

KNOWSLEY
METROPOLITAN BOROUGH

Knowsley Council - People's Services Policy

Children Missing Education and Pupil Mobility Policy 2019

Name of Procedure	Children Missing Education and Pupil Mobility
Organisation	KMBC
Accountable Director	
Author with contact details	Phil McCalliog phil.mccalliog@knowsley.gov.uk
Status (draft/ratified)	Draft
Date ratified by TPPSG	
Review date	June 2021
Date Training needs analysis completed	N/A
Date Equality Impact Assessment completed	(To be completed as per individual organisations guidelines)

Version number	Development Timeline	Date
1	Pupil Mobility Policy	2002
2	Pupil Mobility Policy	2006
3	Pupil Mobility Policy and CME	2008
5	Pupil Mobility Policy and CME	2010
6	Pupil Mobility Policy and CME	2014
7	Pupil Mobility Policy and CME	2017
8	Pupil Mobility Policy and CME	2019

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Introduction

1.1 Knowsley has a preventative approach to Children Missing Education which has been in place since 2002, this is hoped to reduce the number of children who do go missing from education. This policy brings together a number of procedures that work round the Hub (Pupil Mobility Database) to reduce the risk of Children missing education and enable professionals to work together to locate, track and return children to education. The procedures involve a multi-agency approach to tracking children and linking in and sharing information about vulnerable pupils to safeguard against children going missing. This Policy is being revised in line with the requirements laid out in the Children Missing Education Statutory Guidance 2016

Children Missing Education or at Risk of Doing so

The definition of Children Missing Education in this document refers to all children of compulsory school age who are not on a school roll, nor being educated otherwise (e.g. privately or in alternative provision) and who have been out of any educational provision for a substantial period of time (usually agreed as four weeks or more).

Purpose

The purpose of this policy is to establish a set of principles which all agencies can subscribe to, to ensure that the Local Authority (LA):

- Is able to fulfil its statutory duty to provide an education for all children of compulsory school age¹;
- Is able to track children missing from education (CME);
- Identifies those at risk of becoming missing from education and accordingly allocates appropriate staff to intervene;
- Maintains contact with those missing from education and those at risk of becoming so.

The Children Act 2004 places a duty on all agencies to work together to promote the welfare of children and to share information. This principle underpins this policy and there is an expectation that all agencies will work together to ensure that children do not “slip through the net” and become missing.

Key stakeholders across agencies such as School Attendance Service, Special Education Needs and Disability Team, Social Care, Universal Child Health Services (School Nurses), Youth Offending Service, were brought together to draw up this policy/guidance. This network will also ensure that all staff are aware of systems of referral for pupils who are missing or at risk of going missing from education.

This guidance has been produced to help Knowsley Council meet its statutory duties relating to the provision of education and the safeguarding and welfare of children.

- It is related to current ‘Legislation’ and ‘Related Guidance’. ([Annex A](#)).
- It supports Knowsley Council developments around the tracking of pupils in alternative programmes as set out in ‘Guidance for LEAs – PRUs (Pupil Referral Unit) and Alternative Provision’
- It supports the Information Sharing and Assessment procedures being developed in Knowsley.
- It supports Knowsley Council to fulfil its obligations in relation to S175 of the Education Act 2002

Children go missing from schools for a wide variety of reasons although transitions are one of the key points of risk.

This policy identifies the practical steps to be taken by Knowsley Council and all stakeholder agencies to locate, assess, register and track children missing from education, to assess their needs and allocate appropriate provision; and then to monitor and track their progress.

¹ A child reaches compulsory school age on or after their fifth birthday. If they turn 5 between 1 January and 31 March, then they are of compulsory school age on 31 March; if they turn 5 between 1 April and 31 August, then they are of compulsory school age

on 31 August. If they turn 5 between 1 September and 31 December, then they are of compulsory school age on 31 December. A child continues to be of compulsory school age until the last Friday of June in the school year that they reach sixteen.

Why Children go Missing from Education

Children fall out of the education system because they:

- Fail to start appropriate provision and hence never enter the system;
- Cease to attend, due to exclusion or withdrawal; disaffections; moving from one area to another
- Fail to complete a transition between providers (e.g. being unable to find a suitable school place after moving to a new area).

To limit the opportunity for children to go missing when they fall out of the education system, Knowsley Council has identified a range of systematic processes and procedures. These include:

- The provision of a named contact, the School Attendance Service Manager, to receive notification of children from other agencies via the cme@knowsley.gov.uk email address.
- Procedures to identify and locate children missing education for example through truancy sweeps and to ensure they are followed up.
- Statutory School Attendance Officers to actively seek out and identify those missing education, with the support of all stakeholders and agencies across a range of Council and Partner Services.
- Procedures in place to re-engage children with appropriate educational provision, including the Officers responsible for Elective Home Education
- School Attendance Service Manager will take the lead in the monitoring of the Pupil Mobility database and liaising with Statutory School Attendance Officer (SSAO) when any children at risk of missing education are identified.
- Officers responsible for Admissions and Exclusions notify the School Attendance Service (SAS) on a regular basis of those children who have not arrived at infant/primary school or transition stage. The SAS will then follow up these cases.

The Appendices attached to this document outline the procedures that will be undertaken to ensure all children in Knowsley are receiving education.

Audits will be carried out in Knowsley Schools by the SAS to ensure that all children removed from roll are in accordance with the 2006 Attendance regulations (as amended in 2016) and tracked to a new education establishment.

Identification Processes in Knowsley Local Authority

The Council has identified for the School Attendance Service Manager to receive referrals and actively seek and identify those children missing through multi-agency work.

At the present time the School Attendance Service work closely with schools on their practice in ensuring pupils are not removed from school rolls without following Statutory guidance to ensure children do *not slip through the net*. Children Missing Education Statutory Guidance 2016

https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/550416/Children_Missing_Education_-_statutory_guidance.pdf

Who is responsible

There is a fundamental principle that all officers of the Local Authority and other partners have some level of responsibility around the issue of children missing education. If anybody is aware of any child or young person who does not appear to be accessing education appropriately they should make a referral using appendix 7. This may result in referrals being made for children already known and on a school roll. However, given concerns around the safeguarding and welfare of this group of children, this is more beneficial than not receiving notification.

There are some officers who take a lead responsibility for the placement of children who are currently not accessing appropriate education. It is anticipated that the following Services or Teams will have lead responsibility in moving individual children's cases forward:

Teams responsible for tracking CME

Admissions and Exclusion Team

Special Educational Needs and Disability Team

School Attendance Service

English as an Additional Language Team

CLA - Education Support Team

Social workers working with Looked After Children

Youth Offending Service

Schools

Nominated staff for above teams please refer to (Appendix 1)

Alongside this group of staff other officers who may become aware of children missing education or at risk of doing so, staff must make referrals but are not necessarily best placed to pursue the child's or young person's placement in an appropriate provision.

Other Staff likely to come into contact with CME and make referrals

Knowsley 0-19 service (NWBH)

Housing Options Team (Homeless Units)

Social Care Team (Social Workers)

Police Community Support Officers

Any other professional coming into contact with children

Members of the public

Process Steps

These are based on those identified by the DfE in consultation with Local Authorities about why children go missing from education and how to reduce the risk that they will.

A

School Attendance Service Manager/Statutory Support Assistant/SSAO/Admissions/YOS Officer/ Early Help/Family First/Social Care receive details of child or family

B

Identified as child at risk of missing education

C

Identified as child missing education

D

Log child's details on database – Capita One / Pupil Mobility Database as referral (if child identified as Rank 1- Whereabouts Known/Unknown are added to the Early Help/ICS system

E

Locate, track and contact parents to determine child's needs

F

Identify available provision and places

G

Monitor attendance for all provisions using Capita One/ Pupil Mobility Database /SIMS.net

H

Tracking & Cross Border arrangements

A. Receive Details

The process by which Knowsley Council is notified about a child missing, or at risk of going missing, from Education:

The support and protection of children cannot be achieved by a single agency. The key stakeholders identified below have placed upon them Knowsley Council's expectation that the primary responsibility is to the child.

In addition, it is part of the wider responsibilities of the Local Safeguarding Children Partnership to raise the awareness levels of the community ensuring that individuals and organisations are clear that action will be taken if Knowsley Council is contacted by them.

In paragraph 17.97 of the Victoria Climbié Inquiry Report, Lord Laming recommended that: "Front line staff in each of the agencies which regularly come into contact with families with children must ensure that in each new contact, basic information about the child is recorded. This must include the child's name, address, age, the name of the child's primary carer, the child's GP, **and the name of the child's school if the child is of school age. Gaps in this information should be passed on to the relevant authority in accordance with local arrangements.**"

Department for Education issued under Section 175 of the Education Act 2002, the Education (Independent School Standards) Regulations 2014 and the Non-Maintained Special Schools (England) Regulations 2015. Schools and colleges must have regard to it when carrying out their duties to safeguard and promote the welfare of children. This means that they should comply with it unless exceptional circumstances arise. (Keeping Children Safe in Education 2016)

The key stakeholders are:

- Knowsley Schools
- Early Years Provision including Sure Start
- Admissions and Exclusions Team (including Fair Access Panel **(Appendix 14)**)
- School Attendance Service
- Social Care
- CLA (Education Support Team)
- Elective Home Education (EHE)
- Housing (Yates Court Homeless Unit)
- Health (including A&E departments)
- Youth Offending Service (YOS)
- The Police
- Voluntary organisations
- Women's refuges (Ross House)
- Meadow Park School
- English As An Additional Language
- Special Educational Need And Disability Team
- Knowsley Switchboard- Tell One tell all email system **(Appendix 2)**
- Homeless Unit (Yates Court)
- Shield Team
- MACE
- Early Help
- Family First
- Child Criminal Exploitation
- Private Children's Homes **(Appendix 3)**

An information sharing agreement has been created within the Pupil Mobility Management Group so that the information sharing within agencies complies with the General Data Protection Regulation (GDPR) and the information Commissioner's guidance. (Appendix 15)

Governance:

This sharing will be guided by the Information Commissioners Statutory Guidance on information sharing which can be accessed via this link:

<https://ico.org.uk/for-organisations/guide-to-the-general-data-protection-regulation-gdpr/>

Knowsley has identified the Lead Officer for CME and Pupil Mobility to receive referrals and to actively seek and identify those children missing through multi-agency work.

Monitor attendance for all vulnerable Pupils: (Appendix 4)

The agencies involved with the vulnerable groups inform the School Attendance Service Manager of their current referrals and Statutory School Attendance Officer's monitor the attendance of the identified cohorts. This is shared with the managers of the agencies so that they can support the child in accessing school.

A copy of this agreement must be signed by the representative of each organisation that is responsible for organisational assurances within the GDPR and any other relevant legislation. This is a formal declaration by the organisation that the requirements for sharing of personal information, in terms of training, processes and security are all in place prior to the exchange of personal information. No personal information should be shared with any organisation that is not named within and has not signed this agreement.

B. Children at Risk of Going Missing from Education

Knowsley Council already has a range of policies in place that identify and support Children at risk of going missing from education. Outlined below are those groups of children who are recognised as at risk of going missing from education and the systems currently in place to help minimise the opportunity for this to happen:

- ***Children who have committed offences*** – Those at risk of going missing from education or who are currently off roll are referred to the School Attendance Service by Knowsley Youth Offending Service. This information is logged on the Pupil Mobility Database and Capita 1 Systems and their attendance monitored as part of the vulnerable population
- ***Families who experience Domestic Abuse or Children living in women's refuges*** – There are links with Ross House that work in the area of domestic abuse and have established an effective communication channel and referral routes to inform us of any school age children in their care. Agencies are made aware of this policy and referral routes into the service. The Safeguarding Officer refers to the School Attendance Service Manager children who are referred to the MARAC who are not on a school role, these are tracked into education through the Pupil Mobility High Risk Meeting. This information is logged on the Pupil Mobility Database and Capita 1 Systems and their attendance monitored with the vulnerable population. (**Appendix 4**)
- ***Children of homeless families living in temporary accommodation, houses of multiple occupancy or Bed and Breakfast and unaccompanied asylum seekers and refugees or children of asylum seeking families*** – There are developed links with Yates Court and developing relationships with organisations such as SERCO that work in this area to establish effective communication channels and referral routes. Agencies are made aware of this policy and referral routes into the service. This information is logged on the Pupil Mobility Database and Capita 1 Systems and their attendance monitored as part of the vulnerable population. (**Appendix 4**)
- ***Children with long-term medical or emotional problems*** – Knowsley ensure that pupils with medical needs have the opportunity to access a good quality and appropriate education. The Home Hospital Tuition Teacher works with the School Attendance Service, parents, pupils, schools and other agencies to ensure that the educational needs of each pupil are met and that a planned, effective, regularly monitored and flexible reintegration programme is put in place for those children well enough to return to school. This information is logged on the Pupil Mobility Database and Capita 1 Systems and their attendance monitored as part of the vulnerable population.
- ***Children Looked After*** – Children Looked After are regularly tracked and monitored by the Education Support Team (EST) and Social Care Teams; their school attendance is also monitored by the School Attendance Service. The Education Support Team offers support and advice to designated teachers, schools and social workers. The EST also monitors those CLA students educated outside the Knowsley Boundaries and report to the Virtual School.
Social Workers may refer directly to School Attendance Service Manager or the CME Officer. This information is logged on the Pupil Mobility Database and Capita 1 Systems and their attendance monitored as part of the vulnerable population.
- ***Children with a Gypsy/Traveller background and children from transient families*** – Knowsley School Attendance Service works to ensure that Travellers, Gypsies and those from other transient backgrounds gain access to their legal entitlement to an education that meets their needs, promotes the inclusion and achievement of Traveller children and to enable Traveller children and families to become independent users of the education

system. This information is logged on the Pupil Mobility Database and Capita 1 Systems and their attendance monitored as part of the vulnerable population.

