



Department
for Education

School attendance: improving consistency of support

Government consultation

Launch date 25 January 2022

Respond by 28 February 2022

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Introduction

We recognise the impact that the pandemic is continuing to have on children's education, and although recent trends in attendance levels have been largely driven by covid, the government is determined to address the wider underlying causes of children not being in school, because it is the best place for their development and wellbeing.

To that end it is more important than ever that agencies work together to secure the regular attendance of pupils and minimise unnecessary non-covid absence as much as possible. We are therefore consulting on four proposals to build on schools, trusts and local authorities' existing work on attendance and improve consistency of attendance support for families across England through better, more targeted multi-agency action for the pupils who need it most.

The Secretary of State has signalled his intention for attendance to be a key component of his upcoming Schools White Paper and the proposals in this document will be central to that.

We are inviting comments on these proposals from parents, schools, academy trusts and local authorities. The consultation will run for 5 weeks.

Who this is for

- All school staff, headteachers, governors in England
- Academy trusts
- Local authorities
- Parents and pupils

Issue date

The consultation was issued on 25 January 2022.

Enquiries

If your enquiry is related to the policy content of the consultation you can contact the team by email at: attendance.consultation@education.gov.uk

If your enquiry is related to the DfE e-consultation website or the consultation process in general, you can contact the DfE Ministerial and Public Communications Division by email: Consultations.Coordinator@education.gov.uk or by telephone: 0370 000 2288 or via the [DfE Contact us page](#).

Additional copies

Additional copies are available electronically and can be downloaded from [GOV.UK DfE consultations](#).

The response

The results of the consultation and the Department's response will be [published on GOV.UK](#) in Spring 2022.

About this consultation

This consultation document seeks views on four proposals to build on schools, trusts and local authorities' existing work on attendance and improve consistency of attendance support for families across England through better, more targeted multi-agency action for the pupils who need it most:

- Requiring schools to have an attendance policy, and have regard to statutory guidance on the expectations of schools, academy trusts and governing bodies of maintained schools on attendance management and improvement.
- Introducing guidance on the expectations of local authority attendance services.
- A clearer more consistent national framework for the use of attendance legal intervention, including a new regulatory framework for issuing fixed penalty notices for absence.
- Bringing the rules for granting leaves of absence in academies in line with other state funded schools.

These proposals are intended to deliver greater consistency of support for families across England and focus better, more targeted multi-agency support on pupils who need it most.

The Secretary of State also intends to modernise the underlying regulations (the Education (Pupil Registration) (England) Regulations 2006, as amended) that govern the keeping of attendance and admission registers, granting leaves of absence and sharing of attendance information by schools with local authorities and a separate consultation and draft regulations will be published in due course.

Furthermore, but out of scope of this consultation, the Secretary of State remains committed to a registration system for children not in school. The system will help local authorities undertake their existing duties to ensure children receive a suitable education, as well as help safeguard all children who are in scope. We will be setting out further details on this in our upcoming response to the Children Not In School consultation, which will be published in the coming weeks.

Respond online

To help us analyse the responses please use the online system wherever possible. Visit www.education.gov.uk/consultations to submit your response.

Other ways to respond

If, for exceptional reasons, you are unable to use the online system, for example because you use specialist accessibility software that is not compatible with the system, you may download a word document version of the form and email it or post it.

By email

attendance.consultation@education.gov.uk

By post

Attendance Consultation - School Attendance Unit
Level 8
Sanctuary Buildings
20 Great Smith Street
London
SW1P 3BT

Deadline

The consultation closes on 28 February 2022.

Proposal 1: Requiring schools to have an attendance policy, and have regard to statutory guidance on the expectations of schools, academy trusts and governing bodies of maintained schools on attendance management and improvement.

