

Safeguarding Protocol:

children who are not in school

- *children missing education*
- *home educated children*
- *children absent from school*

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Introduction

The purpose of this protocol is to ensure that Slough Borough Council safeguards and ensures the welfare of three groups of children:

1. children missing education;
2. children who are home educated; and
3. children who are absent from school.

To avoid confusion, for the purpose of this protocol these three different groups of children will be collectively referred to as children not in school. They are considered together in this protocol as there is a need to safeguard children in each of these groups and a child identified in one group can quickly become a member of the others. For example, a child with persistence absence could be removed from a school roll and become a child missing education and parents might subsequently report that the child is being home educated.

This protocol is written to ensure that Cambridge Education (CE) staff understand how to safeguard children who are not in school, when to share information with Children, Young People and Families (CYPF) colleagues and when to make a referral to children's social care. It will also ensure that CYPF staff responding to referrals understand the work undertaken by CE staff, and the processes they followed, which have identified the concerns that led to those referrals.

Throughout this document children is used to mean children and young people and the terms pupil or pupils are used to describe a child or children who are enrolled at a school or alternative provision centre. The terms parent and parents are used to refer to carer and carers respectively.

Regular communication and appropriate information sharing between professionals – *particularly those providing education services, early help and social care* – is essential to ensure that children are both legally educated and safeguarded. Alongside this protocol, the Head of School Services and the Attendance Team Manager from Cambridge Education and the nominated Head of Service from CYPF will meet every 6 weeks. The purpose of this Keep in Touch (KIT) meeting is to ensure information-sharing to ensure that children are safeguarded and educated. The KIT meeting must record any agreed actions and Cambridge Education and the local authority will share responsibility for providing business support to this meeting to enable this.

Terminology in this area of work is often misunderstood and misused, which may cause confusion and potentially may lead to delays in decision making. When working in a multi-professional or multi-agency context all professionals (and volunteers) should ensure that children's educational circumstances are clearly understood by all involved and avoid using abbreviations, acronyms and any unnecessary terminology.

This protocol augments, but does not replace, existing local procedure and guidance.

1. Children missing education

All children, regardless of their circumstances, are entitled to a full time education which is suitable to their age, ability aptitude and any special educational needs that they may have. Children missing education (CME) are children of compulsory school age (5-16) who are not on a school roll and who are not being educated other than at school.

This means that CME are children who are not registered as pupils at a state school (including Academies and Free Schools); an independent school or an Alternative Provision centre (such as a Pupil Referral Unit) **and** who are not being electively home educated by their parent(s). CME may have been out of educational provision for a substantial period of time or may never have attended a school.

Children who are absent from their school (including academies, free schools and independent schools) or an alternative provision centre (for whatever reason, whether authorised or unauthorised) **are not CME**.

Children who are electively home educated (including those in flexi schooling arrangements that combine school and home education) **are not CME**.

Children who are enrolled at an independent boarding school **are not CME**.

There are many circumstances **where children may become CME**, including:

- children who have never been enrolled at a school;
- children suffering abuse/neglect;
- children of Gypsy, Roma and Traveller families;
- families of Armed Forces, although this is less likely in Slough;
- missing children/runaways;
- children who are new to the country and awaiting a place; and
- young people supervised by the Youth Justice System.

CME are at significant risk of underachieving and becoming NEET (Not in Education, Employment or Training) after year 11.

The majority of children attend school and therefore have regular daily contact with professionals who are able to ensure their welfare and safeguard them. CME are not attending school and consequently will have little or sometimes no contact with any statutory services. **CME are at significant risk of being victims of neglect and abuse.**

When a professional believes that s/he has identified a child who is CME s/he should make a referral to the Pupil Tracking Officer (PTO) by email in accordance with the CME Staff Guide. Multi-agency professionals, volunteers and members of the public may not be aware of the procedure so any member of CE or SBC staff receiving contact about a CME must refer this to the PTO.

