



MICKLEOVER PRIMARY SCHOOL

Name of Policy: Children Missing From Education Policy

Date of Policy: March 2020

Member of Staff responsible: Mrs Lynne Gerver

Review date: March 2022

Signature: _____ **Chair of Governors**

Date Approved: _____

At Mickleover Primary School

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Mickleover Primary School has adopted the Children Missing From Education Policy, as developed by Derby City Council.

CONTENTS

- 1 INTRODUCTION**
- 2 THE CONTEXT**
- 3 THE DUTY OF THE LOCAL AUTHORITY**
- 4 SCHOOLS' RESPONSIBILITIES**
- 5 NOTIFYING PEOPLE SERVICES DIRECTORATE OF CHILDREN NOT RECEIVING EDUCATION**
- 6 RE-ENGAGING CHILDREN WITH APPROPRIATE EDUCATIONAL PROVISION**
- 7 ANNEX A – GROUNDS FOR DELETING A PUPIL FROM THE SCHOOL ADMISSION REGISTER**

1. INTRODUCTION

- 1.1 All professionals working with children, as well as the wider community can help by remaining vigilant to children's safety. The law states that every child should be receiving 'suitable education'¹, but we stand a better chance of ensuring a child's safety if we know where and how they are receiving this.
- 1.2 Statutory Guidance for Local Authorities (LA) in England to Identify Children Not Receiving Education (September 2016) was used to develop this document. The statutory guidance was issued under section 436A of the Education Act 1996 which requires all LA's to make arrangements to enable them to establish (so far as it is possible to do so) the identities of children residing in their area who are not receiving a 'suitable education'
- 1.3 Although the main focus of this document is on the policy for Children Missing Education (CME) in Derby City, the work should be seen within the context of the wider remit of the Local Authority and all agencies to safeguard the welfare of all children.
- 1.4 If you know of any child who is not receiving an education, or you know of a child who has gone missing from a school, or are in any doubt please contact:

Children Missing Education
People Services Directorate
Ashtree House
218 Osmaston Road
Derby DE23 8JX
Telephone: 01332 641445 / 641448
Email: cme@derby.gov.uk

- 1.5 When Derby City Council or partner agencies identify are made aware of children/young people who may not be receiving education, a notification should be made to the EWS on 01332 641445 or 641448. The exception to this is where a professional is involved in assisting the parent/s to follow the school admissions procedure, ensuring that the child does start at a school
- 1.6 However, if you are concerned about a child's safety i.e.
 - you have a serious concern about the safety of a child
 - you think a child is being harmed or is at risk of being harmed
 - you are worried that a child is living in circumstances where they are treated badly and not cared for properly

Consider [Working Together to Safeguard Children, March 2015](#)

Contact the First Contact Team on 01332 641172

Office hours: 9.00am to 5.00pm Monday to Friday

Children for whom the duty applies

- 1.7 The duty applies in relation to children of compulsory school age who are not on a school roll (at either a Local Authority, academy, free school, or an independent/private school), and who are not receiving a suitable education otherwise than being at school (for example, at home or in alternative provision).

¹ 'Suitable Education': Section 436a of 1996 Education Act includes the definition that suitable education, in relation to a child, means efficient full-time education suitable to their age, ability and aptitude and to any special educational needs they may have.

- 1.7a Where a child is of school age and accessing provision within a nursery setting, it is expected that advice is ought in line with this document
- 1.8 The duty does not apply in relation to children who are registered at a school but who are not attending regularly.
- 1.9 The duty does not apply to children who are being educated at home for whom monitoring arrangements exist.
- 1.10 The Education and Inspections Act 2006 places a duty on local authorities in England and Wales to make arrangements to identify children and young people of compulsory school age missing education in their area.

How to consider police involvement

- 1.11 Derbyshire Constabulary work to two documents which are open source and searchable online.
 - 1. National Policing Improvement Agency Guidance on Missing Persons 2010.
 - 2. College of Policing Interim Guidance on the Management, Recording and Investigation of Missing Persons 2013.

