



## **ATTENDANCE POLICY**

Approved and signed by the Board of Trustees 18/5/17

Renewal date: MAY 2020

**MAY 2017**

## CHANGES

March 2014 Policy implemented by Plymouth City Council

November 2014 Policy Reviewed

February 2017 Reviewed and adopted by Discovery MAT

If you have any questions regarding this policy, please contact the Chief Executive Officer (CEO) or Chair of the Board of Trustees

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This document acknowledges that both the Local Authority and Discovery Multi Academy Trust (the MAT) must apply their powers fairly and consistently.

**A pupil's absence will have a serious impact on their attainment. They need to know that every absence is noticed and appropriate action is always taken. Absence can also be the first sign of a safeguarding issue.**

**These policies and procedures will enable the MAT to:**

- **Boost attainment and achievement levels by increasing and maintaining high levels of attendance.**
- **Report regularly on attendance to parents.**
- **Work effectively to improve attendance with our various partners and parents/carers/pupils.**

Student attainment and achievement depend on regular presence in school. Any absence leads to missed learning opportunities and other experiences, and may cause difficulties with social relationships. It may also lead to a threat to the welfare of our pupils or to opportunities for anti-social behaviour.

Attendance is seen as a 'whole MAT issue'.

Encouraging good attendance is the shared responsibility of the MAT, the parent/carer, the pupil, partners in the Local Authority and the Police. Parents/carers have a responsibility to see that their children receive appropriate education and it is the responsibility of the Local Authority, through its Education Welfare Service, to ensure that this happens.

### **Aims, understanding and principles of good attendance**

- Understanding that non-school attendance is a safeguarding issue.
- To support the MAT to maximise the achievement of all pupils.
- There is a clear link between good attendance and educational achievement.
- Regular and punctual attendance is vital if pupils are to benefit fully from academic, personal and social opportunities, which are offered to them within the school.
- Parents/carers play an important role in supporting their academy and encouraging pupils to reach good attendance levels.
- A broad and balanced education is dependent on regular attendance at school.
- The MAT's academies will take appropriate action to promote good attendance.

### **What the MAT, parents/carers and pupils can expect of the Education Welfare Service**

- The Education Welfare Service has a key function in working closely with the MAT, families, teams within the LA and other services and agencies, both statutory and voluntary. The Education Welfare Service aims to promote excellent levels of attendance and punctuality at school or otherwise, thereby contributing to raising pupil attainment.

- To work within a legal framework, through the DfE and discharge its duties with regard to ensuring that a child for whom they are responsible is receiving a suitable education by regular school attendance. In doing so it enables the MAT and parents/carers to meet their respective responsibilities.
- To support the MAT to fulfil their legal responsibilities with regard to pupil attendance.
- To provide a sample Attendance Policy.
- To support and challenge the MAT in respect of data analysis, registering of pupils and marking of registers including authorising absence, persistent absence, early intervention and monitoring.
- To undertake register inspections on a termly basis as a minimum. The admission register and the attendance register of every academy in the MAT must be available for inspection during school hours by:
  - Any of Her Majesty's Inspectors of Schools appointed under Section 1(2) and 5(2) the Education (Schools) Act 2005(b);
  - Any Inspector registered under Section 2(1) Schedule 1 of that Act.
- Promote partnership working between the Local Authority, the MAT, parents/carers and other services and agencies by offering guidance, support and assistance in this area.
- Assist the MAT in creating a framework which promotes consistent practices and procedures.
- The Local Authority will work to overcome any language/interpretation/understanding barriers and work with the MAT and other agencies/services/individuals to assist in overcoming any barriers that may be presented by the pupil or their family in order to ensure the pupil receives the education to which they are entitled.
- Provide training/information to staff/pupils/Board of Trustees on attendance issues as and when required.

#### **What the MAT expects of their pupils:**

- To attend regularly.
- To arrive on time, appropriately prepared for the day and ensure they arrive promptly to each individual lesson.
- To hand any letters regarding absence from parents to the Class Teacher.