- **SEND (Special Educational Needs & Disability)**- Children with Education, Health and Care (EHC) plans or statements of special educational needs (SEN) can be home educated. Where the EHC plan or statement sets out SEN provision that the child should receive at home, the local authority is under a duty to arrange that provision. Where the EHC plan or statement names a school or type of school as the place where the child should receive his or her education but the parent chooses to home educate their child, the local authority must assure itself that the provision being made by the parent is suitable. In such cases, the local authority must review the plan or statement annually to assure itself that the provision set out in it continues to be appropriate and that the child's SEND continue to be met. These pupils are added to the Pupil Mobility Database and Capita 1 systems and are monitored as part of the vulnerable population. (**Appendix 4**)
- **Teenage mothers** – The School Attendance Service works with the Teenage Pregnancy Officer in the Family First Team to support and enable young parents to continue their education. This includes linking with appropriate support services to identify and provide support for each parent's needs and support to overcome obstacles to learning. This information is logged on the Pupil Mobility Database and Capita 1 Systems and their attendance monitored as part of the vulnerable population. (**Appendix 4**)
- **Permanent Exclusions** - In the event of a pupil being permanently excluded Knowsley Council are required to provide educational provision from day 6, current provision is the LA's Pupil Referral Unit. This information is logged on the Pupil Mobility Database and Capita 1 Systems and their attendance monitored as part of the vulnerable population.
- **Children with poor attendance** – The School Attendance Service works to promote, support and, where necessary, enforce school attendance. They assist schools in developing policy relating to attendance and to establish links between home and school in order to support the education of children. The School Attendance Service has a responsibility to enforce the Education Act 1996 which requires all children of compulsory school age to attend school regularly unless their parents have elected to educate them at home (EHE). They follow up on referrals made by schools on Children Missing Education on a weekly basis. This is followed up by a half termly audit of the schools admissions register by Statutory School Attendance Officers (SSAO).
- **Children on roll of Alternative Education Providers e.g. early college placements or on specific timetables not in line with the general population** – Children on roll of alternative education providers or on specific timetables are often those at risk of permanent exclusion or those vulnerable if placed in the mainstream setting. When placed in alternative provision by school, the responsibility to monitor the young person's attendance rests with the school, however the Local Authority have a duty to track pupils on Alternative Provision and then pupils will be placed on Pupil Mobility Database and Capita 1 system on a half termly basis (**Appendix 9**).

If a young person attends part provision at the school and part provision elsewhere, the school holds the responsibility for monitoring this and referring to the School Attendance Service if attendance is not maintained. This information is also shared with the SSAO and added to the central Pupil Mobility Database and their attendance monitored as part of the vulnerable population.

- **Children for whom English is an additional language** – EAL Team provides school-based, community-based and central training that promotes educational attainment of pupils from a wide range of cultural and linguistic backgrounds. Individual work may also be

undertaken. Pupil information is shared with the Statutory Support Assistant on a weekly basis and any child not receiving education is followed up within CME procedure. This information is logged on the Pupil Mobility Database and Capita 1 Systems and their attendance monitored as part of the vulnerable population.

- ***Children identified with specific child protection issues and those whose names are placed on Child Protection Plans*** – The Social Care Data team provide the School Attendance manager with monthly reports of any children who are subject to a Child Protection support services. The monitoring of the attendance of pupils with Child Protection Plans will fall within the responsibility of the School Attendance Service Manager via the CME system in place. This information is logged on the Pupil Mobility Database and Capita 1 Systems and their attendance monitored as part of the vulnerable population.
- ***Prolonged absence*** - If a pupil is absent for a prolonged period or does not return from an extended leave of absence or a fixed term exclusion the school should follow the normal procedures for investigating pupil absence (i.e. telephone calls, letters, invitations to meetings at the school etc). If the child does not return to school the absence will be unauthorised and should be referred to the Attendance Service who will follow their procedures for ‘missing pupils’. The pupil **should not be removed from roll** until the Statutory School Attendance Officer (SSAO) has ascertained the pupil’s whereabouts and safety and has confirmed that the pupil is registered at another school or is being educated otherwise. If the pupil is not located the school will follow the School to School procedure as detailed in this document.
- ***Child Exploitation*** - Sexual exploitation of children under 18 involves exploitative situations, contexts and relationships where children(or a third person or persons) receive ‘something’ (e.g. food, accommodation, drugs, alcohol, cigarettes, affection, gifts, money) as a result of them performing, and/or another or others performing on them, sexual activities. Child sexual exploitation can occur through the use of technology without the child’s immediate recognition; for example being persuaded to post sexual images on the Internet/mobile phones without immediate payment or gain. In all cases, those exploiting the child/young person have power over them by virtue of their age, gender, intellect, physical strength and/or economic or other resources. Violence, coercion and intimidation are common, involvement in exploitative relationships being characterised in the main by the child or young person’s limited availability of choice resulting from their social/economic and/or emotional vulnerability. This also includes children being trafficked by organised crime groups, for county lines activity. The Education Safeguarding Officer/SPOC (single point of contact) is a member of the Multi Agency MACE Meeting who contributes to the meeting with information regarding educational status and attendance. The School Attendance Manager and CME Officer are informed of the children who are at risk of exploitation on a half term basis via SHEILD team on a monthly basis. These pupils are added to the Pupil Mobility Database and Capita 1 systems and are monitored as part of the vulnerable population. (**Appendix 4**)
- ***Missing from Home and Care*** - Children represented approximately two thirds of the estimated 140,000 people under the age of 18 go missing each year. Children in care are three times more likely to go missing from their home than children who are not in care. However, due to the unreliability of available data, it is likely that the true scale of the problem is not fully understood. The complex and varied reasons identified on a national basis why children go missing were reflected in the nature of the cases seen by inspectors. Children’s histories included inadequate parenting, past or current abuse, bullying and domestic violence. Some children who were looked after had experienced several placement moves. Children who went missing were subjected to considerable associated risk, most often from sexual exploitation, drug and alcohol abuse, and becoming the victim or perpetrator of crime. Following information from the police, these pupils are added to the

Pupil Mobility Database and Capita 1 systems and are monitored as part of the vulnerable population. **(Appendix 4)**

C. Identifying a Child as Missing from Education

The process by which Knowsley Council determines that the child is not registered with an Educational provider:

Knowsley CME uses centrally held databases such as - Capita 1 and Pupil Mobility Database and then flags alerts on the Early Help/ICS systems.

Children not on any school roll

When information regarding a child thought to be missing education is received by the School Attendance Service Manager and the CME Officer, they will check the centrally held databases for any details. Checks will also be made on the admissions databases (Appeals and FAP), Key to Success and the Children Out of School Register. If there is no evidence of education being provided, the parents will then be contacted requesting that they inform Knowsley Council of the arrangements made for the educational provision for their child or completion of an admissions application form which will be flagged on Capita One and Pupil Mobility Database as a Child Missing Education and designated a Category of CME (**Appendix 5**). If unresolved within 10 working days, an overview report is printed and emailed to a School Attendance Improvement Officer/Education Officer who will visit the parents at home to check their circumstances and assess the support required to assist in reintegration into school. A fortnightly key agency meeting (High Risk Pupil Mobility Meeting) is held to discuss the CME children to ensure tight timescales are maintained and matters logged.

ii) Children whose parents/carers elect to home educate

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). Some parents decide, as they are entitled, to provide suitable education by educating their children at home (**Appendix 6**).

Parents do not have to inform the Local Authority if they do not intend for their child to take up a school place. If the child's name is provided to Knowsley Council as a child who may be missing education, the council is required to contact the parents to find out if the child is receiving an education. Procedures for Children not on any school roll will then be followed (**Appendices 2, 3, 8 and 11**).

When parents withdraw their child from school to electively home educate and the child is of compulsory school age, the name of the child can only be deleted from the admissions register of the school where the parents inform the school in writing as provided by the Education (Pupil Registration) Regulations 2006 under Regulation 8(1)(a) : "that he has ceased to attend school and the proprietor has received written notification from the parent that the pupil is receiving education otherwise than at school".

It is then the duty of the proprietor (Headteacher) of the school to inform Knowsley Council prior to the child being removed from roll: "Schools must notify the local authority when a pupil's name is to be removed from the admission register (at a non-standard transition point **under any of the fifteen grounds set out in the regulations** ⁽¹⁾), as prescribed by the Children Missing Education Statutory Guidance 2016. Knowsley Council have agreed a cooling off period of 5 school days to enable the EHE Officer to make contact with parent and confirm the appropriateness of their request.

1. Regulation 8 of the Education (Pupil Registration) (England) Regulations 2006

Although children with Education Health Care Plans (EHCP) can be home educated, Knowsley Council remains responsible for ensuring that the education the child receives is suitable. The EHCP must stay in force and Knowsley Council must ensure that parents can make suitable provision, including providing for their child's Special Educational Needs.

Knowsley already has clear policies in place for monitoring these arrangements. Statutory School Attendance Officers and Educational Improvement Officers have responsibility for following up these children and ensuring that they are receiving an appropriate education. The families are visited at home and appropriate advice given.

Local Authorities can intervene if they have reason to believe that parents are not providing a suitable education and may issue a School Attendance Order (under section 437 (1) of the Education Act 1996). Local Authorities may also apply to court for a child assessment order under S. 43 of the Children Act 1989, if they have reasonable cause to do so (which will only be where there is a risk of significant harm to the child).

If the EHE child is on a **Child Protection Plan** every attempt should be made to contact the family as a matter of urgency. If the professional is unable to make contact or locate the family, then contact should be made with Knowsley MASH team's Education Officer to report the issue and seek advice.

In Knowsley these children are clearly tracked and monitored using the EHE database, Capita One system, Pupil Mobility database and their educational provision is reviewed annually.

Other professionals

If professionals are aware of a child missing from education (in whatever capacity), they should notify the School Attendance Service Manager and Pupil Mobility by email at cme@knowsley.gov.uk using the referral form appendix 7.

Alternatively if no access to email is available you can call the School Attendance Service on 0151 443 5118.

All cases of children missing education or at risk of doing so should be reported to the School Attendance Service Manager to ensure that comprehensive data on the issues is recorded. Even if the professional is ensuring the child or young person moves swiftly into appropriate provision they should still make a referral.

The referral form will be placed on the Knowsley Council's Website so it can be accessed by both Council staff and non-Council staff (**Appendix 7**). The process map for identifying children at risk of going missing from education is shown as (**Appendix 8**).

Other Sources of Support

D. Log Child's Details on Database

When a child or young person is referred to the School Attendance Service as missing education or at risk of missing education, details are logged on to the Pupil Mobility Database and Capita One systems as an active referral. All cases are monitored by the service and timelines are used to track the referrals and ensure that appropriate action is being taken. Data is held in line with the GDPR 2018 and current Child Protection legislation ([See Annex A](#)).

E. Locate, Track and Contact Parents to Determine Child's Needs

As children identified as missing or at risk of going missing from education are often part of a transient or mobile population it is also important that Knowsley Council carries out checks to determine whether a referred child is still resident in the authority. For those children who are not located after completion of these checks i.e. who go lost or missing from maintained schools,

- The School Attendance Service in liaison with the Admission team will track the movement of all pupils on roll at Knowsley schools to reduce the number of pupils who become CME. This will be completed with a weekly notification of Admissions and Deletions from every school's Admissions Register ([Appendix 11](#)).
- Should a child leave a Knowsley maintained school without notice being given by the parent or without the school being advised by the parent which new school the child is to attend – that is, should the child go “missing” or become “lost” – the school should promptly notify the School Attendance Service and begin a joint investigation prior to removal from roll. If the child is on the Child Protection Plan or if the school has particular child protection concerns about the child, the school should also immediately notify the MASH Team and complete a MARF. The SAS monitors this through their regular visits to schools.
- After 10 School Days should such efforts prove unsuccessful then the school should inform the Local Authority and initiate a joint investigation to try and locate the child's current whereabouts prior to removing the child's name from the Admissions Register.
- The School Attendance Service will then work with the school and make reasonable efforts to try and identify the child's current whereabouts/destination. The School Attendance Service uses a check list ([Appendix 12](#)) to ensure that all appropriate checks have been made to try and ascertain the whereabouts of any child. The details of any child found to be resident outside the Knowsley area are referred to their responsible Council via the identified CME representative.
- The School Attendance Service Manager will regularly receive messages from other Local Authorities searching for lost pupils. A search of the Capita One and Key to Success Databases will be carried out and Local Authorities notified if any pupils are located. All confirmations of admission will be forwarded to the School Attendance Service or Admissions team who will then contact all Knowsley maintained schools via email enquiring if any of the lost pupils' families have made contact.
- Any children believed to be of school age who become known to the School Attendance Service who are not currently registered at any school i.e. those identified in truancy operations, asylum seekers or from the vulnerable pupils mentioned previous will be added to the Pupil Mobility Database and Capita1 with as much information as possible. If a date of birth is not known, 01/01/???? is to be used (where ???? is the best guess of the child's year of birth). These children will be assigned to a specific rank and category for identification, tracking and reporting purposes – base to be Unplaced or New to Borough. See procedure notes ([Appendix 13](#)).

