waiting lists and likelihood of a school place being available (e.g. if there is an active waiting list for the year group in question);
- Any application process that the parent will be required to follow.

It is essential that the parent is given an opportunity to arrange for the child/young person to return to the country and return to school, before the place is lost and allocated to another applicant. In any case, every school is expected to retain the pupil on roll for a minimum of ten school days to enable investigations to take place/contact to be made with the family, with a view to the pupil returning to the school.

#### **1.4.2 Off-rolling – Pupil Moving Abroad**

Where a parent notifies a school that their child is to be deregistered due to a family decision to move abroad, it is essential that the school takes effective safeguarding steps to ensure that the information that has been received is a true record of what the family intend to do.

Upon receipt of such notification, schools should aim to meet with the parents and to identify how the decision to move abroad has been reached. They should seek to establish the date on which the family plan to leave the country and make a request to the parents that confirmation of flight bookings be provided as evidence of the move abroad, to enable a legitimate removal from roll to take place once the pupil has left the country. Schools should also request the address to which the family plan to move and any school which they have liaised with to secure education once the move has taken place.

It is not sufficient to accept flight quotations as evidence that the family are moving abroad. An actual booking confirmation, with details of who will be travelling, the date/time on which the travel is to take place and the departure and destination airports is the best evidence that a school can seek to obtain from a parent in these circumstances.

[Keeping children safe in education](#) (Statutory guidance for schools and colleges), provides updated guidance. The above advice in relation to pupils believed to be moving abroad aims to help schools to fulfil their safeguarding duties in line with this document. If you hold any safeguarding concerns regarding a risk to the child e.g. forced marriage, radicalisation, female genital mutilation, etc. such concerns should be referred to the Children and Families Hub without delay, via this [link](#).

#### **1.5 Schools: Notifying the Local Authority where a parent requests that their child is deregistered in favour of elective home education**

Where a school has received written notification from the parent of a pupil stating that



the child or young person is receiving education otherwise than at school (elective home education), schools within Essex are required to notify the local authority of this removal from roll using a dedicated online form which has been developed for this purpose. The relevant form may be accessed via this [link](#).

### **1.6 Professionals/Members of the Public wishing to refer a child who may be ‘missing from education’ or does not appear to be in receipt of a suitable home education**

Where a professional or member of the public is aware of a child of compulsory school age who does not appear to be on roll at a school or receiving appropriate educational provision, they should use the online referral form which may be accessed via this [link](#) to notify the Education Compliance team of their concerns, without delay. Any referrals received will enable the team to conduct necessary investigations to establish if the child in question is ‘missing from education’ and will allow the team to utilise their full range of statutory powers where no educational provision appears to be in place.

### **Section 2: What will the Education Compliance team do if they receive a referral/notification about a child who may be ‘missing from education’?**

The Education Compliance team will use all available information (received from the referrer and from our own local authority internal intelligence) to investigate and establish whether the child concerned is in fact ‘missing’ from education. Where workloads peak, the team will prioritise investigations for children who are deemed to be most vulnerable e.g. those known to be at risk of exploitation/harm/neglect, Missing Children/runaways, children who are the subject of a Child Protection Plan or have been deemed a Child in Need, those young people known to the Youth Offending Service, etc.

We will only investigate cases where the address of the child falls within Essex County Council jurisdiction. Where a child does not reside within our jurisdiction, we will ensure that the relevant ‘home’ local authority is contacted so that they may use their own children missing education processes to safeguard and return the child to education.

Our investigations will include team members attempting to make contact with parents/carers by telephone, email and/or visits to the home address, as well as liaison with any other professionals who we believe may hold information relating to the educational status of the child in question.

**Please note that CME/EHE Investigation Officers have no rights of entry into homes/right to see the child and it is not their role to investigate safeguarding/welfare concerns that may be held in relation to the child/ren within a family – such concerns should be reported directly to the Children and Families Hub. Our primary role is to confirm the address at which a CME child/young person resides and then to either:**

- **make use of our statutory powers to return a child to education, where a child is deemed to be ‘missing from education’ – i.e. they do not have a school place or access to a suitable home education; or**
- **where the child is on roll at a school and is failing to attend, confirm the address at which the pupil is believed to be resident; and**
- **where applicable, report any safeguarding/welfare concerns that we note during our investigations directly to the Children and Families Hub.**

Where a child remains resident at an address which is within a reasonable travelling distance of the school at which they are on roll, is failing to attend regularly and parents have not provided any reason for the absence, schools should consider their coding of such absence and whether they wish to pursue legal action via the [Attendance Compliance Team](#).

