

# Leicestershire County Council Inclusion Service Children Missing Education (CME)

**Status: Final**

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## Contents

### **DOCUMENT CONTROL**

		<b>3</b>
Control Details	3	
Document Amendment Record	3	
<b>1.0 INTRODUCTION</b>		<b>4</b>
<b>2.0 DUTY TO IDENTIFY CHILDREN MISSING EDUCATION (CME)</b>		<b>5</b>
<b>3.0 RESPONSIBILITY OF THE COUNTY COUNCIL</b>		<b>6</b>
<b>4.0 WHY CHILDREN AND YOUNG PEOPLE GO MISSING FROM EDUCATION</b>		<b>7</b>
<b>5.0 THE ROLE OF THE SCHOOL</b>		<b>8</b>
<b>6.0 REDUCING THE RISK OF CHILDREN AND YOUNG PEOPLE NOT RECEIVING EDUCATION</b>		<b>11</b>
<b>7.0 CHILDREN WHO DO NOT HAVE AN EDUCATION PLACEMENT</b>		<b>12</b>
<b>8.0 SAFEGUARDING DUTY</b>		<b>13</b>
<b>9.0 MONITORING THE ARRANGEMENTS</b>		<b>14</b>
<b>REFERRAL FORM</b>		<b>15</b>
<b>APPENDIX</b>		<b>16</b>

# Document Control

## Control Details

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## Document Amendment Record

Issue	Amendment Detail	Author	Date	Approved
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# 1.0 Introduction

All children regardless of their circumstances, are entitled to an efficient, full time education which is 'suitable to their age, ability, aptitude and any special educational needs they may have'. Children missing education are children of compulsory school age and are not receiving suitable education otherwise than at a school, and who may or may not be registered pupils at a school.

Children missing education are at significant risk of underachieving, being victims of harm, exploitation or radicalisation, and being without education, employment or training later in life.

There is a statutory duty on all local authorities in England and Wales to have systems and procedures in place to monitor children missing their education; *Children Missing Education, (Statutory Guidance for Local Authorities, (DfE September 2016)*. The statutory guidance sets out key principles to enable local authorities in England to implement their legal duty under section 436A of the Education Act 1996 to make arrangements to identify, as far as it is possible to do so, children missing education (CME).

In the context of Working Together 2018 and the Children Act 2004, Leicestershire County Council acknowledges that "education protects" and that it is a key responsibility of the County Council and its education partners to safeguard all the children resident in Leicestershire or attending its schools and provision. The best way for Leicestershire County Council and its schools to ensure the welfare of all children is to ensure that they are all on a school roll and that children do not 'slip' off school rolls and become 'missing'.

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 Guidance and there is an expectation that all agencies will work together to ensure children are safely on school rolls. The Duty to identify children who are not receiving a suitable education should be a key part of these arrangements.

All procedures have mapped documented guidance available to staff.

## 2.0 Duty to Identify Children Missing Education (CME)

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

The duty does not apply in relation to children and young people who are registered at a school who are not attending regularly, the duty complements and reinforces duties that already exist for schools to monitor attendance and to follow up those children who are missing from education. Refer to: *School Attendance Guidance for Schools (DfE 2019)*.

The duty does not apply to children and young people who are being educated at home. Monitoring arrangements already exist for children being educated at home. Refer to: *Elective Home Education, Guidance for local authorities and schools (DfE 2007, updated 2019)* and the Local Authority's [Children Electively Home Educated Guidance](#)

Children Missing Education ISO Partnership LGA research, 2020.

Although the above applies, within Leicestershire we are mindful of the Children missing Education research 2020, in that:

*“The statutory definition for Children Missing Education states that “Children missing education are children of compulsory school age who are not registered pupils at a school and are not receiving suitable education otherwise than at a school.” However, one of the clear conclusions of the Children Missing Education research is that this relatively narrow definition risks some significant blind-spots in our collective understanding of the cohort of children missing education.*

*We are therefore proposing, for this research, a wider definition of children missing education – any child of statutory school age who is missing out on a formal, full-time education. By ‘formal’, we mean an education that is well-structured, contains significant taught input, pursues learning goals that are appropriate to a child or young person’s age and ability and which supports them to access their next stage in education, learning or employment. By full-time we mean an education for at least 18 hours per week.”*

Leicestershire’s response is to consider children missing out on formal, full-time education within four areas:

- Children on a school roll and their whereabouts are known (non-attendance)
- On a school roll and their whereabouts are unknown
- Not on a school roll and their whereabouts are known (un-registered)
- Not on a school roll and whereabouts are unknown

Duty to make arrangements for children missing out on education.