When a referral is made to the Pupil Tracking Officer (PTO) concerning a child whom the referrer believes is a CME, checks are made to confirm the identity and home address of the child and if s/he is really missing education. These enquiries may find one of the following four scenarios, and safeguarding procedures are presented for each. The referred child may be:

- A. resident outside of Slough;
- B. resident in Slough and records show him/her to be missing education;
- C. resident in Slough and is enrolled at School or Alternative Provision; or
- D. resident in Slough and recorded on the LA's Home Education Database.

A. Referred child resident outside of Slough

When a referral is made to the PTO concerning a child whom the referrer believes is a CME and who is identified as **NOT being resident in Slough** then this referral must be passed to the equivalent CME service in the local authority where the child is resident.

If there are any safeguarding concerns about the child then a referral must be made to the CYPF First Contact Team (01753 690898 or 01753 875591) where the child is physically present in Slough *and* the known/suspected risk arises in Slough.

If in any doubt seek advice from the CYPF First Contact team.

B. Referred child resident in Slough and CME

When a CME referral is made to the PTO concerning a child who is identified as being resident in Slough and initial enquiries by the PTO indicate that the child could be a CME (not on school roll or otherwise educated) the PTO must take the following actions to ensure the child's welfare.

1. Check the Integrated Care System (ICS)

Check ICS to determine if the child, or a sibling, is known to children's social care and identify if the child/sibling is currently or has previously been:

- the subject of a Child in Need (CiN) Plan;
- the subject of a Child Protection (CP) Plan;
- a Looked After Child (LAC).

Explanatory Note

A child who is the subject of a current CiN/CP/Care Plan should not be subsequently identified as a CME as this should be discovered during assessment and subsequent social work. The education of all LAC is also tracked by the Virtual School Head. However, it is conceivable that this circumstance could arise, particularly if a school removes the child from its roll due to poor attendance. If the child/sibling is allocated to a social worker the PTO should alert the allocated social worker to the CME concerns and be prepared to work with the social worker to address these as appropriate.

2. Check the Early Help System (EHS)

If there is no record for the child on ICS check EHS to determine if the child/or sibling is the subject of a current Early Help Assessment and Plan. Where there is a current EHA note the contact details of the Lead Practitioner.

Explanatory note

It should not be possible for a child who is the subject of an Early Help Assessment and Plan to be subsequently identified as a CME as this should be discovered during the assessment and subsequent early help work. If the child/sibling is allocated to an Early Help worker the PTO should alert the allocated worker to the CME concerns and be prepared to work with the worker to address these as appropriate.

3. Check for Other Relevant Children at Address

Check to ensure that any siblings or other children at the same address who are of compulsory school age are not CME (they are either on a school roll or educated otherwise, if of compulsory school age). If they are also identified as possible CME then CME procedures should be followed for them also.

4. Conduct a Home Visit

Where any child has been identified as a **CME** then the PTO will establish contact with the family and explain the procedure for applying for a school place, within 10 working days. If an application for a school place has not been made within 10 working days of the initial contact the PTO will conduct a Home Visit with another member of the CE School Services Team. During the home visit the **child should be seen where possible** to ensure his/her welfare.

If the child is not seen during the home visit the reason should be recorded and the appropriate actions taken as outlined in section 5 below.

5. Home Visit Scenarios

a. Nobody at home

If a Home Visit is attempted, but the family is not at home then the parents will be left a visiting card asking them to contact the PTO to arrange a new Home Visit. If the parent fails to contact the PTO within 10 working days of the initial visit a further unannounced visit will be made.

If the second visit is unsuccessful the process for the issue of a school attendance order will be followed. If any safeguarding concerns are raised during the visit these should be raised CSC/Early Help Duty Team for advice.

b. Child at home alone

If during a Home Visit a child is discovered at home alone and the visiting Officer(s) judge the child to be too young or incapable of self-care and **in immediate danger** they must **dial 999 and request Police emergency attendance**. The visiting Officer(s) must remain with the child.

Where the child is too young or incapable of self-care, but there is **no immediate danger**, the Officer(s) should remain with the child, but make reasonable enquiries to locate a parent or guardian to attend the home. If it is not possible to locate a parent or guardian to attend the home, **dial 101 and request Police support**.