### **When will a child be deemed as ‘missing from education’?**

A child will be deemed as missing from education and will become an open case to the Education Compliance team if they reside within Essex and:

- are not on the roll of a school or academy and parents are not actively taking steps to ensure that such enrolment is secured on behalf of their child (i.e. parents are failing to fulfil their legal duty under section 7 Education Act 1996); or
- it appears that a child, whose parents have elected to home educate, is not in receipt of an efficient home education which is suitable to their age, ability and aptitude, taking into account any special educational needs that the child may have.

The Education Compliance team will, in the first instance, make informal enquiries to ascertain what educational arrangements are in place for children who are referred as ‘missing from education’ or where concerns are raised as to the quality of home education or the capacity of parents to put in place an efficient home education. Where, during the informal enquiry stage, a parent/carer fails to satisfy the local authority that a suitable education is in place for their child, the local authority will serve a notice on parents requiring them to satisfy the local authority that the child is receiving a suitable education – section 437(1) Education Act 1996.

The Education Compliance team will issue a School Attendance Order to parent(s) 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 – using the powers available to local authorities via section 437(3) Education Act 1996.

Where a parent fails to comply with a School Attendance Order, steps will be taken to prosecute parents due to their breach of the School Attendance Order - section 443 Education Act 1996.

### Section 3: The School Attendance Order Process

The School Attendance Order (SAO) process, in cases where a parent chooses not to engage or comply, is a wholly administrative process which enables the local authority to evidence that it has utilised all available statutory powers to try to return a 'missing', therefore vulnerable, child to an efficient, full time education.

The process is carried out by the Education Compliance team and the onus, throughout the process, is on parents to be proactive in securing/evidencing a suitable education for their child. Any school which is identified to be named within a SAO simply needs to await contact from the parent on whom the SAO is to be served and, where parent(s) complies, be prepared to admit the child in question to the school roll **without undue delay**. Where parent(s) fail to comply/engage, the Education Compliance team will progress the case in line with the process and timeframes that are outlined below. Where a school receives formal notification of the local authority's intention to name the school within a SAO for a child, the school should consider this child as a possible admission when responding to requests for numbers on roll from colleagues in School Planning and Admissions.

The Education Compliance team will take the following approach when identifying a suitable school to name within a SAO for a child/young person:

- We will seek to name the school nearest to the home address that we believe is in a position to accommodate the child, should parent choose to comply with the SAO.

*N.B. Only where we believe that there are compelling reasons not to name the nearest school OR infant class size legislation applies OR where a parent has made applications to the nearest school but, due to a lack of spaces, has had their application formally declined, will the Education Compliance team seek to name the next nearest available school within any pending SAO.*

- Where a pupil was previously on roll at an Essex school and was subsequently deregistered in favour of elective home education, the Education Compliance team will seek to name the last school at which the pupil was on roll in any SAO which becomes necessary as a result of home education arrangements being deemed unsuitable. It is important for secondary school colleagues to note that this approach is taken in the interests of fairness and consistency and is in line with long-established, locally agreed Essex protocols.

*N.B. Only where the family have moved home and the last school at which the pupil was on roll cannot be considered to be within reasonable travelling distance, will the Education Compliance team seek to identify an alternative school to name within a SAO.*

- Where a child/young person has been the subject of a permanent exclusion or is the subject of an active Education, Health and Care Plan, the Education Compliance team will liaise with colleagues within SEND Operations and/or Education Access to identify a suitable school to name within any SAO which is to be issued.

Where a child is identified as 'missing from education', as outlined above, and where informal enquiries do not lead to the local authority being satisfied that a child is in receipt of an efficient, suitable education, the Education Compliance team will instigate the SAO process.

The SAO process provides parents with several opportunities to satisfy the local authority that their child is in receipt of an education, either via attendance at a school or otherwise than at a school. If the parent(s) submits an application for a school place after the SAO process has been instigated, the process will be placed on hold pending the outcome of any such applications/subsequent appeals.

