

Box CE VC Primary School Attendance Policy

Status statutory

Rationale

Excellent education is vital to the lives of all children and to our society as a whole. Whilst it is known that the life chances of children may not be equal from the outset of their lives for various reasons, education can help to redress this imbalance and help to ensure that every child has the chance to fulfil their potential.

Regular attendance is an essential foundation of raising pupil attainment. Absence from school can seriously disrupt pupils' continuity of learning. Not only do they miss out on taught lessons, but many children find it difficult to catch up when they return to school.

Poor or irregular attendance places children at risk and in some cases can result in them being drawn into patterns of anti-social or criminal behaviour.

Aim

The aim of this policy is to ensure that the school's legal responsibilities, with regard to pupil attendance, are fulfilled by staff, parents and pupils.

The legal framework

Under section 7 of the Education Act 1996, parents must ensure their children are educated. For most parents/carers this means registering their child at a school and ensuring their regular attendance. Failure to do so can result in the issue of a Penalty Notice or being prosecuted.

By law schools are required to:

- Take an attendance register twice a day: at the start of the morning session and once during the afternoon
- Report pupils who fail to attend regularly or who are absent for ten consecutive school days or more without known reason to the local authority (Wiltshire Council)
Must show for every session in the attendance register, whether a pupil is present, absent, attending approved educational activity or unable to attend due to exceptional circumstances.

NB - Authorised absence is where the school has given approval in advance for a pupil of compulsory school age to be away, or has accepted an explanation offered afterwards as a satisfactory justification for the absence. All other absences are unauthorised.

Roles and responsibilities

Parental Responsibilities:

- Ensure that their child attends school regularly arrives at school on time, appropriately dressed and in a 'condition to learn' i.e. not too tired or too hungry to learn.
- Work in partnership with the school to help their child gains an appreciation of the importance of attending school regularly and punctually.

- Make medical, dental appointments etc. out of school hours, where possible
- Notify the school if their child is absent by phone or in writing on the first day of absence, ideally first thing in the morning.
- Take holidays and day trips in school holidays except in exceptional circumstances
- Complete an 'absence from school form' (see appendix) for planned absences and return it to the office in advance of the absence. Absences, such as holidays, can't be authorised retrospectively
- Work with the school to take an active interest in their child's school life, to reinforce school policies/arrangements on homework, behaviour and approach to learning, to attend parents' evenings and other meetings where necessary.
- Work with the school and other agencies to resolve issues relating to non-attendance.
 - Parents must seek permission from their child's headteacher prior to any holiday in term time and give advance maximum notice for such a request. See holiday absence.

Pupils

As pupils become older and more independent they also have a responsibility to make sure they follow the school procedures made known to them for receiving their registration mark, in particular what to do when arriving late.

School

Schools are responsible for supporting the attendance of their pupils and for dealing with problems which may lead to non-attendance.

School responsibilities:

- To maximise attendance rates
- Support parents in ensuring regular and punctual attendance
- To respond promptly to any issue which may lead to non-attendance or irregular attendance
- Provide formal written notification explaining the actions that may be taken and ensure parents understand the consequences of failing to ensure their child's regular attendance, in particular that the case could result in a penalty notice and/or court.
- Be sensitive to the needs of the individual parent.
- Produce a whole School Attendance Policy which is consistently applied and clearly communicated to all parents.
- Ensure that parents are made aware that any authorisation for a leave of absence in term time will only be granted in exceptional circumstances, in line with the law, and where a leave of absence in term time is not agreed or no application has been made or the pupil does not return on the agreed date, that absence will be unauthorised and the parent may incur a penalty notice.

Roles and responsibilities within the school

- The **headteacher's** role is to improve attendance and ensure that good attendance is maintained
- **Class teachers** ensure that registers are completed accurately and efficiently, with follow up notes. Inform the headteacher if there is social or emotional problem or any

unusual absences, for example that may lead to absence and to meet with parents to discuss attendance if needed.