F. Identify Available Provision and Places

Working in close collaboration with Knowsley Admissions Team and those from other neighbouring authorities, to ensure all enquiries regarding Knowsley's children missing from education are followed up.

Accessing Appropriate Provision

Knowsley brokers access to identified places in several ways:

School Admissions

The Knowsley Admissions Team is the first point of contact for all queries on admissions to Knowsley primary and secondary schools. They provide a valuable service to parents offering information and answering questions. The team's work includes:

- Publishing statutory annual Primary and Secondary composite prospectus, detailing the admissions process and application details.
- Coordinating coordinated admissions to Year 7 and reception classes.
- Coordinating the In Year Applications for Secondary Schools.
- Coordinating the Fair Access Panel (**Appendix 14**).
- Representing community schools in independent appeal meetings.
- Supporting schools and parents in respect of the In Year Admissions process for Primary and secondary applications.
- Working in close partnership with other services such as the Education Support Team, Youth Offending Service, School Attendance Service and Special Educational Needs and Disability Teams to promote access to education.

Special Educational Needs and Disabilities

Assessment for pupils with SEND should be an ongoing and continuous process and should not be seen as confined to formal statutory assessment. The LA expects that all pupils, not only those with SEND will have their attainment monitored and their needs assessed. The LA expects assessment to lead to effective teaching and management which meets the child's needs appropriately.

Identification, provision and assessment of pupils with SEND is a matter for the school as a whole. All teachers and support staff have responsibility for identifying pupils' needs. In practice the way in which this responsibility is exercised is a matter for each individual school but Knowsley LA expects that schools will have regard to the SEND Code of Practice and the local systems and protocols which are described in the SEND (Knowsley Special Educational Needs and Disability) file.

Guidance on the levels of intervention appropriate for children with SEN can be found in the Code of Practice SEND.

In order to make the best use of resources the LA will undertake statutory assessment only for those pupils who have the most significant needs. The majority of pupils will have their needs met through the school based stages of the Code of Practice. Knowsley LA is committed to reviewing and restructuring its finance system to ensure that funding is made available to schools to support pupils (Local Offer) with SEND without the need for an Education Health Care Plan.

The formal assessment panel meets regularly and considers all requests for formal assessment. Where formal assessment is not considered to be an appropriate route the panel will direct

schools to other sources of advice and support and will make practical suggestions for the management of the pupils needs.

The Knowsley Placement and Provision Panel will consider requests for additional support for pupils who have behaviour difficulties but who do not meet the criteria for formal assessment. This panel will also discuss any pupils new to area with Education Health Care Plan and make a decision on the appropriate educational provision for each pupil.

G. Monitor Attendance for all Provisions

- Knowsley recognises that some of these procedures will only function effectively if all our maintained schools are committed to creating, sending and receiving Common Transfer Files.
- In Knowsley letters will be sent to Headteacher's of both Primary and Secondary Schools referring to the statutory responsibility placed on governors and teachers for the management of safeguarding and promoting the welfare of all children from June 2004. This is underpinned by a statutory responsibility to use an electronic common transfer form to send information to the receiving school and to collect it from the sending school via the Teacher net secure School to School Data Transfer website (s2s).
- The SAS checks attendance records and registers in all secondary and primary schools and PRUs regularly. This ensures that any pupil who has been previously identified as missing or at risk of missing education is carefully monitored. The Service is now identifying on a half termly basis all pupils who have absence levels defined as persistent absence by the DfE and ensuring that all pupils have an identified action plan in place to improve their attendance.

H. Tracking & Cross Border Arrangements

Sharing of Information

Checks with other Council Directorates can be made on the basis of the following legislation:

- Current child protection legislation, which states that any child missing from education, is deemed to be a "Child in Need"
- Section 27 of the Children Act 1989 which states that a Local Authority may request help from any Local Education Authority and other agencies in exercising their duty to provide support and services to children in need and that Education staff have a duty to gather information regarding concerns
- The Children Act 2004 which states that all public agencies should work together to exchange and share information for the welfare and protection of children in the area

The School Attendance Service contacts other LA's to ascertain if children missing from Knowsley schools have been taken on roll elsewhere. They also receive requests to search school roll from other local authorities.

Firm procedures are now in place to ensure that children who move to other authorities are monitored carefully until the SAS is sure that they are registered at a new school.

There is an information sharing protocol agreed with national and local agencies re the sharing, storing and destroying of information.

Children Missing Education or at Risk of Doing so

The Children Act 2004 places a duty on all agencies to work together to promote the welfare of children and to share information. This principle underpins this policy and there is an expectation that all agencies will work together to ensure that children do not “slip through the net” and become missing.

This policy is based on guidance issued by the DFE in November 2016.

Children Missing Education (CME) Relevant Legislation and Guidance

There are various statutory duties upon Local Authorities and parents (supplemented by guidance) relating to the provision of education and the safeguarding of the welfare of children and which may be relevant to children missing education. The principal provisions are as follows:

Section 14(1) of the 1996 Education Act provides that a local education authority must make sure there are sufficient schools for providing education in their area. For these purposes, the schools must be sufficient in number, character and equipment to provide all pupils with the opportunity of appropriate education (s. 14(2)). “Appropriate education” means, broadly education which is desirable in view of the pupils’ different ages, abilities and aptitudes and the different periods for which they may be expected to remain at school (s. 14(3)).

Section 7 of the 1996 Education Act provides that the parent of every child of compulsory school age shall cause him to receive efficient full-time education suitable to his age, ability and aptitude and to any special educational needs he may have, either by regular attendance at school or otherwise.

Furthermore **Section 437 (1) of the 1996 Education Act** provides that if it appears to a local education authority that a child of compulsory school age in their area is not receiving suitable education, either by regular attendance at school or otherwise, they must serve a notice in writing on the parent (“a school attendance order”) requiring him to satisfy them within the period specified in the notice that the child is receiving such education.

Section 19 (1) of the 1996 Education Act requires every local education authority to make arrangements for the provision of suitable education at school or otherwise than at school for those children of compulsory school age who by reason of illness, exclusion from school or otherwise, may not for any period receive suitable education unless such arrangements are made for them. For these purposes, “suitable” education is defined as “efficient education suitable to the age, ability, aptitude and to any special educational needs the child (or young person) may have.” (s. 19(6)).

Moreover, section **19(4A) of the 1996 Education Act** provides:

“In determining what arrangements to make under subsection (1) in the case of any child or pupil, a local education authority shall have regard to guidance given from time to time by the Secretary of State.”

s. 175 of the Education Act 2002 (which came into force on June 1 2004) imposes a duty upon Children’s Services Authorities and governing bodies to exercise their functions with a view to safeguarding and promoting the welfare of children. For these purposes, “functions” includes the powers and duties of Children’s Services Authorities and governing bodies.

The Children Act 2004 (which received royal assent on November 15 2004) includes various provisions relating to safeguarding and promotion of welfare of children, including:

- (a) a duty upon each The Knowsley Council to promote co-operation between it and various other bodies to improve the well-being of children so far as relating to (amongst other things) education and training;
- (b) a duty upon various bodies (including children's services authorities) to make arrangements for ensuring that their functions are discharged having regard to the need to safeguard and promote the welfare of children (due to take effect on 1 October 2005); and
- (c) provision for the Secretary of State to put into place information databases for the purposes of arrangements under s.175 of the Education Act 2002 or (a) and (b) above, and a framework for the sharing of information contained in such databases for such purposes. (More information about the implications of the Children Act 2004 can be found on the Every Child Matters website www.everychildmatters.gov.uk)

Education and Inspections Act 2006 (section 4 & 38)

3 Duty to identify children not receiving education

- (1) In Chapter 2 of Part 6 of EA 1996 (school attendance) before the cross-heading preceding section 437 insert—

"Children not receiving suitable education

436A Duty to make arrangements to identify children not receiving Education

- (1) A local education authority must make arrangements to enable them to establish (so far as it is possible to do so) the identities of children in their area who are of compulsory school age but—
 - (a) Are not registered pupils at a school, and
 - (b) Are not receiving suitable education otherwise than at a school.
- (2) In exercising their functions under this section a local education authority must have regard to any guidance given from time to time by the Secretary of State.
- (3) In this Chapter, "suitable education", in relation to a child, means efficient full-time education suitable to his age, ability and aptitude and to any special educational needs he may have."
- (2) In section 437 of EA 1996, in subsection (8) omit the definition of "suitable education".
- (3) In section 580 of EA 1996 (index) for the entry in the second column which relates to the expression "suitable education (in Chapter 2 of Part 6)" substitute "section 436A(3)".

38 General duties of governing body of maintained school

- (1) In section 21 of EA 2002 (general responsibility for conduct of school) after subsection (4) insert—
- (5) The governing body of a maintained school shall, in discharging their functions relating to the conduct of the school—
 - (a) promote the well-being of pupils at the school, and
 - (b) in the case of a school in England, promote community cohesion.

The Education (Pupil Registration) (England) Regulations 2006

The Education Act 1996 - sections 434(1)(3)(4)&(6) and 458(4)&(5);

The Education (Pupil Registration) (England) (Amendment) Regulations 2010;

The Education (Pupil Registration) (England) (Amendment) Regulations 2011; and

The Education (Pupil Registration) (England) (Amendment) Regulations 2013

The Education (Pupil Registration) (Amendment) (England) Regulations 2016

Related Guidance

Other departmental advice and guidance you may be interested in

- Behaviour and attendance (including exclusions, bullying and alternative provision)
- Child sexual exploitation
- Child trafficking
- Elective Home Education guidelines
- Keeping children safe in education
- School Admissions Code
- School to school service: how to transfer information
- What to do if you're worried a child is being abused: Advice for practitioners
- Working together to safeguard children
- Young runaways

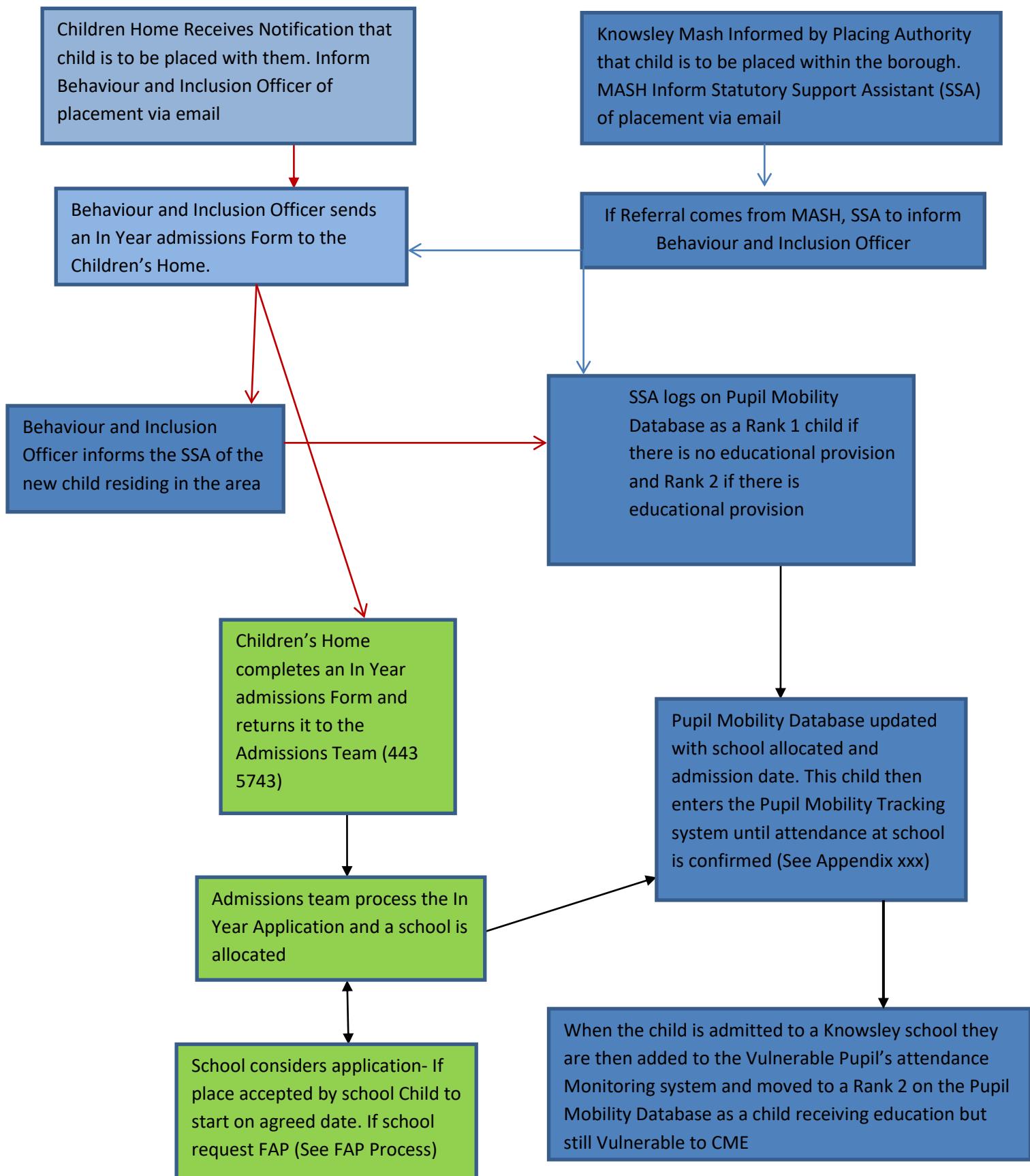
Appendix 1 Members of Staff Likely to make referrals

