

Guidance on deletion (removal) from roll

Birmingham City Council

May 2022



The Education (Pupil Registration) (England) Regulations (Amendment) 2016 - Regulations 8 and 12

Pupils of Compulsory School Age

Please note:

- Pupils with EHC plans on roll at special schools, may not be removed from roll without the consent of the Local Authority (SENAR).
- Children in Care should not be removed from roll until discussion has taken place with the Virtual School and the allocated social worker.
- Children with child protection/child in need plans should not be removed from roll until discussion has taken place with the allocated social worker.
- Traveller children of no fixed abode cannot be deleted from the roll of the school which they normally attend when their parents are not travelling. Usual absence procedures apply in these circumstances
- The Regulations apply to all schools including Academies, maintained schools, free schools and independent schools
- The DfE School Attendance advice (September 2018), states the LA should be notified IN ADVANCE of deletions from the register to protect children at risk of missing education
- **The Education (Pupil Registration) (England) (Amendment) Regulations 2016 requires schools make a return to the Local Authority with information relating to a pupil being deleted from the school's register in all circumstances in which a pupil is removed from the register (except at the completion of year 6 or compulsory school age). The information must include, amongst other things, any new address at which a pupil will be living and any new school which a pupil will be attending.**

Deletion reasons other than those specified 'are unlawful and a person who contravenes or fails to comply with any requirement imposed on him by the 2006 regulations is guilty of an offence under section 434(6) of the Education Act 1996 and may, if convicted, face a fine'

Case examples and regulations

Deletion Reason	Legal Reasons for Deletion	What the school needs to do	What the Local Authority needs to do	SAFEGUARDING NOTE:
<p>School Attendance Order revoked</p>	<p>8(1)(a) Child placed at a school due to a School Attendance Order (SAO) is moved to another school (e.g. via an EHC review) and the other school is named in the SAO, or the child has moved to 'education otherwise' and the SAO has been revoked</p> <p><i>'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'</i></p>	<p>Check with the new school that the child has started and is now on roll</p> <p>If parent wishes to electively home educate, complete EHE form and send to LA</p> <p>Complete pupil movement form on schools' portal</p>	<p>Contact the new school to confirm the start date</p> <p>Substitute the name of the new school in the SAO and notify school</p> <p>If the parent chooses to electively home educate, EHE team to ensure the education provided is suitable</p> <p>Authorise removal from roll and revoke SAO</p> <p>School Admissions to update IMPULSE with details from pupil movement form</p>	<p><i>Before the child is removed from roll, the school must check that the child has started at the new school, even if the school is situated outside the Local Authority's area.</i></p>

<p>Transfer to new school</p>	<p>8(1)(b) Child who is not subject to SAO or of no fixed abode transfers to a new school (other than dual registration)</p> <p><i>‘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;’</i></p>	<p>Check with the new school that the child has started and is now on roll, preferably in writing so that there is a trail.</p> <p>Complete pupil movement form on schools’ portal</p>	<p>School Admissions to update IMPULSE with details from pupil movement form</p>	<p><i>Before the child is removed from roll, the school must check that the child is on the admission register and has started attending the new school, even if the school is situated outside the Local Authority’s area.</i></p>
<p>Dual Registration</p>	<p>8(1)(c) Child is registered at more than one school and both proprietors agree to the pupil’s removal from the roll of the school that the pupil has ceased to attend. (This includes pupils subject to a ‘managed move’ who must remain registered at one or both of the schools participating in the planned move until agreement is reached);</p> <p><i>‘where a pupil is registered at more than one school, and in a case not falling within subparagraph (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;’)</i></p>	<p>Only applies where pupil has ceased to attend the school</p> <p>Check that the child continues to attend the other school</p> <p>Contact the other school and parents with reference to the written managed move agreement and seek agreement to the deletion</p> <p>Once agreement is secured, remove from roll</p> <p>Complete pupil movement form on schools’ portal</p>	<p>School Admissions to update IMPULSE with details from pupil movement form</p>	<p><i>The child must not be removed from roll unless the schools concerned are in agreement that the child has ceased to attend at the one school and is a registered pupil at the other school attending on a full-time basis.</i></p>
<p>Elective Home Education</p>	<p>8(1)(d) The child not subject to a SAO has ceased to attend and the parents have written to the school stating that the child will be ‘educated otherwise’</p>	<p>Inform the parent that they must write to the school to state that they wish to home educate.</p>	<p>EHE team to ensure the education provided is suitable, and continue to monitor</p>	<p><i>Parents often do not understand what Elective Home Education involves. It is important that the options are fully discussed with parents before the child is removed from roll. However, removal from roll should then occur without delay.</i></p>

