

2006 No. 1751

EDUCATION, ENGLAND

The Education (Pupil Registration) (England) Regulations 2006

<i>Made</i> - - - -	<i>1st July 2006</i>
<i>Laid before Parliament</i>	<i>11th July 2006</i>
<i>Coming into force</i> - -	<i>1st September 2006</i>

In exercise of the powers conferred by sections 434(1), (3) and (4), 551(1) and 569 of the Education Act 1996(a), the Secretary of State for Education and Skills makes the following Regulations:

Citation, commencement and application

1.—(1) These Regulations may be cited as the Education (Pupil Registration) (England) Regulations 2006 and come into force on 1st September 2006.

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

Interpretation

2. In these Regulations —

“the local education authority” means, in the case of a school maintained by a local education authority that local education authority, and in every other case the local education authority for the area in which the school is situated;

“maintained school” means a school maintained by a local education authority;

“relevant person” means —

(a) in relation to a pupil under the age of 18, a parent of the pupil;

(b) in relation to a pupil who has attained that age, the pupil.

Revocation

3.—(1) The Education (Pupil Registration) Regulations 1995(b) and the Education (Pupil Registration) (Amendment) Regulations 1997(c) are revoked to the extent that they apply in relation to schools in England.

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

(a) 1996 c.56; by virtue of the National Assembly for Wales (Transfer of Functions) Order 1999 (S.I. 1999/672), the powers conferred by these provisions are exercisable by the Secretary of State only in relation to England. For the definition of “prescribed” and “regulations” see section 579(1).

(b) S.I. 1995/2089, amended by S.I. 1997/2624 and 2001/2802.

(c) S.I. 1997/2624.

(d) S.I. 2001/2802.

Registers to be kept

4. The proprietor of every school shall cause to be kept—

- (a) an admission register; and
- (b) except in the case of a school of which all the pupils are boarders, an attendance register.

Contents of Admission Register

5.—(1) The admission register for every school shall contain an index in alphabetical order of all the pupils at the school and shall also contain the following particulars in respect of every such pupil—

- (a) name in full;
- (b) sex;
- (c) the name and address of every person known to the proprietor of the school to be a parent of the pupil and, against the entry on the register of the particulars of any parent with whom the pupil normally resides, an indication of that fact and a note of at least one telephone number at which the parent can be contacted in an emergency;
- (d) day, month and year of birth;
- (e) day, month and year of admission or re-admission to the school; and
- (f) name and address of the school last attended, if any.

(2) In the case of every school which includes boarding pupils a statement as to whether each pupil of compulsory school age is a boarder or a day pupil shall be added to the particulars specified in paragraph (1), and that statement shall be amended accordingly where a registered pupil at the school becomes or ceases to be a boarder at the school.

(3) For the purposes of this regulation only a pupil is a pupil at the school from the beginning of the first day on which the school has agreed, or has been notified, that the pupil will attend the school.

Contents of Attendance Register

6.—(1) The following particulars must be recorded in the attendance register at the commencement of each morning session and once during each afternoon session —

- (a) in the case of every pupil whose name is entered in and not deleted from the admission register whether the pupil is —
 - (i) present;
 - (ii) absent;
 - (iii) attending an approved educational activity within paragraph (4); or
 - (iv) unable to attend due to exceptional circumstances within paragraph (5);
- (b) in the case of any such pupil of compulsory school age who is absent, a statement whether or not his absence is authorised in accordance with paragraph (2);
- (c) in the case of any such pupil of compulsory school age who is attending an approved educational activity the nature of that activity; and
- (d) in the case of any pupil unable to attend due to exceptional circumstances, the nature of those circumstances:

but this paragraph does not apply in respect of a pupil who is a boarder.

(2) In the case of a pupil who is not a boarder, his absence shall be treated as authorised for the purposes of this regulation if—

- (a) he has been granted leave of absence in accordance with regulation 7; or
- (b) he is unable to attend—
 - (i) by reason of sickness or unavoidable cause;

- (ii) on a day exclusively set apart for religious observance by the religious body to which his parent belongs; or
- (iii) because the school is not within walking distance of the pupil's home, and no suitable arrangements have been made by the local education authority either for his transport to and from the school, or for boarding accommodation for him at or near the school or for enabling him to become a registered pupil at a school nearer his home.

(3) Where the reason for a pupil's absence cannot be established at the time when the register is taken, that absence shall be recorded as unauthorised and any subsequent correction to the register recording that absence as authorised shall be made in accordance with regulation 13 and as soon as practicable after the reason for the absence is established by the person with responsibility for completing the register.

