

**2023 No.**

**EDUCATION, ENGLAND**

**School Attendance (Pupil Registration) (England) Regulations  
2023**

*Made* - - - - \*\*\*  
*Laid before Parliament* \*\*\*  
*Coming into force* - - *1st September 2023*

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

**Citation and commencement**

1. These Regulations may be cited as the School Attendance (Pupil Registration) (England) Regulations 2023 and come into force on 1st September 2023.

**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;

“leave”, in relation to absence from a school, means leave given by a person who the proprietor of the school has authorised to do so;

“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.

(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) are over compulsory school age,  
(ii) will cease to be of compulsory school age before they start attending the school, or

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(a) 1996 c. 56. Section 434 was amended by the School Standards and Framework Act 1998 (c. 31), Schedule 30, paragraphs 57 and 111, and Schedule 31 and by S.I. 2010/1158. There are amendments to section 569 that are not relevant to these Regulations.

- (iii) 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 the pupil is to be admitted to the school by agreement between the school's proprietor 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 the school's proprietor has a duty to admit the 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.

### **Revocations**

4. The Regulations listed in the first column of the table in the Schedule are revoked to the extent specified in the third column of the table.

### **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 shows—
- (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 print of the register also shows 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 or 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 admission register contains the name of every pupil at the school.

(2) The proprietor must ensure that each pupil's name is entered in the admission register on the pupil's starting day, before the beginning of the first session on that day.

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

- (a) full name;
- (b) name used 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 by which each such parent can be contacted in an emergency;
- (g) day, month and year of 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.

(4) 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.

(5) If the proprietor is aware that a registered pupil is or will be attending another school in one of the circumstances in paragraph (6) 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.

(6) The circumstances are that—

- (a) 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, or
- (b) another 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.

(7) 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.

(8) If any of the details of a registered pupil mentioned in paragraphs (3) to (7) 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 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 that the pupil should be registered as a pupil at more than one school,
- (b) the pupil has been admitted to the school for nursery education and—
  - (i) they have completed such education and would, if they continue 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) the pupil is also registered as a pupil at one or more other schools and—
  - (i) a parent of the pupil has told the proprietor in writing that the pupil will not attend the school again,
  - (ii) there is no school attendance order naming the school in force in relation to the pupil, and
  - (iii) the pupil is not a mobile child or, if they are, the school is not their main school,
- (e) the name of the school has been substituted by the relevant local authority with that of another school in a school attendance order relating to the pupil,
- (f) 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,
- (g) 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,
- (h) 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,
- (i) 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 have no reasonable grounds to believe that the pupil will attend the school again,
- (j) the pupil has been continuously absent from the school for at least twenty school days and—

- (i) none of the circumstances mentioned in regulation 10(2)(a) or (b)(i) to (x) 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 have no reasonable grounds to believe that the pupil will attend the school again,
  - (k) the pupil is subject to 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,
  - (l) the pupil has died,
  - (m) the pupil will no longer be of 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,
  - (n) 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,
  - (o) 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,
  - (p) the pupil has been permanently excluded from the school, or
  - (q) the pupil's name is entered in the admission register in error.
- (2) If a registered pupil at a school is of compulsory school age and a local authority maintain a relevant plan for the pupil, 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)(e), (f), (l), (p) or (q) applies,
  - (b) the local authority who maintain the relevant plan have given their consent to the deletion, or
  - (c) the local authority who maintain the relevant plan 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 did not have leave of absence 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,
  - (e) the pupil has been permanently excluded from the school, or
  - (f) the pupil’s name is entered in the admission register in error.
- (4) In this regulation—
- “EHC plan” has the meaning given in section 83(2) of the Children and Families Act 2014(a);
- “mobile child” means a child of compulsory school age who has no fixed abode because their parent’s trade or business requires that parent to travel from place to place;
- “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” includes a person who is not a pupil but whose name has been entered in and not deleted from the admission register, except in the second place where it occurs in each of paragraph (1)(o) 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;
- “sentence of detention” means—
- (a) a detention and training order under section 233 of the Sentencing Act 2020(b),
  - (b) a sentence of detention under section 250 of that Act,
  - (c) a special sentence of detention for terrorist offenders of particular concern under section 252A of that Act(c),
  - (d) an extended sentence of detention under section 254 of that Act, or
  - (e) a sentence of detention at Her Majesty’s pleasure under section 259 of that Act;
- “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(d) and, on admission, are not placed in a reception class or any more senior class;
  - (c) a local authority maintain a relevant plan for a registered pupil at a school if they maintain—
    - (i) a child in need plan for the pupil,
    - (ii) a child protection plan for the pupil, or

