

Children Missing Education (CME) Protocol

LINKED POLICIES

DfE Working together to Safeguard Children
DfE Working Together to Improve School Attendance
DfE Schools Admissions Code
DfE Elective Home Education
DfE Alternative Provision
DfE Suspension and permanent exclusions
DfE Supporting Pupils at school with medical conditions

October 2025

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INTRODUCTION

Bury Council recognises the fundamental right of every child to receive a full-time, efficient, and suitable education that meets their individual needs, regardless of their background or circumstances. This protocol sets out the statutory responsibilities of both schools and the local authority in identifying, tracking, and supporting children who are missing from education. It also outlines the procedures and principles that underpin Bury's approach to ensuring that no child is left behind.

Children Missing Education (CME) are defined as those of compulsory school age who are not registered at a school and are not receiving education in any other recognised form. These children are often among the most vulnerable in our communities. They may face significant risks, including educational underachievement, exposure to harm or exploitation, and social isolation. Without timely intervention, they are more likely to disengage from learning entirely and may later become NEET – not in education, employment, or training.

Each year, a small but concerning number of children are identified as missing from education in Bury. These cases require a coordinated and proactive response from all services involved in the welfare and education of children. The local authority, schools, health services, social care, and other partners must work together to locate these children, assess their needs, and support their re-engagement with appropriate education provision.

Bury Council is committed to ensuring that all schools within the borough are fully aware of their responsibilities in relation to CME. Schools are supported to implement robust procedures for identifying and reporting pupils who may be missing, and to work collaboratively with the local authority to resolve cases swiftly. In addition, Bury Council extends its support to other local authorities when children missing from education are found to be residing in Bury, recognising the importance of cross-boundary cooperation.

Effective information sharing is central to the success of this protocol. Parents, schools, and local authority officers must communicate openly and promptly to ensure that children are safe and receiving suitable education. This guidance should always be applied in conjunction with safeguarding best practice, recognising that CME is not only an educational concern but also a potential safeguarding issue.

Through this protocol, Bury Council aims to uphold its duty to protect and educate every child, ensuring that no child is invisible within the system and that all children have the opportunity to thrive.

LEGISLATION UNDERPINNING CME STATUTORY GUIDANCE:

- Section 436A of the Education Act 1996 (added by section 4 of the Education and Inspections Act 2006)
- Education Act 1996 (section 7, 8, 14 and 19)
- Section 175(4) of the Education Act 2002 (all chapters)
- Paragraph 7 of the Schedule to the Education (Independent School Standards) Regulations 2014 (chapters 1 and 2)
- Paragraph 3a of the Schedule to the Non-Maintained Special Schools (England) Regulations 2015 (chapters 1 and 2)
- Education and Inspection Act 2006 (section 4 and 38)
- School Attendance (Pupil Registration) (England) Regulation 2024

School Duties in Relation to Children Missing Education

Under Section 436A of the Education Act 1996, local authorities have a statutory duty to make arrangements to identify children of compulsory school age who are not receiving a suitable education. Schools play a critical role in supporting the local authority to fulfil this duty by ensuring timely and accurate information sharing, maintaining robust attendance and registration procedures, and acting promptly when a child is at risk of missing education.

The Education (Pupil Registration) (England) Regulations 2024 further clarify the responsibilities of schools in relation to pupil registration and removal from roll. These regulations are designed to ensure that children do not become lost to the education system and that appropriate safeguarding measures are in place.

KEY DUTIES OF SCHOOLS

1. **Notification of Removal from Roll** Schools must notify the local authority in advance of removing a pupil's name from the admission register under any of the grounds listed in Regulation 9. This includes, but is not limited to, situations where a pupil:
 - Has been taken out of school to be educated otherwise (e.g. elective home education).
 - Has moved to another school.
 - Has ceased to attend and no longer resides within reasonable distance.
 - Has been continuously absent without explanation for a prescribed period.

The notification must include the reason for removal and any relevant details to support the local authority's duty to track and verify the child's education status.

