



Not present, what future? Children missing education in England

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National Children's Bureau: working with children, for children

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Summary

This briefing, based on findings from a Freedom of Information (FOI) request to all local authorities in England in January 2014, seeks to estimate the number of children who are missing education and the reasons for them doing so. The paper provides a brief summary of the data collected, as well as exploring some of the practice and policy issues affecting work with children who are missing education.

141 of the 152 local authorities in England (93 per cent) responded to our FOI request, of which 139 (91 per cent) provided data. However, in order to make realistic estimates and comparisons, we have reported and used information from the 79 local authorities that provided snapshot data for a given day in early 2014.

We found that:

- across these 79 local authorities, on a given day, 7,701 children were recorded as missing education. We estimate that this equates to over 14,800 children missing education at any one time across England
- across 45 local authorities, on a given day, there were a total of 1,022 children missing education whose whereabouts were unknown. We estimate that this equates to over 3,000 children across England
- across the same 45 local authorities, 1,474 children were awaiting a place in school or alternative provision. We estimate that this equates to almost 5,000 children across England. This included children who had moved into the local authority from another part of the country or from overseas, children who were considered 'hard to place', and cases where parents had disputed or not taken up a place offered
- there is inconsistency in the methods used by local authorities to collect data on children missing education, with some local authorities providing snapshot, monthly or annual data, and some appearing to record little information about the categories of children missing education or the reasons for them doing so. At the same time, the Department for Education does not collect national data on this issue.

In light of our findings, NCB recommends that the government conduct a national review of children missing education. This should result in improvements to the way data about children missing education is collected, nationally and locally, and to practice by local authorities, schools, social services and their partners, to ensure that these children, and their families, get the support they need to thrive in their learning.

NCB would like to thank all the local authorities that responded to our request for information.

1. Introduction

Every child under the age of 16 should receive a 'suitable education', either through school, alternative provision or home education. 'Suitable education' is defined in law as "efficient full-time education suitable to his [or her] age, ability and aptitude and to any special educational needs he [or she] may have"¹.

However some children and young people are missing out on a full-time education, or any educational provision at all, for a number of reasons. For example, they may have been permanently excluded, or be pregnant or a young mother. They may have complex needs, including behavioural difficulties or a special educational need, and no suitable school place has been found for them, or they may have health needs that prevent them from going to school full-time. Children who are not receiving a suitable education are generally referred to as 'children missing education' (CME)². Every local authority is required to make arrangements to enable it to identify, as far as it is possible to do so, the CME in their area³.

If a child is missing education they are at significant risk of failing academically, and of being out of education, training and employment (NEET) in later life⁴. They may be at risk of physical, emotional or psychological harm, particularly if their whereabouts become unknown or they are taken off the school roll. Recent high profile cases of child maltreatment involving sexual exploitation have included children who were missing education⁵, and a similar correlation has been found between a child missing education and becoming a victim of forced marriage⁶.

Certain groups of *already* vulnerable children are at particular risk of missing education, including: pupils at risk of harm or neglect; children of Gypsy, Roma and Traveller families; children of the armed forces; missing children or runaways; children and young people supervised by the youth justice system; and children who cease to attend a school where the reasons for their absence are not known⁷.

Despite the obvious vulnerability of these children, Ofsted inspectors recently found evidence of some local authorities failing to collect and hold sufficient data about, and providing poor quality educational provision to, the CME in their area, as well as evidence of insufficient information sharing between education, health and other services⁸.

¹ S.436A of the Education Act 1996 (inserted by s.4 of the Education and Inspections Act 2006)

² Department for Education (2013) *Children missing education: statutory guidance for local authorities*. London: Department for Education

³ S.436A of the Education Act 1996 (inserted by s.4 of the Education and Inspections Act 2006)

⁴ Department for Education (2013) *Children missing education*

⁵ House of Commons Home Affairs Committee (2013) *Child sexual exploitation and the response to localised grooming: Second Report of Session 2013–14*. London: House of Commons

⁶ House of Commons Home Affairs Committee (2011) *Forced marriage: Eighth Report of Session 2010–12*

⁷ Department for Education (2013) *Children missing education: statutory guidance for local authorities*. London: House of Commons

⁸ Ofsted (2013) *Pupils missing out on education: low aspirations, little access, limited achievement*. Manchester: Ofsted

2. Children missing education: the legal and policy framework

Definition of CME

The Department for Education's statutory guidance on CME defines them as children "who are not registered pupils at a school, and are not receiving suitable education otherwise than at a school."⁹ Ofsted's thematic review into this issue looked more broadly at "children and young people who do not, or cannot, attend *full-time* school in the usual way", defining 'usual way' as attending "between 21 and 25 hours a week, as appropriate for their age."¹⁰

Expectations of local authorities, schools and parents

In addition to their general duty to safeguard and promote the welfare of children¹¹, local authorities have a range of duties concerning CME.

