

# Statutory guidance to help prevent children and young people from missing education

A practical toolkit to help identify children and young people missing education



Llywodraeth Cynulliad Cymru  
Welsh Assembly Government

Cymry Ifanc  
Young Wales

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## Guidance

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# Statutory guidance to help prevent children and young people from missing education

<b>Audience</b>	Local authorities and senior education managers; governing bodies, head teachers of maintained schools and teachers in charge of Pupil Referral Units, Education Welfare Services, Heads of Children's Services, Children and Young People's Partnerships, Looked after Children Education Co-ordinators, Keeping in Touch Co-ordinators, Child Protection Officers, Local Safeguarding Children Boards, Youth Offending Services, Youth Agencies, Careers Wales, Special Education Needs Co-ordinators, School Counsellors and national and local bodies in Wales with an interest in education.
<b>Overview</b>	This document contains statutory guidance for local authorities on arrangements that will enable them to establish the identities of children residing in their area who are not receiving a 'suitable education'.
<b>Action required</b>	Local authorities to have regard for this statutory guidance.
<b>Further information</b>	Enquiries about this document should be directed to: School Information & Improvement Branch Department for Children, Education, Lifelong Learning Welsh Assembly Government, Cathays Park, Cardiff CF10 3NQ Tel: 029 2082 6010; Fax: 029 2082 6016 e-mail: IMS@wales.gsi.gov.uk
<b>Additional copies</b>	Further copies of this document can be obtained from the above. This document and further summary information can be accessed from the Welsh Assembly Government website <a href="http://www.wales.gov.uk/educationandskills">www.wales.gov.uk/educationandskills</a>
<b>Related documents</b>	Behaving and Attending: Action Plan Responding to the National Behaviour and Attendance Review Circular No 18/2006: Educational Records, School Reports and the Common-Transfer System – the keeping, disposal, disclosure and transfer of pupil information Circular No 47/2006: Inclusion and Pupil Support Circular No 005/2008: Safeguarding Children in Education Circular No 12/2007: Safeguarding Children: Working Together Under the Children Act 2004 All Wales Attendance Framework A full list of related documents is contained in Appendix 1 at the end of the document.



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# 1 Overview

1.1 The Welsh Assembly Government's policies for children and young people have their basis in the United Nations Convention on the Rights of the Child (UNCRC) and associated protocols, which includes the right to a comprehensive range of educational and learning opportunities. This rights based approach is set out in 'Children and Young People: Rights into Action' (2004) which brings together children's rights under 7 core aims and shapes the planning and delivery of services and support for children and young people throughout Wales.

1.2 Children and young people not receiving a suitable education are at increased risk of a range of negative outcomes that could have long term damaging consequences for their life chances. If a child or young person is receiving an education, not only do they have the opportunity to fulfil their potential, they are also in an environment which enables local agencies to promote their well-being. It is, therefore imperative that local authorities have robust measures in place to quickly identify when a child or young person is missing education and to follow through with effective tracking and enquiry systems to relocate them. Once located, procedures must be in place to ensure that the young person gains access to the most appropriate provision as quickly as possible.

1.3 Access to appropriate and effective learning opportunities and provision is crucial for children and young people. All children and young people should have barriers to learning identified early and removed, so that they can engage in statutory education provision, continue with purposeful formal and informal education, training or employment, and achieve their full potential. (United Nations Convention on the rights of the Child (UNCRC) articles 3, 13, 28, 29 & 30).

1.4 Guidance for Children and Young People's Partnerships, "Shared Planning for Better Outcomes" - WAG Circular 31/2007, advises that all children and young people should "engage in full-time education; have any barriers to learning identified early and removed; reach their full potential; continue in personal and

informal education training or employment to age 19; and achieve social and economic well-being.”

1.5 Ensuring that children and young people are engaged in suitable education is underpinned by the core principles of the School Effectiveness Framework (SEF). SEF is the Welsh Assembly Government's overarching policy bringing coherence to all work aimed at improving learning and well-being for our school-aged children and young people in Wales. The SEF construct flows directly from the seven core aims for young people and has its central focus on the right of each and every young person to enjoy a high quality learning experience throughout their educational journey. The SEF supports the need to track the progress of each young person along their route through each of his or her educational settings and schools and thus by definition the need to identify any individual missing from, or at risk of going missing from, education.

1.6 The Welsh Assembly Government has published combined statutory guidance covering youth support services, for all 11-25 year olds, and learner support services provided to young people aged 14-19 as part of their individual Learning Pathway. The guidance sets down the duties on local authorities (under S123 of the Learning and Skills Act 2000), and upon the governing bodies of Maintained Schools and Further Education Institutions<sup>1</sup> to provide, secure or participate in the provision of support services which assist young people to participate in education or training, take advantage of opportunities for employment and participate effectively and responsibly in the life of their communities.

1.7 Local authorities, Schools and 14-19 Networks need to ensure that they offer sufficient breadth in learning opportunities that are flexible and that provide the right degree of personal support for young people who are vulnerable in order to meet their particular needs and circumstances allowing them to engage and sustain engagement in learning.

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<sup>1</sup> Section 40(1) of the Learning and Skills (Wales) Measure 2009

1.8 The 14-19 Learning Pathways can make a significant contribution to preventative activities. The 14-19 Framework is sufficiently flexible to meet the needs of young people of all abilities and backgrounds. It seeks to engage young people through sufficient provision at every entry level, and in every learning style. It is intended that the availability of greater learner choice, including access to vocational courses and the provision of learner support, will ensure that fewer young people become NEET.

1.9 Section 436A of the Education Act 1999 as amended by section 4 of the Education and Inspections Act 2006 places a duty on all local education authorities requiring that they make arrangements to enable them to establish (so far as it is possible to do so) the 'identities of children in their area who are not registered at a school and are not receiving a suitable education'.

1.10 The duty should be positioned within local authorities and their partners as an integral part of their governance and strategic planning for discharging duties under sections 25-29 of the Children Act 2004. The duty should strengthen and complement these existing duties that aim to improve outcomes, and safeguard and promote the well-being of children and young people.

1.11 A key factor in the successful implementation of this duty is the need to work closely with colleagues across the local authority area, e.g. Local Safeguarding Children Boards, Children and Young People's Partnerships, Local Service Boards and external partners whose work contributes to improving outcomes for children and young people.

1.12 This document is issued under Section 4 of the Education and Inspections Act 2006, which provides that local education authorities must have regard to statutory guidance issued by the Welsh Assembly Government in relation to children not receiving education.

1.13 This guidance applies to Wales only. Local authorities must take this guidance into account and, if they decide to depart from it, have clear reasons for doing so.

## Background and context

1.14 Section 4 of the Education Act Inspections Act 2006 places a duty on all local education authorities requiring that they make arrangements to enable them to establish (so far as it is possible to do so) the 'identities of children in their area who are not registered at school and are not receiving a suitable education'.

1.15 As part of the process for the development of this guidance the Welsh Assembly Government undertook a preliminary analysis of the capability and level of preparedness of local authorities in Wales to deliver on this duty. This process provided a platform for local authorities to raise issues, provide suggestions for improvement, and state the challenges they face in meeting their obligations set against five areas identified<sup>2</sup> as being key for the development of robust children missing education systems:

- strategic management & leadership;
- information systems;
- networks and points of contact;
- securing education provision;
- effective monitoring systems.

1.16 This document provides advice and makes recommendations as to how to meet and embed standards. It sets out responsibilities for local authorities in relation to their duty to identify children and young people in their area not registered at a school and not receiving a suitable education and reflects practice that local authorities have already demonstrated as being effective. It is intended to promote equality of access to education, and reduce the risk of children and young people going missing from the education system, by identifying and supporting vulnerable groups of children and young people and ensuring effective interventions at an early stage. Identifying them is only part of the task; securing placement in appropriate provision is an equally important element.

1.17 It builds on good practice from around the country, lessons learned and knowledge developed around the identification of children and young people missing from education, and those

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<sup>2</sup> Self Assessment Checklist contained in Appendix 3 contains more information on how to assess and meet these standards

at risk of going missing, helping them move back into education (or alternative provision) and maintaining contact to prevent them slipping through the net again.

## **Duty to identify children and young people not receiving an education**

1.18 The purpose of the duty is to make sure that children and young people missing from education are identified quickly and that effective monitoring systems are put in place to ensure that the child or young person is found and action is taken to provide them with 'suitable education', which may also involve support arrangements.

1.19 'Suitable education', is defined as meaning efficient full-time education suitable to their age, ability and aptitude and to any special educational needs they may have.

1.20 The duty applies in relation to children of compulsory school age who are not on a school roll, and who are not receiving a suitable education otherwise than being at school (for example, at home, privately, or in alternative provision) and who have been out of any educational provision for a substantial period of time, usually agreed as four weeks or more.

1.21 The duty does not apply in relation to children and young people who are registered at a school who are not attending regularly. In such cases a child or young person should be subject to intervention through existing attendance strategies and education welfare procedures and is outside the remit of this guidance. The new duty complements and reinforces duties that already exist for schools to monitor attendance and it is important that local authorities work with schools to make sure they do it effectively. Further information on support for attendance can be found in section 3 of the Welsh Assembly Government's Inclusion & Pupil Support Guidance<sup>3</sup>, and the All Wales Attendance Framework and Behaving and Attending: Action Plan Responding to the National Behaviour and Attendance Review.<sup>4</sup>

<sup>3</sup> [http://wales.gov.uk/topics/educationandskills/policy\\_strategy\\_and\\_planning/schools/339214-wag/inclusionpupilsupportguidance/?lang=en](http://wales.gov.uk/topics/educationandskills/policy_strategy_and_planning/schools/339214-wag/inclusionpupilsupportguidance/?lang=en)

<sup>4</sup> Information document No: 076/2009. ISBN 978 0 7504 5164 2. [wales.gov.uk/docs/dcells/publications/090327nbaractionplanen.pdf](http://wales.gov.uk/docs/dcells/publications/090327nbaractionplanen.pdf) -

1.22 The duty does not apply to children and young people whose parents have chosen to electively home educate them. Parents have a duty to ensure that their children receive an efficient full-time education suitable to their child either by regular attendance at school or otherwise (under section 7 of the Education Act 1996) and they may choose to arrange this education themselves outside the state or independent school system. Additional information on elective home education can be found in the Welsh Assembly Government's guidance document Inclusion & Pupil Support (circular 47/2006).

### **Why children and young people go missing from education**

1.23 There have been a number of high profile cases in recent times involving the tragic death of children and young people who were supposed to be attending school, but instead disappeared from the system. These very sad cases have highlighted serious gaps in systems meant to support vulnerable children and young people.

1.24 When developing policy and procedures for children and young people not receiving a suitable education, local authorities should consider the reasons why children and young people go missing from education and the circumstances that can lead to this happening in order to help them close the gaps. Systems should aim to enable all children and young people to receive a suitable education, and also promote a more effective response in instances when a child or young person does go missing from education. Children and young people can go missing when they fall out of the education system and no systematic processes are in place to:

- identify them;
- ensure that they re-engage with appropriate provision (which may include services and support outside of school to meet their needs) as quickly and effectively as possible; and
- monitor this process to ensure they do not 'slip through the net' again.

1.25 If a child or young person is receiving an education, not only do they have the opportunity to fulfil their potential, they are also in an environment which enables local agencies to safeguard and promote their well-being. If a child or young person goes missing from education they could be at risk of significant harm. Research has shown that those children and young people who are not receiving an education are more likely to engage in criminal and anti-social behaviour, be at risk of harm from sexual exploitation and victimisation, abuse drugs and alcohol and be illegally employed. They are also more likely to fail to make a positive transition at 16 and be at greater risk of being NEET (not engaging in education, employment or training). Each year in Wales this accounts for 10-12% of young people aged 16-18<sup>5</sup> (approximately 12,000 per year over the past decade).

1.26 It is vital to prevent young people falling out of the system in the first place, both for individual well-being and because it is more difficult and costly to re-engage people at a later stage. It is therefore imperative that all professionals who have contact with children and young people work together to identify those missing from education and ensure they can swiftly return to a suitable form of provision with appropriate support. There is clear consensus that as most young people do not arrive at extreme need overnight, early identification and preventative work can reduce vulnerability and the necessity for future support.

1.27 There is a wide variety of reasons why children and young people fail to engage in or go missing from education; each presenting various degrees of risk; which could include those, who:

- simply move and their families do not tell either the new or old authorities;
- move into a local authority area and do not register with a local school. Depending on their circumstances some parents may not see re-enrolment at school as a matter of urgency even if previously their children had been good attendees at school. Indeed if their children are nearing school leaving age the family may not see the relevance of returning them to education;

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<sup>5</sup> Welsh Assembly Government - Reducing the proportion of young not in education, employment or training in Wales. Delivering Skills that Work for Wales  
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- are unable to attend their preferred school as no places are available and do not take up the offer of an alternative place;
- never enter the education system because they fail to start appropriate provision at the start of compulsory school age (there is no requirement for parents to inform local authorities of the fact that they intend to educate at home if the child has never attended school);
- are withdrawn by their parents who elect to educate at home and both parents and the school fail to notify the local authority;
- cease to attend school due to disputes, parental dissatisfaction, unofficial exclusion or removal from the school roll;
- fail to complete a transition between providers, for example, from primary to secondary school or from a school to alternative provision;
- who enter the country and do not register with a school;
- move into or out of the Looked After Children system or the secure estate without prior notice or planning;
- are excluded from or withdrawn from independent schools; or
- do not wish to be found; families may change their names and move quickly from place to place within the UK.

1.28 Each local authority and school has a responsibility to attempt to trace all children and young people who cease to attend education. This is vital as there is always a possibility that the child or young person may be missing because they are at risk of significant harm. If there are concerns about the whereabouts of any child or young person, locally agreed child protection procedures and guidelines about what action to take should be followed.

## 2 Vulnerable Groups

2.1 Local and national experience has identified a number of risk factors that may hinder or prevent the engagement and tracking of certain vulnerable groups. Although only a relatively small number of children and young people may be at risk, they often have complex needs from the outset due to difficult family dynamics, social or lifestyle factors; all of which may contribute to the withdrawal process and failure to make a successful transition. They may have experienced certain life events that make them more at risk of going missing from education and who face tougher obstacles to re-engage. This list is not exhaustive, but could include children and young people, who:

- are within the youth justice system;
- live in women's refuges;
- are from homeless families perhaps living in temporary accommodation or a bed and breakfast;
- are from families fleeing domestic violence;
- have long term medical or emotional problems;
- are young carers;
- have parents with mental health problems;
- have parents with learning difficulties;
- are affected by substance misuse;
- were previously educated within the Independent sector and have been excluded or withdrawn;
- have been withdrawn by their parents for elective home education but are not receiving a suitable education;
- are Looked After by the local authority; are privately fostered; or who go missing from care;
- are unaccompanied asylum seekers;
- are on the child protection register;
- have been bullied;
- are from asylum seeking or refugee families;
- are from Gypsy, Traveller or Roma background;
- are from families who may be highly mobile for e.g. have parents in the armed forces;

- are taken on extended holidays or heritage visits by their families; or
- are young parents and pregnant young women.

### **Higher risk groups presenting more complex issues in terms of identification**

2.2 There will be certain instances where the local authority or school may be unaware of children and young people with more complex issues, but they may come to the attention of other agencies such as health services, the police or community organisations. These groups could include those who:

- are at risk of forced marriage and honour-based violence;
- are at risk of sexual exploitation, including children and young people who have been trafficked to or within the UK;
- with their families are involved in the witness protection programme who may be required to relocate without explanation or trace;
- are from families who are involved in fraud, social difficulties, crime and anti-social behaviour;
- are young runaways;
- are from migrant worker families who may not be familiar with the education system;
- are newly arrived immigrant families; or
- are from families who disappear without trace when asylum has not been granted or if accommodation has not been allocated in their preferred location.

### **These children and young people can only be identified via other agency involvement and this requires strong partnership working and clear referral mechanisms.**

2.3 It is recognised that the factors listed above make children and young people 'vulnerable' in every sense and it is therefore particularly important they are not allowed to go missing from education. Both schools and local authorities need to pay particular attention to children and young people in these groups, particularly

when they leave or arrive in their area. They may have needs that go beyond the reach of universal services and local authorities should seek advice from the relevant specialist teams and partner agencies.

2.4 In some instances the whereabouts of children and young people will be known to the authority but they are not yet in provision, this group includes, for example, those:

- for whom a school place has been offered and refused, and an appeals process is taking place;
- who have been permanently excluded and are awaiting placement;
- who are newly arrived in the county or country; are seeking school places and they are known to admissions; or
- where the local authority has significant grounds for believing that satisfactory home education is not being provided by parents.

**It is imperative that children and young people in these groups are tracked and monitored to ensure that suitable provision is made for them.**

2.5 There will be those who have attended schools and who have left to an unknown destination, with no forwarding address and who have failed to be located after 'reasonable enquiry' and whose whereabouts remain unknown.

**Although the duty is for local authorities to identify children and young people missing education residing in their area, it is recommended that those who have disappeared without a known destination should remain on missing lists of the departing authority. These lists should be routinely monitored as they may re-appear in the county or elsewhere in the country.**

2.6 Identification, advice and support in relation to these groups, with highlighted examples of good practice and partnership working will be detailed later in this document.

## **Safeguarding requirements for local authorities, schools and relevant partners**

2.7 Implementation of the duty should be integrated within the wider range of duties placed on local authorities through sections 25-29 of the Children Act 2004 in relation to the promotion of co-operation to improve child well-being in Wales. The new duty should strengthen and complement these existing duties.

2.8 In order to prevent children and young people from going missing from education, or to find and re-engage them if they have gone missing, it is essential that a wide variety of agencies acknowledge a safeguarding responsibility in this area. Finding missing children and young people is much more effective when agencies work together. This may involve information sharing, an operational involvement or providing support for other agencies. Local organisations will need to work together to agree on and implement a local information sharing strategy with data sharing agreements with key agencies.

2.9 The Assembly Government's Safeguarding Children Working Together under the Children Act 2004<sup>6</sup> provides guidance on information sharing in respect of children and young people. It covers all services, including health, education, early years and childcare, social care, youth offending, police, advisory and support services and leisure. The Wales Accord on the Sharing of Personal Information (WASPI) guidance, developed by the Care and Social Services Inspectorate Wales, may also be useful in this regard and examples of templates are available on the website that may help to develop Personal Information Sharing Protocols (PISPs).  
<http://www.wales.nhs.uk/sites3/home.cfm?orgid=702>

2.10 At a local level, given the proliferation of services and agencies working with children and young people, there is a need for strong leadership in co-ordinating this work. Depending on local arrangements, the strategic leadership to ensure co-operation, collaborative action and delivery across providers in meeting the needs of all children and young people falls within the responsibility

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<sup>6</sup> Safeguarding Children: Working Together Under the Children Act 2004 - ISBN 0 7504 8910 3

of Children and Young People's Partnerships, through their Children and Young People's Plans (CYPPs) or Local Safeguarding Children Safeguarding Boards (LSCBs). Local authorities have the lead responsibility for bringing together local partners to improve outcomes for and the well-being of all children and young people in the area.