	<p>than at school (Elective Home Education)</p> <p><i>‘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;’</i></p>	<p>Send ‘Elective Home Education’ pack to family or provide the link to the BCC online information:</p> <p><u>Click here to link to the Birmingham Elective Home Education Guidance for parents</u></p> <p>Once the letter from the parent has been received, remove from roll, complete EHE Referral Form and sent to EHE Team within the LA.</p> <p>Keep the place open for 10 days then complete pupil movement form on schools’ portal</p>	<p>EHE team to update IMPULSE to show children are now EHE and inform the school</p> <p>School Admissions to update IMPULSE with details from pupil movement form</p>	<p><i>Parents must put in writing to the school their intention to home educate. A referral to the EHE team should not be made until the school have received the written notification from the parent</i></p> <p><i>Schools must not coerce parents into home educating. Schools must not ask parents to sign a pre-written letter drafted by the school indicating that they wish to home educate. This could be viewed as ‘off-rolling’ and may not be accepted by the EHE team. It could also lead to a negative Ofsted judgement.</i></p>
<p>Moved house too far away from school to attend</p>	<p>8(1)(e) Except in the case of a boarder, the child has ceased to attend the school and no longer ordinarily resides at a place which is a reasonable distance from the school at which s/he is registered</p> <p><i>‘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;’ Reg 8(1)(e)</i></p> <p><i>‘a pupil shall be treated as ordinarily residing at a place where the pupil is habitually and normally resident apart from</i></p>	<p>Obtain new address and school details (if secured) from the parent.</p> <p>Conduct a home visit to establish that the family have vacated the property</p> <p>Refer the family to the new LA School Admissions Service</p> <p>Remove from roll</p> <p><i>If new address is not known, do not remove from roll – the ‘Children Missing Education’ (CME) procedures must then be followed</i></p>	<p>School Admissions to update IMPULSE with details from pupil movement form</p> <p>School Admissions to ensure family have submitted an application for new school.</p> <p>If new school place not accepted by family, School Admissions to follow School Attendance Order procedures.</p>	<p><u><i>It is absolutely essential that schools secure the family’s new address, even if they have moved abroad. This rule cannot be used without it.</i></u></p> <p><i>If the family have moved within the borders of Birmingham and the child is still attending, this rule doesn’t apply. If the child has ceased to attend and has moved more than 6000 metres safe walking distance (primary) or 7000 metres safe walking distance (secondary) from the school the child can be removed from roll under this rule. This does not apply if the child has been made homeless and is residing in a hostel or hotel.</i></p> <p><i>In the case of a child moving to another LA some distance away, the child should not be removed from roll until the new Local Authority has established that the child is resident at the new</i></p>