- They must make arrangements to establish, as far as it is possible to do so, CME in their area¹².
- They must make arrangements to provide suitable education, otherwise than at school, for children who would not receive suitable education for any period of time without such provision. This should be full-time unless the local authority considers part-time education to be in the child's best interests "for reasons which relate to the physical or mental health of the child"¹³.
- They should have robust procedures and policies in place for meeting their duty, including appointing a named person to whom schools and other agencies can make CME referrals, and reviewing and evaluating their processes¹⁴.
- They must have a fair access protocol in place to ensure that unplaced children who arrive in an area outside the normal admissions round are found and offered a school place quickly, so that the amount of time any child is out of school is kept to a minimum¹⁵.

Schools, academies and free schools are also under a general duty to safeguard and promote the welfare of children¹⁶, and, like local authorities, they are subject to specific duties and expectations regarding CME¹⁷.

- They must monitor pupil attendance and, in certain circumstances, notify the local authority if a child is to be removed from the school roll.
- They should, at agreed intervals, inform their local authority of pupils who are regularly absent or who have missed school for ten consecutive days or more without permission.

⁹ Department for Education (2013) *Children missing education*, p.4

¹⁰ Ofsted (2013) *Pupils missing out on education*, p.6 (own emphasis)

¹¹ S.11 of the Children Act 2004

¹² S.436A of the Education Act 1996 (inserted through the Education and Skills Act 2006)

¹³ S.19 of the Education Act 1996

¹⁴ Department for Education (2013) *Children missing education*

¹⁵ Department for Education (2012) *School Admissions Code: Statutory guidance for school leaders, governing bodies and local authorities*. London: Department for Education

¹⁶ S.175 of the Education Act 2002, and Schedule 1 Independent School Standards (England) Regulations 2010

¹⁷ Unless otherwise indicated, these duties and expectations are set out in: Department for Education (2013) *Children missing education*

- They should investigate any unexplained absences.
- They must arrange alternative provision from the sixth day following a fixed term exclusion from school, with local authorities responsible for arranging full-time education from the sixth day following a permanent exclusion from school¹⁸.
- They are expected to use the Department for Education's school2school secure site to transfer pupil information when a child moves to another school or local authority. Within this site, the 'lost pupils database' holds the transfer records of pupils whose correct destination is not known, and retains records where a child leaves for a destination outside the school sector (for example moving to an independent school, moving abroad, being unwell or having moved without a reason)¹⁹.

Statutory regulations set out in detail the circumstances under which schools can remove pupils from their roll²⁰. These include if a pupil:

- has stopped attending the school and the school has been notified by the parent that the pupil is receiving education elsewhere
- has stopped attending the school and no longer lives a reasonable distance from the school
- has been granted leave of absence but has not attended the school for ten school days following that period of leave, and there is no reason to believe the pupil cannot attend because of sickness or another unavoidable cause, and both the school and local authority after reasonable enquiry do not know the pupil's whereabouts
- is certified by the school medical officer as unlikely to be in good enough health to attend school
- has been continuously absent from the school for a period of twenty school days or more without authorisation
- has been detained under a court order for four months or more, and the school has no reasonable grounds to believe that the pupil will return
- has been permanently excluded from the school.

Under the same regulations, Gypsy, Roma and Traveller children must remain on the roll of their base school, i.e. the school they attended most during the previous 18 months when the family was not travelling.

Parents are legally required to ensure that their children of compulsory school age are receiving efficient full-time education²¹. However, they may elect to educate their child at home, thus withdrawing their child from school, unless they are subject to a School Attendance Order²².

