



Summary of key legislation and policy in relation to Attendance and Absence

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Legislation and education policy context for improving attendance

There is a system-wide concern about reduced levels of attendance, particularly since the pandemic. National statistics provide evidence that there is a poverty-related gap in attendance. The associated sketch note aims to provide an overview of the legislation and policy within Scotland.

Legislative context for Attendance and Absence management

- [Education \(Scotland\) Act 1980](#)
- [Standards in Scotland's Schools etc. Act 2000](#)
- [The Education \(Disability Strategies and Pupil Records\) \(Scotland\) Act 2002](#)
- [The Education \(Additional Support for Learning\) \(Scotland\) Act 2004](#)
(amended 2009 & 2018)
- [Scottish School \(Parental Involvement\) Act 2006](#)
- [The Equality Act \(2010\)](#)
- [The Children and Young People \(Scotland\) Act \(2014\)](#)
- [UNCRC \(Incorporation\) \(Scotland\) Act 2024](#)
- European Convention on Human Rights – Article 2 of Protocol 1 ([guidance updated in 2022](#))

Policy guidance context for Attendance and Absence management

- [Getting it right for Every Child](#)
- [Curriculum for excellence](#) – specifically, HWB Responsibility of All
- [National Improvement Framework](#) – particularly, children’s rights and HWB priorities
- [National Guidance for Child Protection in Scotland 2021 - updated 2023](#)
- [Education of children unable to attend school due to ill health: guidance 2015](#)
- [Children Missing from Education Guidance](#) for local authorities
- [Included, engaged and involved part 1: promoting and managing school attendance](#) 2019
- [Included, Engaged and Involved – Part 2 – preventing and managing school exclusions](#) 2017
- [Developing a positive whole school ethos and culture: relationships, learning and behaviour](#) 2018
- [Supporting Children’s Learning – Code of Practice](#)
- [Home Education Guidance](#)
- [Guidance on the Scottish Schools \(Parental Involvement\) Act 2006](#)
- [The Curriculum for Excellence](#)
- [The National Improvement Framework for Scottish Education’s](#)
- [How Good is Our School Frameworks](#) and [How Good is OUR School?](#)
- [Respect for All: National approach to anti-bullying](#)
- [School Handbook Guidance \(2012\)](#)

Key legal duties relating to attendance

- Education (Scotland) Act 1980, Section 30

It shall be the duty of the parent of every child of school age to provide efficient education for him suitable to his age, ability, and aptitude either by causing him to attend a public school regularly or by other means.

- Education (Scotland) Act 1980, Section 135

The definition of a parent 'includes guardian and any person who is liable to maintain or has parental responsibilities (within the meaning of section 1 (3) of the Children's (Scotland) Act 1995) in relation to or has care of a child or young person.

- Standards in Scotland's Schools etc. Act 2000, section 1, clearly states:

'It shall be the right of every child of school age to be provided with school education by, or by virtue of arrangements made, or entered into, by, an education authority.'

- The Education (Additional Support for Learning) (Scotland) Act 2004 (amended 2009 & 2018)

Requires education authorities and other agencies to make provision for all pupils who require additional support to overcome barriers to their learning. Providing additional support may help children and young people to engage more fully with school and promote good attendance.

- Article 28 of the United Nations Convention on the Rights of the Child

State parties recognise the right of the child to education, ...

(e) take measures to encourage regular attendance at schools and the reduction of drop-out rates.

- The Children and Young People (Scotland) Act 2014, (Part 9)

Sets out the role of all staff, as corporate parents, to promote school attendance for Looked After Children.