2. **Attendance Monitoring and Reporting** Schools are required to monitor pupil attendance closely and report concerns to the local authority when:
- A pupil fails to attend regularly.
 - A pupil is absent for an extended period without explanation.
 - There are concerns that a pupil may have left the area or is no longer in receipt of education.

These reports should be made promptly and include any steps the school has taken to contact the family or investigate the absence.

3. **Conducting Reasonable Enquiries** Before removing a pupil from roll, schools must work with the local authority to conduct reasonable enquiries to establish the pupil's whereabouts. This may involve:
- Attempting direct contact with the family.
 - Conducting a home visit to the last known Bury address.
 - Liaising with other agencies such as health, housing, or social care.
 - Sharing relevant safeguarding information.

Enquiries should be proportionate to the level of concern and completed in a timely manner to prevent unnecessary delays in identifying CME.

4. **Safeguarding and Information Sharing** Schools must treat CME as a potential safeguarding issue. Where there are concerns about a child's welfare, schools must:
- Share information with the local authority and other safeguarding partners.
 - Escalate concerns through appropriate safeguarding channels.
 - Ensure that all staff are aware of the link between CME and risks such as exploitation, neglect, or radicalisation.
5. **Support for Reintegration** Schools should support the reintegration of children who have been identified as CME and are returning to education. This includes:
- Collaborating with the local authority to develop a reintegration plan.
 - Ensuring that the child's educational and pastoral needs are met.
 - Providing additional support where necessary, particularly for children with SEND or those who have experienced trauma or disruption.

WHO ARE 'CHILDREN MISSING FROM EDUCATION' (CME)?

Definition of Children Missing Education (CME)

Children Missing Education (CME) are defined as children of **compulsory school age** who are:

- **Not registered** as pupils at a school, and
- **Not receiving suitable education** otherwise than at a school.

This includes children who:

- Are in the process of applying for a school place.
- Have been offered a school place for a future date but have not yet started.
- Are receiving elective home education (EHE) that has been assessed as **unsuitable**.
- Have been recorded as CME for an extended period, for example, where their **whereabouts are unclear or unknown**.

CME **does not include** children who:

- Are receiving **suitable education** otherwise than at a school (e.g. suitable EHE or alternative provision) that meets the child's age, ability, aptitude, and any special educational needs.
- Are electively home educated but the local authority has **not yet assessed** the suitability of the education.
- Are registered at a school, even if they are **persistently or severely absent**.

The Importance of Identifying and Supporting Children Missing Education

Every child of compulsory school age is legally entitled to an **efficient, full-time education** that is suitable to their:

- Age
- Ability
- Aptitude
- Any special educational needs they may have

This education may be delivered through regular attendance at school, alternative provision, or otherwise (e.g. Elective Home Education, where suitable).

Children Missing Education (CME) are at **significant risk** of:

- **Underachieving academically**
- Experiencing **poorer health outcomes**
- Becoming victims of **harm, exploitation, or radicalisation**
- Becoming **Not in Education, Employment or Training (NEET)** later in life

No single professional or service can hold a complete picture of a child's circumstances. Therefore, **everyone who comes into contact with children and families** has a role to play in:

- Identifying concerns
- Sharing relevant information
- Taking prompt action

This collaborative approach is essential to ensure children missing education are identified early and supported effectively.

Safeguarding and promoting the welfare of children is everyone's responsibility. To fulfil this responsibility effectively, all individuals involved in CME work must adopt a **child-centred approach**.

This guidance is designed to support professionals in **local authorities, schools, and partner agencies** to:

- Understand their own roles and responsibilities
- Recognise the roles of others
- Work together to identify and support children missing education

WHY DO CHILDREN GO MISSING FROM EDUCATION?

Since the Department for Education (DfE) began collecting aggregate data in 2022, the number of children identified as missing education has **steadily increased**. Children may go missing from education for a variety of reasons, and it is essential that local authorities assess each case individually.

