

STICKLAND'S CE VA PRIMARY SCHOOL PUPIL ATTENDANCE POLICY

Adopted date:	16 th July 2020
Signature of Headteacher:	
Signature of Governing body:	
Next review date	July 2022

Stickland's Primary School is committed to providing a full and efficient education to all pupils and embraces the concept of equal opportunities for all.

We will endeavour to provide an environment where all pupils feel valued and welcome.

For a child to reach their full educational potential a high level of school attendance is essential. We will consistently work towards a goal of 100% attendance for all children. Every opportunity will be used to convey to pupils and their parents or carers the importance of regular and punctual attendance.

School attendance is subject to various education laws and this school attendance policy is written to reflect these laws and the guidance produced by the Department for Education

Each year the school will set attendance/absence targets.

The school will review its systems for improving attendance at regular intervals to ensure that it is achieving its set goals.

This policy will contain within it the procedures that the school will use to meet its attendance targets.

Promoting attendance

The foundation for good attendance is a strong partnership between the school, parents and the child.

We will ensure that our pupils are made aware of the importance of good attendance and how this will benefit them.

Registers

School registers are taken online. Staff login through the school website via individual usernames and passwords.

Morning registration will take place at the start of school at 8.45am. The registers will remain open for 30 minutes. Any pupil arriving after this time will be marked as having an unauthorised absence unless there is an acceptable explanation i.e. school transport was delayed. In cases, for example, where the absence at

registration was for attending an early morning medical appointment, the appropriate authorised absence code will be entered.

The afternoon registration will be at 1.05 PM.

Pupils arriving after the start of school but before the end of the registration period will be coded as late before registers close.

School Procedures

Any child who is absent from school at the morning or afternoon registration period must have their absence recorded as being authorised, unauthorised or as an approved educational activity (attendance out of school). Only the headteacher or a member of staff acting on their behalf can authorise absence. If there is no known reason for the absence at registration, then the absence will be recorded in the first instance as unauthorised.

The coding for any absences will be in accordance with the guidance provided by the Department of Education.

First Day Absence

If a child is absent the parent must contact us as soon as possible on the first day of absence. Parents are expected to contact school at any early stage and to work with staff in resolving any problems together. This is nearly always successful.

Messages reporting absence will be sent to staff via E-schools. If no reason for absence has been given, the code 'N' will be used in the first instance. At 9.15 it is the class TA responsibility to come to the office and try and contact parents.

Third Day of Absence

If the child is still away, a letter will be sent to parents asking them to contact the school as soon as possible. Emergency contacts held by the school for the child will also be telephoned.

Continuing Absence

The school will telephone and text daily during continued absence, in an attempt to establish the reason for the absence.

Ten Day's Absence

Any pupil who is absent without an explanation for 10 consecutive days will be notified to the Local Authority, by submitting a referral to the Children's Services School Attendance Team. [*This is a legal requirement*]. The school will include details of the action that they have taken.

Absence notes

Notes received from parents explaining absence should be kept for the remainder of the academic year. If there are attendance concerns about the pupil, that may require further investigation, then the notes may need to be retained for a longer period.

Frequent Absence

Within the school it is the responsibility of the Headteacher to be aware of and bring attention to, any emerging attendance concerns. In cases where a pupil begins to develop a pattern of absences, the school will try to resolve the problem as soon as possible. Individual attendance is monitored at least termly. Individual attendance is monitored termly. Should a child's attendance fall below 95%, for any reason, an automatic letter will be generated to inform parents.

Persistent Absence [PA]

All pupils whose attendance level falls below 90% will be subject to an action plan to support their return to full attendance. These action plans will be set up by the Headteacher.

The action plan will include engagement with all parties who can support the pupil's attendance, eg Attendance panels or CAF

Welcome Back

It is important that on return from an absence all pupils are made to feel welcome. This should include ensuring that the pupil is helped to catch up on missed work and brought up to date on any information that has been passed to the other pupils.

Leave of absence in term time

Leave of absence during term time will be discouraged. Parents will be reminded of the effect that absence can have on a pupil's potential achievement. The school will consider any application for leave of absence and will only agree to authorise the absence in exceptional circumstances; parents must apply in advance for permission for their child to have leave of absence.

Dorset's Penalty Notice Protocol, a shorter guide for schools and guidance on Exceptional Circumstances is at Appendix A.

Categorisation of Absence

Any pupil who is on roll but not present in the school must be recorded within one of these categories.

1. Unauthorised Absence
2. Authorised Absence
3. Approved Educational Activity

1. Unauthorised absence

This is for those pupils where no reason has been provided, or whose absence is deemed to be without valid reason.

