

SUPERSEDED CHILDREN MISSING EDUCATION GUIDANCE

The web link for this page is <http://edyourself.org/articles/cmesuperseded.pdf> via <http://edyourself.org/articles/cme.php>

In November 2013 DfE replaced the 2009 CME Guidance with much shorter guidance which can be found here <https://www.gov.uk/government/publications/children-missing-education>
The edyourself Children Missing Education page is here <http://edyourself.org/articles/cme.php>

February 2007 CME Guidance DfES

1.2.6. The duty does not apply to children who are being educated at home. Monitoring arrangements already exist for children being educated at home. Parents have a duty to ensure that their children receive a suitable full-time education either by regular attendance at school or otherwise (under section 7 of the Education Act 1996) and they may choose, as is their right, to provide this by educating their children at home.

January 2009 CME Guidance DCSF

10. The duty applies in relation to children of compulsory school age who are not on a school roll, and who are not receiving a suitable education otherwise than being at school, for example, at home, privately, or in alternative provision.

31. Some children living in certain circumstances face more obstacles to achieving the 5 ECM Outcomes and this can include not receiving a suitable education. Amongst these are (this list is not exclusive):...children who do not receive a suitable education whilst being educated at home

55. Local authorities, with their partners, have a range of approaches to reducing the risk of children not receiving a suitable education, and of avoiding contact with agencies with responsibilities for ensuring their safety and well-being. Existing good practice broadly falls into four categories where the local authority introduces measures to: ...identify children who are not receiving a suitable education at home and use existing section 437 powers to issue a school attendance order if needed

67. Notifications could be about children who are actually receiving an education, which is being delivered by a route not known to the local authority at that time: e.g. independent schools, home education, or alternative provision. When the route of education has been determined it should be logged on the local authority database for future reference.

73. When raising awareness with partner agencies it is useful to remind them that parents may lawfully educate their children at home. Where a local authority is satisfied that a parent is providing their child with a suitable full time education, the child is not the target of this duty. However, the local authority does have the power to issue a school attendance order if it appears that the parent is not providing a suitable education. Education of children at home by their parents is not in itself a cause for concern about the child's welfare.

Elective Home Education

86. Parents of children who are of compulsory school age have a duty to ensure that they receive an efficient, full time education, suitable to their ages, abilities, aptitudes and any special educational needs they may have, either by regular attendance at school or otherwise (section 7 of the Education Act 1996). Some parents decide to provide suitable education for their children by educating them at home.

87. Section 436A of the Education Act 1996 requires local authorities to make arrangements to

establish (so far as it is possible to do so) the identities of children who are not pupils at schools and who are not otherwise receiving suitable education. In order to comply with this duty local authorities need to make arrangements which will as far as possible enable them to determine whether any children who are not pupils at schools, such as those being educated at home, are receiving suitable education. In order to do this local authorities should make inquiries with parents educating children at home about the educational provision being made for them. The procedures to be followed with respect to such investigations are set out in the EHE Guidelines, 2.7-2.11 and 3.4-3.6.

88. Where parents decide to withdraw their child from school and notify the proprietor ["proprietor", in relation to a school, means the person or body of persons responsible for the management of the school so that, in relation to a community, foundation or voluntary or community or foundation special school, it means the governing body (s579, Education Act 1996)] in writing that the child is receiving education at home, the proprietor must delete the child from the admissions register unless the child is the subject of a current School Attendance Order (see regulation 8(1)(a) and (d) of the Education (Pupil Registration) (England) Regulations 2006) ('the Pupil Registration Regulations'). If a parent on whom a School Attendance Order has been served fails to comply with the requirements of the Order they are guilty of an offence under section 443 of the Education Act 1996, unless they prove that the child is receiving a suitable education otherwise than at school.

89. It is the duty of the proprietor of the school to inform the local authority of the deletion and the reason for it, no later than when the pupil's name is deleted from the register (regulation 12(3) of the Pupil Registration Regulations 2006). The Pupil Registration Regulations apply to all schools: maintained; independent; Pupil Referral Units; special schools; City Technology Colleges; and Academies.

90. Children with statements of SEN can be educated at home. The duty of the parent remains to provide a suitable education for the child. Where the local authority maintains a statement for the child, the authority is responsible for arranging that the special educational provision specified in the statement is made for the child, unless the child's parent has made suitable arrangements (section 324(5)(a) of the Education Act 1996). If the parent's arrangements are suitable, the local authority is relieved of their duty to arrange the provision directly, but it still remains the local authority's duty to ensure the child's special educational needs are met.

91. Local authorities should keep a record of children who are known to be educated at home by parents. Parents are not, however, required to inform the local authority if they decide to home educate a child who has not previously attended school.

92. In order to discharge their duties in relation to children not receiving an education, local authorities should make inquiries with parents about whether their home educated children are receiving a suitable education. The Elective Home Education Guidelines for Local Authorities make clear that parents who home educate may take a number of equally valid approaches to educational provision for their children.

93. Though it is not the subject of this guidance, local authorities have a duty under section 437 of the Education Act 1996 (School Attendance Orders) to act if it appears to them that a child of compulsory school age in their area is not receiving suitable education, either by regular attendance at school or otherwise. Further information is available in "Ensuring Children's Right to Education"

94. Local authorities can insist on seeing a home educated child if there is cause for concern about the child's safety and welfare (section 47 of the Children Act 1989). Where there are concerns about the child's safety and welfare, Local Safeguarding Children Board procedures must be followed.