- The **governing body** monitor attendance and ensure that statistics are reported to the LA. They will also ensure that the LA is informed about the long-term absence of any pupils.
- **Admin staff** are responsible for first day contact procedures when a child is absent from school and the reasons for absence are unknown. They check registers daily and ring the parent/guardian of any child who is not in school to ask the reason for their absence. They also record weekly attendance figures electronically and highlight poor attendance figures to the headteacher and teachers

In addition the school will:

- Report each child's attendance to parents at the end of each term and in their child's annual report
- Monitored attendance regularly
- Reward good attendance
- Ensure pupils absent for long periods because of ill-health receive appropriate support with their learning support
- Strongly advise parents to take holidays outside of term time; if a holiday is taken in term time parents will be expected to give a reason why they are not able to go during school holidays. If a reduction of the cost of the holiday is given as the reason, the holiday will not be authorised..
- Where the circumstances for an absence appear to be avoidable such as shopping, day trips, visiting friends and relatives, a birthday treat, too tired after a late night, the absence will be recorded as unauthorised
- Work with the LA, parents and pupils to set individual attendance targets where appropriate
- Follow the LA's procedures for 'fixed penalty notices for poor school attendance' (see appendix) in the case of poor attendance where there is no explanation for the absence
- And if high levels of absence continue a request may be made to the Education Welfare Officer (EWO) to begin procedures for fast 'track to prosecution'

The Education Welfare Service

The Local Authority discharges its statutory duty to ensure regular school attendance through Education Welfare Officers (EWOs) within the Education Welfare Service. The primary responsibility of the Education Welfare Service is to promote the excellent attendance of all pupils in Wiltshire, thereby contributing to raising pupil attainment. The Education Welfare Service works in close partnership with all maintained schools in Wiltshire and other statutory and voluntary agencies to promote regular school attendance

Attendance register procedures

Attendance registers are legal documents which may be required as evidence in court. Schools are required to take an attendance register at the start of the morning session and once during the afternoon session. Taking the register is a key part of the school day and should be seen as such by staff, parents and pupils.

The following action must be taken:

- On each record whether every pupil was present, absent, present at approved educational activity or unable to attend due to exceptional circumstances.
- If a pupil of compulsory school age (over 5) is absent the register must also show whether the absence was authorised by the school or not.
- Authorised absence means that the school has either given approval in advance for the pupil to be away or that an explanation offered afterwards has been accepted as satisfactory justification.
- The law requires absences not agreed in advance to be recorded as unauthorised unless and until a satisfactory explanation is forthcoming

Reception Age Children

Children do not reach statutory school age until they are five years old. However, we want to establish good attendance patterns for children from an early age so our expectations will be that they follow the same procedures as the rest of the school.

Holiday absence

The Wiltshire Council policy states that:

Time off school for family holidays is not a right. Schools have discretion to allow up to 10 days in the school year for a family holiday if they believe that the circumstances warrant it.

Schools may agree up to 10 days 'holiday leave' in exceptional circumstances such as:

- when a family needs to spend time together to support each other during or after a crisis;
- for service personnel and other employees who are prevented from taking holidays outside term time *if* the holiday will have minimal disruption to the pupil's education.

In general terms, the Local Authority would expect a school to consider the potential negative impact that any absence can have on a child's academic progress, even if a child's attendance is good, for example at 95% or above.

The Local Authority will not, however, expect schools to agree holiday leave if:

- the pupil already has poor attendance and the Education Welfare Service (EWS) is involved;
- the pupil would miss public examinations such as Key Stage 2 tests.

Holidays for the following reasons should not be authorised:

- availability of cheap holidays;
- availability of the desired accommodation;
- poor weather experienced in school holiday periods; and
- overlap with the beginning or end of term.

In **exceptional circumstances**, schools can approve more than 10 days holiday, called extended leave of absence or extended holidays.

In all circumstances of holiday leave, a written application must be made by the parent with whom the pupil normally resides in advance of the holiday and a date for the pupil's return to school agreed. Leave of Absence forms should be obtained from the school office.

Arrangements for monitoring and evaluation

The headteacher will, on a termly basis, provide data on pupil attendance against the number of sessions taught, and will provide comparisons with previous terms and years. The headteacher and governing body will evaluate the data and decide what, if any, further action is required.