3.1 The steps and timeframes that apply during the SAO process are as follows:

- Parent is issued with a warning letter under section 437(1) Education Act 1996, notifying them that the local authority believes that their child is not in receipt of a suitable education.
  - **Parents have 15 school days within which to apply for a school place or evidence that a suitable home education is in place for their child.**
- The local authority, at the same time as issuing the above-mentioned warning letter to parent(s)/carer(s), will send a School Consultation Letter to the school which has been identified as suitable to name within any pending SAO. The factors listed within Section 3 above will have been considered.
- Where parents fail to comply/engage upon receipt of the above-mentioned warning letter, a Formal Notice is sent to the school (addressed to the Head/Chair of Governors) notifying them of the local authority's intention to name their school within a SAO for the child in question.
- At the same time, a further letter, known as the Notice of Intention to Issue a School Attendance Order, is issued to parent(s)/carer(s), notifying them that the local authority intends to issue a SAO naming a particular school.
  - **Parents have 15 school days to apply for a school place or evidence that a suitable home education is in place for their child.**

**N.B. It is important to note that at this stage parent may apply for a place at ANY of their preferred school/s.**

3.2 Right of appeal: All schools have a right to appeal against being named within a SAO for a child that has been identified as 'missing from education.' However, due to the fact that the local authority seeks to return such vulnerable children back into education without any undue delay, any such appeals should only be submitted where a parent chooses to comply and seeks to have their child admitted to the school that is named/is to be named within the SAO **and** where there are significant safeguarding concerns linked specifically to the child in question being placed on roll.

The appeal process differs depending on whether the school is a maintained school or whether the school has academy status. However, in all cases where an appeal is submitted, the Education Compliance team will liaise with colleagues who oversee the Fair Access Protocol across Essex so that they may consult with local schools to seek agreement on which school is best-placed to be named within an SAO and to admit the child in question, should the parent choose to comply/engage with the SAO process.

Right of appeal – maintained schools: where the Head/Governing Body of a maintained school believes that they have justified reasons to appeal against the local authority's intention to name their school within a SAO, they should submit their formal appeal directly to the Education Compliance team, within 15 working days of receipt of the aforementioned Formal Notice.

Right of appeal - academies: Where the Head/Governing Body of a school with academy status wishes to appeal against being named within a SAO for a child who has been identified as 'missing' from education, they should submit their appeal directly to the Secretary of State, providing the Education Compliance team with a copy of their appeal. **The appeal should only be submitted if the parent to whom the SAO is issued/is to be issued, chooses to comply with the Order and seeks to have their child admitted to the school that has been identified as part of the SAO process.**

- In cases where parents fail to respond to the Notice of Intention to Issue a School Attendance Order, and where the local authority has not been satisfied that the parent is fulfilling their duty under section 7 Education Act 1996, the Education Compliance team will go ahead and issue a SAO, naming the identified school. The local authority may issue a SAO without being required to attend court.
- ***N.B. The issuing of a SAO effectively removes the parents' right to apply for any school and instructs the parent to make an application, within 15 school days, to the school which the local authority has named within the SAO.***
  - **Parents have 15 school days within which to apply for a place at the school named within the SAO or to evidence that a suitable home education is in place for their child.**
- Failure to comply with the SAO will lead to court action, under section 443 Education Act 1996, for Breach of the SAO.

- Parent(s) will be liable to a fine of up to £1000.

Upon completion of any court action following the Breach of a SAO, the child in question remains out of school and continues to be deemed a child missing from education. The Education Compliance team will therefore be required to begin the SAO process again in the hope that parent will choose to comply/engage with the process and enrol their child at a school or put a suitable home education in place for the child in question.

### **3.3 Lasting implications of a SAO**

It is important for all schools/academies to note that, where a child/young person is admitted to the school roll **after the local authority has issued a formal SAO naming the school within the Order**, de-registration from the school roll cannot take place unless the local authority has first agreed to revoke the SAO which is in place for the pupil concerned.

Where the school/parent feels that there are legitimate grounds for de-registration to be considered in a SAO case, a formal written request should be submitted to the Education Compliance team, so that the request may be considered and an informed decision may be taken in the matter. Where the local authority does not agree to revoke the SAO and determines that the pupil should remain on roll, the school/parent may contact the Secretary of State and ask them to review the local authority's decision and, where considered appropriate, the Secretary of State may instruct the local authority to revoke the SAO to enable the pupil to be de-registered.

### **Section 4: Contact details for the Education Compliance team**

If you would like to make contact with the Education Compliance team, please find relevant email contact details below (or alternatively you may wish to call our team line on **03330 322 962** or email the team at **cme@essex.gov.uk** ).

Anita Patel-Lingam – Statutory Education Compliance Manager - anita.patel-lingam@essex.gov.uk

Debbie Heine – CME/EHE Investigator (North East) – debbie.heine@essex.gov.uk

Deborah Swann – CME/EHE Investigator (West) – deborah.swann@essex.gov.uk

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Patsy Thorndyke/Jo Salter – CME/EHE Coordinators – cme@essex.gov.uk