
STATUTORY INSTRUMENTS

1991 No. 1582

EDUCATION, ENGLAND AND WALES

The Education (Pupils' Attendance Records) Regulations 1991

<i>Made</i>	- - - -	<i>10th July 1991</i>
<i>Laid before Parliament</i>		<i>11th July 1991</i>
<i>Coming into force</i>		
	<i>regulations 1 and 2</i>	<i>1st August 1991</i>
	<i>all other regulations</i>	<i>1st August 1992</i>

In exercise of the powers conferred by section 80 of the Education Act 1944⁽¹⁾, section 8(5) and (7) of the Education Act 1980⁽²⁾ and sections 22 and 103 of the Education Reform Act 1988⁽³⁾ the Secretary of State for Education and Science, as respects England, and the Secretary of State for Wales, as respects Wales, hereby make the following Regulations:—

Citation and commencement

1.—(1) These Regulations may be cited as the Education (Pupils' Attendance Records) Regulations 1991.

(2) This regulation and regulation 2 shall come into force on 1st August 1991 and all other regulations on 1st August 1992.

Amendments of the Pupils' Registration Regulations 1956

2.—(1) The Pupils' Registration Regulations 1956⁽⁴⁾ shall be amended in accordance with the provisions of this regulation.

(2) For paragraph (4) of regulation 3 there shall be substituted the following paragraphs—

“(4) There shall be recorded in the Attendance Register at the commencement of each morning and afternoon session the following particulars—

(1) 1944 c. 31; section 80 was repealed in part and extended by section 4 of and Schedule 2 to the Education (Miscellaneous Provisions) Act 1948 (c. 40) and was amended by Schedule 1 to the Education Act 1980 and paragraph 58 of Schedule 12 to the Education Reform Act 1988. For matters to be prescribed see section 114(1) of the Education Act 1944, and for the transfer of functions see S.I. 1964/490, 1970/1536 and 1978/274.

(2) 1980 c. 20.

(3) 1988 c. 40.

(4) S.I. 1956/357, amended by S.I. 1987/1285 and 1988/1185.

- (a) the presence or absence of every pupil whose name is entered in and not deleted from the Admission Register; and
- (b) in the case of any such pupil of compulsory school age who is absent, a statement whether or not his absence is authorised:

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

(5) For the purposes of paragraph (4)(b) above only a pupil is of compulsory school age unless—

- (a) he has not attained the age of five years before the commencement of the term of which the session forms part; or
- (b) he has attained the age of sixteen years before the first day of the month of September in the school year of which the session forms part.

(6) Where it is not possible to record at the commencement of a session whether or not a pupil's absence is authorised, that information shall be recorded as soon as practicable after it becomes known to the person with responsibility for completing the Register.

(7) In the case of a pupil who is not a boarder, his absence shall not be treated as unauthorised for the purposes of this regulation if he is unable to attend—

- (a) by reason of sickness or any unavoidable cause; or
- (b) on a day exclusively set apart for religious observance by the religious body to which his parent belongs; or
- (c) 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 to his home.

(8) In the case of a pupil who is a boarder in a school which is not an independent school, any unauthorised absence shall not be treated as such if he was prevented from being present by reason of sickness or any unavoidable cause.

(9) For the purposes of this regulation—

- (a) a pupil's absence is authorised if he has been granted leave of absence by any person authorised in that behalf by the proprietor; and
- (b) walking distance means, in relation to a child who has not attained the age of eight years, two miles and, in the case of any other child three miles, measured by the nearest available route.”.

(3) At the end of regulation 4 there shall be added the word “or” and the following—

- “(c) whether or not he is of compulsory school age on the ground that, having been admitted to the school for nursery education, he has not on completing such education transferred to a reception class at the school.

For the purposes of this regulation—

- (a) children are to be regarded as having been admitted to a school for nursery education if they were placed on admission in a nursery class; and
- (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.”.

(4) For regulation 10 there shall be substituted the following regulation—

“Use of computers

10.—(1) Nothing in these Regulations shall be taken to prevent the keeping of an Attendance Register or Admission 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 paragraph (1) of regulation 3 shall not be treated as satisfied unless a print of the Attendance Register is made not less than once every month and a print of the Admission Register not less than once a year.

(3) The requirements of regulation 8 shall not be treated as satisfied unless, where any correction to an original entry in the Registers is made, prints of the Register in question made after the correction distinguish clearly between the original entry and the correction.

(4) The requirements of regulation 9 shall not be treated as satisfied, in the case of Attendance Registers, unless each print of the Attendance Register relating to a particular school year is retained in a single volume for that year and that volume is retained for a period of three years after the end of that school year.

(5) A print of a Register produced by means of a computer shall for the purposes of regulation 8 be taken to be made in ink.

(6) The provisions of this regulation are without prejudice to the requirements of the Data Protection Act 1984⁽⁵⁾,

(7) A reference in this regulation to a numbered regulation is to the regulation bearing that number in these Regulations.”.

Amendment of the Education (School Information) Regulations 1981

3.—(1) The Education (School Information) Regulations 1981⁽⁶⁾ shall be amended in accordance with the provisions of this regulation.