Common Drivers of CME Include:

- **Routine movement** into and out of the UK
- **Awaiting outcomes** of school applications
- **Movement between local authority areas**

National data indicates that children missing education are more likely to:

- Be of **secondary school age**
- Have a **Child Protection Plan**
- Be **Looked After Children (LAC)**

Risks Associated with CME

Regular school attendance is a **protective factor** against a range of harms. Children missing education are at increased risk of:

- **Underachievement**
- **Poor physical and mental health outcomes**
- **Exploitation**, including sexual and criminal exploitation
- **Radicalisation**
- Becoming **Not in Education, Employment or Training (NEET)**

Research also highlights links between **school absence** and **extra-familial harms**, including involvement in crime.

THE ROLE OF LOCAL AUTHORITIES

Local authorities must **target resources effectively** to:

- **Intervene early** in the lives of vulnerable children
- **Prevent poor outcomes** through timely support
- Ensure children receive **suitable full-time education**

CHILDREN AT PARTICULAR RISK OF MISSING EDUCATION

Some children are more at risk of missing education, as their personal circumstances or those of their families often contribute to the withdrawal process. Children missing education (CME) are often amongst the most vulnerable children in our society. This list is therefore not exclusive.

- **Pupils at risk of harm/neglect** –Further statutory guidance is available on the Department for Education website: *Working Together to Safeguard Children*
- **Children of Gypsy, Roma and Traveller (GRT) families.**
- **Families of Service Personnel**
- **Missing children/runaways**
- **Children and young people supervised by the Youth Justice System.**
- **Children who cease to attend school**
- **Children of new migrant families**

LOCAL AUTHORITIES' RESPONSIBILITIES

Under **Section 436A of the Education Act 1996**, local authorities have a statutory duty to identify children of compulsory school age who are:

- Not registered at a school, and
- Not receiving suitable education otherwise than at a school.

Prompt action and early intervention are essential to fulfilling this duty and ensuring children are both safe and receiving suitable education.

Key Responsibilities

1. Establish a Clear Response Framework

- Ensure the definition of CME is well understood across all local services, including schools, health, and children's social care.
- Implement effective processes for identifying CME and supporting them into suitable education.
- Regularly raise awareness of CME policies and referral mechanisms with partners.
- Take prompt action where there is a risk to a child's safety or wellbeing.
- Maintain clear accountability structures across the local authority.

2. Work in Partnership

- Ensure all education providers, including independent schools, understand and follow local CME processes.
- Promote close working relationships between services, neighbouring local authorities, and the public to facilitate referrals.
- Support schools in conducting effective and timely reasonable enquiries to locate children suspected to be CME.
- Clarify criteria for removal from roll, especially in cross-border cases.
- Embed CME processes into wider local authority functions.

3. Share Information Effectively

- Use data from a wide range of services, other local authorities, and national agencies to identify CME.
- Support schools in early identification and tracking, and encourage ongoing updates after initial referrals.
- Document actions taken on individual cases.
- Continuously improve information-sharing practices, including collaboration with other authorities to share best practice.

4. Engage Families

- Work closely with families, adapting communication styles to understand the reasons behind CME.
- Use this understanding to build trust and work in partnership to reintegrate the child into suitable education.

5. Be Preventative

- Collaborate with SEND and early years services to prevent CME.
- Target support around key transition points (e.g. Year 6 to Year 7).
- Work proactively with EHE teams to ensure suitability and prevent disengagement.

SCHOOLS' RESPONSIBILITIES UNDER CME PROCEDURE

Schools must enter pupils' names on the admission register on the first day that the school and a person with control of the pupil's attendance have agreed that the pupil will attend the school. If no date has been agreed or notified, the pupil's name must be entered on the first day they attend the school. Names must be entered from the beginning of the first session.

If a pupil fails to attend on the agreed date, the school should undertake reasonable enquiries to establish the child's whereabouts and consider notifying the local authority at the earliest opportunity. ***Please refer to CME Implementation Guide 2025 for further information.***

CONDUCTING ENQUIRIES FOR CHILDREN MISSING EDUCATION

When a child on a school roll is absent and the absence is **unexplained**, schools must **immediately make enquiries** to establish the child's whereabouts. Schools should have robust arrangements in place to ensure all **unexpected and unexplained absences** are promptly investigated.

If there is reason to believe a child is in **immediate danger or at risk of harm**, a referral must be made to **Children's Social Care** and, where appropriate, the **police**.

