

Children Missing Out on Education (CMOOE)

Guidance for educational settings



Contents

1. Introduction
2. Full time education
3. Children without a school place
4. Children on reduced timetables
5. Children missing from education
6. Off/On rolling
7. Elective home education (EHE)
8. Fixed term exclusions
9. Permanent exclusions
10. Managed moves
11. Attendance
12. Dorset Council's responsibilities
13. Legislation - children missing education
14. Contact details

1. Introduction

This guidance addresses the legal responsibilities for maintained schools, academies, free schools, alternative provision settings and independent schools (hereafter referred to as schools) relating to children who are not receiving a full-time education.

Every local authority must report on school-age children who are not in full-time education. As such, Dorset Council has a statutory responsibility to identify and track any pupil missing out on education. Any pupil not in *full-time* education for whatever reason is covered by this duty and the responsibility lies with the school to inform such local authority of all such children.

This guidance is intended to lay out the school's statutory responsibility in order to protect both the school and the pupil. It covers the duty on the school to inform the local authority whenever a child is put onto a reduced timetable or a fixed term exclusion by the school or when the child is to be removed from the school roll whether by permanent exclusion, elective home education or for other reasons. Schools will be aware that they are responsible for the safeguarding of all pupils on their roll and therefore must ensure the welfare of pupils off-site during school hours.

2. Full-time Education

The School Admissions Code (published by the DfE in December 2014¹) (issued under Section 84 of the School Standards and Framework Act 1998²) states that a child is entitled to a full-time place in the September following their 4th birthday.

All Schools have a statutory duty to provide full-time education for all pupils on their roll. A pupil is deemed to be missing out on education when it consists of less educational time than that which is provided to the majority of the pupil's peers in that setting. Thus, a child on a fixed term exclusion, on a reduced timetable or any other arrangement whereby sessions are missed is deemed to be missing out on education. Of course, poor attendance also results in the child missing out on education.

Pupils should receive full-time education consistent with their Key Stage; this is generally accepted to be as follows but may be configured differently in some schools:

Reception and Years 1 to 2 (children aged 5 to 7):	21 hours
Years 3 to 6 (children aged 7 to 11):	23.5 hours
Years 7 to 10 (children aged 11 to 15):	24 hours
Year 11 (children aged 15 to 16):	25 hours

¹ [Schools admissions Code 2014](#)

² [Schools Standard Framework Act 1998](#)

3. Children without a school place

The responsibility for ensuring that a child attends full-time education lies with the parent. In most cases this will be through admission to a mainstream school.

A parent/carer may apply for any school through Dorset Council or those schools that manage their own admissions, direct to the school. When a school receives a direct application, they must inform Dorset Council Admissions of the application and the outcome of that application.

A parent/carer may put their name down on a waiting list at a school or with Dorset Council when they are refused a place. If a school refuses a place based on the school being full, a parent/carer must be informed of their right to appeal. A school cannot verbally inform a parent that they are full and thus suggest that a formal application should not be made, as the family has a right to a formal refusal and thus the right of appeal.

The school that has refused a place must also provide the family with details about how they may make an application for a school place through Dorset Council. Schools are also required to provide Dorset Council with up to date place availability in each year group.

If an agency is aware of a child who does not have a school place and is not being electively home educated, they should direct the parent/carer to the Admissions Portal on Dorset for You or inform our Admissions Team.

For more advice on school admissions please contact either Ed Denham or Sian Robinson

For more advice on school admissions please contact Ed Denham

Email: e.denham@dorsetcouncil.gov.uk

Telephone: 01305 221939

4. Children on reduced timetables

In exceptional circumstances there may be a need for a temporary reduced timetable to meet a pupil's individual needs. For example, where a medical condition prevents a pupil from attending full-time education and a reduced timetable is considered as part of a re-integration package.

A reduced timetable should only be used as a short-term measure and must be agreed with the child's parents. It must have a time limit by which point the pupil is expected to attend full time or be provided with alternative provision. In agreeing to a reduced timetable, a school has agreed to a pupil being absent from school for part of the week and must record it as an authorised absence.