TITLE	DEPT
<i>Admissions Manager</i>	<i>School Improvement Team</i>
<i>Statutory School Attendance Officer with responsibility for EHE</i>	<i>School Improvement Team</i>
<i>EAL Coordinator</i>	<i>People's Services</i>
<i>Education Worker</i>	<i>YOS</i>
<i>EST Managers</i>	<i>Social Care</i>
<i>Integration Officers</i>	<i>Meadow Park</i>
<i>Health Practitioner</i>	<i>Knowsley 0-19 Service (NWBH)</i>
<i>Special Educational Needs Officer</i>	<i>People's Services</i>
<i>Home Hospital Tutor</i>	<i>People's Services</i>
<i>Education Officer B&A</i>	<i>People's Services</i>
<i>Family First</i>	<i>People's Services</i>
<i>MISPER Coordinator</i>	<i>Police</i>
<i>Child Exploitation</i>	<i>SHIELD/MASH Team</i>
<i>Criminal Exploitation</i>	<i>SHIELD/MASH Team</i>
<i>Early Help</i>	<i>Early Help Team</i>
<i>Safeguarding Officer</i>	<i>School Improvement Team</i>

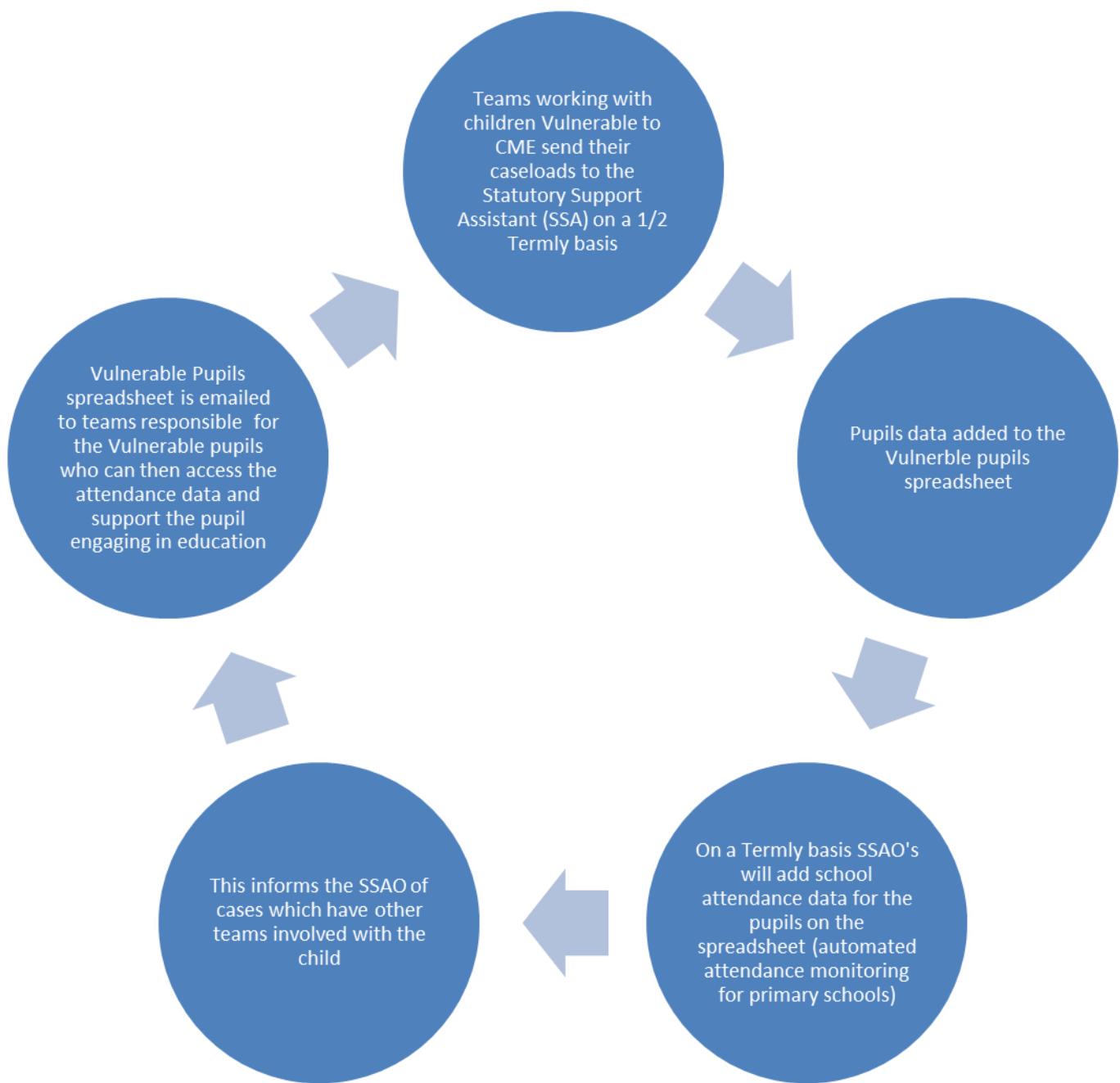
Tell One Tell All Referrals



Children's Homes New Residents (Children Missing Education) Process (Appendix 3)



Appendix 4 Monitoring of Vulnerable Pupils



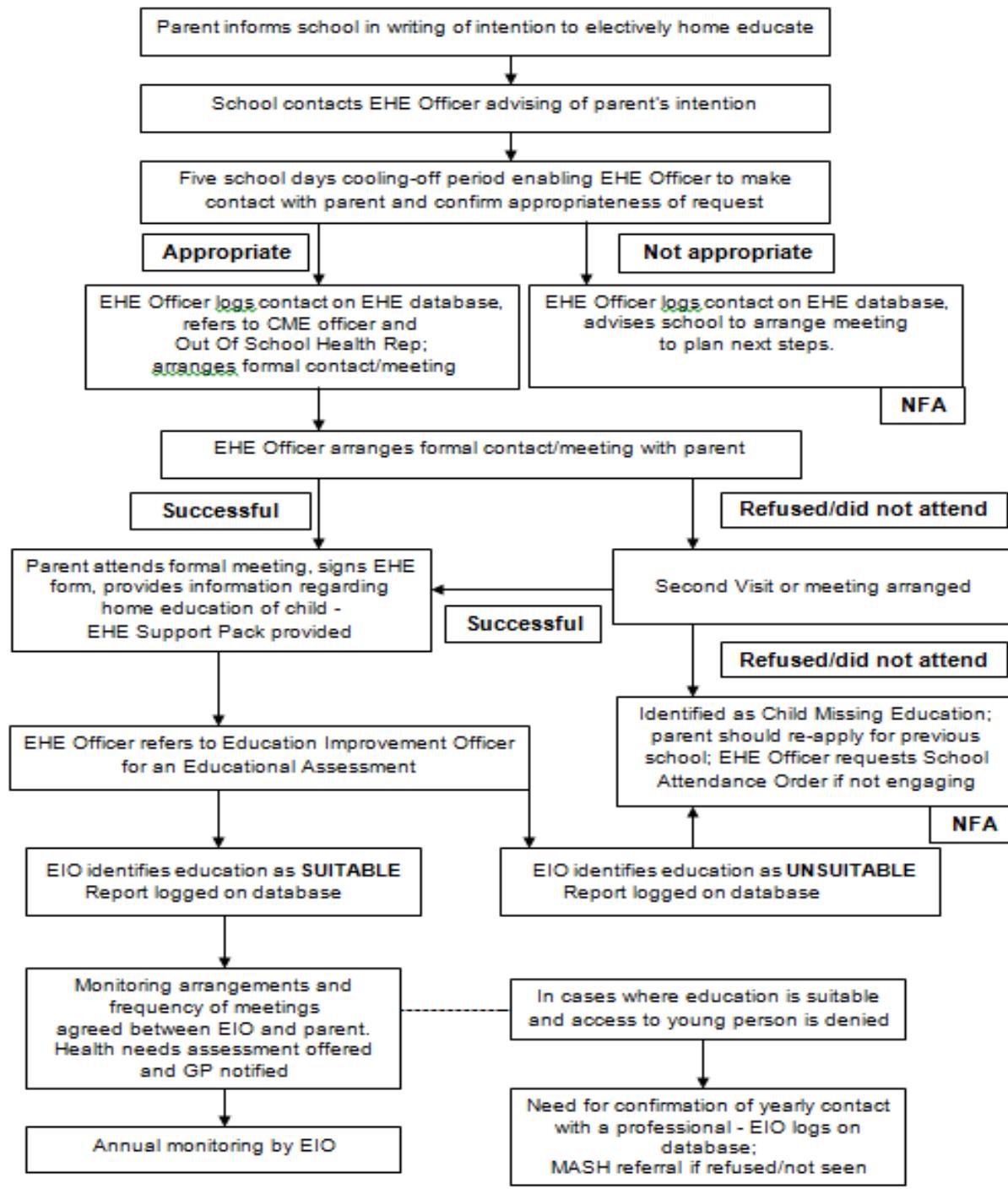
Appendix 5 CME Glossary

Category	Full Description
AC	Alternative Curriculum at another school/PRU(Secondary)
ALT	Alternative Provision at another school/PRU (Primary)
AS	Asylum Seeker
CAMHS	Child and Adolescent Mental Health Service
CE	Criminal Exploitation
CLA	Child Looked After
CLA-e	Child Looked After (Extra District)
CLOSED	Closed
CP	Child Protection
CSC	Children's Social Care
CSE	Child Sexual Exploitation
DECEASED	Deceased
DV	Domestic Violence
EAL	English as an additional Language
EBS	Education Behaviour Support
EHE	Elective Home Education
EP	Education Psychology
FAP	Fair Access Panel
FF	Family First
HAHT	Home and Hospital Tuition
H-LESS	Homeless
MIGR	Migration
MISS	Missing Pupil
MOB	Mobile Pupil (i.e. 3 or more sch moves in 1 academic yr)
Monitor	Monitor (used to monitor Under Sch age children until they reach statutory sch age)
MST	Multi Systemic Service
NT	Negotiated Transfer
NTB	New To Borough
PERM	Permanent Exclusion
Private Foster Care	Private Foster Care
PRU	Pupil Referral Unit
REC ADMISS	Reception Admission
RUN	Runaway
SC1	Social Care (Child Protection)
SC2	Social Care (Child Sexual Exploitation)
SCH	School
Secure Unit	Secure Unit
SF	Stronger Families
TF	Trouble Family
TP	Trial Placement
TPP	Teenage Pregnant Pupil
TRAV	Traveller
UNPL	Unplaced Pupil
WBL	Work based Learning Secondary (training Provider)
YC	Youth Carers
YOS	Youth Offending Service

Elective Home Education Appendix 6

ELECTIVE HOME EDUCATION in KNOWSLEY

PROCEDURES TO BE FOLLOWED BY EDUCATION IMPROVEMENT SERVICE





Appendix 7 CME Referral Form

KMBC
School Attendance Service
C/O Huyton Municipal Buildings
Archway Road
Huyton
L36 9YU

Date:

Name of Referrer:

Name of Agency:

Contact Details

Child's Name:

Child's School:

Child's DOB:

Child's Address:

