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STATUTORY INSTRUMENTS

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**2007 No. 2261**

**EDUCATION, ENGLAND**

**The Education (School Attendance Targets) (England) Regulations 2007**

<i>Made</i>	- - - -	<i>25th July 2007</i>
<i>Laid before Parliament</i>		<i>7th August 2007</i>
<i>Coming into force</i>	- -	<i>1st September 2007</i>

The Secretary of State for Children, Schools and Families, in exercise of the powers conferred by sections 63 and 138 of the School Standards and Framework Act 1998(1), makes the following Regulations:

**Citation, commencement and application**

1.—(1) These Regulations may be cited as the Education (School Attendance Targets) (England) Regulations 2007 and come into force on 1<sup>st</sup> September 2007.

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

**Interpretation**

2. In these Regulations—

“persistent absence” means absence for any reason or combination of reasons for a number of sessions which totals at least twenty percent of the national average of sessions available in the statistical reporting period, and “persistently absent” is construed accordingly;

“pupils” means relevant day pupils;

“school year” means the period beginning with the first school term to begin after July and ending with the beginning of the first such term to begin after the following July;

“statistical reporting period” means that part of the school year for which schools are required by the local education authority to return absence data to the Secretary of State in the school census and in this paragraph “school census” means the arrangement (known by that name) under which the Secretary of State collects information about schools each year; and

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(1) 1998 c.31. Section 63 was amended by section 53 of the Education Act 2002 (c.32). Functions of the Secretary of State, so far as exercisable in relation to Wales, transferred to the National Assembly for Wales, by the National Assembly for Wales (Transfer of Functions) Order 1999, S.I. 1999/672, art 2, Sch 1. See section 142(1) for the meaning of “Regulations”.

“total possible attendances” means the number produced by multiplying the number of pupils at the school by the number of school sessions in the applicable period in that year.”

**Duty on schools to set targets to reduce absence**

3. The governing body of every school maintained by a local education authority other than a special school established in a hospital must set annual targets for reducing the number of absences from school in accordance with regulation 4.

4.—(1) The governing body must set a target and must submit it to the local education authority—

(a) by 31<sup>st</sup> December 2007 for the school year commencing in 2008; and

(b) for each subsequent school year, by 31<sup>st</sup> December of the preceding year.

(2) The annual target is the total number of absences which the governing body intends that pupils at the school will not exceed in the school year, expressed as a percentage of the total possible attendances by pupils at the school.

**Duty on schools to set focused absence targets**

5.—(1) Where the Secretary of State gives notice to the governing body of a school under regulation 6, 7, or 8, that body must secure that a target as specified in regulation 6, 7 or 8 (as the case may be) is also set for the school in respect of each school year specified in the notice.

(2) A target set in accordance with paragraph (1) must be submitted to the relevant local education authority by the date stated in the notice.

6.—(1) Where—

(a) the Secretary of State is satisfied that it is appropriate; and

(b) it appears to the Secretary of State that a school has, for one or more groups of pupils at the school, a level of absence higher than the national average for that group,

the Secretary of State may give notice to the governing body of that school in accordance with regulation 9 that it is to set a target to reduce the level of absence in each of those groups.

(2) The target to be set is the number of absences of pupils in that group which the governing body intends that pupils in that group will not exceed in the school year, expressed as a percentage of the total number of possible attendances for that group.

(3) For the purposes of this regulation a group of pupils is any category of pupils specified in the notice.

7.—(1) Where—

(a) the Secretary of State is satisfied that it is appropriate; and

(b) it appears to the Secretary of State that the level of absence in a school for any reason specified in the notice is higher than the national average for that reason,

the Secretary of State may give notice to the governing body of that school in accordance with regulation 9 that it is to set a target to reduce the level of absence for that reason.

(2) The target to be set is the total number of absences of pupils for that reason which the governing body intends that pupils at the school will not exceed in the school year, expressed as a percentage of the total number of possible attendances for the pupils absent for that reason.

8.—(1) Where—

(a) the Secretary of State is satisfied that it is appropriate; and

- (b) it appears to the Secretary of State that the level of persistent absence in a school is higher than the national average level of persistent absence,

the Secretary of State may give notice to the governing body of that school in accordance with regulation 9 that it is to set a target to reduce the level of persistent absence in that school.

(2) The target to be set is the total number of pupils in that school who are persistently absent expressed as a percentage of the total number of relevant day pupils for that school.

**9.—**(1) The notice referred to in regulations 6, 7 and 8 —

- (a) must be given in writing;
- (b) must be dated; and
- (c) must contain a date by which the target should be submitted to the local education authority.

#### **Agreement and notification of targets**

**10.—**(1) Where the local education authority is not satisfied with a target submitted by a governing body pursuant to regulation 4 or 5, it must forthwith give notice to the governing body; and the governing body must submit a revised target within 21 days of receipt of such a notice.

(2) Where the local education authority is not satisfied with a revised target submitted under paragraph (1) it must set the target.

(3) The local education authority must within one month of each of the dates in regulations 4(1) and 9(1)(c) above or as soon as possible after that date notify the Secretary of State that—

- (a) all the targets required to be set by regulation 5 maintained by that authority, and
- (b) any targets it has decided to set pursuant to paragraph(2),

have been set.

**11.** On receipt of a request by the Secretary of State, the local education authority must supply, within 14 days of the date of such a request, any target set under regulations 4, 5 or 10(2).

#### **Modification of targets**

**12.** A governing body must not modify any target set pursuant to these regulations which has been notified to the Secretary of State pursuant to regulation 10(3) without the agreement of the local education authority.

#### **Revocation**

**13.** The Education (School Attendance Targets) (England) Regulations 2005(2) are revoked.

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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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Signatory text

25 July 2007

*Kevin Brennan*  
Parliamentary Under Secretary of State  
Department for Children, Schools and Families

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## EXPLANATORY NOTE

*(This note is not part of the Regulations)*

These Regulations revoke the previous regulations on schools setting absence targets and replace them. The governing body of every maintained school as defined will be required to set by 31 December of each year, a target for the expected number of absences for the next academic year.

In addition, the Secretary of State may, by giving the requisite notice, require a governing body to set absence targets to reduce levels of absence for pupils in a particular group (as specified in the schedule), levels of absence for a particular reason or levels of persistent absence (as defined). In order to require these targets to be set, the Secretary of State has to be satisfied that the particular level is higher than the national average and that it is appropriate for a target to be set.

The national average level for absence is published annually in “Pupil Absence in Schools in England”. The level is the total number of sessions missed expressed as a percentage of the total number of sessions available. For the purposes of persistent absence (regulation 8) the calculation is based on the number of pupils registered at the school as opposed to the number of pupils actually attending the school.

All targets have to be submitted to the local education authority which then has to notify the Secretary of State that the targets have been set and supply the targets if requested to do so. Targets agreed pursuant to regulation 4 will continue to be notified to the Secretary of State under the School and Local Targets (SALT) process.