

# **15 Prescribed grounds under which pupils can be taken off-roll and notification to the Local Authority Education (Pupil Registration)**



(England) Regulations 2006 – Regulation 8 sets out the criteria under which compulsory school-aged children can be removed from school roll, summarised as follows:

**8 (1) (a) The local authority is approving a change of provision for a pupil subject to a School Attendance Order (SAO)**

A pupil who is subject to an SAO must not be removed from roll unless the local authority has substituted the school named on the SAO with a new school or revoked the order on the grounds that suitable education has been arranged otherwise than at school.

**8 (1) (b) The pupil has been registered at another school (no dual-roll agreement, 8 (1) (a) does not apply, Reg 9 does not apply - dual registration of a child with no fixed abode)**

A pupil who becomes registered at a new school can be removed from the roll of the previous school from the last date of attendance. The pupil must not be deleted from roll until the new school placement and date of registration have been confirmed.

**8 (1) (c) The pupil is on dual roll and ceases to attend one of the schools (sub-paragraph (i) or (m) or Reg 9 does not apply - dual registration of a child with no fixed abode)**

A pupil registered at more than one school under a dual-roll arrangement can be removed from the roll of one of the schools providing the other school is in agreement.

**8 (1) (d) The parent(s) have elected to home-educate (EHE) and 8 (1) (a) does not apply**

Parents have a right to withdraw their child from a school in favour of home education. The child must not be removed from the school roll until the parent has given written notification of their decision to educate the child at home (parents sometimes use this option when there are problems for their child at school. It would not be appropriate for school staff to encourage EHE as a solution to difficult issues as this is unlikely to be in the best interests of the child). The school - not the parent - has a legal duty to notify the local authority when deleting a child from roll under this criterion. Where schools have concerns regarding a parent choice to home educate they should consult with the EHE service.

**8 (1) (e) Except in the case of a border the pupil has ceased to attend and is no longer residing within reasonable distance to the school**

Pupils can be deleted from roll when the distance to school is deemed unreasonable by the local authority, and the parent is not maintaining the school place. A distance of over eight miles from the home address measured along the shortest available route would be considered unreasonable by the local authority.

School must obtain details of the child's new address and refer to the CME Officer to enable a referral to the receiving local authority and reduce the risk of the child falling out of the education system.

Where a parent has notified the school that the child is leaving the country and the school has reason for concern, such as a history of poor attendance or safeguarding issues, the parent should be asked to provide proof of travel.

The school needs to notify the local authority when removing a pupil from roll whose onward education has not been able to be confirmed.

### **8 (1) (f) The pupil has failed to return following authorised leave of absence exceeding 10 school days for the purpose of a holiday**

A pupil who has failed to return following extended authorised leave of absence can be removed from roll providing all three of the following three conditions are fulfilled:

1. 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.
2. There are no reasonable grounds to believe that the pupil is unable to attend due to sickness or any unavoidable cause.
3. Both the school and the Local Authority have jointly made reasonable enquiries and failed to ascertain the child's whereabouts.

Referrals should be made via the [CME Referral Form](#).

### **8 (1) (g) The pupil is certified too ill to pursue education**

This will apply on the very rare occasion when a pupil has a terminal or serious medical condition and is deemed medically unfit to continue with education. An appropriate medical professional will need to certify that the pupil is unlikely to be in a fit state of health to return to school before ceasing to be of compulsory school age. Removal from roll is not permitted if there is any indication from parent or pupil of the intention to continue to attend the school post compulsory school age.

The school is legally required to notify the local authority when removing a pupil from roll under this criterion. Please consult with the Out of School Tuition Service prior to removal.

### **8 (1) (h) The pupil has been missing from school for 20 days or more continuously**

Schools may remove missing children from roll providing all three of the following conditions are fulfilled:

1. At no time was the absence during that period authorised by the school.
2. There are no reasonable grounds to believe that the pupil is unable to attend due to sickness or any unavoidable cause.

3. Both the school and the local authority have jointly made reasonable enquiries and failed to ascertain the child's whereabouts.

During the first ten days of absence, schools must make reasonable attempts to locate the child and facilitate his/her safe return to school. Enquiries should include writing to the parents, attempting to make telephone contact with parents, appropriate friends and relatives, speaking to other children and parents and home visits.

Schools should refer to the CME officer, on day 11 of the child's absence. The CME officer will support the school's efforts to locate the child.

### **8 (1) (i) The pupil has been given a custodial sentence for four months or longer as a result of a final order**

A child who is taken into custody for four months or more, as a result of a final order, can be taken off roll, unless the school has reason to believe that he/she will return to the school at the end of the period.

Schools must not de-register a pupil who is remanded in custody and awaiting a trial or hearing at a future date. Schools must consult with the local manager of the Youth Offending Service before removing a child from roll.

### **8 (1) (j) Death of a pupil**

In the tragic circumstance that a pupil dies, the school should remove the child from roll upon notification of the death.

### **8 (1) (k) The pupil is above compulsory school age**

This applies to Year 11 pupils who do not wish to return to the school in the following academic year. The official school leaving date for Year 11 pupils is the last Friday in the month of June, in the school year in which they turn 16.

This may also apply to the small minority of pupils who have been moved into a lower year group but have reached the end of their official school-leaving age. Such pupils must be given an opportunity to confirm their intention to remain on roll.

School-leavers under this category who are at risk of not being in education, employment or training (NEET) should be referred to their link personal advisor.

Or this applies to year 11 pupils that do not meet the entry requirements for admission to the school's sixth form.

### **8 (1) (l) The pupil is leaving a school that is not maintained by the government**

This relates to pupils leaving the roll of a school in the independent sector. It is not relevant to government-maintained schools, academies and free schools in Derbyshire.

### **8 (1) (m) The pupil has been permanently excluded**

The permanent exclusion of a pupil does not take effect until:

- expiry of independent review panel deadline or decision
- parent written confirmation that won't be applying for IRP.

Schools must notify the local authorities' inclusion office by the first day of the exclusion.

The inclusion office will advise school of the date they are able to remove the pupil's names from school roll.

### **8 (1) (n) and 8(3) Nursery child leaving school**

This applies to children who have been admitted to a school to receive nursery education and are not transferring to a higher class at the school.

Although it is not a legal requirement to upload a CTF to the new school for children who have not reached compulsory school age (the start of the school term following their fifth birthday), it is good practice to do so.

### **8 (1) (o) State-funded boarding schools where fees are unpaid**

If fees remain unpaid at the end of the school term for which they are due schools must check with Derbyshire's School Admissions and Transport Team to see if an application has been made for another school. If not, a CME referral should be made via the [CME referral form](#).