#### **What the MAT expects of parents/carers**

- To fulfil their parental responsibility by ensuring their children attend school regularly and on time. Parents/carers should be aware it is their responsibility in law for ensuring that their children of compulsory school age receive an efficient full time education suitable for their age, ability, aptitude and any special educational needs they may have.
- To ensure that they contact the academy in question on the first day their child is unable to attend (within the first half hour of the start of the school day).
- To ensure their child arrives on time and is well prepared for the school day with equipment, completed homework etc.
- To avoid medical appointments during the school day unless absolutely necessary and to collect from and return pupils to school whenever an appointment is unavoidable during the school day.

- To contact the academy whenever any problem occurs that may keep their child absent.
- To inform the Class Teacher and seek authorisation from the appropriate person within the academy for any forthcoming appointments and, where possible, arrange appointments outside of the school day.
- To ensure the continuity of their child's education by taking holidays during the school holiday period except in special/exceptional circumstances (providing evidence where necessary why this is needed) and seeking permission prior to taking a holiday in term time.
- Work in partnership with the academy to take an active interest in their child's school career, to reinforce MAT policies/arrangements on homework, behaviour and approach to learning, to attend parent consultation evenings and other meetings where necessary.
- Work in partnership with the academy in question and other agencies (as and when appropriate) to resolve issues relating to non-attendance.

### **What parents/carers and pupils can expect from the MAT**

- To maximise attendance rates as one of their key tasks, with clear procedures to identify and follow up absence and provide a consistent approach in dealing with absence and lateness.
- Inform and involve the Board of Trustees.
- To nominate a member of the senior management team to be the Attendance Lead for each academy.
- Identify a range of strategies to deal with absenteeism and punctuality.
- Support parents in ensuring regular and punctual attendance.
- To respond promptly to any issue which may lead to non, or irregular attendance.
- Be sensitive to the needs of the individual parent/carer. This will be reflected in the ways in which attendance issues are addressed, e.g the MAT should recognise that some parents/carers have difficulty understanding written communications. (The MAT will also recognise the reluctance of some parents/carers to come into school).
- Be alert to critical times – eg return to school after a period of long term sickness, a return after a traumatic event (either at home or school) or during the period leading to a phased transfer.
- Produce whole MAT Attendance Policies and Procedures which are consistently applied and clearly communicated to all parents/carers.
- To provide a broad and balanced education which is motivational and relevant to all students, and is dependent on regular attendance.
- The encouragement and promotion of good attendance.
- Regular, efficient and accurate recording of attendance and basic analysis of attendance data will be undertaken regularly.
- First day contact with parents when a pupil fails to attend school without providing a valid reason.
- Prompt action on any problems identified.
- Close liaison with the Education Welfare Service and other services and agencies to assist and support parents/carers and pupils where needed.

- Notification to parents/carers of their child's attendance record through an annual report home and regular updates throughout the academic year.
- All staff will maintain high expectations in relation to attendance, all pupils will be made aware that their presence is compulsory and that their absence is noted.
- Systems of reward for attendance as well as achievement and sympathetic reintegration strategies for long-term absentees.
- Provide effective primary/secondary liaison.
- Referral to the Education Welfare Service where school intervention has failed to secure an improvement in attendance. The MAT will always refer to Education Welfare Service where a child is a Persistent Absentee pupil and there are no acknowledged reasons for absence by the school. Discussions with Education Welfare Service may start at 90 per cent, 10 unauthorised sessions or 5 days absence with no contact.

### **The role of the Board of Trustees**

The MAT's Board of Trustees is expected to set an attendance target for the MAT on an annual basis. It should be equal to or exceed the previous year's target. The Board will ensure that all groups of pupils are monitored to ensure consistency and effectiveness.

### **Statutory Framework**

Under Section 444 of the 1996 Education Act, a pupil is required to attend regularly at the school where they are a registered pupil. The Local Authority will use the 1996 Education Act and the Anti-social Behaviour Act 2003 (penalty notices) in order to fulfil its duties in ensuring regular school attendance. Section 23 of the Anti-social behaviour Act gives powers to the Local authority to issue penalty notices where a parent/carer is considered capable of, but unwilling to secure an improvement in their child's school attendance. These powers came into force on 27 February 2004. The MAT is obliged by law to differentiate between authorised and unauthorised absence. A letter or telephone message from a parent/carer does not in itself authorise an absence. Only if the academy in question is satisfied as to the validity of the explanation offered by the letter/message will the absence be authorised. A parent/carer may be required to provide evidence to support absences due to illness or other reason.

