

Temporary guidance for off-rolling for children gone abroad '20-day rule'
Reviewed April 2021

We remind schools to always follow the DFE off-rolling regulations prescribed as the grounds on which the name of a pupil of compulsory school age shall be deleted from the admission register. Please see the [regulation 8 codes](#). (and see end of document for ease of reference)

This guidance does not apply to children who are still in the UK but not attending school; these pupils should be treated as an attendance issue and must remain on roll. Please discuss these cases with your Link Attendance Officer.

Many schools have pupils who are currently abroad for various reasons. Some families are experiencing difficulties in travelling back to the UK. We would ask that you encourage families to return to the UK as soon as possible in every instance. Unless justified, we cannot hold places for extended periods of time if the pupils are not in the UK, and where we have waiting lists for school places.

The off-rolling process must be made clear to parents before any decision is taken, so that they fully understand that in choosing not to return to the UK and resume statutory school attendance, that the place will become available to offer out to another child. The parent must also be advised that the onus for providing evidence supporting the reason for absence is on them, and that the school is not obliged to accept it if they feel it is insufficient. We would advise that you put this information in writing to the parent, if you have not already done so, to allow the parent to make an informed decision on returning.

Please fully consider each case on its own merit; taking into account whether the country they are travelling from is on the [red list](#), the reason for travel and if it is covered by the list of [reasonable excuses for travel abroad](#), any evidence the family have provided to support the reason for travel and your own investigations into the difficulty in returning. Please bear in mind that families travelling back from a red list country will need to [quarantine in a government approved hotel](#), the cost of which may be prohibitive.

If you decide to keep the pupil on roll we would recommend that you write to the parent (email and hard copy where possible) advising that to keep their child on roll they must:

- Provide the following information:
 - The address at which their child is currently staying
 - The details of the adult responsible for their child's care while they are staying at this address
 - The date by which they expect them to be back in the UK
- Keep in regular touch with the school (we would advise at least weekly).
- Be aware that the absence will be reviewed regularly and if the justifications for keeping the pupil on roll no longer apply, the school will write to the parent again advising them of this and providing the date on which the pupil will be off rolled if they have not returned.

The use of 'Y' code is appropriate for the time they are abroad but regular contact must be maintained and distance learning considered and provided where possible.

Sub code X05 can be used for pupils required to self-isolate as part of quarantine requirement (after arriving in the UK from a non-exempt country or territory). You can view the full set of sub codes [here](#).

Due to an increase in queries from schools regarding the 20-day unauthorised absence off-rolling rule, specifically for those children who are abroad and where the parent/s has not provided evidence of the need to remain abroad or provided a return date, we suggest that the following reason for deletion should be considered.

Deletions from Admission Register

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—

(e) 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;

Should you decide, after considering all the evidence, to take the pupil off roll, please follow the procedure below:

- Write to the parent (email and hard copy where possible) advising the parent of the date the pupil will be removed from roll if they have not returned. This date should be at least ten days from the date of the letter to allow them time to return. It should also remind the parent that if their child is removed from roll they will need to apply for a new place for them, and there is no guarantee they will be able to return to their current school. Please include the [Ealing Council In-Year Admissions Guidance for Parents](#) in this correspondence.
- Forward a copy of the letter sent to the parent to cme@ealing.gov.uk on the day it is sent, along with a completed [Reasonable Enquiry form](#). Please make sure you provide as much information as possible and have completed all relevant fields. The case will be jointly held with your Link Attendance Officer as an attendance issue until you advise that the pupil has been removed from roll. We will also contact the parent to reiterate the seriousness of the situation.
- If the pupil has not returned by the date advised in your previous letter to the parent, and you take the decision to off roll, please write to the parent advising this has been done and forward the letter to cme@ealing.gov.uk and your Link Attendance Officer.

Regulation 8 Codes

8 (1) (a) The local authority is approving a change of provision for a pupil subject to a School Attendance Order (SAO)

A pupil who is subject to an SAO must not be removed from roll unless the local authority has substituted the school named on the SAO with a new school or revoked the order on the grounds that suitable education has been arranged otherwise than at school.