(2) After regulation 4A there shall be added the following regulation—

“4B.—(1) This regulation applies where the information relating to school attendance referred to in regulation 16 of Schedule 2 “the school attendance information”) which is published in accordance with subsection (5) of section 8 of the Act of 1980 (read with regulations 4 and 6) does not relate to the school year immediately preceding the school year in which the information is published (“the previous school year”).

(2) Where this regulation applies the persons referred to in paragraph (1) of regulation 4 shall, as soon as practicable after the school attendance information for the previous school year is made available to them, publish that information as a supplement to the school prospectus at the time and in the manner required by regulation 6.”.

(3) In paragraph 10 of Schedule 2 there shall be deleted the words “including, in particular, the practice of the school as respects corporal punishment”.

(4) At the end of Schedule 2 there shall be added the following paragraph—

“16.—(1) In relation to each year group in which all or the majority of pupils are subject to the provisions as to the recording of unauthorised absence in the Pupils' Registration Regulations 1956 (“the unauthorised absence provisions”), the number of unauthorised absences in each term of the relevant school year expressed as a percentage of the total number of possible attendances in that term.

⁽⁵⁾ 1984 c. 35.

⁽⁶⁾ S.I. 1981/630, to which there are relevant amendments in S.I. 1988/1023 and 1991/1265.

(2) In relation to each year group referred to in sub-paragraph (1) above, the number of pupils recorded as absent without authority on one or more occasions in each term of the relevant school year expressed as a percentage of the number of registered pupils in the year group who are subject to the unauthorised absence provisions at the commencement of that term.

(3) In this paragraph—

- (a) an “unauthorised absence” means an occasion on which a pupil is recorded as absent without authority pursuant to the Pupils' Registration Regulations 1956;
- (b) “the total number of possible attendances” means the number produced by multiplying the number of registered pupils in the year group at the beginning of the term who are subject to the unauthorised absence provisions by the number of school sessions in that term; and
- (c) references to the relevant school year are to the last school year for which the information referred to in the paragraph was available at the date specified for the purposes of regulation 8(2).”.

Grant-maintained schools: supplementary attendance information

4. Where the information relating to school attendance (“the school attendance information”) which is published by the governing body of a grant-maintained school pursuant to section 58(5) of the Education Reform Act 1988 does not relate to the school year immediately preceding the school year in which the information is published the governing body shall as soon as practicable after the school attendance information for that school year is made available to them publish that information as a supplement to the school prospectus at the time and in the manner required by the school’s articles of government for publication of the prospectus.

Amendment of the Education (School Curriculum and Related Information) Regulations 1989 (information to be published with governing body’s annual report)

5. For regulation 4 of the Education (School Curriculum and Related Information) Regulations 1989(7) there shall be substituted the following regulation—

“4.—(1) The governing body of every maintained school shall publish with the annual report required to be prepared under section 30 of the 1986 Act or section 58(5)(j) of the 1988 Act (as the case may be) the following particulars—

- (a) the dates of the beginning and end of each term and of half-term holidays for the next school year;
- (b) a summary of any changes to information contained in the school prospectus since it was last published; and
- (c) the information about school attendance published in accordance with the 1981 Regulations (in the case of a school maintained by a local education authority) or the school’s articles of government read with those Regulations (in the case of a grant-maintained school) relating to the school year immediately preceding the school year in which the report is published.

(2) The governing body shall furnish a copy of such a report and of the particulars referred to in paragraph (1) and of the particulars referred to therein to the head teacher of the school and—

- (a) in the case of a grant-maintained school, to the Secretary of State; and

(7) [S.I. 1989/954](#), to which there are amendments not relevant to these Regulations.

(b) in the case of any other school to the education authority.”.

10th July 1991

K. Clarke
Secretary of State for Education and Science

10th July 1991

David Hunt
Secretary of State for Wales

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations make provision as to the recording and publication of information about the attendance of registered pupils by amendment of the Pupils' Registration Regulations 1956 (“the 1956 Regulations”), the Education (Schools Information) Regulations 1981 (“the 1981 Regulations”) and the Education (School Curriculum and Related Information) Regulations 1989 (“the 1989 Regulations”), and by new Regulations made under sections 22 and 103 of the Education Reform Act 1988.

Regulation 2, which amends the 1956 Regulations, applies to all schools (other than independent schools for boarders only). It provides for schools' attendance registers to distinguish between pupils' authorised and unauthorised absence (as defined in the regulation). It permits schools to keep attendance or admission registers by means of a computer, subject to certain safeguards described in the regulation. A further ground for the removal of a name from the admission register—where the pupil has not transferred from a nursery to a reception class—is added.

Regulation 3, which amends the 1981 Regulations, applies to schools maintained by a local education authority and (by virtue of their articles of government) to grantmaintained schools. It provides for the publication in schools' prospectuses of specified information about rates of unauthorised absence; where the prospectus does not contain the information relating to the school year preceding the school year in which the prospectus is published that information must be published as a supplement when it becomes available. Regulation 4 makes similar provision about supplements in the case of grant-maintained schools.

Regulation 5, which amends the 1989 Regulations, provides for the information required to be published by regulations 3 and 4 to be included also in the annual report of the governors of all LEA-maintained and grant-maintained schools.