- 1.12 The definitions around when an individual is missing or absent are contained in the second document and are as follows,

Missing – anyone whose whereabouts cannot be ascertained and where the circumstances are out of character or the context suggests the person may be subject of crime or at risk of harm to themselves or another.

Absent – a person not at a place where they are expected or required to be. In Derbyshire Constabulary we will only treat an individual as missing for up to 24 hours. After that time they will be classed as missing.

- 1.13 When considering whether to report a child as missing / absent, the following should be addressed:
 - 1. Does the individual meet the definition of a missing person?
 - 2. What has been reasonably done to establish that their whereabouts cannot be ascertained? Last known address, enquiries with next of kin, emergency contacts held, YOS, Health, Probation and Housing.
 - 3. What is the risk of harm to themselves or others? What is the immediacy of that risk? What is the significance of the harm?
 - 4. Is it out of character? Have they been missing from education before? Are they 'without a school place'?

Where the whereabouts of a child cannot be established and there are identified risks, and whilst each case should be treated on its merits, a phone call to police on **101** would be merited.

2. THE CONTEXT

2.1 This policy is intended to inform Local Authority staff, schools, head teachers, governing bodies and other agencies about how we minimise and prevent Children Missing Education. It relates primarily to children who are of compulsory school age who do not currently have a school place or their provision is unknown. It should be read in conjunction with:

- The [Education \(Pupil Registration\) Regulations 2006](#)
- The [Education \(Pupil Registration\) Regulations Amendment 2016](#)
- [Children Missing Education – Statutory Guidance for Local Authorities, DfE September 2016](#)
- Local authority attendance, behaviour and safeguarding policies.
- The Local Authority [Fair Access](#) Agreement
- [School Attendance Guidance for maintained schools, academies, independent schools and local authorities, DfE November 2016](#)
- Keeping Children Safe in Education, DfE, September 2019
- [Pupils Missing Out on Education, OFSTED, November 2013](#)

2.2 The Department for Education defines Children Missing Education as:

‘All children of compulsory school age who are not on a school roll, nor being educated otherwise (e.g. privately or in an alternative provision) and who have been out of any educational provision for a substantial period of time (usually 4 weeks or more)’

This definition is adopted in this Children Missing Education policy.

2.3 There are certain points at which children are most at risk of becoming missing from education, and the most common reasons for this include:

- Children not registered by parents/carers at school when they achieve compulsory school age
- Children not registered at school for the start of secondary school (Year 7)
- Frequent house moves, periods of homelessness or time spent in refuges
- Family breakdown
- Parents “withdrawing” children from school
- Schools off-rolling pupils without the correct checks and procedures being followed
- Exclusion (lawful and unlawful)
- Children whose educational status is unknown, and it is therefore not possible to identify whether the child is receiving a suitable education

2.4 Certain groups of children are more likely to be affected by the factors listed above and include:

- Children in Public Care (Looked After Children)
- Children who have been the subject of a Child Protection Plan
- Refugees and asylum seekers
- Gypsy, Roma and Travelling families
- Children who have experienced domestic violence or other adverse family circumstances
- Children with Special Educational Needs and Disabilities
- Migrant families
- Children who have had attendance difficulties

Pupils excluded from school

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- 2.5 From September 2007 regulations made under the Education and Inspections Act 2006 required local authorities to ensure that suitable full-time education is made available to permanently excluded pupils from the sixth school day of exclusion, and schools are required to arrange full-time education from the sixth school day of fixed period exclusion.
- 2.6 If it becomes apparent that a child has been unofficially excluded, Derby City Council will challenge the school, as this practice is illegal. Examples of unofficial exclusion should be referred and liaison will take place with colleagues as necessary to resolve any incorrect practice issues. [Exclusion from maintained schools, academies and pupil referral units in England – DfE guidance January 2015](#)