Length of time on roll

Date leaving

Children in Public Care Yes No Special Educational Needs Yes No

Young Carer

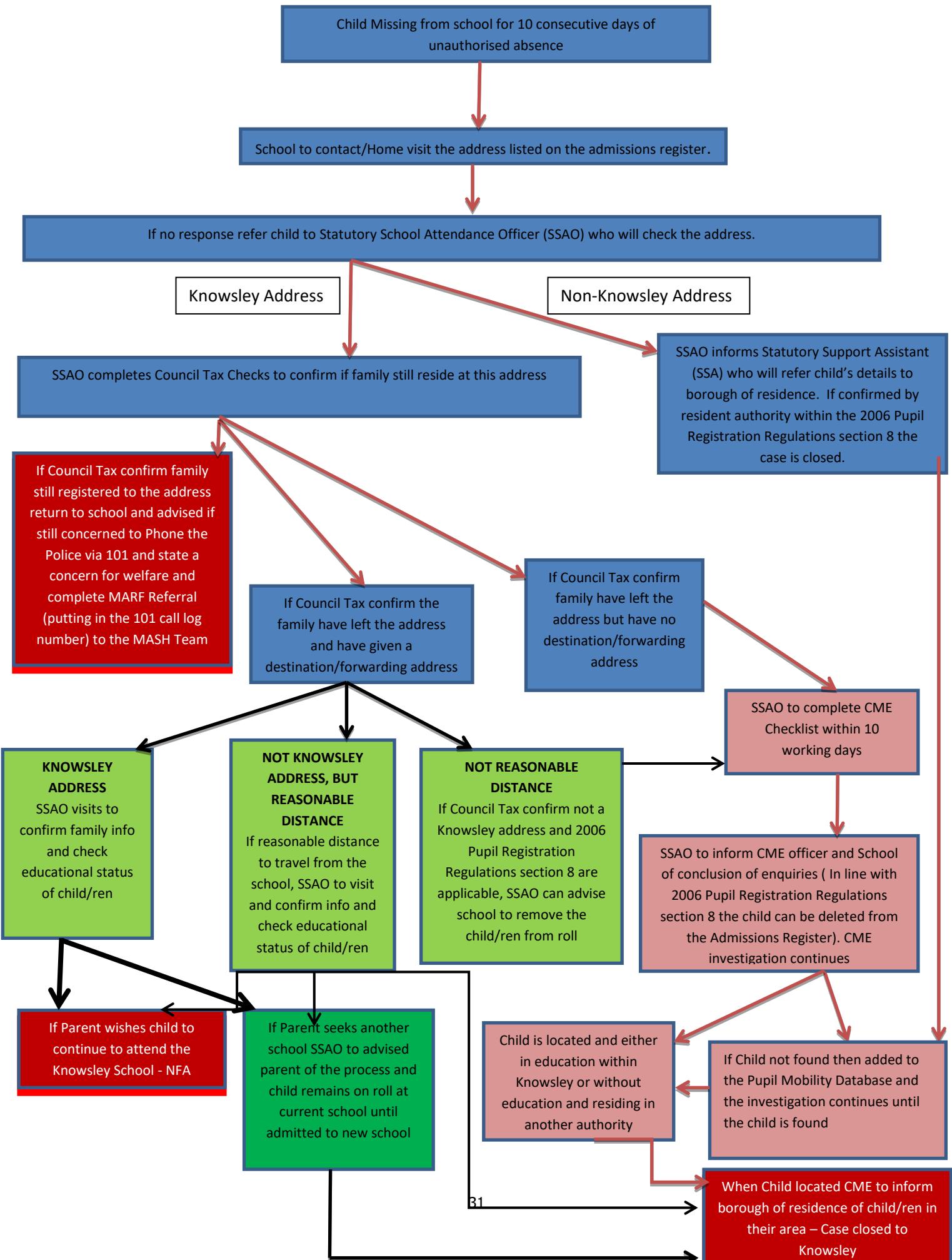
Yes No

Siblings
:

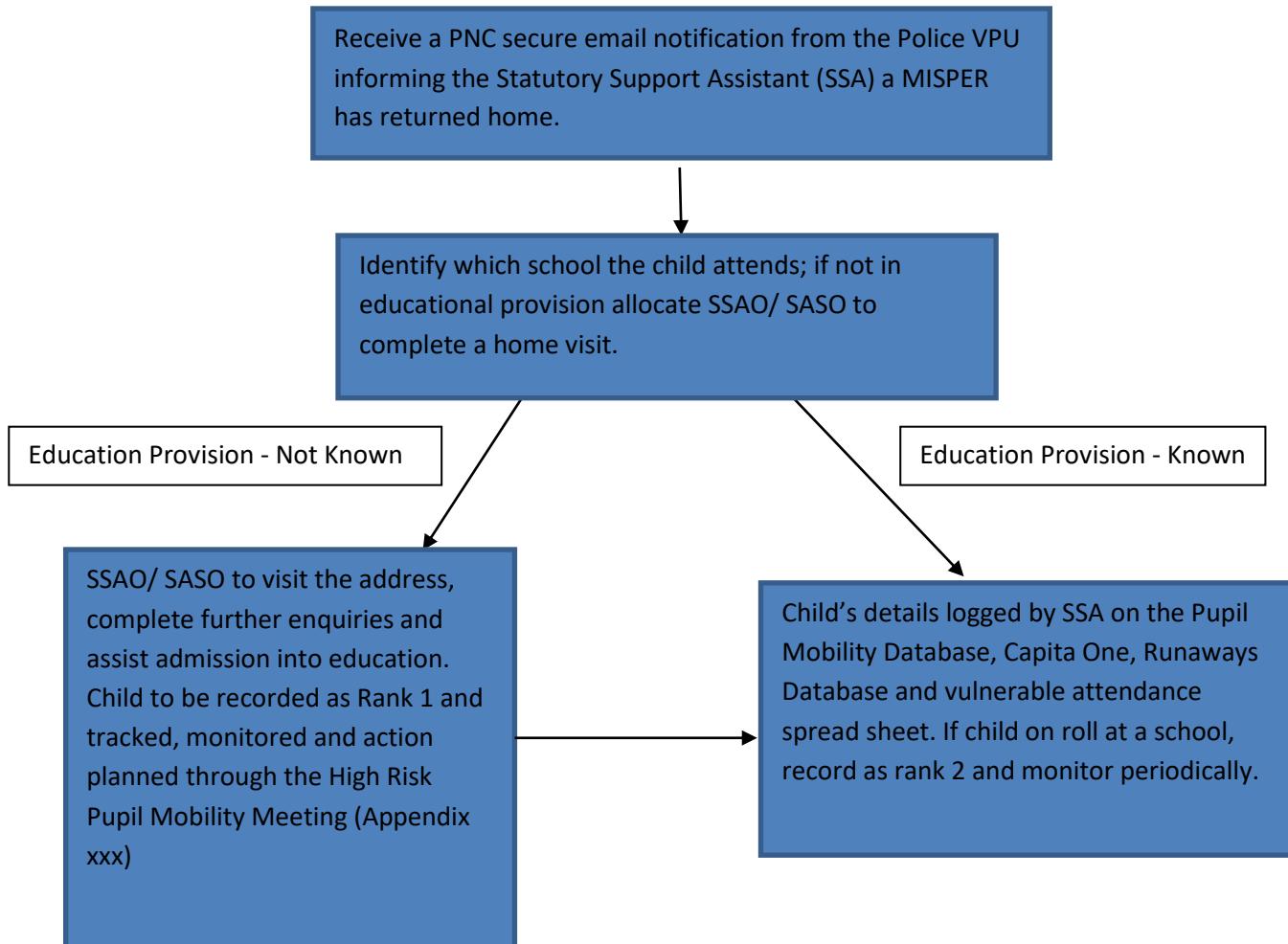
	NAME	DOB	School	CLA	SEN	Young Cared

Signature _____ Date _____

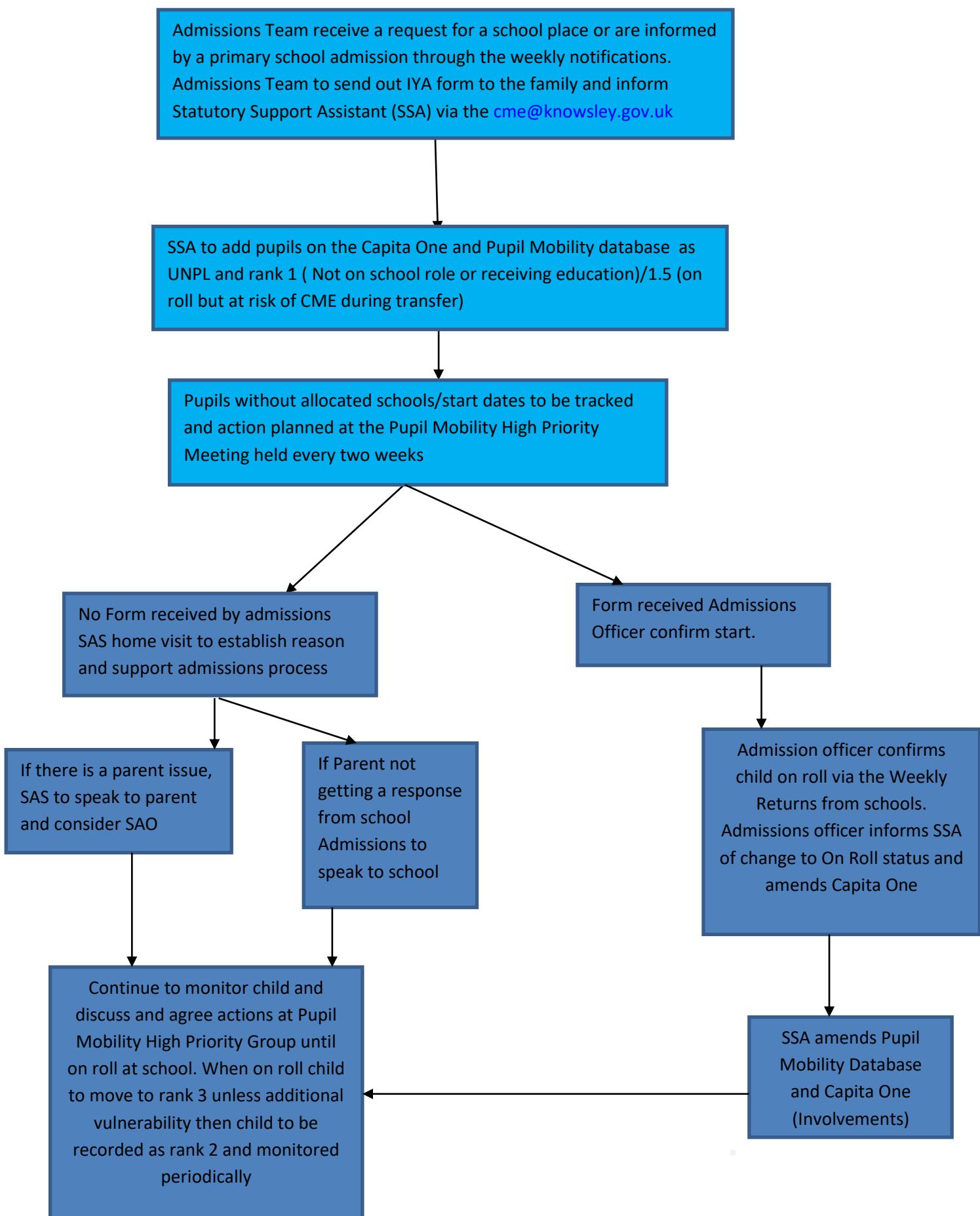
FLOW CHART FOR SCHOOLS - MISSING PUPIL PROCESS 2017 Appendix 8



Appendix 10- Missing from Home and Care Notifications



Appendix 11 Pupil Mobility Process with regards to new admissions



Children Missing Education Checklist (Appendix 12)

This checklist is to be used in all cases with 10 consecutive days of unauthorised absence and it would seem that a child has moved from this area, and neither you nor the school at which the child is currently registered have been informed of either a new address or school.

Name of Child (ren):DOB:

Address:

Parent's Mother.....Father.....

School:

Name of SAIO:

Date:

Actions	Action By	Response/Result (Where appropriate name person(s))
1. Has school checked possible whereabouts with staff and pupils?- What actions school have taken in the joint investigation		
2. Check with Council tax to see if family still reside at the address or if a forwarding address has been given		
3. Check with the SAS colleagues, files and Pupil Mobility Database		
4. Check with admissions to see if application received		
5. Check available Knowsley Borough Council Database		.
6. Visit to address (es) given by school		.
7. Check with neighbours and any known extended family.		
8. Check with Housing Department by telephone and/or Housing Association/Estate Agent by letter.		
9. Enquire on EH and Swift Databases		
10. Check with agencies with known involvement, e.g. Social Services Department, Probation, Police, GP, Health Visitor, Connexions, etc.		

Pass to Statutory Support Assistants when completed to be logged on Pupil Mobility Database

Procedural Notes

Appendix 13

PUPIL MOBILITY PROCEDURES

Rank 1 – (Not on a school roll or not receiving appropriate education) Priority Vulnerable group – to be tracked & monitored interventions regularly until in education

Rank 1.5 On Roll but at Risk of CME during transfer

Rank 2- Vulnerable group (at risk of CME– to be monitored periodically)

Rank 3 – (In school and attending), no further action

Allocation List - Admissions Allocation lists received weekly (apart from summer holidays)

- Add to Pupil Mobility database
- Add to CAPITA 1 – Do not add if not Knowsley address unless the allocation report has the MOV code next to it, as this means they are moving into the area
- Knowsley School to Knowsley school **DO NOT GO ON PM DATABASE** as migrations report will pick up
- **Do not add Nursery age children**

In Year Applications - Received as and When

- Add to Pupil Mobility database
- Add to CAPITA 1
- If IYA ✓ IYA on database, also do not complete ‘School Allocated’ column until given allocated school via A&E Allocation List. All 3 choices to be recorded in the ‘Comments’ column.
- OOB to OOB school with Knowsley address go on database
- OOB to Knowsley School with OOB address go on database
- Add Reception children for monitoring
- **Do not add Nursery age children**

Home Hospital Tuition (HAHT) - Angela Yoxall to send updates every 6 wks

- Add to PM database (Rank 2 if at home and receiving tuition also Rank 3 if returned to school as still a vulnerable group)
- Add to CAPITA 1
- Add to Vulnerable list
- Do not put closed entries on, if no longer sick, change category to closed, change rank to 3 and move sick category to historical column.

EAL - Nerissa Lea to send updates wkly

- Add to PM database (Rank 1 if no school, Rank 2 if school as still vulnerable group)
- Add to CAPITA 1
- Add to Vulnerable List
- Reception Kids to be included on Vulnerable list
- NB: Regardless of borough a child lives in, If they go to a Knowsley school they go on the database

YOS – Amanda Jacobson to send weekly updates of all starts and closures at YOS

- Add to PM database (Rank 1 if no school, Rank 2 if school as still vulnerable group)
- Add to CAPITA 1
- Add to Vulnerable List

CLA – looked after by Knowsley, Knowsley the Corporate Parent and our responsibility

CLA list updated via CLA team (Wendy Sheridan/Jenny Clay), attendance figures collected and added to CLA Attendance sheet on a monthly basis.

