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STATUTORY INSTRUMENTS

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**2024 No. 208**

**The School Attendance (Pupil  
Registration) (England) Regulations 2024**

**Citation and commencement**

1. These Regulations may be cited as the School Attendance (Pupil Registration) (England) Regulations 2024 and come into force on 19th August 2024.

**Extent and application**

- 2.—(1) These Regulations extend to England and Wales.  
(2) These Regulations apply only in relation to schools in England.

**Interpretation**

- 3.—(1) In these Regulations—  
“the 1996 Act” means the Education Act 1996;  
“the 2014 Act” means the Children and Families Act 2014(1);  
“the local authority” means—  
(a) in relation to a school maintained by a local authority, that local authority;  
(b) in relation to any other school, the local authority for the area that the school is located in;  
“mobile child” means a child of compulsory school age(2) who has no fixed abode and whose parent is engaged in a trade or business of such a nature as to require them to travel from place to place;  
“registered pupil”, in relation to a school, means a person registered as a pupil at the school in the school’s admission register (within the meaning of these Regulations);  
“regulated employment abroad”, in relation to a registered pupil, means employment abroad for a purpose mentioned in section 25(1) of the Children and Young Persons Act 1933(3) for which the pupil has been granted a licence by a justice of the peace under section 25(2) of that Act;  
“regulated performance”, in relation to a registered pupil, means a performance that section 37(2) of the Children and Young Persons Act 1963(4) applies to and which—

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(1) 2014 c. 6.  
(2) See provision as to whether a person is of compulsory school age in the Education Act 1996, section 8, which was amended by the Education Act 1997 (c. 44), section 52.  
(3) 1933 c. 12. Section 25 has been amended by the Children and Young Persons Act 1963 (c. 37), section 64(1) and (3), Schedule 3, paragraph 7 and Schedule 5, the Employment Act 1989 (c. 38), section 10 and Schedule 3, Part 3, paragraph 10 and the Children Act 1989 (c. 41), section 108(5) and Schedule 13, paragraphs 3 and 6 and S.I. 1998/276. There are other amendments that are not relevant to these Regulations.  
(4) 1963 c. 37. Section 37 has been amended by the Cable and Broadcasting Act 1984 (c. 46), section 57(1) and Schedule 5, paragraph 12, the Broadcasting Act 1990 (c. 42), section 203(1) and Schedule 20, paragraph 6, the Education Act 1996 (c. 56), section 582(1) and Schedule 37, paragraph 10, S.I. 1998/276, the Licensing Act 2003 (c. 17), section 198(1) and Schedule 6, paragraph 32 and the Licensing (Scotland) Act 2005 (asp. 16), section 144 and Schedule 6, paragraph 1.

- (a) the pupil is authorised to take part in by a licence granted by a local authority under section 37(1) of that Act; or
  - (b) the pupil does not need a licence for because of section 37(3) of that Act;
- “sentence of detention” means—
- (a) a detention and training order under section 233 of the Sentencing Act 2020(5);
  - (b) a sentence of detention under section 250 of that Act;
  - (c) a special sentence of detention under section 252A of that Act(6);
  - (d) an extended sentence of detention under section 254 of that Act; or
  - (e) a sentence of detention at His Majesty’s pleasure under section 259 of that Act.
- (2) A reference in these Regulations to a person with control of a pupil’s attendance at a school is a reference to—
- (a) a parent of the pupil;
  - (b) the pupil, if they—
    - (i) will be over compulsory school age by the time they start attending the school; or
    - (ii) do not fall within [paragraph \(i\)](#) but are to be admitted to the school for the purpose of receiving secondary education suitable to the requirements of pupils who are over compulsory school age; or
  - (c) any other person with authority to require the pupil to attend the school.
- (3) A reference in these Regulations to a pupil’s starting day at a school is to be interpreted in accordance with paragraphs [\(4\)](#) and [\(5\)](#).
- (4) If a pupil is to be admitted to a school by agreement between the proprietor of the school and a person with control of the pupil’s attendance, the pupil’s starting day is—
- (a) the day that the proprietor and that person have agreed will be the first day when the pupil will attend the school; or
  - (b) if they have not agreed such a day, the first day when the pupil attends the school.
- (5) If a school’s proprietor has a duty to admit a pupil to the school, the pupil’s starting day is—
- (a) the day that a person with control of the pupil’s attendance has told the proprietor is the first day when the pupil will attend the school; or
  - (b) if they have not told the proprietor such a day, the first day when the pupil attends the school.
- (6) A reference in these Regulations to telling something to the proprietor of a school includes telling any person authorised by the proprietor for that purpose.
- (7) Except in [regulation 11](#), a reference in these Regulations to a pupil being given leave of absence from a school is a reference to their being given leave of absence from that school by a person who the proprietor of the school has authorised to do so, and a reference to a pupil being absent with leave is a reference to their being absent with leave given by such a person.