If it has been established that a child who is too young or incapable of self-care has been left at home alone or there are concerns about appropriate parental supervision then a referral should be made to the CYPF First Contact team (01753 690898 or 01753 875591) and the parents notified in accordance with the Berkshire LSCBs Child Protection Procedures.

c. Child not present/not seen

If during a Home Visit the child referred as a CME is not present or is not seen for good reason (e.g. child is ill in bed) the PTO will arrange a further visit within 10 working days.

d. Child not permitted to be seen

If during a Home Visit the parents **do not allow** the visiting Officer(s) to see the child referred as a CME then a referral should be made to the CYPF First Contact Team (01753 690898 or 01753 875591) and the parents notified in accordance with Berkshire LSCBs Child Protection Procedures.

e. No access

If a Home Visit is attempted, but **entry is refused** the process for the issue of a School Attendance Order will be followed and a referral should be made to the CYPF First Contact Team (01753 690898 or 01753 875591) and the parents notified in accordance with the Berkshire LSCBs Child Protection Procedures.

6. Home Visit Outcomes

There are two possible outcomes from a home visit.

a. Child is Home Educated

Following enquiries and completion of the Home Visit, where it is identified that the child is not actually a CME, but is being electively home educated, then the **Home Education Safeguarding Protocol** must now be followed and the child added to the home education database. See also part D of this CME safeguarding protocol (Referred child is home educated).

Explanatory note

If the child never attended school in Slough before becoming home educated and the parent(s) did not voluntarily notify the local authority then the child is unlikely to appear on the local authority's Home Education Database. If the child previously attended school in Slough and was removed from roll for home education the school is required to have informed the local authority. Any home educated child who comes to the notice of the LA should always be added to the database and parents advised of this.

b. Child confirmed as a CME

Following enquiries and completion of the Home Visit where **the child is confirmed as a CME** the local authority serves written notice within 10 working days to the parent(s) informing them of their legal duty to ensure that their child receives efficient full-time education and providing details of how to apply for a school place.

For all children confirmed as CME referrals should be made to the CYPF First Contact Team (01753 690898 or 01753 875591) and the parents notified in accordance with Berkshire LSCBs Child Protection Procedures.

7. School Attendance Order

Where parents do not engage with the PTO regarding an application for a school place or do not promptly accept a school place offered to the CME, the local authority will issue the parents with a School Attendance Order.

The initial letter sent to the parent(s) will ask them to confirm what arrangements they are taking to ensure their child is receiving a suitable education at school or otherwise. Parents will be asked to confirm the situation in writing within 10 working days.

If the parent does not respond to the letter or the explanation given is unsatisfactory the parent will be issued a warning of a School Attendance Order. The warning will inform the parent that it appears that their child of compulsory school age is not receiving a suitable education, either by regular attendance at school or otherwise.

Under section 192 (1) of the Education Act (1993) the parent will be required to provide satisfactory evidence that their child is receiving suitable education within 15 days of receipt. If following the end of the 15 day warning period a satisfactory response has not been received arrangements will be made to allocate the pupil a place at a school and a School Attendance Order will be issued.

If the parent does not comply with the terms of the order the LA will instigate prosecution proceedings under section 444 of the Education Act 1996.

During this process it is essential that children's social care is kept informed and updated at each stage with the actions taken, and any new information obtained relating to the CME's circumstances or wellbeing.

Where the CME's referral to children's social care was accepted for assessment and a social worker has been allocated all new information and updates must be passed to him/her or his/her line manager.

Where the CME's referral to children's social care did not meet the threshold to be accepted for assessment, or the PTO is not aware of the outcome of the referral, all new information and updates must be provided to the CYPF First Contact Team to enable them to determine if the thresholds for assessment have been met.

8. Recording

All information obtained during desk enquiries and visits, and details of actions taken must be appropriately recorded.

9. KIT Meeting

Details of all CME referrals received, PTO enquiries, SAOs issued, contacts with children's social care and referrals made to the CYPF First Contact Team must be logged by Cambridge Education and shared at the regular KIT meeting.

