

Deletion from roll

Myth buster!

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Deletion Myths

There are some common myths regarding roll removal that both schools and other professionals need to be aware of in order to avoid incidences of 'off-rolling'. This document seeks to guide schools and other professionals working with children as to the pitfalls of these myths, helping to ensure children are both safe and are able to access their entitlement to full time education. For further advice and support regarding deletion from roll please contact the Education legal Intervention Team; attendance@birmingham.gov.uk

Children can be removed from roll after 20 days absence from school – MYTH

The actual regulation relates to 'children missing education' (CME) where both schools and the local authority have failed to locate a pupil after joint 'reasonable enquiries'. This means that the school should have reported the child to the CME team within a week of the start of the child's absence ideally, if the school has been unable to locate or make contact with the family. The 20 days of unauthorised school days absence from school is a minimum requirement for deletion. It does not mean that the child can be removed from roll on the 21st day, as enquiries must conclude before removal takes place. In Birmingham schools should wait for the deletion notice from the CME team. You can get more information about children missing education, including the DfE statutory guidance, here:

https://www.birmingham.gov.uk/info/20014/schools_and_learning/1325/children_missing_education

<https://www.gov.uk/government/publications/children-missing-education>

You can take a child of compulsory school age off roll when a parent writes to the school stating they want their child to be removed from roll – Myth

Children cannot be taken off roll just because parents request it. Where parents write to the school stating they wish to home educate their child, schools should remove the child from roll and refer to the Elective Home Education team. However, if home education or education 'otherwise' is not specified in the parent's letter or email, the school must contact the parents to advise that roll removal cannot take place and the child remains on roll at school with unauthorised absence if not attending.

If a child transfers to another school, we do not need to notify the local authority of a deletion – Myth

The law requires schools to notify the local authority of all deletions from roll except where pupils have completed the final year of education normally provided by that school.

The child has moved abroad so we can delete from roll as we have the name of the new school – Myth

The regulations state that the full name and address of any parent with whom the pupil normally resides must be included on the deletion notice (pupil movement form) to the local authority. Pupils cannot be removed from roll without this information

unless the child is deemed missing from education and the CME process has been followed to its conclusion.

The child is on unauthorised leave in term time and the parent hasn't given us a return date. We have the address where they are staying so we can remove them from roll – Myth

The regulations state that the deletion must be based on the fact that 'a pupil shall be treated as ordinarily residing at a place where the pupil is habitually and normally resident apart from temporary or occasional absences;' (Regulation 8(4)(a)). This means that the deletion cannot be based on a temporary address abroad if the family ordinarily reside at the home address in the UK.

We took the child off roll as the parents notified us that their child is now attending a tuition centre or independent school which doesn't appear to be registered with the DfE – Myth

You can check whether providers are officially registered here:

<https://get-information-schools.service.gov.uk/>

Tuition centres only offer part time provision and are not registered schools. The parents would need to write to your school stating they wish to home educate but would also have to ensure that full time provision is offered to their child.

Unregistered independent providers are again not schools and can be unsafe places for children to attend as they sit outside regulation. In either of these circumstances schools must keep the child on roll, and inform the parents that the child cannot be removed from roll in these circumstances and must attend your school. If the child fails to attend apply the school's usual attendance procedures, and inform the Education Legal Intervention Team of the difficulty:

attendance@birmingham.gov.uk

A child has been sentenced to 6 months in custody due to an offence she committed so we can take her off roll – MYTH

The regulation states that the pupil must be the subject of a final court order of no less than four months but crucially 'and the proprietor does not have reasonable grounds to believe that the pupil will return to the school at the end of that period;'. In most cases pupils do not serve their full sentence and are able to return to school more quickly than originally thought. Schools should liaise with the Youth Offending Service in each case for an indication as to whether the child is able to return to school before removing from roll.

A child is living in a hotel in another area as her family have been evicted from their home. I can remove from roll under the 'reasonable distance' rule – MYTH

The regulation regarding 'reasonable distance' applies only to addresses where children are 'ordinarily resident' so a hotel or hostel cannot be used as an address for this regulation. Schools should code the child with an authorised absence, keep in contact with the family and provide work for the children if the temporary address is too far away for them to attend school

A family have moved around three streets away from their old house and are now saying it's too far for the children to travel to school. I can remove from roll under the 'reasonable distance' rule – MYTH

The statutory walking distance for children aged up to 8 years is 2 miles and for children aged 8 and over, 3 miles. It would be reasonable to expect parents to travel these distances to get their children to school. There is also guidance in terms of transport distances that a journey to school should take no longer than 75 minutes. In Birmingham we have suggested a reasonable travelling distance of 6000 metres for primary children and 7000 metres for secondary children. If a family moves to a property further away than those distances and the child ceases to attend because of the journey, the 'reasonable distance' rule applies. Where children have moved house within these distances they should continue to attend their school until they start at a nearer school.