### **Amendments and revocations**

- 4.—(1) [Schedule 1](#) makes incidental and supplemental amendments.
- (2) The Regulations listed in the first column of the table in [Schedule 2](#) are revoked to the extent specified in the third column of the table.

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(5) 2020 c. 17.

(6) Section 252A was inserted by the Counter-Terrorism and Sentencing Act 2021 (c. 11), section 22.

### **Registers to be kept**

5.—(1) The proprietor of a school must ensure that an admission register is kept.

(2) The proprietor of a school must ensure that an attendance register is kept unless all the pupils at the school are boarders.

(3) The proprietor of a school must ensure that a register kept under paragraph (1) or (2) is kept electronically and that a back-up copy of that register is made at least once a month in the form of an electronic or printed copy.

### **Method of making and amending entries**

6.—(1) The proprietor of a school must ensure that whenever an entry in the school's admission register or attendance register is amended, the register contains—

- (a) the original entry;
- (b) the amended entry;
- (c) the reason for the amendment;
- (d) the date on which the amendment was made; and
- (e) the name of the person who made the amendment.

(2) The proprietor must ensure that any printed copy of the register also contains the information listed in [paragraph \(1\)](#).

### **Preservation of entries**

7. The proprietor of a school must ensure that—

- (a) every entry in the school's admission and attendance register is preserved for six years beginning with the day on which the entry was made; and
- (b) every back-up copy of the register made in accordance with [regulation 5\(3\)](#) is preserved for six years after the end of the school year that it relates to.

### **Contents of admission register**

8.—(1) The proprietor of a school must ensure that the name of each pupil at the school is entered in the school's admission register on the pupil's starting day, before or at the beginning of the first school session on that day.

(2) The proprietor must ensure that the admission register contains the following information about each registered pupil—

- (a) full name;
- (b) name that the pupil uses at school;
- (c) sex;
- (d) address;
- (e) the full name and address of each of the pupil's parents;
- (f) which of the pupil's parents, if any, the pupil normally lives with and at least one telephone number that each such parent can be contacted with in an emergency;
- (g) day, month and year of the pupil's birth;
- (h) day, month and year of the pupil's starting day at the school;
- (i) name and address of the last school the pupil attended, if any.

(3) If a parent of a registered pupil has told the proprietor that the pupil will in the future normally live with a parent at a specified address (in addition to or instead of any address where the pupil currently normally lives) the proprietor must ensure that the admission register contains—

- (a) the address;
- (b) the full name of each parent the pupil will normally live with;
- (c) the date when the pupil will start normally living there.

(4) If the proprietor is aware that a registered pupil is or will be attending another school (in addition to or instead of the school) in one of the circumstances in [paragraph \(5\)](#) the proprietor must ensure that the admission register contains—

- (a) the name of the other school;
- (b) the date when the pupil started or will start attending that school.

(5) The circumstances are that—

- (a) a person with control of the pupil's attendance at the other school has told the proprietor that the pupil is or will be attending that school; or
- (b) the proprietor is a person with control of the pupil's attendance at the other school and is requiring or will require the pupil to attend that school.

(6) If the school has boarding pupils the proprietor must ensure that the admission register states whether each registered pupil of compulsory school age is a boarder or a day pupil.

(7) If any of the details of a registered pupil mentioned in paragraphs (2) to (6) changes the proprietor must ensure that the admission register is amended accordingly as soon as reasonably possible.

### **Deletion of names from admission register**

**9.—(1)** The proprietor of a school must ensure that the name of a pupil of compulsory school age is deleted from the school's admission register when—

- (a) the pupil has been registered at another school, unless—
  - (i) a school attendance order naming the school is in force in relation to the pupil;
  - (ii) the pupil is a mobile child and the school is their main school; or
  - (iii) the proprietor has agreed with a person with control of the pupil's attendance at the other school, or is such a person and has decided, that the pupil should be registered at more than one school;
- (b) the pupil was admitted to the school for nursery education and—
  - (i) they have completed such education and would, if they continued attending the school, be transferred to a reception, or more senior, class at the school; but
  - (ii) the proprietor does not have reasonable grounds to believe that the pupil will attend the school again;
- (c) the pupil is also registered as a pupil at one or more other schools and—
  - (i) the proprietor does not have reasonable grounds to believe that the pupil will attend the school again;
  - (ii) the proprietor of each other school where the pupil is registered has consented to the deletion;
  - (iii) there is no school attendance order naming the school in force in relation to the pupil; and
  - (iv) the pupil is not a mobile child or, if they are, the school is not their main school;

