

When should a school add a pupil to its admissions register?

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Since [The School Attendance \(Pupil Registration\) \(England\) Regulations 2024](#) and accompanying [statutory guidance](#) came into force, schools have been getting up to speed with understanding their new responsibilities. (We've covered these in detail in [this series of articles](#) and [webinar](#)).

The Department for Education (DfE) states that “*Improving attendance is everyone's business*”, with schools and local authorities having distinct roles within the attendance statutory framework.

A cause of confusion

One area where we have seen a great deal of confusion is around the timing of adding a pupil to the school's admissions register, particularly in the context of Education, Health and Care Plans (EHCPs).

Once a pupil is added to the school roll, the school has responsibility for that pupil's education, safety and welfare and must take steps to support attendance as set out in the DfE's attendance guidance.

This is why it is vital that schools know exactly when a pupil must be added to their admissions register and understand the interrelationship with the local authority's duty, in respect of children's attendance in their area.

What do the Attendance Regulations say?

Regulation 8(1) of the Attendance Regulations states that “*The proprietor of a school must ensure that the name of each pupil at the school is entered in the school's admission register on the pupil's starting day, before or at the beginning of the first school session on that day*”.

The definition of “starting day” is set out in Regulation 3 which, in summary, says:

- If a pupil is being admitted by agreement between the school and the person “*with control of the pupil's attendance*” then a day they agree or the first day the pupil attends the school.
- If a school has a duty to admit a pupil, then a day that the person “*with control of the pupil's attendance*” has told the school they will attend or the first day the pupil attends.

Who is a ‘person with control of the pupil's attendance’?

The Regulations clarify that this is either:

1. A parent.
2. The pupil (if over compulsory school age by the time they start attending).
3. Any other person with authority to require the pupil to attend school.

In most cases the person with control will be a parent, or a pupil joining a sixth form. There will be some very limited instances where it's someone else, for example, another school who has control of a pupil's attendance and effectively tells another school that the pupil will attend there, i.e. in the case of an off-site direction whereby the pupil becomes dual registered.

Pupils starting school at the usual point of entry, for example reception or Year 7, will have an agreed start date.

Parents apply to a school, offers are made and parents accept. In the absence of any retraction of acceptance, parents have agreed with the school a starting date for their child who is added to the school roll on that agreed date.

When do we put a child who has an EHCP on the school roll?

Some local authorities have informed schools named in EHCPs that they must add a child to their attendance register on a given date, even if parents have made it clear that they have no intention of sending their child to the school and instead are intent on contesting the decision at a tribunal hearing.

If a school is named in a child's EHCP then they have a duty to admit that child to the school (under s.43 of the [Children and Families Act 2014](#)). However, although a school may have a duty to admit, they should not add that child to the attendance register if the parent has not agreed a start date with the school and the pupil does not attend.

A local authority does not have control of a pupil's attendance and therefore cannot agree a start date with the school instead of the parent.

This position is also clearly stated in paragraph 8.10 of the Department for Education's [Elective Home Education Guidance](#) which states that adding a child's name to a school's admissions register without the parent's agreement is not lawful.

There will be other circumstances where schools have a duty to admit, for example in the context of a local authority direction, or school attendance orders, but even in these circumstances the child should not be added to the school roll unless a parent has agreed a date beforehand or actually sends their child to the school. If parents do not, then they can be prosecuted for non-compliance.

What are the implications of this for schools?

There may be funding and capacity issues. In the context of EHCPs, schools may not receive funding until a pupil is added to their register, which can make it hard to effectively plan to implement the provision the child needs.

Further, if they deploy resources elsewhere and/or 'fill' that place and then later the parent decides to send their child to the school, it could leave the school over capacity and put further pressure on resources. This is why engagement with prospective parents to understand their intentions will be essential.

Schools should feel confident in resisting local authority requests to add pupils to their school roll when parents have made it clear they do not intend to send their child to the school. The local authority will need to take the lead in engaging with parents to understand whether the child is receiving home education or whether they need to take enforcement action, for example by way of a school attendance order and, where applicable, follow the [Children Missing Education Statutory Guidance](#).

Additional support managing attendance

To help you get up to speed with the new attendance requirements, we've published a series of supporting articles, we're also offering [bespoke training](#) and hosted [a free webinar](#) which is now available on demand, to help you to understand and implement these changes effectively.

- [Understanding the changes to attendance requirements](#)
- [Implementing the new attendance monitoring requirements](#)
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Key contact



Hayley O'Sullivan

Principal Associate

hayley.o'sullivan@brownejacobson.com

+44 (0)121 237 3994

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