Missing children/runaways

- 2.7 Children who go missing or run away from home or care may be in serious danger and are vulnerable to crime, sexual exploitation or abduction in addition to missing education. A joint protocol 'Runaway and Missing from Home or Care (RMFHC), is in place, between Derby City Council, Derbyshire County Council and Derbyshire Police. [Runaway and Missing from Home or Care \(RMFHC\) Protocol – February 2016](#)

Runaways workers are based in each of the Multi Agency Teams (MATs) within every locality of the City. They are tasked to respond to instances of missing by young people who are looked after, and for those where there is cause for concern.

3. THE DUTY OF THE LOCAL AUTHORITY

- 3.1 As a Local Authority, we have a duty under [s436A of the Education Act 1996](#) to establish (so far as it is possible to do so) the identities of children in our area who are of compulsory school age but who are not registered pupils at a school or receiving some other form of suitable education. We therefore must identify all children within our area and ensure that they are either registered pupils at a maintained, non-maintained or independent school, or that they are receiving another form of suitable education. Part of this duty therefore requires us to have details of those pupils registered at all schools who are ordinarily resident within Derby City.
- 3.2 Derby City Council has a duty to act in accordance with the Statutory Guidance for local authorities in England to identify children not receiving a suitable education, published in [September 2016](#). This requires us to “have in place arrangements for joint working and information sharing with other local authorities and agencies”. The [Working Together to Safeguard Children](#) statutory guidance provides advice on inter-agency working to safeguard and promote the welfare of children.
- 3.3 As outlined above, the obligation under s436A of the Education Act 1996 to make arrangements to identify children who are not receiving a suitable education includes a duty under [s437 of the Education Act 1996](#) to intervene if it appears that a child is not receiving a suitable education. Local authorities also have a duty under [s175 of the Education Act 2002](#) to safeguard and promote the welfare of children through their educational obligations.

Without a School Place

- 3.4 The [School Admissions Code 2014](#) offers statutory guidance for admission authorities, governing bodies, local authorities, schools adjudicators and admission appeals panels.
- 3.5 Children without a school place are followed up by the School Admissions team, Education Welfare and New Communities Achievement Team. Where required, legal action will be considered in circumstances where children are not accessing a school place that is available.

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4. SCHOOLS' RESPONSIBILITIES

- 4.1 It is understandable and appropriate that schools should be concerned about revealing personal information about pupils. However all information held by Derby City Council is processed in accordance with the Data Protection Act 1998. [Under Paragraph 5\(c\) of Schedule 2 to the Act](#), personal information can be disclosed where necessary for the exercise of any function given to any person under an enactment. As noted in 3, Derby City Council has a duty to ensure that children within its boundaries are being appropriately educated, and it is necessary for this function that we obtain this information.
- 4.2 Schools must enter pupils on the admission register at the beginning of the first day on which the school has agreed, or been notified that the pupil will attend the school. If a pupil fails to attend on the agreed or notified date, the school should undertake reasonable enquiries to establish the child's whereabouts and ensure that the local authority is informed at the earliest opportunity.
- 4.3 All schools (including academies and independent schools) must notify the local authority when they are about to remove a pupil's name from the school admission register under any of the fifteen grounds listed in the regulations (Annex A).
- 4.4 When removing a pupil's name, the notification to the local authority must include: the full name of the pupil; the full name and address of any parent with whom the pupil normally resides; at least one telephone number of the parent; the pupil's future address and destination school, if applicable, and; the ground in regulation 8 under which the pupil's name is to be removed from the admission register (see Annex A)
- 4.5 [The Education \(Pupil Information\) \(England\) Regulations 2005 \(SI 2005/1437\)](#) governs the transfer of information from school to school when a child moves school. In particular, regulation 9 (3) provides that: "...the governing body of the old school or, where this has been agreed between that governing body and the local authority, that authority shall transfer the pupil's common transfer file and educational record to the responsible person of the new school no later than fifteen school days after the day on which the pupil ceases to be registered at the old school". In Derby City, this is the individual schools' responsibility.
- 4.6 The Department for Education provides a secure internet site (S2S) for the electronic transfer of information from school to school when a child moves school – Common Transfer Files (CTFs). S2S also provides a secure messaging facility.
- S2S guidance is available [here](#).
- 4.7 Deletions from the admission and attendance registers must be made in line with the provisions of [Regulation 8 of the Education \(Pupil Registration\) Regulations 2006 \(SI 2006/1751\)](#). The name of a pupil of compulsory school age may only be deleted from the attendance register on the grounds prescribed in this Regulation. **All schools (including academies and independent schools) must notify their local authority when they are about to remove a pupil's name from the school admission register under any of the fifteen grounds listed in the regulation above.**
- 4.8 When removing a pupil's name, the notification to the local authority **must include**: the full name of the pupil; the full name and address of any parent with whom the pupil normally resides; at least one telephone number of the parent; the pupil's future address and destination school, if applicable, and the ground in regulation 8 (above) under which the pupil's name is to be removed from the admission register.

