



Department
for Education

Launch date 17 December 2012

Respond by 15 February 2013

Ref: Department for Education

**Department for Education statutory guidance for local
authorities in England to identify children not
receiving a suitable education**

Department for Education statutory guidance for local authorities in England to identify children not receiving a suitable education

The purpose of this consultation is to gather views on the revised statutory guidance for local authorities. The guidance advises on key principles to help local authorities fulfil their legal duty to put into place effective arrangements for identifying children of compulsory school age living in their area who are missing education. This guidance is also useful for governing bodies, head teachers, school staff, youth offending teams and those involved in safeguarding children.

To Local authority officers, governing bodies, head teachers, and youth offending teams.

Issued 17 December 2012

Enquiries To If your enquiry is related to the policy content of the consultation you can contact the policy lead, Juliette Duah at:
SchoolAttendance.CONULTATION@education.gsi.gov.uk

Contact Details

If you have a query relating to the consultation process you can telephone: 0370 000 2288 or use the ['Contact Us'](#) page.

Contact Details

If your enquiry is related to the DfE e-consultation website or the consultation process in general, you can contact the Public Communications Unit by e-mail: consultation.unit@education.gsi.gov.uk or by telephone: 0370 000 2288 or via the Department's ['Contact Us'](#) page.

1 Executive Summary

1.1 This statutory advice for local authorities clarifies how they can best

carry out their legal duty under section 436A of the Education Act 1996. It is important that local authorities have effective procedures in place for identifying and monitoring children and young people living in their area who go missing from education as this can often hide underlying problems, such as abuse or neglect.

- 1.2** The Government wants all children of compulsory school age (between 5 and 16) to receive a full-time education suitable to their age, ability or aptitude by either attending a school regularly or educated otherwise than at a school. This document, issued for consultation, aims to provide clear and concise advice on how local authorities can fulfil their legal duty.
- 1.3** We are asking for any feedback on the draft guidance by 17 February 2013.

2 Background and Legal Context

- 2.1** Children missing education are at risk of not attaining the skills and qualifications that they need to succeed in life, and are at significant risk of becoming NEET (not in education, employment or training) when they reach the age of sixteen.
- 2.2** They may also be from disadvantaged families (experiencing multiple risks such as poverty, substance misuse, mental ill-health and poor housing) or come from travelling communities or immigrant families.
- 2.3** Parents have a legal duty under section 7 of the Education Act 1996 to ensure that their children of compulsory school age (5-16) receive a full time suitable education in accordance with the child's age, ability, aptitude and any special educational needs. Parents can fulfil this duty by either registering their child at a school or otherwise (for example home education).
- 2.4** All schools, including Academies and independent schools are required to maintain an accurate attendance register and must follow up all unexpected pupil absences as part of their safeguarding duty for pupils. The law requires all schools to inform the local authority where a child is regularly absent or is deleted from the admission register in certain circumstances set out in the Education (Pupil Registration) England Regulations 2006.
- 2.5** Section 436A of the Education Act 1996 (as inserted by section 4 of the

Education and Inspections Act 2006) places a duty on local authorities to establish (as far as it is possible) the identities of compulsory school age children living in their area who are missing education. In carrying out this duty, local authorities should have effective procedures and systems in place for tracking those children not receiving education with a view to returning them to education. Local authorities are also expected to work, and share information, with other local authorities and partner agencies in order that children moving from one area to another can be tracked.

Funding is made available to local authorities through the Local Authority Formula Grant to help them meet their legal duty.

3 The Proposal

- 3.1** The purpose of this consultation is to gather the views of local authorities and their partners on the revised guidance. We have allowed a short consultation period to enable us to consider the responses and to publish the final version early in the New Year. We hope those who wish to comment will be able to do so within the time allowed. The guidance doesn't incorporate any new policy proposals.

4 How To Respond

- 4.1** We would welcome your comments on the draft guidance and you can do this by sending your response to the email address below:
SchoolAttendance.CONULTATION@education.gsi.gov.uk

or by downloading a response form which should be completed and sent to:

Department for Education
C/o Juliette Duah
Behaviour and Attendance in Schools Division
Sanctuary Buildings
Great Smith Street
London
SW1P 3BT

5 Additional Copies

- 5.1** Additional copies are available electronically and can be downloaded

from the Department for Education e-consultation website at:
<http://www.education.gov.uk/consultations>

6 Plans for making results public

- 6.1** We will attempt to incorporate your comments where possible. Please note that it will not always be possible to incorporate all your comments. A summary of the results of the consultation and the Department's response will be published on the DfE e-consultation website in spring 2013.