Background

Good attendance at school is a prerequisite to pupils' attainment, wellbeing and wider development. The current system for recording, monitoring and tackling absence is largely effective and prior to the pandemic pupil absence had fallen substantially from 2010 to 2019 (from 6.0% to 4.7% of school sessions, representing around 15 million more days in school). Despite the overall improvement, even before the pandemic, the prevalence of persistent absenteeism was unacceptably high (with 1 in 9 pupils missing more than 10% of possible sessions in 2018-19), and gaps remained between vulnerable and disadvantaged pupils' attendance and their peers.

Informal consultation with schools and trusts that have higher than average attendance rates despite high levels of disadvantage, has shown us that the most effective schools consistently have:

- High expectations for every pupil's attendance,
- Communicate these expectations clearly and consistently to parents and pupils,
- Systematically analyse attendance data to target their actions at individual pupil and whole school level,
- And, make attendance everyone's business in school.

Unity City Academy in Middlesbrough, for example, had the highest secondary school persistent absence in the northeast in 2016 (41%). The academy, part of our Opportunity North East programme, created a whole school culture of attendance improvement and reduced persistent absence to 24% by 2019 by: making the vice principal the strategic lead for attendance; rigorously tracking data to focus efforts on specific pupil cohorts; having a school-wide attendance policy setting out daily, weekly and termly procedures for pupils and parents; using their pupil premium funding to employ dedicated attendance officers; and setting out a clear escalation procedure and consistently working with their local authority attendance service on legal intervention where needed.

Proposal and rationale

Individual school level

Whilst many schools are already doing some or all of these things, schools are not currently required to do so, which means that it is by no means universal. Moreover, whilst many schools have some version of a whole school attendance policy, there is great variety in their quality and how frequently they are updated as there is no formal requirement to develop and publish such policies for pupils and parents. To improve consistency of effective practice, we therefore propose to require all schools to have a published policy on attendance management and improvement (similar to their existing duty on behaviour) and require them to have regard to new statutory guidance on attendance management and improvement.

Such a proposal is not for the sake of having a document, but so that schools think strategically about their attendance efforts and ensure that staff, pupils and parents all understand the importance of regular attendance, understand what support they can expect to receive when attendance difficulties are encountered and understand the consequences where that support does not work or is not engaged with.

We have worked with schools from across the country that have improved their attendance to above national average, despite having challenging cohorts of pupils, to produce a set of key features of a successful whole-school approach that was published as part of our [attendance good practice framework](#) in 2020. This proposal would build on this by requiring the following principles to be covered in school policies:

- How the school sets clear expectations for parents and pupils.
- The day-to-day processes around attendance management that parents can expect (for example, phoning the parent on the first day of an unauthorised absence).
- How the school is promoting good attendance (for example, through regular monitoring).
- The named member(s) of staff responsible for attendance (for example, the named senior leader and/or the pastoral staff).
- The specific strategies the school is using to address persistent absence (for example, how the school will use data to target improvement action on the pupils or pupil cohorts that need it most and how they will work with wider services to provide a whole family response).
- The clear escalation route in the event of a pupil's failure to attend regularly, including how pastoral staff will provide support and access wider services, clarity on when the LA/other agencies will be involved and what support they can provide, and ultimately the point at which sanctions will be sought if the support does not work or is not engaged with.

There would also be requirement to review and publicise the policy regularly, similar to the existing requirement on behaviour policies.

Many schools already do some or all of these things, and for them, this will be an opportunity to formalise and build on their approach, and for others this is an opportunity to learn from those who have successfully improved their own attendance. Our informal consultation and the positive response to the good practice framework has demonstrated a desire from schools for further guidance on successful approaches. To help school leaders develop and implement their whole school policy we therefore also propose introducing new guidance covering each of these areas.

Academy trust and governing body level

Academy Trusts

The government remains committed to all schools being able to benefit from being part of a strong, multi-academy trust. Good whole school approaches to attendance can benefit from the regular support and challenge, and training and good practice sharing that comes from being part of a strong multi-academy trust.

The Northern Education Trust, for example, has a culture of high expectation on attendance across its academies: making attendance improvement a key component of all its key policies and strategies, regularly discussing attendance at its trust level leadership meetings and hosting trust wide attendance network meetings.