¹⁸ S.100 and 101 of the Education and Skills Act 2006; The School Discipline (Pupil Exclusions and Reviews) (England) Regulations 2012; Department for Education (2012) *Exclusion from maintained schools, academies and pupil referral units in England: a guide for those with legal responsibilities in relation to education*. London: Department for Education

¹⁹ Hansard House of Commons Official Report, 30 April 2014, vol. 579 no. 155, cols. 706-707W

²⁰ The Education (Pupil Registration) (England) Regulations 2006; The Education (Pupil Registration) (England) (Amendment) Regulations 2013

²¹ S.7 of the Education Act 1996

²² Department for Education (2013) *Children missing education*

Local authority and school inspections

Prior to carrying out its 2013 review of CME, Ofsted did not inspect local authorities' arrangements for supporting and providing alternative provision to CME. As a result of the findings of its review, however, it committed to doing so as part of its integrated inspection of local authorities' looked after children and safeguarding services²³. Specifically, inspectors will ask for a report on children for whom the local authority is responsible, who are of school age but who are not in receipt of full-time school education at the time of inspection. The report should include: each child's unique ID, date of birth and unique pupil number; the type of educational provision they are receiving; the number of hours provision received each week; if relevant, the type of exclusion; and the date when alternative provision commenced.²⁴ In 2015, Ofsted, working with the other HM inspectorates, plans to introduce an integrated inspection regime that evaluates and judges the contribution of health, police, probation and prison services in the help, care and protection of children and young people.

Under the school inspection framework, inspectors consider the effectiveness of schools' safeguarding arrangements. Among other factors, they are required to look at: the rigour with which absence is followed up; the decision-making process involved in taking pupils off roll; and the care taken to ensure that pupils placed in alternative provision are safe at all times²⁵. An additional briefing for inspectors on safeguarding²⁶ states that "School staff need to be particularly sensitive to signs which may indicate possible safeguarding concerns"²⁷.

²³ Ofsted (2013) *Pupils missing out on education*. See also: Ofsted (2014) *Framework and evaluation schedule for the inspection of services for children in need of help and protection, children looked after and care leavers: Reviews of Local Safeguarding Children Boards*. Manchester: Ofsted

²⁴ Ofsted (2014) *Inspection handbook: inspections of services for children in need of help and protection, children look after and care leavers: Reviews of Local Safeguarding Children Boards*. Manchester: Ofsted, p.54)

²⁵ Ofsted (2014) *School inspection handbook: handbook for inspecting schools in England under section 5 of the Education Act 2005*. Manchester: Ofsted

²⁶ Ofsted (2014) *Inspecting safeguarding: Briefing for section 5 inspection*. Manchester: Ofsted

²⁷ "This could include, for example, poor or irregular attendance or children missing from education", in Ofsted (2014) *Inspecting safeguarding*, p.8.

3. How many children are missing education, who are they and why are they missing out?

In January 2014, the National Children's Bureau (NCB) sent a FOI request to Directors of Children's Services (or their equivalent) in all 152 local authorities in England. We asked for:

- the total number and percentage of children of compulsory school age in the local authority who are recorded as missing education
- any statistical breakdown of the different groups of CME or reasons why these children are recorded as missing education.

141 of the 152 local authorities in England (93 per cent) responded to our request, of which 139 (91 per cent) provided data. Different local authorities provided data in different formats – some giving us snapshot data for a given day and others providing figures for longer time periods (for example, for a month or a year). To enable us to make realistic estimates and comparisons, our analysis uses the data from the 79 local authorities (52 per cent of all local authorities) that provided snapshot figures for a specified day between December 2013 and March 2014.

How many children are missing education?

There are currently no arrangements for the collection of national data on the numbers of children missing education²⁸. However, in the past, attempts have been made to estimate the prevalence of the problem. In 2011, the *Times Educational Supplement* estimated that just fewer than 12,000 children had fallen out of the education system, and the whereabouts of 1,500 were not known by either schools or local authorities²⁹. More recently, in 2013, Ofsted estimated that more than 10,000 children across England were not participating in full-time education, based on the assumption that the pattern found in the 15 local authorities it surveyed was representative.

Across those 79 local authorities that provided snapshot data, a total of 7,701 children were recorded as missing from education. Using the average number of children for these local authorities, we estimate that, on any given day, over 14,800 children could be missing education across all local authorities in England – significantly more children than in the recent estimate by Ofsted³⁰.