Appendix

Fixed penalty notices for poor school attendance
Wiltshire Council Penalty Notice Code of Conduct
Leave of absence from school form
Attendance codes

Reviewed
October 2018

Next Review
October 2020

When can Leave of Absence be authorised?

Amendments made to the 2006 regulations in the **Education (Pupil Registration) (England) (Amendment) Regulations 2013** make clear that headteachers may not grant any leave of absence during term time unless there are **exceptional** circumstances.

Why have I received this leaflet?

This leaflet is sent to parents in Wiltshire to inform them of the extended use of Penalty Notices for unauthorised leave of absence or for parents who have requested leave of absence during term time.

If the leave of absence you have requested is not agreed by the school and your child's total unauthorised leave of absence amounts to 10 or more sessions (5 school days), continuous or aggregated within the previous six months within the current academic year the Education Welfare Service will be notified. The six months includes all unauthorised leave of absence up to the day the Education Welfare Service is notified.

Following this notification from a school that a parental request for a leave of absence in term time has not been authorised and the leave of absence is taken the Local Authority will issue a Penalty Notice to each parent for each child.

What can I do now?

If the leave of absence that you have requested is not authorised you are advised not to take your child out of school.

Who can I discuss this with?

In the first instance talk to your child's school; otherwise the Penalty Notice Officer can be contacted on:

Tel: 01722 438123 Email: PNLO@wiltshire.gov.uk

PENALTY NOTICES FOR UNAUTHORISED LEAVE OF ABSENCE DURING TERM TIME (PREVIOUSLY CALLED HOLIDAY ABSENCE)

**s444A and s444B Education Act 1996
&
The Education (Pupil Registration) (England)
Regulations 2006**

Information for Parents and Carers

September 2017

What are s444A and s444B of the Education Act 1996?

Section 444A and section 444B of the Education Act 1996 give powers to the Local Authority (LA) to issue Penalty Notices where the parent/carer is considered capable of but unwilling to secure an improvement in their child's school attendance.

Why are these powers available?

Reducing absence from school is a key priority at both national and local level. Missing school reduces a pupil's educational attainment and life chances.

What is a Penalty Notice?

A Penalty Notice is an alternative to prosecution and is used to try and secure an improvement in a pupil's school attendance without the need to appear in Court. As long as the penalty is paid the Penalty Notice enables parents or carers to discharge their potential liability for prosecution for the period covered by the Penalty Notice.

What are the costs?

Payment of £120 is required within 28 days of receipt of the Penalty Notice; this sum is reduced to £60 if paid within 21 days. If the penalty is not paid in full within 28 days the LA is required to commence proceedings in the Magistrates' Court for the original offence of your child's poor school attendance. If you plead guilty or are found guilty the Courts have a wider range of options which could include a maximum fine of £1000. In addition a Parenting Order could be imposed.

Penalty Notices are issued to each parent for each child and payment is required for each Penalty Notice issued.

Who issues them?

The Local Authority through the Education Welfare Service.

How are they issued?

By post to your home.

Can I be prosecuted if I pay the penalty but my child is still missing school?

Yes. You will not be prosecuted for the period included in the Penalty Notice – payment discharges your liability in this respect. However, legal proceedings might be considered for further periods of poor attendance not covered by the Penalty Notice, depending upon the circumstances.

When are they issued for unauthorised Leave of Absence

Penalty Notices are issued for absence taken during term time where the leave of absence has not been authorised by the school or an absence has not been requested in advance and pupil will have had a minimum of 10 sessions (5 school days) lost to unauthorised leave of absence during the previous six months up to and including the day the Education Welfare Service is notified.

What is unauthorised Leave of Absence?

- A parent has made a request for leave of absence in term time and this has not been agreed by the school;
- A parent has not applied for leave of absence in advance of the absence (the regulations do not allow retrospective approval); or
- If the parents keep the child away from school for longer than was agreed, the extra time is recorded as unauthorised

Wiltshire Council

Penalty Notice - Code of Conduct

Rationale

1.1 Regular and punctual attendance of pupils at school is both a legal requirement and essential for pupils to maximise the educational opportunities available to them. Wiltshire Council's Education Welfare Service will investigate cases of irregular attendance from school and, where appropriate, instigate legal action. Penalty Notices offer a means of swift intervention to deal with unauthorised absence to avoid this becoming entrenched.

