



Department
for Education

Improving information in identifying children missing education

Government consultation

Launch date: 19 January 2016

Respond by: 7 March 2016

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Introduction

All children of compulsory school age are entitled to an excellent education, which will give them the opportunity to help build their own futures. Parents have a duty to ensure that their children are receiving full-time education, either by regular attendance at school or otherwise (for example, home education). Pupils may leave a school for a number of reasons, for example if they move home or reach the end of the school's final year. If they are still of compulsory school age, then parents and local authorities (LAs) have a responsibility to ensure the continuity of their education. There are processes in place for sharing information between parents, schools and LAs when a pupil leaves a school under certain circumstances. This helps LAs to know whether pupils in their area are safe and receiving an appropriate education. Where LAs have concerns that a pupil is 'missing education' they will seek to investigate further. In order to do this effectively it is essential that they have accurate information.

Following recent inspections of schools in several LAs, Sir Michael Wilshaw, Her Majesty's Chief Inspector of Schools, wrote an open letter¹ to the Secretary of State for Education on 14 July 2015 setting out the latest position with schools in Birmingham and Tower Hamlets. In that letter, he expressed concern about inconsistent practice and poor communication in identifying children who are missing education (CME), specifically highlighting that current regulations do not place a legal duty on schools to establish and record destinations for all pupils whose names are removed from school admission registers. He stated that this poses serious safeguarding issues that potentially expose children to the risk of harm, exploitation or extremism. Sir Michael recommended that the Government strengthens current regulations and related guidance to ensure schools provide regular and accurate information to LAs.

The safety of young people in our schools is paramount. Establishing the identities of children missing education is a priority for all concerned, and an important step in ensuring that these children are kept safe from harm. In response to Sir Michael's concerns, we are seeking to amend the Education (Pupil Registration) (England) Regulations 2006. This consultation seeks views, particularly those of schools, local authorities, and parents on our proposals for doing so.

¹ See "Ofsted advice note on schools in Birmingham and Tower Hamlets".
<https://www.gov.uk/government/publications/ofsted-advice-note-on-schools-in-birmingham-and-tower-hamlets>

Who this is for

- Schools maintained by local authorities
- Academy schools and alternative provision academies
- Free schools and alternative provision free schools
- Independent schools
- Special schools not maintained by local authorities
- Studio schools
- University Technical Colleges (UTCs)
- Local authorities, specifically children missing education leads
- Teachers
- Headteachers
- Parents

Issue date

The consultation was issued on 19 January 2016.

Enquiries

If your enquiry is related to the policy content of the consultation you can contact the team on:

- 020 77838338 for and ask for David Fugurally.

or email:

- childrenmissingeducation.consultation@education.gsi.gov.uk

If your enquiry is related to the DfE e-consultation website or the consultation process in general, you can contact the DfE Ministerial and Public Communications Division by email: consultation.unit@education.gsi.gov.uk or by telephone: 0370 000 2288 or via the [DfE Contact us page](#).

Additional copies

Additional copies are available electronically and can be downloaded from [GOV.UK DfE consultations](#).

The response

The results of the consultation and the Department's response will be [published on GOV.UK](#) in Spring 2016.

About this consultation

This consultation document outlines proposed amendments to the Education (Pupil Registration) (England) Regulations 2006 (referred to after this as ‘the Regulations’). These amendments will affect all non-standard transitions; this is whenever a child of compulsory school age leaves a school before completing the school’s final year. All schools (including independent schools) would be required to:

- inform their LA in every circumstance when they are about to delete a pupil’s name from the admission register;
- inform their LA of the pupil's destination school and home address if the pupil is moving to a new school (where they can reasonably obtain this information); and
- provide information to their LA when registering new pupils, including the pupil's address and previous school (again where they can reasonably obtain this information).

In addition, the proposed amendments will give LAs the discretion to require the same information on standard transitions, which occur when a pupil reaches the final year of that school. There are two other proposed amendments relating to sections 8(1)(f)(iii) and 8(1)(h)(iii) of the Regulations which will require ‘reasonable enquiries’ to track down a pupil’s whereabouts to be performed collaboratively between the school and LA, rather than separately.

We would like to hear your views on all aspects of these amendments. Further background is included on pages 7 and the consultation questions are on page 11.

Respond online

To help us analyse the responses please use the online system wherever possible. Visit www.education.gov.uk/consultations to submit your response.