The data we received showed wide variation across local authorities in terms of the number of children recorded as missing education, ranging from no children at all to 673 children on a given day. Table 1 (below) gives an indication of the range of responses from local authorities that provided snapshot data, setting out the three

²⁸ Hansard House of Commons Official Report, 30 April 2014, vol. 579 no. 155, cols. 706-707W

²⁹ Maddern, K (2011) 'The mystery of England's 12,000 vanishing pupils' *Times Educational Supplement*, 11 Feb 2011. Estimate based on a freedom of information request.

³⁰ It should be noted that our estimate is not weighted by population, and should be treated only as an estimate in the absence of national or consistent local data collection.

highest and three lowest levels of CME as a proportion of their total pupil population.

Table 1: Local authorities providing data for a particular day between December 2013 and March 2014 (snapshot)

Local authority	Total number of CME	% of pupil population
Local authority 1	673	2.0
Local authority 2	472	0.7
Local authority 3	243	0.6
Local authority 75	5	0.0 (0.03)
Local authority 76	2	0.0 (0.0001)
Local authorities 77, 78, 79	0	0.0

There was similar variation across local authorities that provided data for longer time periods, with one recording five CME over five months and another recording as many as 2,759 CME over a school year.

It is important to note that having a high level of recorded CME does not necessarily indicate that a local authority is performing poorly in comparison to those with lower CME rates. Instead, it is possible that a higher figure demonstrates that a local authority is more effective at collecting and recording the relevant data. These higher numbers may well therefore represent a truer picture of the situation when it comes to levels of CME nationally. However, further investigation would be needed to ascertain this.

Who are these children and why are they missing education?

We asked local authorities to provide the information they hold relating to the categories of children who are CME and/or the reasons for them missing education.

Of the 79 local authorities that provided snapshot data for a given day, 45 (29 per cent of all local authorities) provided comparable snapshot data *and* a sufficiently detailed breakdown by reason or category to allow for analysis. We used the data from all these authorities to provide some descriptive information on the types of children who are missing education and the reasons recorded for them doing so. Table 2 (below) sets out the number of CME by reason or category in these 45 local authorities.

Table 2: Children missing education across 45 local authorities on a given day, by reason/category

Reason/category recorded by local authority	Children missing education	
	Number	Percentage
awaiting a place in school or alternative provision ³¹	1,474	43.4%
whereabouts unknown ³²	1,022	30.1%
left the local authority	234	6.9%
moved overseas or believed to have moved overseas	184	5.4%
Gypsy, Roma and Traveller	80	2.4%
failed to enrol in school or transition between schools	62	1.8%
elective home educated ³³	44	1.3%
special educational needs ³⁴	33	1.0%
health reasons	10	0.3%
excluded from school	5	0.1%
pregnant/teenage mother	5	0.1%
no reason provided/ reason unclear	164	4.8%
other ³⁵	79	2.3%
Total	3,396	100.0%

It should be noted that the approach to recording this level of information appeared to vary from authority to authority. Never the less, the information provided indicates that the **majority of children missing education across the 45 local authorities (1,474 children, 43.4 per cent) were awaiting a place in school or alternative provision. We estimate that this equates to almost 5,000 children awaiting a school place at any one time across England.** It was not always clear why these children were waiting for a school place. However, this category did include children who had moved into the local authority from another

³¹ In this category, we have included children whom local authorities described as 'In Year Fair Access' and 'hard to place', children for whom a school application had been made and those for whom no application had been made, cases where a school place had been offered but had been refused or there had been no response, children withdrawn from school where complex circumstances had posed a barrier to allocating a new place, those in transition to alternative provision, and asylum seekers in the process of being placed.

³² In this category, we have included children whom local authorities described as 'missing' either within or outside the authority, those who had been removed from roll after failing to return from a leave of absence, and those who had left the area but whose destination was unknown.

³³ In the majority of cases, the local authority specified that this category related to cases where the education provided at home was under investigation or deemed unsatisfactory, where the child was not engaging, where the child was in the process of being added to the elective home education register, or where there had been no contact. In some cases, the local authority did not specify.