	<i>temporary or occasional absences;’ Reg 8(4)(a)</i>	Complete pupil movement form on schools’ portal		<i>address. If the new LA cannot find the child, the ‘CME’ procedures should be used.</i> <i>If the parents do not provide contact details or a new address, the CME procedures should be used.</i>
Failed to return from authorised leave in term time (CME)	<p>8(1)(f) Child failed to return from authorised leave in term time, it is 10 school days since authorised leave expired, and child’s whereabouts are unknown to school.</p> <p><i>‘in the case of a pupil granted leave of absence in accordance with regulation 7(1A), that –</i></p> <p><i>(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;</i></p> <p><i>(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</i></p> <p><i>(iii) the proprietor and the local education authority have failed, after jointly making reasonable enquiries, to ascertain where the pupil is</i></p>	<p>School should follow the ‘Leave in Term Time (Legal) process’ (Click here to link to Birmingham City Council’s Legal Processes in terms of attendance) and jointly make reasonable enquiries with the Children Missing Education (CME) team, including phone calls, letters and a home visit. (Please see CME procedures – referral to the team must be made within 5 days)</p> <p>NOTE: If there are any safeguarding concerns such as possible FGM, CSE etc., please refer immediately to CASS</p> <p>When the deletions notice is received from the CME team, complete pupil movement form on schools’ portal</p>	<p>CME team to make ‘reasonable enquiry’ jointly with the school. Once enquiries are completed and if the child cannot be located, the CME team to inform the school and authorise roll removal</p>	<p><i>Head teachers may only authorise leave in term time in ‘exceptional circumstances’. The number of days authorised is at the discretion of the Head teacher.</i></p> <p><i>The school should also follow the ‘Leave in Term Time (Legal) process’ in the first instance: Click here to link to Birmingham City Council’s Legal processes in terms of attendance</i></p> <p><i>Note: If, during unauthorised leave, a parent contacts the school, the child would no longer be considered as missing and the usual absence procedures should be followed including the ‘Leave in Term Time (Legal) process’.</i></p>
Child medically confirmed as too ill to return to school before they complete	8(1)(g) Child has a medical condition (confirmed by school medical officer) which is likely to prevent their return to the school before they cease being of compulsory school age; and neither the pupil or the parent has indicated an	The child should be receiving LA support (e.g. via James Brindley Academy). See <i>‘Supporting pupils at school with medical conditions - Statutory guidance for governing bodies of maintained schools and</i>	<p>School Admissions to update IMPULSE with details from pupil movement form</p> <p>LA duty to arrange suitable education (full time unless not in interests of child) after 15</p>	<i>This scenario is usually only relevant in cases where a child has a life limiting health condition or remains an inpatient in a mental health facility until the last Friday in June of the year the pupil turns 16.</i>

<p>compulsory school age</p>	<p>intention to return to the school after the pupil ceases to be of compulsory school age</p> <p><i>‘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;’</i></p>	<p><i>proprietors of academies in England’ - December 2015</i></p> <p>Consider reasonable adjustments to enable the child to stay in school</p> <p>Obtain confirmation from a qualified medical consultant working with the family</p> <p>The school should obtain parental consent before removing the child’s name from the roll</p> <p>Remove from roll</p> <p>Complete pupil movement form on schools’ portal</p>	<p>days absence (s19 Education Act 1996 and statutory guidance Jan 2013)</p>	<p><i>Parents may require support from the Local Authority at this difficult time. Schools could offer an Early Help Assessment to families or ask if they require additional support</i></p>
<p>Child missing education (CME)</p>	<p>8(1)(h) Child absent without authorisation for at least 20 continuous school days and both the school and Local Authority have failed to locate the pupil (includes unauthorised leave in term time)</p> <p><i>‘that he has been continuously absent from the school for a period of not less than twenty school days and —</i> (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</p>	<p>School should follow the ‘Leave in Term Time (Legal) process’ and jointly make reasonable enquiries with the CME team, including phone calls, letters and a home visit. (Please see CME procedures – referral to the team should be made within 5 days of the disappearance of the child)</p> <p>NOTE: If there are any safeguarding concerns such as possible FGM, CSE etc., please refer immediately to CASS</p>	<p>CME team to make ‘reasonable enquiry’ jointly with the school. Once enquiries are completed and if the child cannot be located, the CME team to inform the school and authorise roll removal</p> <p>School Admissions to update IMPULSE with details from pupil movement form</p>	<p><i>In cases of unauthorised leave in term time, the school should also follow the ‘Leave in Term Time (Legal) process’. <u>Contact the Education Legal Intervention team at attendance@birmingham.gov.uk for more information about deletion from roll and the Leave in Term Time (Legal) process for more details.</u></i></p> <p><i>If, during unauthorised leave, a parent contacts the school, the child would no longer be considered as missing and the usual absence procedures should be followed including the ‘Leave in Term Time (Legal) process’.</i></p>