(4) An approved educational activity is either—

- (a) an activity which takes place outside the school premises and which is—
 - (i) approved by a person authorised in that behalf by the proprietor of the school;
 - (ii) of an educational nature, including work experience under section 560 of the Education Act 1996(a) and a sporting activity; and
 - (iii) supervised by a person authorised in that behalf by the proprietor or the head teacher of the school; or
- (b) attendance at another school at which the pupil is a registered pupil.

(5) The exceptional circumstances in which a pupil may be marked as unable to attend are where—

- (a) the school site, or part of it, is closed due to unavoidable cause at a time when pupils are due to attend; or
- (b) in the case of a pupil for whom transport to school is provided by the school or a local education authority, and whose home is not within walking distance of the school, that transport is not available.

(6) The name of a pupil may only be deleted from the attendance register when that pupil's name has been deleted from the admission register for that school in accordance with regulation 8.

(7) For the purpose of this regulation "walking distance" has the meaning given to that expression in section 444(5) of the Education Act 1996(b).

Leave of absence

7.—(1) Leave of absence may only be granted by a person authorised in that behalf by the proprietor of the school.

(2) Leave of absence shall not be granted to enable a pupil to undertake employment (whether paid or unpaid) during school hours except—

- (a) employment for the purpose of taking part in a performance within the meaning of section 37 of the Children and Young Persons Act 1963(c) under the authority of a licence granted by the local authority under that section; or
- (b) employment abroad for the purpose mentioned in section 25 of the Children and Young Persons Act 1933(d) where a licence has been granted under that section by a justice of the peace.

(a) 1996 c.56; section 560 was amended by sections 112 and 140(3) of, and Schedule 31 to, the School Standards and Framework Act 1998 (c.31).

(b) 1996 c.56.

(c) 1963 c.37; section 37 was last amended by paragraph 10 of Schedule 37 to the Education Act 1996 (c.56).

(d) 1933 c.12; section 25 was last amended by section 109(1) of, and paragraph 73(1) and (3) of Schedule 8 to, the Courts Act 2003 (c.39).

(3) Subject to paragraph (4), a pupil may be granted leave of absence from the school to enable him to go away on holiday where —

- (a) an application has been made in advance to the proprietor by a parent with whom the pupil normally resides; and
- (b) the proprietor, or a person authorised by the proprietor in accordance with paragraph (1), considers that leave of absence should be granted due to the special circumstances relating to that application.

(4) Save in exceptional circumstances, a pupil shall not in pursuance of paragraph (3) be granted more than ten school days leave of absence in any school year.

(5) This regulation applies only in relation to a maintained school and a special school not maintained by a local education authority.

Deletions from Admission Register

8.—(1) The following are prescribed as the grounds on which the name of a pupil of compulsory school age shall be deleted from the admission register—

- (a) where the pupil is registered at the school in accordance with the requirements of a school attendance order, that another school is substituted by the local education authority for that named in the order or the order is revoked by the local education authority on the ground that arrangements have been made for the child to receive efficient full-time education suitable to his age, ability and aptitude otherwise than at school;
- (b) except where it has been agreed by the proprietor that the pupil should be registered at more than one school, in a case not falling within sub-paragraph (a) or regulation 9, that he has been registered as a pupil at another school;
- (c) where a pupil is registered at more than one school, and in a case not falling within sub-paragraph (j) or (m) or regulation 9, that he has ceased to attend the school and the proprietor of any other school at which he is registered has given consent to the deletion;
- (d) in a case not falling within sub-paragraph (a) of this paragraph, that he has ceased to attend the school and the proprietor has received written notification from the parent that the pupil is receiving education otherwise than at school;
- (e) except in the case of a boarder, that he has ceased to attend the school and no longer ordinarily resides at a place which is a reasonable distance from the school at which he is registered;
- (f) in the case of a pupil granted leave of absence exceeding ten school days for the purpose of a holiday in accordance with regulation 7(3), that —
 - (i) the pupil has failed to attend the school within the ten school days immediately following the expiry of the period for which such leave was granted;
 - (ii) the proprietor does not have reasonable grounds to believe that the pupil is unable to attend the school by reason of sickness or any unavoidable cause; and
 - (iii) both the proprietor and the local education authority have failed, after reasonable enquiry, to ascertain where the pupil is;
- (g) that he is 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, and neither he nor his parent has indicated to the school the intention to continue to attend the school after ceasing to be of compulsory school age;
- (h) that he has been continuously absent from the school for a period of not less than twenty school days and —
 - (i) at no time was his absence during that period authorised by the proprietor in accordance with regulation 6(2);
 - (ii) the proprietor does not have reasonable grounds to believe that the pupil is unable to attend the school by reason of sickness or any unavoidable cause; and

- (iii) both the proprietor of the school and the local education authority have failed, after reasonable enquiry, to ascertain where the pupil is;
- (i) that he is detained in pursuance of a final order made by a court or of an order of recall made by a court or the Secretary of State, that order being for a period of not less than four months, and the proprietor does not have reasonable grounds to believe that the pupil will return to the school at the end of that period;
- (j) that the pupil has died;
- (k) that he will cease to be of compulsory school age before the school next meets and the relevant person has indicated that he will cease to attend the school;
- (l) in the case of a pupil at a school other than a maintained school, an Academy, a city technology college or a city college for the technology of the arts, that he has ceased to be a pupil of the school;
- (m) that he has been permanently excluded from the school; or
- (n) where the pupil has been admitted to the school to receive nursery education, that he has not on completing such education transferred to a reception, or higher, class at the school.