### **Clear Responsibilities**

2.11 Existing good practice has highlighted that, in order to implement the duty effectively, local authorities should nominate a named person(s) to be notified when a child or young person is identified as not receiving a suitable education and who will ensure that they (re-) engage with the most appropriate education provision and support as quickly as possible.

2.12 This responsibility will need to be decided in light of local circumstances. Examples of how some local authorities have taken this forward are by placing this responsibility with:

- senior management lead with delegation to others;
- dedicated pupil tracking/CME officers;
- principal education welfare officers;
- keeping in touch co-ordinators; or
- child protection co-ordinators.

**There must be clear responsibilities for this role or for those to whom the duties are delegated. We would urge strongly that these individuals are provided with sufficient management support to discharge the role. There must also be regular monitoring of the processes and numbers by local authority Senior Management, Elected Members and Children and Young People's Partnerships or LSCBs.**

### **Notification and Referral**

2.13 The local authority may not necessarily have all the information relating to all the children or young people about whom there is concern. It will often be the case that another agency is aware of

the arrival or existence of a child or young person, living in a local authority but not in education, before the education department becomes aware of them.

2.14 It will be necessary for local authorities to work with all stakeholders to raise awareness of the authority's policy, their named contact and processes for children and young people who are missing, or in danger of going missing, encouraging them to refer any and all concerns that agencies may have about the provision (or lack of it) being offered to, or accessed by any statutory school age pupil.

2.15 There is a need to ensure that all partner agencies know how to inform the local authority about these children and young people in order to ensure that agencies employ this route consistently.

2.16 In order to embed and facilitate a consistent referral process, forms (both in hard copy and electronic formats) should be developed and made available to these agencies and partners to enable them to make referrals for children and young people about whom they have concerns.

***Appendix 4 contains an example of a suggested format for a referral form.***

Partners may include:

- education & training - including maintained schools, independent schools, special schools, pupil referral units, alternative education providers, traveller education service (TES), ethnic minority achievement services (EMAS), SEN casework teams, looked after children (LAC) education co-ordinators, school counsellors;
- children and young people's partnerships (including keeping in touch co-ordinators);
- social care - children's and adult services, refugee and asylum seekers team, foster carers;
- health - strategic health authorities, local health boards, GP's, CAMHS, health visitors, acute trusts; LAC nurses;

- police and community support officers, anti-social behaviour teams, community safety partnerships;
- Careers Wales;
- youth offending service (YOS);
- young offender institutions, secure children's homes; secure training centres;
- housing departments, homeless hostels and women's refuges;
- statutory and voluntary youth service;
- Immigration Service;
- voluntary and community organisations including faith groups;
- elected members and members of the public;
- HM Revenue and Customs;
- UK Border Agency;
- fire and rescue services;
- drug and alcohol support teams;
- victim support;
- neighbouring local authorities; and
- children and young people.

There may be others, depending on local circumstances.

2.17 The Welsh Assembly Government would like to encourage all authorities to have written policies, agreed and formalised with their partners.

2.18 If the referral and notification process is to be well understood and effective it will be necessary for information to be circulated repeatedly on a regular basis. Possible routes for raising awareness could include:

- young people's partnership networks, young people's websites and newsletters;
- local safeguarding children boards (LSCBs), many of which have a dedicated web presence;
- local service boards;

- Careers Wales Online;
- entry in directory of services;
- events/workshops with partner agencies, including voluntary and community groups;
- head teacher and school administrators conferences;
- leaflets and other publicity materials;
- council websites; external sites and intranets; and
- as part of a programme of induction and training for staff within safeguarding procedures.

2.19 Local authorities should also look to raise awareness with the general public of the risks around children and young people missing education.

### **Good Practice Advice**

A number of local authorities publish their Children Missing Education policies on their authority website and ask the public to contact them via online referrals or their contact centres to inform them of the arrival or existence of a child living in the area, but thought not to be in education which has proved to be very effective.

This may result in referrals being made for children and young people already known to the authority and/or on a school roll, but who may have attendance issues. However, given concerns around the safeguarding and welfare of this group, we believe it is more beneficial than not receiving notification.

### **Prevention - reducing the risk of children and young people not receiving a suitable education**

2.20 There is a range of proactive approaches that local authorities and their partner agencies can take to reduce the risk of children and young people not receiving a suitable education. Existing good

practice falls broadly into the following categories where the local authority introduces measures to:

- provide named points of contact to receive notification of children and young people from other agencies;
- identify vulnerable groups and individuals who are recognised as being at greater risk; ensuring that they receive appropriate support and tailored provision;
- reduce the likelihood that children and young people fall out of the education system through transition tracking and audits of the rolls and registers of schools;
- ensure full usage of and training related to s2s and the lost pupil database<sup>7</sup>;
- follow-up cases where children and young people are known not to be receiving a suitable education at home and use existing section 437 powers of the Education Act 1996 to issue a school attendance order if needed;
- ensure ongoing monitoring and tracking of vulnerable groups including those who have been excluded from school; Looked After Children and those registered as receiving education otherwise than at school;
- identify and locate children and young people who are not receiving a suitable education, via truancy sweeps;
- follow-up admission applications that do not result in a school place and unsuccessful admission appeals; and
- re-engage children and young people with appropriate educational provision, for example via multi-agency panels to broker admissions.

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<sup>7</sup> Further information on the lost pupil database and s2s is included in section 6

## 3 Identifying and Supporting Children and Young People at Risk of Going Missing from Education

3.1 Learners are less likely to go missing from education if vulnerable groups and individuals who are recognised as being at greater risk are identified early, appropriate support given and their progress monitored.

3.2 This section details examples of approaches taken by local authorities to reduce those risks, minimise the opportunities for this to happen as well as providing advice and support available from specialist teams and partner agencies.

3.3 Further information about special considerations that apply to safeguarding children who may be particularly vulnerable can be found in Chapter 9, Safeguarding Children: Working Together under the Children Act 2004<sup>8</sup>.

### **A Children and young people within the youth justice system and those at risk of becoming involved in crime**

A.1 There is no doubt that there is a risk factor associated with children and young people missing from education and becoming involved in offending behaviour. The All Wales Youth Offending Strategy<sup>9</sup> has prevention at its core, with its main principle being that the best way to keep young people out of the youth justice system is to ensure that they do not enter it in the first place.

A.2 However, once in the system, under the requirements of the Youth Justice Board (YJB), each Youth Offending Service (YOS) will identify as part of the initial ASSET assessment<sup>10</sup> those children and young people:

- whose education and training needs are not being met by existing school provision;
- where there is no provision; or
- where existing provision is inappropriate.

<sup>8</sup> <http://wales.gov.uk/publications/circular/2007/1637402/?lang=en> .

<sup>9</sup> <http://wales.gov.uk/about/strategy/publications/childrenyoung/935794/?lang=en>

<sup>10</sup> Asset provides a common, structured framework for assessment of all young people involved in the criminal justice system. It is a standard assessment of the factors contributing to a young person's offending.

A.3 Local authorities, rather than schools have responsibility for making provision for the education and training needs of young offenders of statutory school age. Further guidance as to how a local authority is expected to exercise that responsibility is contained in Section 2 of Welsh Assembly Government's Inclusion and Pupil Support guidance (Circular number 47/2006).

A.4 There are approximately 75 children and young people aged between 12 and 16 years old from Welsh local authorities in custody at any time<sup>11</sup>. They are either at a Young Offender Institution, Secure Training Centre or a local authority Secure Children's Home. They should not be classed as 'missing from education', as all are required to be in full-time education and training within their custody setting. However, there remain some significant challenges as many young people are often placed in custody in different local authority areas from where they usually live. Therefore the local authority and YOS need to share information about the location of young offenders in custody and their planned release date. This will help ensure continuity of support and that provision is well planned and in place immediately on release whether this is support for re-integration in mainstream school or alternative provision.

### **Good Practice - A local approach**

Carmarthenshire YOS employs an Education Worker who is funded through the Youth Justice Board and the Youth Service to work with young people both pre and post 16 years of age after court proceedings have taken place. For those of compulsory school age, this role involves liaising with education departments to ensure the young person is on roll or that provision will be put in place, refer attendance issues and attend pre-release meetings. Recently, school and pupil referral unit staff have attended the multi-agency pre-release meetings in the secure estate to ensure that the young person's return is fully supported. In partnership with the Fire Service the worker also runs 6-8 week crime prevention courses in local schools for those at risk of exclusion, leaving school without qualifications and most at risk of becoming NEET. During the course learners develop a portfolio for key skills accreditation.

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<sup>11</sup> Youth Justice Board for England and Wales Jan 08-Jan 09

### **Good Practice - A local approach**

Cardiff LA has a teacher and teaching assistants based in Cardiff YOS delivering basic skills and co-ordinating alternative provision and training placements for children and young people serving both community and custodial sentences if they are not on school roll or refusing to attend school. The teacher attends pre-release meetings in the secure estate to meet the young person, build relationships and to ensure that they are engaged in suitable provision as soon as possible on their release, as the availability of appropriate learning opportunities is recognised as an important protective factor in reducing offending behaviour.

### **Good Practice - A local approach**

In Rhondda Cynon Taf, the YJB funded an extremely successful 'Restorative Justice in Schools' pilot project in five comprehensive schools which was then rolled out to all 19 comprehensive schools in the county and involved over 200 learners. Three dedicated staff from the Youth Offending Service worked with the comprehensive schools to help staff and learners resolve conflict before it became serious and resulted in truancy, bullying and offending behaviour. The service has provided training throughout the schools, as well as working directly with young people. The independence of the workers has enabled young people to disclose issues which otherwise would have remained hidden. This has included child protection issues and domestic abuse which impacted on the behaviour of the children and young people. One deputy head teacher described it as the best external project the school had ever experienced.

## Good Practice - A local approach

Neath Port Talbot YOS has a Service Agreement with Education which establishes half termly meetings between them.

The meetings allow for discussion to take place about a small number of young people whose education provision is proving to be problematic to resolve. The meetings are intended to be solution finding opportunities and are resourced to reflect this. Senior Managers attend and are able to make decisions about resources or to make recommendations to the appropriate committees. All such young people remain on the caseload until the issue is resolved.

A.5 Further guidance on support for young offenders is included in Section 2 of the Welsh Assembly Government's Inclusion and Pupil Support circular.

## B Asylum seeking or refugee families

B.1 According to the Welsh Refugee Council, at June 2008 there were around 3,000 people seeking asylum in Wales and around 10,000 refugees. Most asylum seekers and refugees live in Cardiff (44%), Swansea (36%) and Newport (16%), with a small number living in Wrexham (2%) and a handful of people outside these conurbations.<sup>12</sup>

B.2 These four 'clusters' are the designated 'dispersal' areas in Wales for newly-arrived asylum seekers by the Home Office UK Borders Agency (UKBA) .

B.3 Asylum seekers with children must be supported (provided with accommodation and essential living needs) by the National Asylum Support Service (NASS) - an executive agency of the Home Office. Accordingly, local authorities are not directly responsible, although they may make arrangements with NASS to accommodate the family on its behalf.

The UK Border Agency's (UKBA) National Asylum Support Service (NASS) should inform Local Authorities of families subject to immigration controls coming into their area.

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<sup>12</sup> Welsh Refugee Council - Asylum%20 Seekers%20and%20Refugees%20in%20Wales[1].pdf

B.4 Local authority Education Welfare Services (EWS) and Ethnic Minority Achievement Services (EMAS) need to work together to ensure that advice about admissions and support with the application process is readily available for families recently arrived from abroad in accessible formats. It is critical that information is available for parents and at times local authorities will need to be creative about ensuring that it gets to families through, for example, faith and community groups and links with refugee organisations.

### **Good Practice - A local approach**

In 2008-2009 Newport had 119 asylum seekers/dependents of asylum seekers who were supported by the LEA's Ethnic Minority Achievement Service. They receive routine notification from housing providers when families arrive in the authority. They employ an Asylum Seeker Co-ordinator who works with families to secure school places, sort out free school meals and uniforms as well as supporting engagement by accompanying children and young people to school and helping them settle in.

B.5 Refugee children, and children from families seeking asylum, in particular, often have multiple difficulties in accessing education compared with other groups. The problems children face may include a lack of school places, lack of language support and lack of financial assistance. They may have suffered traumatic experiences in losing home, family and friends. Their life in the UK may continue to be marked by insecurity, especially during the process of seeking asylum. They will often need to acquire English or Welsh language skills and fit into unfamiliar schooling and curriculum structures. They may be vulnerable to stereotypical attitudes, discrimination or bullying. Refugee children and their families often need support and advocacy to negotiate how they get into education as well as support with applying for and securing a school place.

B.6 If granted leave to remain, some families prefer to move to areas of the UK where there are communities from their home country. Those families granted leave to remain, whether for a specific time or indefinitely, are entitled to move anywhere in the UK and are likely to enrol their children in school. The risk for children and young people is greater where families are not granted leave to remain, or who believe their appeal may be unsuccessful. They may move to avoid detection and deportation and are less likely to enrol their children in school.

B.7 Doubts about the child's or young person's age or identity should not preclude or delay the admission to school where a vacancy exists as it is safer for children to be in school whilst further enquiries are made.

B.8 Further information on supporting Asylum Seeking and refugee children can be found in the Welsh Assembly Inclusion and Pupil Support, Section 2.

## **Good Practice - A local approach**

### **Multi-Agency Practitioner Meeting**

In Newport, the Newport Health, Education and Well-Being Practitioners Group meets monthly. This group brings together a range of practitioners from the voluntary sector, statutory sector, the police and private housing providers. The group considers issues and specific cases in relation to asylum seekers, refugees and migrant workers, which includes separated children and young people as well as families. The aim is to provide a co-ordinated inter-agency approach, enabling and promoting quality and best practice of service provision to people seeking asylum, refugees and migrants in Newport. The partnership approach aims to increase clarity regarding roles and responsibilities of participating organisations, decrease duplication and gaps in service delivery and increase complementary service delivery.

## **Good Practice - A national approach**

### **All Wales Post - Refugee Children's Advice and Information Worker**

To support the work of the Wales Strategic Migration Partnership (WSMP) there is a Refugee Children's Advice and Information Worker. The role of this worker is to provide advice and information on a whole range of issues related to refugee children and young people, which includes signposting callers to the appropriate organisations and individuals on a particular topic. The post covers the whole of Wales and to date, the majority of queries have come from areas other than the cities of Cardiff, Newport, Swansea or Wrexham.

The Refugee Children's Advice and Information worker can be contacted at:

#### **Wales Strategic Migration Partnership**

Brynglas Bungalow  
Brynglas Road  
Newport  
NP20 5QU

Telephone: 01633 855095

***The UK Border Agency will assist other appropriate agencies such as local authorities or the police who have contact with children and young people if they are seeking to establish their identity. There are two points of contact provided by UKBA for local authorities to verify the immigration status of children and young people:***

- ***for enquires about the immigration status of individuals who are not claiming asylum, contact the 'Local Authority Desk' in the UKBA Enquiries Unit on Tel: 0845 601 2298; Fax: 020 8196 3049; and***

- **for enquires about the immigration status of individuals who are claiming asylum, contact the UKBA 'LA Communications Team' on: Tel: 020 8760 4527.**

## **C Children and young people who are at risk of forced marriage**

C.1 The UK Government and the Welsh Assembly Government regard forced marriage as an abuse of human rights and a form of domestic abuse and, where it affects children and young people, child abuse. Although most cases involve young women and girls aged between 13 and 30, there are a significant number of male victims.

C.2 The majority of cases of forced marriage reported to date in the UK involve South Asian families<sup>13</sup>. This is partly a reflection of the fact that there is a large, established South Asian population in the UK. However, it is clear that forced marriage is not solely a South Asian problem and there have been cases involving families from East Asia, the Middle East, Europe and Africa.

C.3 In 2008, the Forced Marriage Unit, a joint body of the Foreign Office and Home Office gave advice or support in more than 1,600 reports of possible forced marriage cases and directly intervened in 420 of these. Cases also come to the attention of the police, social services, health, education and voluntary organisations. There will also be a percentage of cases which go unreported.

In the first 6 months of 2009 the unit has received 770 calls or e-mails to its helpline with the latest reporting that victims in 14% of cases are male and that **33% of all cases are under 18 and 14% are under 16 years of age.**

C.4 **HM Government's 'Multi-agency practice guidelines: Handling cases of Forced Marriage'** were published in July 2009 and have been designed to provide step-by-step advice to frontline professionals such as teachers, police officers, social and health

<sup>13</sup> [www.fco.gov.uk/forcedmarriage](http://www.fco.gov.uk/forcedmarriage) ISBN 978-1-84726-929-4 Multi-agency practice guidelines: Handling cases of Forced Marriage

care professionals and housing officers, to help them to work more closely together to better identify and protect children and young people at risk of forced marriage. They have been produced to complement the statutory guidance **'The Right to Choose'**, which came into force with the launch of the Forced Marriage (Civil Protection) Act in November 2008, which sets out the broader strategic responsibilities of Chief Executives and senior managers in tackling forced marriage locally.

**Practice Guidelines:**

[www.fco.gov.uk/resources/ur/pdf/FM-Guidelines](http://www.fco.gov.uk/resources/ur/pdf/FM-Guidelines)

**Guidance:**

<http://www.fco.gov.uk/en/fco-in-action/nationals/forced-marriage-unit/fmconsultation1>

<http://wales.gov.uk/topics/childrenyoungpeople/publications/righttochoose/;jsessionid=RJvCKydbY6xdtL6pb4KGwkc7lx8Bm0htDstlL42PqT3KyF023WYb!-826231897?lang=en>

C.5 If there are any concerns that a child or young person is in danger of a forced marriage, local agencies and professionals should follow the appropriate child protection procedures and seek advice from the Forced Marriage Unit, where experienced caseworkers are able to offer support, advice and guidance. The police and local authority social services department should also be contacted. All those involved should bear in mind that mediation as a response to forced marriage can be extremely dangerous and therefore under **no circumstances should local authorities approach family members** about a forced marriage, as they may agree with what is being done to the young person, and may themselves be involved in taking the young person abroad to force them into marriage. Approaching them could thus jeopardise a young person's safety and put them in greater danger of physical violence. Refusal to go through with a forced marriage has in the past, been linked to so called 'honour crimes'.