In addition to the duty to ensure their schools have a policy as set out above, we propose the new statutory guidance also includes specific expectations of academy trusts in further supporting their schools, covering:

- The trust's role in promoting good attendance and focussing improvement efforts across its schools (e.g. ensuring attendance is covered in improvement strategies such as SEND, safeguarding or raising attainment).
- Training provided to school level staff on the importance of good attendance and strategies for improving it (e.g. an expectation to include attendance in the trust's wider CPD offer).
- Regular communications and networking to share good practice across schools (e.g. sharing practical tools such as attendance trackers and model communications to parents).
- The CEO and Board's role in holding individual schools to account and providing support and challenge on their attendance management and improvement (e.g. ensuring accurate, consistent recording of the register).

Governing bodies of maintained schools

To achieve greater consistency of attendance management and improvement, the Secretary of State is also keen to ensure maintained schools have access to support and challenge. As such, we propose the statutory guidance also includes an expectation that governing bodies of maintained schools:

- Promote good attendance and help focus their school(s) improvement efforts (e.g. ensuring attendance is covered in improvement strategies such as SEND, safeguarding or raising attainment).
- Ensure that training is provided to school staff on the importance of good attendance and strategies for improving it (e.g. an expectation to include attendance in the school's wider CPD offer).
- Hold the school leaders to account and provide support and challenge on their attendance management and improvement (e.g. ensuring accurate, consistent recording of the register).

The Secretary of State also proposes that local authorities should be expected to deliver communications and networking to share good practice across all schools (e.g. sharing practical tools such as attendance trackers and model communications to parents). For further details please see proposal 3.

Technical detail of our proposal

Subject to any further policy development following consultation, the Secretary of State intends to publish non-statutory guidance to schools, academy trusts, and governing bodies of maintained schools covering attendance policies and whole school management and improvement processes ahead of Academic Year 2022-2023 to give all schools time to implement before legislation requires it.

This guidance will be accompanied, when parliamentary time allows, by the introduction of a new statutory duty on proprietors to ensure such a policy is produced, published, and regularly publicised. In the efforts of ensuring consistency, it is also the Secretary of State's intention to use that legislative vehicle to require the proprietors of schools (including academy trusts and governing bodies) to have regard to the guidance putting it on a future statutory footing.

In this legislation, we propose requiring all schools in England to have a policy and have regard to the new statutory guidance. The Secretary of State does, however, recognise that not all areas will be relevant to every school (e.g. those exclusively open to boarders) and therefore the proposed guidance would provide further detail on how certain school types and settings can fulfil their new duty.

Questions on proposal 1:

1. Do you agree that all schools should be required to publish an attendance policy?

Strongly agree/ Somewhat agree/ Neither agree nor disagree/ Somewhat disagree/ Strongly disagree

If you wish to, please explain why in no more than 200 words

2. Are the proposed principles to be covered in school policies (outlined on page 8) sufficient to improve the consistency of attendance support that pupils and parents receive?

Entirely sufficient/ Somewhat sufficient/ Unsure/ Somewhat insufficient/ Entirely insufficient

If you wish to, please explain why in no more than 200 words

3. Do you agree that minimum attendance management expectations should be set for academy trusts and governing bodies of maintained schools?

Strongly agree/ Somewhat agree/ Neither agree nor disagree/ Somewhat disagree/ Strongly disagree

If you wish to, please explain why in no more than 200 words

4. Are the proposed expectations for academy trusts and governing bodies of maintained schools (outlined on pages 9 and 10) sufficient to improve the consistency of attendance support and challenge schools receive?

Entirely sufficient/ Somewhat sufficient/ Unsure/ Somewhat insufficient/ Entirely insufficient

If you wish to, please explain why in no more than 200 words

Proposal 2: Introducing statutory guidance on the expectations of local authority attendance services.

