EXPLANATORY MEMORANDUM TO

THE EDUCATION (SCHOOL ATTENDANCE TARGETS) (ENGLAND) REGULATIONS 2007

2007 No. 2261

1. This explanatory memorandum has been prepared by the Department for Children, Schools and Families and is laid before the House of Commons by Command of Her Majesty.

   This memorandum contains information for the Joint Committee on Statutory Instruments.

2. Description

2.1. These proposed Regulations continue from 2005 Regulations the requirement of schools maintained by local authorities to set attendance targets. These targets are expressed as pupil absence as the percentage of the total attendance possible by all pupils. The targets ensure that schools and local authorities continue to monitor levels of pupil absence, and focus on schools with levels of absence higher than the median of similar schools in the same free school meal band.

2.2. These proposed Regulations also provide for the exercise of the Secretary of State's power to direct a subset of schools to set specific targets where pupil absence rates give cause for concern – for example, where the proportion of 'persistently absent' pupils who miss twenty percent or more of schooling, is substantially higher than the national average level.

3. Matters of special interest to the Joint Committee on Statutory Instruments

None.

4. Legislative Background

4.1. The Education (School Attendance Targets) (England) Regulations 2005 required maintained schools to set targets on pupil absence, as a percentage of total possible attendances by all pupils at the school. The express purpose of these Regulations was for schools to set appropriate and challenging targets on reducing absence. These Regulations effectively expired with the setting of absence targets by schools in December 2006.

4.2. Under the proposed Regulations, schools would continue to set a target for total school absences, and agree this within the established Schools And Local Authority Target (SALT) process, within which educational targets are agreed annually.

4.3. The proposed Regulations would also enable the Secretary of State to direct a subset of schools to agree with their local authority absence targets for pupil groups who exceeded given thresholds – for example, for persistently absent pupils defined as those who miss twenty percent or more of education.

5. Territorial Extent and Application

This instrument applies to England.

6. European Convention on Human Rights

As the instrument is subject to negative resolution procedure and does not amend primary legislation, no statement is required.

7. Policy background

Policy

7.1. The objective of this policy is to ensure that schools continue to focus their attention and where necessary their efforts on the total level of absence amongst all their pupils. Where this level is higher than the median level of absence for similar schools for the same reporting period, the intention is that schools are supported by their local authority in reducing this level of absence to or below the median level of absence for similar schools. Where the school level of absence is lower than the median level of absence for similar schools for the same reporting period, the intention is that schools work to maintain their level of absence.

7.2. A further objective of policy is to ensure that some schools giving cause for concern around their levels of absence within specific categories of absence are identified and the issues addressed. There will be schools that have a level of absence substantially higher than the national average level – either for some groups of pupils such as for boys; for some reasons recorded in registers such as family holidays during term-time; or for persistently absent pupils with twenty percent or more total absence. The proposed Regulations seek to use the Secretary of State's power in the enabling legislation (section 63 of the School Standards and Framework Act 1998) to direct schools to implement measures to improve pupil attendance, where levels of absence in these schools are cause for concern.

7.3. The School Census relating to the academic year 2005/06 illustrated for the first time the level of absence nationally at pupil-level for children attending secondary schools in England. The Census showed that relatively few pupils accounted disproportionately for high amounts of absence, and that it was in the interest of pupils, schools and local authorities to focus their efforts on improving attendance for these pupils.

Consultation

7.4. The Department consulted local authorities, schools, professional bodies and the general public on its proposals to set Regulations requiring schools to set attendance targets, expressed as absence targets. The consultation ran from 26 February to 21 May 2007; a departmental response to the consultation was published on 13 June 2007.

7.5. Of respondents, eighty-one percent supported the proposed Regulations but expressed concern that target-setting did not always take children with medical needs into consideration. There is no intention to compel any child to attend school when they are not well enough, but rather to discourage unnecessary absence, such as for trivial

ailments, and to ensure that schools and local authorities support the education of pupils with medical needs. Sixty-eight percent of respondents also agreed with proposals that schools continue to agree and if necessary adjust their targets with their local authority, being realistic about what they can achieve.

7.6. Of respondents, sixty-one percent supported allowing the Secretary of State to direct a subset of schools to set more specific absence targets, with some emphasising that this measure only be used when there is an identified problem. The proposed Regulations limit the use of this power to only those schools with high levels of absence to set additional specific targets at school-level; ideally, schools will seek to agree an improvement plan with individual pupils whose absence gives cause for concern.

Guidance

7.7. The Department will publish guidance alongside the Regulations, in order to explain clearly the policy intentions of the target; the expectations of schools and local authorities in managing and minimising their levels of pupil absence; and the mechanisms by which targets are agreed locally and notified to the Department.

7.8. The guidance will also provide examples of schools which have used target-setting to improve their levels of absence.

8. Impact

8.1. A Regulatory Impact Assessment has not been prepared for this instrument as it has no impact on business, charities or voluntary bodies.

8.2. The impact on the public sector is minimal. The setting of absence targets for all schools maintained by local authorities continues the 2005 Regulations. Any additional targets are only required by exception from those schools already substantially higher than the national average level of absence within specific categories of absence and above given thresholds. For example, where the proportion of persistent absentee pupils nationally is seven percent and the schools required to set specific targets around persistent absentee pupils have a level of at least ten percent.

9. Contact

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