2. Authorised absence

This is for those pupils who are away from school for a reason that is deemed to be valid under the Education Act 1996.

3. Approved Educational Activity

This covers types of supervised educational activity undertaken off site but with the approval of the school.

Note Pupils recorded in this category are deemed to be present for attendance returns purposes.

This would include:

- Work experience placements
- Field trips and educational visits
- Sporting activities
- Link courses or approved education off site

If a pupil is receiving education off site or is attending at a school where they are dual registered with, the school will liaise with the other education provider to check on attendance.

Further guidance is available at

<https://www.gov.uk/government/publications/school-attendance>

Appendix A

Dorset County Council Children's Services Penalty Notice Protocol

1. Legal Basis:

Sections 444A and 444B of the Education Act 1996 empower designated Local Authority (LA) Officers, Head Teachers (& Deputy and Assistant Head teachers authorised by them) and the Police to issue Penalty Notices in cases of unauthorised absence from school. The Education (Penalty Notices) (England) Regulations 2007 require the Local Authority, in consultation with all of the above, to develop a code of conduct which must be followed when issuing Penalty Notices.

The issuing of Penalty Notices must conform with all requirements of the Human Rights Act 1988 and all Equal Opportunities legislation. These provisions apply to all persons who fall within the definition of a 'parent' as set out in section 576 of the Education Act 1996. By virtue of this section 'parent' includes: all natural parents, whether they are married or not; any person or body who has parental responsibility for a child (as defined by the Children Act 1989); 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.

2. Rationale for Issuing Penalty Notices:

Regular and punctual attendance at school is both a legal requirement and essential for pupils to maximise their educational opportunities.

Children's Services will continue to investigate cases of non-attendance from school and, following appropriate casework, instigate legal action if applicable.

In law, an offence occurs if a parent/carer fails to secure a child's attendance at the school at which they are a registered pupil and that absence is not authorised by the school. Penalty Notices supplement the existing sanctions currently available under section 444 Education Act 1996 or section 36 Children Act 1989 to enforce attendance at school where appropriate.

Children's Services delivers this LA responsibility.

3. Circumstances where a Penalty Notice may be used:

Penalty Notices can only be issued in cases where a pupil of compulsory school age has been absent and the absence has not been authorised by the school or where the pupil has persistently arrived late after the register has closed.

The level of absence that is necessary before a Penalty Notice can be issued is 10 or more half days of unauthorised absence within a 12 school week period.

The key consideration in deciding whether to issue a Penalty Notice will be whether it can be effective in helping to get the pupil who is missing education back into school. A Penalty Notice is a suitable intervention in circumstances of parentally condoned truancy; where the parent is considered capable of securing their child's regular attendance but is not willing to take responsibility for doing so.

To ensure consistent and fair delivery of Penalty Notices, the following criteria for their use shall apply:-

- No one parent will receive more than three separate Penalty Notices resulting from the unauthorised absence of an individual child in any twelve month period.
- However, where families contain more than one poorly attending pupil, multiple issues may occur.

4. Procedure for issuing Penalty Notices:

Children's Services will issue Penalty Notices for all Dorset Schools. Penalty Notices will only be issued by first class post and never as an on the spot action; this is to satisfy that all evidential requirements are in place and to meet health and safety requirements.

Children's Services will receive requests from schools, Dorset Police and neighbouring Local Authority Requests from Schools will be sent to their area's Integrated Duty Team following discussion with Locality Social Worker or a Practice Manager. A Penalty Notice may be issued providing it does not conflict with other intervention strategies in place or other enforcement sanctions already being processed. Children's Services will respond to all requests within 10 school days of receipt and where all criteria are met, will:

In cases of unauthorised absence

- Issue a formal warning to the parent/carer of the possibility of a Penalty Notice being used.
- In the same letter set a period of 15 school days within which the pupil must have no unauthorised absence.
- Issue a Penalty Notice through the post at the end of the 15 day period if the required level of improvement has not been achieved.

Unauthorised Leave during Term time

In accordance with The Education (Pupil Registration) (England) Regulations 2006 as amended a Penalty Notice can be issued in certain circumstances, for example where a parent takes a child on holiday during term time without the school authorising the absence. In such circumstances, although a minimum of 10 half day sessions of unauthorised absence will still apply before a Penalty Notice may be issued; the authorised person may issue a Penalty Notice without first issuing a formal warning to the parent as would otherwise be required. However s/he should still be satisfied that the parent was informed beforehand that, in some circumstances e.g. term time holiday, unauthorised absence could lead to a Penalty Notice being issued without further warning.

Who can receive a Penalty Notice?

Any Penalty Notice issued must be addressed to one parent but a Penalty Notice may be issued to each parent liable for the offence or offences.