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(a) 2014 c. 6. There are amendments to section 83 that are not relevant to these Regulations.  
 (b) 2020 c. 17.  
 (c) Section 252A was inserted by the Counter-Terrorism and Sentencing Act 2021 (c. 11), section 22.  
 (d) 2006 c. 21.

- (iii) an EHC plan for the pupil and the school is named in the plan;
- (d) 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<sup>(a)</sup>) has discharged its duties under the School Discipline (Pupil Exclusions and Reviews) (England) Regulations 2012<sup>(b)</sup> 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;
- (e) 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<sup>(c)</sup> 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.

### **Contents of attendance register**

**10.**—(1) The proprietor of a school must ensure that the attendance information specified in paragraphs (2) and (3) is recorded in the attendance register at the beginning of each morning session and once during each afternoon session.

(2) For each registered pupil who is not a boarder the attendance information is whether the pupil is—

- (a) attending—
  - (i) the school,
  - (ii) another school at which the pupil is a registered pupil,
  - (iii) any other place for an approved educational activity within paragraph (8), or
  - (iv) any other place for approved remote education within paragraph (9), or
- (b) absent—
  - (i) with leave,
  - (ii) on a day exclusively set apart for religious observance by the religious body to which a parent of the pupil belongs,
  - (iii) and unable to attend because of sickness,
  - (iv) and unable to attend because of an unavoidable cause,

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<sup>(a)</sup> 2002 c. 32. Section 51A was inserted by the Education Act 2011 (c. 21), section 4.

<sup>(b)</sup> S.I. 2012/1033, amended by S.I. 2020/543 and S.I. 2020/908.

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

- (v) and excluded from the school for any reason except the one mentioned in paragraph (viii),
- (vi) and unable to attend because the school is not within walking distance of the pupil's home and the local authority for the area where the pupil normally lives have not made suitable arrangements for—
  - (aa) the pupil's transport to and from the school,
  - (bb) boarding accommodation for the pupil at or near the school, or
  - (cc) enabling the pupil to become a registered pupil at a school nearer the pupil's home,
- (vii) and 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,
- (viii) and unable to attend because part of the school premises is unavoidably out of use and the pupil is one of those who the proprietor considers cannot practicably be accommodated in those parts of the premises that remain in use,
- (ix) and unable to attend because of widespread disruption to travel caused by a local, national or international emergency,
- (x) and the pupil's travel to or attendance at the school would be—
  - (aa) 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
  - (bb) prohibited by any enactment relating to the incidence or transmission of infection or disease or any instrument made under such an enactment, or
- (xi) in other or unknown circumstances.

(3) If a registered pupil is recorded as attending a place other than a school at which the pupil is a registered pupil for an approved educational activity within paragraph (8) or for approved remote education within paragraph (9) the attendance information also includes the nature of the approved educational activity or approved remote education.

(4) If, at the time when the attendance register is taken, it cannot be established which of the circumstances in paragraph (2) applies, the pupil is to be recorded as absent in other or unknown circumstances.

(5) If a registered pupil is recorded as absent in other or unknown circumstances in accordance with paragraph (4) and it is later established by or on behalf of the proprietor that one of the other circumstances in paragraph (2) applied, the proprietor must ensure that the register is amended accordingly as soon as reasonably possible.

