

School attendance

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Part 3 of the Bill deals with school attendance. It includes a new duty on local authorities to use their powers to promote regular school attendance and to reduce absences. The DfE will issue statutory guidance, including on how local authorities should support schools regarding attendance. Every school will also need to have a written policy to promote regular attendance setting out the actions to be taken if a pupil does not attend regularly. The Bill will also extend the Secretary of State's power to regulate how schools and academies grant a leave of absence to ensure consistency of approach.

Local authorities will be required to create and maintain a register of school-age children in their area who are not on a school roll, or who are on a roll but receive some of their education outside formal schools. This will include pupils who are home educated, receive flexi-schooling or are educated by other means. Parents of children included on the register (excepting those children included on a school roll, e.g. flexi-schooled children) will be able to require the local authority to provide support in the education of their child. What that support might look like is to be decided by local authorities in each case but the bill lists as examples advice, signposting to sources of assistance, provision of facilities, services or assistance and access to non-educational services or benefits.

Unless the alternative education arrangements are made by the school itself, parents will be under a duty to inform their local authority and provide the information required for the register within 15 days of their child becoming eligible for inclusion on the register. They will also have 15 days to inform the local authority of any changes or to respond to a request from the local authority for information to be included on the register. Non-compliance will entitle the local authority to invoke the new school attendance order process. Local authorities will also be able to require someone other than a parent (an education provider) who seems to be providing non-school-based education to a child, to confirm whether they are doing so and to provide information needed for the register. Failure to comply could lead to the local authority imposing a monetary penalty on them.

Finally, the Bill introduces a new regime for school attendance orders in England (the existing regime is retained in Wales). The new regime in England now includes academies in the categories of school which may be named in a school attendance order.

If a local authority believes that a child is not receiving a suitable education, they will be able to require the parents to show that a suitable education is being provided but will need to do so within three days of suspecting that a child is not being suitably educated. Parents will have at least 10 days to respond.

If the parents do not respond or the local authority still considers that a suitable education is not being provided, the local authority will need to consult with potential schools/academies before deciding on at least one to propose for naming in an attendance order (but if an EHCP names a school, then that school must be named). A school or academy which the local authority proposes to name must be informed and will have 10 days to appeal to the Secretary of State. The local authority must then inform the parents of the proposed school(s). If several are listed, and the parents choose one within 10 days, that school must be specified in the attendance order. Similarly, if within that 10 day period, the parents inform the local authority that they have applied to a different school and the child is subsequently accepted, then that school must be specified.

Once the local authority has decided which school to specify in the order it will need to serve the order on the parents within three days and inform the school within a further three days. The school must admit the child. The order will remain in force until the child reaches school leaving age, unless revoked (a procedure for parents to apply for revocation is included). Failure to comply with an order by

parents is a criminal offence. The Bill strengthens the potential outcomes of a successful prosecution and extends the reach of the court to not only fine but to impose a custodial sentence.

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