An authorised person has discretion when deciding whether to issue one or more parents of a child with a Penalty Notice. This is to enable account to be taken of the specific circumstances in individual cases.

5. Roles and Responsibilities of the Local Authority

Local Authorities (LAs) may, in the absence of any other agreement, only issue Penalty Notices in respect of pupils registered at a school in that LA area or, in the case of an unregistered pupil, who resides in their area or for whom that LA has arranged alternative provision. LAs may only issue Penalty Notices in respect of pupils registered at a school in another LA area or, in the case of an unregistered pupil, for which another LA has arranged alternative provision if they have an agreement to that effect with the other LA.

6. Procedure for withdrawing Penalty Notices:

Once issued, a Penalty Notice will only be withdrawn in the following circumstances:

- Proof has been established that the Penalty Notice was issued to the wrong person.
- The use of the Penalty Notice did not conform to the terms of this Protocol.
- The Penalty Notice contains a material error.
- The Local Authority (LA) must withdraw the Penalty Notice if it is not paid in full and the LA has not, and does not intend to, instigate legal proceedings.

7. Payment of Penalty Notices:

Arrangements for payment will be detailed in the Penalty Notice.

- Payment of Penalty Notice discharges the parent/carer liability for the period in question and they cannot subsequently be prosecuted under other enforcement powers for the period covered in the Penalty Notice.
- Payment of a Penalty Notice within 21 days is £60 and payment after this time but within 28 days is £120.

8. Non-payment of Penalty Notices:

Non-payment of a Penalty Notice will trigger the prosecution process.

- Prosecution is for the offence to which the notice relates rather than for non-payment of the notice.
- In the case of unauthorised absence, if there is a prosecution, it will follow the usual procedure of a prosecution for irregular attendance (including considering an Education Supervision Order as an alternative, or in addition, to prosecution) under the provisions of section 444(1) or 444(1a) The Education Act 1996.

9. Penalty Notices and Excluded Pupils

- Section 103 of the Education and Inspections Act 2006 places a duty on parents in relation to an excluded pupil. A parent has to ensure that their child is not present in a public place during school hours without reasonable justification during the first 5 days of each and every fixed period or permanent exclusion.
- Section 105 allows for a Penalty Notice to be given to a parent guilty of an offence under Section 103. The Penalty Notice allows a parent to pay a penalty as a way of discharging any liability for the offence of failing to ensure

that their child is not present in a public place on the days specified in a notice given to them. The parent must have been notified by the school at the time of the exclusion of their duty and the days to which it relates.

10. Procedure for Issuing of Penalty Notices in Cases of Exclusion

- When a child is excluded from school – either for a fixed period or permanently – and the child is found in a public place during normal school hours on a specified day of exclusion Issue a Penalty Notice.
- In order for the parent to incur either form of legal responsibility the school must give them notice informing them of the duty to ensure their child is not found in a public place, the days when this duty will apply and, as appropriate, of the arrangements for alternative provision.
- If the child has been provided with alternative provision and is not attending this provision then the parent will be liable under the unauthorised absence regulations.

11. Non Payment of Penalty Notices – Exclusions

- In the case of a prosecution of a parent who has failed to ensure their child is not found in a public place during a specified day of exclusion, the procedures, such as preparing and serving a summons, will be similar to those for unauthorised absence.

Penalty Notices were introduced as a quicker route to prosecution of parents when a pupil has unauthorised absence. They can be used in two ways.

Unauthorised Absence

1. If a pupil has 10 or more unauthorised absences (half day sessions) within a 12 school week period then a Penalty Notice can be considered.
2. A school can request a Penalty Notice by completing the attached form and sending it to the School Attendance Team. Please include a record of the pupil's attendance.
3. The School Attendance Team will send a warning letter to the parent(s) stating that the pupil must have no unauthorised absence in the next 15 school days. If there is any unauthorised absence, a Penalty Notice will be issued. (Please note: In some cases if the warning letter has effected a major improvement in the pupil's attendance, we may consider issuing an additional 15 school day warning letter to see if the improvement can be maintained. We will discuss this with the school before issuing the second warning letter.)

Holidays in Term Time

A Penalty Notice can be issued when a parent takes a child on holiday during term time without the school authorising the absence.

1. A minimum of 10 half day sessions of unauthorised absence will still apply before the Penalty Notice can be issued, however a warning letter will not be sent.
2. If a pupil has an otherwise good record of attendance and the holiday is for 10 sessions and is the only record of unauthorised absence then the School Attendance Team will consider sending a letter to the parent(s) stating that, although there are grounds for issuing a Penalty Notice, a Penalty Notice will not be issued on this occasion. If, however, the pupil has any further unauthorised absences, a Penalty Notice may be issued at a later date.
3. If there is a longer unauthorised holiday period or 10 unauthorised holiday absences and additional unauthorised absences on the pupil's record then a Penalty Notice will be issued.
4. A school can request a Penalty Notice for unauthorised holiday absence on the attached form.