Section 19 of the Education Act 1996 states that "Each local education authority shall 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.

The Fair Access Protocol ensures that vulnerable Children and Young People (CYP) who are not on a school roll are found a school place quickly and fairly, so that the amount of time any child is out of school is kept to the minimum. Exceptions to FAP triggers, are Looked After Children (LAC) as schools should not refuse a place for a Looked After Child even if full; and Children with Education and Health Care Plans (EHCP) who follow a separate admissions process administered by Leicestershire Special Educational Needs Assessment service (SENA). Refer to: *Fair Access Protocol*.

## 3.0 Responsibility of the County Council

Leicestershire County Council has a duty to make arrangements to establish the identities of children in their area who are not registered pupils at a school and are not receiving suitable education otherwise. This duty only relates to children of compulsory school age under section 436A of the Education Act 1996. The Council also needs to have in place arrangements for joint working and appropriate information sharing with other Local Authorities and relevant partner agencies which come into contact with children and families.

The purpose of the duty on Leicestershire County Council and schools is to ensure that children missing education are identified quickly and that effective tracking systems are put in place to enable effective action to be taken to provide them with suitable education.

The key processes for tracking children missing education are to:

- receive information about a child or young person
- check if place of education is already known
- log / record details
- locate and contact family
- conduct a home visit, if appropriate
- determine the child / young person's needs – if appropriate
- identify and access available provision and places
- monitor attendance
- track child or young person
- enforce school attendance orders and prosecution for nonattendance

## 4.0 Why children and young people go missing from education

Children and young people fall out of education in a number of ways:

- Fail to start appropriate provision and hence never enter the system;
- Cease to attend, due to 'illegal' exclusion or withdrawal; or
- Fail to complete a transition between providers (e.g. being unable to find a suitable school place after moving to a new local authority area, or after leaving a custodial establishment)

Some children and young people who experience certain life events could be more at risk of not receiving education. These include children and young people who:

- have committed offences
- live in women's refuges
- from homeless families, perhaps living in temporary accommodation, house of multiple occupancy or Bed and Breakfast
- young runaways
- with long term medical or emotional problems
- affected by substance misuse
- who are unaccompanied asylum seekers or from refugee and asylum-seeking families
- are in new immigrant families, who are not yet established in the UK and may not have fixed addresses
- have been trafficked to, or within the UK
- are in public care
- are privately fostered
- are young carers
- are young parents, and
- are permanently excluded from school, particularly those excluded illegally, e.g. for problematic behaviour or offending.

Other vulnerable groups include:

*Service children:* They are likely to experience high mobility both in and outside the UK.

*Traveller children:* At times the high mobility of these children means they can be at risk of going missing from education.

*Excluded pupils:* Education (Provision of Full-Time Education for Excluded Pupils) (England) (Amendment) Regulations 2014, amending the Education (Provision of Full-Time Education for Excluded Pupils) (England) Regulations 2007, states that education has to be provided for pupils from the sixth day. Some pupils may be informally excluded which is illegal and this will be challenged by Leicestershire County Council.

# 5.0 The Role of the School

## Removing New Intake Pupils from Roll

A pupil should be put on roll when they are expected to join the school either at a normal time of starting for example, Early Years provision (EYFS), Reception or Year 7, or at any time and they do not arrive, the school should firstly try to make contact with the parents by phone or letter. If after one week no contact has been made, the school should contact the Admissions Officer of Leicestershire County Council to find out if the child has been registered elsewhere. After 10 school days the school should complete a referral to the Inclusion Service at [inclusionpupilsupport@leics.gov.uk](mailto:inclusionpupilsupport@leics.gov.uk), who will follow the procedures for 'missing pupils. If concerns are raised at an earlier stage, please contact the Inclusion Service on 0116 305 2071 to discuss. See Appendix at the end of this document

If a pupil is absent for a prolonged period or fails to return from a holiday the school should follow the normal procedures for investigating pupil absence, for example, telephone calls, letters, and invitations to meetings at the school. If the child does not return to school the matter should be referred to the Inclusion Service on Day 5 who will follow the procedures for 'children missing education'. The pupil should not be removed from roll until the Inclusion Service has ascertained the pupil's whereabouts and safety and has confirmed that the pupil is registered at another school or is being educated otherwise.