	to attend the school by reason of sickness or any unavoidable cause; and <i>(iii) the proprietor and the local education authority have failed, after jointly making reasonable enquiries, to ascertain where the pupil is</i>	After a minimum of 20 school days unauthorised absence and once the deletions notice is received from the CME team, the school can remove from roll and complete a pupil movement form on schools' portal.		
Sentenced to detention for more than 4 months and not likely to return to school	8(1)(i) Child has received final sentence or detention order for a period of not less than four months and no reason to believe the child will return to the school (not including remand) <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;'</i>	Contact YOTs team to confirm sentence and seek advise about likelihood of child's return, and to arrange a meeting regarding a plan for the pupil to return to school if appropriate Use the 'B' code whilst child in custody Removal from roll should only instigated if the child will not be returning to the school and with the agreement of YOTs If removal from roll is approved school to complete pupil movement form on schools' portal	School Admissions to update IMPULSE with details from pupil movement form	<i>A child detained for medical reasons cannot be treated as a child in custody.</i> <i>In most cases, a child sentenced to four months custody or more will be released well before the sentence is completed. Removal from roll should only occur with the agreement of the Youth Offending Team</i>
Death of child	8(1)(j) Child has died <i>'that the pupil has died;'</i>	Check information provided by the parent sensitively (request a copy of the death certificate) Remove from roll Complete pupil movement form on schools' portal	School Admissions to update IMPULSE with details from pupil movement form	<i>Schools should inform School and Governor Support as schools and parents may require support from the Local Authority at this difficult time. Schools could offer an Early Help Assessment to families or ask if they require additional support</i>

<p>End of year 11 and not continuing to school sixth form</p>	<p>8(1)(k) Child will cease to be of compulsory school age before following term starts and parent/pupil has notified the school that the pupil will be leaving</p> <p><i>'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; or the pupil does not meet the academic entry requirements for admission to the school's sixth form;'</i></p>	<p>School to ensure provision secured for Year 12 (Education, Employment or Training) under 'Raising the Participation Age' legislation</p> <p>Remove from roll on the Monday following the last Friday in June of the academic year the child is 16 years of age</p> <p><i>Pupil Movement Form not required</i></p>		<p><i>Do not remove from roll if the child is staying on for the school's sixth form</i></p>
<p>Child ceased to attend an independent school</p>	<p>8(1)(l) Child ceased to attend provision other than at a maintained school, academy, CTC, C. Cat etc.,</p> <p><i>'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;'</i></p>	<p>Provider to make 'reasonable enquiries', including a home visit. - follow CME procedures including referral to the CME team within 5 working days if the child cannot be located</p> <p>If child is located, and absences are unauthorised instigate 'FAST-track to Attendance' <u>Click on link to FAST-track to Attendance guidance</u></p> <p>If FAST-track is not appropriate remove from roll</p> <p>Complete pupil movement form on schools' portal</p>	<p>School Admissions to update IMPULSE with details from pupil movement form</p> <p>School Admissions to contact family with a view to a new school place</p>	<p><i>It is important that children are not removed from roll and allowed to 'disappear' for safeguarding reasons. Deletion from roll should be a last resort. If a parent refuses to send their child to the provision, the parent could be failing in their legal responsibilities to ensure their child is receiving an education.</i></p> <p><i>Providers should ensure that on these occasions, any absence is unauthorised and 'FAST-track' is considered. For more information on the process contact: attendance@birmingham.gov.uk for more details.</i></p>