C. Referred child resident in Slough and on school roll

When a CME referral is made to the PTO, but enquiries reveal that the child is on a school roll (including Alternative Provision centres) s/he is therefore **not a CME**, but is possibly a child with unauthorised absence or poor attendance. The following actions must be taken by the PTO or another member of the Attendance Service.

1. Contact the school or setting to inform that a CME Referral was received and to confirm that the pupil is still on roll and that systems are correctly updated.
2. If the school or setting reports that the child is not on roll then the procedures in Part B (Referred child resident in Slough and CME) must be followed.
3. Ask the School or setting to check the pupil's attendance to identify if s/he is currently absent (or was absent at the time the CME referral was made).
4. If the pupil was recorded as having either an unauthorised absence or an authorised absence where the circumstances of the CME referral do not match (e.g. recorded as absent due to illness, but stopped by Police in a public place) it is the responsibility of the school or setting to follow-up with the pupil and parent and notify the Attendance Service if there is a concern about the pupil's attendance/absence.

5. Check that the pupil is not persistently absent and that the School or setting does not need to notify the Attendance Service of his/her absence.
6. Remind the school or setting that if there are concerns about the wellbeing of the child then the school should initiate an Early Help Assessment and if there are any safeguarding concerns the school contact the CYPF First Contact Team (01753 690898 or 01753 875591) for advice, including whether a referral to children's social care is necessary.

D. Referred child is home educated

When a CME referral is made to the PTO, but enquiries reveal that the child is on the LA Home Education Database and therefore electively home educated and not missing education, the following actions should be taken.

1. The circumstances of the CME referral must be considered carefully to determine if it raises legitimate concerns either about the suitability of either the education provided or the child's welfare.

When doing this it is important to consider that when a child is home educated learning may take place in a variety of locations, not just the family home, and may also be provided by tutors. Although home education must be "full time", this is not defined and measurement of "contact time" is not relevant.

2. If the circumstances of the CME referral and/or information provided by the referrer raises concerns about the child's safety or wellbeing, a referral should be made to the CYPF First Contact Team (01753 690898 or 01753 875591) and the parents notified in accordance with Berkshire LSCB Child Protection Procedures.
3. If the circumstances of the CME referral and/or information provided by the referrer cause concern about the suitability of the education provided then the Attendance Service should follow this up appropriately within the Home Education procedures.

See also the safeguarding protocol for home educated children on page 13.

2. Pupils notified as absent from school

Schools, including Academies and Free Schools, must monitor enrolled pupils' attendance through their daily register and should investigate unexplained absences as part of their safeguarding duties. Schools intervene when absence first becomes an issue and must notify the Attendance Service **when pupils are regularly absent from school or have missed 10 school days or more without permission**. It is important that irregular attendance is referred to the LA.

The LA has a statutory duty to enforce school attendance by way of the issue of fixed penalty notices or prosecution under section 444 of the Education Act 1996. The Attendance Service provides non-statutory support to schools for early intervention support on a buy back basis.

Some children attend Alternative Provision because they are not able to successfully access or engage with mainstream education. These pupils are often vulnerable and already involved with Early Help services (Council and non-Council), YOTs or children's social care. The attendance of pupils who attend Alternative Provision must also be monitored and providers must report absences to the LA in the same way as schools. In Slough those centres delivering Alternative Provision – two Pupil Referral Units (PRUs) and two Colleges – also report concerns about absence to the LA.

Unauthorised, irregular and persistent absence from school is often symptomatic of something else going on in a child's life that is a cause for concern and can indicate that support or intervention is required. For example, absence might result from:

- poor parenting skills;
- poor parental wellbeing (*e.g. mental health, substance abuse, domestic abuse*);
- poor child wellbeing (*e.g. mental health, substance abuse, bullying, crime...*);
- children with caring responsibilities (*young carers for parent(s) and/or sibling(s)*); or
- child sexual exploitation and child trafficking.

The child, with his/her family, may be in need of Early Help services to prevent problems escalating or might already have needs that meet the threshold for children's social care interventions.