- All CLA children should be added to PM database
- Add to CAPITA 1
- Any CLA child in a Knowsley School to be added to the Vulnerable list.

CLAE – Privately looked after children - placed in Knowsley by other authorities and looked after by private companies , finances paid by placing authority for statemented Children only Non statemented children Knowsley to fund.

Private Care Homes within Knowsley

- Lawrence House – Huyton Church Road
- Bluebell Cottage – Cronton Road
- Wayside – Rupert Road
- Park Road – Prescot
- Brook Cottage – Prescot
- Continuum – Croton
- Lytham Care - Kirkby

Care Order from another LA (CLAE) – Children placed in Knowsley from other authorities and looked after by Foster Carer's (Knowsley not Corporate Parent but still have a statutory duty to ensure they are receiving an education.

- Add to PM database (Rank 1 if no school Rank 2 if school as still vulnerable group)
- Add to CAPITA 1
- Add to Vulnerable List

Runaways (School Age)

Merseyside Police send details of Runaway children (MISPER) to CME Officer via Secure e-mail.

- Add to PM database (Rank 1 if not in School and Rank 2 if attending as still vulnerable group)

- Add to CAPITA 1 – Open and first episode on Capita 1 in Pup Mobility Database put all dates of incidents, review incidents after 12 months close if none after first incident.

Vulnerable List

- Alert the School Attendance Manager of any children that do not have a school
- Delete any child that move to an OOB school
- Reception children to be added to the Vulnerable lists.

Migrations

- Alert Statutory School Attendance Officer of any children that do not have a destination or details of a school they came from. (who will start a joint investigation with school as part of CME procedure)
- Only include current academic year's movements,(previous moves should have been captured in the previous year's databases.

Reception/Nursery age:

- **DO NOT ADD NURSERY CHILDREN**
- Reception children only to be added to the list if they have started late i.e. from Oct onwards). **DO NOT INCLUDE RECEPTION CHILDREN WITH SEPT START DATE**
- **DO NOT PUT YR 6-7 END OF PHASE TRANSFERS on the database**
- **IF A CHILD HAS 3+ MOVES IN ANY GIVEN ACADEMIC YEAR-REPORT TO PMCC AND ADD TO PUPIL MOB DATABASE AS A RANK 2 AND**
- **VULNERABLE LIST**

Exclusions

- Add to PM database and the exclusions database (Rank 1 if Permanent , Rank 1.5 if attending Meadow Park but not receiving 25 hours education (PRU) and Rank 2 if on school roll as still vulnerable group)
- Add to CAPITA 1 and Exclusions spreadsheet

Education Improvement Team



FAIR ACCESS PROTOCOL 2018/19

1. CONTEXT

- 1.1 The School Admissions Code (revised December 2014) states each Local Authority (LA) must have a Fair Access Protocol, agreed with the majority of schools in its area to ensure that - outside the normal admissions round - unplaced children, especially the most vulnerable, are offered a place at a suitable school as quickly as possible.
- 1.2 In agreeing a protocol, the LA wishes to ensure that no school – including those with available places – is asked to take a disproportionate number of children who have been either excluded from other schools, or who have challenging behaviour within the geographical and logistical constraints of the borough. The protocol must also include how the LA will use provision to ensure that the needs of pupils who are not currently ready for mainstream schooling are met.
- 1.3 The Department for Education issued advice on Fair Access Protocols in November 2012. Its principles included:
 - that the protocol is not used to circumvent the normal in-year admissions;
 - the need for schools, including Academies, to work together collaboratively taking into account the needs of the child and those of the school;
 - that whilst parents wishes are recognised, there is no duty to comply with parental preference; and
 - when seeking to place a child under the protocol, all schools should be treated in a fair, equitable and consistent manner.
- 1.4 It is a mandatory requirement of the School Admissions Code that all schools including Academies should participate in the LA's Fair Access Protocol. A clear and transparent process should be available for all establishments when their School Governing Body does not wish to admit a child with challenging behaviour outside the normal admissions process, regardless of whether school places are available.
- 1.5 The prescribed categories of children of statutory school age that the Fair Access Panel can support are children:
 - from the criminal justice system;
 - attending Pupil Referral Units who need re-integration into mainstream education;
 - who have been out of education for 2 months or more;
 - of Gypsy, Roma, Traveller, Refugees, Asylum seeker families;
 - who are homeless;
 - with unsupportive family backgrounds where a place has not yet been sought;
 - who are carers; and
 - with special educational needs (see 1.6), disabilities or medical conditions.
- 1.6 As other legislation and processes are in place, accessing FAP is not possible if:
 - the child is looked after (CLA);
 - they are a previously child looked after; or
 - they are a child with a statement of Special Educational Needs or an Education Health and Care Plan (EHCP).

There is a presumption that pupils with SEN should have their needs met in mainstream settings. Referrals to FAP should only be when exceptional circumstances are identified which suggest an EHCP process should ordinarily have been pursued.

2. OUR PRINCIPLES

2.1 The principles for Knowsley's Fair Access Protocol are to:

- be fair and transparent and have the confidence of all schools;
- acknowledge the real need of vulnerable pupils to be dealt with quickly and sympathetically thereby reducing the time they spend out of school; and
- ensure schools admit pupils with challenging behaviour on an equitable basis.

3. THE IN-YEAR PROCESS FOR PRIMARY

3.1 Primary Schools coordinate their own In-Year Admissions. Schools are required to inform the Admissions Team if an application appears to fit one of the prescribed categories listed in 1.5 and the team will provide an automatic LA referral to the next FAP meeting for this pupil.

3.2 Key Stage Two pupils who have moved into the Knowsley area whose exceptional behavioural needs cannot be met immediately through usual educational provision and the last educational placement was a Pupil Referral Unit will ordinarily be placed on the roll of Knowsley Borough Council's Pupil Referral Unit for assessment. This would take place without the need for an initial discussion at FAP.

3.3 For all other in-year applications, the processing of a potential school place by the requested school should be expedited as swiftly as possible. The process allows a significant period of **twenty** school days to complete this, should it be required in exceptional circumstances. The requested school may require an In Year School Transfer Request form to be completed by the current or previous school. If this information has not been provided within **ten** school days, the school must advise the admissions team who will support schools in attempting to obtain the required information. Even if certain information is still not provided, the maximum **twenty** school days identified for this part of the process will stand, and at this point school will need to:

- offer a place;
- offer a trial placement (see 7.1);
- have submitted the FAP referral paperwork; or
- request FAP grant a time extension because of exceptional circumstances.

3.4 There is a presumption that any other outstanding applications on day 21 will be offered a place by the school.

3.5 A FAP referral form is only completed when a school feels unable to meet the pupils' needs based on evidence of excessive challenging behaviour **and** issues within their own settings, through attaching the In Year School Transfer Information Request form and any other documentation received from the child's current or previous school. Only factual information should be included.

4. THE IN-YEAR PROCESS FOR SECONDARY

4.1 The Admissions Team will provide an automatic LA referral to the next FAP for any in-year application that appears to be one of the prescribed categories listed in 1.5. If parental preferences have been identified, the schools will be made aware of this.

4.2 Pupils who have moved into the Knowsley area whose exceptional behavioural needs cannot be met immediately through usual educational provision and the last educational placement was a Pupil Referral Unit will ordinarily be placed on the roll of Knowsley Borough Council's Pupil Referral Unit for assessment. This would take place without the need for an initial discussion at FAP.

4.3 All other in-year applications will be sent from the Admissions Team to the requested school. Whilst the processing of a potential school place by the requested school should be expedited as swiftly as

possible, the process allows a significant period of **twenty** school days to complete this, should it be required in exceptional circumstances. The requested school may require the In Year School Transfer Request form to be completed by the current or previous school. If this information has not been provided within **ten** school days, the school must advise the admissions team who will support schools in attempting to obtain the required information. Even if certain information is still not provided, the maximum **twenty** school days identified for this part of the process will stand, and at this point school will need to:

- offer a place;
- offer a trial placement (see 7.1);
- have submitted the FAP referral paperwork; or
- request FAP grant a time extension because of exceptional circumstances.

- 4.4 There is a presumption that any other outstanding applications on day 21 will be offered a place by the school.
- 4.5 A FAP referral form is only completed when a school feels unable to meet the pupils' needs based on evidence of excessive challenging behaviour **and** issues within their own settings. They would complete a FAP referral form, usually attaching the In Year School Transfer Information Request form and any other documentation received from the child's current or previous school. Only factual information should be included.

5. THE PANEL AND PROCEDURES

- 5.1 Knowsley's Fair Access Panel consists of senior representation from the Education Improvement Team, a representative from every Secondary establishment in the borough and two Primary representatives. Members should be the Headteacher or their representatives who have been designated to make decisions on their behalf. Representation is expected for every meeting, regardless of whether the school have made any referrals. Other representatives may include further colleagues from the Education Improvement Team and the Learning and Skills Service.
- 5.2 Whilst the panel is holding a combined primary/secondary meeting for 2018/19, this format is reviewed on an annual basis.
- 5.3 The panel is currently chaired by a senior representative of the Education Improvement Team who will support the group with its decision-making. Whether this role is provided by a LA or a school representative is reviewed on an annual basis. Clerking facilities, including all administrative duties, will always remain the responsibility of the LA.
- 5.4 There is an expectation that FAP applications are received by the Monday before any meeting. An e-mail will be sent to designated school email addresses on Tuesday detailing the agenda and on the Friday following the meeting confirming the key decisions made.
- 5.5 The Fair Access Panel meet every fortnight during each term on Thursday afternoon at Meadow Park PRU. Papers will be available for viewing at 1.30pm with the meeting commencing at 1.45pm.
- 5.6 The FAP Agenda will consist of:
- **LA referrals** – unplaced pupils meeting FAP categories in 1.5, returning Elective Home Educated, Permanent Excluded requiring mainstream and Year 11 applications received in Spring/Summer; and
 - **School referrals** - pupils with excessive challenging behaviour.
- 5.7 For both LA and school referrals, the panel is obligated to place Knowsley resident pupils.

- 5.8 Primary school in-year applications are addressed solely to the one school and that school will alert the LA or complete the FAP referral form if necessary. If the panel uphold a decision to prevent admission to one school, the panel may need to consider other schools within a reasonable distance. Following the meeting, the admissions team will ascertain parental preferences and primary schools will be identified for the following FAP. All schools should be given at least seven days notice to organise representation and prepare any documentation.
- 5.9 For secondary in-year applications, parents can identify three preferences on the secondary in-year admissions form. If the panel uphold a decision to prevent admission to one school, the panel can consider, at the same meeting, requests to other schools. In these situations, there needs to be a representative from the identified school(s) present who will determine whether to adjourn to the next meeting or discuss the request immediately.
- 5.10 A successful Fair Access Protocol is predicated on the principle that decisions taken by the panel are binding. If any FAP application is not upheld, all schools are expected to admit the child within seven school days. Other than community schools, if a school refuses, the LA will inform of an intention to issue a direction to the governing body (for maintained schools) or the Regional Schools Commissioner (for Academies).

6. PLACEMENT RATIONALE

- 6.1 For expediency, a decision will always be made at the panel meeting if there are at least five Knowsley school representatives present. The LA representative will only vote when there is a tie.
- 6.2 In exceptional circumstances, the panel may defer a case to the following meeting if a key piece of information needs establishing/clarifying but this may only happen on one occasion.
- 6.3 In relation to LA referrals, parental preferences will always be considered in the first instance and open discussions will take place to consider the most appropriate establishment.
- 6.4 In relation to secondary practice, to ensure the Fair Access Panel has a full picture of the equitable way that all schools are working together, cumulative secondary school data of in-year admissions, FAP decisions, successful and failed trial/managed move places will be available throughout the year. This information will be collated centrally and in order for a child to be recorded in this data, it will always require a completed in-year application e.g. even when a trial has been successful.
- 6.5 Schools may make a referral to FAP where there is evidence of excessive challenging behaviours. The panel, when deciding whether to uphold a decision (i.e. not to offer a place) consider the following:
- Representation of clear and identifiable reasons why the school are unable to meet the child's challenging behavioural needs;
- and**
- Excessive challenging behaviours within a cohort of, already within that year group/school.
- 6.6 A successfully demonstrated case for a particular year group is binding for three further FAP meetings in relation to all subsequent referrals.
- 6.7 The panel have an ultimate responsibility to identify an educational establishment for any unplaced Knowsley child. In the most problematic of scenarios, this may include revisiting schools where a cohort case has already been proven. All schools involved should be present when such a decision takes place.

7.

TRIAL PLACEMENTS FOR KNOWSLEY RESIDENTS

- 7.1 Trial placements ordinarily take place as an alternative to referring to the Fair Access Panel. It is recognised that such arrangements support a swift resolution for pupils and are a good demonstration of partnership working. Schools need to complete the LA weekly return sheet in the section requesting details of any trial placements.
- 7.2 If schools pursue these approaches, the processes need to be open and transparent. Any failed trial placements need to be presented to the Fair Access Panel using the failed trial template, as they ultimately may result in a parental appeal.
- 7.3 A trial should consist of no more than a twelve week placement with a review at week six. Reviews should be called earlier if the school feels that the placement is failing in order to discuss how to get things back on track. An Education Improvement Team representative will attend these meetings for Knowsley residents.
- 7.4 The Local Authority is keen to clarify that for registration purposes, the child needs to be dual registered, not educated off site. The school where the child is expected to physically attend for the period of any trial placement is responsible for accurately recording the pupil's attendance and following up non-attendance.
- 7.5 Some schools also support managed moves, which are agreements between parents, host and guest schools as an alternative to a permanent exclusion.