Section 157 and 175 of the Education Act 2011³ places a duty on schools and local authorities and to exercise their functions with a view to safeguarding and promoting the welfare of children. Consequently, schools must have regard and consideration for the safeguarding issues and the impact this might have on a child when considering a reduced timetable. Current guidance from Ofsted states that all schools should notify the local authority of any reduced education arrangements. This includes schools maintained by the local authorities, academies, free schools and independent schools.

In circumstances where the school consider that it is necessary to implement a reduced timetable for a pupil, the school should:

- have a signed agreement with the parent/carer as to the reduced timetable and the action plan to reintegrate the pupil into full time education. Please note, if there is no signed agreement the reduced timetable will be deemed to be an illegal exclusion
- use the online Children on Reduced Timetables form on Nexus to report a new reduced timetable as soon as it becomes operational
- have a named person on a plan which will state the agreed pathway to return the child to full time education

³ [Education Act 2011](#)

Children on Reduced Timetables continued

- ensure a risk assessment is undertaken
- review the reduced timetable at the end of the 6 weeks, returning the pupil to full time education or providing reasons for its extension

A half-termly reminder will be sent out to schools with a list of children previously stated as being on reduced timetables:

- if the school does not have any children on reduced timetables please complete a NIL return, this can be found on the first page of the online forms
- if any additional children have been placed on reduced timetables please report on line
- if a child is no longer on a reduced timetable, please complete the form removing them from reduced timetables with the reason
- if a school wants to extend a reduced timetable, please update using the online form, confirm that this is in agreement with the parents, the reason for the extension and the plan return the child to full time education as soon as possible

For more advice on reduced timetables please contact Sylvia Lord

Email: s.lord@dorsetcouncil.gov.uk

Telephone: 01305 224530

5. Children Missing Education

There are significant child protection implications when the whereabouts of a child is unknown. The local authority has a duty to track, locate and monitor children missing from education and support them to return to education. (Children Missing Education Statutory guidance 2016⁴)

If a child is absent, all schools have a responsibility to contact the parent/carer on the first day of absence and continue to make every effort to locate the child. When you have identified the child is not in school, please follow the procedure below

Schools will need to inform the local authority:

- if a school has not seen or had contact with a child on roll for 10 days and the school has tried to contact parents/carers by phone, in writing and, if possible, through a home visit to ascertain the child's whereabouts
- the parents or carers have not made contact and you are unsure of the child's whereabouts
- If a child has moved but you have not been notified that the child has enrolled at a new school

Please can you give as much detail as possible on the Children Missing Education form to help us trace these potentially vulnerable children.

Information you will need in order to complete the form:

- last known address
- contact details for parents
- if you are aware of any other school age children at the last known address

Please can you look at completing the Child Sexual exploitation tool and report any safeguarding concerns to MASH.

For more advice on Children Missing Education please contact Colin Briden

Email: c.r.briden@dorsetcouncil.gov.uk

Telephone: 01305 225728

⁴ Children missing education statutory guidance 2016

6. Off Roll/On Rolling children

When a school takes a child off rolls or puts a child on roll outside normal transition times, it must inform the local authority within five days.

Because of the safeguarding implications, it is advised that the school inform the local authority of every child taken off roll immediately. This can be done by using the Off roll and On Roll form on Nexus. The information submitted must have the pupil's future address and destination school and the grounds under which the pupil's name is to be removed from the admission register

Education (Pupil Registration) (England) Regulations 2006⁵ – Regulation 8 sets out the criteria under which compulsory-school-aged children can be removed from school roll, here is a summary:

- the pupil has been permanently excluded
- the child has been taken onto the roll of another school. This does not apply if it has been agreed that the child will be dual-registered at more than one school
- the child is granted leave of absence and does not return within 10 days after the end date (unless there are reasonable grounds eg illness)
- the child has been certified as medically unfit to attend school and the parents/carers have stated the intention not to continue with school in the long term
- the child has been continuously absent from school for more than 20 days without consent of the school—this should be done in agreement with the local authority. Please discuss this with our Attendance Team prior to removing the child from roll
- the child's parents have written to the school to inform them of the intention to home educate
- the pupil has died
- child moving out of the area

⁵ [Education \(Pupil Registration\) \(England\) Regulations 2006](#)

Off Roll/On Rolling children continued

Expected first day of attendance

Schools must enter pupils on the admission register and attendance register from the beginning of the first day on which the school has agreed, or been notified, that the pupil will attend the school. For most pupils the expected first day of attendance is the first day of the school year.