- (d) a school attendance order relating to the pupil and formerly naming the school has been amended by the relevant local authority to substitute the name of the school with that of another school;
- (e) a school attendance order relating to the pupil and naming the school has been revoked by the relevant local authority on the ground that arrangements have been made for the pupil to receive suitable education otherwise than at school;
- (f) a parent of the pupil has told the proprietor in writing that the pupil will no longer attend the school after a certain day and will receive education otherwise than at school and—
  - (i) that day has passed; and
  - (ii) there is no school attendance order naming the school in force in relation to the pupil;
- (g) the pupil no longer normally lives a reasonable distance from the school and—
  - (i) the proprietor does not have reasonable grounds to believe that the pupil will attend the school again; and
  - (ii) the pupil is not a boarder;
- (h) the pupil has been given leave of absence and—
  - (i) the pupil has not attended the school within the ten school days immediately after the end of the period of leave;
  - (ii) the proprietor does not have reasonable grounds to believe that the pupil is unable to attend because of sickness or an unavoidable cause; and
  - (iii) the proprietor and the local authority have jointly made reasonable efforts to find out the pupil's location and circumstances but—
    - (aa) they have not succeeded; or
    - (bb) they have succeeded and they agree that there are no reasonable grounds to believe that the pupil will attend the school again, taking into account any reasonable steps they could take (either jointly or separately) to secure the pupil's attendance;
- (i) the pupil has been continuously absent from the school for at least twenty school days and—
  - (i) none of the circumstances mentioned in Table 2 in [regulation 10\(3\)](#) or in any row of Table 3 in [regulation 10\(4\)](#) other than the final three rows applied to the pupil at any point during that period;
  - (ii) the proprietor does not have reasonable grounds to believe that the pupil is unable to attend because of sickness or an unavoidable cause; and
  - (iii) the proprietor and the local authority have jointly made reasonable efforts to find out the pupil's location and circumstances but—
    - (aa) they have not succeeded; or
    - (bb) they have succeeded and they agree that there are no reasonable grounds to believe that the pupil will attend the school again, taking into account any reasonable steps they could take (either jointly or separately) to secure the pupil's attendance;
- (j) the pupil is detained under a sentence of detention and the proprietor does not have reasonable grounds to believe that the pupil will attend the school after they cease to be detained under that sentence;
- (k) the pupil has died;
- (l) the pupil will be over compulsory school age by the next time the school meets and—

- (i) the proprietor does not have reasonable grounds to believe that the pupil will attend the school again; or
  - (ii) the pupil does not meet the academic entry requirements to be transferred to the school's sixth form;
  - (m) the pupil is a boarder at the school and—
    - (i) the school is a school maintained by a local authority or is an Academy;
    - (ii) charges for the pupil's board and lodging are payable by a parent of the pupil; and
    - (iii) those charges remain unpaid by the parent at the end of the school term to which they relate;
  - (n) the pupil has ceased to be a pupil at the school and the school is not—
    - (i) a school maintained by a local authority; or
    - (ii) an Academy; or
  - (o) the pupil has been permanently excluded from the school.
- (2) If a registered pupil at a special school is of compulsory school age and became a registered pupil at that school under arrangements made by a local authority, the proprietor of that school must ensure that the pupil's name is not deleted from the school's admission register unless—
- (a) paragraph (1)(d), (e), (k) or (o) applies;
  - (b) the local authority who made those arrangements have given their consent to the deletion; or
  - (c) the local authority who made those arrangements have refused their consent but the Secretary of State has directed that the pupil's name be deleted.
- (3) The proprietor of a school must ensure that the name of a pupil who is not of compulsory school age is deleted from the admission register when—
- (a) the pupil is not a boarder and the proprietor does not have reasonable grounds to believe that they will attend the school again;
  - (b) the pupil is a boarder and has ceased to be a pupil at the school;
  - (c) the pupil has been continuously absent from the school for at least twenty school days and—
    - (i) the pupil was not absent with leave at any point during that period;
    - (ii) the proprietor does not have reasonable grounds to believe that the pupil is unable to attend because of sickness or an unavoidable cause; and
    - (iii) the proprietor has made reasonable efforts to find out the pupil's location and circumstances but—
      - (aa) has not succeeded; or
      - (bb) has succeeded and has no reasonable grounds to believe that the pupil will attend the school again;
  - (d) the pupil has died; or
  - (e) the pupil has been permanently excluded from the school.
- (4) In this regulation—
- “main school”, in relation to a mobile child, means the school that, during the last 18 months, the child has attended during periods when their parent was not travelling in the course of trade or business or, if there is more than one such school, the school that most recently fulfils those criteria;