8. APPEALS PROCEDURE AND FURTHER APPLICATIONS

- 8.1 Paragraph 3.24 of the School Admissions Appeals Code states that the allocation of a place in accordance with a Fair Access Protocol does not override a parent's right to appeal against the refusal of a place at any school for which they have applied. If an application has been refused despite there being places available, the admission authority must present their case for refusal, demonstrating how admission for the child in question would prejudice the provision of efficient education or efficient use of resources. When considering such an appeal, in addition to considering the appellant's argument for their child to be admitted, the independent panel will take account of the requirements set out in this Fair Access Protocol. The panel must then carefully consider whether the presenting officer has clearly proven that admission of the child would be prejudicial to the school or other children in attendance at that school.
- 8.2 Parents/carers who have applied for a school and received a refusal notification following a Fair Access Panel hearing may not seek to apply again for a place at the same school for the following twelve months. The one exception would be if the chair of the Fair Access Panel is of the opinion that there has been significant and material changes in the circumstances of the parent/carer/school or child, which may justify a further application.

For any enquiries regarding this protocol, please contact roger.thompson@knowsley.gov.uk

Appendix 15: Information Sharing Protocol

Document Control Information	
Document ID	
Document title	Pupil Mobility and Children Missing Education Information Sharing Protocol
Agreement Purpose	To facilitate the sharing of Knowsley MBC information between the organisations listed below. The purpose of the information sharing is to identify Children who are or may become Missing Education.
Version	3
Status	live
Author	Phil McCalliog
Service Area	Pupil Mobility and Children Missing Education
Publication date	12/012/18
Protective Marking	Official
Approved by	
Next review date	12/09/19

Version History			
Version	Date	Detail	Author
1	01/09/06	Agreement to share Pupil Level information	Phil McCalliog
2	07/12/12	Agreement to share Pupil Level information	Phil McCalliog
3	22/09/15	Agreement to share Pupil Level information	Phil McCalliog
4	12/12/18	Agreement to share Pupil Level information	Phil McCalliog

Approvals	
Approver	Date

1. Introduction

1.1 Knowsley has a preventative approach to Children Missing Education which has been in place since 2002, this is hoped to reduce the number of children who do go missing from education. This policy brings together a number of procedures that work round the Hub (Pupil Mobility Database) to reduce the risk of Children missing education and enable professionals to work together to locate, track and return children to education. The procedures involve a multi-agency approach to tracking children and linking in and sharing information about vulnerable pupils to safeguard against children going missing.

2. Purpose

2.1 The purpose of this document is to establish a set of principles which all agencies can subscribe to, to ensure that the Local Authority :

- Is able to fulfil its statutory duty to provide an education for all children of compulsory school age;
- Is able to track children missing from education (CME);
- Identifies those at risk of becoming missing from education and accordingly allocates appropriate staff to intervene;
- Maintains contact with those missing from education and those at risk of becoming so.

2.2 *To reduce the children of Knowsley do not go missing from education and to quickly locate the ones that unfortunately do.*

2.3 *Safeguarding of children is a Statutory duty of Knowsley Council*

3. Partners

This agreement is between the following partners: -

**Knowsley Council, Municipal Buildings, Archway Road, Huyton, L36 9YU (ICO
Registration number: Z5775143)**

And

Partner Name and Address	Partner Name and Address
Admissions and Exclusion Manager	Nutgrove Villa
Teenage Pregnancy Coordinator	Nutgrove Villa
School Attendance Improvement Officer	Nutgrove Villa
Family First	Nutgrove Villa
EAL Coordinator	Nutgrove Villa
YOS Education Worker	Nutgrove Villa
Acting EST Manager	Nutgrove Villa
Meadow Park Integration Officers	Meadow Park School
Health Practitioner (Knowsley 0-19 Team (NWBH)	St Johns Clinic
Special Educational Needs Officer	Nutgrove Villa
Lead School Improvement Officer	Nutgrove Villa

Home Hospital Tutor Lead Education Officer – Behaviour Support NHS Safeguarding Social Care Data Team Criminal Exploitation Team Other Local Authorities Central Government databases Knowsley Schools Members of the Public Police	Nutgrove Villa Nutgrove Villa Nutgrove Villa Various Various Various Various Various Various

Each Partner to this Agreement must be a registered Data Controller with the Information Commissioner's Office. Please enter the Registration Number for each Partner above.

4. Legal Basis & Privacy Notices

Privacy Notices

- 4.1 A Privacy Notice is on the www.knowsley.gov.uk website in the School Attendance Service Section.

The pupil level data is shared on a six weekly basis via encrypted email in line with the first principle of the General Data Protection Regulation to fairly and transparently process data.

Legal Basis

- 4.2 The Children Act 2004 places a duty on all agencies to work together to promote the welfare of children and to share information. This principle underpins this policy and there is an expectation that all agencies will work together to ensure that children do not “slip through the net” and become missing.

There are various statutory duties upon Local Authorities and parents (supplemented by guidance) relating to the provision of education and the safeguarding of the welfare of children and which may be relevant to children missing education. The principal provisions are as follows:

Section 14(1) of the 1996 Education Act provides that a local education authority must make sure there are sufficient schools for providing education in their area. For these purposes, the schools must be sufficient in number, character and equipment to provide all pupils with the opportunity of appropriate education (s. 14(2)). “Appropriate education” means, broadly education which is desirable in view of the pupils’ different ages, abilities and aptitudes and the different periods for which they may be expected to remain at school (s. 14(3)).

Section 7 of the 1996 Education Act provides that the parent of every child of compulsory school age shall cause him to receive efficient full-time education suitable to his age, ability and aptitude and to any special educational needs he may have, either by regular attendance at school or otherwise.

Furthermore **Section 437 (1) of the 1996 Education Act** provides that if it appears to a local education authority that a child of compulsory school age in their area is not receiving suitable education, either by regular attendance at school or otherwise, they must serve a notice in writing on the parent ("a school attendance order") requiring him to satisfy them within the period specified in the notice that the child is receiving such education.

Section 19 (1) of the 1996 Education Act requires every local education authority to make arrangements for the provision of suitable education at school or otherwise than at school for those children of compulsory school age who by reason of illness, exclusion from school or otherwise, may not for any period receive suitable education unless such arrangements are made for them. For these purposes, "suitable" education is defined as "efficient education suitable to the age, ability, aptitude and to any special educational needs the child (or young person) may have." (s. 19(6)).

Moreover, section **19(4A) of the 1996 Education Act** provides:

"In determining what arrangements to make under subsection (1) in the case of any child or pupil, a local education authority shall have regard to guidance given from time to time by the Secretary of State."

s. 175 of the Education Act 2002 (which came into force on June 1 2004) imposes a duty upon Children's Services Authorities and governing bodies to exercise their functions with a view to safeguarding and promoting the welfare of children. For these purposes, "functions" includes the powers and duties of Children's Services Authorities and governing bodies.

The Children Act 2004 (which received royal assent on November 15 2004) includes various provisions relating to safeguarding and promotion of welfare of children, including:

- (a) a duty upon each The Knowsley Council to promote co-operation between it and various other bodies to improve the well-being of children so far as relating to (amongst other things) education and training;
- (b) a duty upon various bodies (including children's services authorities) to make arrangements for ensuring that their functions are discharged having regard to the need to safeguard and promote the welfare of children (due to take effect on 1 October 2005); and
- (c) provision for the Secretary of State to put into place information databases for the purposes of arrangements under s.175 of the Education Act 2002 or (a) and (b) above, and a framework for the sharing of information contained in such databases for such purposes. (More information about the implications of the Children Act 2004 can be found on the Every Child Matters website www.everychildmatters.gov.uk)

Education and Inspections Act 2006 (section 4 & 38)

4 Duty to identify children not receiving education

- (1) In Chapter 2 of Part 6 of EA 1996 (school attendance) before the cross-heading preceding section 437 insert—

"Children not receiving suitable education"

436A Duty to make arrangements to identify children not receiving Education

- (1) A local education authority must make arrangements to enable them to establish (so far as it is possible to do so) the identities of children in their area who are of compulsory school age but—
 - (a) Are not registered pupils at a school, and
 - (b) Are not receiving suitable education otherwise than at a school.
- (2) In exercising their functions under this section a local education authority must have regard to any guidance given from time to time by the Secretary of State.
- (3) In this Chapter, “suitable education”, in relation to a child, means efficient full-time education suitable to his age, ability and aptitude and to any special educational needs he may have.”
- (2) In section 437 of EA 1996, in subsection (8) omit the definition of “suitable education”.
- (3) In section 580 of EA 1996 (index) for the entry in the second column which relates to the expression “suitable education (in Chapter 2 of Part 6)” substitute “section 436A(3)”.

38 General duties of governing body of maintained school

- (2) In section 21 of EA 2002 (general responsibility for conduct of school) after subsection (4) insert—

“(5) The governing body of a maintained school shall, in discharging their functions relating to the conduct of the school—
 - (a) promote the well-being of pupils at the school, and
 - (b) in the case of a school in England, promote community cohesion.

The Education (Pupil Registration) (England) Regulations 2006

The Education Act 1996 - sections 434(1)(3)(4)&(6) and 458(4)&(5);

The Education (Pupil Registration) (England) (Amendment) Regulations 2010;

The Education (Pupil Registration) (England) (Amendment) Regulations 2011; and

The Education (Pupil Registration) (England) (Amendment) Regulations 2013

The Education (Pupil Registration) (Amendment) (England) Regulations 2016

Consent

4.3 We do not need to obtain consent where we have a legal power to share information.

5. Process

5.1 This agreement has been formulated to facilitate the exchange of information between the signatories. It is, however, incumbent on all partners to recognise that any information shared must be justified on the merits of the agreement. The balance, between an individual's Human Rights and the need to disclose information, must be assessed to ensure the information shared between agencies is proportionate to the purpose. Anyone in doubt should consult their Information Sharing Lead before proceeding.

6. Information to be Shared

6.1 Knowsley Council will share: -

Pupil attendance who are vulnerable to Missing education and personnel information on children and parents of children who are Missing Education.

Child's Name

Child's DOB

Child's current and previous school

Child's address

Childs attendance

Child's Unique Pupil Number

Educational Status

Parent's name

Parents address or forwarding address

Parents National Insurance number

Parent's telephone number

6.2 *Partner Agency will share: -*

Child's Name

Child's DOB

Child's school

Child's address

Childs attendance

Child's Unique Pupil Number

Educational Status

.

7. Specific Procedures

7.1 Referrals are received by telephone, secure email or by post

- *Secure email internally by @knowsley.gov.uk or email, externally by GCSX or Egres*
- *The following email addresses are used to send and receive information.*
- cme@knowsley.gov.uk
phil.mccallioq@knowsley.gov.uk
eileen.mccarthy@knowsley.gov.uk
phil.mccallioq@knowsley.gcsx.gov.uk
eileen.mccarthy@knowsley.gcsx.gov.uk

- *Eileen McCarthy, Rebecca Mannix and Phil McCalliog are the named officers to transfer information*
- *If requesting information we use the Data protection Request Form. If we are asking confirmation from another borough we will send the Pupil Report via an encrypted email*

7.2 Each agency must keep an accurate audit trail of all information shared under the terms of this agreement. This must contain, as a minimum: -

- When the information was sent.
- Who the information was sent to, including both individual and agency name.
- What information was sent to the partner agency.
- How the information was transferred to the partner agency.
- When the information was acknowledged as received.

7.3 Information must always be sent securely between partners, using secure email addresses. Information must not be transferred by fax, insecure email or any other method other than those stipulated in Section 7.1.

Ad-Hoc Requests

7.4 When an ad-hoc request for information not listed in Section 6 of this agreement is received, it must be assessed for relevance by the point of contact for this agreement and signed off before a disclosure is made.

7.5 Information being prepared for release in response to an ad-hoc request must be assessed for accuracy, adequacy, relevance and timeliness before disclosure. It must also be recorded on the audit trail mentioned in 7.2.

7.6 Should it become apparent through ad-hoc requests that another dataset needs to be added to the agreement, this should be raised with the Risk & Resilience Team in order to appropriately add this to the agreement.

8. Constraints on the use of information

8.1 The information shared under the terms of this agreement should not be disclosed to any third party without the consent of the partner agency that provided it. Where a Subject Access Request is received under Article 15 of the GDPR, it is good practice to inform the data controller that provided the information that you intend to disclose it under SAR. However, no partner agency can veto a disclosure by another under SAR.

With regards to the Rights of the Data Subject under the GDPR, each organisation, as a Data Controller is responsible for their own responses to requests for Subject Access, Restriction, Erasure, Objection or Portability.

Communicating Rights of the Individual under GDPR

Under the GDPR, the data subjects have a wider range of Rights that they request of a data controller. Articles 15 – 22 lay these out. The requirements around the data subject's Rights extend to the point that if a data subject requests a Right against one Authority, if the data subject's information has been shared with a Partner Agency, the Right must be communicated to the Partner Agency that has received their information as well.