Background

Whilst both schools and trusts have a crucial role in raising attendance for all pupils and have an additional protective role as the best placed 'service' to spot early patterns of poor attendance for persistent absentees, individual children's barriers to attendance often go far beyond the school gates. Persistent absenteeism is almost always a symptom of wider problems in a child's life, and therefore the local authority and other local partners have a crucial role to play in ensuring all children can access the full-time education to which they are entitled.

As well as providing access to support services, local authorities have a range of legal powers at their disposal to utilise if support fails or is not engaged with. The role of the local authority in school attendance has not always kept pace with changes in the school system in recent years, as such the type of support available to pupils, parents and schools differs from local authority to local authority which is fuelling unfairness. Of 150 local authorities involved in informal consultation for these proposals, approximately 13% provided only statutory services without support, 44% provided a wider service on a traded basis if schools bought it in, and only 14% provide support and statutory work to all schools in their area without trading. This translates to different levels of support being provided to pupils and parents depending on what school, where it is and in which local authority area they live.

As with schools, we know from local authorities with higher than average attendance despite high disadvantage, that successful local authority attendance services have a number of core components:

- Using attendance data to set an LA wide attendance strategy by rigorously tracking data and prioritising pupil cohorts and schools to work with.
- Bringing schools together (regardless of school type) to communicate messages, provide advice and share best practice between schools and trusts within the area.
- Holding regular conversations with schools, using their absence data, to identify pupils and cohorts at risk and agreeing target actions and access to services for those pupils.
- Have dedicated early help support workers to work intensively with families and provide practical whole-family support where needed to tackle the causes of absenteeism and unblock barriers to improved attendance. This includes, maintaining good relationships with health, youth justice and VCS partners to unblock wider societal barriers to attendance.

- Making use of the full range of legal powers (education supervision orders, parenting contracts as well as penalty notices and prosecutions) and applying this consistently across the area.

Nottinghamshire County Council, for example, has transformed their attendance service through the use of existing budget alongside Supporting Families funding, some DSG and the use of enforcement income to create a Family Service that better serves the needs of pupils and parents in their area. As a large two tier authority Nottinghamshire recognised from their data that the needs of its 7 districts were diverse and that barriers to attendance were almost always wider than absence itself. As such they merged their education welfare service within their targeted youth support offer in 2012 and later in 2015 within their wider family support offer to provide a more integrated, holistic multi-agency whole family support service to pupils and parents referred by schools and academies. Early Help Lead Professionals within the Family Service receive legal supervision from a Senior Education Welfare Practitioner for all cases where school attendance is a concern and this runs alongside a whole family assessment and a multi-agency family support and intervention plan. Legal action is used only as a last resort after support does not work or is not engaged with. As a result of refocussing the service to think whole family, the authority had the highest attendance rate in the East Midlands prior to pandemic.

Proposal and rationale

The importance of good school attendance is the same wherever in England a family lives and therefore all parents should be able to expect timely support, and consistent use of legal intervention where support is not successful or not engaged with. This consistency is also important for multi-academy trusts who have schools in several different local authority areas. Throughout the informal consultation to inform these proposals, schools, trusts and local authorities themselves expressed desire to see a more consistent offer from LA attendance services.

We have therefore worked with local authorities across the country to design a minimum set of expectations for all local authority attendance services which the Secretary of State intends to require all LAs to have regard to in the running of their service. We recognise the importance of local authorities designing a service that works for them and meets the needs of their residents and therefore it will not impose a specific model to be used, but will set out a minimum set of components for every LA attendance service, namely:

- Taking a strategic view across the geographical area and using attendance data to set an area wide strategic approach to attendance – prioritising the resources they have and the service they operate to support the individual pupils, cohorts and schools who need it most.