“pupil” means a registered pupil, except in the second place where it occurs in each of paragraphs (1)(n) and (3)(b);

“reception class” means a class in which education is provided which is suitable to the requirements of pupils aged five and any pupils under or over that age who it is expedient to educate together with pupils of that age;

“the relevant local authority”, in relation to a school attendance order, means the local authority who served the school attendance order;

“suitable education”, in relation to a child, means efficient full-time education suitable to the child’s age, ability and aptitude and any special educational needs they may have.

(5) For the purposes of this regulation—

- (a) whether a pupil normally lives at a place is not affected by temporary or occasional absences;
- (b) a child is admitted to a school for nursery education if they are admitted for early years provision as defined by section 20 of the Childcare Act 2006(7) and, on admission, are not placed in a reception class or any more senior class;
- (c) the permanent exclusion of a pupil from a maintained school, pupil referral unit, Academy school or alternative provision Academy on disciplinary grounds does not take effect until the responsible body (as defined in section 51A of the Education Act 2002(8)) has discharged its duties under the School Discipline (Pupil Exclusions and Reviews) (England) Regulations 2012(9) and—
  - (i) the relevant person, within the meaning of those Regulations, has stated in writing that they do not intend to apply for a review under those Regulations;
  - (ii) the time for applying for a review has expired and no review has been applied for in that time; or
  - (iii) the relevant person has applied for a review within that time and—
    - (aa) they have abandoned the review;
    - (bb) the review panel has upheld the responsible body’s decision that the pupil should not be reinstated; or
    - (cc) the review panel has recommended or directed that the responsible body reconsider its decision and the responsible body has decided that the pupil should not be reinstated;
- (d) the permanent exclusion of a pupil from a city technology college or a city college for the technology of the arts does not take effect until the proprietor has discharged its duties in relation to a permanent exclusion under the agreement entered into pursuant to section 482 of the 1996 Act(10) and—
  - (i) the relevant person (within the meaning of that agreement) has stated in writing that they do not intend to bring an appeal;
  - (ii) the time for bringing an appeal has expired and no appeal has been brought within that time; or
  - (iii) an appeal brought within that time has been determined or abandoned.

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(7) 2006 c. 21.

(8) 2002 c. 32. Section 51A was inserted by the Education Act 2011 (c. 21), section 4.

(9) S.I. 2012/1033, amended by S.I. 2020/543, S.I. 2020/908, S.I. 2021/204, S.I. 2021/953, S.I. 2022/788, S.I. 2023/571 and S.I. 2023/882.

(10) Section 482 was repealed by the Education Act 2011 (c. 21), section 63 and Schedule 14, paragraph 16.

## Contents of attendance register

10.—(1) The proprietor of a school must ensure that, at the beginning of each morning session and once during each afternoon session, the attendance of each registered pupil who is not a boarder is recorded in the school’s attendance register in accordance with [this regulation](#).

(2) If the pupil is present at the school their attendance is to be recorded by entering in the attendance register the code listed in the second column of Table 1 that corresponds to the circumstances as listed in the first column.

**Table 1**

<i>Attendance</i>	<i>Code</i>
The session is a morning session and the pupil is present at the school when the attendance register begins to be taken.	/
The session is an afternoon session and the pupil is present at the school when the attendance register begins to be taken.	\
The pupil is absent from the school when the attendance register begins to be taken but attends before the taking of the register has ended.	L

(3) If the pupil is absent from the school so that they can attend a place other than the school in any of the circumstances listed in the first column of Table 2 their attendance is to be recorded by entering in the attendance register the code listed in the corresponding entry in the second column.