**The Forced Marriage Unit runs a public helpline that provides advice and support to both practitioners handling cases of forced marriage and to victims themselves. Call 020 7008 0151 between 9am-5pm Monday to Friday or email [fmufco.gov.uk](mailto:fmufco.gov.uk)**

**For out of hours emergency advice, call 020 7008 1500 and ask for the FCO Global Response Centre.**

**Further information can be found by visiting [www.fco.gov.uk/forcedmarriage](http://www.fco.gov.uk/forcedmarriage)**

### **Good Practice - A local approach**

South Wales Police have a Forced Marriage/Honour Based Violence Unit. Information Helpline 0800 0132279  
[Forcedmarriage.HBV@south-wales.pnn.police.uk](mailto:Forcedmarriage.HBV@south-wales.pnn.police.uk)

***Appendix 5 contains suggested actions for schools and local authorities to raise awareness and better identification of risks around forced marriage.***

“Cultural heritage is important to many people, but it cannot take precedence over standards of childcare embodied in law”.

*Lord Laming -  
Report into  
the death of  
Victoria Climbié*

## **D Children and young people who are taken on extended holidays or heritage visits by their family**

D.1 Whatever concerns there may be about taking a child or young person abroad for an extended period of time, it is important to recognise the positive outcomes in terms of maintenance of language, culture and faith that could result from such a visit. A sensible balance must be struck between the legitimate needs of families to maintain links with their extended families and countries of origin on the one hand and the need to limit the time spent away from school, both in terms of duration and frequency.

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D.2 It is recognised that significant absence from school during term time can have a negative impact on attainment and social development, particularly for those children and young people who have difficulties with learning or social integration.

D.3 Schools have discretion to allow up to 10 days absence during term time in a school year if they believe that the circumstances warrant it (regulation 8 of the Education (Pupil Registration) Regulations 1995). However, this is entirely at the discretion of the head teacher. Parents should always be asked and expected to inform the school in advance of any proposed extended holidays and heritage visits including an anticipated return date. Where possible, schools should seek to obtain contact details for the visit as well as contact details of a relative or friend who could be contacted for information in the UK if this was required.

***Appendix 6 contains an example of a home school contract between school and parents for an extended holiday.***

D.4 Failure to return on the agreed date should prompt welfare concerns and enquiries should begin at this point. A child or young person who goes missing from education may be considered to be at risk of significant harm. The school should follow the normal procedures for investigating pupil absence (i.e. telephone calls, letters, invitations to meetings at the school etc). If no satisfactory explanation has been received the matter should be referred to the EWS to locate the young person and if there are any additional concerns, particularly if a school has any reason to be concerned that an older pupil is being taken out of the country against their will, and forced marriage may be a risk, or that there may be another child protection issue associated with extended leave, these concerns should immediately be referred to the statutory authorities for consideration.

D.5 Under the All Wales Child Protection Procedures (2008)<sup>14</sup>, should a strategy meeting relating to a child or young person be convened, the education authority should be notified and invited to the meeting.

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<sup>14</sup> <http://www.ssiacymru.org.uk/index.cfm?articleid=298>

D.6 If, after four weeks, reasonable efforts to locate the pupil prove unsuccessful, then the school have the right to remove the child from the school register (regulation 9 (1) (g) of the Education (Pupil Registration) Regulations 1995. This should only be undertaken after consultation with the Education Welfare Service. The school should then create a "lost pupil" common transfer file (CTF) with XXXXXXXX as the destination. This CTF should be immediately uploaded onto the s2s secure site where it will be held in the Lost Pupil area of the site.<sup>15</sup>

D.7 Further guidance and good practice advice on the use of s2s and deletions from the register are included in section 6 later in the document.

### **Good Practice - local approaches**

Cardiff has produced 'Extended Holidays' guidance for schools and Newport has a Missing Children protocol which includes an 'Extended Vacations' policy to raise awareness of concerns should a child or young person fail to return on an agreed date. Both policies include advice for schools, home school contracts, forms for recording and monitoring absence and notifying the EWS/Local authority, as well as procedures to follow if serious concerns do arise.

## **E Children and young people at risk of sexual exploitation; including those who have been trafficked to or within the UK**

E.1 The Welsh Assembly Government has taken a number of steps to examine and address the issues of human trafficking in Wales and in April 2008 it published guidance on *Safeguarding Children who may have been Trafficked* which was issued to Local Safeguarding Children Boards and other agencies across Wales. The National Assembly for Wales has also set up a Cross Party Assembly Group on 'Trafficking of Women and Children'. One of the key issues this

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<sup>15</sup> Further information on the lost pupil database and s2s is included in section 6

group has identified is the number of children and young people going missing.

E.2 In 2009 the Office of the Children's Commissioner for Wales commissioned research by ECPAT UK (End Child Prostitution, Child Pornography and Trafficking of Children for Sexual Purposes) into Child Trafficking in Wales. 'Bordering on Concern'<sup>16</sup> the resulting report found evidence of children and young people who may have been trafficked into, within and out of Wales. Victims had been identified throughout Wales and there was significant information to indicate that areas outside of South East Wales have encountered trafficked children and young people. Little specific information was available about how each child had arrived in Wales, but in this study, the majority entered the UK through the South East of England.

E.3 As trafficking involves the movement of people with the intention to exploit them, this movement can also take place within borders - this means that UK citizens can be trafficked within the UK, and children and young people from abroad who are vulnerable can be trafficked around the country after their arrival in the UK. This is referred to as 'internal trafficking'. UK citizens who are subject to 'internal trafficking' tend to be girls, aged 12-16, some of whom are already vulnerable as a result of disengagement with school or because of problems at home. A process of grooming occurs before they are taken to other places in the UK to be sexually exploited, though it is important to recognise that sexual exploitation is not the only reason why children and young people might be trafficked and the exploitation might for example take other forms such as domestic servitude, credit card and benefit fraud.

E.4 The report highlighted three core issues in relation to trafficked children and young people: attitudes, knowledge and practice. The research reported that attitudes as to whether trafficking could happen in Wales varied greatly, but some practitioners struggled with the idea that it was taking place in their local area. Trafficking was spoken about as something that 'happens elsewhere',

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<sup>16</sup> <http://www.childcomwales.org.uk/en/publications-list/>

especially in cities in South East Wales with practitioners citing newspaper reports as evidence of this.

**Accepting the possibility that child trafficking can happen locally is the foundation for all future action and intervention. Identification of trafficked children depends on the acceptance of the possibility that the problem actually exists.**

E.5 As advocated in the Assembly Government guidance, Local Safeguarding Children Boards should work with a range of agencies to deliver preventative measures and consider trafficking as part of their local needs assessment, where necessary taking action to address this as an explicit part of LSCB business planning (which may in turn be part of the Children and Young People's Plan). They should also provide training for staff to acquire knowledge, practice effectively and ensure that children and young people who may have been trafficked are always protected. Boards should also take steps to develop local protocols for handling suspected cases of child trafficking.

E.6 It is essential to ensure that there is good co-ordination and sharing of information across the relevant agencies. Children and young people trafficked into the country would be very unlikely to come to the attention of local authorities, particularly if they are being used for domestic servitude or commercial sexual exploitation. Local authorities need to have a link with the UK Borders Authority (contacts previously detailed) and also to have good relationships with community and faith groups and encourage them to come forward to report a concern.

E.7 Local agencies need also to be aware of the role of the UK Human Trafficking Centre which operates the National Referral Mechanism. Since April 2009 new arrangements have come into force for all suspected cases of human trafficking. Any suspected case of human trafficking must be referred via the National Referral Mechanism. Referral of suspected cases involving children and young people must be made by the lead professional or their equivalent in local authority social service departments acting on behalf of the Local Safeguarding Children Boards.

### **Good Practice - A local approach**

Cardiff LSCB has developed its own 'Multi-Agency Protocol for Safeguarding Children Who May Have Been Trafficked' building on the recommendation for such a protocol to be developed by LSCBs in 'Safeguarding Children: Working Together under the Children Act 2004, guidance to LSCB'. The protocol is available from Cardiff Council's website:

**[www.cardiff.gov.uk](http://www.cardiff.gov.uk)**

## **F Children of Migrant Workers**

F.1 Wales is attracting an increasing share of migrant workers, mainly from European Union countries. The great majority of migrant workers are employed in the unskilled labour market and on a short term basis. Due to the transient nature of lifestyles and English not being their first language, many families may move in and out of authorities and be unaware of services including education or unsure of how to access them. They may not be clear of the legal duties of parents in the UK as defined in the Children Act 1989 particularly where this differs from their country of origin.

F.2 Professionals need to be aware that the age of consent varies throughout Europe, and it is possible that a 14 year old may be legally married and be either pregnant or a parent. Under UK law, they remain entitled to receive an education, and suitable arrangements would need to be made.

### **Good Practice - A local approach**

Translation of Wrexham's website is available in 12 different community languages (as well as English and Welsh) and the education section contains information for parents and carers including admission procedures, school attendance, punctuality and absence, and policies in relation to education in all these languages. The section also contains information on help with life events including dealing with domestic violence.

## **Good Practice - A local approach**

A Community Safety Project, 'The Open Door Project', has been set up in the Flintshire area which provides information and guidance using interpreters. It provides help and support to access public services, information on community safety issues as well as advice on a wide range of matters including child care, education, legislation etc. The project was set up in response to assist Polish nationals who moved to Flintshire to live and find work but other nationalities attend, such as Slovaks, Lithuanians and Latvians.

## **G Children and young people with a Gypsy, Traveller or Roma background and children from transient families**

G.1 Children in Gypsy, Traveller or Roma families have the lowest attainment rates of any learner group and are the group most at risk of disengagement from school. Local Authority Traveller Education Services provide specific support for these children and young people and provide advice on the best strategies to promote inclusion and achievement. Mobile family lifestyles mean that these children and young people are most at risk of going missing from education or of having interrupted learning. Accommodation issues can have an impact; Gypsy Traveller families living on unauthorised sites are often subject to unpredictable forced movement which hinders access to education. Other factors which may also impact include:

- failure to make a successful transition from primary school to secondary school, due to traditional beliefs that primary education is sufficient;
- negative experiences of education due to generational social exclusion and racism; and
- the challenge to education providers of ensuring coherent service provision when families frequently move from place to place within a local authority area, across authority boundaries and, sometimes, to other parts of the United Kingdom and abroad.

G.2 It is vital that children and young people in these circumstances are identified quickly to ensure that suitable educational arrangements are made for them.

G.3 Further information on supporting Gypsies and Travellers in education can be found in the Welsh Assembly Government Circular 03/2008 'Moving Forward - Gypsy Traveller Education.

### **Good Practice - A local approach**

Pembrokeshire have established The Priory - a learning centre in a primary school for Gypsy Traveller Learners who are not in mainstream education aged 11-18. The centre works with approximately 200 Gypsy Travellers who would traditionally have left formal education at the point of transition to secondary school and provides learning opportunities based on a curriculum tailored to their needs and which respects their culture and heritage. Learners with no previous education start with basic levels of literacy and numeracy with the first objective being to improve reading skills. The teaching approach is based on modules which include: driving; citizenship; food hygiene; Wales, Europe and the world; leisure; health and safety; 'what do you think?' and sport.

### **Good Practice - A local approach**

As well as providing support to learners in schools Flintshire Traveller Education Service has a peripatetic service that visits Traveller sites and homes in order to provide support for those children and young people not registered at any of the county's schools.

### **Good Practice - A local approach**

Carmarthenshire has developed good links with Neath Port Talbot who make them aware when children and young people will be travelling to their authority so provision or registration in local schools can be arranged as soon as possible. Arrangements are also in place with Pembrokeshire who will alert Carmarthenshire when the circus will be heading for their authority. Education Welfare and Environmental Health practitioners make joint visits as soon families arrive in order to support and encourage engagement with learning for the time that they are resident in the county.

## **H Children and young people from homeless families living in temporary accommodation, houses of multiple occupancy or bed and breakfast**

H.1 Living in temporary accommodation can have serious consequences on children and young people's well-being. Placement in temporary accommodation, often at a distance from previous support networks or involving frequent moves, can lead to individuals and families falling through the net and becoming disengaged from education, health, social care and welfare support systems.

H.2 Children and young people may experience considerable disruption to schooling and, as a result achieve lower educational outcomes if they are accommodated far from their original school. They may cease to attend due to transport issues, costs involved and physical distance involved in staying in their original school. They may also experience delays in being admitted to school if moving into a new area or put off applying while waiting for more permanent accommodation which may be in a different catchment area from the one in which they are in temporary residence.

H.3 It is important that effective systems are in place to ensure that the children and young people from homeless families receive services from education as well as any other specialist services because these families move regularly and may be at risk of becoming disengaged from all services.

H.4 Local authorities should look to develop protocols and processes between education support agencies, Education Welfare Service, schools etc together with hostels and housing departments. These protocols and processes should ensure that vulnerable children and young people receive support and encouragement to continue their attendance whilst living in temporary accommodation as well as providing parents with advice regarding admissions procedures and support with transportation issues.

### **Good Practice - A local approach**

Conwy LEA have good links with B&B homeless hostels in their area with effective communication channels and referral routes for when families with children become homeless, as well as notification routes when they move into rented accommodation to ensure those families do not fall from view. They are looking to formalise these arrangements through the development of a Service Level Agreement.

## **I Children and young people from families fleeing domestic violence and those living in women's refuges**

I.1 When following up missing children and young people where it is known that there may be issues around domestic abuse; the EWS should not make contact with other family members as this could inadvertently compromise the safety of the child or young person. Enquiries must proceed with extreme sensitivity and this in itself can lead to a delay in tracing them.

I.2 In such cases it may not be considered appropriate to pass on details of a child or young person's history to a new school in case it leads the abuser to the new contact address. Local authorities should look to develop links with organisations and refuges that work in the area of domestic violence to explore the establishment of effective communication channels and referral routes and ensure that procedures are in place to safely transfer records where possible, contact previous local authorities to inform that the child is safe and well, and explore with them if there are other concerns, e.g. child protection.

### **Good Practice - A local approach**

Torfaen has developed a protocol with their local Women's Refuge so that staff have agreed procedures to follow when a family moves to one of their refuges thus ensuring information is shared safely and admission to designated schools is supported.

## **J Children and young people with long-term medical or emotional problems**

J.1 Children and young people who have either an acute or a prolonged illness are at risk of missing out on educational opportunities and may face difficulties reintegrating into mainstream schools due to prolonged absences, either as a result of ill health or because of frequent attendance at clinics and hospitals. There is a particularly high risk of them getting lost in the system, especially when they are discharged from hospital to provision in another authority.

J.2 A range of issues need to be addressed at a local level to ensure health and education services work together in a supportive, co-ordinated way to support the child or young person to develop and achieve their full educational potential. This includes developing processes for effective communication between hospital provision

and home LAs to support the re-integration of a child back into school after treatment for acute illness or injury.

J.3 Section 19 of the Education Act 1996 places the responsibility for providing education for children and young people with medical needs on the LEA.

J.4 Detailed guidance on the education of children with medical needs is contained in Circular 34/97- Supporting Pupils with Medical Needs, Circular 57/94 - The Education of Sick Children and Section 2 of the Welsh Assembly Government's Inclusion and Pupil Support.

## **K Looked After Children and unaccompanied asylum seekers**

K.1 It is well documented that children and young people in care are vulnerable to missing out on education due to the major disruptions in their lives which they frequently face. Section 22 of the Children Act 1989 (inserted by section 52 of the Children Act 2004) places a duty on local authorities to promote the educational achievement of Looked After Children. Duties of co-operation under section 25(2) (c) of the Children Act 2004 include education, training and recreation.

K.2 In 2007, the Welsh Assembly Government issued *Towards a Stable Life and a Brighter Future* - regulations and guidance to strengthen the arrangements for the placement, health, education and well-being of Looked After Children and young people<sup>17</sup>. This included a requirement for local authorities to appoint Looked After Children Education Co-ordinators, to co-ordinate the child or young person's personal education plans and address their education needs and those of care leavers in the local authority area. It also strengthened the existing requirement for Looked After Children to have Personal Education Plan using powers under the Children Act 2004.

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<sup>17</sup> <http://wales.gov.uk/topics/childrenyoungpeople/childrenfirst/publications/stablelife/?lang=en>

K.3 In addition, Children's Homes<sup>18</sup> are required to appoint a link worker to promote the educational achievement of Looked After Children.

K.4 All schools must have a designated member of staff for Looked After Children.<sup>19</sup> These members of staff are well placed to assist when identifying those Looked After Children currently in school who may be at greater risk of going missing from education.

K.5 Stability of schooling is essential for children and young people who are looked after by local authorities. Where a child or young person goes missing from their care placement, they are rarely absent for long. It will be important that their school place is kept open until there is agreement between the school and the authority with responsibility for their care that this place is no longer necessary.

K.6 Where a change of care placement necessitates a change of school, education and social care colleagues should work closely to identify appropriate education provision simultaneously. There is a duty to ensure that children and young people who are looked after are re-engaged with education within twenty days.

K.7 The Education (Admission of Looked After Children) (Wales) Regulations 2009<sup>20</sup> requires admission authorities to give children looked after by a Welsh local authority priority for school admissions in its oversubscription criteria for their admissions. The Regulations require admissions authorities to admit a looked after child to a chosen school when an application is made outside the normal admission round. The admission authority cannot refuse to admit the child unless doing so would seriously prejudice the efficient education or the efficient use of resources. An admission authority that wishes to refuse admission of a looked after child must make a reference to the Welsh Ministers for determination within seven days of the application being made.

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<sup>18</sup> Regulation 11 of the Children's Homes (Wales) (Miscellaneous Regulations) 2007

<sup>19</sup> The Children and Young Person Act 2008

<sup>20</sup> [http://www.opsi.gov.uk/legislation/wales/wsi2009/wsi\\_20090821\\_en](http://www.opsi.gov.uk/legislation/wales/wsi2009/wsi_20090821_en)

### **Good Practice - A local approach**

In Wrexham when a child or young person ceases to be looked after and is returned to parents (particularly from an out of county placement), the LAC Co-ordinator ensures that they inform the authority's Education Welfare Service to ensure that the child and their parents are supported to re-engage with appropriate education provision.