(6) The proprietor of a school must ensure that the education information specified in paragraph (7) is recorded in the attendance register once during each period when the school was due to meet for a session but the session has been cancelled.

(7) For each registered pupil the education information is whether the pupil is provided with approved remote education within paragraph (9) and, if so, the nature of the approved remote education.

- (8) An approved educational activity is an activity that is—
  - (a) approved by a person authorised to do so by the proprietor,
  - (b) of an educational nature, including work experience under section 560 of the 1996 Act (work experience in last year(s) of compulsory schooling) and a sporting activity, and
  - (c) supervised by a person authorised by and acting under the direction of the proprietor or head teacher.

(9) Education is approved remote education in relation to a registered pupil at a school if—



- (a) it has been specified by a teacher at the school as education that the pupil is to receive during a period when—
    - (i) the pupil is absent and unable to attend the school 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,
    - (ii) the pupil is absent and unable to attend because part of the school premises is unavoidably out of use and the pupil is one of those who the proprietor considers cannot practicably be accommodated in those parts of the premises that remain in use,
    - (iii) the pupil is absent and unable to attend the school because of widespread disruption to travel caused by a local, national or international emergency,
    - (iv) the pupil is absent and their travel to or presence at the school would be—
      - (aa) 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
      - (bb) prohibited by any enactment relating to the incidence or transmission of infection or disease or any instrument made under such an enactment, or
    - (v) the school was due to meet for a session but the session has been cancelled, and
  - (b) it is to be provided by a person who is in a different place from the pupil for whom it is provided, and
  - (c) the proprietor and a parent of the pupil have agreed whether and by whom the pupil is to be supervised while receiving the education.
- (10) 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(a),
  - (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;
- “walking distance” has the meaning given in section 444(5) of the 1996 Act.

**Leave of absence**

**11.—(1)** Leave of absence from a state-funded school 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 performance to which section 37(2) of the Children and Young Persons Act 1963(b) applies and—

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(a) 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 and S.I. 2020/463.

(b) 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.

- (i) in which the pupil is authorised to take part by a licence by a local authority under section 37(1) of that Act, or
  - (ii) for which the pupil does not need a licence because of section 37(3) of that Act, or
  - (b) employment abroad for a purpose mentioned in section 25(1) of the Children and Young Persons Act 1933(a) for which the pupil has been given a licence by a justice of the peace under section 25(2) of that Act.
- (3) An authorised person may not give a pupil leave of absence for any other purpose unless paragraph (4), (5) or (6) applies.
- (4) This paragraph applies if—
- (a) a parent who the pupil normally lives with 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.
- (5) 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) a parent who the pupil normally lives with has asked for the leave in advance.
- (6) This paragraph applies if—
- (a) the pupil will cease to be of compulsory school age within a year after the leave begins,
  - (b) the leave is to enable the pupil to study for a public examination, and
  - (c) the leave has been agreed in advance between the authorised person and a parent who the pupil normally lives with.
- (7) In this regulation “state-funded school” means—
- (a) a school maintained by a local authority;
  - (b) a special school not maintained by a local authority;
  - (c) a school which is an Academy not already falling within paragraph (b).

#### **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 or 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) Her Majesty’s Chief Inspector of Education, Children’s Services and Skills;
  - (iii) an officer of the local authority who is authorised for the purpose.

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(a) 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, S.I. 1998/276. There are other amendments that are not relevant to these Regulations.

## Returns

13.—(1) By the end of the fifth day after the day when a registered pupil's name is entered in the admission register of a school the proprietor of the school must make a return to the local authority (a "new pupil return") giving all the information about the pupil that has been entered in the admission register.

(2) But the proprietor is not required to make a new pupil return about a registered pupil if—

- (a) the registered pupil is placed, on admission, in the school's most junior class,
- (b) the registered pupil's starting day is the first day of the school year, and
- (c) the local authority have not asked the proprietor to make new pupil returns in such cases.

(3) When a registered pupil's name 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 by which each such parent can be contacted in an emergency;
- (e) the information entered in the admission register in accordance with regulation 8(6), if any;
- (f) the information entered in the admission register in accordance with regulation 8(7), 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.