### **Registration**

Schools are required to take an attendance register at the start of the morning session and once during the afternoon session. The Education (Pupils' Attendance Records) Registration 1991 and the Education (Pupils Registration) (England) Regulations 2006 stipulate that schools should maintain an attendance register for each class containing the names of all pupils in the class.

Taking the register is a key part of the school day and should be seen as such by all staff, pupils and parents/carers.

School session times vary in each academy across the MAT. The session times are as follows:

#### **Weston Mill:**

08.55am – 11.30am, 12.15pm – 3pm (Foundation Stage)

08.55am – 12.15pm, 1pm – 3pm (Y1/2)

08.55am – 12.30pm, 1.15pm – 3pm (Y3-6)

### **Oakwood:**

08.55am - 11.45am, 1.00pm – 3.15pm (Foundation Stage)

08.55am – 12.15pm, 1.15pm – 3.15pm (KS1 & KS2)

### **Beechwood:**

08.55am - 11.45am, 1.00pm – 3.15pm (Foundation Stage)

08.55am – 12.15pm, 1.15pm – 3.15pm (KS1 & KS2)

The register is a legal document and may be required as evidence in court. It must be completed fully twice daily. On each occasion the MAT's academies must record whether every pupil was present, absent, present at approved educational activities or unable to attend due to exceptional circumstances.

Registration will take place straight after the start of the session. Parents/carers are expected to ensure their child is in school at least five minutes prior to the start of session time in order that registration can take place and their child does not receive a late mark.

Registration will close at 9.10am, 15 minutes after the start of the session. Once registration has taken place/has closed the following procedures apply: if a pupil arrives late and the register is still open, they should be marked as 'late' but counted as present for that session (**late defined as coming into school via the main door – having missed normal entry into school**), pupil to be signed into the late book as they arrive.

If a pupil arrives after the close of registration and provides a satisfactory explanation from the parent/carer, they will be marked as authorised absent for that session, e.g medical appointment - 'M'.

If a pupil arrives after the close of registration and fails to provide a satisfactory explanation, they will be marked as 'unauthorised absent' – 'U' for that session.

Pupils who arrive late after the school start times, should report first to the main office, where a record will be made of the time the pupil arrives. The register entry will then be amended in accordance with the details above. The school will accurately record the arrival time of each pupil in a late book.

All teachers must take registers in their classroom at the appropriate times and will notify the academy's office immediately of any absenteeism/late attendance.

Inspection of the registers will take place regularly by both MAT-assigned staff and the Education Welfare Service to ensure correct procedures are followed, accurate marking of registers and appropriate monitoring of attendance takes place.

Accurate tracking of late arrival will take place. Pupils may be expected to make up lost time within school hours. Parent/carers will always be informed in writing of the academy's concerns over late arrival and action taken by the academy to intervene with parent/carers to ensure the pattern of late attendance does not continue.

Where pupils continue with patterns of unauthorised late attendance despite intervention by the academy, a referral will be made to the Education Welfare Service for investigation into the circumstances of the late attendance. Appropriate sanctions such as penalty notices/prosecutions will be enforced where necessary, after appropriate casework intervention where there has been little or no improvement.

A pupil can lawfully only be deleted from the admission register on the grounds prescribed in Regulation 8 of the Education (Pupil Registration) (England) Regulations 2006 (**APPENDIX A**).



## **Authorised/unauthorised absence**

It is vital that all staff within the MAT adhere to the same criteria when deciding whether or not to authorise an absence. Absences should be recorded in accordance with the Attendance Codes issued by the DfE and held within the SIMS database.