- Bringing schools together regularly (regardless of school type) to communicate messages, provide advice and share best practice between schools and trusts within the area.
- Providing advice to all schools in the area and providing opportunities for regular conversations with schools to use their absence data to identify pupils and cohorts at risk and agreeing target actions and access to services for those pupils.
- Having the infrastructure to make sure families receive whole family support to address the causes of poor attendance. This infrastructure should include having early help support workers who work intensively with families and provide practical whole-family support to unblock barriers to attendance, and also support for other lead practitioners.
- Maintaining good relationships with health, youth justice and VCS partners to unblock wider societal barriers to attendance.
- Retaining attendance and 'access to education' experts to advise and support family support workers and take forward attendance legal action or act as lead practitioner where most appropriate.
- Making use of the full range of legal powers (including education supervision orders and parenting contracts) as well as fixed penalty notices and prosecutions for non-attendance where support does not work or is not engaged with.

Technical detail of our proposal

We recognise that the variety of models local authorities are currently using for their service delivery – including trading some of the above components – means it will take time for LAs to transition to provide this minimum statutory expectation to all schools and that it may require reprioritisation or negotiation to retain more DSG funding with Schools Fora. Therefore, subject to any further policy development following consultation, and in keeping with new guidance for schools and trusts, the Secretary of State intends to publish new guidance for local authorities covering these expectations on a non-statutory basis ahead of Academic Year 2022-2023.

This guidance will be followed, when parliamentary time allows, with a new statutory duty on local authorities to ensure the LA's functions are exercised with a view to promoting school attendance and addressing non-attendance and to have regard to the new statutory guidance. This will come into force from a later date allowing time for transition before the new expectations become statutory.

Questions on proposal 2:

5. Do you agree that a minimum set of components for LA attendance services should be set?

Strongly agree/ Somewhat agree/ Neither agree nor disagree/ Somewhat disagree/ Strongly disagree

If you wish to, please explain why in no more than 200 words

6. Are the proposed components for LA attendance services (outlined on pages 13 and 14) sufficient to improve the consistency of attendance support which pupils, parents and schools receive?

Entirely sufficient/ Somewhat sufficient/ Unsure/ Somewhat insufficient/ Entirely insufficient

If you wish to, please explain why in no more than 200 words

Proposal 3: A clearer more consistent national framework for the use of attendance legal intervention, including a new regulatory framework for issuing fixed penalty notices for absence.

Background

Improved earlier intervention and better more targeted support to meet individual pupils' and families' needs will be enough to reduce absence in most cases. Where that support is not successful or engaged with, however, better use of the existing suite of parental responsibility measures will provide an additional protection to a pupil's right to an education.

Parents have a duty, under section 7 of the Education Act 1996, to ensure that their child of compulsory school age (5 to 16) receives an efficient full-time education either by attendance at school or otherwise than at a school. If parents choose to get their child registered at school, the law places a duty on the parents to ensure their child of compulsory school age attends school regularly.

If parents have their child registered at school and the child fails to attend regularly, parents may be guilty of an offence under section 444 of the Education Act 1996.

In the same way that support for pupils and parents should be made more consistent across the country, so should enforcement when that support does not work or is not engaged with. The offences for failing to secure a child's regular attendance (found in section 444 Education Act 1996) are the same across the country and so is the disruption that unauthorised absence causes to the pupil's education, their peers and their teachers. The law provides a range of 'parental responsibility measures' to help improve attendance, including parenting contracts, parenting orders, education supervision orders, fixed penalty notices and ultimately prosecution. Whilst LAs are, and would remain, independent prosecutors, the new statutory guidance will set out clearer national expectations on their usage to deliver greater fairness for parents across local authority areas.

In addition, and following informal consultation with schools and local authorities, we will introduce a new regulatory framework for the most commonly used measure – fixed penalty notices – to improve consistency and fairness, and to ensure they are used appropriately as part of the suite of measures. Fixed penalty notices issued to parent(s) who have committed the offence are currently £120, reduced to £60 if paid within 21 days. 45,809 fixed penalty notices were issued to parents during the 2020-21 academic year, with 76% being for unauthorised family holidays. Fixed penalty notices can also be

issued to a parent where their child appears in a public place without justifiable reason during the first five school days of a suspension or permanent exclusion.

