

TITLE:	CHILDREN MISSING EDUCATION (CME) 2022-2023
FOR CONSIDERATION BY:	Children’s Select Committee
REPORT DATED:	1st September 2023
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1. Purpose of Report

1.1 To provide an update on Children Missing Education, as part of the Council’s monitoring arrangements of its statutory duties under Section 436A of the Education Act (1996).

2. The Statutory Context for CME

2.1 Children Missing Education (CME) are defined in Section 436A of the Education Act (1996) as children of compulsory school age who are not registered pupils at a school and are not receiving suitable education otherwise than at a school.

This definition encompasses children who are awaiting a school place and children in receipt of unsuitable education, including those children local authorities are supporting to place into suitable education. It also includes children who have left a school roll and whose destination is unknown.

2.2 On 9th August 2023, Dame Rachel De Souza, the Children’s Commissioner for England, contacted every Director of Children’s Services requesting support for engagement with a new statutory data return ‘Journeys of Children Out of Education’, in an attempt to create the first-ever national child-level data set of children who have dropped off school rolls, and the characteristics and journeys of these children.

As part of the Attendance Action Alliance, the Children’s Commissioner’s Office will also deliver a new research programme investigating the range of journeys children take to become CME and what effective action can be undertaken by schools, local authorities, and other agencies to get children into education. This research will combine new analysis of national data with qualitative research with children and services, placing their stories at the heart of the analysis. In Wiltshire we are fully supportive of this intention and will be providing the local data return to the children’s commissioner’s office by the deadline of 29th September 2023.

- 2.3** The DfE opened a call for evidence between May and July 2023, seeking answers to a range of questions in an effort to empower local authorities, schools and others to identify and support children missing education more effectively. This is to ensure every child gets an education, wherever they live and whatever their background.

In the call for evidence, the DfE sought views on:

- how children missing education are identified and supported
- the challenges in identifying and supporting children missing education
- how to address those challenges

Wiltshire responded to the call for evidence, sharing insight from the education welfare service and the wider education & skills directorate. The DfE is now analysing all evidence received nationally and we await publication of the feedback; no date has yet been given.

3 The Wiltshire Context and Data Set

- 3.1** In Wiltshire, the CME process is delivered by the ‘pupil move’ officers in the council’s performance and insights team, alongside the education welfare service which manages the tracking and investigation activity by making ‘reasonable enquiries to establish the whereabouts of the pupil’ as defined by the DfE.

- 3.2** There were 217 CME referrals made in the 2022-23 academic year, compared to 135 referrals in the previous academic year.

There are 73 active Children Missing Education cases (at 1st September 2023).

66% of CME referrals made in 2022-23 have been resolved.

Historical Comparison Of CME Cases Opened and Closed by Month and Academic Year												
Type	September	October	November	December	January	February	March	April	May	June	July	August
Total CME Closed - Current Academic Year	45	25	17	6	18	10	17	7	35	20	19	7
Total CME Closed - Previous Academic Year	42	11	17	3	17	4	22	9	7	11	11	6
Total CME Started - Current Academic Year	38	12	25	7	16	14	28	13	27	17	17	3
Total CME Started - Current Academic Year - Current CIN			2	1					1			
Total CME Started - Current Academic Year - Current CLA									1			
Total CME Started - Current Academic Year - Current CP	1								1			
Total CME Started - Current Academic Year - Current EHCP		1	2	1			1		3	3	1	1
Total CME Started - Current Academic Year - Current EHE	2				1		4	1	1	2		1
Total CME Started - Current Academic Year - Current FSM Pupil Premium	7	6	19	4	5	2	13		12	5	3	
Total CME Started - Current Academic Year - Current SEN Support	2	3	1			2	2	1	3	3		
Total CME Started - Current Academic Year - Current Support Case				1		1	3		1	1		
Total CME Started - Previous Academic Year	20	12	10	19	12	4	16	7	12	7	15	1

- 3.3** There are 33 CME cases that have been open for 12 months or longer. This is 45% of the CME cohort. Of the 33 cases, 17 (51%) are believed to have returned overseas but have not been successfully traced.

Current Caseload by Type	
Type	Total
Current CME Caseload - Current EHCP	2
Current CME Caseload - Current EHE Case	0
Current CME Caseload - Current FSM Pupil Premium	13
Current CME Caseload - Current SEN Support	1
Current CME Caseload - Current Social Care CIN	0
Current CME Caseload - Current Social Care CLA	0
Current CME Caseload - Current Social Care CP	0
Current CME Caseload - Current Social Care Open Support	1
Current CME Caseload - Open 0 - 3 Months	10
Current CME Caseload - Open 3 - 6 Months	13
Current CME Caseload - Open 6 - 12 months	17
Current CME Caseload - Open More than a Year	33
Current CME Caseload - Potentially On Roll	19
Current CME Caseload - Service Child	5
Total Current CME Caseload	73

14 pupils open for more than a year are from Gypsy Roma Traveller (GRT) communities, 10 of whom are of Irish Traveller heritage and believed to be in Ireland. The number of GRT pupils who are unlocated remains high, as contact and tracking arrangements can be difficult.

31% of the total cohort of CME are pupils who are from GRT communities.

9 pupils who are currently CME are Services children; they have left their school but no information has been received in regard to their destination address or new school.

