

**EXPLANATORY MEMORANDUM TO  
THE SCHOOL ATTENDANCE (PUPIL REGISTRATION) (ENGLAND)  
REGULATIONS 2024**

**2024 No. 208**

**1. Introduction**

- 1.1 This explanatory memorandum has been prepared by the Department for Education and is laid before Parliament by Command of His Majesty.

**2. Declaration**

- 2.1 The Rt Hon Damian Hinds, Minister of State at the Department for Education confirms that this Explanatory Memorandum meets the required standard.
- 2.2 Simon Blake, Deputy Director for School Attendance Division, at the Department for Education confirms that this Explanatory Memorandum meets the required standard.

**3. Contact**

- 3.1 Adam Luke at the Department for Education, email: [school.attendance@education.gov.uk](mailto:school.attendance@education.gov.uk) can be contacted with any queries regarding the instrument.

**Part One: Explanation, and context, of the Instrument**

**4. Overview of the Instrument**

*What does the legislation do?*

- 4.1 This instrument: requires all schools to keep electronic admission and attendance registers and sets out the information that must be contained in those registers; specifies the reasons that a pupil's name must be deleted from the admission register; makes provision for the examination of the registers; and sets out the circumstances in which returns as to the contents of the registers must be made to the local authority. In relation to schools maintained by a local authority and special schools not maintained by a local authority, this instrument also specifies when leave of absence from school may be granted.

*Where does the legislation extend to, and apply?*

- 4.2 The extent of this instrument (that is, the jurisdiction(s) which the instrument forms part of the law of) is England and Wales.
- 4.3 The territorial application of this instrument (that is, where the instrument produces a practical effect) is England only.

**5. Policy Context**

*What is being done and why?*

- 5.1 The Government's vision for improving school attendance is for pupils, parents, schools and local authorities, and other partners to work together to prevent patterns of absence from developing. Where patterns of absence exist already, intervention should be early to understand the barriers to attendance and the right support provided

to help the pupil return to school. Making this a reality requires accurate recording in schools' admission and attendance registers, but also timelier sharing of, and access to, the information held in registers, across schools, local authorities, and the Department for Education (the Department). This instrument will ensure that the correct information is recorded in registers, and the right people have access to the information held at the appropriate time.

- 5.2 In May 2022 the Department for Education published guidance 'Working together to improve school attendance', which sets out the expectations on schools and local partners working together to successfully treat the root cause of absence and remove barriers to attendance, at home, in school or more broadly. This instrument supports those expectations by ensuring that attendance and absence information is as accurate and timely as possible, thereby enabling the right support to be put in place earlier.

*What was the previous policy, how is this different?*

- 5.3 Every school in England must keep an admission register and, unless all pupils are boarders, an attendance register. This instrument does not change that requirement. Previously there was nothing to prevent schools from keeping registers by means of computer, but they were also permitted to keep them using paper and ink. To improve the ability to analyse and share data and to improve the accuracy of recording, this instrument requires registers to be kept electronically.

- 5.4 The admission register contains the details of all pupils at the school (both compulsory and non-compulsory school age) and underpins the key management information systems within schools. This instrument slightly increases information held relating to registered pupils. The main changes are to the grounds for deletion, where a pupil's name will be deleted from the admission register.
- Previously the name of a pupil of compulsory school age was deleted from the admission register if the pupil was certified by the school medical officer as unlikely to be in a fit state of health to attend school before ceasing to be of compulsory school age. This ground for deletion derived from 1956 regulations and is outdated given changes to school staffing and the provision for pupils with medical conditions since then. The Education Act 1996 ('1996 Act') is clear that all pupils are entitled to a full-time education suitable to their individual needs, and many pupils now continue their education in their own school alongside appropriate support. Where a health condition prevents the pupil from attending school, local authorities may have a duty, under section 19 of the 1996 Act, to make arrangements for alternative provision of education. For these reasons, this ground for deletion has not been included in this instrument.
  - Previously where a pupil of compulsory school age had been absent from school for a continuous period of twenty school days without permission or valid reason or had failed to return to school within ten days following an agreed period of absence, and the school and local authority had located the pupil, where no other ground for deletion applied, there was very limited course of action the school and/or local authority could take - particularly where the pupil and parent were abroad. Therefore, a pupil could be absent from school for a long period, as long as the school and local authority were able to locate the pupil, despite it being clear to the school and local authority that the pupil was unlikely to return. This instrument adds another condition to the grounds for deletion that mean a pupil's

name will be deleted from the admission register in such a case where the school and local authority have located the pupil, and they agree that there are no reasonable grounds to believe 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.