Examples of when absence may be **authorised**:

- The pupil was ill or prevented from attending by any unavoidable cause.
- The absence occurred on a day exclusively set aside for religious observance by the religious body to which the pupil's parent belongs.
- The pupil is the child of Traveller parents and the conditions stated in the Education Act 1966 Section 444(6) are met.
- A holiday in term time where special/exceptional circumstances are given at the time of application (evidence may be required) and these are accepted.
- The pupil is excluded and appropriate information and paperwork have been forwarded to the parent.

**Note:** The absence of pupils taking part in appropriately supervised educational activities outside of the academy is recorded as 'approved educational activities' as appropriate. This is equivalent to 'present' for performance table purposes.

The MAT's academies should not record pupils who are off-site as present unless confirmation has been received of their attendance.

The following activities show when an approved education activity category can be used:

- Field trips and educational visits, in this country and overseas.
- Participation in or attendance at approved sporting activities.
- Interviews with prospective employers or for a place at a further or higher education establishment (year 11 only); or for a place in another school.
- Link courses, whereby pupils attend college for part of the time.
- Pupils receiving part of their tuition off site at another location while remaining under overall supervision of the home school (i.e. a flexible arrangement short of formal dual registration). This can include tuition of sick children being taught at home but remaining on roll.

Any pupil who does not attend a provision off-site and is not attending school has to be marked as absent in the school register.

## **Examples of when absence should be unauthorised**

- No explanation is forthcoming within an acceptable time limit (i.e. 2 weeks).
- The academy is dissatisfied with the explanation.
- The parent has been advised that absences will not be authorised without appropriate medical confirmation.
- The pupil stays at home to mind the house or look after siblings.
- The pupil is shopping during school hours.
- The pupil is absent for unexceptional special occasions (e.g. a birthday).
- The pupil is absent for the purpose of an unauthorised holiday.

- The pupil is absent due to not returning to school from an authorised holiday at the given date.

Any absence taken without the permission of the Head of School will be recorded as unauthorised absence in the academy's register, which is a **legal document**.

It is for the Head of School and **not** the parent to make the decision as to whether the absence should be authorised.

It is the parent's responsibility to provide all evidence of absence and bear any costs that this may incur.

## Holidays in Term Time

### What the Law says

The Government has changed their policy regarding school attendance and existing legal regulations, which came into force in September 2013. This means that term time holiday is removed from the regulations. **Heads of School are no longer allowed to authorise absence from school unless it is due to exceptional circumstances.** The Absence Request form (S2) should be completed by parents/carers when requesting term time absence from school for their child, regardless of whether the absence is for a holiday or any other reason. Also, all requests for absence should be evidenced based, eg medical appointment cards, letters from employers etc. **It is extremely important all schools are consistent when authorising/refusing absence during term time.**

It will be the parent/carers responsibility to prove that the absence should have been authorised. Where absences are less than ten sessions, a warning may be issued by the Education Welfare Service. If the absence is for more than ten session, further action may be taken, including court proceedings.

Please note that a session is half a day.

It may be timely to indicate that there are 190 statutory school days a year; so there are 175 other days (weekends and school holidays) available for holidays which would not have a negative effect on a child's education.

## Coding

The MAT is required to submit data reflecting pupil level absence codes.

For the purposes of holidays, register regulations state they should be coded as follows:

F – Agreed Extended Family Holiday.

G – Unauthorised Holiday.

H – Holiday.

Further guidance regarding holiday coding, can be obtained from the DfE website.

Accurate coding enables the MAT to evidence and evaluate absence trends for term time holidays and target interventions, particularly with regard to pupils who become Persistently Absent following a family holiday early in the academic year.

## What the MAT's academies will do

When deciding whether to authorise a term time holiday, the academy will need to consider if there are **special, individual or exceptional** circumstances for the request. There are some obvious considerations:

- Close to or during examinations.
- When valuable group work with other pupils is taking place that cannot be repeated.
- If a child needs help in certain subjects to access all the education support that is offered.
- During the induction period when a child transfers from one school to another and needs to familiarise themselves with a new environment.
- During the first year in a new school when pupils may experience problems settling in.
- Previous similar requests.
- Overall attendance pattern.

Holidays during term time should be seen as an exception to the norm. So, what are 'exceptional circumstances'?

