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**Subject:** Message from DfE regarding notification to schools of EHE

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**From:**  
**Sent:** 10 October 2023 13:22  
**To:**  
**Cc:** Statutory Education Compliance Manager  
**Subject:** Message from DfE regarding notification to schools of EHE

Dear all

Please see below a communication from [redacted] that [redacted] has asked that we send out to our regional EHE colleagues.

The communication refers to the need for schools to de-register pupils, without delay, where a parent has communicated their decision to home educate. The communication is intended to support local authorities/schools to avoid leaving themselves vulnerable to potential legal challenge, should the Department's advice and the relevant regulations in this regard not be followed. Obviously, this does not relate to pupils being de-registered from the roll of a Special School, where the local authority's consent must be in place before the de-registration in favour of EHE may take place.

Thanks in advance for your support with sending this message out.

CAUTION: This is an external email.

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Thanks for your time and input, as ever, on Monday.

As discussed, we'd be grateful if we could get something out to EHE professionals that sets out expectations when it comes to de-registering a child to home educate. This is because, we are being made aware increasingly of schools waiting to de-register until a certain condition is met. This is not in line with the regulations.

Section 434(3) of the Education Act 1996 says that the regulations about pupil registration:

*"... shall prescribe the grounds on which names are to be deleted from a register kept under this section; and the name of a person entered in such a register as a pupil at a school—*

*(a) shall, when any of the prescribed grounds is applicable, be deleted from the register on that ground..."*

And regulation 8 of the Education (Pupil Registration) (England) Regulations 2006 says:

*"(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..."*

When the conditions set out in regulation 8(1)(d) are satisfied, the school must delete the pupil's name as soon as reasonably practicable. The Regulations do not provide for the school or the local authority to set additional conditions before deleting the name.

If a school becomes aware that a parent is *intending* to withdraw their child then the school can invite the parent to a meeting and try to persuade them not to stop sending their child to the school if they so wish.

**Team Leader, Elective Home Education and Children Not In School | Non-school education, activities, and integration unit**

Kind regards

Education Adviser