**Table 2**

<i>Attendance</i>	<i>Code</i>
The pupil is attending a place, other than the school or another school at which they are a registered pupil, for educational provision arranged by a local authority under section 19(1) of the 1996 Act <sup>(11)</sup> or section 42(2) or 61(1) of the 2014 Act.	K
The pupil is attending a place, other than the school or another school at which they are a registered pupil, for an educational visit or trip arranged by or on behalf of the proprietor and supervised by a member of school staff.	V
The pupil is attending a place for an approved educational activity within <a href="#">paragraph (11)</a> that is a sporting activity.	P
The pupil is attending a place for an approved educational activity within <a href="#">paragraph (11)</a> that is work experience provided under arrangements made by a local authority or the proprietor as part of the pupil’s education.	W
The pupil is attending a place for any other approved educational activity within <a href="#">paragraph (11)</a> .	B

(4) If the pupil is absent and none of the circumstances listed in the first column of Table 2 applies their absence is to be recorded by entering in the attendance register the code listed in the second column of Table 3 that corresponds to the circumstances as listed in the first column.

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<sup>(11)</sup> Section 19 has been amended by the Education Act 1997 (c. 44), Schedule 8 paragraph 1, S.I. 2007/1507, the Children, Schools and Families Act 2010 (c. 26), section 3, S.I. 2010/1158 and the Curriculum and Assessment (Wales) Act 2021 (asc. 4), Schedule 2, paragraph 3. There are other amendments that are not relevant to these Regulations.



**Table 3**

<i>Absence</i>	<i>Code</i>
The pupil is absent with leave for the purpose of participating in a regulated performance or undertaking regulated employment abroad.	C1
The pupil is absent with leave for the purpose of attending a medical or dental appointment.	M
The pupil is absent with leave for the purpose of attending an interview for employment or for admission to another educational institution.	J1
The pupil is absent with leave for the purpose of studying for a public examination.	S
The pupil is not of compulsory school age and is absent with leave because their timetable does not require them to attend.	X
The pupil is of compulsory school age and is absent with leave because, in accordance with an agreement between a parent who they normally live with and the proprietor that the pupil should temporarily be educated on a part-time basis, their timetable does not require them to attend.	C2
The pupil is absent with leave for the purpose of attending another school at which they are a registered pupil.	D
The pupil is absent with leave for any other purpose.	C
The pupil is a mobile child, their parent is travelling in the course of their trade or business and the pupil is travelling with that parent.	T
The day is exclusively set apart for religious observance by the religious body to which a parent of the pupil belongs.	R
The pupil is unable to attend because of sickness.	I
The pupil is unable to attend because of a lack of access arrangements for them within paragraph (12) or (13).	Q
The pupil is unable to attend because the school is not within walking distance of the pupil's home and the transport to and from school that is normally provided for the pupil by the proprietor or a local authority is not available.	Y1
The pupil is unable to attend because of widespread disruption to travel caused by a local, national or international emergency.	Y2
Part of the school premises is unavoidably out of use and the pupil is one of those who the proprietor thinks cannot practicably be accommodated in those parts of the premises that remain in use.	Y3
The pupil is unable to attend because they are in criminal justice detention within paragraph (14).	Y5
The pupil's travel to or attendance at the school would be—	Y6
(a) contrary to any guidance relating to the incidence or transmission of infection or disease published by the Secretary of State for Health and Social Care or any body or authority exercising equivalent functions in relation to Scotland, Wales or Northern Ireland; or	
(b) prohibited by any enactment relating to the incidence or transmission of infection or disease or any instrument made under such an enactment.	

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*Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.*

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<i>Absence</i>	<i>Code</i>
The pupil is excluded from the school for any other reason.	E
The pupil is unable to attend because of any other unavoidable cause	Y7
The pupil is absent without leave for the purpose of a holiday.	G
The circumstances of the pupil's absence have not yet been established.	N
None of the other rows of this table applies, or this code is required to be used by paragraphs (7) and (9)(b).	O

(5) If a registered pupil's absence is recorded in the attendance register using the code B or K the nature of the approved educational activity (in the case of code B) or educational provision (in the case of code K) is also to be recorded in the attendance register.

(6) If a registered pupil's absence is recorded in the attendance register using the code Y7 the nature of the unavoidable cause is also to be recorded in the attendance register.

(7) If, at the time the attendance register is taken, a registered pupil's absence is recorded in that register using the code N the proprietor must ensure that reasonable steps are taken to establish the circumstances of the pupil's absence and that the register is amended within five school days in accordance with paragraphs (8) and (9).

(8) If it is established under paragraph (7) that the pupil attended the school after the taking of the register ended but before the end of the session—

- (a) if the circumstances of their absence during the taking of the register are established as any of those listed in Table 2 or any row of Table 3 other than the final two rows, the code N is to be replaced with the appropriate code;
- (b) otherwise, the code N is to be replaced with the code U.

