

EXPLANATORY MEMORANDUM TO
THE EDUCATION (PUPIL REGISTRATION) (ENGLAND) REGULATIONS
2006

2006 No.1751

1. This explanatory memorandum has been prepared by the Department for Education and Skills and is laid before the House of Commons by Command of Her Majesty.
2. **Description**

These regulations require all schools to keep admission and attendance registers, and prescribe the particulars that must be contained in these registers. They also specify the grounds upon which a pupil's name must be deleted from the admission register. In relation to maintained and special schools they prescribe when leave of absence from the school may be granted.. They also make provision for the inspection of the registers and set out the circumstances in which returns as to the contents of the register must be made to the local education authority.
3. **Matters of special interest to the Select Committee on Statutory Instruments**

None.
4. **Legislative Background**
 - 4.1 Section 434 of the Education Act 1996 provides that regulations must prescribe the particulars to be contained in the registers required to be kept by every school. Those particulars must include particulars of the name and address of every person known to the proprietor to be a parent of a pupil at the school, and the regulations must also prescribe the grounds upon which a pupil's name must be deleted from the register. The regulations may also provide for the inspection of the registers, the taking of extracts and the making of returns as to the contents of the register..
 - 4.2 Section 551 of the Education Act 1996 provides that regulations may make provision with respect to the granting of leave of absence from any school maintained by a local education authority and any special school not maintained by a local education authority.
 - 4.3 These regulations revoke the Education (Pupil Registration) Regulations 1995 and the Education (Pupil Registration) (Amendment) Regulations in relation to schools in England only. Those regulations will therefore continue to apply in relation to schools in Wales. The

Education (Pupil Registration) (Amendment) (England) Regulations 2001 are revoked.

- 4.4 These Regulations widen the scope for pupils to register at more than one school and bring the storage of registers in line with developments in information technology. They also make changes to the grounds upon which a pupil's name may be deleted from the admissions register. They extend the circumstances in which a return must be made to the local education authority and require that the return is made prior to the deletion of the pupil's name.

5. Extent

This instrument applies to England.

6. European Convention on Human Rights

- 6.1 As the instrument is subject to negative resolution procedure and does not amend primary legislation, no statement is required.

7. Policy background

- 7.1 Representations to the Department suggested that practitioners find the current regulations, with 2 sets of amendments, difficult to interpret and apply. It was suggested that they should be consolidated and updated. The Government also held a public consultation on the regulations from 1 September to 14 December 2005. These regulations reflect the results of the consultation.
- 7.2 The 1995 regulations only require schools to share information with their local authority if they have concerns about the pupils' attendance levels or the pupil has left to be educated outside the school system. The Government believes that it is important that local systems to prevent children going missing from education and to ensure their well-being are implemented as early as possible where there are grounds for concern. The new regulations will extend the number of circumstances when schools are required to inform their local authority that a pupil's name is to be deleted from the admission register. This was supported by 74% of respondents to the consultation.
- 7.3 When the last regulations were made, it was rare for pupils to attend more than one school but it is now more common in order to allow pupils to access subjects and services not available at their main school. On the advice of schools, local authorities and other groups, the Government is bringing the regulations into line with that practice.
- 7.4 At the time that the original regulations were made the use of computerised registers was in its infancy. The opportunity has therefore been taken to ensure that the regulations on storing registers reflect advances in modern technology and remove anomalies that have become apparent during the review.

8. Impact

- 8.1 A Regulatory Impact Assessment has not been prepared for this instrument as it has no impact on business, charities or voluntary bodies.
- 8.2 The impact on the public sector is minimal. The changes to dual registration of pupils and deleting pupils from the registers allow schools and local authorities to tailor their services to pupils' needs.

9. Contact

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