1.2 Under Section 7 of the Education Act 1996, parents are responsible for ensuring that their child of compulsory school age receives efficient, full time education that is suitable to the child's age, aptitude and ability and to any special educational needs the child may have. This may be by regular attendance at school or otherwise.

1.3 Parents are defined in Section 576 of the Education Act 1996: all natural parents, whether they are married or not; any person who has parental responsibility for a child; and any person who, although not a natural parent has care of a child. Having care of a child means that a person with whom a child lives and who looks after a child irrespective of what their relationship is with that child, is considered to be a parent in education law.

1.4 If a child of compulsory school age who is registered at a school fails to attend regularly at the school then the parent is guilty of an offence under Section 444(1) of the Education Act 1996. It is the commission of this offence that can trigger the use of a penalty notice. If a penalty notice is used by the Local Authority it provides the parent with an opportunity to discharge liability for the offence and avoid court proceedings.

1.5 Wiltshire Council may prosecute for offences under Section 444 (1) of the Education Act 1996. Possible defences available include the following:

- The pupil's absence was authorised by the school
- The pupil was ill or prevented from attending by unavoidable cause
- The absence was on a day exclusively set aside for religious observance by the religious body to which the parent belongs
- The school is not within walking distance of the child's home and the LA has made no suitable arrangements
- The parent can show that their trade or business requires them to travel, and the child has attended school as regularly as the nature of the trade or business allows, and the child has attended school for at least 200 sessions during the preceding twelve months

1.6 Under Section 103 Education and Inspections Act 2006 a parent of an excluded pupil must ensure that the pupil is not present in a public place at any time during school hours on a day which is one of the first five school days to which the exclusion relates or, where that exclusion is for a fixed period of five days or less, any of the days to which the exclusion relates, and is stated in the notice under section 104 (Education and Inspections Act 2006) to be a day on which Section 103(2) applies. If the excluded pupil is present in a public place at any time during school hours on a school day falling within Section 103(2), the parent commits an offence (section 103(3)). A Penalty Notice may be issued by the Local Authority to offer the parent/s an opportunity to discharge liability for this offence. Wiltshire council may prosecute for offences under Section 103 Education and Inspections Act 2006. A possible defence is reasonable justification for a parent to fail to comply with their duty under Section 103(2) of the act.

Legislation

2.1 The Education (Penalty Notice) (England) Regulations 2007 supports offences under section 444 of the Education Act 1996. Penalty Notices supplement existing sanctions available under Section 444 of the Education Act 1996 or Section 36 of the Children Act 1989 to enforce attendance at school or alternative provision. There is no legal requirement to consider a Penalty Notice before proceeding to a section 444 prosecution.

2.2 Section 105 The Education and Inspections Act 2006 allows a penalty notice to be issued in respect of excluded pupils in a public place (as mentioned above). Education Act 1996. These sections introduced penalty notices as an alternative to prosecution and enable parents to discharge potential liability for conviction for that offence by paying a penalty.

2.3 The Anti-Social Behaviour Act 2003 (section 23) adds two sections (444A and 444B) to the

2.4 If it appears that an offence under section 444(1) of the Education Act 1996 has been committed and none of the defences outlined above apply, then consideration can be given to issuing a penalty notice

2.5 Penalty Notices will require the parent of a child of compulsory school age whose attendance has been unsatisfactory to pay a penalty currently £120 if paid within 28 days, reduced to £60 if paid within 21 days as stated in the Education (Penalty Notices) (England) (Amendment) Regulations 2013, statutory instrument No 757. (Figures correct at the time of writing, subject to amendment by further Statutory Instrument)

2.6 This Code of Conduct complies with the requirements as set out in Sections 14 - 16 of the Education (Penalty Notices) (England) Regulations 2007

2.7 The issuing of Penalty Notices must conform to all requirements of the Human Rights Act 1998 and Equality Act 2010

Procedure

3.1 In Wiltshire Penalty Notices will be issued by the Education Welfare Service by first class post. In any case where the Penalty Notice is not paid within the prescribed period and where it is not appropriate to withdraw the Penalty Notice the Education Welfare Service will instigate action through the Magistrate's Court as required by legislation. Prosecution in such cases will be for the offence to which the Penalty Notice relates.