If enquiries lead the school to reasonably believe the child will no longer be attending, and the parent has not provided written notice of alternative education arrangements, the school must:

- Refer the case to the **home local authority CME team** as soon as possible.
- Continue to undertake **reasonable enquiries** to locate the child.
- Maintain **regular communication** with the local authority until it is mutually agreed that enquiries have concluded or no further action can be taken.

JOINT ENQUIRIES BY SCHOOLS AND LOCAL AUTHORITIES

Upon identifying a CME case, **joint reasonable enquiries** should begin immediately. These must be:

- **Thorough**
- **Collaborative**
- **Child-centred**
- **Timely**

Decisions should be based on the **specifics of each case** and the **evidence available**, with the child's welfare as the paramount concern.

Examples of Reasonable Enquiries

Actions may include, but are not limited to:

- Contacting parents using known details
- Checking with agencies involved with the family

- Contacting siblings' schools
- Liaising with previous schools or local authorities
- Checking with the local authority where the child may have moved
- Speaking to landlords or housing providers
- Accessing internal databases (e.g. admissions, social care)
- Using local information-sharing arrangements to check external databases (e.g. health, police, housing, youth justice)
- Checking S2S and Get Information About a Pupil (GIAP)
- Consulting national databases (e.g. DWP, UKVI, MoD, Border Force)
- Conducting home visits following local risk assessment guidance
- Contacting known relatives or neighbours

This list is **not exhaustive**. The nature and extent of enquiries will vary depending on the circumstances of each case.

Next Steps When Enquiries Are Inconclusive

If reasonable enquiries do not establish the child's location or circumstances, further action may be required, such as:

- Contacting the police
- Referring to Children's Social Care
- In cases involving travel abroad, contacting the **Foreign, Commonwealth and Development Office**

Recording information in the school's admission register

It is important that the school's admission register is accurate and kept up to date. Schools should regularly encourage parents to inform them of any changes whenever they occur, through using existing communication channels such as regular emails and newsletters. This will assist both the school and local authority when making enquiries to locate children missing education.

Where a parent notifies a school that a pupil will normally live at another address, whether in addition to or instead of their current address, all schools are required to record in the admission register:

1. the address;
2. the full name of each parent the pupil will normally live with; and
3. the date when the pupil will start normally living there.

Where the school becomes aware, in circumstances set out in regulation 8(5), that the pupil is will be attending a different school (in addition to or instead of the current school), schools must record this in the admission register in accordance with regulation 8(4):

1. the name of the other school; and
2. the date when the pupil began or will begin attending the school.

PARENTS RESPONSIBILITIES

Under **Section 7 of the Education Act 1996**, parents have a legal duty to ensure that their children of compulsory school age receive **suitable full-time education**, either by regular attendance at school or otherwise.

When Withdrawing a Child from School

If parents intend to withdraw their child from a school, they should:

- Provide the school with details of how the child will continue to receive suitable education.
- Share the name and address of the new school, if applicable.
- If the new school is not yet confirmed, inform the school of the location where the child will reside.

Elective Home Education (EHE)

Parents may choose to educate their child at home. Unless the child is registered at a **special school under local authority arrangements**, parents may usually withdraw them from school at any time to do so.

- Home education can be a positive and effective choice when it is **informed, voluntary, and well-resourced**.
- More information is available in the Department for Education's **Elective Home Education guidance** for parents and local authorities.

Regulatory Requirements

Under **Regulation 9(1)(f) of the School Attendance (Pupil Registration) (England) Regulations 2024**, if a parent provides written notice that their child will no longer attend school and will receive education otherwise than at a school (e.g. EHE), and the specified date has passed:

- The school must **remove the child's name from the admission register**, unless a **School Attendance Order (SAO)** is in place.
- The school must **notify the local authority**.

If the parent's notification is incomplete (e.g. not in writing or missing a date), the school must still notify the local authority, which may then conduct informal enquiries.

Local Authority Duties and Parental Cooperation

Under **Section 436A of the Education Act 1996**, local authorities must make arrangements to identify children of compulsory school age who are not registered at a school or receiving suitable education.