8 (1) (b) The pupil has been registered at another school (no dual-roll agreement, 8 (1) (a) does not apply, Reg 9 does not apply - dual registration of a child with no fixed abode)

A pupil who becomes registered at a new school can be removed from the roll of the previous school from the last date of attendance. The pupil must not be deleted from roll until the new school placement and date of registration have been confirmed.

8 (1) (c) The pupil is on dual roll and ceases to attend one of the schools (sub-paragraph (i) or (m) or Reg 9 does not apply - dual registration of a child with no fixed abode)

A pupil registered at more than one school under a dual-roll arrangement can be removed from the roll of one of the schools providing the other school is in agreement.

8 (1) (d) The parent(s) have elected to home-educate (EHE) and 8 (1) (a) does not apply

Parents have a right to withdraw their child from a school in favour of home education. The child must not be removed from the school roll until the parent has given written notification of their decision to educate the child at home (parents sometimes use this option when there are problems for their child at school. It would not be 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). The school - not the parent - has a legal duty to notify the local authority when deleting a child from roll under this criterion. Where schools have concerns regarding a parent choice to home educate they should consult with the EHE service.

8 (1) (e) Except in the case of a border the pupil has ceased to attend and is no longer residing within reasonable distance to the school

Pupils can be deleted from roll when the distance to school is deemed unreasonable by the local authority, and the parent is not maintaining the school place. A distance of over eight miles from the home address measured along the shortest available route would be considered unreasonable by the local authority.

School must obtain details of the child's new address and refer to the CME Officer to enable a referral to the receiving local authority and reduce the risk of the child falling out of the education system.

Where a parent has notified the school that the child is leaving the country and the school has reason for concern, such as a history of poor attendance or safeguarding issues, the parent should be asked to provide proof of travel.

The school needs to notify the local authority when removing a pupil from roll whose onward education has not been able to be confirmed.

8 (1) (f) The pupil has failed to return following authorised leave of absence exceeding 10 school days for the purpose of a holiday

A pupil who has failed to return following extended authorised leave of absence can be removed from roll providing all three of the following three conditions are fulfilled:

1. 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.
2. There are no reasonable grounds to believe that the pupil is unable to attend due to sickness or any unavoidable cause.
3. Both the school and the Local Authority have jointly made reasonable enquiries and failed to ascertain the child's whereabouts.

Referrals should be made via the CME Referral Form.

8 (1) (g) The pupil is certified too ill to pursue education

This will apply on the very rare occasion when a pupil has a terminal or serious medical condition and is deemed medically unfit to continue with education. An appropriate medical professional will need

to certify that that the pupil is unlikely to be in a fit state of health to return to school before ceasing to be of compulsory school age. Removal from roll is not permitted if there is any indication from parent or pupil of the intention to continue to attend the school post compulsory school age.

The school is legally required to notify the local authority when removing a pupil from roll under this criterion. Please consult with the Out of School Tuition Service prior to removal.

8 (1) (h) The pupil has been missing from school for 20 days or more continuously

Schools may remove missing children from roll providing all three of the following conditions are fulfilled:

1. At no time was the absence during that period authorised by the school.
2. There are no reasonable grounds to believe that the pupil is unable to attend due to sickness or any unavoidable cause.
3. Both the school and the local authority have jointly made reasonable enquiries and failed to ascertain the child's whereabouts.

During the first ten days of absence, schools must make reasonable attempts to locate the child and facilitate his/her safe return to school. Enquiries should include writing to the parents, attempting to make telephone contact with parents, appropriate friends and relatives, speaking to other children and parents and home visits.

Schools should refer to the CME officer, on day 11 of the child's absence. The CME officer will support the school's efforts to locate the child.

8 (1) (i) The pupil has been given a custodial sentence for four months or longer as a result of a final order

A child who is taken into custody for four months or more as a result of a final order can be taken off roll, unless the school has reason to believe that he/she will return to the school at the end of the period.

Schools must not de-register a pupil who is remanded in custody and awaiting a trial or hearing at a future date. Schools must consult with the local manager of the Youth Offending Service before removing a child from roll.