- 4.9 [The Education \(Pupil Information\) \(England\) Regulations 2005 \(SI 2005/1437\)](#) governs the transfer of information from school to school when a child moves school. In particular, regulation 9(3) provides that: "...the governing body of the old school or, where this has been agreed between that governing body and the local authority, that authority shall transfer the pupil's common transfer file and educational record to the responsible person of the new school no later than fifteen school days after the day on which the pupil ceases to be registered at the old school". In Derby City, this is the individual schools responsibility.
- 4.10 The DfE provides a secure internet site (S2S) for the electronic transfer of information Common Transfer Files (CTFs) from school to school when a child moves school. There is a publication for schools which local authorities can order and distribute. S2S also provides a secure messaging facility.
- 4.11 There may be exceptional circumstances when standard rules for sending or receiving a CTF for a pupil might not apply. Each case will need to be judged on its merits in consultation with relevant parties. Circumstances when it is not considered appropriate to pass on details via a CTF might include: a family escaping a violent partner or the family is on a witness protection programme.
- 4.12 Work undertaken by relevant staff to locate pupils where the above applies is recorded very carefully to ensure that whereabouts are hidden. In the most extreme circumstances, for example, witness protection, neither the home address nor the current school are accessible to People Services Directorate staff but rather a message is provided on LCS database directing them to contact Social Care should those details be required.
- 4.13 The Border Agency informs local authorities about children subject to immigration controls coming to stay in their area, including:
- all cases of unaccompanied asylum-seeking children (UASC), who are looked after by local authorities;
 - children who are part of a family which is seeking asylum - in such cases, when a family is provided with accommodation, the contractor responsible for that provision is required to notify the local authority
 - children who are non-European Economic Area nationals who arrive in the UK to stay with someone other than their parent(s) or close relatives (for example, a private fostering arrangement).
- 4.14 There are two points of contact provided by the Immigration and Nationality Directorate (IND) for local authorities to verify the immigration status of children: for enquires about the immigration status of individuals who are not claiming asylum, contact the 'LA Desk' in the Enquiries Unit on 0845 601 2298; or Fax: 020 8196 3049; and for enquires about the immigration status of individuals who are claiming asylum, contact the 'LA Communications Team' on: 020 8760 4527. IND's main contact number is: 0870 606 7766

5 NOTIFYING PEOPLE SERVICES DIRECTORATE OF CHILDREN NOT RECEIVING EDUCATION

Clear responsibilities for appropriate action

- 5.1 The Statutory guidance requires Derby City Council to have: 'A named individual responsible for receiving information about children of compulsory school age in their area who may not be receiving a suitable education at school or otherwise, and for brokering support for them through the most appropriate agencies.'
- 5.2 The named individual for the purposes of enquiries to/from other LAs is the service manager of the EWS.