(4) But the proprietor is not required to make a deletion return about a registered pupil if—

- (a) the registered pupil's name is deleted at or after the end of the final term of the school year,
- (b) the registered pupil is in the school's most senior class when their name is deleted, and
- (c) the local authority have not asked the proprietor to make deletion returns in such cases.

(5) 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—

- (a) has failed to attend the school regularly, or
- (b) has been absent from the school for a continuous period of at least ten school days.

(6) An absence or failure to attend is not to be counted for the purposes of paragraph (5) if the pupil was—

- (a) attending another school at which they were a registered pupil, or
- (b) attending any other place for an approved educational activity within regulation 10(5).

(7) 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.

(8) The proprietor of the 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 and unable to attend because of sickness, 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.

(9) The proprietor must make a sickness return as soon as possible after the conditions in paragraph (8) are satisfied.

(10) 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 sickness.

Address *Name*  
Date Minister of State  
Department for Education

## SCHEDULE

Regulation 4

### Revocations

<i>Regulations revoked</i>	<i>Reference</i>	<i>Extent of revocation</i>
The Education (Pupil Registration) (England) Regulations 2006	2006/1751	The whole Regulations
The Education and Inspections Act 2006 (Consequential Amendments) Regulations 2007	2007/603	Regulation 17
The Education (Pupil Registration) (England) (Amendment) Regulations 2010	2010/1725	The whole Regulations
The Education (Pupil Registration) (England) (Amendment) Regulations 2011	2011/1625	The whole Regulations
The School Discipline (Pupil Exclusions and Reviews) (England) Regulations 2012	2012/1033	Schedule 2, paragraph 4
The Education (Pupil Registration) (England) (Amendment) Regulations 2013	2013/756	The whole Regulations
The Education (Pupil Registration) (England) (Amendment) Regulations 2016	2016/792	The whole Regulations
The Education (Pupil Registration) (England) (Coronavirus) (Amendment) Regulations 2020	2020/544	The whole Regulations
The Education (Pupil Registration) (England) (Coronavirus) (Amendment) (No. 2) Regulations 2020	2020/816	The whole Regulations
The Education (Pupil Registration) (England) (Coronavirus) (Amendment)	2021/852	The whole Regulations

## EXPLANATORY NOTE

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

These Regulations consolidate and change the law relating to the registration of pupils at schools. They revoke and replace the Education (Pupil Registration) (England) Regulations 2006 (“the 2006 Regulations”) and a number of amendments that have been made to those Regulations, as set out in the Schedule. This note mentions the main changes.

Every school in England must have a register of all its pupils. These Regulations set out how these registers must be kept, what information must be in the registers and other details. The Regulations also deal with the granting of leave of absence from some schools in England.

The proprietor of every school must make sure the school has an admission register and, unless all the pupils at the school are boarders, an attendance register (regulation 5). In a change from the 2006 Regulations, all registers must be kept electronically. Regulation 6 details how registers are to be updated and regulation 7 requires every entry in a register to be kept for at least six years. This is a change from the 2006 Regulations, in which the minimum period is three years.

Regulation 8 sets out the information that must be included in the admission register. The main change from the 2006 Regulations is that the register must include not only a pupil’s full name but also the name they use at school (paragraph (3)(b)).

Once a pupil’s name has been added to the admission register, it can and must be deleted if, and only if, one of the situations described in regulation 9 arises. Paragraph (1) lists the grounds of deletion for pupils of compulsory school age and paragraph (3) lists the grounds for other pupils. The main differences between those grounds and the ones in the 2006 Regulations are:

- there is a new ground of deletion when a pupil of compulsory school age is registered at more than one school and their parent wishes to withdraw them from one of those schools (paragraph (1)(d));
- in certain cases when a pupil of compulsory school age has been absent for twenty school days, or has not returned from a leave of absence, their name is to be deleted not only if the proprietor and local authority have failed to find out where they are (as in the 2006 Regulations) but also if they have found out their location and circumstances but do not believe they will return to the school (paragraph (1)(i) and (j));
- a similar change is made for pupils who are not of compulsory school age (paragraph (3)(c));
- there is a new ground of deletion for cases where a child or young person is registered as a pupil but should not be (for example where their name was mistakenly added before their starting day, or mistaking them for a different child) (paragraphs (1)(q) and (3)(f)).