(9) In any other case—

- (a) if the circumstances of the pupil's absence have been established, the code N is to be replaced with the appropriate code as specified in paragraph (3) or (4);
- (b) if the circumstances have not been established, the code N is to be replaced with the code O.

(10) If a school session is cancelled, the proprietor must ensure that that fact is recorded in the attendance register by entering the code Y4 as if it were a record of each pupil's attendance at the time when the session was due to take place.

(11) A pupil is attending a place for an approved educational activity if—

- (a) the place where the pupil is attending is not the school or any other school at which the pupil is a registered pupil;
- (b) the activity is educational in nature but not—
  - (i) educational provision arranged by a local authority under section 19(1) of the 1996 Act or section 42(2) or 61(1) of the 2014 Act; or
  - (ii) an educational visit or trip arranged by or on behalf of the proprietor and supervised by a member of school staff;
- (c) the pupil's attendance at that place for that activity has been approved by a person authorised to do so by the proprietor; and
- (d) the activity is to be supervised by a person thought by the proprietor or head teacher to have appropriate skills, training, experience and knowledge to ensure that the activity takes place safely and fulfils the educational purpose for which the pupil's attendance has been approved under sub-paragraph (c).

(12) There is a lack of access arrangements for a pupil whose home is in England if—

- (a) a local authority have a duty to make travel arrangements in relation to the pupil under section 508B(1) of the 1996 Act(12) for the purpose of facilitating the pupil’s attendance at the school and have failed to discharge that duty;
  - (b) a local authority have a duty to make travel arrangements in relation to the pupil because of section 508E(2)(c) of the 1996 Act(13) for the purpose of facilitating the pupil’s attendance at the school and have failed to discharge that duty; or
  - (c) the school is an independent school that is not a qualifying school and—
    - (i) the school is not within walking distance of the pupil’s home;
    - (ii) no suitable arrangements have been made by a local authority for boarding accommodation for the pupil at or near the school; and
    - (iii) no suitable arrangements have been made by a local authority for enabling the pupil to become a registered pupil at a qualifying school nearer to their home.
- (13) There is a lack of access arrangements for a pupil whose home is in Wales if a local authority have failed to discharge—
- (a) a duty to make transport arrangements in relation to the pupil under section 3 of the Learner Travel (Wales) Measure 2008(14); or
  - (b) a duty to make travel arrangements in relation to the pupil under section 4 of that Measure.
- (14) A pupil is in criminal justice detention if they are—
- (a) in police detention within the meaning given in section 118(2) and (2A) of the Police and Criminal Evidence Act 1984(15);
  - (b) remanded to youth detention accommodation under section 102 of the Legal Aid, Sentencing and Punishment of Offenders Act 2012(16); or
  - (c) detained under a sentence of detention.
- (15) In [this regulation](#)—
- “enactment” includes—
- (a) an enactment passed or made after these Regulations;
  - (b) an enactment contained in subordinate legislation within the meaning of the Interpretation Act 1978(17);
  - (c) an enactment contained in, or in an instrument made under, an Act of the Scottish Parliament;
  - (d) an enactment contained in, or in an instrument made under, an Act or Measure of Senedd Cymru;
  - (e) an enactment contained in, or in an instrument made under, Northern Ireland legislation;

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(12) Section 508B was inserted by the Education and Inspections Act 2006 (c. 40), section 77 and has been amended by S.I. 2010/1158.

(13) Section 508E was inserted by the Education and Inspections Act 2006 (c. 40), section 78 and has been amended by S.I. 2010/1158.

(14) 2008 [nawm 2](#). Section 3 has been amended by the Additional Learning Needs and Education Tribunal (Wales) Act 2018 ([anaw 2](#)), Schedule 1 paragraph 14.

(15) 1984 c. 60. Section 118 has been amended by the Terrorism Act 2000 (c. 11), Schedule 15, paragraph 5, the Police Reform Act 2002 (c. 30), Schedule 7, paragraph 9, the Police, Crime, Sentencing and Courts Act 2022 (c. 32), Schedule 19, paragraph 1, S.I. 2018/226 and S.I. 2023/1386. There are other amendments that are not relevant to these Regulations.

(16) 2012 c. 10. Section 102 has been amended by the Crime and Courts Act 2013 (c. 22), section 19, the Criminal Justice and Courts Act 2015 (c. 2), Schedule 9, paragraphs 28 and 29, the Sentencing Act 2020 (c. 17), Schedule 24, paragraphs 285 and 287, the Police, Crime, Sentencing and Courts Act 2022 (c. 32), section 157 and S.I. 2018/195.