Under **Section 437**, local authorities must make **informal enquiries** with parents whose children are not registered at school to establish the nature of the education being provided.

- Parents are **strongly encouraged to cooperate** with these enquiries.
- If parents do not cooperate, and no suitable education is evident, the local authority may initiate the **School Attendance Order (SAO)** process, beginning with a formal written notice under Section 437(1).

Information Sharing

Local Information Sharing

Effective information sharing between **parents, schools, and local authorities** is critical to ensuring that all children of compulsory school age are:

- **Safe**, and
- **Receiving suitable education**

Bury Council has raised awareness of CME policies, procedures, and notification routes with. The creation of the School Attendance Stakeholders Group in 2024 has raised awareness of CME along with training at Attendance Forums, Teaching Tuesdays and 7 minute briefings available on the headteacher padlet and the Bury Safeguarding Partnership Hub Website:

- All schools (including independent schools)
- Local partners and agencies working with children and families, such as:
 - Health professionals (including GPs)
 - Integrated Care Boards (ICBs)
 - Police and emergency services
 - Housing agencies
 - Children's homes
 - Statutory and voluntary youth services
 - Voluntary and community organisations
 - Youth Offending Teams

Close working relationships should also be maintained with internal teams, including:

- Safeguarding
- Admissions
- Elective Home Education (EHE)
- Inclusion

Where shared information systems exist across services, these should be utilised to improve efficiency in identifying and supporting CME.

Bury Council has established **joint working arrangements** with other local authorities and external agencies. These partners may become aware of children living in the area who are not receiving suitable education — sometimes before the local authority itself — and may hold **critical safeguarding or welfare information**.

Relevant guidance includes:

- **DfE's Information Sharing Advice for Practitioners**
- **Statutory Guidance: Working Together to Safeguard Children**
- **Data Protection Act 2018 and UK GDPR**, which support the lawful sharing of information to keep children safe

Bury Council maintains a **dedicated CME webpage** outlining:

- CME policies and procedures - [Children missing from education - Bury Council](#)
- Referral routes - [Children missing education \(CME\) - MyBury](#)
- Contact details for the CME team – cme@bury.gov.uk

National Information Sharing

Local authorities should establish links with national organisations to support CME identification and safeguarding, including:

- **Department for Work and Pensions (DWP)**
 - May hold recent address information via benefits and child allowance records
 - Contact: riskteam.chb@hmrc.gov.uk
- **HM Revenue and Customs (HMRC)**
 - Child Benefit teams may hold relevant data
 - Local authorities should complete necessary data governance processes to access this information
- **Border Force**

- Can assist in confirming whether a child suspected to have moved abroad is still in the country
- Requests must clearly outline safeguarding concerns
- Contact: school.attendance@education.gov.uk
- **Health Services**
 - Including GPs, school nursing providers, and NHS ICBs
 - CME teams should work with local safeguarding partners to establish information-sharing relationships

Legal Duties

Arrangements made under **Section 436A of the Education Act 1996** not only support the identification of children missing education (CME), but also play a crucial role in fulfilling local authorities' **wider safeguarding duties**. These responsibilities should be considered alongside broader statutory guidance and local initiatives aimed at promoting the welfare of children.

The **statutory guidance on *Working Together to Safeguard Children*** provides essential advice on **inter-agency collaboration** to safeguard and promote children's welfare. CME work must be aligned with these principles to ensure a joined-up, child-centred approach.

Additional Duties, Powers and Expectations Supporting CME Work

Local authorities have a range of legal responsibilities that complement their CME duties, including:

- **Section 10 of the Children Act 2004:** Duty to safeguard children's welfare and cooperate with other agencies to improve wellbeing, including protection from harm and neglect.
- **Education (Provision of Full-Time Education for Excluded Pupils) (England) Regulations 2007:** Duty to arrange suitable full-time education from the sixth school day following a permanent exclusion.
- **Section 19(1) of the Education Act 1996:** Duty to arrange suitable education for children out of school due to exclusion, illness, or other reasons, where they would not otherwise receive it.
- **School Attendance Support Teams:** Expectations set out in the statutory guidance *Working Together to Improve School Attendance*.
- **Section 437(1) of the Education Act 1996:** Power to serve notice on parents requiring evidence that a child is receiving suitable education.
- **Section 437(3):** Power to issue a School Attendance Order (SAO) if the local authority deems school attendance appropriate.
- **Section 443:** Power to prosecute parents who fail to comply with an SAO.
- **Section 444 of the Education Act 1996 and Section 23 of the Anti-social Behaviour Act 2003:** Power to prosecute or issue penalty notices where parents fail to ensure regular school attendance.

