

Committee Name and Date of Committee Meeting

Delegated Officer Decision – 15 October 2024

Report Title

Updated Children Missing Education Policy

Is this a Key Decision and has it been included on the Forward Plan?

Yes

Strategic Director Approving Submission of the Report

Nicola Curley – Strategic Director, Children & Young Peoples Service

Report Author(s)

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Ward(s) Affected

Borough-Wide

Report Summary

The Children Missing Education Policy is crucial in ensuring that the Council's statutory duty in preventing children from missing education is met. The Policy has been reviewed as part of annual process and updated in line with the publication of revised government guidance: Working Together to Improve School Attendance Guidance, effective August 2024.

Recommendations

1. That approval be granted to the revised Children Missing Education Policy.

List of Appendices Included

Appendix 1 Revised Children Missing Education Policy (Draft)
Appendix 2 Equalities Impact Assessment
Appendix 3 Environmental Impact Assessment

Background Papers

Department for Education: [Working together to improve school attendance](#), effective August 2024

Department for Education: [Children Missing Education statutory guidance](#), 2016

[Education Act 1996](#)

Consideration by any other Council Committee, Scrutiny or Advisory Panel

No

Council Approval Required

No

Exempt from the Press and Public

No

Updated Children Missing Education Policy

1. Background

- 1.1 Local Authorities have a legal duty under section 436A of the Education Act 1996 to make arrangements to identify, as far as it is possible to do so, children missing education. Children missing education are children of compulsory school age who are not registered pupils at a school and are not receiving suitable education otherwise than at a school.
- 1.2 Rotherham Metropolitan Borough Council's Children Missing Education Policy sets out how the local authority will work with key stakeholders to ensure that this statutory duty is met.

2. Key Issues

- 2.1 All children, regardless of their circumstances, are entitled to an efficient, full-time education which is suitable to their age, ability, aptitude and any special educational needs they may have
- 2.2 Children missing education are at significant risk of underachieving, being victims of harm, exploitation or radicalisation, and becoming NEET (not in education, employment or training) later in life.
- 2.3 It is important that all children in Rotherham receive suitable education in order that they are able to thrive and achieve economic wellbeing as they move into adulthood.
- 2.4 The Children Missing Education Policy was last reviewed and updated in 2020, and the updates proposed now are following a regular cycle of annual review to ensure this remains current.
- 2.5 Some drafting changes are proposed to ensure that the document is relevant and accessible to all stakeholders and is aligned to new statutory guidance issued by the Department for Education, Working Together to Improve School Attendance (effective August 2024).

3. Options considered and recommended proposal

- 3.1 Leave the Children Missing Education Policy as it is. This was last updated in 2020 and enhancements to local ways of working in respect of Children Missing Education are not reflected within it.
- 3.2 Recommended- the revised Children Missing Education Policy is approved to ensure that statutory duty continues to be discharged in Rotherham in the most effective way.

4. Consultation on proposal

- 4.1 Consultation has taken place with relevant Officers within School Organisation, Legal and Planning departments.

4.2 Ongoing feedback is received from schools, as a key stakeholder, through the relationship they have with the Children Missing Education Officer.

5. Timetable and Accountability for Implementing this Decision

5.1 July 2024- addition of decision to forward plan.

5.2 August 2024- Officer delegated decision taken and revised Policy implemented.

6. Financial and Procurement Advice and Implications

6.1 There are no direct procurement implications arising from the recommendations detailed in this report.

6.2 There are no direct financial implications arising from the proposed updates to the Children Missing Education Policy, as it is envisaged that any additional requirements would be accommodated within existing resources of the service.

7. Legal Advice and Implications

7.1 As set out within the body of the report, Local Authorities have a legal duty under section 436A of the Education Act 1996 to make arrangements to identify, as far as it is possible to do so, children missing education.

7.2 Statutory Guidance is in place; Children Missing Education: Statutory Guidance for Local Authorities. Statutory Guidance must be followed, and it will help Local Authorities to comply with their legal duties to identify children missing education and to get these children back into education.

7.3 The Statutory Guidance is clear that Local Authorities should have robust policies and procedures in place to enable them to meet their legal duties, including ensuring that there are effective tracking and enquiry systems in place and appointing a named person to whom schools and other agencies can make referrals.

7.4 The Children Missing Education Policy ensures that the Council can demonstrate that it has considered the Statutory Guidance and is working within legal requirements.

7.5 It is vital that the Policy is reviewed and kept up to date in order to reflect any changes to legislation and/or updates to Statutory Guidance. The Statutory Guidance also states that Local Authorities should undertake regular reviews and evaluation policies and procedures to ensure that they continue to be fit for purpose.

7.6 In approving the reviewed policy, the risk of legal challenge against the Council will be minimised and the Council will be in a position to clearly demonstrate compliance with its statutory duties.

8. Human Resources Advice and Implications

8.1 There are no direct HR implications within this report.

9. Implications for Children and Young People and Vulnerable Adults

9.1 Children and Young People at risk of Missing Education will be identified, tracked and supported in line with statutory duty.

10. Equalities and Human Rights Advice and Implications

10.1 The Council Plan theme supported by the proposal is to ensure every child is able to fulfil their potential. This is supported by taking action to ensure that children receive a suitable education.

10.2 An equalities impact assessment has been completed and is Appendix 2 to this report.

11. Implications for CO2 Emissions and Climate Change

11.1 An impact assessment has been undertaken linked to the proposals contained within this report and is Appendix 3.

12. Implications for Partners

12.1. The revised policy has been prepared following consultation with Children Missing Education Officers, School Admissions and other internal stakeholders including finance, Legal department and Procurement.

13. Risks and Mitigation

13.1 The Local Authority has a statutory duty to identify, as far as it is possible to do so, children missing education, and take consequent action to ensure that such children receive suitable education.

14. Accountable Officers

Sarah Whitby: Head of Service – Access to Education
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