(17) 1978 c. 30. “Subordinate legislation” is defined in section 21(1), which has been amended by the European Union (Withdrawal) Act 2018 (c. 16), Schedule 8, paragraph 19, the European Union (Withdrawal Agreement) Act 2020 (c. 1), Schedule 5, paragraph 10, the Retained EU Law (Revocation and Reform) Act 2023 (c. 28), Schedule 2, paragraph 21 and S.I. 2020/463.

“qualifying school” has the meaning given in paragraph 15 of Schedule 35B to the 1996 Act<sup>(18)</sup>;

“walking distance” has the meaning given in section 444(5) of the 1996 Act.

### Leave of absence

**11.**—(1) Leave of absence from a school maintained by a local authority or a special school not maintained by a local authority may only be given by a person who the school’s proprietor has authorised to do so (an “authorised person”).

(2) An authorised person may not give a pupil leave of absence to undertake employment (whether paid or unpaid) during school hours except—

- (a) employment to take part in a regulated performance; or
- (b) regulated employment abroad.

(3) An authorised person may not give a pupil leave of absence for any other purpose unless any of paragraphs (4) to (11) applies.

(4) [This paragraph](#) applies if—

- (a) the leave is to enable the pupil to attend an interview for employment or for admission to another educational institution; and
- (b) an appropriate person has asked for the leave in advance.

(5) [This paragraph](#) applies if—

- (a) the leave is to enable the pupil to study for a public examination; and
- (b) the leave has been agreed in advance between the authorised person and an appropriate person.

(6) [This paragraph](#) applies if—

- (a) the pupil will be of compulsory school age at all times that the leave relates to;
- (b) the authorised person and a parent who the pupil normally lives with have agreed that, because of exceptional circumstances, the pupil should temporarily be educated on a part-time basis;
- (c) the authorised person and a parent who the pupil normally lives with have agreed the times and dates when the pupil will, during the period of temporary part-time education, be expected to attend the school; and
- (d) the leave is to enable the pupil to be absent in accordance with that agreement.

(7) [This paragraph](#) applies if—

- (a) the pupil will be under compulsory school age at all times that the leave relates to;
- (b) a parent who the pupil normally lives with has told the proprietor that they wish the pupil to attend the school on a part-time basis;
- (c) the authorised person and a parent who the pupil normally lives with have agreed the times and dates when the pupil will be expected to attend the school; and
- (d) the leave is to enable the pupil to be absent in accordance with that agreement.

(8) [This paragraph](#) applies if—

- (a) the pupil will be over compulsory school age at all times that the leave relates to;
- (b) the authorised person thinks that the pupil need only attend the school on a part-time basis;

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<sup>(18)</sup> Schedule 35B was inserted by the Education and Inspections Act 2006 (c. 40), Schedule 8. Paragraph 15 has been amended by the Equality Act 2010 (c. 15), Schedule 26, paragraph 40, the Education Act 2011 (c. 21), Schedule 13, paragraph 9 and the Children and Families Act 2014 (c. 6), Schedule 3, paragraph 61.

- (c) the authorised person and the pupil or a parent who the pupil normally lives with have agreed the times and dates when the pupil will be expected to attend the school; and
  - (d) the leave is to enable the pupil to be absent in accordance with that agreement.
- (9) [This paragraph](#) applies if the leave is to enable the pupil to attend—
- (a) another school at which they are a registered pupil;
  - (b) any other place for educational provision arranged by a local authority under section 19(1) of the 1996 Act or section 42(2) or 61(1) of the 2014 Act; or
  - (c) any other place for an educational visit or trip arranged by or on behalf of the proprietor and supervised by a member of school staff.
- (10) [This paragraph](#) applies if the leave is to enable the pupil to attend a place for an approved educational activity within [regulation 10\(11\)](#).
- (11) [This paragraph](#) applies if—
- (a) an appropriate person has asked for the leave in advance; and
  - (b) the authorised person thinks that leave should be given because of the exceptional circumstances of the request.
- (12) In this regulation, in relation to leave of absence for a pupil, “appropriate person” means—
- (a) a parent who the pupil normally lives with; and
  - (b) if the pupil will be over compulsory school age when the absence begins, the pupil.

### **Examination of and extracts from registers**

**12.**—(1) A relevant office-holder may examine and take extracts from the admission register and the attendance register of a school for the purposes of their functions under the Education Acts.

(2) The proprietor of a school must ensure that the admission register and the attendance register are available for examination during school hours by any relevant office-holder.

(3) The proprietor of a school must ensure that a relevant office-holder is permitted to take extracts from the admission register and attendance register.