Other ways to respond

If for exceptional reasons, you are unable to use the online system, for example because you use specialist accessibility software that is not compatible with the system, you may download a word document version of the form and email it or post it.

By email

childrenmissingeducation.consultation@education.gsi.gov.uk

By post

David Fugurally
Sanctuary Buildings, Level 2
20 Great Smith St,
London, SW1P 3BT

Deadline

The consultation closes on 7 March 2016.

Amending the Education (Pupil Registration) (England) Regulations 2006

Background

Currently, there is no legal duty on schools to inform LAs of every case where a pupil is removed from their admission register.² As highlighted in Sir Michael Wilshaw's letter³ to the Secretary of State for Education on 14 July 2015, this means that LAs do not have accurate information about all children, some of whom may not be receiving suitable education. Sir Michael also identified risks that some children missing education may face, such as forced marriage, child sexual exploitation, female genital mutilation and falling prey to radicalisation. In addition, when reviewing practice in some Birmingham and Tower Hamlets schools, Ofsted inspectors found that in many cases when pupils left the school, no record was made of their destination. Sir Michael recommended that the Government helps to ensure that schools provide regular and accurate information to LAs.

Proposal and rationale

Our intention is to improve communication and co-ordination between schools and LAs. This will help them quickly and effectively to identify children of compulsory school age who are missing education. The proposals set out in this consultation are intended to achieve this through strengthening the Regulations so that LAs obtain the information they need. This would allow LAs to focus their efforts and resources more readily on children who are missing education, and less on filling information gaps.

We have sought to balance the need to avoid burdens on schools and LAs with the need to ensure that all children of compulsory school age are safe and being educated properly. LAs should be able to implement these changes using their existing processes and systems.

² See the section of the Regulations relating to "Deletions from Admissions register": <http://www.legislation.gov.uk/ukxi/2006/1751/regulation/8/made>

Relevant amending regulations:

- [Local Education Authorities and Children's Services Authorities \(Integration of Functions\) \(Local and Subordinate Legislation\) Order 2010](#)
- [Education \(Pupil Registration\) \(England\) \(Amendment\) Regulations 2011](#)
- [School Discipline \(Pupil Exclusions and Reviews\) \(England\) Regulations 2012](#)
- [Education \(Pupil Registration\) \(England\) \(Amendment\) Regulations 2013](#)

³ See "Ofsted advice note on schools in Birmingham and Tower Hamlets". <https://www.gov.uk/government/publications/ofsted-advice-note-on-schools-in-birmingham-and-tower-hamlets>

These amendments to the Regulations will require schools to report when a pupil's name is added to or removed from their pupil admissions register in *all* cases, and not only those specified under current regulations. All schools (including independent schools) would be required to report when a pupil's name is added to or removed from their registers. This would be under *all* grounds for all non-standard transitions, i.e. whenever a compulsory school-age child leaves a school before completing the school's final year.

Schools would do this by recording the grounds for removal and informing the LA. Schools would also provide the LA with the pupil's home address, relevant contact details, and, where it is reasonably practicable to obtain this information, the pupil's destination school and new home address. Schools would also have to inform their LA within five days of registering a new pupil.

Schools would also have to carry out these actions for standard transitions, if this is specifically requested by the LA. This would enable LAs to request information in cases where they have concerns that a pupil may be at risk of missing education at standard transition points.

Timetable for introducing changes

We intend to bring into force these changes in September 2016. The timetable for implementation is as follows:

- Public consultation – 19 January 2016 to 7 March 2016
- Response to consultation and full impact assessment – Spring 2016
- Regulations laid before Parliament – Summer 2016
- Changes come into effect – September 2016

Technical detail of our proposal

Current legislative position

Chapters I and II of Part VI of the Education Act 1996 contain provisions aimed at making sure children are receiving suitable full-time education. This includes a duty on LAs to try to identify any children in their areas who have not been admitted to school but are not being properly educated outside school (section 436A). It also includes procedures for LAs to make sure that children who have been admitted to school are attending school (sections 437 to 444B). For this to work, it is important to have clear and accurate records. Section 434 therefore requires every school to have a register of its pupils (called the admission register) and to follow regulations about how to update the register and inform LAs about changes to it.