## Deleting Pupils from the Register:

A school cannot legally remove compulsory school-age children from roll, even if a parent makes the request in writing, unless one of the following circumstances is met:

- a. where the pupil is registered at the school in accordance with the requirements of a school attendance order, that another school is substituted by the local education authority for that named in the order or the order is revoked by the local education authority on the ground that arrangements have been made for the child to receive efficient full-time education suitable to his age, ability and aptitude otherwise than at school;
- b. except where it has been agreed by the proprietor that the pupil should be registered at more than one school, in a case not falling within sub-paragraph (a) or regulation 9, that he has been registered as a pupil at another school;
- c. where a pupil is registered at more than one school, and in a case not falling within sub-paragraph (j) or (m) or regulation 9, that he has ceased to attend the school and the proprietor of any other school at which he is registered has given consent to the deletion;
- d. in a case not falling within sub-paragraph (a) of this paragraph, that he has ceased to attend the school and the proprietor has received written notification from the parent that the pupil is receiving education otherwise than at school;
- e. except in the case of a boarder, that he has ceased to attend the school and no longer ordinarily resides at a place which is a reasonable distance from the school at which he is registered;
- f. in the case of a pupil granted leave of absence exceeding ten school days for the purpose of a holiday in accordance with regulation 7(3), that —
  - i. the pupil has failed to attend the school within the ten school days immediately following the expiry of the period for which such leave was granted;
  - ii. the proprietor does not have reasonable grounds to believe that the pupil is unable to attend the school by reason of sickness or any unavoidable cause; and
  - iii. both the proprietor and the local education authority have failed, after reasonable enquiry\*, to ascertain where the pupil is;
- g. that he is certified by the school medical officer as unlikely to be in a fit state of health to attend school before ceasing to be of compulsory school age, and neither he nor his parent has indicated to the school the intention to continue to attend the school after ceasing to be of compulsory school age;



- h. that he has been continuously absent from the school for a period of not less than twenty school days and —
  - i. at no time was his absence during that period authorised by the proprietor in accordance with regulation 6(2);
  - ii. the proprietor does not have reasonable grounds to believe that the pupil is unable to attend the school by reason of sickness or any unavoidable cause; and
  - iii. both the proprietor of the school and the local education authority have failed, after reasonable enquiry\*, to ascertain where the pupil is;
- i. that he is detained in pursuance of a final order made by a court or of an order of recall made by a court or the Secretary of State, that order being for a period of not less than four months, and the proprietor does not have reasonable grounds to believe that the pupil will return to the school at the end of that period;
- j. that the pupil has died;
- k. that he will cease to be of compulsory school age before the school next meets and the relevant person has indicated that he will cease to attend the school;
- l. in the case of a pupil at a school other than a maintained school, an Academy, a city technology college or a city college for the technology of the arts, that he has ceased to be a pupil of the school;
- m. that he has been permanently excluded from the school; or
- n. where the pupil has been admitted to the school to receive nursery education, that he has not on completing such education transferred to a reception, or higher, class at the school.

*\*Reasonable Enquiry*

*Upon agreement between the school and the council, enquires may include the person checking with relatives, neighbours, landlords – private or social housing providers – and other local stakeholders who are involved. If there is reason to believe a child is in immediate danger or at risk of harm, a referral should be made to children’s social care (and the police if appropriate). See appendix T*

When a pupil is deleted from the Admission Register the school must clearly indicate the date and the reason for the removal from roll. In the event of a pupil moving to another school the name of the school should be indicated and the pupil’s records should be sent to the new school within 15 days. If a child’s name is removed from the school roll, Leicestershire County Council must be informed as soon as the ground for removal is met and no later than the time at which the pupil’s name is removed from the register, by completing the ‘School Admissions Leavers Return’ and returning it by Anycomms to the School Admissions Team no later than the time at which the pupil’s name is removed from the register. See Appendix I

## Children with Special Educational needs

If a school already attended by a child is a special school and the child is attending it under arrangements made by the Council by way of a Education Health and Care plan, the County Council’s consent is necessary for the child’s name to be removed from the admission register, but this should not be a lengthy or complex process and consent must not be withheld unreasonably. If the child is to be withdrawn to be educated at home then the local authority, in deciding whether to give consent, should consider whether the home education to be provided would meet the special educational needs of the child, and if it would, should give consent.