³⁴ In this category, we have included children described by local authorities as having 'complex' needs, those waiting for a school place/start date where SEN has been specified and those going through the SEN appeals process.

³⁵ In this category, we have included children or cases described by local authorities as 'open to social care', 'absconded asylum seekers', 'complex situation/circumstances', 'parent withdrew', returned from custody, non-attenders but being supported by other agencies within LA and 'ex holidays'.

part of the country or from overseas, children who were considered 'hard to place', and cases where parents had disputed or not taken up a place offered.

Of particular concern was the **1,022 CME whose whereabouts were unknown by their local authority**, making up almost a third (30.1 per cent) of the children missing education in the 45 local authorities. **We estimate that this equates to over 3,000 children across England at any one time.** If the local authority does not know these children's whereabouts, there is a risk that they will be 'off the radar' for a range of services, including children's social care, health and family support.

It should be noted that, **of the 139 local authorities that provided figures for CME, 51 (42 per cent of all local authorities) did not provide any breakdown by category or reason.** While a minority of those (two local authorities) referred to data protection as a justification for not providing a breakdown, it is unclear whether the remaining local authorities actually collect this information or not.

4. Are local authorities working effectively to identify and support children missing education?

In 2013, Ofsted conducted a review on children missing out on education (those who do not or cannot attend school full-time), based on visits to 15 local authorities and 37 schools and services. The review found that a number of the local authorities visited had insufficient information gathering and monitoring systems, and inadequate provision for those pupils unable to take part in full-time education. Ofsted went as far as to say that some local authorities are “failing to educate children and young people and may be failing in their statutory duty to take reasonable steps to protect them”³⁶.

While Ofsted did refer to examples of good practice, they found evidence of:

- **poor or incomplete information about CME in the local area.** For example, only five out of the 15 local authorities regularly gathered and analysed information on CME, including numbers of CME, length of time missing education and what alternative provision they were receiving. Four local authorities were unable to provide the necessary information when asked. This meant they were less able to track their children’s progress or comment on the quality and appropriateness of the provision they had arranged
- **some schools, health services, youth offending services and local authorities failing to share information well enough** about CME, including about the quality and amount of provision they were getting and levels of attendance
- **poor quality and insufficient provision for many of the young people who were not attending school full-time.** Ofsted found that many children were not receiving enough educational provision, and that provision was often not flexible or challenging enough. For example, in around half of the cases investigated, children and young people who were out of school were receiving between five and eight hours educational provision each week
- **low expectations of children who are missing education,** with some local authorities offering less provision than children were entitled to and insufficiently challenging provision
- **evidence of some schools carrying out unlawful exclusions,** rather than providing support for children with behavioural difficulties
- **parents and carers being unaware about how to raise concerns or get help** and unwilling to increase from part-time to full-time, if part-time provision was working well.

Using examples of good practice, the Ofsted review identified some key factors that help local authorities and their partners ensure that children and young people who are not going to school full-time get a good education and are kept safe. In relation to **accountability**, Ofsted found that practice was better where a **senior officer** was held accountable for the statutory duty to make provision. Similarly, parents

³⁶ Ofsted (2013) *Pupils missing out on education*, p.6

felt more confident about the quality of provision their child was receiving if they knew that a single person was responsible for their child. In cases where children had to be out of school, for example when attending a Pupil Referral Unit or hospital school or when serving a custodial sentence, they were less likely to have their education disrupted if they **stayed on a school roll**. Children and young people not attending school needed full-time, good quality and flexible provision if they were to achieve.

At the same time, Ofsted found that **partnership working** across schools, academies, local authorities and other agencies made a positive difference. Having a shared commitment and responsibility across all relevant services and bodies – education, social care, health, youth offending and the voluntary sector – helped ensure that children and young people received education that was as near to full-time as possible. Local authorities recognising the increasing autonomy of schools and academies, while also working closely with them and others, was key. Alongside this, Ofsted also emphasised the need for strong **reporting and monitoring systems** within schools, and between schools, academies and local authorities. This should include effective monitoring of children and young people *at risk* of missing out on a sufficient education, as well as those who are not attending school full-time.

Finally, **early intervention** is important. Ofsted found that local authorities and schools that acted quickly in the face of potential disengagement or pupil anxiety were more likely to support those pupils to achieve at a level comparable with their peers.