Regulation 10 concerns the attendance register. Every school session, specified information must be recorded in the attendance register about every registered pupil who is not a boarder. Unlike in the 2006 Regulations, the information to be recorded is the same regardless of the pupil’s age. The list of situations that must be recorded has been restructured and there are no longer situations that are treated as neither presence nor absence. The specific situations that must be recorded, however, remains similar. The main differences are:

- it must be recorded when a pupil is attending a place other than the school (or another school where they are registered) for approved remote education (paragraphs (2)(a)(iv) and (9));
- it must be specifically recorded when a pupil is absent because they are excluded, which was previously treated as falling within ‘unavoidable cause’ (paragraph (2)(b)(v));
- the temporary requirement in the 2006 Regulations to record when a pupil is not attending in circumstances relating to coronavirus is not replicated in these Regulations, but it must now be recorded when a pupil is absent and their travel to or attendance at the

school would be contrary to certain types of guidance or legislation relating to infection or disease (paragraph (2)(b)(x));

- the 2006 Regulations did not require any information to be recorded in the attendance register in circumstances where there was no school session (for example during planned holidays or when the school had to be unexpectedly closed); now, where the school was due to meet but the session has been cancelled, it must be recorded whether each pupil (including a boarder) is provided with approved remote education and, if so, what that education is (paragraphs (6), (7) and (9)).

Regulation 11 sets out how a pupil can be given leave of absence from a school maintained by a local authority, a special school not maintained by a local authority or any other school which is an Academy. The main changes from the 2006 Regulations are:

- the equivalent provision in the 2006 Regulations applied only to schools maintained by local authorities and special schools not so maintained;
- when a pupil is to be employed (whether paid or unpaid) to take part in certain kinds of performance during school hours, leave of absence may be given not only where the pupil has a licence from a local authority (as in the 2006 Regulations) but also where a statutory exception means that a licence is not required (paragraph (2)(a));
- in addition to provision for a pupil to be given leave of absence in exceptional circumstances, there are specific provisions for leave of absence for a job interview or admission interview (paragraph (5)) or to study for a public examination (paragraph (6)).

Certain persons may examine and take extracts from schools' admission and attendance registers (regulation 12). Where in the 2006 Regulations a local authority could only do this in relation to a school they maintained, they can now also do it in relation to any other school in their area (paragraph (4)(b)(iii)). The Secretary of State is also added to the list of persons who can examine registers and take extracts (paragraph (4)(b)(i)).

Regulation 13 requires certain information to be returned to the local authority in certain situations. These are:

- a "new pupil return" when a pupil's name is added to the admission register, except in certain cases (paragraphs (1) and (2));
- a "deletion return" when a pupil's name is deleted from the admission register, except in certain cases (paragraphs (3) and (4));
- an "attendance return" about pupils of compulsory school age (other than boarders) who have not attended the school regularly and / or have been continuously absent for ten school days, with certain exceptions (paragraphs (5) to (7));
- a "sickness return" when a pupil is unable to attend because of sickness and is expected to remain so for at least 15 school days, either consecutively or cumulatively over the whole school year, except in certain cases (paragraphs (8) to (10)).

Sickness returns are a new requirement that was not in the 2006 Regulations.

A full impact assessment of the effect that this instrument will have on the costs of business, the voluntary sector and the public sector is available from \*\*\*\*\*

OR

A full impact assessment has not been produced for this instrument as no, or no significant, impact on the private, voluntary or public sector is foreseen.

An Explanatory Memorandum is published alongside this instrument on [www.legislation.gov.uk](http://www.legislation.gov.uk).