(4) In [this regulation](#)—

- (a) any reference to an admission register or attendance register includes any back-up copy made in accordance with [regulation 5\(3\)](#);
- (b) “relevant office-holder” means—
  - (i) the Secretary of State;
  - (ii) His Majesty’s Chief Inspector of Education, Children’s Services and Skills;
  - (iii) an officer of the local authority who is authorised for the purpose.

### **Returns**

**13.**—(1) By the end of the fifth day after the day when the name of a registered pupil, other than one within [paragraph \(2\)](#), is entered in the admission register of a school the proprietor must make a return to the local authority (a “new pupil return”) giving all the information about the pupil that is entered in the admission register.

(2) A registered pupil is within this paragraph if—

- (a) they are placed, on admission, in the school’s most junior class; and
- (b) their starting day is the first day of the school year.

(3) If the local authority ask the proprietor of a school to make new pupil returns in relation to registered pupils within [paragraph \(2\)](#), the proprietor must also make such a return in relation to any such registered pupil whose name is entered in the admission register of the school after the day of local authority’s request, by the end of the fifth day after the day when the registered pupil’s name is entered in the admission register.

(4) When the name of a registered pupil, other than one within [paragraph \(5\)](#), is deleted from the admission register of a school the proprietor of the school must make a return to the local authority (a “deletion return”) giving the following information about the registered pupil from the admission register—

- (a) full name;
- (b) address;
- (c) the full name and address of any parent the pupil normally lives with;
- (d) at least one telephone number that each such parent can be contacted with in an emergency;
- (e) the information entered in the admission register in accordance with [regulation 8\(3\)](#), if any;
- (f) the information entered in the admission register in accordance with [regulation 8\(4\)](#), if any;
- (g) which of the circumstances listed in [regulation 9\(1\)](#) or [\(3\)](#) are the basis for the deletion of the registered pupil’s name.

(5) A registered pupil is within this paragraph if—

- (a) their name is deleted from the admission register of the school at or after the end of the final term of the school year; and
- (b) they are in the school’s most senior class when their name is deleted.

(6) If the local authority ask the proprietor of a school to make deletion returns in relation to registered pupils within [paragraph \(5\)](#), the proprietor must also make such a return when any such registered pupil’s name is deleted from the admission register of the school after the day of local authority’s request.

(7) The proprietor of a school must make a return to the local authority (an “attendance return”) giving the full name and address of every registered pupil of compulsory school age who is not a boarder and who, since the last time an attendance return was made in relation to the school—

- (a) has failed to attend the school regularly, not counting any occasion on which they were—
  - (i) absent with leave for the purpose of attending another school at which they were a registered pupil;
  - (ii) attending a place, other than the school or another school at which they were a registered pupil, for educational provision arranged by a local authority under section 19(1) of the 1996 Act or section 42(2) or 61(1) of the 2014 Act;
  - (iii) attending any other place for an educational visit or trip arranged by or on behalf of the proprietor and supervised by a member of school staff; or
  - (iv) attending any other place for an approved educational activity within [regulation 10\(11\)](#); or
- (b) has been absent from the school for a continuous period of at least ten school days in respect of which their absence is recorded in the attendance register exclusively using one or more of the following codes as set out in [regulation 10](#)—
  - (i) code G (absent without leave for the purpose of a holiday);
  - (ii) code N (absent in circumstances not yet established);
  - (iii) code O (absent in other circumstances);
  - (iv) code U (absent at registration but arrived later).

(8) The proprietor must make attendance returns at whatever intervals it has agreed with the local authority or, in the absence of such an agreement, at whatever intervals the Secretary of State determines.

(9) The proprietor of a school must make a return to the local authority (a “sickness return”) giving the full name and address of a registered pupil of compulsory school age if—

(a) the pupil is recorded in the attendance register as absent using the code I (unable to attend because of sickness) as set out in [regulation 10](#); and

(b) the proprietor has reasonable grounds to believe that the pupil—

(i) will be unable to attend because of sickness for at least 15 consecutive school days; or

(ii) will be, or will have been, unable to attend because of sickness for a total of at least 15 school days during the school year, whether consecutive or not.

(10) The proprietor must make a sickness return as soon as possible after the conditions in [paragraph \(9\)](#) are satisfied.

(11) The proprietor is not required to make a sickness return for a pupil if it has already made a sickness return for that pupil in the same school year and relating to the same continuous period of absence.

at 1.58 p.m. on 27th February 2024

*Damian Hinds*  
Minister of State  
Department for Education