If a pupil fails to attend on the agreed or notified date, the school must establish the reason for the absence and mark the attendance register accordingly.

For more advice on off rolling or on rolling please contact Colin Briden

Email: c.r.briden@dorsetcouncil.gov.uk

Telephone: 01305 225728

7. Elective Home Education

The local authority needs to be informed when a child is taken out of mainstream education. (Elective Home Education Guidance for Local Authorities April 2019⁶) Where a child is removed for elective home education, the local authority must be made aware at the time that the child is removed from the school roll. This can be done using the Elective Home Education form on NEXUS. The school must state clearly on the form if they have concerns for any reason, no matter how small, regarding:

- the safeguarding of the child
- the perceived ability of the parent to give a child an effective full-time education suitable to the child's age, ability and aptitude, including any special education needs the child may have
- the school believe the parents may have taken this step to avoid prosecution relating to attendance issues

The school is required to upload a copy of the letter from the parents informing the school of their intention to remove the child from the school.

It is illegal for a school to put pressure parents on parents Electively Home Educate due to disagreements with parents, or "difficult" or "anxious" children.

For more advice on Elective Home Education please contact Sylvia Lord

Email: s.lord@dorsetcouncil.gov.uk

Telephone: 01305 224530

⁶ [Elective Home Education Guidance April 2019](#)

8. Fixed term exclusions

A fixed term exclusion is for a specific period of time. A pupil may be excluded for one or more fixed periods, up to a maximum of 45 days in an academic year. (Exclusion from maintained schools, academies and pupil referral units in England Statutory guidance Sept 2017⁷). The school should inform the local authority of the fixed term exclusion as soon as possible. You will need to upload a copy of the letter sent to parents.

The Head Teacher has a duty to have spoken with the parents/carers with whom the child resides or anyone with parental responsibility prior to the date of the exclusion to ensure that they are aware the child is not expected in school.

Where a child is at risk of being excluded, the school should have evidence that other measures have been tried to avoid reaching an exclusion.

Fixed term exclusions of up to 5 days:

- report online on Nexus using the Fixed Term exclusion form
- notify the pupil's parents using the letter marked up to 5 days
- provide and mark relevant work for the length of the pupil's exclusion
- mark the register with a Code E

Fixed term exclusions of up to 6 or over days:

- report online on Nexus using the Fixed Term exclusion form
- notify the pupil's parents using the letter marked 6 - 15 days
- provide and mark relevant work for the length of the pupil's exclusion ((Schools are responsible for arranging 6-day provision for fixed exclusions over 5 days)
- mark the register with a Code E (If alternative provision has been provided - Code B (Education off site) or Dual (Dual registration)

For more advice on exclusions please contact Victoria Day

Email: v.c.day@dorsetcouncil.gov.uk

Telephone: 01305 224762

⁷ [Exclusion from maintained schools, academies and pupil referral units in England Statutory Guidance Sept 2017](#)

9. Permanent Exclusions

Where a child is at risk of being excluded, the school should be satisfied all reasonable steps have been taken to resolve the issues and have evidence that all other measures have undertaken to avoid reaching a permanent exclusion.

When a child is permanently excluded:

- immediately notify Dorset Council so that alternative provision can be put in place using the Permanent Exclusion form. You will need to upload a copy of the letter sent to parents.
- notify the student's parents
- provide and mark relevant work for the first 5 days of the student's exclusion
- mark the register - Code E until alternative provision made, then Code B (Education off site) or Dual (Dual registration).

Pupils who are permanently excluded must not be deleted from either the admission register or the attendance register until any appeal process has been completed.

For more advice on exclusions please contact Victoria Day

Email: v.c.day@dorsetcouncil.gov.uk

Telephone: 01305 224762

10. Managed moves

A managed move should be used as part of a measured response and strategy to be considered in later stages of a pastoral support plan where there has been little or no evidence of success in the current school. This is usually an arrangement between the Head Teachers of the two schools concerned.