Children with Education, Health and Care (EHC) plans can be home educated. Where the EHC plan 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 SEN continue to be met.

## Children with Medical needs

Where child is considered as not medically fit for school and this has been certified this should be agreed in writing by health professional – i.e. a Doctor or fully qualified psychiatrist. This only applies where a child is going to be too unwell to return to school before they cease to be compulsory school aged.

Prior to any decision being made about removing from school roll under this category, the CMN policy should be considered by all relevant agencies.

## Home Education

In the event of a parent informing the school that she or he is removing the child to educate them at home, Leicestershire County Council should be informed by completing and submitting the 'School Admissions Leavers Return' and completing the Inclusion Service referral form and submitting it to [inclusionpupilsupport@leics.gov.uk](mailto:inclusionpupilsupport@leics.gov.uk), who will place the child or young person's name on the database and make arrangements for Leicestershire County Council to satisfy itself that the education being provided is 'suitable and efficient'.

## Pregnancy

Pregnancy is not a reason for a pupil to be removed from the school roll. Schools, in liaison with the Inclusion Service must investigate fully all cases of non-attendance at school and the school should never remove a pupil from roll until this has been carried out. The Equality Act 2010 extends protection against discrimination on grounds of pregnancy or maternity to pupils, so it will be unlawful – as well as against education policy – for a school to treat a pupil unfavourably because she is pregnant or a new mother. See Appendix U, Chapters 3 and 5.

## GCSE's

Pupil's completing their GCSEs in Year 10 is not a reason to remove a pupil from the school roll. Schools should liaise with an appropriate Post 16 Provider and contract the delivery of a suitable curriculum. The school retains the responsibility for the pupil regardless of the learning environment.

If a school learns of a school aged pupil without a school place (e.g. a sibling or friend of a current pupil, or a child on its waiting list) the school must inform Leicestershire County Council of the pupil by contacting the Inclusion service at [inclusionpupilsupport@leics.gov.uk](mailto:inclusionpupilsupport@leics.gov.uk)

If a pupil is resident in another Local Authority, it is the school's responsibility to notify the 'home' Authority of any of the circumstances above.

**Removal from roll for any reason other than those specified above is illegal.**

The requirement on schools is outlined in the *Education (Pupil Registration) (England) Regulations 2016 as amended.*

## Adding a Pupils name to the Admission Register

All schools must also notify the Council within five days of adding a pupil's name to the admission register at a non-standard transition point. The notification must include all the details contained in the admission register for the new pupil. This duty does not apply when a pupil's name is entered in the admission register at a standard transition point – at the start of the first year of education normally provided by that school – unless the local authority requests that such returns are to be made.

When adding a pupil's name, the notification to the local authority must include all the details contained in the admission register for the new pupil.

## 6.0 Reducing the risk of children and young people not receiving education

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. Leicestershire County Council and its partners seek to focus their resources effectively in intervening early in the lives of vulnerable children and young people to help prevent poor outcomes.

There are a range of systems, processes and procedures currently used by Leicestershire County Council and its partners, to reduce the risk that children and young people fall out of the education system and go missing. Leicestershire County Council will support schools in the following ways:

- Reduce the likelihood that children and young people fall out of the education system, such as audits of the rolls and registers of schools, for example regular 'Pupils Missing Out on Education' school reporting;
- Identify and locate children and young people who are not receiving education, such as the provision of named points of contact, the Inclusion Service and Court Team, to receive notification of children from other agencies, and
- Re-engage the children and young people with appropriate educational provision, for example via multi-agency panels, 'Team Around the School' to support admissions.

## 7.0 Children who do not have an education placement

Children/young people who are not receiving an education are identified in one of three ways:

- i. Notification from an individual and/or agency
- ii. Reports from the pupil database, identifying children known to the Local Authority without a school place
- iii. A Child Missing Education (CME) referral from another local authority where a child has moved into Leicestershire.