Currently, each local authority decides in what circumstances it will issue a penalty notice in line with the Education (Penalty Notices) (England) Regulations 2007, as amended. This means that enforcement for an absence may be taken against a parent living in one local authority's area, but the same absence would not be subject to enforcement in a neighbouring authority's area. In some cases raised with the department, for the same period of unauthorised absence, a parent can face a penalty notice from one local authority for one of their children, but not for another, simply because their school is in a different authority area. This inconsistency across the country meant that in 2020-21, 22 local authorities accounted for over 50% of all penalty notices issued, whilst 15 local authorities issued fewer than 10 penalty notices (with 7 issuing none).

Every child has a right to a full-time education and the Secretary of State has been clear that it is therefore important for sanctions such as fixed penalty notices and prosecution to remain available for occasions where absence is unlawful and unnecessary, and/or where unauthorised absence is common and their use would be appropriate to the specific case because support has been offered and either has not worked or has not been engaged with.

Proposal and rationale

As well as being keen to improve the consistency of attendance support provided to pupils and parents across the country, the Secretary of State is keen to address the inconsistency in use of the parental responsibility measures, and in particular fixed penalty notices.

The new statutory guidance for local authorities will set expectations for use of the parental responsibility measures, including recommendations on LAs' existing duties and requirements. By improving access to support from LAs and fostering better working together between LA services (including those responsible for early help and attendance enforcement), the Secretary of State intends to underline the importance of supportive approaches being explored first, whilst reiterating that a full range of legal interventions are available where that support does not work or is not engaged with. This, coupled with the improvements in proactive school, academy trust, governing body and LA attendance management, will aim to reduce the number of pupils reaching the stage where legal intervention is necessary. This will further help ensure that where it is needed, there is a move away from some LA's overreliance on fixed penalty notices towards better use the full range of measures on an individual case by case basis to change parental behaviour more effectively. Local authorities would remain independent

prosecutors and would continue to decide which (if any) parental responsibility measure they use for each individual case.

In addition, we propose replacing each LA's existing duty to create a code of conduct under the Education (Penalty Notices) (England) Regulations 2007, as amended, with a new regulatory framework for the issuing of fixed penalty notices.

The new regulations would cover the same areas as existing local authority codes of conduct but replace individual local thresholds with national thresholds at which a penalty notice must be considered, move away from blanket policies about their use and require individual case by case decisions when a threshold is met, and specify the maximum number of penalty notices that can be issued to a parent in a given period. As with the wider framework set out in the statutory guidance, the decision on whether to issue a fixed penalty notice would remain with the LA.

The new regulations would cover:

- The circumstances in which a penalty notice must be considered:
 - A number of sessions of unauthorised absence in a fixed period
 - An incidence of unauthorised leave of absence in term time
 - Any sessions of unauthorised absence immediately following a period of authorised leave in term time
 - A number of occurrences of lateness
 - An incidence of being in a public place during school hours when excluded (with reasonable exceptions)
- A requirement for those with authority to issue a penalty notice (a head teacher (or an authorised deputy or assistant head teacher) or a police constable) to check with the local authority before issuing a penalty notice to prevent the issuing of duplicate penalty notices and ensure that a penalty notice is not issued when a prosecution for the particular offence is already being contemplated or has been commenced by the local authority.
- The maximum number of penalty notices that may be issued to one parent in a fixed period before considering prosecution at the next offence.
- A requirement for the local authority to make arrangements for coordination between the local authority, neighbouring authorities and the police.

Technical detail of our proposal

Subject to any further policy development following consultation, the Secretary of State intends to legislate when parliamentary time allows to remove LA's legal duty to develop a code of conduct and replace it with a national framework for issuing fixed penalty notices set out in secondary legislation.

This is likely to be achieved, subject to Parliament, through revoking and replacing the Education (Penalty Notices) (England) Regulations 2007, as amended with an expanded set of new Regulations to cover the areas set out in the section above in addition to their existing content.