<p>Child permanently excluded</p>	<p>8(1)(l) Child has been permanently excluded</p> <p><i>‘that he has been permanently excluded from the school;’</i></p>	<p>Inform Exclusions team</p> <p>Comply with DfE statutory Exclusions Guidance</p> <p>Use ‘D’ code after 5 days if the pupil is in receipt of education at another school/COBs. If the pupil is not in receipt of education, please use code E.</p> <p>Complete pupil movement form on schools’ portal when advised by the Exclusions Team</p>	<p>Exclusions team to refer to COBs/SENAR for provision from the 6th day</p> <p>Following the outcome of any review hearing, authorise removal from roll</p> <p>Notify COBs or SENAR (in the case of a child with a statement or EHC plan)</p>	<p><i>Removal from roll cannot take place until the outcome of any appeal has been determined, unless the parent has stated in writing that they do not wish to apply for/continue with an appeal, or, has not applied within the statutory time limit (15 school days).</i></p>
<p>Child not transferring to the school’s Reception class</p>	<p>8(1)(n) Child is not continuing in Reception on completion of nursery education at the school</p> <p><i>‘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.’</i></p>	<p>Follow usual LA procedures</p> <p>NOTE: If there are any safeguarding concerns such as possible FGM, CSE please refer immediately to CASS</p> <p>Pupil Movement Form not required</p>		
<p>n/a</p>	<p>8(1)(o) Child is a boarder in a maintained school or Academy and the boarding fees have not been paid</p> <p><i>‘where—</i> <i>(i)the pupil is a boarder at a maintained school or an Academy;</i> <i>(ii)charges for board and lodging are payable by the parent of the pupil (2); and</i> <i>(iii)those charges remain unpaid by the pupil’s parent at the end of the school term to which they relate’</i></p>	<p>Not applicable in Birmingham</p>		

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Pupils Not of Compulsory School Age

Please note:

- Pupils with EHC plans on roll at special schools, may not be removed from roll without the consent of the Local Authority (SENAR).
- Children in Care should not be removed from roll until discussion has taken place with the Virtual School and the allocated social worker.
- Children with child protection/child in need plans should not be removed from roll until discussion has taken place with the allocated social worker.

Deletion reason	Legal Reasons for Deletion
Child ceased to attend	<p>Reg 8(3)(a) Pupil ceased to attend - NOTE: If there are any safeguarding concerns such as possible FGM, CSE etc., please refer immediately to CASS. Early Years children should be referred to the Early Years Team for safeguarding checks to be undertaken</p> <p><i>'that he has ceased to attend the school, or, in the case of a boarder, that he has ceased to be a pupil of the school;'</i></p>
Absent for 20 continuous school days and cannot be located	<p>Reg 8(3)(b) Child/young person absent for 20 continuous school days (not agreed) and the school cannot locate the pupil - NOTE: If there are any safeguarding concerns such as possible FGM, CSE etc., please refer immediately to CASS. Early Years children should be referred to the Early Years Team for safeguarding checks to be undertaken</p> <p><i>'that he has been continuously absent from the school for a period of not less than twenty school days and —</i> <i>(i) at no time was his absence during that period agreed by the proprietor;</i> <i>(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</i> <i>(iii) the proprietor of the school has failed, after reasonable enquiry, to ascertain where the pupil is;'</i></p>
Child has died	<p>Reg 8(3)(c) Child has died</p> <p><i>'that the pupil has died;'</i></p>

<p>Child not transferring to the school's Reception class</p>	<p>Reg 8(3)(d) Child is not continuing in Reception on completion of nursery education at the school - NOTE: If there are any safeguarding concerns such as possible FGM, CSE etc., please refer immediately to CASS</p> <p><i>'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.'</i></p>
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