3.2 No parent shall receive more than three separate penalty notices resulting from the unauthorised absence of an individual child in any twelve-month period

3.3 Penalty Notices will be issued individually to each parent for each child according to each parent's liability for the offence or offences. An authorised officer has discretion when deciding to issue a penalty notice to one or more parents of a child. The specific circumstances in each individual case will be the determining factor.

3.4 The Education Welfare Service will receive requests to issue penalty notices from schools / academies / colleges in Wiltshire, Wiltshire Police and neighbouring Local Authorities. The Education Welfare Service will take forward these requests providing that:

- The circumstances of the case meet the criteria for the issue of a penalty notice as specified in this code
- All necessary information is provided to the Education Welfare Service in order to establish that an offence, under section 444 (1) of the Education Act 1996 for failure to secure regular attendance or section 103(3) of the Education and Inspections Act 2006 for failure to comply with a duty towards an excluded pupil, has been committed.

3.5 The Education Welfare Service will ensure that the issuing of Penalty Notices is closely monitored to make certain that they are not duplicated, not issued where prosecution proceedings for the same offence are being considered and that recipients pay the relevant fine within the time frames specified.

Criteria for the Issuing of a Penalty Notice

4.1 Penalty Notices can be issued where a pupil has accrued 10 unauthorised sessions within the six-month period prior to the request being made or evidence of an offence under s.103 (3) Education and Inspections Act 2006 is established.

4.2 The issue of a penalty notice will be preceded by having previously issued a formal warning letter to each parent / carer. The letter will:

- Raise concern regarding the level of the unauthorised absence and give advice regarding contact with the school and the Education Welfare Service
- Advise the parent of the powers of the Local Authority to issue penalty notices
- State the number of unauthorised absences accrued which give rise to the

formal warning being issued

- Notify the parent that additional unauthorised absence may lead to a penalty notice if no improvement is effected within an agreed period - the standard period shall be fifteen school days except where exceptional circumstances apply e.g. deliberate parentally condoned absence or where a pupil has been located on a truancy sweep / located by the Police during school time and there are additional occurrences of unauthorised absence.

4.3 Penalty Notices will not be issued for pupils in the care of the Local Authority. Any attendance concerns will form part of the pupil's Personal Education Plan.

Circumstances in which a Penalty Notice will be issued:

5.1 If in the view of an Education Welfare Officer the issuance is deemed appropriate in cases where a parent or parents continually fail to provide an explanation or fails to provide a justifiable explanation for a pupil's absence and this is recorded as an unauthorised absence by the proprietor of the school. This could include late arrival after the register has closed which is recorded as an unauthorised absence where these total 10 or more sessions.

5.2 For pupils stopped during a truancy sweep or located by Police during school hours where there are found to be additional unauthorised absences totalling 10 or more sessions

5.3 Following a request from a School / College / Academy for intervention where the circumstances appear to have been totally avoidable (e.g. too tired after a late night, a birthday treat, family / friends visiting, shopping) where this is unauthorised and these total 10 or more sessions.

5.4 Where a school/college/academy makes a notification for an instance of unauthorised leave of absence (holiday during term time) which totals 10 or more sessions continuous or aggregated within the previous six months and within the current academic year and where the proprietor has not given permission or where permission was not sought prior to the unauthorised leave of absence being taken

5.5 Following notification from a neighbouring Local Authority

5.6 For pupils who are stopped by Police in a public place during the first five school days of an Exclusion, whether for a fixed period or permanent exclusion or, where that exclusion is for a fixed period of five days or less, any of the school days to which the exclusion relates as specified in section 103(2) of the Education and Inspections Act 2006 and is stated in the notice under section 104 to be a day on which the parent is subject to this subsection.

Procedure for withdrawing Penalty Notices

6.1 A Penalty Notice may be withdrawn by Wiltshire Local Authority if the Authority determines that:

- It ought not to have been issued

- It ought not to have been issued to the person named as the recipient
- It is materially defective

6.2 Where a penalty notice has been withdrawn in accordance with the above a notice of the withdrawal will be issued to the recipient and any amount paid by way of penalty in pursuance of that notice shall be repaid to the person who paid it. No proceedings shall be continued or instituted against the recipient for the offence in connection with which the withdrawn notice was issued or for an offence under section 444 (1A) of the Education Act 1996 arising out of the same circumstances.