Questions on proposal 3:

7. Do you agree that a national framework for the use of attendance legal intervention, including a new regulatory framework for issuing fixed penalty notices for absence should be set?

*Strongly agree/ Somewhat agree/ Neither agree nor disagree/
Somewhat disagree/ Strongly disagree
If you wish to, please explain why in no more than 200 words*

8. Are the proposed areas for inclusion in the new regulatory framework for fixed penalty notices (outlined on page 18) sufficient to improve the consistency of them being issued?

*Entirely sufficient/ Somewhat sufficient/ Unsure/ Somewhat insufficient/
Entirely insufficient
If you wish to, please explain why in no more than 200 words*

Proposal 4: Bringing the rules for granting leaves of absence in academies in line with other state funded schools.

Background

The Education (Pupil Registration) (England) Regulations 2006, as amended in 2013, provide that head teachers in schools maintained by local authorities and special schools not maintained by local authorities may grant leave only in exceptional circumstances. Where a parent wishes to take their child out of one of these schools, the onus is on the parent to apply to the school in advance for a leave of absence; demonstrating in their application why they believe there are exceptional circumstances for taking their child out of school.

The changes in September 2013 updated the regulations to provide that only 'exceptional circumstances' warrant an authorised leave of absence. The change addressed the widespread misconception that parents had an entitlement to a certain level of absence in term-time. Since the regulations were changed, the proportion of authorised holidays in term time has fallen from 6.9% of all absence in 2013 to 1.4% in 2019 and this reduction formed part of the wider improvement in attendance from 2010-2019 that saw around 15 million more days in school.

Although the Department for Education does provide guidance concerning the Regulations, it does not detail what constitutes exceptional circumstances. Head teachers know their pupils better than the department and are therefore best placed to make those judgements on a case-by-case basis, considering the merits of each request for leave and deciding whether it is exceptional.

Proposal and rationale

Whilst many academies follow this Regulation, it does not currently apply to schools that are not maintained by the local authority and are not special schools. Therefore, to further increase consistency for pupils and parents and ensure fairness across school types, we propose extending the current regulatory making power so that it also covers academies.

Technical detail of our proposal

Subject to any further policy development following consultation, the Secretary of State intends to legislate when parliamentary time allows to extend the power granted by section 551 of the Education Act 1996 to allow regulation of leaves of absence in all state-funded schools (community schools, foundation schools, voluntary aided schools, voluntary controlled schools, community special schools, foundation special schools, academy schools, free schools, university technical colleges, city technology colleges, pupil referral units, alternative provision academies, state boarding schools and special schools not maintained by the local authority).

The intention, subject to Parliament, would then be to amend regulation 7 of the Education (Pupil Registration) (England) Regulations 2006, to apply the same rules on granting leaves of absence to all state-funded schools. This is likely to happen as part of the wider rewrite of the Regulations currently planned.

Questions on proposal 4:

9. Do you agree there should be consistency in the rules around granting leaves of absence across all state funded schools?

Strongly agree/ Somewhat agree/ Neither agree nor disagree/ Somewhat disagree/ Strongly disagree

If you wish to, please explain why in no more than 200 words

Public Sector Equality Duty

Under the Equality Act 2010, the public sector equality duty requires public authorities to have due regard to the need to: eliminate unlawful discrimination, harassment and victimisation; advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it; and foster good relations between persons who share a relevant protected characteristic and persons who do not share it. The 'protected characteristics' for the purpose of this duty are:

- Age (although a statutory exemption applies for school policy)
- Disability
- Gender Reassignment
- Marriage and Civil Partnership (although this is only relevant in relation to eliminating unlawful discrimination, harassment and victimisation)
- Pregnancy and Maternity
- Race (including ethnicity)
- Religion or belief
- Sex
- Sexual orientation

Questions on the equalities impact:

10. What do you consider to be the equalities impacts of the proposals on protected characteristics (mentioned above)?



Department
for Education

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