Those details are set out in the Education (Pupil Registration) (England) Regulations

2006, as amended. A school's admission register must contain details of every pupil at the school (regulation 5). Once a pupil's name is on the register, it can only be deleted in the circumstances set out in regulation 8. If the child is of compulsory school age, regulation 8(1) lists the 15 grounds on which their name can be deleted. Regulation 12(3) requires schools to inform the local authority if they are about to delete a name on the grounds that the pupil:

- (d) has been withdrawn from school to receive home education (unless a school attendance order prevents this);
- (e) has left school and no longer lives within a reasonable distance of the school (unless the pupil is a boarder);
- (g) has been certified as unlikely to be fit to attend school again until after they are no longer of compulsory school age (unless they or their parent(s) have told the school that they wish to stay on at the school beyond compulsory school age);
- (i) is being detained under a court or government order for at least four months and the school has no reason to think they will return afterwards; or
- (m) has been permanently excluded.

Proposed amendments to the regulations

We propose to amend the Regulations so that a school must inform the local authority before deleting a pupil's name on any of the other 10 grounds listed in regulation 8(1). This duty will not apply to a deletion when a pupil finishes the final year at the school unless the local authority specifically asks to be informed about those deletions. When informing the local authority, the school will have to include specified details from the register.

Regulation 8(1)(f) applies if a pupil has not returned within 10 school days after an authorised absence. Regulation 8(1)(h) applies if a pupil has been absent without any authorisation for at least 20 school days. In either case the regulations state the pupil's name cannot be deleted on that basis unless both the school and the local authority have made reasonable enquiries but have failed to find out where the pupil is. We proposed to amend the Regulations to require the school and the local authority to make those enquiries collaboratively, not separately.

There is currently no requirement to inform the local authority when adding a name to the register. We propose to amend the Regulations so that a school must inform the local authority when they have added a new pupil's name to the register. This will not include pupils in the school's youngest year of admission whose names are added at the beginning of the year unless the local authority asks for them to be included.

Initial assessment of costs and benefits

There may be some costs to schools associated with these proposed changes. Specifically, there may be costs to schools from undertaking the following:

1. becoming familiar with the new regulations;
2. reporting to their LA the removal of pupils from their pupil register;
3. reporting to their LA the addition of a new pupil to their register. This will include reporting information on the pupil's previous school name and address (in all cases where this can reasonably be retrieved by the school); and
4. contacting parents (via phone or email) in order to seek the additional information about the onwards destination, and for the name of the pupil's new school.

In our assessment of impact, we have made assumptions about the time taken to undertake the activities listed in bullet points 2, 3 and 4. We have assumed they will take 15, 30 and 30 minutes respectively to undertake. Using the School Census, independent DfE analysis and the Independent Schools Census, we were able to estimate the volume of additions and removals from school registers per year. Through combining this with hourly wage figures, we estimate that the total cost to all schools in England would be approximately £6.8 million, per year. Of this, we estimate the total cost to the independent sector, per year, could be around £0.5 million.

Our estimates do not incorporate the additional costs if LAs were to request information for standard transitions. The use of this discretion could vary greatly between LAs. We are therefore seeking to improve our analysis with information provided through this consultation. Finally, we understand that there could be some costs to LAs if they do not have systems in place to process the new information they will be receiving. We have already begun discussions with LAs to gain a better understanding of their processes, and will gauge this further through the consultation.

The most important benefit of these proposals is in helping to ensure children are safe. We know failure to keep a child or young person's safe from harm can have devastating consequences in their life. Since implementation would ensure LAs have better information about those children who are potentially missing education, LAs would be better able to target resources more efficiently in finding these children and ensuring they are safe and receiving a suitable education. As a result of this improved targeting, there could be improvements in safeguarding and in preventing these children becoming victim to issues such as forced marriage. Failings in safeguarding can also be articulated in financial costs. Giles and Perlman⁴ estimate that the cost of addressing

⁴ Source: Gelles, Richard J., & Perlman, Staci (2012). *Estimated Annual Cost of Child Abuse and Neglect*. Chicago IL: Prevent Child Abuse America

abuse is in the region of £42,000 per victim. Such savings would occur through modes such as reduced demand for child social care and mental health treatments.

