

Dear,

Further to your recent request for information I have below provided our response; I have quoted your questions and pre-text and have then provided our responses in blue.

"It is my understanding that in accordance with legislation, Education (Pupil Registration) Regulation 8(1)(d) 2006 for mainstream schools which states,

"8.—(1) The following are prescribed as the grounds on which the name of a pupil of compulsory school age shall be deleted from the admission register— ....

"(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;"

It is a requirement incumbent on schools, where these conditions are met, to remove the child's name from the school register upon notification of education otherwise than at school, and inform the local authority. (Sub paragraph (a) excludes pupils attending with a school attendance order.)

Please tell me:

1. Is it the policy of Nottinghamshire County Council that schools must comply with this legislation?

The NCC Elective Home Education Policy states that, "The local authority will work with all maintained schools, academies and independent schools to ensure that they adhere to statutory guidance in relation to attendance, exclusions and the removal of children from a school roll to reduce the potential for children to be displaced into elective home education by default." (para 5.8) "The school must inform the Elective Home Education Team within 14 days of the parents' written decision to deregister their child. They should follow the legal requirements and the agreed local authority protocols for taking children off roll. Any safeguarding concerns must also be reported." (para 8.2)

2. Is it the policy of Nottinghamshire County Council, to advise schools to delay deregistration, contrary to legislation?

The NCC Elective Home Education Policy states that:

"The local authority in its role as champion for all children and young people whether they are educated in school or elsewhere ..... will ... intervene where there are concerns that a child is not receiving a suitable education or there are concerns about a child's well-being or safety" (para 3.2)

which is underwritten by the paramount legal obligation:

"... under section 11 of the Children Act 2004 and section 175 (1) of the Education Act 2002 to safeguard and promote the welfare of children. The welfare and protection of all children, both those who attend school and those who are educated at home, are of paramount concern and the responsibility of the whole community. Working Together to Safeguard Children 2010 states that all agencies and individuals should aim to proactively to safeguard and promote the welfare of children." (para 6.1)

As will be clear from the above response to Q.1, it is not NCC policy 'to advise schools to delay deregistration ...'

However, within the requirements of the Council's policy to prioritise its safeguarding duty, it is our practice to request that, where there may be safeguarding concerns regarding a child who has been withdrawn from school by parents/carers, a child nominally remains on roll until the EHE team has satisfied itself that there are no significant safeguarding concerns that would override parents'/carers' right to home educate.

This practice allows a child, for whom there are significant safeguarding concerns, to remain nominally on a school roll, allowing services and support to be available, that otherwise would be terminated once the child were formally of home educated status.

At the point when the Council is satisfied that any safeguarding risks are manageable within the context of home education, the school is asked to deregister with effect from the date of the parent/carer's letter of withdrawal. During this period of time, parent/carer's rights to home educate have not been affected.

3. Is it the policy of Nottinghamshire County Council to advise schools to deny deregistration where the conditions of the regulation are met?

It is not the policy of Nottinghamshire County Council to advise schools to deny deregistration where the conditions of the regulation are met.

4. Is it the policy of Nottinghamshire County Council to advise schools to withhold deregistration until parents and children comply with prior approval by the local authority, contrary to this regulation?

It is not the policy of Nottinghamshire County Council to advise schools to withhold deregistration until parents and children comply with prior approval by the local authority, contrary to this regulation?

5. What can parents do in a case where a school or local authority is denying deregistration that is in accordance with the regulation?

Parents may complain to the individual school or to Nottinghamshire County Council, using their publically available complaints procedures if they believe that deregistration is being denied.

It should be noted that parents rights to home educate are in no way affected by the LA practice outlined above."

I hope the above assists you; however, If you wish to raise any concerns about the way your request was dealt with, then please write to the Team Manager, Complaints and Information, County Hall, West Bridgford, Nottingham, NG2 7QP or e-mail [foi@nottsc.gov.uk](mailto:foi@nottsc.gov.uk) quoting the reference number above.

Following this, if you remain dissatisfied, you can ask the Information Commissioner to review your request. However, the Information Commissioner cannot normally make a decision unless you have exhausted the procedure provided by the Council. The Information Commissioner can be contacted at:

Information Commissioner's Office  
Wycliffe House

Water Lane  
Wilmslow  
Cheshire  
SK9 5AF  
Tel: 0303 123 1113 or 01625 54 57 45  
[www.ico.org.uk](http://www.ico.org.uk)