

## Nottinghamshire County Council Fair Access Team

### Advice to practitioners where there is concern about the potential 'off rolling' of a child

Removing a child from the school roll is a very important decision. Children who fall out of the education system are likely to have poor outcomes and may be exposed to increased risk of harm. Schools must follow correct procedures to ensure that they do not breach their legal and safeguarding duties.

OFSTED defines off rolling as;

**'Off-rolling is the practice of removing a pupil from the school roll without using a permanent exclusion, when the removal is primarily in the best interests of the school, rather than the best interests of the pupil. This includes pressuring a parent to remove their child from the school roll.'**

Education (Pupil Registration) (England) Regulations 2006 – Regulation 8 sets out the criteria under which compulsory-school-aged children can be removed from school roll.

There are many circumstances in which children leave the roll of a school for legitimate reasons, for example when they leave a school to transfer to another following a house move, when parents decide to provide education at home for their child or as a result of a permanent exclusion. There are, however, cases the Local Authority is made aware of cases that raise cause for concern. In these circumstances questions could and should be asked by families and services working with them about whether the decision to off roll is in the best interest of the child concerned and this decision challenged with the school or academy concerned if there are doubts as to whether this is legal or in the best interests of the child.

Ofsted has looked closely at the issue of schools that off-roll pupils. They have given training to inspectors and, since January 2018, the data tool they use in inspections tells them if a large number/proportion of pupils have left the school. Inspectors then explore this issue with school leaders. When a high level of pupil mobility is identified regional directors will also speak directly with multi-academy trusts and local authorities to ascertain the reasons for pupils leaving a particular school roll.

Nottinghamshire County Council's Fair Access Team receives many requests for advice and support in relation to off rolling and provision away from the school site and the following advice is intended to provide information to some of the most commonly asked questions. This advice relates to children without an EHC plan, for children with an EHC plan specific advice should be sought from the ICDS team as placement is named in the child's EHC plan.

#### Alternative Provision

DfE guidance (Alternative Provision: Statutory Guidance for Local Authorities, January 2013) states that 'The Governing bodies of maintained schools have the power to direct a pupil off-site for education to improve his or her behaviour.' This legislation does not apply to Academies, who can arrange off-site provision for similar purposes under their general powers, set out in the Academy Trust's Articles of Association.

All pupils must receive full-time provision in total, whether in one setting or more, unless a pupil's medical condition makes full-time provision inappropriate.

An Alternative Provider should be registered as an independent school if it meets the criteria for registration (that it provides full-time education to five or more full-time pupils of compulsory school age, or one such pupil who is looked-after or has a statement of SEN). All AP Academies and AP Free Schools must be registered as independent schools whether or not they are full-time or part-time.

Pupils accessing alternative provision should remain on the roll of the school commissioning this. The commissioning school retain responsibility for the provision used and outcomes of the young person.

### **Independent Schools and provisions with independent school status**

Children should only be transferred from the roll of a publicly funded school to an independent school or provision with independent school status with due consideration to the appropriateness of the placement and with parental agreement. It must be considered that in making this decision parents are electing to place their child outside of the publicly funded education system and as such they may find that access to Local Authority support is more limited than within mainstream schools and academies.

Should a child be asked to leave an independent school having been transferred to the roll of that school they become a child without a school place and parents are therefore required to take action to ensure access to education by applying for local school places or arranging a suitable alternative themselves. There is no statutory duty on the Local Authority to make education provision for students in this situation.

### **Elective Home Education**

The decision to Electively Home Educate (EHE) is significant in terms of the commitment required. Parents should only be supported to consider this route if they genuinely want to arrange their own child's education, are aware of the commitment involved in doing so and have the time, resources and skills to ensure this is a success. It is not 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.

Support is available from Nottinghamshire County Council's EHE team in the form of a limited number of adviser visits but the responsibility for direct teaching sits with the parent. Should EHE be deemed unsuitable by the Local Authority or a parent opts to end this arrangement then their child becomes a child without a school place and parents are therefore required to take action to ensure access to education by applying for local school places

To seek further advice or report cases of off rolling contact the Fair Access team 01159773225  
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In cases where schools are considering removing a child from roll Nottinghamshire County Council's 'Guidance for head teachers and business managers where children are at risk of missing education' should be followed.