

## **Officer briefing on Removing children from school register and Eligibility criteria for free school meals**

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### **A Removing children from school register – (off rolling)**

1. Most children leave the school they are attending at standard transition points – i.e. at the end of year 6 to move from primary school to secondary school, and at the end of secondary school or sixth form education. Some children will leave a school at other times, and there are strict regulations about the process for recording this and notifying local authorities. These are set out in the Department for Education guidance on 'School Attendance' (2019) and 'Children Missing Education' (2016).
2. It is a legal requirement for all schools to maintain an admission register containing the personal details of every pupil in the school, along with the date of admission to the school, information regarding parents and carers and details of the school last attended. The admission register is often referred to as the school roll, i.e. the list of all the children in the school.
3. When a child ceases to attend a school, a pupil may be deleted from the admission register. However this is only lawful on certain grounds, which are set out in the Education (Pupil Registration) (England) Regulations 2006. These reasons include:
  - a. child has moved to another school;
  - b. child has ceased to attend and is no longer living within reasonable distance of the school (i.e. child has moved out of area);
  - c. child has ceased to attend for more than 20 days and neither school or local authority know their whereabouts;
  - d. parent has given written notice that they wish to home educate the child;
  - e. child has been permanently excluded;
  - f. child is in custody for four months or more;
  - g. child has died.
4. It is unlawful for schools to remove a child from the admission register on grounds not set out in the regulations. For instance, a child cannot be removed from school register if they are not attending due to sickness (unless there is medical evidence that they will be unable to attend before reaching school leaving age).
5. All schools must notify the local authority when a pupil's name is to be deleted from the admission register, including contact details for parents, destination school and the grounds for deleting them. In Southwark this process is overseen by the Pupil Tracking and Licensing Team in Education Access. Schools are asked to complete an online form with required details, and forms will not be accepted if lawful grounds for removing child from register have not been evidenced. Where

the school informs the Council that the child is now being home educated, the Team contact parents to confirm this. Where there is no destination school or home education, the child will be logged as a 'child missing education' and action taken to get them back into education.

6. Nationally there has been concern about 'Off-rolling'. Ofsted have defined this as the practice of removing a pupil from the school register without using a permanent exclusion when the removal is primarily in the best interests of the school, not the pupil. This would include unlawfully removing child from register without proper grounds, but could also include cases which may be technically legal but not in the child's interests – such as pressuring a parent to remove their child to home educate. DfE 'School Attendance' guidance states that: 'Schools should not seek to persuade parents to educate their children at home as a way of avoiding excluding the pupil or because the pupil has a poor attendance record'.

7. Whether an individual case amounts to inappropriate off-rolling is a matter of judgement based on the details of the case, so there is no data available on the extent of this practice. However, Ofsted are now taking this very seriously and where inspectors determine a school to be off-rolling then the leadership and management of the school are likely to be judged inadequate.

## **B Free School Meal eligibility criteria**

In April 2018, the criteria used to determine which pupils are eligible for free school meals was updated to reflect the introduction of Universal Credit and the phasing out of other income-based benefits<sup>1</sup>.

The full list of qualifying benefits for free school meals eligibility is on page 5 of the guidance

Under the updated criteria, it is estimate that by 2022 around 50,000 more pupils will benefit from a free school meal compared to the previous benefits system.

Steps were taken to protect free school meals for those families that would otherwise lose eligibility following this criteria change. These protection arrangements are described on page 10 of the guidance.

### Eligibility criteria for free school meals

Section 512 of the Education Act 1996, as amended, places a duty on maintained schools, academies and free schools to provide free school meals to pupils of all ages that meet the criteria.

Who is eligible for free school meals?

Free school meals are available to pupils in receipt of, or whose parents are in receipt of, one or more of the following benefits:

- Universal Credit (provided you have an annual net earned income of no more than £7,400, as assessed by earnings from up to three of your most recent assessment periods)
- Income Support
- Income-based Jobseeker's Allowance

- Income-related Employment and Support Allowance
- Support under Part VI of the Immigration and Asylum Act 1999
- The guarantee element of Pension Credit
- Child Tax Credit (provided you're not also entitled to Working Tax Credit and have an annual gross income of no more than £16,190)
- Working Tax Credit run-on – paid for four weeks after you stop qualifying for Working Tax Credit

In addition, the following pupils will be protected against losing their free school meals as follows (please see page 10 for further details):

- From 1 April 2018, all existing free school meals claimants will continue to receive free school meals whilst Universal Credit is rolled out. This will apply even if their earnings rise above the new threshold during that time.
- In addition, any child gaining eligibility for free school meals after 1 April 2018 will be protected against losing free school meals during the Universal Credit rollout period.
- Once Universal Credit is fully rolled out, any existing claimants that no longer meet the eligibility criteria at that point (because they are earning above the threshold or are no longer a recipient of Universal Credit) will continue to receive free school meals until the end of their current phase of education (i.e. primary or secondary).

The Universal Credit rollout is currently expected to complete in March 2022.

A pupil is only eligible to receive a free school meal when a claim for the meal has been made on their behalf, and their eligibility has been verified by the school where they are enrolled or by the local authority.

#### Free meals in Further Education

The 1996 Education Act requires further education (FE) funded institutions to provide free meals to disadvantaged students. Further guidance on eligibility criteria and funding arrangements for free meals in further education is available here.

#### Reference

*Free school meals: Guidance for local authorities, maintained schools, academies and free school.  
Updated April 2018*

*[https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment\\_data/file/700139/Free\\_school\\_meals\\_guidance\\_Apr18.pdf](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/700139/Free_school_meals_guidance_Apr18.pdf)*