### **Unaccompanied Asylum Seekers**

K.8 Separate data on unaccompanied asylum seekers (UASC) in Wales is not currently available as this data is not currently collected by the Home Office. A snapshot survey undertaken by the Welsh Assembly Government in 2009 indicated that there were 140 UASC being supported by local authorities in Wales. Cardiff, Wrexham and Monmouthshire accounted for four fifths of this total.

K.9 The responsibility for the provision of support and basic services to unaccompanied children or young people under the age of eighteen who do not have a relative or guardian in the UK currently remains with the local authority in whose geographical area they first seek help. These children and young people are often highly vulnerable and may have language barriers, as well as emotional and psychological needs from possible trauma because of events witnessed. They may have had little previous schooling. These factors are likely to present local authorities and schools with considerable challenges. There needs to be close multi-agency working with other local authority departments and non-statutory agencies to ensure that additional specialist support is provided to address need so that these children and young people can engage effectively in education. There needs to be good communication and referral routes between the Unaccompanied Asylum Seeker team and the designated CME Officer or EWS in order that they can ensure that these children and young people are monitored and remain in view.

## **L Children and young people who are privately fostered**

L.1 The Victoria Climbié Inquiry recommended that the Government take further steps to strengthen safeguards in respect of private fostering arrangements as a child safety issue<sup>21</sup>. Private fostering is defined in the Children Act 1989 as a child under the age of 16 (or under 18 if disabled) being placed for 28 days or more in the care of someone who is not the child's guardian, or close relative, by private arrangement between parent and carer.

L.2 The Welsh Assembly Government leaflet on private foster care 'Do you look after someone else's child'<sup>22</sup> describes scenarios such as 'children sent to this country for education or health care by birth parents living overseas' as just one of the situations in which a private fostering assessment may be required.

L.3 A review of Welsh Local Authorities arrangements for private fostering undertaken by the Care and Social Services Inspectorate in 2008 dispelled the traditional view about the situation and backgrounds of children and young people who are privately fostered. Although a few children and young people had been sent to Wales to stay with friends and attend school most in private fostering arrangements did not fit this traditional picture. These included those:

- subject to court bail;
- estranged from parents and staying with friends' parents;
- cared for by partners of now deceased relatives or by neighbours following the death of an elderly carer;
- abandoned with queries about their immigration status;
- whose parent was in rehabilitation or otherwise unable to manage the child's needs;
- parental illness and child young carer; or
- sent to the UK to work.

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<sup>21</sup> <http://www.victoria-climbie-inquiry.org.uk/finreport/6recommend.htm> recommendation 11

<sup>22</sup> <http://wales.gov.uk/topics/childrencyongpeople/childrenfirst/publications/fostercarers/?lang=en>

L.4 The most recent data available on the numbers of privately fostered children and young people in Wales indicates that from April 2007 to March 2008 there were 73 new supervised private fostering arrangements; 10 of these arrangements relate to children born in other countries.<sup>23</sup> The review undertaken by CSSIW identified 44 privately fostered children in Wales as at 31 December 2007<sup>24</sup>. The evidence from the review indicates that although numbers are small the majority of these children and young people are extremely vulnerable.

L.5 All adults (unless they are family members as defined by the Children Act 1989) who are caring for children from abroad are required by law<sup>25</sup> to notify the local authority of a private fostering arrangement (at least 6 weeks before otherwise immediately, certainly within 48 hours of the child arriving to stay) and must be subject to a private fostering assessment to ensure that they are suitable and safe carers. This is an essential safeguard for children and young people who are already vulnerable because they are without the care and protection of their parents or a legal guardian.

L.6 CSSIW's review found that the overwhelming majority of private fostering placements were not identified as a result of the notification system, but instead following intervention by social services in the course of their fulfilling other responsibilities or by referral from other agencies.

L.7 Private fostering can potentially mask child trafficking, when traffickers use the arrangement to formalise having a trafficked child in their home as a 'fostered' child. It is therefore imperative that the possibility of child trafficking be considered when making an assessment of a private fostering arrangement.

L.8 Social Service departments need to ensure that the Education Welfare/designated CME Officer is aware of these arrangements to ensure that the child or young person is tracked into suitable provision and monitored regularly.

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<sup>23</sup> WAG Statistics for Wales (2008C) Fostering and Adoption Intermediary services, year ending 31st March 2008)

<sup>24</sup> Review of Welsh Local Authorities Arrangements for Private Fostering 2008. Care & Social Services Inspectorate Wales. (CSSIW) ISBN 9780750450140

<sup>25</sup> Regulation 3 of the Children (Private Arrangements for Fostering) (Wales) Regulations 2006

## **M Young parents and pregnant young women**

M.1 Research indicates teenage pregnancy is linked with increased risk of poor educational, social, economic and health outcomes for both mother and child. They have a higher than average risk (and higher than others with a similar socio economic background) of not completing their education with most school age mothers and fathers leaving school at 16 with few or no qualifications.

M.2 We would recommend that schools notify the local authority or the EWS of all pregnant pupils at the earliest opportunity for monitoring purposes and to ensure their access to education and support in order for them to re-integrate or continue their education following the birth. This includes linking with appropriate support services to identify and provide support for each parent's needs and support to overcome obstacles to learning.

M.3 Pregnancy is never a reason for exclusion from education and health and safety should not be used as a reason to prevent a pregnant pupil attending school. It is not a reason for removal from the school roll. Schools, in liaison with their allocated/ named Education Welfare Officer/Teenage Pregnancy Coordinator, must fully investigate all cases of non-attendance at school and must never remove a pupil from roll until they have evidence that this investigation has been carried out.

M.4 Comprehensive guidance on LEA duties, responsibilities of schools, educational provision for young parents and pregnant young women is contained in The Welsh Assembly Government's Inclusion and Pupil Support, Section 2.

### **Good Practice - A local approach**

Wrexham's 'Cyfle' Young Mother's pupil referral unit provides an integrated service with Wrexham Maelor Hospital Midwifery Service, offering GCSE education and other support to all pregnant or school age mothers with an on-site crèche. The girls remain there for about a term and a half after they have had their babies, after which time they will generally return to school although some will find that this is not possible. They will instead remain at 'Cyfle' until the end of Year 11 and sit GCSEs there, with the unit achieving a very good success rate. The majority of girls are from Wrexham's schools but the unit does accept referrals from neighbouring authorities.

## **N Children and Young People who have been excluded**

N.1 Children and young people who are excluded from schools should not miss education. Pupils excluded for a fixed period return to their school at the end of their exclusion. The Children's Commissioner for Wales and the National Behaviour and Attendance Review highlighted that the number of exclusions from schools is likely to be far higher than official figures, due to the use of unlawful exclusion practices. In *Behaving and Attending: Action Plan Responding to the National Behaviour and Attendance Review*, the Assembly Government has made a commitment to assess and follow up with local authorities information collected by the Children's Commissioner for Wales on unlawful exclusions. In addition, there is a commitment to carry out a review of provision of Education Otherwise than at School (EOTAS) which will address a number of issues including the variety and quality of provision across Wales in order to develop consistent high quality education for those taught outside mainstream schools, including for excluded pupils. The introduction from 2010 of an Education Otherwise than at School (EOTAS) Pupil Level Annual data collection from local authorities will support these developments.

## **O Children and young people previously educated within the Independent sector who are excluded or withdrawn**

O.1 All independent schools must give due consideration to Welsh Assembly statutory and non-statutory guidance in relation to the safeguarding and education of learners.

O2 There are no requirements for independent and non-maintained schools to notify the local authorities when children of compulsory school age leave the roll or to inform them of the destination where this is known to them, but we would strongly encourage local authorities to look to develop protocols for information sharing on pupil movements and establish referrals from the independent school sector.

## **P Young Carers**

P.1 Young carers are defined as children and young people who help look after a member of the family, who is sick, disabled, has mental health problems or is affected by substance misuse.<sup>26</sup>

P.2 In Wales, the 2001 Census recorded that there were approximately 860 children and young people under 18 years old providing more than 50 hours of care a week. Of these children, 240 were of primary school age. Children and young people who provide less than 50 hours of care a week are still regarded as young carers.

P.3 Research involving young carers shows that they provide a considerable amount of care for parents and other children.<sup>27</sup> Those caring responsibilities can infringe the ability of young carers to exercise their rights as set out in the United Nations Convention on the Rights of the Child including the right to education, to relax and play and to have their views respected.

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<sup>26</sup> Welsh Assembly Government. Children and Young People's Well-being Monitor for Wales. 2008 <http://wales.gov.uk/about/aboutresearch/social/ocsropage/2008monitor?lang=en>

<sup>27</sup> Full of Care (June 2009) undertaken by Powys Carers on behalf of the Children's Commissioner for Wales. The research was led by young carers themselves, gathered the views and opinions from nineteen of Wales' 22 young carers projects. [http://powyscarers.org.uk/s/index.php?option=com\\_content&view=category&layout=blog&id=7&Itemid=66](http://powyscarers.org.uk/s/index.php?option=com_content&view=category&layout=blog&id=7&Itemid=66)

P.4 Schools should work with local authorities and voluntary agencies to ensure that they are aware of the range of help and support available to young carers and consider designating a member of staff to have responsibility for young carers. They should also contribute to schemes that support them, working with local authorities and voluntary agencies.

P.5 Section 17 of the Children Act 1989 places a duty on local authorities to safeguard and promote the welfare of children and young people in their area, through the provision of services, and where possible, to promote the upbringing of children within their families. Any referrals to, or discussions with, outside agencies should be undertaken sensitively, recognising that a child or young person may fear being “put into care” if the parents are seen as unable to cope.

P.6 The Welsh Assembly Government has produced a training resource for schools ‘Caring for Young Carers’<sup>28</sup> to help schools identify, approach and help young carers. Further information is also contained in the Assembly’s Inclusion and Pupil Support, section 2.

## **Q Children who are on the child protection register**

Q.1 All services and agencies have a responsibility for children who are subject to a Child Protection Plan. If a child subject to a Child Protection Plan goes missing, the Child Protection Co-ordinator must be informed immediately by the agency that has raised the concern.

Q.2 If at any time there are concerns about a child’s welfare, and in particular if it is considered that a child may be, or is, suffering significant harm, established Local Safeguarding Children Board procedures must be followed.<sup>29</sup>

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<sup>28</sup> <http://Wales.gov.uk/topic/health/publications/socialcare/carers/carersreport3?lang=en>

<sup>29</sup> Safeguarding Children: Working Together Under the Children Act 2004 - ISBN 0 7504 8910 3

## **R Children and young people who may be victims of crime - unexplained absence**

R.1 There are also some circumstances when a child or young person is absent without explanation. Most cases are relatively minor whereby the child or young person returns home quickly or is not believed to be in any serious danger. However, there are more serious cases, including those where a child or young person may become a victim of crime, such as being abducted by his/her parent, or abduction by a stranger. It is best practice for the school to contact parents on any day a pupil is absent without explanation (i.e. first day calling), including in cases where the child or young person skips lessons after registration. By contacting parents/carers the school also ensures that they are aware that their child is not in school enabling any parent/carer to take steps, where necessary, to establish that their child is safe.

R.2 When contacting parent/carers, if there is no answer; or

- the person who answered is not the parent/carer and the school is not reassured that the child or young person is at home or known to be safe; or
- the parent/carer answered but their child is not with them and they are unconcerned;

The designated member of staff for Child Protection should consider the degree of vulnerability of the child or young person, to ascertain whether it is appropriate to make a referral to social services and/or the police. Assessing vulnerability requires a combination of professional knowledge and experience of child welfare issues and knowledge of local circumstances.

***Appendix 7 contains an 'Assessing Vulnerability Form' which has questions that may assist in making the decision to refer to social services.***

## S Young Runaways

S.1 Where a child or young person regularly goes missing from home, they are vulnerable not just to missing education, but also in relation to both safeguarding and criminal justice issues. Research shows that the main causes of running away are family conflict and personal problems such as relationships, substance misuse, mental health problems, bullying and school truancy. Whatever the reason, running away is often a sign that something is wrong in the child or young person's life and a response must be made quickly. It is also important to recognise that another trigger for children or young people going missing might be that they are being subjected to abuse, and in these instances the local child protection arrangements must be instigated with the relevant authorities.

S.2 The risks faced by young people are the same regardless of how often they have run away from home. Runaways are five times more likely than their peers to have problems with drugs, are seven times more likely to have been physically abused and nearly half of sentenced prisoners report having run away as children. One in fourteen will end up begging, stealing or getting involved with drugs and prostitution<sup>30</sup>.

S.3 Schools, because of daily registration have an important role to play in identifying when a child or young person is missing from school. Education services also have an essential prevention/early intervention role to play in informing children and young people about the causes and risks of running away and about the services available to them for support.

S.4 LSCBs will have established protocols and detailed procedures in place for schools to follow regarding children or young people missing from care or who are looked after, are subject to a child protection plan or known to a statutory agency because there are developing concerns for their safety. This will involve notifying Social Services and the designated social worker or team manager.

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<sup>30</sup> 'Young Runaways' Social Exclusion Unit 2002

S.5 In all other cases the head teacher should inform Social Services and the Education Welfare Service, of all young people whose whereabouts are unclear or unknown or if there is any suspicion that the child or young person may have run away. Education Welfare will make enquiries, including a home visit, and liaise with social services, the local authority child protection officer and the police to ensure the child or young person is reported missing.

S.6 Further guidance can be found in Safeguarding Children: Working Together under the Children Act 2004, Chapter 9.

## 4 Cross Border and Partnership Working

### **Making an enquiry to another local authority**

4.1 In the first instance an enquiry via the phone should be made. Secure systems should be used to appropriately share personal information. If an address for a child or young person is being provided then the correct person at the other local authority should be identified first. If further information needs to be sent - secure messaging is available using s2s. The Welsh Assembly Government will update regularly and provide local authorities with national CME contacts.

4.2 Local authorities should not make “blanket” enquires by email or via the messaging function on s2s. Contacting all local authorities with a list of children asking them to search their databases is seen as poor practice and the majority of local authorities will ignore this request, as it is time consuming with little reward. Best practice is for local authorities to carry out thorough local checks in their own authority area as other agencies or classmates of the missing child or young person may have information as to a broad geographical area that the family has moved to. Authorities can then target more specifically areas that they believe to be linked to the child or young person that they are looking for.

4.3 In areas where children and young people commonly travel outside the local authority to attend schools, or where there is an established seasonal migration of families, local authorities should develop protocols with their neighbours to track these learners particularly at transition points.

***Appendix 8 contains a suggested form for local authority enquiries.***

## 5 Information and data sharing processes

5.1 Sharing information is vital for early intervention to ensure that children and young people get the services they require, including educational support. It is also essential to protect children and young people from suffering harm from abuse or neglect, and to prevent them from offending. Agencies and professionals have an individual and collective responsibility to provide a duty of care to them.

5.2 In providing that duty of care, there is also a duty to share and exchange information, particularly in terms of child protection. In these circumstances there should be no barriers to the sharing and exchanging of information so that a proper assessment can be made to identify vulnerability, needs and most importantly risks, so as to inform an appropriate course of action.

5.3 In order to ensure that the Human Rights Act is also complied with, and particularly Article 8 of the European Convention, any information sharing would need to be necessary, proportionate and in accordance with one of the legitimate aims set out in the Article, e.g. protecting the rights of others. So far as the common law of confidentiality is concerned, in the absence of consent, there would need to be an overriding public interest to justify disclosure - this would for example ordinarily include situations where there is a risk to the protection or well-being of the child without the information being shared.

5.4 Agencies and practitioners are under various obligations to assist and work together with other agencies in seeking to protect children from harm and meet their needs. This will often include the need to share personal information in relation to children and young people. Practitioners are often concerned about compliance with the Data Protection Act and the Human Rights Act 1998 which can lead to a risk averse approach to information sharing. In order to overcome this, local authorities should seek to develop an Information Sharing Framework which clarifies the circumstances under which information can and should be shared between the agencies that support children and young people. However, the absence of specific information sharing agreements or consent does not mean that information cannot be shared between agencies

where a child's well-being is at risk. It is still appropriate to share personal information without breaching the Data Protection Act provided that it is necessary to do so to carry out statutory functions.

**Data may be shared without consent where there is reasonable concern that a child may be at risk of significant harm and it can be shown that sharing information is 'necessary in order to protect the vital interests of the data subject'. These circumstances may override a professional or agency requirement to keep information confidential. The All Wales Child Protection Procedures should then be followed.**

These functions include:

5.5 The Children's Act 1989 states that all public agencies should work together to exchange and share information for the welfare and protection of children in the area.

5.6 The Children Act 2004 imposes a specific duty to co-operate to improve children's well-being (s.25) and implies a duty to share information for strategic planning, and to put in place arrangements to facilitate sharing information about individual children to improve their well-being.

5.7 Section 28 of the 2004 Act also contains a duty to safeguard and promote the well-being of children (also included in the Education Act 2002).

5.8 Section 27 of the Children Act 1989 states that a local authority may request help from any local authority and other agencies in exercising their duty to provide support and services to children in need and that Education staff have a duty to gather information regarding concerns.

5.9 Sections 25 and 28 of the Children Act 2004 and 2006 Education and Inspections Act require the Authority and agencies to work together to improve the well-being of children and to safeguard and promote the welfare and well-being of all children. Children who are missing in education are at risk of social exclusion

and are unlikely to be able to achieve in the future without having consistent educational provision

5.10 Section 2, Local Government Act 2000 places a responsibility on local authorities to promote the economic, social or environmental well-being of children and families in the area. This includes the elimination or reduction of risk factors.

5.11 Section 115, The Crime and Disorder Act 1998 authorises (but does not require) relevant authorities to disclose information where it is 'necessary or expedient' for the purposes of prevention or reduction of crime and identification and apprehension of offenders or suspected offenders.

5.12 Safeguarding Children: Working Together under the Children Act 2004 provides guidance on information sharing in respect of children and young people. It covers all services, including health; education; early years and childcare; social care; youth offending; police; advisory and support services and leisure.

<http://wales.gov.uk/topics/childrenyoungpeople/publications/safeguardingunder2004act;jsessionid=RJvCKydbY6xdtL6pb4KGwkc7lx8Bm0htDstlL42PqT3KyF023WYb!-826231897?lang=en>

5.13 Wales Accord on the Sharing of Personal Information (WASPI) guidance has been developed by the Care and Social Services Inspectorate Wales to enable service-providers and other organisations directly concerned with the well-being of an individual to share information between them in a lawful and intelligent way.