6.3 A Penalty Notice cannot be withdrawn because of an inability to pay

6.4 If a Penalty Notice is not paid in full before the expiry of the period of paying it and Wiltshire Council has neither instigated proceedings for the offence to which the notice relates nor is contemplating such proceedings, then the notice will be withdrawn.

Appeals

7.1 There is no statutory right of appeal against the decision to issue a penalty notice and the sole authority to authorise absence rests with the Headteacher of the school / academy / college

7.2 The Education (Pupil Registration) (England) Regulations does not permit Headteachers to give authorisation for absence retrospectively.

Payment of Penalty Notices

8.1 The arrangements for the paying of penalty notices will be detailed on the Penalty Notice

8.2 Payment by way of instalment is not permitted. Payment should be made in full according to the dates as stipulated on the Penalty Notice

Non-payment of Penalty Notices

9.1 Non-payment of a Penalty Notice will normally result in prosecution under the provisions of section 444 of the Education Act 1996 or prosecution under section 103 of the Education and Inspections Act 2006

Publicity

10.1 All schools / academies / colleges / alternative education provisions intending to use penalty notices must:

- Set out the establishment's process for managing absence
- Ensure that all parents / carers are aware of the process to request leave of absence during term time
- Make notifications to the Local Authority without delay when the particular criteria is reached
- Publish details regarding arrangements of managing absence within the establishment's Attendance Policy

Reviewed
October 2018

Next Review
October 2020



Box CE VC Primary School Leave of Absence Request Form 2017/18

Taking your child out of school during term time may harm your child's academic progress.

As absences can only be authorised in exceptional circumstances, please explain in detail the reasons for this request. Please also attach supporting documentary evidence as appropriate, so that an informed decision can be made.

We do not authorise absences during April and May, as this is when we carry out our annual assessments including SATs.

Circumstances which are notified to the school or local authority **after** a decision has been made by the headteacher will not be considered. Therefore please be certain to provide details of the special circumstances relating to your application below and attach any supporting evidence.

NB If you are requesting a holiday absence please submit this form three weeks prior to the absence

Absence requests relating to appointments on Friday afternoons can only be authorised if an appointment card is provided.

Name of child(ren)	
Class(es)	
Date of first day of absence (If only part of day please also state time collecting)	
Date of return (If only part of day please also state time returning)	
Number of days requested	
Siblings and school(s) attending	

Please give detailed information overleaf showing reasons for taking your child from school during term time. Where possible, please also attach any documentary evidence for reason e.g. hospital letter, supporting letter from services C.O. etc.

Attendance Registers: National Absence and Attendance Codes

Present

- Pupils present at morning registration should be recorded with an oblique stroke, with a stroke in the reverse direction for the afternoon session i.e. / \
- The presence of a pupil who has arrived at school late, but while the register remains open should be marked by the symbol L .

Authorised absence

The national absence codes must be used. Schools cannot add to the list of codes or use their own local codes. In order to be useful to schools in helping them identify patterns of absence, it is essential that there is consistency of use by staff within each school. C Other circumstances (*e.g. bereavement, agreed special occasions, performances, other approved absences not covered by other codes*).

E Excluded

F Extended family holiday (agreed)

H Family holiday (agreed)

I Illness (NOT medical or dental etc. appointments)

M Medical / Dental appointments

R Religious observance

S Study leave

T Traveller absence (*where the family is known to be travelling or has informed of travelling for the purposes of work*)

Approved education activity

B Educated off site (*NOT dual registration*)

D Dual registration (*ie pupil attending other establishment*)

J Interview (year 11 only)

P Approved sporting activity (*arranged by school*)

V Educational visit or trip (*arranged by school*)

W Work experience

Unauthorised absence

G Family holiday (*NOT agreed or days in excess of agreement*)

N No reason yet provided for absence

O Unauthorised absence

U Late (*after registers closed*)