- **Section 447 of the Education Act 1996:** Power to apply for an Education Supervision Order to support a child's school attendance.

Children with EHC Plans and Elective Home Education

Children with **Education, Health and Care (EHC) plans** may be electively home educated. Local authorities must refer to the Department for Education's **Elective Home Education guidance** to understand their legal duties in relation to home-educated children with special educational needs.

Sharing Information with Others

Families moving between local authority areas can sometimes lead to a child who is unknown to any local authority and consequently missing education. Where a child has moved or where the destination of a child is unknown, local authorities should identify relevant local authorities – either regionally or nationally – and check with them in order to ascertain where the child has moved.

Once the location of the child is established, the named person in the local authority where the child lives should satisfy themselves that that the child is receiving suitable education

DOCUMENTS

LOCAL ARRANGEMENTS AND RESOURCES

In Bury, all Children Missing Education (CME) submissions must be made via the dedicated portal:

[!\[\]\(9f63f5ec98cc2eddf66038fdc55c1091_img.jpg\) Children Missing from Education – Bury Council](#)

To support schools, agencies, and professionals in fulfilling their responsibilities, the **Bury Council Implementation Guide 2025** provides:

- A detailed breakdown of the CME process and protocols
- Step-by-step guidance for identification, referral, and reintegration
- Standardised forms for use by schools and partner agencies
- The guidance is available on the headteachers portal for schools to download

This guide ensures consistency in practice and supports timely, coordinated responses to CME cases.

School Attendance Orders

Where suspected CME are identified, a local authority should make informal enquiries to determine whether the child is receiving a suitable education either at school or otherwise. Where informal enquiries have not led the local authority to conclude that suitable education is being

provided to the suspected CME, the local authority must begin the SAO process in line with sections 437 to 442 of the Education Act 1996. The local authority will serve a notice under section 437(1), requiring the parent to prove the child is receiving suitable education within a time set out in the notice (at least 15 days). Local authorities may seek to confirm that the parent has received the notice, however this should not prevent them progressing with the next steps.

If the local authority has validly served the notice under section 437(1) and the parent fails to prove the child is receiving suitable education within the specified time, and the local authority believe it is expedient that the child should attend school, an SAO must be served. Service is valid if:

- the parent physically receives the notice
- the notice is dropped off at the parent's usual or last known home
- the notice is posted in a prepaid envelope addressed to the parent's usual or last known home
- the parent has previously agreed to receive this kind of document by an electronic method, such as e-mail or text message, and has agreed a specific electronic address or number for such documents to be sent to, and the notice is sent to that address or number and they receive it

Identifying a school for a proposed SAO

If a child does not have an EHC plan, the local authority must identify one or more schools with available spaces that they think might be appropriate for the child, ensuring it is within reasonable distance of the child's home, such as one where the child's home falls within that school's catchment area. If the school or one of the schools identified is a maintained school (other than a hospital school), local authorities can choose to name it if:

- they are the admission authority for the school
- they are not the school's admission authority, but the school chosen could admit the child without exceeding its published admission number for the child's age group in the year of the child's admission (published admission numbers are explained in the [School admissions code](#))

If those criteria rule out all the maintained schools in the local authority's area that are a reasonable distance to the child's home, the local authority may choose a school that does not meet those previous criteria, as long as the school satisfies the following conditions:

- the school must be within a reasonable distance of the child's home
- the school must not be one from which the child is permanently excluded
- the school must be able to admit the child without breaching the infant class size limit or having to take disproportionate steps to avoid breaching the limit

If proposing to name a maintained school the child previously attended, the local authority should consider the child's past experience at that school to help them to decide whether returning to the school would be an appropriate choice for the child and their family's needs.

