

1999 No. 397

EDUCATION, ENGLAND AND WALES

**The Education (School Attendance Targets) (England)
Regulations 1999**

<i>Made</i> - - - -	<i>16th February 1999</i>
<i>Laid before Parliament</i>	<i>22nd February 1999</i>
<i>Coming into force</i>	<i>16th March 1999</i>

In exercise of the powers conferred on the Secretary of State by sections 63 and 138(7) of the School Standards and Framework Act 1998(a), the Secretary of State for Education and Employment hereby makes the following Regulations:

Citation, commencement and application

1.—(1) These Regulations may be cited as the Education (School Attendance Targets) (England) Regulations 1999, and shall come into force on 16th March 1999.

(2) These Regulations apply only in relation to maintained schools in England.

Interpretation

2.—(1) In these Regulations—

“the applicable period”, in relation to a school year, means the period starting with the beginning of that year and finishing with the end of the school day falling on the Friday before the last Monday in May in that year;

“attendance target”, in relation to a school, means a target which the school’s governing body have set or (as the case may be) are required to set by virtue of, and in accordance with, regulation 3;

“notice year” means the school year in which the Secretary of State gives or (as the case may be) is entitled to give notice to the governing body of a school under regulation 4;

“relevant day pupil”, in relation to a school and to a school year, means a pupil registered at that school apart from—

(a) a boarder, or

(b) a pupil who, before the beginning of the September immediately preceding 1st October in that year, either—

(i) has not attained the age of five, or

(ii) has attained the age of sixteen;

“school” means a maintained school;

“the total number of possible attendances”, in relation to a school and to any school year, means the number produced by multiplying the number of relevant day pupils at the school by the number of school sessions in the applicable period in that year;

(a) 1998 c. 31; see section 142(1) for the meaning of “regulations”.

“unauthorised absence”, in relation to a school, means an occasion on which a relevant day pupil is recorded as absent from the school without authority pursuant to the Education (Pupil Registration) Regulations 1995(a);

“the unauthorised absence rate”, in relation to a school and to any school year, means the total number of unauthorised absences from that school in the applicable period during that year, expressed as a percentage of the total number of possible attendances in that period.

(2) Where a percentage required to be calculated by virtue of these Regulations is not a whole number, it shall be rounded to one decimal place.

Duty to set school attendance targets

3.—(1) Where the Secretary of State gives notice to the governing body of a school under regulation 4, that body shall secure that a target is set for the school in accordance with the following provisions of this regulation in respect of each of the three school years immediately following the notice year.

(2) The target to be set in respect of each school year concerned is the level (expressed as a percentage) to which the unauthorised absence rate on the part of relevant day pupils at the school is to be reduced in that year.

(3) The governing body shall secure that the targets referred to in paragraph (1) are set by no later than three months after the date on which notice is given under regulation 4.

(4) Immediately after they have set targets pursuant to this regulation, the governing body shall give notice in writing to the Secretary of State setting out details of those targets and the school year to which each of them relates.

(5) This regulation has effect subject to the provisions of regulation 7.

Notice by the Secretary of State

4.—(1) The notice referred to in regulation 3(1) is a notice in writing given by the Secretary of State to the governing body of a school—

- (a) informing them of the matters referred to paragraph (2)(a) and (b) below, and
- (b) requiring them to set an attendance target for the school in respect of each of the three school years immediately following the end of the notice year.

(2) The Secretary of State may give such a notice to the governing body of a school only where—

- (a) it appears to him that regulation 5 applies to that school in respect of each of the two school years immediately preceding the notice year; and
- (b) he considers that it is appropriate to require the governing body to set an attendance target for each of the three school years immediately following the notice year.

(3) The Secretary of State may give notice under this Regulation in any school year beginning with the 1998–99 school year; but he may not do so later than four months preceding the beginning of the first school year in respect of which an attendance target is to be set.

Condition precedent

5.—(1) This regulation applies to a school in respect of any school year where the school’s unauthorised absence rate for that year exceeds the national average for that year by at least 3 percentage points.

(2) For the purposes of this regulation “the national average”, in relation to a school year, means—

- (a) in relation to a primary school, other than a special school, the aggregated unauthorised absence rate in that year for every such school in England divided by the total number of such schools in England;
- (b) in relation to a secondary school, other than a special school, the aggregated unauthorised absence rate in that year for every such school in England divided by the total number of such schools in England; and

(a) S.I. 1995/2089, as amended by S.I. 1997/2624.

- (c) in relation to a special school, the aggregated unauthorised absence rate in that year for every maintained special school in England divided by the total number of maintained special schools in England.

Prohibition of revision of attendance targets

6. An attendance target may not be modified after it has been set except with the approval of the Secretary of State.

Exemption from requirement imposed by regulation 3

7. Where the governing body of a school are required by virtue of regulation 3(1) to secure that an attendance target is set for any school year, the Secretary of State, if he is satisfied that it is reasonable to do so in view of any particular circumstances applying to a school in respect of that year, may determine that the requirement is not to apply in respect of that or any subsequent school year.

16th February 1999

Charles Clarke
Parliamentary Under Secretary of State,
Department for Education and Employment

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations, which are made under section 63 of the School Standards and Framework Act 1998, require the governing body of a maintained school to secure that targets (“attendance targets”) are set for the reduction in the level of unauthorised absences on the part of day pupils of compulsory school age registered at the school.

The duty to set attendance targets arises only where the Secretary of State has served a notice on the governing body under regulation 4. A separate target has to be set for each of the three school years immediately following the school year in which the notice is given. Details of targets have to be notified to the Secretary of State immediately after they have been set (*regulation 3*).

A notice served by the Secretary of State has to comply with certain requirements. In particular, a notice may not be served except where the rate of unauthorised absences for the school concerned in each of the two school years preceding service of the notice exceeds the national average rate of such absences by 3 percentage points or more for primary, secondary or maintained special schools (as the case may be) (*regulations 4 and 5*).

Once an attendance target has been set, it may not subsequently be altered except with the approval of the Secretary of State (*regulation 6*).

The Secretary of State has discretion to waive the requirement to set an attendance target in respect of a particular school and school year where it is reasonable to do so in view of any special circumstances applying to that school (*regulation 7*).

Regulations are to be made under section 42 of the School Standards and Framework Act 1998 to require details of attendance targets to be published in the governing body’s annual report.

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