5.14 It applies to all public sector organisations, voluntary sector organisations and those private organisations contracted to deliver relevant services to the public sector and who provide services involving the health, education and social well-being of people in Wales. In particular, it concerns those organisations that hold information about individuals and who may consider it appropriate or necessary to share that information with others. Examples of strategic information sharing agreements and templates for information sharing protocols are available on the website that

may be helpful to authorities and organisations looking to develop these. <http://www.wales.nhs.uk/sites3/home.cfm?orgid=702>

## **Privacy Notices**

5.15 The Information Commissioner has recommended that the term 'Fair Processing Notice' be replaced by 'Privacy Notice'. It is suggested/recommended good practice that local authorities amend these to state that the local authority may share data with other local authorities where necessary to assist them to fulfil their duties, e.g. to ensure that children and young people are not missing education.

## **Recording actions**

5.16 Care should be taken to record all the steps taken to locate a child; information known or received, date and time, people spoken to, decision and actions - and the reasons for taking them, should be recorded contemporaneously. If the child is subsequently reported missing to the police, or is found to be a victim of crime, full records will be required. These may also be required in the event that a Serious Case Review (SCR) is subsequently carried out.

5.17 Try to ensure that information is recorded in a format that enables it to be passed on to other services to assist in searching in other areas.

5.18 As with all learner records, data should be kept confidential and stored safely.

***Appendix 9 and 10 contain examples of 'Children Missing Education' Checklists Appendix 9 - Checklist for Schools and Appendix 10 - Checklist for local authorities/EWS***

## Data Systems

5.19 There is no requirement to set up new IT systems for children or young people not receiving a suitable education, but local authorities should consider ways of using existing Management Information Systems (MIS) or setting up spreadsheets that are able to record the following information:

- child or young person's personal details;
- date left educational provider without known destination or date identified and referred in if new to area;
- last known educational placement; and
- provision recommended and accessed.

5.20 It is advisable that there should be regular monitoring of processes, numbers and progress into provision by senior management, Elected Members and Children and Young People's Partnerships or LSCBs depending on local arrangements. It is also useful to assess trends and ensure that appropriate provision and support services for vulnerable groups is acknowledged in strategic planning and development work.

## 6 Responsibilities and Actions for schools and local authorities

6.1 The local authority should ensure that all schools are made fully aware of both their responsibilities in relation to children and young people missing education and that local procedures are being consistently applied by schools to re-establish contact and gather information regarding the learner moving or transferring schools. They should work with schools to develop and implement models of good practice and ensure that schools are properly supported to meet these responsibilities.

6.2 Schools are in a position to identify problems and issues quickly, the potential for future problems and intervene effectively, working with other services where necessary. Due to the daily contact that they have with children and young people, they are well placed to notice when a child or young person has gone missing.

6.3 Children missing education is a safeguarding issue. To ensure that schools put in place effective systems for monitoring children and young people missing from education they should have a designated Child Protection Co-ordinator who is made aware of any 'children missing' (and in any case when absence is erratic as this may indicate risk or concerns). They should be responsible for ensuring that the procedures for making the authority aware of the problem have been followed.

6.4 Schools should have clear child protection guidelines about the action to take should they become concerned about the whereabouts of any child or young person.

6.5 Governing bodies are accountable for ensuring that their school has effective policies and procedures in place to safeguard and promote the welfare and well-being of children and young people in accordance with the Welsh Assembly Government's guidance 'Safeguarding Children in Education'<sup>31</sup>, and for monitoring its compliance with them. All schools should ensure that the governing body (or proprietor in the case of independent schools) designates a governor to take responsibility for child protection matters.

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<sup>31</sup> Safeguarding Children in Education: The role of local authorities and governing bodies under the Education Act 2002. Circular No 005/2008

6.6 When a child or sibling group appear to have gone missing or are withdrawn from a maintained school in Wales without the parent/carer giving notice or without the school being advised of a new school, the school should try to make contact with the parents/carers. If these efforts fail, the school should notify the Education Welfare Service promptly who will then work with the school and make every effort to try and identify the child or young person's current whereabouts/destination as soon as it is suspected that the period of absence is unusual in any way.

***Appendix 11 contains suggested good practice advice - guidance on actions for schools and timeline advice.***

6.7 Head teachers and education welfare officers must make every effort to trace the child or young person. Consideration should be given to:

- the length of non-attendance;
- the level of concern;
- the perceived risks to the child or young person who is absent.

6.8 School actions and speed of response will depend on the level of perceived vulnerability of the child or young person. Assessing vulnerability requires a combination of professional knowledge and experience of child welfare issues and knowledge of local circumstances. When in doubt, schools must consult with the member of staff designated to take lead responsibility for dealing with Child Protection issues.

***Appendix 7 contains an 'Assessing Vulnerability Form' which may help to make the decision to refer.***

6.9 In cases where there are no specific concerns, an agreed plan of action for the school Education Welfare Officer and other agencies that may have contact with the child or young person can be formulated. This will include carrying out a local search

within a required time frame, with appropriate follow up actions if a child is not found within the authority area.

***Appendix 9 and 10 contain examples of 'Children Missing Education' Checklists Appendix 9 - Checklist for Schools and Appendix 10 - Checklist for local authorities/EWS***

6.10 These could include investigations with:

- social services;
- neighbourhood and housing;
- education welfare services in neighbouring local authorities.

### **Good Practice - A local approach**

Swansea had concerns over a family who had disappeared very suddenly and had failed to locate them after extensive enquiry. They contacted the Family Health Service Authority (FHSA) to enquire whether they could provide any assistance in identifying the family's whereabouts. The FHSA were able to confirm that the family had registered with a GP in a new area but were unable to pass any personal information or details other than to confirm the new local authority area that the family were residing in. Swansea was then able to follow this through with Education Welfare and admissions in that local authority.

6.11 In cases where there are specific concerns about a child or young person, a more pro-active and rigorous approach must be undertaken. This will include vulnerable children and young people:

- who have a record of poor school attendance; or
- where there is evidence of poor or inappropriate parenting.

6.12 The unexplained, continuous absence of any child or young person whose name is on the Child Protection Register or where there are particular child protection concerns **must be treated as the highest priority** and schools should immediately notify their local authority social services.

6.13 For most families, moves and changes of school are planned events and information could be gathered regarding the proposed move or school transfer. It may be helpful in tracking children and young people and save time later, if the parent can be asked to complete a form to provide this information.

Schools may find it helpful to include this form in their attendance policy and their admission pack for parents, and refer to it in the home-school agreement as well as reminding parents in school newsletters.

***Appendix 12 contains an example 'leaving school notification form' (this could also be made available in the main community languages).***

## **The use of the School to School Data Transfer Website (s2s)**

6.14 All maintained schools in Wales have a statutory responsibility to use the Common Transfer System (CTS) for England and Wales to transfer specific information electronically, via the 'school2school - s2s' website when a pupil joins or leaves a school<sup>32</sup>. The s2s website is a secure website, which is operated by the DCSF on behalf of all maintained and independent schools in England and Wales. It was set up in to enable schools to post standardised data about individual pupils (such as assessment results and attendance) to the website, for retrieval by the pupil's new school, or by a local authority.

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<sup>32</sup> The Education (Pupil Information) Wales Regulations 2004 require schools to maintain data on pupils who are on their roll and to pass that data to the receiving school when a child leaves

## **Procedures for the use of School to School data transfer website (s2s)**

6.15 If a school knows which school a child or young person is moving to, it must ensure that an electronic Common Transfer File (CTF) is sent to the receiving school via s2s as quickly as possible, but no later than fifteen school days after the pupil ceases to be registered at the previous school.

6.16 If the child or young person has left school without a known destination and both school and the Education Welfare Service have followed procedures and all 'reasonable efforts' to locate them have been unsuccessful, then, after four weeks, the school, in consultation with the local authority should remove the child or young person's name from its roll and create a "lost pupil" common transfer file (CTF) with XXXXXXXX as the destination. This CTF should then be uploaded onto the s2s secure site where it will be held in the 'Lost Pupil' area.

***Appendix 13 and Appendix 14 contains examples of suggested good practice advice for the notification of the removal of pupils from the register.***

### **Good Practice - A local approach**

In Swansea, if after 4 weeks of unexplained absence and following investigation by the Education Welfare Service, a child or young person's whereabouts has not been determined, the school MUST inform the Education Information Team that the child has been removed from the register via e-mail. The Team will update the local authority's management information system to show the child or young person as 'Missing Education' from the date they were taken off-roll. The school should also confirm that a CTF has been sent to the lost pupil area of s2s using code XXXXXXXX.

6.17 It is important to note that any CTF sent to the Lost Pupil area of the s2s site can contain details of only one pupil.

6.18 If it is confirmed that a child or young person has moved into the independent sector, is electively home educated or at a destination incapable of receiving a CTF (e.g. abroad) then the school should place a CTF on the s2s website with the code MMMMMMMM as the destination. This enables the CTF to be stored securely and to be available if the pupil returns to a maintained school at a later date.

6.19 If a file is sent to a known school or LA but comes back as rejected by that school or LA these must be treated as the child now being missing from education and should be uploaded using the code XXX XXXX to the Lost Pupil area of the s2s site as above.

6.20 Schools must check s2s regularly to look for CTF's of new pupils, which have been sent to them. If a new pupil is admitted to a school without a CTF, schools should contact the s2s Administrator in their LA to request a search of the Lost Pupil area of the s2s site for a matching record using names or former names, date of birth and gender. The pupil's CTF can then be forwarded to them.

6.21 If a school has previously sent a CTF to the Lost Pupil area of the s2s site and is then contacted by a school at which the lost child has subsequently registered then they should inform the new school to request that their LA download the original CTF from the Lost Pupil area of the s2s site. They **should not** create a new CTF and send it directly to the new school.

6.22 It is useful to remind schools that when a child or young person leaves with a known destination that this should be recorded on the school's Management Information System when a pupil leaves a school. Schools should not record pupil movements as 'moved house' or 'gone out of area'. If the destination is unknown it should be recorded as 'unknown' and confirmation recorded that the 'Education Welfare Service has been notified'. Under no circumstances should this field be left blank. This will help to ensure more efficient central tracking of pupil movement.

6.23 It is recognised that these procedures will only function effectively if **all schools in Wales** are committed to the principle that:

*WHENEVER A CHILD OR YOUNG PERSON JOINS OR LEAVES A SCHOOL THEN A COMMON TRANSFER FILE **MUST** ACCOMPANY THAT CHILD TO THE NEW SCHOOL.*

6.24 Further guidance on the use of the Common Transfer System can be found in the Welsh Assembly Government's guidance circular 18/2006 on Educational Records, School Reports and the Common Transfer System.

<http://new.wales.gov.uk/publications/circular/circulars2006/1552927/?lang=en>

### **Children and Young People at Risk**

6.25 In exceptional cases it may not be considered appropriate to pass on details of a child or young person's history to a new school. 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 where it may put a family at risk; when escaping a violent partner; or when the family is in a witness protection programme and do not want the previous school to know where they have gone.

6.26 As part of their new identities these children and young people should be issued with new permanent UPNs and no previous UPN must be recorded under "Former UPN".

6.27 If the LEA is aware of these circumstances then they could safely download the CTF from the lost pupil area and change the sending school number to their own LEA before forwarding. They should also remove any identifying information from the child or young person's records within the CTF.

### **Good Practice - A local approach**

In Swansea once a child or young person has left without a known destination and enquiries by the school and Education Welfare Service have been failed to locate them, the Education Information Team will circulate a list of children and young people shown on the local authority's MIS as 'Missing Education'. This list will be circulated for checking by partners including Social Services, The Police, Health, EMAS, Education LAC Co-ordinator, Child Protection, School and Governor Unit. They will stay on this list until either; they are located or they become 18 years of age.

### **Good Practice - A national approach**

#### **Matching Lost Pupil data against PLASC**

On a bi-annual basis the Welsh Assembly Government matches all CTF's (uploaded by Welsh local authorities) in the Lost Pupil area of the s2s site against PLASC data to see if any 'lost' pupils have since enrolled at Welsh schools. If any pupils are matched, details will be provided to the uploading authority so that they can close outstanding and unresolved cases of children missing education. Authorities will be asked to download CTF's and check that schools have received these and where they have; they will be required to delete the duplicate files. It will also help identify schools that the LA may need to provide additional training to in relation to data transfer and the use of the Common Transfer System.

### **Regulations about when a school may delete a pupil's name from its Admissions Register**

6.28 The Education (Pupil Registration) (Wales) Regulations 1995, regulation 11 gives the Education Welfare Service (or any officer of the local education authority authorised for the purpose) a statutory duty to inspect school registers and ensure that they are being

kept in accordance with regulations. This should include **regular monitoring of pupils who have been removed from roll** to ensure that the legislation on this matter is followed and to ensure that no child or young person is allowed to disappear from a school roll (unless it follows normal transfer from KS2 to KS3 or at the end of compulsory education). Schools should act responsibly in this matter in terms of the safeguarding agenda and the duty to ensure that the whereabouts of all children are known.

6.29 Schools are provided with clear guidance as to when they can delete pupils from their admissions register. The circumstances are outlined in Regulation 9 of the Education (Pupil Registration) Regulations 1995 and The Education (Pupil Registration) (Amendment) (Wales) Regulations 2001. The Regulations list the following as the prescribed grounds on which the name of a pupil of compulsory school age shall be deleted from the Admission Register (and therefore from the Attendance Register):

- i. the pupil is registered at the school in accordance with the requirements of a School Attendance Order and another school is substituted by the LEA for that named in the Order, or the Order is revoked;
- ii. the pupil has been registered at another school;
- iii. the school has received written notification from the parent that the pupil is receiving education otherwise than at school;
- iv. the pupil has ceased to attend the school and no longer resides within a reasonable distance from the school; each case should be referred to the Education Welfare Service/Officer for investigation before removal from the school roll;
- v. the pupil has been granted leave of absence exceeding 10 days for the purpose of a holiday and fails to attend school within 10 days immediately following, and the school is not satisfied that the absence is caused by sickness or any unavoidable cause;
- vi. the pupil 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;

- vii. the pupil has been continuously absent from the school for a period of not less than four weeks and both the proprietor of the school and the local education officer have failed, after reasonable enquiry, to locate the pupil;
- viii. the pupil has died;
- ix. the pupil will cease to be of compulsory school age before the school next meets and does not intend to continue at school;
- x. in the case of a pupil at a school other than a maintained school, that they have ceased to be a pupil at that school;
- xi. Where the pupil is registered at a maintained school, that they have been permanently excluded from and the permanent exclusion of a pupil does not take effect until the governing body have discharged their duties under section 66 of the 1998 Act, and:
  - a. The relevant person has stated in writing that he or she does not intend to appeal under Section 67 of the 1998 Act;
  - b. The time for bringing an appeal has expired and no appeal has been brought forward within that time; or
  - c. an appeal brought within that time has been determined or abandoned.
- xii. where the pupil has been admitted to the school to receive nursery education and has not, on completing such education, transferred to a reception class at the school.

***Removal from roll for any reason other than those specified above is unlawful.***

**Although the Education (Pupil Registration) Regulations 1995 state that a child may be deleted from roll after 20 school days of continuous absence without good reason (10 school days if returning from holiday late) there is a clear responsibility to ensure that the correct procedures of investigating this absence has been followed as any**

**child missing from education may raise potential child protection issues.**

**If schools believe a child or family to have gone missing they should NOT remove any child from their roll without following the checklist procedures (appendix 9) and referring to the Education Welfare Service.**

**The pupil should remain on the school register until all reasonable enquiries are completed even if this means that the pupil will amass more than 20 days absence. The outcome of the school and local authority's attempts to trace the pupil will dictate the next steps and whether it is appropriate for the child to be removed from the roll of the school. If they are unable to find the pupil they must refer the case to the appropriate agencies. It is important that all of the steps outlined above are clearly documented to ensure that there is a clear audit trail of the steps which have been taken to locate the child. Only once the Education Welfare Service has completed their enquiries and advised the school in writing should the school remove a pupil from the roll.**

*Appendix 13 and Appendix 14 contains examples of suggested good practice advice for the notification of the removal of pupil from the register.*

### **Actions a school should take when a pupil's name is deleted from the Admission Register**

6.30 When a pupil's name is deleted from the Admission Register the school should clearly indicate the date and the reason for the removal from roll. In the event of a pupil moving to another school the name of the school should be indicated and the pupil's records must be sent to the new school within 15 school days.

6.31 When a pupil's name has been deleted from the register, the school must create a CTF and follow the procedures outlined above.

***Appendix 13 and Appendix 14 contains examples of suggested good practice advice for the notification of the removal of pupil from the register.***

***Appendix 15 contains a table which is intended to provide a working tool that may be of assistance when making the decision to delete a pupil's name from the admissions register.***

6.32 The table in Appendix 15 contains circumstances which allow/dictate that a pupil should be removed from the school roll, when school staff should carry out the process and what date the pupil should be shown as coming off roll.

## **Good Practice - A national approach**

### **Year 10/11 matching against PLASC data**

The Welsh Assembly Government will perform an annual matching of PLASC data to identify pupils who were in the previous Year 10 returns but who do not appear on any Welsh PLASC return (any school or any year group) in the following year's return as this has been highlighted as a potential fall out point for vulnerable pupils or those with poor attendance. Local authorities will be asked to cross reference this data to check that pupils did leave school with a known destination and that schools are adhering to regulations with regards to deletions from the register.

## **What to do when a child or young person is located - follow up procedures**

6.33 Identifying children and young people missing education is only part of the task; placement in appropriate provision is an equally important element.

6.34 Once a child or young person has been located local authorities need to have systems and procedures in place to broker provision to ensure that the child or young person gains access to and (re)-engages with the most appropriate educational provision as quickly as possible and that any needs identified during this process are appropriately supported in a broad sense by the most appropriate agency/agencies.

6.35 Multi-agency panels to place children and young people into provision provide authorities with a useful and practical way to identify appropriate provision and support, track progress and alert Senior Management if there are concerns about delays, inability to meet the child or young person's needs or refusal to engage with provision.

## **Maintaining contact**

6.36 Once the child or young person has been placed with an educational provider, their attendance should be monitored (by the local authority getting data from the school or other provider) for a period of at least one term to ensure there is no repetition of the issues that resulted in the child or young person being 'missing'.

## 7 Additional measures to identify and locate missing children and young people

### **School Admissions Services**

7.1 The School Admissions Service has an important contribution to make in ensuring all children and young people are on a school roll and attending school.

7.2 A Statutory Code on school admissions came into force on 15 July 2009. Each local authority must establish an admissions forum which has a key role in ensuring a fair admissions system and promulgating advice on admissions.