A Penalty Notice must be addressed to one parent but may be issued to each parent liable for the offence.

Holidays in Term Time

Guidance for Schools and Governors

Requests for approved leave of absence

Amendments to the Pupil Registration (England) 2006 Regulations state that:

"Head teachers may not grant any approved leave of absence during term time unless there are exceptional circumstances. Head teachers should determine the number of school days a child can be away from school if the leave is granted". Before any request for leave of absence is approved, a head teacher must be satisfied that there are *"exceptional circumstances"* justifying the request for leave of absence.

Defining exceptional circumstances

Many head teachers and school pyramids wish to define for their parents/carers what would constitute an exceptional circumstance, so that schools can be consistent in their response to any leave of absence requests received. However, the Department for Education has not defined exceptional circumstances, except to explain that: *"Schools should consider each request individually taking into account the circumstances, such as: the nature of the event for which leave is sought; the frequency of the request; whether the parent/carer gave advance notice; and the pupil's attainment, attendance and ability to catch up on missed schooling"*. Guidance from the NAHT defines exceptional as rare, significant and unavoidable.

In relation to the practice of developing cluster or local school partnership letters (a blanket policy), schools need to ensure they remain lawful - in that head teachers have a discretionary power, and should consider each individual leave of absence request based on the circumstances of that family and the impact that absence will have on the child. Schools should not issue blanket policies where they state that they will only approve requests for leave of absence up to a certain duration, or where a pupil has a certain percentage attendance. Similarly, a refusal to authorise any leave of absence requests, or to automatically refuse certain categories of request, could be unlawful.

Dorset County Council advises that:

- where schools do operate a cluster or partnership response to requests for absence it remains acceptable and lawful to communicate with parents/carers examples of what you all would consider to be exceptional circumstances, as long as it is very clear that these are examples and every request will be considered individually
- the nature of the words *exceptional circumstances* are such that they indicate unusual events or an abnormal occurrence. It is therefore not possible to define in advance when a request will or will not be exceptional.

How do I decide if it is exceptional, whether to authorise and how many days?

Although the decision is the head teacher's, to support your decision-making we would ask you to consider the following:-

Could this request for leave take place during the normal school holidays? If the answer is *yes* then it is not an exceptional circumstance. The Department for Education is clear that there is no parental/carer right for a family holiday and that cost, experiences for the child or overlapping with school holidays are not factors on which the decision should be made.

Dorset County Council's current advice is as follows:

If it is an exceptional circumstance you still have to decide whether to approve the absence or not. This decision should be made by considering primarily the pupil's attainment, attendance and ability to catch up on missed schooling; followed by the frequency of the requests; the nature of the event for which leave is sought and whether the parent/carer gave advance notice. You do not have to approve leave of absence even if the reason given is exceptional.

Schools and head teachers should ensure that they are not discriminatory in their decision to approve leave in exceptional circumstances for Gypsy, Roma and Traveller children who may request this in addition to the extended leave covered by the *T* code. (If schools are using the *T* code correctly this would only be used for the time when a child is absent from school as the family are travelling for employment.) The decision to approve the leave should be made without consideration for leave taken for employment, but schools should take into account the child's overall attendance rate, which may include other absences.

If you do approve leave of absence you need to make it clear the days you are authorising and from what time that approval takes place. For example, you may approve the absence for the immediate family wedding that takes place on the Wednesday, but may feel that due to the location of the wedding the child does not need to be absent for the entire week or for the two whole days of travel either side of the event.

Authorised approved leave of absence

Dorset County Council anticipates that it will be extremely rare for leave of absence for a holiday in term time to be authorised. Where it is approved the school should use the appropriate authorised absence code. If leave is not approved the absence should be coded as a **G**.

If a parent/carer takes a child on holiday during term time without obtaining the head teacher's consent beforehand, the pupil's absence must be recorded as unauthorised **G**.

The parent/carer is then committing an offence and may be issued with a penalty notice or prosecuted under the Education Act 1996, Section 444(1).

Authorised officers have the discretion to issue a penalty notice without warning where the parent/carer has chosen to take the child on leave during term time without authorisation.

Relevant legislation and guidance

- The Education (Pupil Registration) (England) Regulations 2006.
- Education (Pupil Registration) (England) (Amendment) Regulations 2013, which came into force on 1 September 2013.