If the child does have an EHC plan and the plan names a school, then the local authority must name the same school in the SAO. If the child has an EHC plan but the plan does not name the school, then the local authority must go through the process under the Children and Families Act 2014 to amend the plan so that it does name a school (as described in the [SEND code of practice](#)). Once this action is complete, the local authority must then name the same school in the SAO.

The school consultation process

The process of consulting with a school a local authority is seeking to name on a proposed SAO differs depending on whether the school is a maintained school or not. In the SAO process, 'maintained school' means a community, foundation or voluntary school, or a community or foundation special school that is not established in a hospital. There is no statutory duty on the proprietor of a school that is not a maintained school to admit the child, in comparison to a maintained school where a statutory duty does apply.

Note that this section does not apply at all if the child has a named school within an EHC plan. In that case, the SAO must name the school that is named in the plan.

Maintained schools

Before a local authority informs a parent that it is considering naming a maintained school in the school attendance order it intends to serve, the authority must consult the school's governing body. If another local authority is responsible for determining the school's admission arrangements, that authority should also be consulted. This consultation is usually conducted via email. The local authority should set ambitious yet reasonable response timelines to avoid delays in serving a notice under section 438(2).

Local authorities should always address the concerns of both maintained schools and other schools during the naming process to reach a swift agreement. The Department expects that the

local authority and the school will work collaboratively to ensure the proposed admission of the child.

If no agreement is reached, but the local authority decides to proceed with naming a maintained school (other than a hospital school) in the notice to the child's parent under section 438(2), it must first serve written notice to the governing body, the head teacher, and—if another local authority is responsible for deciding the school's admission arrangements—that local authority. The governing body or the other local authority has the right to appeal the decision by requesting a direction from the Secretary of State.

If a maintained school disagrees with being named in an order, it has 15 days from the date the notice was received to seek a direction from the Secretary of State. The school must inform the local authority if it intends to seek a direction. If the Secretary of State directs that the school should not be named in the School Attendance Order (SAO), they may specify an alternative school, or the local authority may need to select one. If the Secretary of State declines to make a direction or directs that the school be named, the local authority must include the school in the notice sent to the parent.

Schools that are not maintained schools

Where a local authority intends to name a school that is not maintained by the local authority, or a hospital school that is a maintained school, in a notice under section 438(2), they should seek its agreement in writing. This agreement should usually be sought by consulting the academy headteacher and Board of Trustees by email.

If the school disagrees with being named, the local authority can still name it in the notice, as long as it is reasonable to do so. If the local authority names an academy school in a SAO and the academy trust refuses to admit the child, the local authority can ask the Secretary of State to direct the trust to admit the child under its funding agreement. If a direction is made, the academy must admit the child. If not, the SAO will need to be varied to name an alternative school as quickly as possible. The local authority should inform the academy if it seeks a direction.

FURTHER SUPPORT

For cases involving unsuitable EHE, further guidance is available in the Department's Elective Home Education guidance for local authorities and parents.

Further sources of information

[Children Missing Education - Guidance for Local authorities \(publishing.service.gov.uk\)](https://publishing.service.gov.uk)

These can all be found on the Government Websites

- Action Against Abduction
- Reunite International Child Abduction Centre
- Forced marriages (FCO)
- HM Revenue and Customs (HMRC)
- Home Office
- National Crime Agency (NCA)
- Missing People
- National Centre for Missing & Exploited Children (NCMEC)
- Border Force
- National Society for the Prevention of Cruelty to Children (NSPCC)
- Barnardos
- Missing Children and Adults strategy

Additional departmental advice and guidance

- Behaviour in schools
- Child sexual exploitation
- Child abuse
- Child trafficking
- Elective Home Education guidelines
- Keeping children safe in education
- School Admissions Code
- School suspensions and permanent exclusions
- School to school service: how to transfer information
- Supporting pupils with medical conditions at school
- Working together to safeguard children
- Working together to improve school attendance
- Young runaways