7.3 In accordance with the School Admission Codes admission authorities for all maintained schools must have regard to any advice published by the admission forum. Forums are now under an obligation to provide an annual report setting out how well the admissions system is operating in the area in question. This report should include what admission arrangements have been put in place to serve the interests of vulnerable children and young people.

7.4 Children or young people may not be on a school roll because a parent has not accepted a school place at a time of normal transition or failed to follow up an application after moving into the LA. They may have been unable to secure a place in their preferred school and fail to take up another offer or they simply may fail to attend having previously accepted a school place.

7.5 It is important that there are a variety of procedures and strategies in place to follow up such circumstances to reduce the opportunity for children and young people to go missing. Good practice measures for the LA and admissions could include the following practices:

7.6 The LA and School Admissions Team should endeavour to reach as many prospective first admission pupils as possible by putting in place data sharing agreements to facilitate the cross checking of children entering statutory provision against partner databases. (e.g. Early Years, Childcare Teams, Health, Special Educational Needs Assessment and Review Team etc). The Education Welfare Service should be informed of those who have failed to take up a school place, in order for further enquires to be made.

7.7 As voluntary aided schools are their own admissions authority, the LA should seek agreement with them to advise the local authority's central school admissions team of all casual/in-year admissions and transfers. This should also include all new to area unsuccessful applications and appeals for a place in their school where the decision is upheld (when a place is not offered), so that the child or young person can be tracked. This is because some parents may not pursue other options for their child's education and such children or young people may become missing. This may happen with transition from Year 6 to Year 7, when parents do not get their first choice option. The Education Welfare Service/ designated CME Officer should follow up all such cases.

***Appendix 16 contains a 'Notification of Appeals Outcome to Designated Children Missing Education Officer/Education Welfare Service'***

7.8 Measures to ensure that the child of any parent who approaches either the local authority or any school for a place (including Reception Year places where the children are not of statutory school age) is tracked to ensure the child obtains a school place and does not become a child or young person missing education by default.

7.9 In cases where schools are regularly oversubscribed, some of the most vulnerable children and young people may have parents who do not persevere, for a variety of reasons, in seeking an alternative school place. This will include tracking all approaches for casual admissions and checking all appeals to follow up those where the appeal has been unsuccessful and the child does not have a school place.

7.10 When parents ring or call in about vacancies, school administrators should be asked to request basic information (child/parents name and contact details etc) that will allow the LA to follow up should the application form not be returned or the child or young person fails to start in any school within the authority.

These procedures represent best practice in terms of working together to promote the welfare of children and young people and support sharing information.

### **Good Practice - A local approach**

Swansea record details of all calls to the authority from parents requesting information on schools in catchment areas and school places. They then monitor school MIS to ensure that the parents follow up applications and check that children appear on school rolls. When this doesn't happen referrals will be made to the Education Welfare Services to follow up.

7.11 Enquiries into the circumstances surrounding a child or young person who is missing from school can be effectively supported by schools adopting an admissions procedure which requires a parent/ carer to provide documentary evidence of their own and the child's identity and status in the UK, the address that they are residing at and ensure that this information is kept up to date. Doubts about the child or young person's age or identity should not preclude or delay their admission to school where a vacancy exists as it is safer for children and young people to be in school whilst further enquiries are made.

7.12 As required under the Admissions Code, admission authorities will work towards having common dates for return of applications and offer letters for school places in the near future. This should make the process of checking when places have been allocated and accepted more streamlined.

### **Transition Checking**

7.13 From September 2007, secondary schools in Wales and their cluster primary schools have been required, jointly, to draw up a Transition Plan, setting out arrangements to provide continuity and progression for learners moving from Key Stage 2 to Key Stage 3. Transition plans will establish a framework for schools to work

together to consider how they can make best use of the information on learners, to improve the quality of teaching and learning for them. Transition planning will inform the early identification process, as well as the action required to ensure that a young person does not remain at risk of dropping out of education at an early age.

7.14 Monitoring the transfer between Key Stage 2 and Key Stage 3 is vital. Admissions, Data Officers (MIS) and schools should work together to ensure checks and systems are in place which ensure all children leaving a primary school are subsequently registered at a new provider and arrive safely.

7.15 There are particular challenges in areas where children and young people leave the maintained sector for the independent sector in high numbers, in areas where children commonly cross boundaries to attend schools in other authorities and in areas of high transience, particularly if children or young people leave schools at other than normal ages of transfer.

7.16 It is important that these checks and procedures are put in place as soon as possible after the beginning of the autumn term.

7.17 As well as being vital to track transitions at KS2 to KS3, the local authority should monitor all children and young people who have ceased to be registered with a provider and monitor progress until they are registered with a new provider.

### **Good practice - A national approach**

#### **Year 6/7 matching against PLASC data**

The Welsh Assembly Government will perform an annual matching of PLASC data to identify pupils who were in the previous Year 6 returns, but who do not appear on any Welsh PLASC returns (any school or any year group) in the following year's return. Details will be provided to local authorities to check that all were followed up during transition tracking exercises undertaken during the autumn term.

Where schools and local authorities have been unable to track a year 6 pupil into a year 7 destination and have subsequently uploaded the child or young person's CTF to the lost pupil area of s2s, the Welsh Assembly Government will match these against PLASC data to see if any 'lost' pupils are in Welsh schools. If any pupils are matched; details will be provided to the uploading authority so that they can close outstanding and unresolved CME cases.

7.18 Local authorities will be asked to cross reference this data to check that children and young people did leave schools with a known destination and that schools are adhering to regulations with regards to deletions from the register.

### **Truancy Sweeps**

7.19 Guidance on Truancy Sweeps is contained in the Welsh Assembly Government's Inclusion and Pupil Support guidance (Circular No 47/2006). [http://wales.gov.uk/topics/educationandskills/policy\\_strategy\\_and\\_planning/schools/339214-wag/inclusionpupilsupportguidance/?lang=en](http://wales.gov.uk/topics/educationandskills/policy_strategy_and_planning/schools/339214-wag/inclusionpupilsupportguidance/?lang=en)

7.20 Many LAs work in partnership with the police to run truancy sweeps which can be highly effective in locating children and young people outside the education system. Sweeps often find small but significant numbers of children and young people who are not on a school roll and may be from families who are reluctant or refuse to engage with the statutory services. Truancy sweeps, when arranged appropriately can therefore be a useful way of making contact with this hard to reach group.

7.21 Those taking part in the sweeps should be aware that there are a range of valid reasons why school-age children and young people may be out of school. In particular, they may encounter children and young people who are educated at home by parents and are therefore not required to be at school.

7.22 No further action should be taken where children or young people indicate that they are home educated unless there is a reason to doubt that this is the case.

7.23 Home-educating parents need to be made aware that professionals involved in truancy sweeps may need to verify any information given to them in these circumstances. To make sure this is a fast and efficient process, it would be advisable that the LA maintains a list of all school-age children known to them who are home-educated. This list can then be checked by LA staff as part of a Truancy Sweep.

7.24 From January 2010 as part of its work in 'plugging the data gaps' the Welsh Assembly Government commenced the requirement for local authorities to provide information on the aggregate number of electively home educated children and young people residing in their areas as part of the statutory EOTAS (educated otherwise than at school) data collection arrangements. The main focus of the data collection is to gather information on individual children of compulsory school age who are funded by the local authority and receive education otherwise than in a maintained school as defined in Section 19(1) of the Education Act 1996 i.e. those children of compulsory school age who, by reason of illness, exclusion or otherwise may not for any period receive suitable education.

***Appendix 17 contains further information on EOTAS.***

## **Elective Home Education**

7.25 Parents have a duty to ensure that their children receive a suitable full time education either by regular attendance at school or otherwise (under Section 7 of the Education Act 1996). Some parents decide, as they are entitled, to provide suitable education by educating their children at home. A significant number of parents choose to exercise their right to educate their children at home for a variety of reasons which could include philosophical, ideological or religious views, while for others it is to meet the

specific needs of a child or young person or dissatisfaction with the system.

7.26 Schools should not encourage parents/carers to educate at home as a way of avoiding a poor attendance record or a permanent exclusion. Educating a child at home is a major undertaking and a full-time responsibility.

7.27 Parents do not need to seek permission from the LEA to begin home education, but must notify the governing body of the school; usually through the head teacher to ensure that their child's name is removed from the school admissions register. However, if a child has never attended school, no permission or notification is required.

7.28 Parents seeking to home educate children or young people registered at a special school, however, must obtain the consent of the LEA to withdraw their child from the school (Education (Pupil Registration) Regulation 9(2), 1995).

### **Responsibilities of the School in relation to Elective Home Education**

7.29 The Education (Pupil Registration) Regulations 1995, Regulation 9, sets out the conditions under which a pupil's name can be removed from the admission register of a school if "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".

7.30 Under Regulation 13 (3), the proprietor of the school must report the deletion of the pupil's name from the admission register to the Pupil Services Section of the LEA within ten school days who should then notify the appropriate officer.

7.31 A CTF should be created by the school with MMMMMMM as the destination and uploaded onto the s2s website. This enables the CTF to be stored securely and to be available if the child or young person returns to a maintained school.

7.32 On no account should pressure be put on parents to remove their child from the school register to avoid exclusion or prosecution.

### **Responsibilities of the LA in relation to Elective Home Education**

7.33 Sections 437 to 443 of the Education Act 1996 place a duty upon local authorities to intervene where it appears a suitable education is not being received. Case law has established that a local authority may make informal enquiries of parents who are educating their children at home to establish that a suitable education is being provided.

7.34 Education authorities should seek to build effective relationships and regular contact with home educators that function to safeguard the educational interests and welfare of children and young people. Doing so will provide parents with access to any support that is available and allow authorities to understand the parents' educational provision. A positive relationship will also provide a sound basis if the child or young person, at some point in the future, returns to mainstream education or if the authority is required to investigate assertions from any source that an efficient education is not being provided. Such an arrangement is likely to help the LEA to fulfil their duties and can help provide new information and support to parents. The frequency with which an authority will contact parents to discuss their ongoing home education provision will vary depending on the individual circumstances of each family.

7.35 There is no legal framework for the LEA to regularly monitor provision of home education nor an automatic right of entry to the parental home to check the standard of education the child or young person is receiving. However, if they have good reason to believe that parents are not providing a suitable education, local authorities are able to serve a School Attendance Order on the parents. This will allow a period of at least 15 days for the parent to provide the authority with whatever information they require to satisfy themselves about the suitability of the education.

## **'Notification of Children or Young Persons Coming to Notice of Police' Form (Form PPD1)**

7.36 A Form PPD1 is generated by the police following any incident where a child or young person comes to their attention and where there is reason to believe that they are at risk. Most of these are where the police have been called to a domestic incident and children or young people are implicated either as members of a household, as witnesses, or as persons involved in the incident.

7.37 The police then send a copy of the form to Social Services where circumstances indicate that a child or children within the household may be at risk of significant harm and where the following circumstances apply:

- an incident where a child or young person is injured;
- an incident of domestic violence;
- an incident where a child or young person has been neglected or inappropriately supervised;
- an incident where parent/carer(s) are found to have mental health problems;
- an incident where parent/carer(s) are found to misuse drugs/ alcohol; or
- an incident where a child or young person may be involved in prostitution.

7.38 Where no school is identified on the form, Social Services should ensure that this matter is referred on to the Education Welfare Service to be checked against Management Information Systems and other pupil databases to try to identify a school or other educational provision; where no school can be found, this would require further investigation.

## **Careers Wales**

7.39 If children or young people have been missing from education particularly at Key Stage 4 they are less likely to have received their entitlement to careers advice and guidance at the usual junctures.

7.40 Careers Wales are important partners in the identification process. Often, young people on turning 16 in Year 11 will turn up at Careers Wales centres with the assumption that they can start work or training (rather than after the last Friday in June in year 11). They may be newly arrived to the area and were poor attendees in their previous schools so may not have applied for a school place or been turned down for a place in their preferred school. They may also arrive in centres requesting advice in claiming benefits if they are homeless or pregnant.

7.41 There are 6 Careers Wales companies operating across the 22 local authorities in Wales. They have cross border arrangements with neighbouring Careers Companies and other partner agencies in order to help keep contact with young people as they move from one area to another (particularly for young people with special needs who may be in placements out of area or those who are looked after). Local authorities should ensure that information about children or young people identified as not being in receipt of a suitable education, awaiting placement, permanently excluded, educated otherwise or in custody is passed to Careers Wales as these children and young people may not necessarily be part of the annual data transfer between the LEA and Careers Wales. If they are not known to Careers Wales they will not be followed up as part of the annual 'Destinations' survey that Careers Wales undertake on behalf of the Welsh Assembly Government. This survey can provide Partners with valuable information on the numbers of young people who are not in education, training or employment and contributes to the development of Keeping in Touch strategies.

## Tool Kit

During the initial development process many local authorities requested advice and guidance on practical ways of best delivering their duty to identify children and young people missing education. The following forms and supplementary advice and information has been identified as good practice from other areas.

Local authorities and schools may wish to consider the adoption of these forms as part of their children missing education policies and procedures.

### Legislation

There are various statutory duties placed upon LAs and parents (supplemented by guidance) relating to the provision of education and the safeguarding of the welfare of children which support the children missing education agenda.

The principal provisions are:

**Section 7 of the Education Act 1996** provides that the parent of every child of compulsory school age shall cause him to receive efficient full-time education suitable to his age, ability and aptitude and to any special educational needs he may have, either by regular attendance at school or otherwise.

**Section 8 of the Education Act 1996** provides that compulsory school age starts on the relevant day on or after a child's fifth birthday and ends on the specified day of the school in which the child's sixteenth birthday falls. Regulations provide that the relevant days are the 31 August, 31 December and that the specified day is the last Friday of June.

**Section 14(1) of the Education Act 1996** provides that a local education authority must make sure there are sufficient schools for providing education in their area. For these purposes, the schools must be sufficient in number, character and equipment to provide all pupils with the opportunity of appropriate education (s.14 (2)). "Appropriate education" means, broadly, education which is desirable in view of the pupils' different ages, abilities and aptitudes and the different periods for which they may be expected to remain at school (s.14(3)).

**Section 19 (1) of the Education Act 1996** requires every local education authority to make arrangements for the provision of suitable education at school or otherwise than at school for those children of compulsory school age who by reason of illness, exclusion from school or otherwise, may not for any period receive suitable education unless such arrangements are made for them. For these purposes, "suitable" education is defined as "efficient

education suitable to the age, ability, aptitude and to any special educational needs the child (or young person) may have.” (s.19 (6)).

**Section 19(4A) of the Education Act 1996** provides:

“In determining what arrangements to make under subsection (1) in the case of any child or pupil, a local education authority shall have regard to guidance given from time to time by the Secretary of State.”

**Section 436A of the Education Act 1996** requires local authorities to make arrangements to establish the identities of children in their area who are not receiving suitable education.

**Section 437 (1) of the Education Act 1996** provides that if it appears to a local education authority that a child of compulsory school age in their area is not receiving suitable education, either by regular attendance at school or otherwise, they must serve a notice in writing on the parent (a school attendance order) requiring him to satisfy them within the period specified in the notice that the child is receiving such.

**Education (Pupil Registration) Regulations 1995** under regulation 9(1) (c):

The name of the child can only be deleted from the admissions register of the school under certain conditions, which are detailed in section 6.

**Section 175 of the Education Act 2002** (which came into force on June 1 2004) imposes a duty upon LEAs and governing bodies to exercise their functions with a view to safeguarding and promoting the welfare of children. For these purposes, “functions” includes the powers and duties of LEAs and governing bodies.

The Children Act 2004 includes various provisions relating to safeguarding and promotion of welfare of children in Wales (section 25-29) including:

- (a) a duty upon each Children's Services authority to promote co-operation between it and various other bodies to improve the well-being of children so far as relating to (amongst other things) education and training;
- (b) a duty upon various bodies including Children's Services authorities to make arrangements for ensuring that their functions are discharged having regard to the need to safeguard and promote the welfare of Children;
- (c) provision for the Secretary of State to put into place information databases for the purposes of arrangements under section 175 of the Education Act 2002 or (a) and (b) above, and a framework for the sharing of information contained in such data bases for such purposes.

**Section 52 Children Act 2004** Duty on the local authority to safeguard and promote the welfare of a child looked after by them, includes in particular a duty to promote a child's educational achievement.

**The Children Act 1989** includes the following provisions:

Section 17, defines a child 'in need if s/he is unlikely to achieve or maintain (or have the opportunity to) a reasonable standard of health *or development without the provision for him/her of services*; or his/her health or development is likely to be significantly impaired, or further impaired, without the provision for him/her of such services; or s/he is disabled.

Section 47, Children Act 1989 places a duty on local authorities to make enquiries into the circumstances of children considered to be at risk of 'significant harm' and, where these enquiries indicate the need, to undertake a full investigation into the child's circumstances. Section 47(1) provides 'where as a result of any such enquiries, it appears that there are matters connected with the child's education which should be investigated, they shall consult the relevant local education authority'.

(Section 31 states that 'harm' means, ill treatment of health or development. 'Development' means physical, intellectual, emotional, social or behavioural development).

### **United Nations Convention on the Rights of the Child**

Legislation and practice in child protection are underpinned by principles derived from Articles of the United Nations Convention on the Rights of the Child, ratified by the UK Government in 1991. These principles are:-

- each child has a right to be treated as an individual;
- each child who can form a view on matters affecting him or her has the right to express those views if he or she so wishes;
- parents should normally be responsible for the upbringing of their children and should share that responsibility;
- each child has the right to protection from all forms of abuse, neglect or exploitation;
- so far as is consistent with safeguarding and promoting the child's welfare, public authorities should promote the upbringing of children by their families; and
- any intervention by a public authority in the life of a child must be properly justified and should be supported by services from all relevant agencies working in collaboration.

### **The European Convention of Human Rights ( ECHR)/**

**The Human Rights Act 1998** Missing person enquiries are conducted within the legal parameters specified by common law in terms of a duty to provide care and protection and within a mixture of legal conventions, case law, internal law in terms of ECHR and domestic laws, for example the Human Rights Act 1998.

The rights and freedoms of the Convention that may be particularly relevant to the investigation of missing persons include:-

### **Article 2 Right to Life**

This places a positive responsibility on the police service to respond effectively to all reports of missing persons so as to identify those

cases that require more attention to minimise the number of cases that end in loss of life or harm to individuals.

**Article 2 Protocol 1** of the European Convention on Human Rights provides that: “No person shall be denied the right to education. In the exercise of any functions which it assumes in relation to education and to teaching, the State shall respect the right of parents to ensure such education and teaching in conformity with their own religious and philosophical convictions.”