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- 5.3 Responsibility for taking action when a young person is identified as not receiving education lies initially with the city council service who first identify the child as being CME; where possible, the parent should be supported if necessary to apply for a school place but where there is doubt about the situation, a referral should be made to the named responsible officer. Also, there is close liaison between the school admissions service, the EWS and staff in the Performance and Improvement team including when a routine admissions procedure does not result in a child entering education as expected.

Partner Agencies understand who and how to notify

- 5.4 Derby City Council continues to raise awareness amongst partner agencies about how to inform the Council about children not receiving education, to ensure that agencies employ this route consistently. It will often be the case that another agency is aware of the arrival or existence of a child, living in the local authority area but not in education, before the City Council is aware.

Arrangements for Information Sharing between agencies

- 5.6 To locate children and young people when it is believed they are resident in Derby City Council's area, it will be necessary to share information with other agencies. Agencies will include those who are already notifying the City Council when they encounter a child not receiving education.
- 5.7 Any sharing of information must comply with the law relating to confidentiality, data protection and human rights. Derby City Council works within its arrangements for recording information and within any local information sharing protocols that are in place. These arrangements and protocols are in accordance with the Data Protection Act 1998, the key provisions of which are summarised in 'Information Sharing: Further Guidance on Legal Issues':
<http://www.education.gov.uk/childrenandyoungpeople/strategy/integratedworking/a0072915/information-sharing>

Elective Home Education

- 5.8 Partner agencies should be aware that parents have a legal right to educate their children at home. Where a parent states that their child is educated at home, the child is receiving education and is not the target of this duty. Education of children at home by their parents is not in itself a cause for concern about the child's welfare. However, they should still notify the LA so that the Elective Home Education Co-Ordinator can be notified of the child's status in order that the appropriateness of the provision can be confirmed.
- 5.9 Parents of children who are of compulsory school age have a duty to ensure that they receive an 'efficient, full time education, suitable to their ages, abilities, aptitudes and any special educational needs they may have, either by regular attendance at school or otherwise' (Section 7 of the Education Act 1996). Some parents decide, as they are entitled, to provide suitable education for their children by educating them at home.
- 5.10 Where parents decide to withdraw their child from school and notify the Head Teacher in writing that the child is receiving education at home, the school must delete the child from the admissions register (in accordance with regulation 8(1)(d) of the Education (Pupil Registration) (England) Regulations 2006) ('the Pupil Registration Regulations').
- 5.11 When a parent opts for elective home education, it is the duty of the Head Teacher of the school to inform the local authority of the deletion and the reason for it, no later than when the pupil's name is deleted from the register (regulation 12(3) of the Pupil Registration Regulations 2006). The Pupil Registration Regulations apply to all city schools: maintained, Pupil Referral Units, special

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schools and Academies. All maintained, Pupil Referral Units, special schools and Academies send data to the LA School Admissions team.

- 5.12 Children with Education, health and care plans (EHCP) can be educated at home. The duty of the parent remains to provide a suitable education for the child. Where the local authority maintains an EHCP for the child, the authority is responsible for ensuring that the special educational provision specified in the EHCP is made for the child, unless the child's parent has made suitable arrangements (section 324(5)(a) of the Education Act 1996). If the parent's arrangements are suitable, the local authority is relieved of their duty to arrange the provision directly, but it still remains the local authority's duty to ensure the child's special educational needs are met.
- 5.13 If it becomes known that a child identified as not receiving education is being home educated, this should be recorded on the local Synergy database. Monitoring arrangements exist for children being educated at home via the EHE Co-ordinator. Where there are concerns about the child's safety and welfare, DSCB procedures are followed. In instances where the EHE co-ordinator does not feel that 'suitable education' is being provided, a referral should be made to the EWS to potentially instigate the School Attendance Order process.