Local authorities are required to have a named individual (CME Co-ordinator) responsible for receiving details of children missing from education and to help identify support for them through the most appropriate agencies, in Leicestershire County Council contact the Inclusion Service at [inclusionpupilsupport@leics.gov.uk](mailto:inclusionpupilsupport@leics.gov.uk)

Stakeholders and partner agencies are made aware of how to contact the named person if they become aware that a child/young person may be missing from education.

The Inclusion service are responsible for:

- Receiving notifications of an individual child/young person missing their education
- Receiving and producing reports from the Local Authority's database giving details of children of statutory school age, living in Leicestershire, who do not have a school place
- Establishing why a child or young person (identified by notification and reporting process) does not have an education placement
- Supporting schools to ensure that the child or young person is able to re-engage with education
- Conducting home visits as appropriate
- Referring the child/young person to relevant services or agencies as appropriate
- Arranging multi-agency meetings as necessary
- Maintaining a central record of children/young people to enable effective monitor and tracking to take place
- Facilitating the Fair Access Protocol and the Fair Access Panel

## 8.0 Safeguarding Duty

There may be some occasions when a child/young person not receiving education may be at risk, for example;

- a child or young person known to statutory services, subject to a child protection or child in need plan or in the care of the local authority
- concerns, current or historic, about the child or young person associating with exploitative peers, including older young people or adults.
- a significant incident prior to the child or young person's unexplained absence
- health, religious or cultural reason to believe that the child or young person is at risk of harm

**All agencies have a duty to help, protect and safeguard children and young people and in the event of a child being at risk each agency should follow its safeguarding procedures.**

A Safeguarding referral can be made to First Response Children's Duty using a multi-agency referral form via [add link](#) or phoning 0116 305 0005.

## 9.0 Monitoring the Arrangements

Children's Services Departmental Management Team for Leicestershire County Council receives monthly reports regarding children missing education as part of its performance framework as well as oversight through regular reporting to the Lead Members.

Policy review arrangements will be reviewed on an annual basis or in accordance to legislation and/or local arrangements.

# Referral Form

Referrals can be made using our templates referral form found <https://www.leicestershire.gov.uk/education-and-children/schools-colleges-and-academies/inclusion-service/get%C2%A0advice-or-make-a-referral%C2%A0to-the-inclusion-service>

If you are unsure about whether to make a referral you can contact the Inclusion Service by emailing [inclusionpupilsupport@leic.gov.uk](mailto:inclusionpupilsupport@leic.gov.uk) or calling 0116 305 2071 for further advice.

More information can be found on our website here <https://www.leicestershire.gov.uk/education-and-children/schools-colleges-and-academies/inclusion-service>

Leicestershire County Council Court Team Tel: 0116 305 6743/ 0116 305 6330 or email [pupilservicescourteam@leics.gov.uk](mailto:pupilservicescourteam@leics.gov.uk)

