

Deregistration Process from a Special School

If a child attends a special school, by arrangement with the local authority, consent is required to remove the child from the school roll. This is not consent to home educate, but local authorities will treat it as such if you are removing the child in order to do so.

Consent may not be unreasonably withheld or delayed and parents can apply to the Secretary of State for Education if the local authority refuses consent to remove from the school roll.

No consent is required if the child is attending a special school through arrangements made by the parents. This would normally only be the case if the school is an independent school.

Deregistration Process

The process begins with a formal, written letter to the special school expressing the parent's wish to deregister the child because the parent has decided to home educate the child. The letter should be copied to the special needs section at the local authority.

This is not a 'request' but a notification of a decision.

Template Letter

Your full name(s)
Your address
Your email address
Your telephone number

Date

Name of Head Teacher

School name

School Address

Dear Mr, Mrs or Ms (head teacher surname)

Rf: (Child's full name)

(Child's name) is a pupil at (Name of Special School), a special school which (name) attends under arrangements made by the local authority.

(I or we) have decided to home educate (child's name) in accordance with the Education Act 1996 s.(7). Given the status of (name's) attendance at (name) school (I or we) have

written to the local authority to seek consent to remove (name) from the school roll, in accordance with 'The School Attendance (Pupil Registration) (England) Regulations 2024.'

(Name) will be provided with full time education suitable to (his or her) age, ability, aptitude and special needs. We have detailed how we will provide (name's) education to the local authority and expect consent to remove (name) from the roll to be given.

We will, of course, keep you informed of the progress of our application for consent.

Yours sincerely

Letter to the Local Authority

Your full name(s)
Your address
Your email address
Your telephone number

Date

Name of Local authority officer
Address

Dear Mr, Mrs or Ms (officer surname)

Rf: (Child's full name)

(Child's name) is a pupil at (Name of Special School), a special school which (name) attends under arrangements made by the local authority.

(I or we) have decided to home educate (child's name) in accordance with the Education Act 1996 s.(7). Given the status of (name's) attendance at (name) school (I or we) (am or are) writing to seek consent to remove (name) from the school roll, in accordance with S. 9 (2) of The School Attendance (Pupil Registration) (England) Regulations 2024.

(Name) will be provided with full time education suitable to (his or her) age, ability, aptitude and special needs. We have detailed how we will provide (name's) education in the attached report and look forward to receiving consent to remove (name) from the roll without undue delay.

Yours sincerely

Report Contents

A report with a request to remove the child from the roll of a special school is similar in many respects to a report provided on request to the local authority. However, it is written in future tense explaining how the parent intends to educate the child, not how the parent is educating the child. The exception to this would be if the child has not attended school for some time and home education is, in practice, already established.

In addition, the parent needs to include in the report how they are meeting the child's needs. The sections in the child's EHCP which the parent may wish to refer to are:

- Section B: This sets out what the child's special educational needs are.
- Section E: This sets out the outcomes, or goals for the child.
- Section F: This sets out the education provision required to meet the child's needs.

Although home education will, in many cases, look quite different to school education, the most important section for the parent to refer to is section 'F'. This is because section 'F' sets out the provision which the local authority itself is legally required to make for the child. Consequently, if the parent is able to clearly detail how they will meet the requirements of section 'F', the local authority cannot state that the proposed home education provision will not be suitable.

Of course, when referring to section 'F' there will be some requirements which are school specific, such as providing a child with a quiet space to go to if the classroom is noisy or allowing the child to sit at the front of a class. If the requirement is school specific, the parent should say so and explain any aspect of their proposed education provision which may touch on that requirement.

Section 'E' is relevant when detailing the parent's aims or goals for the child's home education. Reference to the goals in section 'E' can help the parent to clearly detail those goals.

Section 'B' should be referred to in the report section which describes the child. There may be some aspects of the child's needs detailed in this section which home education will meet much better than school could. The parent should highlight these and describe how that need will be better met.

Local Authority Response

The local authority may say that the EHCP has to be reviewed in order for it to decide whether or not to give the parent consent to remove the child from the school roll. It is not a legal requirement for the local authority to review the EHCP in order to decide whether or not the child can be removed from the school roll, but many will do so. The Special Educational Needs and Disability Regulations 2014 s. 28 states that:

'If, at any time, a local authority proposes to amend an EHC plan, it shall proceed as if the proposed amendment were an amendment proposed after a review.'

If the local authority states that a review must be held prior to deciding whether to consent to the parent removing the child from the school roll, this must be held without delay. The parent must be invited to any review meeting and can also provide information in writing should they wish to do so.

The local authority must confirm whether or not it intends to amend the EHCP within four weeks of the meeting. If the local authority does intend to amend the plan, it must do so within eight weeks¹.

If the local authority decides to amend the child's EHCP, section 'I' will not name a specific school but will instead state 'special school'. The local authority should also refer to the child being home educated in the EHCP and this will usually be by referring to the parent's choice to home educate in section 'F'.

Local Authority Refuses Consent

If the local authority refuses to give the parent consent to remove the child from the school roll, the parent can apply to the Secretary of State for Education for a finding.

Letter to the Secretary of State for Education

Your full name(s)
Your address
Your email address
Your telephone number

Date

Name

Address

Dear Mr, Mrs or Ms (surname)

¹ L., M. and P. V Devon County Council. QBD [2022] EWHC 493 (Admin) Case No: CO13072020

Rf: (Child's full name)

(Child's name) is a pupil at (Name of Special School), a special school which (name) attends under arrangements made by the local authority.

(I or we) decided to home educate (child's name) in accordance with the Education Act 1996 s.(7). Given the status of (name's) attendance at (name) school (I or we) wrote to (name) local authority on (date) in order to seek consent to remove (name) from the school roll, in accordance with S. 9 (2) of The School Attendance (Pupil Registration) (England) Regulations 2024.

In (my or our) letter (I or we) explained that (Name) will be provided with full time education suitable to (his or her) age, ability, aptitude and special needs. We detailed how (name's) education will be in an attached report.

On (date) (Name) local authority wrote to (me or us) to state that it would not give consent for (name) to be removed from the school roll. It gave is reasons as:

Quote the reasons given here.

(I or we) do not agree with the local authority decision and wish to appeal against it.

Yours sincerely

The '*Special educational needs and disability code of practice: 0 to 25 years Statutory guidance for organisations which work with and support children and young people who have special educational needs or disabilities*' can be found here:

<https://www.gov.uk/government/publications/send-code-of-practice-0-to-25>