(2) In a case not covered by paragraph (1)(a), (j) or (m), the name of a child who has under arrangements made by a local education authority become a registered pupil at a special school shall not be removed from the admission register of that school without the consent of that authority, or if that authority refuse to give consent, without a direction of the Secretary of State.

(3) The following are prescribed as the grounds on which the name of a pupil not of compulsory school age is to be deleted from the admission register—

- (a) that he has ceased to attend the school, or, in the case of a boarder, that he has ceased to be a pupil of the school;
- (b) that he has been continuously absent from the school for a period of not less than twenty school days and —
 - (i) at no time was his absence during that period agreed by the proprietor;
 - (ii) the proprietor does not have reasonable grounds to believe that the pupil is unable to attend the school by reason of sickness or any unavoidable cause; and
 - (iii) the proprietor of the school has failed, after reasonable enquiry, to ascertain where the pupil is;
- (c) that the pupil has died;
- (d) where the pupil has been admitted to the school to receive nursery education, he has not on completing such education transferred to a reception, or higher, class at the school; or
- (e) that he has been permanently excluded from the school.

(4) For the purposes of this regulation—

- (a) a pupil shall be treated as ordinarily residing at a place where the pupil is habitually and normally resident apart from temporary or occasional absences;
- (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 whom it is expedient to educate together with pupils of that age;
- (c) children are to be regarded as having been admitted to a school to receive nursery education if they were placed on admission in a nursery class;
- (d) the permanent exclusion of a pupil from a maintained school does not take effect until the proprietor has discharged its duties under regulations made under section 52 of the Education Act 2002(a), and—
 - (i) the relevant person has stated in writing that he does not intend to bring an appeal under those regulations;

(a) 2002 c.32.

- (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;
- (e) the permanent exclusion of a pupil from an Academy, 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 Education Act 1996(a) and
 - (i) the relevant person has stated in writing that he does 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.

Dual Registration of children with no fixed abode

9.—(1) This regulation applies to a pupil who —

- (a) has no fixed abode for the reason that his parent is engaged in a trade or business of such a nature as to require him to travel from place to place; and
- (b) is at the time registered as a pupil at two or more schools.

(2) The name of a pupil to whom this regulation applies shall not be deleted from that pupil's school of ordinary attendance pursuant to regulation 9(1)(b) or (c).

(3) Subject to paragraph (4), for the purposes of paragraph (2), a school is a pupil's school of ordinary attendance if, during the immediately preceding 18 months, it is the school which the pupil has attended during periods when his parent is not travelling in the course of trade or business.

(4) In any case in which two or more schools fulfil the definition of a school of ordinary attendance in paragraph (3), paragraph (2) applies only in respect of the school which fulfils the definition most recently.

Inspection of registers

10.—(1) The admission register and the attendance register of every school shall be available for inspection during school hours by —

- (a) any of Her Majesty's Inspectors of Schools in England appointed under section 1(2) of the Education Act 2005(b);
- (b) any additional inspector assisting the Chief Inspector in accordance with paragraph 2(1) of Schedule 1 to that Act; and
- (c) in the case of a school maintained by a local education authority, any officer of the local education authority authorised for that purpose.

Extracts from registers

11. The persons authorised by regulation 10 to inspect the admission register and attendance register of any school shall be permitted to make extracts from those registers for the purposes of their functions under the Education Acts.

Returns

12.—(1) Subject to paragraph (2), the proprietor of every school shall make to the local education authority, at such intervals as may be agreed between the proprietor and the local

(a) 1996 c.56; section 482 was substituted by section 65 of the Education Act 2002 (c.32).
 (b) 2005 c. 18.

education authority, or as may be determined by the Secretary of State in default of agreement, a return giving the full name and address of every registered pupil of compulsory school age who—

- (a) fails to attend the school regularly; or
- (b) has been absent from the school, where the absence has not been treated as authorised in accordance with regulation 6(2), for a continuous period of not less than ten school days, and specifying the cause of absence if known to the proprietor.