5 pupils who have been reported CME this academic year are believed to be from Ukraine and were in Wiltshire under the Homes for Ukraine scheme. Tracking of these pupils is undertaken using Home Office information and contact with individual parents.

- 3.4** If a pupil is not able to be located by the education welfare service or through agency checks then they remain as an active case. They will stay as CME until they cease to be of statutory school age or are located (whichever is soonest).

Schools have been provided with clear national (statutory) and local guidance regarding actions to be taken for leavers and this, together with scrutiny of leaver data submitted to the local authority, ensures that pupils are flagged as CME promptly where appropriate.

4 Benchmarking of CME Data

- 4.1** Benchmarking of Wiltshire CME data is possible for the first time this year as the DfE has asked all Local Authorities to submit CME information as part of a national data collection exercise.

National benchmarking data was published by DfE for the first time on 18th May 2023, reporting on the autumn and spring returns. The CME data returns to the DfE are not yet

statutory, so not all LAs have responded. In Wiltshire we have made all 3 submissions to DfE this year.

4.2 The published data shows that Wiltshire’s CME rates in the autumn and the spring were lower than the national and South West CME rates:

CME at census date for 'Children missing education at census date' in England, South West and Wiltshire between 2022/23 Autumn term and 2022/23 Spring term						
Authority area	Cohort size	2022/23 Autumn term	22/23 Autumn Rate per 1k	2022/23 Spring term	22/23 Spring Rate per 1k	
Wiltshire	70,702	60	0.85	70	0.99	
South West	770,044	1340	1.74	1170	1.52	
England	8,427,070	24700	2.93	24700	2.93	

4.3 In the summer term of 2023, the DfE confirmed the need to record as CME any pupils awaiting a school place from day 1 of an in-year transfer application rather than the 15 school days set out in statutory admissions guidance. Therefore, the Wiltshire autumn term CME data return will, for the first time, include any children who meet this criteria.

5 Duties on Schools and the Local Authority

5.1 Schools have a statutory duty to make reasonable enquiries to establish a pupil’s whereabouts and to notify the local authority of any child who may be missing, via a CME referral process, at day 10 of unsuccessful enquiries.

5.2 In Wiltshire, the local authority fulfils its statutory CME duties by:

- Having in place a robust CME policy.
- Having in place a robust enquiry and tracking system to identify the whereabouts of children.
- Having a clear pathway for schools and agencies to make CME referrals.
- Giving consideration to the reasons and circumstances that can lead to CME.

The local authority also takes action when it appears to the LA’s attention that a child is not receiving a suitable education, by:

- Serving notice on parents requiring them to satisfy the local authority that the child is receiving suitable education¹.
- Issuing School Attendance Orders (SAOs) to parents who fail to satisfy the local authority that their child is receiving suitable education, if the local authority deems it appropriate for the child to attend school.
- Prosecuting parents who do not comply with a SAO.
- Prosecuting or issuing penalty notices to parents who fail to ensure their school-registered child attends school regularly.

Schools and families are provided with attendance support as set out in the March 2022 DfE guidance ‘Working Together to Improve School Attendance’.

¹ Suitable education is not defined in the 1996 Education Act, but has been described in case law as one that ‘primarily equips a child for life in the community of which he/she is a member’.

5.3 In Wiltshire, we also monitor and take action for children at risk of missing out of education, beyond the CME definition.

Children Absent From Education (CAFE, previously Children Missing Out of Education) refers to those who are those missing out on education for reasons of exclusion, illness or otherwise. It also includes children who may be at risk of being absent from education due to other vulnerabilities, including those with a social worker and those known to the Youth Justice Service.

In Wiltshire a strategic Children Absent From Education (CAFE) meeting is held termly (6 times per year) to engage with activity and performance reports on children missing education, including those who may be absent from education due to reduced educational provision, high suspension rates, permanent exclusion, medical needs, or for reasons otherwise. In addition, weekly operational CAFE meetings are held with rotational priorities to focus on individual children where CAFE risks require multi-professional oversight and resolution. Themes for the operational groups are:

- Reduced Educational Provision
- Suspension and Permanent Exclusion
- CME and Elective Home Education
- Early Help and Children's Social Care
- Education Other Than In School (EOTIS) and Statutory SEND

6 Development

6.1 Priorities for development in 2023-24 include:

- Utilisation of the newly published DfE data set for benchmarking and understanding our CME profile in Wiltshire, compared to national and regional comparators.
- Continue to provide robust follow up with schools where practice in relation to leaver file submission/CME referrals needs strengthening.
- Utilisation of Early Years data to identify potential CME/EHE, where children are electively home educated without ever having been on roll of a school.
- Strengthening links with the Ministry of Defence (MoD) Children's Education Advisory Service (CEAS) for tracking missing children.
- Education Welfare to work alongside colleagues in children's social care to develop effective processes for applying to court for an Education Supervision Order (ESO) for a child to support them to go to school.
- Utilisation of a new case note function within the management system to track operational CAFE activity to enhance impact monitoring and performance reporting.
- Exploration of portal functionality within the children's case management system for CME referrals, to replace the email process currently used by schools and agencies.

7 Recommendation

7.1 The committee is recommended to accept this report as an accurate update on delivery of the Council's duty in relation to Children Missing Education.