The general right to education comprises four separate rights:

- (i) a right of access to such educational establishments as exist;
- (ii) a right to an effective (but not the most effective possible) education;
- (iii) a right to official recognition of academic qualifications.
- (iv) as regards the right to an effective education, for the right to education to be meaningful the quality of the education must reach a minimum standard.

### **Article 8 Right to Respect for Private and Family Life**

When investigating the circumstances of any disappearance or appointing an Investigating Officer/Family Liaison Officer, cognisance must be taken of the intrusion involved into the private life of that individual or family. Of particular note are those situations where an individual disappears deliberately; the right to do so should be respected but it must be balanced with the rights of the child, young person, family and the wider community.

In general terms these rights should only be interfered with where the action is prescribed by law and it is necessary in a democratic society for reasons of:-

- Public safety;
- Preventing disorder and crime;
- Protecting health and morals;
- Protecting the rights and freedoms of others.

### **The Data Protection Act 1998**

All those involved with children are likely to hold personal information about them, including sensitive personal information. The Act covers how personal information about living, identifiable people is to be protected. All organisations that hold or process personal data must comply. The Act requires that data is gathered and processed fairly, is held securely and is used solely for the purpose for which it was collated.

### **School Standards and Framework Act 1998**

Sections 86 and 86A of the School Standards and Framework Act 1998 require admission authorities to make arrangements enabling the parents of children in their area, to express a preference for a school and to give reasons for that preference. Where a parent expresses preference according to those arrangements sections 86 and 86B place a specific duty on admission authorities to comply with that preference, subject to certain exceptions. If parent's preferences are not met there is a statutory right of appeal provided for by section 94 of the School Standards and Framework Act 1998.

### **Forced Marriage (Civil Protection) Act 2008**

#### **Section 55 of the Borders, Citizenship and Immigration**

**Act 2009** places a duty on the United Kingdom Borders Agency (UKBA) to safeguard the welfare of children. This is similar to the duty of safeguarding under section 28 of the Children Act 2004 which applies to local authorities and their partners. Section 55 of the Borders, Citizenship and Immigration Act 2009 repeals section 21 of the UK Borders Act 2007.

### **Related Guidance and Information**

Welsh Assembly Government's **Inclusion and Pupil Support** - Circular No. 47/2006

Welsh Assembly Government's **Exclusion from Schools and Pupil Referral Units** - Circular No. 1/2004

Welsh Assembly Government's **Safeguarding Children: Working Together under the Children's Act 2004** Circular No. 12/2007

Circular No. 005/2008: **Safeguarding Children in Education:**  
The role of local authorities and governing bodies under the Education Act 2002

**All Wales Child Protection Procedures 2008** - Produced on behalf of all Local Safeguarding Children Boards in Wales - <http://www.awcpp.org.uk/9547.html?diablo.lang=eng>

Behaving and Attending: Action Plan Responding to the National Behaviour and Attendance Review - <http://new.wales.gov.uk/topics/educationandskills/learningproviders/schools/nbaractionplan/;jsessionid=0mCwKf1QJYhVvMchWcw0kQnnttqx3xpd1T1vb1vnLVrpDw9nK0Rp!-30296548?lang=en>

**School Admissions Code and Appeals Code: Statutory code Document No:002/2009 and No:003/2009**

These Codes impose requirements and offer guidance relating to the discharge of school admissions functions and contain specific guidance in relation to vulnerable children  
<http://wales.gov.uk/topics/educationandskills/publications/guidance/schooladmission/?lang=en>

Section 5 (Children Missing Education and the Lost Pupil Database) - **Educational Records, School Reports and the Common Transfer System** - the keeping, disposal, disclosure and transfer of pupil information. Guidance May 2006. Circular No. 18/2006

**Section 164 of the Education & Inspections Act 2006** amends the Education Act 1996 (provision of information about individual pupil), by inserting a new section after 537A. This new section 537B relates to the provision of information about children receiving funded education outside of school and in January 2010 will introduce an individual level data collection on children educated otherwise than at school (EOTAS). The collection will

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focus on children educated otherwise than at school as defined in Section 19(1) of the Education Act 1996 i.e. those children of compulsory school age who, by reason of illness, exclusion or otherwise may not for any period receive suitable education.

Welsh Assembly Government's guidance on **'The learning journey for young people placed by the Youth Justice Board (YJB) in Secure Children's Homes (SCHs) in Wales'** Circular No:020/2009

**All Wales Youth Offending Strategy: Delivery Plan 2009-2011.** This has identified 6 priority areas including increasing engagement in education and training.

**Extending Entitlement:** Support for 11 to 25 Year Olds in Wales, 2002

**Extending Entitlement:** Making It Real, 2004

**All Wales Attendance Framework** - Sept 2009

**Multi-agency practice guidelines: Handling cases of Forced Marriage** - July 2009

**Towards a Stable Life and a Brighter Future** - Regulations and guidance to strengthen arrangements for the placement, health, education and well-being of looked after children and young people. Welsh Assembly Government 2007

### **Glossary of Terms**

#### ***Schools***

The term 'schools' encompasses both maintained schools and special schools which are not maintained by a local education authority (LEA).

#### ***Compulsory school age***

A child becomes of compulsory school age when he or she reaches the age of five and must start school in the term following his or her fifth birthday (unless a child is educated otherwise). Compulsory school age ceases when the child reaches the age of 16 after the school leaving date (the last Friday in June), but before the beginning of the next school year.

#### ***Common Transfer System (CTS)***

The system that enables schools and LEAs to exchange pupil level information electronically when a pupil changes school. CTS incorporates school MIS software and the secure transfer site, offering a full transfer system.

#### ***Common Transfer File (CTF)***

This is the electronic data file, containing pupil data that moves from school to school via the CTS.

#### ***s2s***

This is the school to school secure transfer site. It is used by schools and LEAs to exchange pupil and other specified files. The site has a searchable area called the 'Lost Pupil Database' where CTF files for pupils without a known destination are securely stored.

### ***Child protection***

This is a part of safeguarding and promoting welfare. This refers to the activity which is undertaken to protect specific children who are suffering or are at risk of suffering significant harm as a result of abuse or neglect.

### ***'Social services' or 'local authority children's services'***

The work of local authorities exercising their social services functions with regard to children. This is not meant to imply a separate 'children's social services' department

### ***Parent/carer***

For the purposes of attendance at school, includes an adult who has day to day care of the child or young person.

### ***Unique Pupil Number (UPN)***

A UPN is a number that uniquely identifies each pupil in England and Wales. A UPN is allocated to each pupil according to a nationally specified formula on first entry to school (or perhaps in some cases earlier), and is intended to remain with the pupil throughout their school career regardless of any change in school or Local Authority (LA).

## List of Abbreviations

CAMHS	Children and Adolescent Mental Health Services
CME	Children Missing from Education
CYPP	Children and Young People's Partnerships
EMAS	Ethnic Minority Achievement Service
EOTAS	Education Other Than At School
EWO	Education Welfare Officer
EWS	Education Welfare Service
LAC	Looked After Child
LACE	Looked After Children Education
LA	Local Authority
LEA	Local Education Authority
LSCB	Local Safeguarding Children's Boards
MEAG	Minority Ethnic Achievement Grant
NEET	Not in Education, Employment or Training
SEN	Special Educational Needs
TES	Traveller Education Service
YOS	Youth Offending Service
YJB	Youth Justice Board

## Children Missing Education Good Practice Checklist

### Self Evaluation

Use the following categories to identify how well placed the Local Authority is in delivering on the duty to identify children and young people missing education in their area:

- **No: N**  
(Not previously identified, but discussions have now taken place and a plan has been produced)
- **Working Towards: W**  
(Achieved some of what is expected, identified some gaps, discussions have taken place and a plan has been produced)
- **Achieved: A**  
(The LA can provide evidence to support positive responses to the questions below)
- **Embedded: E**  
(The LA can demonstrate that the policy/processes/systems have been in place for a period of time and have been reviewed)

Strategic Management and Leadership	N	W	A	E
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 the arrangements to identify children not receiving a suitable education embedded within the local authority's strategic planning arrangements and the cross-cutting arrangements for safeguarding and the inter-agency co-operation to improve well-being of children? Is this governance and planning translated into effective operational arrangements?				
Is there regular monitoring of the processes/numbers by Senior Management, Lead Members and CYPPs, LSCBs?				

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<b>Networks &amp; Points of Contact</b>	<b>N</b>	<b>W</b>	<b>A</b>	<b>E</b>
Has the local authority identified the key stakeholders to provide information about children/young people 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?				

<b>Information Systems</b>	<b>N</b>	<b>W</b>	<b>A</b>	<b>E</b>
Does the local authority maintain a database of children not currently in suitable education?				
If so does the database include fields such as: Date child/young person referred in; Date of assessment, if necessary; Date form of provision determined; Date it was considered that home education provision was not suitable; Date moved into provision.				
Does the local authority monitor the numbers of children/young people in the authority 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/safe data processing?				

<b>Securing Education Provision</b>	<b>N</b>	<b>W</b>	<b>A</b>	<b>E</b>
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 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?				

<b>Effective Pupil Monitoring Systems</b>	<b>N</b>	<b>W</b>	<b>A</b>	<b>E</b>
Does the local authority have systems to prevent children from not receiving a suitable education?				
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 provider?				

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<b>Effective Pupil Monitoring Systems</b>	<b>N</b>	<b>W</b>	<b>A</b>	<b>E</b>
Does the local authority have an agreed system with schools concerning children leaving provision that maximises the contribution schools can make to preventing children not receiving a suitable education?				
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 with responsibility for the Lost Pupil Database?				
Does the local authority upload to and download from the searchable area of the s2s website known as the Lost Pupil Database?				

## **Evidence to show 'Achieved' status**

(1) The policy itself which should be shared with and understood by at least Health, Education (including all schools in the area), Children's Social Care, Police, Youth Justice Services and Housing. The document(s) containing the policy should contain:

- the current position of the authority;
- evidence about the scale and nature of any problem around children not receiving a suitable education;
- ways of tackling it in a multi-agency approach; and
- arrangements for monitoring.

(2) The authority can provide copies of records, or the ready ability to produce regular records. 'Regular' is termly.

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(3) The authority can provide documentary evidence listing other agencies in their area who their lead named individual has spoken to, referred children to and/or given details of children not receiving a suitable education, plus receiving details of children not receiving a suitable education from other agencies and the general public.

(4) Documents showing notification routes, and evidence of the dissemination of this information should be available. Dissemination should be by: mail outs, website, leaflets etc. Essentially, if a number of likely important stakeholders are approached they can say easily how they notify the authority.

(5) If contacted, the authority can give the name of a person or persons with the responsibility for receiving information on children not receiving a suitable education.

(6) The person(s) in (5) are readily contactable, and are able to provide, without difficulty information on their role and the limits of their responsibility and if they are not responsible they know who is.

(7) The authority can provide accurate, verifiable and up to date figures (no more than a month old), and trends over time, together with a description of how these figures are collected and calculated.

(8) The authority can provide information on any case within the database and show the dates of: notification, assessment (if necessary), identification of appropriate provision and actual access to that provision.

(9) The authority can provide documentary evidence that regular updates on the number of children not receiving a suitable education are sent to senior responsible officers within the organisation. Ideally the numbers should come from the same system that provides data in response to (8).

(10) The authority can provide documentary evidence of the mechanism by which they identify children in recognised vulnerable groups in their area. There are also documents detailing how the educational status of these groups is monitored. Ideally the monitoring should be robust, in that it should rely on more than one source of data to establish the situation regarding children in recognised vulnerable groups in their area.

(11) Access rules and procedures to ensure fair/safe data processing are known and understood by any member of staff in the authority who is likely to have to deal with any data on children not receiving a suitable education. Any case drawn at random should show the implementation of these processes if tracked through to support receipt. This knowledge should be consistent with written down and agreed procedures.

(12) Documented procedures for securing the support of other services is known understood and agreed by relevant staff both in the authority and those in the relevant support services and partner agencies. Any case tracked through the system that requires such support should reflect the documented procedure.

(13) Documented procedures for attempting to secure appropriate provision is known, understood and agreed by relevant staff and followed regularly, so that any case tracked reflects those procedures in principle and shows records of any failures to secure provision.

(14) The authority can provide documentary evidence that gives regular updates on, for example, the mean, mode and range of time taken to access provision are sent to senior responsible officers within the organisation. Ideally the data should come from the same system that provides data in response to (8).

(15) The authority can provide accurate, verifiable and up to date figures (no more than a month old) on the number of places available, broken down by at least statutory and alternative provision. A description of how these figures are collected and calculated should be available.

(16) The authority can provide accurate, verifiable and up to date figures (no more than a month old) on the number children who have left education without a known destination. A description of how these figures are collected and calculated should be available.

(17) The authority can provide documentary evidence of follow up procedures, together with a named contact for whoever is responsible for follow up work. Any case tracked should show evidence of regular (at least monthly) follow up contact until the case is registered with a new provider or the local authority designated person.

(18) Documentary evidence is available describing the process for children leaving provision. There should be evidence that this process has been agreed to by all school authorities in the area, and that contact with staff responsible for implementing these procedures should show knowledge consistent with an understanding of the process. Any case tracked upon leaving provision should show evidence reflecting the appropriate following of the process.

(19) The authority can provide documentary evidence of support given to all schools, and of appropriate encouragement of all schools in the use of the s2s system. Relevant staff in any school selected at random in the authority should be able to show that they are at least aware of the system. Ideally, where they are not currently using it, they should be able to show evidence of support from the authority to do so. This support should comprise at least the provision of relevant and appropriate materials on how to access the system.

(20) If contacted, the authority can give the name of a person or persons with the responsibility for administering the s2s.

(21) If contacted, the person(s) named in (21) can provide documentary evidence of regular (at least monthly) uploads and downloads to the Lost Pupil Database. This evidence could comprise upload and download reports for each session.

## Notification to the Local Authority of a Child or Young Person Missing Education

This form should be completed by any professional or agency undertaking an assessment or being aware of a child or young person of compulsory school age who does not appear to be attending a school.

School/  
County  
logo

Names:	DOB	Male/Female
Address:		Telephone:
Parent(s) Carer(s) details:		
Relationship:		
Previous address if new to area:		
To the best of your knowledge is the child or young person: Refugee/Asylum Seeker Yes <input type="checkbox"/> No <input type="checkbox"/>		
On the Child Protection Register: Yes <input type="checkbox"/> No <input type="checkbox"/>		In Public Care: Yes <input type="checkbox"/> No <input type="checkbox"/>
Reason for referral:		
Not registered at a school <input type="checkbox"/>	Not known if registered at a school <input type="checkbox"/>	

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How did this child/young person come to your attention and what are your concerns?

Any additional information about previous educational provision:  
(past or present: e.g. date of last education provision, known attendance difficulties etc)

Are any other agencies known to be involved with the child/young person concerned?  
Please give details:

Any other relevant information including any safety factors to be acknowledged when visiting this family:

**Details of Agency Making the Referral:**

Referrer's Name:

Designation:

Address:

Tel No:

Email:

Reason for involvement of professional making the referral and any other relevant information:

Date that child/young person became known to agency as missing education:

### **Forced Marriage**

#### **Reducing the Risks - actions for the local authority**

Awareness raising and prevention should form a key part of every local authority's response to forced marriage. This can be done by:

- focusing on warning signs in schools, colleges, youth settings and within local communities so that victims are aware of their options, how to seek help and what assistance is available to them within the local area;
- providing training and support for practitioners of the issues surrounding forced marriage, the danger the victims face and the help that can be offered.

In addition to:

- increasing access to reporting facilities for young people;
- improving forced marriage co-ordination and joint working between all key agencies and services in relation to any Forced Marriage forums or protocols (schools, EWOs, Social Services, Education Departments, police and the voluntary sector).

#### **Reducing the Risks - actions for schools**

For young women with limited freedom and at risk of forced marriage, schools and colleges may be the only location for accessing help. Young people rarely feel able to disclose their feelings about forced marriage. However there are some warning signs that may indicate the possibility of an impending forced marriage:

- absence and persistent absence, extended absence and failure to return from visits to country of origin;
- decline in behaviour, engagement, performance or punctuality;
- excessive parental restriction and control of movements and not allowed to attend extra curricular activities;
- history of siblings leaving education to marry early;
- fear about forthcoming school holidays;

- surveillance by siblings or cousins at school;
- evidence of self-harm, treatment for depression, attempted suicide, social isolation, eating disorders or substance abuse.

A young person demonstrating any of the above may not be necessarily at risk, but if any concerns exist about a potential forced marriage a summary of resources and support are detailed in Section 3, part C.

**Home School Contract for Extended Holidays**

To be agreed and completed by school representative  
and parent/guardian

School/  
County  
logo

Name of Pupil/s:	Date of Birth	Year
Name of school:		
Head Teacher:		
Place of visit:		
Date of visit:		
Agreed return date:		
Address/contact details for visit:		
Mobile phone:		
UK contact details: <i>(name, address and contact number of a relative or friend who we can make contact with whilst you are away)</i>		

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The parent/s or guardian/s will discuss with the school about taking work to ensure that the child/young person keeps up with their education during the visit abroad.

If the pupil/s do/does not return by the agreed date they are at risk of losing their school place.

Failure to return on the agreed date may prompt welfare concerns; a child or young person who goes missing from education may be considered to be at risk of significant harm.

Any such concerns will immediately be referred to the statutory authorities for consideration.

Signed: ..... **Parent or Guardian** Date: .....

Signed: ..... **Head teacher** Date: .....

## Assessing vulnerability as part of the referral process

The level of vulnerability must be re-assessed regularly as it may increase depending on new information or lack of information, and the passage of time itself may lead to increased concern.

Through registration, the school identifies that a child or young person is not in school. The school should:

1. Contact the parent/carer by phone to seek the reason for the child or young person's absence.
2. If the parent/carer answers the call and their child is not with them or known to be safe and they are concerned, they should be advised to contact all the people to whom their child is known in the locality, or places known that their child visits.
3. If there is no answer, or the person who answered was not the parent/carer and the school is not reassured that the child or young person is at home or known to be safe, or the parent/carer answered but their child is not with them and they are unconcerned, the school should consider, with the school's designated member of staff for Child Protection, the degree of vulnerability of the child or young person, to ascertain whether it is appropriate to make a referral to social services and/or the police.