Where an organisation receives a GDPR Rights request from an individual that specifically mentions information shared under this agreement, the SPOC for their organisation must relay this request to all signatories to this agreement, so that the relevant Right can be performed by all partners.

8.2 Any Council information provided is accurate at the time of provision and should only be used for the purpose for which it was requested. It should not be used for any subsequent investigation or purpose, which must be subject to a new request.

8.3 All information shared must be proportionate and necessary for the purpose for which it was requested.

8.4 Staff should only be given access to personal data where there is a legal right, in order for them to perform their duties in connection with the services they are there to deliver. Information shared under the terms of this agreement should be accessed on a “need to know” basis only.

9. Roles and Responsibilities

9.1 Each partner must appoint a Single Point of Contact (SPoC) who will work together to jointly solve problems identified through the working practices highlighted in this agreement.

Council SPoC

*Phil McCalliog:
0151 443 5118:*

Partner SPoC

*Name:
Contact Details:*

9.2 Each SPoC has the responsibility for keeping the audit trail record of disclosures (see Section 7.2). There is the expectation that the SPoC is available to answer questions about information sharing and Data Protection from within their organisation.

9.3 Requests should be made through the individual SPoC for each organisation, on occasions where the SPoC is absent, a deputy should be nominated and record all information shared in this period. By nominating a SPoC, the partner agencies to this agreement are agreeing to ensure that information requests are channelled through a single contact, ensuring a safe and auditable flow of information.

9.4 It is the responsibility of everyone sharing information and accessing and using the information that has been shared to take appropriate decisions, then hold the information securely, in accordance with the standards set out in this agreement. Any person who is not sure of the requirements on them should read this Agreement and if necessary, contact their SPOC.

9.5 Every individual working for the organisations listed in this agreement is personally responsible for the safekeeping of any information they obtain, handle, use and disclose.

- 9.6 Every individual should know how to obtain, use and share information they legitimately need to do their job. Every individual should uphold the general principles of confidentiality, follow the guide-lines set out in this agreement and seek advice when necessary.
- 9.7 Should any of the Partners receive questions, complaints or queries about the processes, legalities or purposes of this data sharing they **must** be referred to the SPoC for their organisation as a matter of urgency. The SPoC will be responsible for the response to the complainant. SPoCs are encouraged to seek legal or legislative advice from their own internal contact should it be required.
- 9.8 All Partners to this Agreement have a responsibility to train their staff to understand their obligations under the General Data Protection Regulation and to process all information shared in line with the GDPR Principles.

10. Review, Retention and Disposal of Information

- 10.1 Partners to this agreement undertake that information shared under the agreement will only be used for the specific purpose for which it was shared, in line with this agreement. It must not be shared for any other purpose outside of this agreement and will be securely disposed of when it has served the purpose for which it was requested.
- 10.2 Until the child is the age of 25 years
The information is stored electronically on a secure server
- 10.3 When a document or dataset is no longer required, the following methods of disposal will be followed:
- Paper Records: *no records are paper any referral is transferred to the electronic database and the paper copy destroyed*
- Electronic Records: Capita One system, excel spreadsheets, Access databases and a sharepoint site database
- 10.4 Knowsley Council reserves the right to audit *Partner's* use of the information shared under the terms of this agreement, throughout its duration.
- 10.5 In line with the Sixth Principle of the General Data Protection Regulation, each Partner Agency has a responsibility to ensure and maintain appropriate technical, physical, operational and organisational measures are in place in order to secure the personal data shared under the terms of this Agreement. These measures must provide an appropriate level of security in comparison to the risk posed to, and the sensitivity of the information shared. Each Partner has the right to request access to another Partner's Information Security Policy (or other similar document) should this be deemed necessary.
- 10.6 All information provided under the terms of this Agreement must be accurate and up to date in respect of the Fourth Principle of the GDPR. Each Partner, as a Data Controller has a responsibility to ensure the accuracy of the data it is providing.
- 10.7 Where compatibility of data being shared is a problem, steps must be taken by SPoCs to ensure common data fields and technical solutions for sharing. Whilst the type of data must not deviate from the list in Section 6 of this Agreement, steps can be taken to standardise data formats such as data of birth or addresses in line with Local Government standards.

11. Review of the Agreement

11.1 This agreement will be reviewed initially 6 months after being signed. This is to identify any problems in the day to day sharing of information. The agreement will be reviewed annually from that point.

11.2 Should partners need adding to agreement, or request to be removed from the agreement, this document should be reviewed in order to take these changes into account.

11.3 If a SPoC or signatory to this agreement leaves their role, a replacement must be named as soon as possible and the agreement amended to reflect said changes.

11.4 If a Partner wishes to terminate or leave the arrangements created in this Information Sharing Agreement, they must submit this request in writing to all signatory Partners. The arrangement must then be terminated within 30 days of receipt of the written request. All information shared under the terms of this Agreement is still subject to handling in line with the principles of General Data Protection Regulation, with written consent from the data controller required before a Partner can share it with a third party, as per Section 8.1.

12. Data Breaches

12.1 All individual agencies as receivers of information covered under this agreement will accept total liability for a breach of this Information Sharing Agreement should legal proceedings or monetary penalties be served in relation to the breach.

12.2 Where a data loss incident occurs, involving information shared under the terms of this Agreement, the organisation that loses the data must **immediately** inform the Partner Agency to whom the information belongs. The organisation that owns the data that is lost, must then lead the investigation into the breach, using their own Data Breach Procedure with the full co-operation of the Partner Agency that lost the data.

12.3 Should the data breach be of significant risk and the Information Commissioner's Office need to be informed, all Parties must work together to produce a risk assessment in order to grade the severity of the breach. It will then become the responsibility of the Partner that owns the data that was shared to inform the ICO based on these findings.

13. Signature

13.1 By signing this agreement, all signatories accept responsibility for its execution and agree to ensure that staff are trained so that requests for information and the process of sharing itself are sufficient to meet the purpose of this agreement.

13.2 This document is not legally binding as per Section 14 of the Information Commissioner's Office Code of Practice for Data Sharing.

Signed on behalf of Knowsley Council:

Title:.....

Rank/ Position:.....

Date:.....

Signed on behalf of xxxx:

Title:.....

Rank/ Position:.....

Date:.....

Children Missing Education Privacy Notice Template

Who Will Own My Data Once I Submit It? KMBC

Why Do You Need My Information? *Statutory function-Identifying and Tracing Children Missing Education and those vulnerable groups who may go missing from Education.*

What Allows You To Use My Information?

The Children Act 2004 places a duty on all agencies to work together to promote the welfare of children and to share information. This principle underpins this policy and there is an expectation that all agencies will work together to ensure that children do not “slip through the net” and become missing.

Children Missing Education (CME) Relevant Legislation and Guidance

There are various statutory duties upon Local Authorities and parents (supplemented by guidance) relating to the provision of education and the safeguarding of the welfare of children and which may be relevant to children missing education. The principal provisions are as follows:

Section 14(1) of the 1996 Education Act provides that a local education authority must make sure there are sufficient schools for providing education in their area. For these purposes, the schools must be sufficient in number, character and equipment to provide all pupils with the opportunity of appropriate education (s. 14(2)). “Appropriate education” means, broadly education which is desirable in view of the pupils’ different ages, abilities and aptitudes and the different periods for which they may be expected to remain at school (s. 14(3)).

Section 7 of the 1996 Education Act provides that the parent of every child of compulsory school age shall cause him to receive efficient full-time education suitable to his age, ability and aptitude and to any special educational needs he may have, either by regular attendance at school or otherwise.

Furthermore **Section 437 (1) of the 1996 Education Act** provides that if it appears to a local education authority that a child of compulsory school age in their area is not receiving suitable education, either by regular attendance at school or otherwise, they must serve a notice in writing on the parent (“a school attendance order”) requiring him to satisfy them within the period specified in the notice that the child is receiving such education.

Section 19 (1) of the 1996 Education Act requires every local education authority to make arrangements for the provision of suitable education at school or otherwise than at school for those children of compulsory school age who by reason of illness, exclusion from school or otherwise, may not for any period receive suitable education unless such arrangements are made for them. For these purposes, “suitable” education is defined as “efficient education suitable to the age, ability, aptitude and to any special educational needs the child (or young person) may have.” (s. 19(6)).

Moreover, section **19(4A) of the 1996 Education Act** provides:

"In determining what arrangements to make under subsection (1) in the case of any child or pupil, a local education authority shall have regard to guidance given from time to time by the Secretary of State."

s. 175 of the Education Act 2002 (which came into force on June 1 2004) imposes a duty upon Children's Services Authorities and governing bodies to exercise their functions with a view to safeguarding and promoting the welfare of children. For these purposes, "functions" includes the powers and duties of Children's Services Authorities and governing bodies.

The Children Act 2004 (which received royal assent on November 15 2004) includes various provisions relating to safeguarding and promotion of welfare of children, including:

- (a) a duty upon each The Knowsley Council to promote co-operation between it and various other bodies to improve the well-being of children so far as relating to (amongst other things) education and training;
- (b) a duty upon various bodies (including children's services authorities) to make arrangements for ensuring that their functions are discharged having regard to the need to safeguard and promote the welfare of children (due to take effect on 1 October 2005); and
- (c) provision for the Secretary of State to put into place information databases for the purposes of arrangements under s.175 of the Education Act 2002 or (a) and (b) above, and a framework for the sharing of information contained in such databases for such purposes. (More information about the implications of the Children Act 2004 can be found on the Every Child Matters website www.everychildmatters.gov.uk)

Education and Inspections Act 2006 (section 4 & 38)

5 Duty to identify children not receiving education

- (1) In Chapter 2 of Part 6 of EA 1996 (school attendance) before the cross-heading preceding section 437 insert—

"Children not receiving suitable education

436A Duty to make arrangements to identify children not receiving Education

- (1) A local education authority must make arrangements to enable them to establish (so far as it is possible to do so) the identities of children in their area who are of compulsory school age but—
 - (a) Are not registered pupils at a school, and
 - (b) Are not receiving suitable education otherwise than at a school.
- (2) In exercising their functions under this section a local education authority must have regard to any guidance given from time to time by the Secretary of State.
- (3) In this Chapter, "suitable education", in relation to a child, means efficient full-time education suitable to his age, ability and aptitude and to any special educational needs he may have."
- (2) In section 437 of EA 1996, in subsection (8) omit the definition of "suitable education".
- (3) In section 580 of EA 1996 (index) for the entry in the second column which relates to the expression "suitable education (in Chapter 2 of Part 6)" substitute "section 436A(3)".

- **Who Will My Information Be Shared With?**
- Knowsley Schools
- Early Years Provision including Sure Start
- Admissions and Exclusions Team (including FAP)
- School Attendance Service
- Social Care
- CLA (Education Support Team)
- Elective Home Education (EHE)
- Housing (Yates Court Homeless Unit)
- Health (including A&E departments)
- Youth Offending Service (YOS)

- The Police
- Voluntary organisations
- Women's refuges (Ross House)
- Meadow Park School
- English As An Additional Language
- Special Educational Need And Disability Team
- Knowsley Switchboard- Tell One tell all email system
- Homeless Unit (Yates Court)
- Shield Team
- MACE
- Early Help
- Family First
- Child Criminal Exploitation
- Private Children's Homes

Do I Have To Provide This Information And What Will Happen If I Don't? *Statutory function- Children Missing Education*

No option to opt out.

How Long Will You Keep This Data For And Why?

How Will My Information Be Stored? *Secure electronic system.*

Will This Information Be Used To Take Automated Decisions About Me: *No*

Will My Data Be Transferred Abroad and Why? *No*

What Rights Do I Have When It Comes To My Data?

Under the General Data Protection Regulation, you have the following rights with regards to your personal data: -

- The right to subject access – you have the right to see a copy of the personal data that the Council holds about you and find out what it is used for.
- The right to rectification – you have the right to ask the Council to correct or remove any inaccurate data that we hold about you.
- The right to erasure (right to be forgotten) you have the right to ask the Council to remove data that we hold about you.
- The right to restriction – you have the right to ask for your information to be restricted (locked down) on Council systems
- The right to data portability – you have the right to ask for your data to be transferred back to you or to a new provider at your request.
- The right to object – you have the right to ask the Council to stop using your personal data or to stop sending you marketing information, or complain about how your data is used.
- The right to prevent automated decision making – you have the right to ask the Council to stop using your data to make automated decisions about you or to stop profiling your behaviour. (where applicable)

To find out more about your rights under the GDPR, please visit the Information Commissioner's [website](#).

To request a copy of your data or ask questions about how it is used, contact:-

Dan Howarth
 Data Protection Officer
 Knowsley Council
 Westmorland Road
 Huyton

L36 9GL

Or email: Inforights@knowsley.gov.uk

Who Can I Complain To If I Am Unhappy About How My Data Is Used?

You can complain directly to the Council's Data Protection Team by writing to: -

Dan Howarth
Data Protection Officer
Knowsley Council
Westmorland Road
Huyton
L36 9GL

Or via the [Have Your Say website.](#)

You also have the right to complain to the Information Commissioner's Office using the following details: -

The Information Commissioner's Office
Wycliffe House
Water Lane
Wilmslow
Cheshire SK9 5AF
Telephone: 08456 30 60 60 or 01625 54 57 45
Website: www.ico.org.uk