Whenever a school or Alternative Provision centre makes a referral for early intervention support to the Attendance Service about a child whose absence is causing concern, the following actions should be taken by the named Attendance Improvement Officer.

1. Collect and Record Information

Collect and record information from the school about the absence, the actions that the school or setting has taken to investigate and prevent future absence and any contact with other agencies and professionals. Ask the school or setting if it has initiated an Early Help Assessment for the child or is aware that another agency has initiated one. Subject to 2 and 3 (below) advise the school/setting to use the Slough Threshold to determine if it should complete an Early Help assessment and commence one if appropriate.

2. Check the Integrated Care System (ICS)

Check ICS to determine if the child is currently or has previously (within the last 2 years) been the subject of a CiN Plan or CP Plan; or Looked After. If there is currently an allocated social worker, alert him/her to the concern.

3. Check the Early Help System (EHS)

If there is no record for the child on ICS, check EHS to determine if the absent child has a current Early Help Assessment. If there is currently an Early Help Lead Professional, alert him/her to the concern.

4. Home Visits

Schools should take appropriate steps to make contact with parents whose children are absent from school without explanation, for example by telephone calls and home visits.

If a pupil has been absent for 10 days without the school being able to make contact with a parent, they may make a referral to the Attendance Service to undertake a home visit, although most cases of absence can be dealt with following the Attendance Service Protocol.

If a pupil has been absent from school for 20 consecutive days, the school may remove the pupil from its roll ("off-roll") and the pupil becomes a CME until such time as s/he is admitted onto the role of another school. Schools that off-roll pupils should inform Cambridge Education School Services, however this must not be assumed.

If there are concerns regarding the child's welfare the Attendance Improvement Officer should contact the CYPF First Contact Team (01753 690898 or 01753 875591) for advice.

5. Home Visit Scenarios

a. Nobody at home

If a Home Visit is attempted, but the family is not at home the parent will be left a visiting card asking them to contact the Attendance Improvement Officer to arrange a new Home Visit. A warning of fixed penalty notice will be considered at this stage.

b. Child at home alone

If during a Home Visit a child is discovered at home alone and the visiting Officer(s) judge the child to be too young or incapable of self-care and **in immediate danger** they must **dial 999 and request Police emergency attendance**. The visiting Officer(s) must remain with the child.

Where the child is too young or incapable of self-care, but there is **no immediate danger**, the Officer(s) should remain with the child, but make reasonable enquiries to locate a parent or guardian to attend the home. If it is not possible to locate a parent or guardian to attend the home, **dial 101 and request Police support**.

If it has been established that a child who is too young or incapable of self-care has been left at home alone or there are concerns about appropriate parental supervision then a referral should be made to the CYPF First Contact Team (01753 690898 or 01753 875591) and the parents notified in accordance with the Berkshire LSCB Child Protection Procedures.

c. No Access

If a Home Visit is attempted, but **entry is refused** a warning of a fixed penalty notice should be considered and a referral should be made to the CYPF First Contact Team (01753 690898 or 01753 875591) and the parents notified in accordance with the Berkshire LSCBs Child Protection Procedures.

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d. Child not seen

The Attendance Improvement Officer does not always see the absent child during a Home Visit and a follow-up visit will take place if the child has not returned to school in the interim.

If a follow-up Home Visit is needed as the absent child was not seen during the initial visit and has not returned to school and the visiting Officer does not see the absent child or during any Home Visit the parents **do not allow** the visiting Officer to see the absent child then s/he must take the following actions.

- I. If the absent child has a current social work plan and an allocated social worker, s/he or his/her line manager should be contacted and alerted to the absence.
- II. If the absent child has a current Early Help Assessment the Lead Professional should be contacted and alerted to the absence.
- III. In all other circumstances, and if in doubt, contact the Slough First Contact Team (01753 690898 or 01753 875591) for advice.

6. KIT Meeting

Details of all absent children notified to the Attendance Service who have been identified as the subject of a current EHA or CiN/CP Plan, or who are LAC should be shared with CYPFS at the regular KIT meeting.