The following issues and questions should be considered:

<b>Higher Priority</b>	
<p><i>Is there good reason to believe a crime may have been committed? The following questions could assist a judgement:</i></p> <ul style="list-style-type: none"> <li>• Is this very sudden and unexpected behaviour?</li> <li>• Has the child/young person gone missing with their family?</li> <li>• Has the child/young person gone missing without their family?</li> </ul>	<p>If yes, then refer to police, and local authority Designated Officer for Child Protection, in line with local LSCB procedures.</p>

<ul style="list-style-type: none"> <li>• Is there any reason related to the health, ethnicity or culture to believe the child/young person is at risk of harm? (e.g. forced marriages, female genital mutilation)</li> <li>• Have there been suspicions in the past concerning this child and family which together with the sudden disappearance are worrying?</li> </ul> <p>Where there is genuine concern that young person's safety and/or well-being is at risk, it is essential to take action quickly, as delays can see problems escalate, and also hamper an effective investigation of the circumstances in which the child is living.</p>	<p>If yes, inform allocated worker in Social Services immediately who will refer to the police, in line with local procedures as appropriate.</p>
<p><i>Is the child/young person subject of a child protection plan (on the Child Protection Register) or has there been past involvement with social services about matters of child protection concern?</i></p> <ul style="list-style-type: none"> <li>• Are they looked after by the local authority?</li> </ul> <p>The following may also may also assist judgement in making a referral:</p> <ul style="list-style-type: none"> <li>• Is there current social care involvement?</li> <li>• Have there been recent life events within the family, which in light of this sudden disappearance may be significant? (for e.g. changes in the household, births or deaths, divorce, redundancy);</li> <li>• How old is the child/young person? (younger children are more at risk)</li> <li>• Has the child/young person been a victim of bullying or had disputes with staff?</li> </ul>	<p>If yes, inform the allocated Social Worker (or Duty Social Worker if not allocated) and the Education Welfare Officer or School Attendance Worker.</p> <p>Referral as appropriate may be made to the Police, Social Services, the local authority Designated Officer for Child Protection, Education Welfare or School Attendance Worker.</p>

<ul style="list-style-type: none"> <li>• Have there been suspicions in the past, which together with the sudden disappearance are worrying?</li> <li>• Have there been any concerns about the child/ young person associating with significantly older young people or adults?</li> <li>• Are there health reasons to believe the child/ young person is at risk? eg: essential medication</li> <li>• Have there been concerns in the past about the child and family, eg: drug/alcohol use or domestic violence?</li> </ul> <p>If yes, the school must exercise judgement to decide action, speed of response, and need to use LSCB procedures.</p>	
<b>Lower Priority</b>	
<p>The following may indicate the family may be avoiding contact and therefore the quicker the response the more likely they will be traced. Delay may well lead to longer periods of interrupted education for the child/ young person.</p> <ul style="list-style-type: none"> <li>• Has there been Children and Families (social services) involvement in the past?</li> <li>• Is there a history of mobility?</li> <li>• Are there immigration issues?</li> <li>• Is there a history of poor attendance?</li> <li>• Are there issues raised by the child/young person or by their family's immigration or asylum status?</li> <li>• Has there been school or local authority intervention in relation to attendance, e.g. visits by Education Welfare Service, parenting contracts and Fixed Penalty Notice in relation to attendance?</li> <li>• Is the child/young person in the process of Statutory Assessment (of Special Educational Need)?</li> </ul>	<p>If yes, refer to Education Welfare Officer or School Attendance Worker.</p>

## Enquiry Form - Movement of Children/Young People

The children/young people below are reported to have moved into your authority. Would you kindly make enquiries to establish if they are now resident in your area? Where not known, please notify me as soon as possible.

School/  
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logo

<b>Please return to:</b>	<b>Date of Enquiry</b>

Name	DOB	Last school attended	School admitted to
Last known address:			
Comments: (Agency involvement etc)			
Parent/Carer:			
Confirmation of current address:			

Have school records been requested?	
Additional Comments:	
Name of officer completing form:	
Designation:	
Contact details:	
Date form completed:	

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## 'Children and Young People Missing from Education' Checklist

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Actions to be taken by **Schools** to locate the child/young person

Name of Pupil/s:	M/F	Date of Birth	NCY
Name of parents/primary carer:			
Address:		Telephone:	

### SCHOOL ACTIONS - Has the school done the following?

Attach this checklist & any evidence; letters sent etc

**If the school has any Child Protection concerns, the matter must be immediately referred to Social Services and the police.**

**You must still proceed with the referral to the Education Welfare Officer, even if a child protection referral has been made.**

Actions	Date	Outcome
Carry out first day calling/contact		
Attempt telephone contact with all emergency numbers		
Write to last known address and address of emergency contacts if known		

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Actions	Date	Outcome
Speak to appropriate agencies i.e. Careers Wales, youth workers, school nurse		
Check with wider school community e.g. staff, other pupils, carers, friends and any known relatives		
If siblings attend different schools make contact to share information		
Any other contact/relevant information		

Referral Details	
Date referred to Education Welfare Officer/Service:	
Name of School:	
Name of Referrer:	
Position of Referrer:	
Contact Number of Referrer:	

**NB - Do not remove from roll until EWS have concluded investigations and confirmation received.**

## 'Children and Young People Missing from Education' Checklist

School/  
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Actions to be taken by **Local Authority** to locate the child/young person

Name	Date of Birth	NCY
Name of parents/primary carer:		
Address:		Telephone:

	Action Taken	Who & When	Outcome
1.	Check internal school records and with member of staff i.e. form teacher, YT, HoS		
2.	Check with friends, siblings, and other relatives of the child		
3.	Telephone calls made/letters sent		
4.	Home Visit		
5.	Neighbourhood Enquiries <i>(try to ascertain if property is council, housing association, private rental, owner occupied - note details)</i>		
6.	Enquiries made with School Admissions. Check CMIS/Pupil Databases for other siblings		

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	<b>Action Taken</b>	<b>Who &amp; When</b>	<b>Outcome</b>
7.	Enquiry made with Social Services (Intake and Assessment)		
8.	Enquiries made with agencies with known involvement - e.g. Child Health if there are any children in the family under the age of 4, Youth Offending Service		
9.	Enquiry made with Housing		
10.	Enquiries made with LA Revenues - Housing Benefit - Council Tax - Electoral Register		
<b>In cases where instances of Domestic Abuse are known the following enquiries should be made:</b>			
1.	Women's Aid		
2.	Women's Safety Unit		

If after completing the above checklist, concluded all enquiries and the child/young person remains missing, discuss the removal of the child/young person from the school register with your Line Manager.

1. Attach this checklist and any evidence e.g. letters sent/responses received etc to your referral sheets.
2. Send a copy of this completed checklist, with a copy of the child's Attendance Certificate to the named officer who will keep a record of 'all missing children and young people'.
3. Check that pupil's CTF have been uploaded onto the Lost Pupil Database in s2s.

Name of School: ..... Date removed: .....

Authorised by: ..... Designation: .....

Name of EWO: ..... Date: .....

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## When a Child or Young Person is Absent and School is Unable to Contact Parents

<b>Day 1</b>	<p>Through registration, the school identifies that a child/young person is not in school. After completing First Day Contact procedures, the school identifies that the child/young person may be 'missing'. The school should utilise the School 'Children and Young People Missing Education' Checklist. (Appendix 9)</p> <p><b>Children and Young People at Risk</b></p> <p>If the child is the subject of a Child Protection Plan and/or is a looked-after child, the school should notify the Social Services Key Worker within the first 24 hours of the unauthorised absence if no home contact can be made.</p> <p>Where it is otherwise suspected or known that a child or young person is at potential risk of harm, or where the school has information or reason to suspect the child has been a victim of criminal activity, the school should notify Social Care Services and/or the Police Child Protection Team immediately; and inform the Education Welfare Officer (EWO) as soon as possible afterwards.</p>
<b>Day 10</b>	<p>Where a pupil is missing for 10 school days, the school should notify the EWO on the tenth day of school absence. Copy your completed 'Children and Young People Missing Education' Checklist to the EWO to advise that the pupil is believed to be missing. Keep a copy in school.</p>
<b>Days 11-19</b>	<p>Continue to make efforts within the school and assist the EWO and other agencies in the search.</p>
<b>Day 20</b>	<p>Where the pupil remains missing from school, despite reasonable efforts, the Education Welfare Service (EWS) may advise the school to remove the pupil from the register. However, the pupil must remain on roll until all reasonable enquiries have been completed, and the EWS has confirmed this to the school, even if this means that more than 20 days of unauthorised absence will be accrued.</p> <p>Once it has been confirmed that the pupil may be deleted from the register, the school must upload the pupil's CTF to s2s with a file destination of XXX XXXX , and complete the Notification of Removal from School Roll form.</p>

**At any point in your investigation where there is reason to suspect that the child or young person is at risk, the local authority Child Protection Procedures should be followed (as for Day 1 above).**

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### Leaving School Form for Parents

If your child is leaving, please can you fill in this form as fully as you can even if you do not know all the details yet.

Name	Date of Birth	Class
My child will be leaving school on: (date)		
Because we are: (please tick)	a.	Moving house
	b.	Returning to country of origin/emigrating
	c.	Other - please give details
New address if known:		
New school if known:		
If not yet known, the town or at least the country you are moving to:		
Will you keep the same mobile telephone numbers?    Yes <input type="checkbox"/> No <input type="checkbox"/>		
Please confirm your numbers or list new numbers:		
Mother's mobile: ..... Father's mobile: .....		

If possible please give the name, address and telephone number of a friend or relative in the UK who is not moving and who you will be staying in touch with. We will only contact them if we need information about your child's new school and we cannot contact you. In most cases this will not be necessary because the new school will contact us to transfer your child's information.

Name: .....

Address: .....

Phone Number: .....

Full Name(s) of Parent(s)/Carer(s). Please print names and sign.

Mother: .....

Father: .....

Other (State relationship): .....

**Attached to this form is a school compliments slip.**  
Please can you give it to your new school and ask them to contact us.

***For school use only:***

Date returned:

Date returned to EWS:

**The school is expected to transfer information as quickly as possible to your child's new school; and both the school and the Local Authority have a legal duty to try to locate your child if he or she stops attending and we do not know the details of the new school or other educational provision. This may include contacting Social Services or the Police if you have not given us the information and we are unable to contact you. By filling in this form and enabling us to keep in contact with you, you are ensuring we do not need to refer to other agencies and that their time is not wasted, nor are you contacted unnecessarily.**

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## Notification of Removal of a Child's Name from a School Roll

### To comply with the statutory requirements of the Education (Pupil Information) (Wales) Regulations 1995

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To be completed when a pupil is to be removed from school roll (except when ending statutory education, when leaving as part of the normal admissions round, or when permanently excluded). Keep a copy for school records.

Name of Pupil		Date of Birth	
Name of Parents/primary carer:		Looked After: Yes <input type="checkbox"/> No <input type="checkbox"/>	
Address:		Telephone:	
Reason for removal from school roll:		Date pupil removed:	
Any other relevant information concerning this pupil:			
New address:			
New school:			
Has the pupil's CTF been uploaded to S2S?		Yes, for new school to collect <input type="checkbox"/>	
Yes, please tick as appropriate		Yes code MMM MMMM <input type="checkbox"/> (Out of maintained system, elective home education or abroad)	
		Yes, code XXX XXXX <input type="checkbox"/>	

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No, please give reason:	
If the school has been notified of decision to electively home educate; has the school notified the LEA/Admissions/Elective Home Ed Team	Yes <input type="checkbox"/> No <input type="checkbox"/>
If coded XXX XXXX, Children Missing Education procedure must be completed and notification received that EWS have concluded their investigation, prior to removal from roll.	Date Child/Young Person Missing from Education checklist completed and given to EWO
	Date confirmation received that CME investigation complete
Signed:	Name:
Position:	Date:

*Date received:* .....

**Intention to remove pupil from school roll**

Information required by Education Welfare Service acting on behalf of the Local Authority in accordance with guidance from The Education (Pupil Registration) (Wales) 1995.



*Please forward this completed form to the Education Welfare Officer before deletion from roll, and as soon as the grounds for deletion are met.*

Name of School:		
Pupil's name:		DOB:
Address:		
Reason for removal from roll:		
Any other relevant information concerning this pupil (e.g. agencies involved, family circumstances etc)		
Date that pupil will be removed from roll		
If destination for child is known please give details		
Is pupil known to the Education Welfare Service?		
Signed:	Date:	
Print Name:	Position:	

*Please return to: .....*

*Date received: .....*

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## Deletions from the Register - Reference Table

The Local Authority has a statutory duty to identify, track and monitor children and young people missing education so all deletions from the register should be notified to the LA unless it follows normal transfer from KS2 to KS3 or at the end of compulsory education.

There are three connected, but very separate issues involved, namely:

1. Circumstances which allow/dictate that a pupil should be removed from the school roll.
2. When school staff carry out the process of removing a pupil from the school roll.
3. Whilst completing the action at 2 above, what date the pupil should be shown as coming off roll.

The attached table is intended to provide a working tool that you may find of assistance when making the decision to delete a pupil's name from the admissions register.

<b>Reason for removing a pupil from the school roll</b>	<b>When the act of removing the pupil from roll should be carried out</b>	<b>The date from which the pupil should be shown as having left the school/college</b>
Pupil moves to another school (other than normal KS2 to KS3 transfer).	On the date the pupil is expected to start at the new school.	The date the pupil is expected to start at the new school.
Pupil has had 20 days of unauthorised absence and both the LA and the school have tried to locate the pupil (reported to the EWS after 10 days).	The EWS will give the school authority to remove from roll after 20 days if unable to trace the pupil or earlier if a new school is identified.	The date the EWS gives the school authority to remove from roll.
Pupil fails to return after an extended family holiday.	Pupil can be removed from roll after a two week period following the end of the approved holiday absence. The EWS should be advised before this step is taken.	At the end of the two week period of absence following the holiday. The pupil's information must be transferred to the Lost Pupil database via the s2s website and should be uploaded using the code XXX XXXX. This can only be done following investigation and in consultation with the EWS.

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<b>Reason for removing a pupil from the school roll</b>	<b>When the act of removing the pupil from roll should be carried out</b>	<b>The date from which the pupil should be shown as having left the school/college</b>
Pupil withdrawn to be educated otherwise than at school.	On receipt of written notification and after the school has informed the LA.	From the date the parent says they are accepting the responsibility for providing the education. The school should place a CTF on the s2s website with the code MMMMMMMM as the destination.
Permanent exclusion.	When the outcome of any appeal is known.	Upon conclusion of the appeals process.
Pupil is in custody for more than four months.	Each pupil should be treated on a case-by-case basis following consultation with the LA and local YOS.	The date the pupil is expected to start at the new school.
Completion of compulsory school leaving age and the pupil is not continuing their education at the school.	Last Friday in June of the school year in which their 16th birthday falls.	On the last Friday in June.
Pupil has died.	When official notification of the death has been received.	Immediately.
Pupil leaving the school but future provision not known.	Once the pupil has completed their final day.	On their final day of attendance. The pupil's information must be transferred to the Lost Pupil database via the s2s website and uploaded using the code XXX XXXX. This can only be done following investigation and in consultation with the EWS.
Pupil has a medical condition which prevents attendance and return to the school before ending compulsory school age.	Upon receipt of medical advice. The EWS should be advised before this step is taken.	The date advice is received and sanctioned by the EWS.

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**Notification of Appeals outcomes to Designated Officer for Children Missing Education/Senior Education Welfare**

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School name:			
Pupil's name:		DOB:	Male/Female:
Address:			
Parent(s)/Carer(s) details:			
Relationship to Child:			
Phone Number - Landline:		Mobile:	
Current School: or none/not known		Last School: or none/not known	
Date of Appeal:		Appeal decision:	
Other information: e.g. parent has indicated no other school will be acceptable etc:			

Pupil's name:		DOB:	Male/Female:
Address:			
Parent(s)/Carer(s) details:			
Relationship to Child:			
Phone Number - Landline:		Mobile:	
Current School: or none/not known		Last School: or none/not known	
Date of Appeal:		Appeal decision:	
Other information: e.g. parent has indicated no other school will be acceptable etc:			

Completed by: ..... Position: .....

Date: .....

## EOTAS Plasc Data Collection

### Overview

The EOTAS Pupil Level Annual Census covers pupils who are placed by local authorities (LAs) in PRUs or other forms of education other than schools. It differs from the previous census collection from PRUs known as the "STATS1" in that most information is provided as individual pupil records, including the pupil's name and "unique pupil number" (UPN), rather than as totals.

Each LA is required to provide the Welsh Assembly Government with pupil level data for all pupils for whom the LA is financially responsible for the provision of education whether that be in a Pupil Referral Unit (PRU) or in another form of 'alternative provision' referred to as 'Educated Otherwise Than At School (EOTAS)'. The provision made for the pupil may be located within or outside the LA area. Each LA is required to submit one return in respect of each pupil for whom it is responsible. Unlike the STATS1 collection, the LA submitting the return will not be required to include pupils currently placed in a PRU within the LA but who live outside the area of the LA and for whom another LA is financially responsible i.e. pays for the provision.

Analysis of the individual pupil records from the school PLASC and this EOTAS data return, in conjunction with pupils' Key Stage assessments and examination results, will provide schools, LAs and central agencies with a far greater range of information than was possible with the STATS1 totals. This will support the drive to raise standards, the more accurate targeting of funding, and the monitoring and development of policy.

The overriding criterion for inclusion in the EOTAS census is that it is for pupils for whom a Welsh local authority has a financial responsibility and if not included in this census collection would not be picked up via PLASC.

However, some pupils may legitimately be included in the EOTAS census and also on a School PLASC (for maintained primary, secondary and special schools). For example, some pupils' main source of education could be in alternative provision, but they could also be registered at a maintained school that has not arranged the alternative provision. In this case, the local authority is taking responsibility for the pupil's education and to reflect this, the pupil should be recorded on this EOTAS census. Broadly speaking we would expect the following type of pupil to be included as part of this return:

- pupil attending a Pupil Referral Unit;
- pupil receiving individual tuition at home or in a hospital;
- pupils being educated in residential homes or units - including independent residential homes located inside or outside your authority where education is provided on site and for whom the authority is wholly responsible for their educational provision;
- pupil attending a non maintained special school for whom your local authority is paying full or part of the tuition fees;
- pupil at an independent school (either within or outside the authority) for whom your local authority is responsible for paying full or part of the tuition fees;
- pupil receiving bought in private sector provision (either within or outside the authority) for whom your local authority is responsible for paying full or part of the tuition fees;
- permanently excluded pupil at time of census not allocated to another school or PRU;
- pupil not on a school roll awaiting a placement in alternative provision during census week.