

## To delete or not to delete?

## This resource includes a detailed review of the process of managing school attendance, children missing education and the illegal deletion of children from the school roll

Governing bodies and proprietors should put in place appropriate safeguarding responses to children who go missing from education, particularly on repeat occasions, to help identify the risk of abuse and neglect, including sexual abuse or exploitation, and to help prevent the risks of their going missing in future.

According to Government [School Attendance Guidance](#) pupils need to attend school regularly to benefit from their education. Missing out on lessons leaves children vulnerable to falling behind. Children with poor attendance tend to achieve less in both primary and secondary school.

The government expects schools and local authorities to:

- Promote good attendance and reduce absence, including persistent absence;
- Ensure every pupil has access to full-time education to which they are entitled; and,
- act early to address patterns of absence.

To understand school duties it is helpful to look at some of the reasons why children of compulsory school age may not be on any school roll.

- Failure to start school at five
- Failure to transfer to secondary school
- Moved to a new area and no school place available
- No suitable SEND provision available
- **Illegally deleted from the school roll**

## School attendance and child protection

Schools must monitor pupils' attendance closely through the daily register and should address poor, irregular, or non-attendance.

Ofsted inspectors will consider overall absence and persistent absence rates for all pupils. A child missing from education is not in itself a child protection matter, and there may be an innocent explanation for this. But irregular school attendance and unexplained absences can be an early indicator of problems, risk and vulnerability.

## Deleting details from a register

Schools must make reasonable enquiries, jointly with the LA, to establish the whereabouts of the child before deleting them from the register.

Schools should agree the intervals in which they will inform their LA of the details of pupils who are regularly absent or have missed 10 school days or more without permission. Maintained schools have safeguarding duties under section 175 of the Education Act 2002 to investigate any unexplained absences. Academies and free schools have a similar safeguarding duty described in Schedule 1 of the Independent School Standards (England) Regulations 2014. Schools must also arrange full-time education for excluded pupils from the sixth day of a fixed-period exclusion.

## Making reasonable enquiries

A pupil's name can only be removed from the admissions register if the school and the LA have failed to establish the pupil's whereabouts after jointly making reasonable enquiries.

When the whereabouts of a child is unclear or unknown, it is reasonable to expect that the school and LA do one or more of the following actions:

- Contact parents, carers, relatives, and neighbours.
- Check LA databases and where possible, make enquiries via other local databases and agencies, e.g. housing services, police, refuge, Youth Justice Services, children's social care and HMRC.
- Check Key to Success or school2school systems.
- Contact UK Visas and Immigration and/or other Border Force.
- Contact agencies known to be involved with the family.
- Contact LA and school from which child moved originally.
- Contact LA and school to which a child may have moved.
- Contact LA where the child lives, if different from school.
- In cases of children of Service Personnel, check with the Ministry of Defence
- Children's Education Advisory Service

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.

In the following circumstances, a referral to children's services and/or the police should be made promptly.

- The child may be the victim of a crime.
- The child is the subject of a Child Protection Plan.
- The child is the subject of a Section 47 enquiry.
- The child is looked after.

- There is a known person posing a risk to children in the household or in contact with the household.
- There is a history of the family moving frequently.
- There are serious issues of attendance.

## Groups of children at particular risk of missing education

There are many reasons why a child may be missing from education. Statutory guidance highlights some of the circumstances that LAs should consider when establishing CME practices and policies:

- Pupils at risk of harm or neglect. The school should follow child protection procedures.
- Children of Gypsy, Roma and Traveller families. Some authorities have Traveller Education support services.
- Children of Service Personnel.
- Missing children or runaways.
- Children supervised by the Youth Justice System – Youth Offending Teams (YOTs) hold responsibility.
- Children who cease to attend a school – to be investigated by the school and LA.
- Children of new migrant families.

## Challenging behaviour

An admission authority must not refuse to admit a child during the normal admission round because of poor behaviour elsewhere. Outside the normal admissions round, if an admission authority does not wish to admit a child, even though places are available, it must refer the case to the LA for action under the Fair Access Protocol (FAP).

Use of this provision will normally only be appropriate if a school has a particularly high proportion of previously excluded children or those with challenging behaviour. It does not apply to a looked after child, a previously looked after child, or a child with an EHCP specifying a school.

## When deletion is allowed

The main circumstances in which a child, of compulsory school age, can be deleted are:

- parents have notified the school of their intention to home educate
- child has moved to another school
- child has died
- child has been permanently excluded from the school
- child has reached school leaving age and is not continuing in school for sixth form
- child has a long-term illness and will not return to school before the end of compulsory education
- child is in custody for more than four months
- child has 20 consecutive school days unauthorised absence; school and LA are not able to contact them
- failure of child to return from extended family holiday; school and LA are not able to contact them.

## School Attendance and Children Missing Education training course

The above information is a short extract from EduCare's new School Attendance and Children Missing Education course, which as well as the process of managing a child's entry on a school roll also looks at key issues of school attendance, research reports and key guidance, statutory duties and special cases.

The course costs £40 and can be bought online today, or can be combined with 2 courses on [School Exclusions](#) and bought as an '[Education Law for Management](#)' package in addition to [EduCare for Education](#) our bestselling package of safeguarding and duty of care courses.

Get in touch to find out more – [online@educare.co.uk](mailto:online@educare.co.uk)