5. Conclusion

Using data from a FOI request to local authorities in early 2014, we estimate that, on any given day, over 14,800 children in England could be missing education. The evidence also suggests that local authorities do not know the whereabouts of large numbers of these children. We found that, across 45 local authorities, the whereabouts of a total of 1,022 CME was unknown; this could be as many as 3,000 nationally.

In 2013, alongside some examples of good practice, Ofsted found evidence that some local authorities are failing in their duty to identify CME in their area and provide a suitable education for those children. Without national data collection, or consistent recording and monitoring systems across local authorities, we can only work with estimates at this stage. Nevertheless, it is unacceptable that so many children and young people are missing out on the opportunity to learn, and that some local authorities, schools and their partners are not doing their very best to find out who these children are and deliver the support and interventions they need.

Recommendation: The Department for Education should work with local authorities, schools, Ofsted and other partners to conduct a national review into CME. The review should address the following issues.

i) The definition of children missing education

Our FOI request and review of the legal and policy frameworks revealed a lack of clarity about the terms used for children who are missing education, and a number of local authority respondents indicated concern that the definition differs between the statutory guidance and the inspection frameworks. For example, while the Department for Education's statutory guidance refers to 'children missing education', Ofsted's inspection documents refer to children 'missing *from* education' or 'missing and absent from education', and its thematic report looked at 'pupils missing out on education'. These phrases arguably have different meanings and may require different educational or social service responses.

Recommendation: The national review into CME should seek to set out a clear definition of the children and young people under consideration, and this should be used consistently in all statutory guidance and relevant inspection frameworks.

ii) Data collection

There is currently no system for collecting national data on the number of CME over a given year or on a particular day, making it very difficult to establish an accurate picture of the extent of the problem, monitor trends and scrutinise performance by local authorities, schools and their partners. At the same time, our FOI request and investigations by Ofsted show that data collection at the local level is inconsistent. Different local authorities are gathering data annually, monthly or for a given day. At the same time, local authorities are taking varying approaches to collecting

demographic information or information about the reasons for a child missing education, and Ofsted found that, in the majority of local authorities examined, systems for tracking children are not sufficiently robust.

Recommendation: The national review into CME should assess existing systems for national and local data collection and monitoring, and put in place a consistent approach across local authorities.

iii) Local practice

Ofsted's recent review found evidence of a wide variation in local practices in monitoring and working with children who are, or are at risk of, missing from education. At the same time, there was evidence of local authorities having a positive impact on the lives of these children. Ensuring clear lines of accountability, having effective data collection and monitoring systems, working in partnership, sharing information and intervening early where a child might be at risk of missing education, are all key to helping these vulnerable children achieve and keeping them safe.

Recommendation: The national review into CME should review the legal framework and statutory guidance against existing good practice and in particular:

- **consider whether the current legislative framework is fit for purpose, particularly in light of the increase in school autonomy and proliferation of academies and free schools**
- **make recommendations for the provision of supplementary advice for local authorities, schools and other local agencies**
- **identify what measures are needed to strengthen local accountability for CME, including considering whether to introduce a statutory post to ensure all local authorities have a responsible senior officer and what role Local Safeguarding Children Boards should play**
- **review local information sharing protocols and systems in relation to CME across local authorities, schools, academies and other services, including health, youth offending and the police, to identify what improvements are required**
- **consider what further action is needed to stop unlawful exclusions by schools and academies, including improvement of complaints systems and approaches to penalising schools engaging in this practice**
- **identify common features of children's pathways to missing education and review effective practice in intervening early**
- **consider whether it would be beneficial to keep every child on a school roll (unless they are home educated) regardless of their circumstances, for example when in custody or during a period of illness**
- **consider what additional incentives or guidance parents and carers need to help them give local authorities and schools better information about children moving in or out of the area.**

A lack of consistent national and local data collection about CME means it is challenging to establish the exact prevalence of the problem. However, evidence from our FOI request and information about local practice suggests that, for a large number of children, local authorities, schools and their partners are failing in their legal duty to ensure these children have the opportunity to learn. If children are not present at school, what future do they have? Central government needs to tackle this problem head on, working with local authorities, schools, academies, the voluntary sector and other services to ensure we have a clear understanding of who these children are, why they are missing education and how they can be helped to get back into learning.

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