It will be the decision of the Head of School as to what might constitute exceptional circumstances and each request for term-time absence will be considered on an individual basis.

The Head of School will not accept as an exceptional circumstance the fact that a holiday is cheaper during term-time.

### Exceptional circumstances:

- When a family needs to spend time together because of an immediate family member's bereavement, crisis or serious illness.
- Funeral of immediate family member.
- Religious observance.
- Transport was not provided by the Local Authority when it should have been
- Children of service personnel about to go on deployment (permission would be considered as long as the request is accompanied by a letter from the Commanding Officer).
- One day of absence could be authorised for a wedding of an immediate family member and the invitation has been provided as evidence.
- One off sporting events/performing arts competitions, if the child is participating and is at county standard or above and a letter has been provided from the performing arts/sports regional governing body as evidence.
- One day of absence could be authorised for an immediate family member's graduation ceremony/passing out parade.
- Medical appointments (parents/carers should be encouraged to arrange non-urgent medical appointments outside of school hours when possible). If the medical appointment is during the school day, **evidence must be provided**. The MAT's academies should not authorise a whole day's absence for a medical appointment that occurs in the morning – the child would be expected to return to school in the afternoon, and vice versa.

### Absence should not be authorised for reasons such as the following:

- To care for other family members
- Birthdays
- To interpret for other family members
- No school uniform/shoes
- Bullying
- Friendship problems
- Head lice
- Learning difficulties

- Family holiday
- Weddings abroad – regardless of whether it is for immediate family members
- Family anniversaries
- Death of a pet
- Travel problems
- School refusal
- Parent/carer not able to take leave outside of term time

*(The **immediate family** is a defined group of relations, used in rules or laws to determine which members of a person's family are affected by those rules. It normally includes a person's parents, spouses, siblings and children. It can contain others connected by birth, adoption, marriage, civil partnership or cohabitation, such as grandparents, grandchildren, siblings-in-law, half-siblings, adopted children and step-parents/step-children, and cohabiting partners)*

Other factors will include the likely impact on the child's education, particularly in terms of continuity of learning; **there is a strong link between the amount of absence in a school and the qualifications that its pupils achieve**; whether the holiday falls during a year in which the child is due to take a public examination or be involved in Government tests (eg SATs).

### **Procedures for following up absence**

Absences should be explained by parents to the academy in question on the first day of absence prior to 9.30am. Notes, letters and telephone messages should be retained by the academy with dates and times if appropriate to ensure evidence is available for recording purposes and any legal intervention taken by the Local Authority's Education Welfare Service. All verbal conversations should be recorded with date, time and names of staff and parents involved for the same reason.

To ensure the safety of children, where parents have not contacted the academy prior to 9.30am, the academy will operate their first day contact procedures and telephone parents to ascertain the reason for absence. If contact cannot be obtained, a text message will be sent on the same day, requesting contact be made with the academy and reason given. Where there are concerns as to the safety or welfare of a child, the academy will endeavour to contact parents via an immediate home visit. This may be done in conjunction with Education Welfare Service, Children's Social Care, Health or the Police where appropriate.

Failure to respond within five days to absence telephone calls, letters or home visits will result in an immediate referral to the Education Welfare Service for investigation.

Where possible, parents should confirm in writing the reason for absence.

If a pupil is persistently absent or late after register has closed and the academy's efforts to effect an improvement have proved unsuccessful, a referral will be placed with the Education Welfare Service for investigation and legal intervention if necessary. This may include a full prosecution, penalty notice or Education Supervision Order. Parents are informed of this in Local Authority leaflets regarding absence in school, given to parents on admission.

Prior to referral to Education Welfare Service, the academies will have contacted parents with their concerns and attempted at least one appointment on academy premises with the parents to discuss these concerns. Parents will be advised that the academy will no longer authorise absences without appropriate evidence, until there is an acceptable improvement in attendance and that a referral will be made to the Education Welfare Service. Registration certificates will show unauthorised absences when referred to Education Welfare Service – 'O'.