(2) Paragraph (1) shall not apply with respect to —

- (a) any absence from the school due to the pupil attending another school at which he is a registered pupil; or
- (b) any period during which the pupil was attending an approved educational activity in accordance with regulation 6(4).

(3) As to the contents of the admission register comprising particulars relating to a pupil whose name is to be deleted in accordance with regulation 8(1)(d), (e),(g),(i) or (m), the proprietor shall make a return to the local authority for every such pupil giving the full name of the pupil, the address of any parent with whom the pupil normally resides and the ground upon which their name is to be deleted from the admission register as soon as the ground for deletion is met in relation to that pupil, and in any event no later than deleting the pupil's name from the register.

Method of making entries

13.—(1) Every entry in an admission register or attendance register shall be made in ink.

(2) In relation to every amendment made the admission register and the attendance register shall include —

- (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 or title of the person who made the amendment.

Preservation of registers

14. Every entry in an admission register or attendance register shall be preserved for a period of three years after the date on which the entry was made.

Use of computers

15.—(1) Nothing in these Regulations shall be taken to prevent the keeping of an admission or attendance register by means of a computer, but where such a register is so kept the following paragraphs of this regulation shall apply for the purpose of modifying the requirements of these Regulations.

(2) The requirements of regulation 4 shall not be treated as satisfied unless an additional back-up copy of the admission register and the attendance register is made not less than once a month in the form of an electronic, micro-fiche or printed copy.

(3) The requirements of regulations 10 and 11 shall not be treated as satisfied unless the persons authorised to inspect and take extracts from the admission register and the attendance register are permitted to inspect and take extracts from those registers kept by means of a computer and the additional back-up copies made in accordance with paragraph (2).

(4) The requirements of regulation 13 shall not be treated as satisfied unless, where any correction to an original entry in the registers is made, any register kept by means of a computer and any print made of any such register after the correction distinguish clearly between the original entry and the correction.

(5) The requirements of regulation 14 shall not be treated as satisfied unless each additional back-up copy of the admissions register and the attendance register made in accordance with paragraph (2) and relating to a particular school year is retained for a period of three years after the end of that school year.

(6) A print of a register produced by means of a computer shall for the purposes of regulation 14 be taken to be made in ink.

(7) The provisions of this regulation are without prejudice to the requirements of the Data Protection Act 1998(a).

1st July 2006

Jim Knight
Minister of State
Department for Education and Skills

(a) 1998 c.29.

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations consolidate, with amendments, the Education (Pupil Registration) Regulations 1995, to which there have been a number of subsequent amendments. The Education (Pupil Registration) Regulations 1995 and the Education (Pupil Registration) (Amendment) Regulations 1997 are revoked to the extent that they apply to England. The Education (Pupil Registration) (Amendment) (England) Regulations 2001 are revoked. The following changes of substance are made.

The name of a pupil must be included in the register from the beginning of the first day on which the school has agreed, or has been notified, that the pupil will attend the school (*regulation 5(3)*).

A pupil may be marked in the attendance register as unable to attend due to exceptional circumstances where the school site, or part of it, is closed or where transport normally provided for that pupil by the school or the LEA is unavailable (*regulation 6(1)*).

Where a pupil is attending another school at which he is a registered pupil he must be marked in the attendance register as attending an approved educational activity (*regulation 6(4)*).

Where a pupil is registered at more than one school his name may only be deleted from the admission register of a school which he has ceased to attend where the proprietor of any or every other school at which the pupil is registered gives his consent, (except where the pupil has died, been permanently excluded or is of no fixed abode) (*regulation 8(1)(c)*).

Before deleting a pupil's name from the admission register on the ground that they have not returned from a leave of absence exceeding ten days, both the proprietor and the local education authority must have failed, after reasonable enquiry, to ascertain where the pupil is (*regulation 8(1)(f)*).

The period after which a pupil's name may be deleted from the admission register on the ground that the pupil has been continuously absent without authorisation has been changed to twenty school days and additionally the proprietor must not have reasonable grounds to believe that the pupil is unable to attend the school by reason of sickness or unavoidable cause (*regulation 8(1)(h)*).

The name of a pupil who is detained in pursuance of a final court order or order of recall may now only be deleted from the register where that order is for a period of not less than four months and where the proprietor does not have reasonable grounds to believe that the pupil will return to school at the end of that period (*regulation 8(1)(i)*).

The requirement to make a return to the local education authority where a pupil's name is deleted on certain grounds is extended. That requirement now applies to deletions under regulation 8(1)(d),(e),(g), (i) and (m) and also applies as soon as the grounds for deletion are met and in any event before deleting the pupil's name (*regulation 12(3)*).

Where a register is kept by means of a computer that register must be backed-up in the form of an electronic, micro-fiche or printed copy not less than once a month (*regulation 15(2)*).

STATUTORY INSTRUMENTS

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