8 (1) (j) Death of a pupil

In the tragic circumstance that a pupil dies, the school should remove the child from roll upon notification of the death.

8 (1) (k) The pupil is above compulsory school age

This applies to Year 11 pupils who do not wish to return to the school in the following academic year. The official school leaving date for Year 11 pupils is the last Friday in the month of June, in the school year in which they turn 16.

This may also apply to the small minority of pupils who have been moved into a lower year group but have reached the end of their official school-leaving age. Such pupils must be given an opportunity to confirm their intention to remain on roll.

School-leavers under this category who are at risk of not being in education, employment or training (NEET) should be referred to their link personal advisor.

Or this applies to year 11 pupils that do not meet the entry requirements for admission to the school's sixth form.

8 (1) (l) The pupil is leaving a school that is not maintained by the government

This relates to pupils leaving the roll of a school in the independent sector. It is not relevant to government-maintained schools, academies and free schools in Derbyshire.

8 (1) (m) The pupil has been permanently excluded

The permanent exclusion of a pupil does not take effect until:

- expiry of independent review panel deadline or decision
- parent written confirmation that won't be applying for IRP.

Schools must notify the local authorities' inclusion office by the first day of the exclusion.

The inclusion office will advise school of the date they are able to remove the pupil's names from school roll.

8 (1) (n) and 8(3) Nursery child leaving school

This applies to children who have been admitted to a school to receive nursery education and are not transferring to a higher class at the school.

Although it is not a legal requirement to upload a CTF to the new school for children who have not reached compulsory school age (the start of the school term following their fifth birthday), it is good practice to do so.

8 (1) (o) State-funded boarding schools where fees are unpaid

If fees remain unpaid at the end of the school term for which they are due schools must check with Derbyshire's School Admissions and Transport Team to see if an application has been made for another school. If not, a CME referral should be made.

Ealing Council In-Year Admissions Guidance for Parents

If your child is in Reception to Year 11 and is out of school or you wish to apply for a transfer to a different school in Ealing you will need to complete an in-year application.

Making your application:

You can apply for up to 3 schools in the London Borough of Ealing. If your child is out of school, we strongly advise that you apply to at least one school that has vacancies at the time of your application. Vacancies are published online and are updated weekly during term time. To make your application and check the latest vacancies please go to: www.ealing.gov.uk/inyearadmissions

Once you have applied you will receive instant confirmation by email that your application has been received. If this is not received it means that your application has not been completed, you can contact the admissions team for advice if you are having difficulties completing your application online.

Deadlines:

School places are offered weekly (during term time only). All applications received before 4pm on a Friday will be included in the following week's allocations. You will be sent a letter by email within 10 school days of making an application confirming the outcome. Please be aware that updates cannot be given by the admissions team until after your application has been processed and the outcome confirmed in your letter.

School offers:

Places are offered strictly in line with the school's admissions criteria and can only be made where a school has available places. If a place can be offered at one of your preferred schools, you will receive a letter by email to confirm. You will be asked to respond within 10 days to confirm if you are accepting or declining the place. Once accepted the school will contact you to arrange a start date, which is expected to be within 2 school weeks.

No offer possible:

Where no offer is possible to any of the schools on the application you will be placed on the waiting list and advised of your right of appeal in your outcome letter.

Children that are out of school:

Where an Ealing resident child is out of school and not eligible for a place at any of the schools on the application, the child will be allocated a place at the nearest Ealing school or Academy with a vacancy within 4 school weeks where possible. You may at any time update your application to include a school that has available places.

If the place is declined and your child remains out of school for 6 school weeks you will again be allocated a place at the nearest Ealing school or Academy with a vacancy. If your child is not admitted to the allocated school and you have not made alternative arrangements for their education the LA will seek to issue a school attendance order to name the allocated school. Failure to comply with a school attendance order is a criminal offense.

Contact:

In-Year Admissions 0208 825 6339 (Mon to Fri 9am-12pm) in-yearadmissions@ealing.gov.uk