3. Home educated children

All parents can legally elect to educate their children of compulsory school age at home and may withdraw them from school at any time to do so, unless they are subject to a School Attendance Order. Children with Statements of special educational needs (SEN) or Education, Health and Care Plans (EHC Plans) can be home educated and the local authority is under a duty to arrange that provision.

If children are attending a school parents must notify the head teacher in writing of their intention to remove them from school for home education. However, if children have never been to school there is no requirement for parents to notify the local authority prior to beginning home education.

Children with SEND may be home educated, but if their Statement of SEN or EHC Plan requires them to attend a Special School, permission from the local authority is required to ensure that the parents can meet their child's educational needs.

In undertaking its duty to monitor the suitability of education provided, **the local authority has no automatic right of entry to a parent's home and has no responsibility or legal power to meet with the home educated child.** Furthermore the local authority will only be aware of home educated children that have never attended school in Slough if the parents have notified the local authority voluntarily or there is contact with another service that shares this information with the Attendance Team (e.g. Children's social care).

Children who are home educated have little, or perhaps no, contact with statutory services. It is therefore possible that home education could be used to facilitate abuse or hide neglect as opportunities for professionals to identify any concerns in order to provide support or make interventions are extremely limited.

For every home educated child (either notified to the local authority or which it otherwise becomes aware of) the following actions must be taken:

1. Home Education Database

Add the details of the home educated child to the local authority Home Education Database in accordance with Home Education Procedures.

2. Check the Integrated Care System (ICS)

Check ICS to determine if the child is currently or has previously (within the last 2 years) been the subject of a CiN Plan or CP Plan; or Looked After. If there is currently an allocated social worker alert him/her or his/her line manager that the child has become home-educated.

For children who were previously subject to a CiN or CP Plan or who were looked after a professional judgement needs to be made in each case about the significance of the decision to remove the child from school to home educate. Contact should be made with the CYPF First Contact Team (01753 690898 or 01753 875591) to seek advice about whether a referral is necessary in order to enable a new assessment. Where a referral to children's social care is required, the parents notified in accordance with the Berkshire LSCBs Child Protection Procedures.

The details of all of these children (whether referred or not) must be discussed at the regular KIT meeting.

3. Check the Early Help System (EHS)

If there is no record for the child on ICS check EHS to determine if the child has a current Early Help Assessment. Where a current EHA is in place the Lead Professional must be informed that the child has become home educated.

4. Other Relevant Children Known to Children's social care

Following enquiries, it may be discovered that a sibling or another child at the same address as the Home Educated child is currently or has previously (within the last 2 years) been the subject of a CiN Plan or CP Plan; or been Looked After. If there is currently an allocated social worker, alert him/her or his/her line manager to the Home Education arrangements within the family or household as these might be important.

5. Monitoring Visits – Child at Home Alone see above

If during a Home Education Monitoring Visit a child is discovered at home alone and the visiting Officer(s) judge the child to be too young or incapable of self-care and **in immediate danger** they must **dial 999 and request Police emergency attendance**. The visiting Officer(s) must remain with the child.

Where the child is too young or incapable of self-care, but there is **no immediate danger**, the visiting Officer(s) should remain with the child, but make reasonable enquiries to locate a parent or guardian to attend the home. If it is not possible to locate a parent or guardian to attend the home, the visiting Officer should **dial 101 and request Police support**.

If it has been established that a child who is too young or incapable of self-care has been left at home alone or there are concerns about appropriate parental supervision then a referral should be made to the Slough First Contact Team (01753 690898 or 01753 875591) and the parents notified in accordance with the Berkshire LSCBs Child Protection Procedures.

6. Monitoring Visits – concerns about the home educated child

If during a Home Education Monitoring Visit the visiting Officer(s) have concerns about the child's welfare they should contact the CYPF First Contact Team (01753 690898 or 01753 875591) for advice.

7. Frequency of Checks

Checks of ICS and EHS should be made every six weeks by the PTO and the LA Home Education Database updated with the results and the date of the last check.

8. KIT Meetings

Details of all home educated children, siblings and other children at the same address who have been identified as currently or previously LAC or subject to EHA, CiN Plan or CP Plan should be shared at the regular KIT meeting.