Consultation questions

1. a) The proposals set out in this consultation aim to support local authorities (LAs) to carry out their duty to make arrangements to identify children missing education (CME) by strengthening communication and information provided by schools about pupils added and removed from school registers. Will the proposals in the consultation contribute to achieving this aim?
 - Yes/No/Don't know
 - Comment:
- b) Is there anything else, which wouldn't impose significant burdens on schools or LAs, that would improve LAs' ability to identify CME?
 - Yes/No/Don't know
 - Comment:
2. Do you agree that schools and LAs should collaborate when making 'reasonable enquiries' about the whereabouts of a pupil, before the pupil's name can be deleted from the register under regulation 8(1)(f) and 8(1)(h)?
 - Yes/No/Don't know
 - Comment:
3. a) Should schools **only** be required to report to their LAs pupils removed from their registers and pupils added to their registers at **non-standard transition points** (i.e. whenever a compulsory school-aged child leaves their school before completing that school's final year group)?
 - Yes/No/Don't know
 - Comment:
- b) Are LAs likely to use the proposed discretion to seek information on pupils removed from their registers (and pupils added to their registers) at **standard transition points**?
 - Yes/No/Don't know
- c) If your answer to 3(b) is yes, how often is this likely to be (e.g. every year for all schools, every year for most schools, etc.)?

- Comment:

d) If answer to 3(b) is yes, what are the expected additional benefits of requesting information at standard transitions, over and above non-standard transitions?

- Comment:

4. Is there any practical advice related to the proposals in this consultation, their effect or implementation that you would like to see in statutory guidance or departmental advice?

- Comment:

5. a) Are there individuals or groups with particular circumstances or characteristics, or type(s) of pupil for whom the impact of the proposals in this consultation will be relatively more significant?

- Comment:

b) How will the proposals in this consultation affect efforts under section 149 of the Equality Act 2010 to eliminate discrimination, harassment, and victimisation, to advance equality of opportunity, or to foster good relations?

- Comment:

6. How will schools and LAs approach the implementation of these proposals? What are the challenges or benefits, if any?

- Comment:

7. a) What existing processes, such as management information systems, could schools and LAs use for sharing information under the proposals in this consultation?

- Comment:

b) Will any changes be needed to adapt these processes and/or systems in 7(a) above to implement the proposals? If so, what would these changes be?

- Comment:

c) How long (in minutes) is it expected to take for one member of LA staff to familiarise themselves with the amended regulations and disseminate information about the changes in the regulations to all staff?

- 0-10 mins,
- 11-20 mins,
- 21-30 mins,

- 31-40 mins or 40+ mins (please specify):
- Comment:

d) What administrative work will be required by LAs to process the additional information received from schools?

- Comment:

e) How long (in minutes) is it expected that this administrative work would take for each child?

- 0-10 mins,
- 11-20 mins,
- 21-30 mins,
- 31-40 mins or 40+ mins (please specify):
- Comment:

8. How long (in minutes) do schools expect it would take to carry out the following tasks:

a) Report a deletion of a pupil's name from their register to their LA

- 0-10 mins,
- 11-20 mins,
- 21-30 mins,
- 31-40 mins or 40+ mins (please specify):
- Comment:

b) Report an addition of a pupil's name to their register to their LA

- 0-10 mins,
- 11-20 mins,
- 21-30 mins,
- 31-40 mins or 40+ mins (please specify):
- Comment:

c) Obtain from parents the necessary additional information required; this may cover:

- a pupil's onward destination and home address if they are being removed from their current school's register, including the name and address of their new school/institution.
- details of a pupil's previous school and home address when they are being added to a school's register
- 0-10 mins,

- 11-20 mins,
- 21-30 mins,
- 31-40 mins or 40+ mins (please specify):
- Comment:

9. How much time (in minutes) will it take for parents to provide this additional information to schools?

- 0-5 mins,
- 6-10 mins,
- 11-15 mins,
- 16-20 mins or 20+ mins (please specify):
- Comment:

10. a) Within schools, who would be responsible for understanding the amendments to the regulations and disseminating information about the changes in the regulations to staff?

- Comment:

b) how long (in minutes) is this task expected to take?

- 0-10 mins,
- 11-20 mins,
- 21-30 mins,
- 31-40 mins or 40+ mins (please specify):
- Comment:

11. Please let us have your views on responding to this consultation (e.g. the number and type of questions, was it easy to find/understand/complete, etc.):

- Comment:

12. Please provide any other comments here:

- Comment:



Department
for Education

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