### **Children missing from education or who may otherwise be at risk**

The MAT will follow the procedures set out in the Children Missing from Education Policy and Procedures as agreed by the Local Safeguarding Children's Board. It is important that parents/carers inform their academy if they move house/area etc, giving full details of any new

address and the proposed school. The Education Welfare Service will follow up all pupils who are believed to have left the area. The academy and the Education Welfare Service will make 'reasonable' enquiries to locate the pupil. No pupil should be removed from the academy roll until the Education Welfare Service has agreed this.

### **Truancy sweeps**

The Education Welfare Service and the police undertake truancy sweeps a number of times throughout the year and often in conjunction with other services and agencies. Any pupils found during the school day will normally be returned to the academy in question and parents will be notified. Evidence from truancy sweeps may be used in prosecutions.

### **Strategies for promoting attendance**

- The MAT will offer an environment in which pupils feel valued and welcome. Each academy's ethos must demonstrate that pupils feel that their presence in school is important, that they will be missed when they are absent/late and that follow up action will always be taken. Early intervention is often the key to preventing more frequent absences.
- A varied and flexible curriculum will be offered to pupils. Every effort is made to ensure that learning tasks match pupil's needs.
- Attendance data will be regularly collected and analysed in order to help identify patterns, set targets, correlate attendance with achievement and support and inform policy/practice.
- Good attendance will be praised appropriately and rewards given.
- Parents will be reminded regularly (via newsletters, parents' evening, etc) of the importance of good attendance.
- Pupils who are absent through sickness for any extended period of time will (when appropriate) have work sent home to them and will be reintegrated back into school upon their return.
- Pupils who have been absent for whatever reason for an extended period of time will (when appropriate) have individually tailored reintegration programmes prepared for them.
- The Attendance Lead will have regular meetings with the Education Welfare Officer in order to identify and support those pupils who are experiencing attendance difficulties.
- The MAT's academies will regularly analyse their data so that early identification can be made of pupil's absence and especially those who are persistent absentees (or in danger of becoming a persistent absentee – PA). A pupil is considered to be a PA pupil if their attendance falls below 85%.
- Good attendance will be promoted with children through attendance awards made termly and annually to pupils with 100% attendance in assembly and class and those with the greatest improvement in attendance.
- Consider target setting for individual form groups, pupils etc.

### **Attendance Statistics**

The MAT will regularly analyse attendance statistics in order to ensure effective strategies are in place to support pupils in raising attainment and attendance.

Where the MAT's academies feel that they have a disproportionate category of students (eg travellers, SEN, ethnic minority groups) and the MAT feels that this category causes a negative

impact on the overall attendance percentage, it is suggested that calculations can be undertaken both including and excluding that category so that the impact can be more clearly seen.

### **Safeguarding**

Attendance is a safeguarding issue. It is therefore vital that all registers must be marked correctly and up to date.

The MAT's Attendance Policy will be reviewed annually in conjunction with the Behaviour, Anti-Bullying and SEN policies. The active involvement of those responsible for governance, parents/carers and all staff within the school is essential to the review process. Pupils can also make a valuable contribution to policy development.

## **Appendix**

### **These policies and procedures are based on:**

The Education Act 1996 (see Appendix A for regulation 8)

The Children Act 1989 Section 36.

The Education (Pupil Registration) (England) Regulations 2006 as amended.

The Education (School Day and School Year) (England) Regulations 1999

.The Education Acts 2002 and 2005

Crime and Disorder Act 1998.

Criminal Justice Act 2003.

The Children Act 2004.

Guidance on the education-related provisions included in the Anti-social Behaviour Act 2003.

Anti-social Behaviour Act 2003. Sections 19, 20 and 23.

Human Rights Act (HRA).

Race Relations Act Amendment 2000.

Disability Discrimination Act 1995 and 2005.

Single Equality Act 2010.

The Education Act 1996 Sections 444(1/1A) as amended by the Criminal Justice and Court Service Act.

Dfe Behaviour and Attendance Strategy.

## APPENDIX A

### The Education (Pupil Registration) (England) Regulations 2006

#### 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(1), and—

- (i) the relevant person has stated in writing that he does not intend to bring an appeal under those regulations;
- (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(2) 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.