Special Educational Needs and Disabilities

- 5.14 It is expected that where a child with Special Educational Needs is absent **without authorisation** and this absence places them within the 'persistent absentee' category (below 90%), this should be reported to the Education Welfare Service via referral to the school EWO.
- 5.15 Normal local procedures should be followed where a child with SEN is believed to be missing from education; that is absent for more than 10 days and their whereabouts are unknown. A referral to the Education Welfare Service should be made in these circumstances.

6 RE-ENGAGING CHILDREN WITH APPROPRIATE EDUCATIONAL PROVISION

Determine the child's needs

- 6.1 Once a child has been identified as not receiving education, if there are no significant issues, they will be admitted to a school via the normal admissions process.
- 6.2 Where issues prevent a straightforward admission, the school admissions team will refer the case using the Fair Access Agreement. CME may also be referred for consideration for the LA's Priority Family programme where one of the other criteria are also met: i.e. worklessness and/or crime/anti-social behaviour in the household. Once a school place is allocated, the additional support that may be made available can assist in terms of providing intensive support to ensure a good start at the school.

Early Help Assessment

- 6.3 The Early Help Assessment (EHA) is available to help professionals in assessing needs and improving services to children, young people and families. There is no need to do an EHA for every child, and it is a useful tool to use if the child's needs are unclear and it can help identify the other services which may need to be involved. The EHA enables a child's needs to be assessed in a holistic way, to decide what response is needed. If it is identified that the child has complex needs, a referral for a more specialist assessment appropriate to the child's situation will need to be made. This specialist assessment will build on the work undertaken in completing the EHA.

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- 6.4 The EHA enables practitioners to join up with any other professional who might have already completed an assessment for the child and share concerns with them. This enables professionals from different agencies to work more effectively together, to build up a picture of a child's needs over time and develop a more appropriate response.

Current Information about places

- 6.5 The School Admissions team maintains information about available school places. All pupils who are on a school roll are recorded against the relevant school on Synergy database. The admissions officers in addition hold details regarding all offered places and how many children are on each school roll.

Annex A: Grounds for deleting a pupil from the school admission register

	Grounds for deleting a pupil of compulsory school age from the school admission register set out in the Education (Pupil Registration) (England) Regulations 2006, as amended
1	8(1)(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 authority for that named in the order or the order is revoked by the local 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.
2	8(1)(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.
3	8(1)(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.
4	8(1)(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.
5	8(1)(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.
6	8(1)(f) - in the case of a pupil granted leave of absence in accordance with regulation 7(1A), 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) the proprietor and the local authority have failed, after jointly making reasonable enquiries, to ascertain where the pupil is.
7	8(1)(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.
8	8(1)(h) - that he has been continuously absent from the school for a period of not less than twenty school days and —

	<p>Grounds for deleting a pupil of compulsory school age from the school admission register set out in the Education (Pupil Registration) (England) Regulations 2006, as amended</p>
	<p>(i) at no time was his absence during that period authorised by the proprietor in accordance with regulation 8(2);</p> <p>(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</p> <p>(iii) the proprietor of the school and the local authority have failed, after jointly making reasonable enquiries, to ascertain where the pupil is.</p>
9	8(1)(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.
10	8(1)(j) - that the pupil has died.
11	8(1)(k) - that the pupil will cease to be of compulsory school age before the school next meets and—
	<p>(i) the relevant person has indicated that the pupil will cease to attend the school; or</p> <p>(ii) the pupil does not meet the academic entry requirements for admission to the school's sixth form.</p>
12	8(1)(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.
13	8(1)(m) - that he has been permanently excluded from the school.
14	8(1)(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.
15	8(1)(o) where—
	<p>(i) the pupil is a boarder at a maintained school or an Academy;</p> <p>(ii) charges for board and lodging are payable by the parent of the pupil; and</p> <p>(iii) those charges remain unpaid by the pupil's parent at the end of the school term to which they relate.</p>