

ATTENDANCE INFORMATION FOR INDEPENDENT SCHOOLS FACTSHEET

This document outlines the key statutory responsibilities of independent schools relating to school attendance.

The law requires all schools including independent schools to have an admission register and, with the exception of schools where all pupils are boarders, an attendance register. All pupils (regardless of their age) must be placed on both registers.

Key Statutory Requirements

- Independent Schools must take the attendance register twice a day: at the start of each morning and once during the afternoon.
- Independent Schools may only lawfully delete pupils from the admission register on the grounds prescribed in regulation 8 of the 2006 Pupil Registration Regulations – as amended by the Education (Pupil Registration) (England) (Amendment) Regulations 2016. Removal from Roll Guidance is available under *Leadership and Management: Responsibilities of Independent Schools for Informing the LEA about Pupils on their Roll*.
- Independent Schools may not remove a child from the attendance register until he/she has been deleted from the admission register.
- Every entry in the admission register and attendance register must be preserved for a period of three years after the date on which the entry was made.
- Independent Schools must inform their local authority of any pupil who is going to be deleted from the admission register in accordance with regulation 12(6) of the Education (Pupil Registration) (England) Regulations 2006 using the appropriate means for their LEA.
- Independent Schools are responsible for the attendance of pupils on their roll and must follow up on all instances of non-attendance and take reasonable steps to address this. If a pupil has irregular attendance or is absent continuously without authorisation for ten school days, independent schools must notify their local LEA.

Frequently Asked Questions

Q: What mechanisms do independent schools have in order to address poor attendance?

A: Independent schools might be able to purchase services from their LEA or alternatively may employ their own staff to address attendance issues. Independent Schools can offer support to parents, such as parenting skills classes, or can signpost to other local support and services. Independent Schools can also use legal measures through the Local Authority to address poor attendance and ensure parents take their legal responsibility seriously (see below).

Q. Can Independent Schools prosecute parents for poor attendance?

A. The power to prosecute parents remains solely with local authorities. In the case of regular or persistent absence without permission, the independent school must refer the case to the local authority which will consider prosecution.

Q: What is the local authority's role for addressing poor attendance?

A: Local authorities have a responsibility to make sure parents are fulfilling their legal duty to ensure their child receives a suitable full-time education, and under the Education Act 1996 have the right to take legal action to enforce a child's regular attendance at school. This duty might be exercised through your LEA's Attendance Team. Only local authorities can issue Penalty Notices for Independent Schools and make decisions on whether parents should be prosecuted for school attendance offences. Independent Schools undertaking their own casework should make an application to their LEA to consider legal action. They should include evidence to show how they supported the pupil and parent to improve attendance. It is for the local authority to judge each request on its own merits and make a decision on the next course of action. If there is sufficient evidence, the case will then be taken over by your local attendance team who will arrange the next steps which could be a Court Assessment Meeting. This meeting would explore all the information related to the case and chaired by the Attendance Team Manager for the local area.

Q: Can local authorities charge Independent Schools for prosecuting parents?

A: If a child of compulsory school age fails to attend regularly at a school at which they are registered or at a place where alternative provision is provided for them, the parents may be guilty of an offence and can be prosecuted by the local authority. At present only local authorities can prosecute parents and they must fund all associated costs.

Q. Can an independent school refuse to authorise an absence without medical evidence?

A. Advice from the DfE states that absences due to illness should be authorised unless there is a genuine cause for concern about the legitimacy of an illness. Independent Schools can record the absence as unauthorised if not satisfied with the authenticity of the illness but should advise parents of their intention to do so. Independent Schools should not routinely demand medical evidence to authorise absence on the grounds of ill health.

This information has been taken from the Herts Grid ISL Factsheet: ISL ATTENDANCE TEAM INFORMATION FOR INDEPENDENT SCHOOLS

Policy Adopted by Trustees on: March 2015

Policy Last Reviewed on: March 2017

Policy Due for Review on: March 2018