- 5.5 The attendance register is a record of a pupil's attendance and absence for every session (morning and afternoon). This instrument makes a number of changes to the attendance register to improve the accuracy and consistency of the information recorded.
- Previously schools were required to record for each session whether the pupil was: present, absent, attending an approved educational activity, or unable to attend due to exceptional circumstances. Where a pupil was of compulsory school age schools were also required to record whether a pupil's absence was 'authorised' (meaning that it occurred in certain specified circumstances). There was no requirement for schools to record the reason for absence for pupils of non-compulsory school age. A set of national attendance and absence codes was available for the schools to use to but as they were voluntary, they were not used consistently which led to inaccurate recording. Accurate and consistent recording is essential to an effective school attendance system and for supporting pupils to overcome barriers to attendance and benefit from the full-time education to which they are entitled. This instrument requires schools to record attendance in the same way for all pupils, simplifying the attendance register into attendance and absence, and mandates the use of a set of attendance and absence codes. This will enable schools to better track attendance and absence of all pupils and improve consistency of recording across schools.
  - Previously an approved educational activity taking place outside the school premises had to be supervised by a person authorised by the school but there was no express provision as to whom the school could authorise to supervise. This led to confusion and in some cases inappropriate recording. This instrument provides clarity that the activity is to be supervised by a person considered by the school to have the 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.
- 5.6 The Department has been working to establish a better, more timely flow of pupil level attendance data across schools, trusts, local authorities, and the Department. This instrument will allow the right people to access the right information at the right time.
- Local authorities have responsibilities under the Education Acts for seeking to ensure all children of compulsory school age in their area receive a full-time education suitable to their age, aptitude, and any special educational needs the child may have. Previously local authorities only had access to the registers of schools maintained by them which made this duty difficult to fulfil. This instrument extends that access to all schools in their area. The instrument continues to allow His Majesty's Chief Inspector of Education, Children's Services and Skills ("the Chief Inspector") to examine and take extracts from

registers. The instrument also extends this provision to the Secretary of State to allow a national understanding of current attendance and absence rates to inform policy.

- This instrument creates a new requirement for all schools to inform their local authority if a pupil is absent because of sickness and has missed, or is expected to miss, 15 school days either consecutively or cumulatively for sickness, to help the local authority to fulfil any duty they may have under section 19 of the Education Act 1996.

## **6. Legislative and Legal Context**

### *How has the law changed?*

- 6.1 This instrument revokes and replaces the Education (Pupil Registration) (England) Regulations 2006 (“the 2006 Regulations”). This instrument consolidates several amendments made to the 2006 Regulations and makes changes to modernise the keeping of the admission and attendance register and the information recorded in the registers, mandates the use of a set of codes to record attendance and absence, provides additional circumstances in which leave of absence from schools maintained by local authorities and special schools not maintained by local authorities can be given, provides for local authorities, the Chief Inspector and the Secretary of State to examine and take extracts from registers and sets out the returns schools are required to make to the local authority as to the contents of their registers, including a new return (not required by the 2006 Regulations) in regard to absence due to sickness.
- 6.2 The changes for schools and local authorities will be included in an update to the Department’s guidance ‘Working together to improve school attendance’.

### *Why was this approach taken to change the law?*

- 6.3 In view of the number of times the 2006 Regulations had been amended and the need to modernise and clarify aspects of the drafting, as well as making the substantive changes described above, it is appropriate to entirely revoke those Regulations and replace them with new ones.

## **7. Consultation**

### *Summary of consultation outcome and methodology*

- 7.1 The Department worked with schools, local authorities and representative bodies to develop a draft set of regulations and ran a six week formal consultation over June and July 2022 on that draft set of regulations. The consultation sought views on proposals to modernise the regulatory system for recording information in school admission and attendance registers and sharing information held in those registers. The Government response to this consultation ‘[Modernising school attendance and admission registers and setting national thresholds for legal intervention](#)’<sup>1</sup> was published in August 2023. The Department used responses from that consultation to develop the final instrument.
- 7.2 The Department has consulted with providers of management information systems to schools, and they have agreed to update their systems to reflect the changes made by this instrument.

## **8. Applicable Guidance**

- 8.1 Guidance on the admission and attendance registers and sharing information is included in the Department's guidance for schools and local authorities '[Working together to improve school attendance](#)'. An update to this guidance, incorporating all changes, will be published on GOV.UK shortly after this instrument is laid.

## **Part Two: Impact and the Better Regulation Framework**

### **9. Impact Assessment**

- 9.1 A full Impact Assessment has not been prepared for this instrument because there is a low level impact on business.

#### *Impact on businesses, charities and voluntary bodies*

- 9.2 There is no, or no significant, impact on business, charities or voluntary bodies.
- 9.3 There is no, or no significant, impact on the public sector.
- 9.4 Costs to both the private and public sectors are estimated as low and any short-term costs from familiarisation and system updates, is likely to be significantly outweighed by the benefits of better, more accurate data facilitating better, more targeted support for families.
- 9.5 For software providers of management information systems for schools, the mandating of attendance and absence codes will be likely to incur a direct cost however, schools' management information systems already include a set of codes, and any changes needed will be included in annual updates to schools which suppliers may subsume into their existing development budgets. The Department has been working with providers in order to give them a long lead time to implement any changes which may also further reduce any cost impacts as it will allow providers to prioritise the work at a time convenient to their build schedules.

### **10. Monitoring and review**

#### *What is the approach to monitoring and reviewing this legislation?*

- 10.1 The approach to monitoring this legislation is that the effect of the policy will be kept under review through regular sectoral engagement and action will be taken if any issues arise.
- 10.2 The instrument does not include a statutory review clause.

### **Part Three: Statements and Matters of Particular Interest to Parliament**

#### **11. Matters of special interest to Parliament**

11.1 None.

#### **12. European Convention on Human Rights**

12.1 The Rt Hon Damian Hinds has made the following statement regarding Human Rights:

“In my view the provisions of the School Attendance (Pupil Registration) (England) Regulations 2024 are compatible with the Convention rights.”

#### **13. The Relevant European Union Acts**

13.1 This instrument is not made under the European Union (Withdrawal) Act 2018, the European Union (Future Relationship) Act 2020 or the Retained EU Law (Revocation and Reform) Act 2023 (“relevant European Union Acts”).

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