However, if the child is at the point of permanent exclusion and the Head Teacher believes that the child has a good chance of success in another school, our Exclusions Officer may be able to support the managed move process. The Head Teacher can contact the Exclusions Officer to discuss this.

A managed move is not suitable when:

- a parent is seeking a straightforward transfer to another school
- the child is not on a school roll
- the child would be unable to return to the home school if the placement is unsuccessful

Before requesting a managed move, the school must consult with the parents and the pupil about their views on a move to another school at a review meeting as part of the pupil's ongoing pastoral support programme.

If parents agree that a managed move is appropriate, and this is followed up with written consent, the parents can express a preference for an alternative school. However, parents must be made aware that a request for a managed move may not always be accepted. When the receiving school has been identified and the parents have agreed to the new school, information will be shared with the potential receiving school.

In exceptional circumstances, for example as a result of behavioural problems, the receiving school may wish to end the arrangement before the managed move is completed. The receiving school must consult with the previous school and confirm the decision in writing to the parents with the date from which the pupil must return to the original school.

Once a managed move has been successful, please complete the managed move form and the off-rolling online form.

For more advice on managed moves please contact Victoria Day

Email: v.c.day@dorsetcouncil.gov.uk

Telephone: 01305 224762

11. Attendance

Regular attendance at school enables a child to have the opportunity to reach their full potential and to develop skills that will be useful throughout their life⁸. Poor school attendance can cause a child to fall behind their peers, both educationally and socially. A positive school experience can improve a child's confidence, self-esteem and wellbeing.

It is a parent's responsibility to ensure a child attends school regularly. Schools should seek to address any attendance issues as soon as possible, engaging with the child and parent(s) and seeking any additional help from other agencies.

All schools should have an attendance policy in place which should set out clear whole school processes to maintain good attendance and a procedure for investigating any underlying issues affecting attendance.

Schools must ensure they use the correct codes for registration, as set out by the DfE, enabling accurate recording and reporting of attendance across the school.

Where a child in KS1 or KS2 has attendance below 90%, and the school has a reason to be concerned, the school should report the child on the attendance online form.

Where a child in KS3 or KS4 has attendance below 85%, and the school has a reason to be concerned, the school should report the child on the attendance online form.

If a child has attendance issues for a justifiable reason e.g. a broken leg or medical treatment, they do not need to be reported on the online form.

For more advice on attendance issues please contact Colin Briden

Email: c.r.briden@dorsetcouncil.gov.uk

Telephone: 01305 225728

⁸ [School attendance statutory guidance](#)

12. Dorset Council's Responsibilities

Dorset Council will ensure that any pupils not in full time education will be recorded and monitored via one data base.

Report on the number of pupils not in full time education to the Risky Behaviour Group, Family Partnership Zones and SEN Team

All children reported will have their details added to the BI Tool which is used by the Family Partnership Zones to identify vulnerable children

Inform the Social care team where a pupil that is on a Child Protection Plan, Child in need, Looked After Child or Early Help is missing out on full time education

Ensure the SEN Team are aware and have had a conversation with the school about any children with EHCP's that are missing out on full time education.

Raise with the school where a pupil has been on a part time timetable for longer than 6 weeks, referring cases that do not look likely to return to full time education after 6 weeks to the Head of Schools and Education and Safeguarding board.

Ensure schools are excluding, off rolling, using reduced timetables inline within the statutory guidance from the Department of Education.

Help and support schools with children that are not in full time education.

When Ofsted visits provide the data around children missing out on full time education to the school.

13. Legislation and statutory guidance relating to Children Missing out on Education

Please click on the links below to find the statutory guidance:

[Children missing education statutory guidance 2016](#)

[Ofsted Pupils missing out on education November 2013
LA Social Care inspection framework](#)

[Children missing in education – a school's duties](#)

[Schools admissions Code 2014](#)

[School attendance statutory guidance](#)

[Schools Standard Framework Act 1998](#)

[Education Act 2011](#)

[Education \(Pupil Registration\) \(England\) Regulations 2006](#)

[Elective Home Education Guidance April 2019](#)

[Exclusion from maintained schools, academies and pupil referral units in England
Statutory Guidance Sept 2017](#)