# Appendix

Title	Link
A. Referral Form	<a href="https://www.leicestershire.gov.uk/education-and-children/schools-colleges-and-academies/inclusion-service/get%C2%A0advice-or-make-a-referral%C2%A0to-the-inclusion-service">https://www.leicestershire.gov.uk/education-and-children/schools-colleges-and-academies/inclusion-service/get%C2%A0advice-or-make-a-referral%C2%A0to-the-inclusion-service</a>
B. Inclusion Service Website	<a href="https://www.leicestershire.gov.uk/education-and-children/schools-colleges-and-academies/inclusion-service">https://www.leicestershire.gov.uk/education-and-children/schools-colleges-and-academies/inclusion-service</a>
C. Children Missing Education: Statutory guidance for local authorities	<a href="https://www.gov.uk/government/publications/children-missing-education">https://www.gov.uk/government/publications/children-missing-education</a>
D. Children Missing Education Website page	<a href="https://www.leicestershire.gov.uk/education-and-children/child-protection-and-safeguarding/pupils-missing-out-on-education-and-children-missing-from-education">https://www.leicestershire.gov.uk/education-and-children/child-protection-and-safeguarding/pupils-missing-out-on-education-and-children-missing-from-education</a>
E. Education Act (2002)	<a href="https://www.legislation.gov.uk/ukpga/2002/32/contents">https://www.legislation.gov.uk/ukpga/2002/32/contents</a>
F. Education Act (2011)	<a href="https://www.legislation.gov.uk/ukpga/2011/21/contents/enacted">https://www.legislation.gov.uk/ukpga/2011/21/contents/enacted</a>
G. Keeping Children Safe in Education	<a href="https://www.gov.uk/government/publications/keeping-children-safe-in-education--2">https://www.gov.uk/government/publications/keeping-children-safe-in-education--2</a>
H. Working Together to Safeguard Children (2018)	<a href="https://www.gov.uk/government/publications/working-together-to-safeguard-children--2">https://www.gov.uk/government/publications/working-together-to-safeguard-children--2</a>
I. School Admissions Leavers Return	Schools Information Management Systems or for non-SIMs school's email <a href="mailto:inclusionpupilsupport@leics.gov.uk">inclusionpupilsupport@leics.gov.uk</a>
J. The Children Act (2004)	<a href="https://www.legislation.gov.uk/ukpga/2004/31/contents">https://www.legislation.gov.uk/ukpga/2004/31/contents</a>
K. Elective Home Education	<a href="https://www.leicestershire.gov.uk/education-and-children/special-educational-needs-and-disability/education-and-childcare/home-education">https://www.leicestershire.gov.uk/education-and-children/special-educational-needs-and-disability/education-and-childcare/home-education</a>
L. School Attendance – Guidance for schools and local authorities	<a href="https://www.gov.uk/government/publications/school-attendance">https://www.gov.uk/government/publications/school-attendance</a>



M. The Education (Provision of Full-time Education for Excluded Pupils)(England)(Amendment) Regulations 2014	<a href="https://www.legislation.gov.uk/uksi/2014/3216/contents/made">https://www.legislation.gov.uk/uksi/2014/3216/contents/made</a>
N. Every Child Matters	<a href="https://www.gov.uk/government/publications/every-child-matters">https://www.gov.uk/government/publications/every-child-matters</a>
O. Leicester, Leicestershire & Rutland (LLR) Guidance	<a href="https://llrscb.proceduresonline.com/files/ch_missing_educ.pdf?zoom_highlight=Children+missing+education#search=%22Children">https://llrscb.proceduresonline.com/files/ch_missing_educ.pdf?zoom_highlight=Children+missing+education#search=%22Children</a>
P. Pupil Registration Regulations	<a href="https://www.legislation.gov.uk/uksi/2006/1751/introduction/made">https://www.legislation.gov.uk/uksi/2006/1751/introduction/made</a>
Q. Regulation 8	<a href="https://www.legislation.gov.uk/uksi/2006/1751/regulation/8/made">https://www.legislation.gov.uk/uksi/2006/1751/regulation/8/made</a>
R. Children Missing Education LGA ISOS Partnership Research 2020	<a href="https://static1.squarespace.com/static/5ce55a5ad4c5c500016855ee/t/5faba9bfac99946fb7bca037/1605085634665/Children+Missing+Education+-+final+report+for+publication+10.11.20.pdf">https://static1.squarespace.com/static/5ce55a5ad4c5c500016855ee/t/5faba9bfac99946fb7bca037/1605085634665/Children+Missing+Education+-+final+report+for+publication+10.11.20.pdf</a>
S. Leicestershire Fair Access Protocol	<a href="https://www.leicestershire.gov.uk/sites/default/files/field/pdf/2019/6/6/fair-access-protocol.pdf">https://www.leicestershire.gov.uk/sites/default/files/field/pdf/2019/6/6/fair-access-protocol.pdf</a>
T. CME: Check list for schools	<a href="https://www.leicestershire.gov.uk/sites/default/files/field/pdf/2020/11/13/children-missing-education-support-for-non-attendance-checklist.pdf">https://www.leicestershire.gov.uk/sites/default/files/field/pdf/2020/11/13/children-missing-education-support-for-non-attendance-checklist.pdf</a>
U. The Equality Act 2010 and schools	<a href="https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/315587/Equality_Act_Advice_Final.pdf">https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/315587/Equality_Act_Advice_Final.pdf</a>