

The Saints' Federation

Attendance Policy

October 2015

This Policy is based on the Department for Education document: 'School Attendance : statutory guidance and departmental advice' October 2014 & Staffordshire County Council's Model School Attendance Policy Sept 2015.

Principles

- Regular school attendance is the key to enabling children and young people to maximise the educational opportunities available to them and become emotionally resilient, confident and competent adults who are able to realise their full potential and make a positive contribution to their community.
- Promoting excellent attendance is the responsibility of the whole school community.
- This Policy should not be seen in isolation but is a strand that underpins all other policies related to the well being of children including safeguarding, behaviour, bullying, and support for children with medical needs.
- All children should be in school, on time, every day that school is open unless the reason for absence is unavoidable

School Responsibilities

- We will promote positive behaviour and attendance through its use of curriculum and learning materials and will recognise good attendance appropriately.
- We will work with parents to resolve problems which may affect a child's attendance and will involve representatives of other agencies that work with the school such as the School Nurse or representatives of the Local Support Team such as Education Welfare Workers where required in order to ensure all children can benefit from consistently good punctuality and attendance. We will use the Early Help Assessment process to support this.
- We will be proactive in encouraging attendance for all pupils through ensuring parents and pupils receive information on the importance of good attendance and punctuality and will react swiftly to intervene to improve attendance of individual children should this become a concern.

Parents or Carers Responsibilities

- Parents have a legal duty to ensure that their children of compulsory school age attend school regularly.

- Inform school straight away if your child cannot attend and give the reason.
- Try to make medical, dental or other appointments outside the school day.
- Ensure the school is aware of any circumstances at home that may be likely to affect their attendance.
- Encourage good routines at home which promote a healthy lifestyle including enough sleep.
- Talk to your child about school and let the school know if your child is worried about any issues such as difficulties with homework or friendship problems.
- Do not book holidays in term time - this will only be authorised in exceptional circumstances.
- Seek advice from your G.P. if you are not sure how long to keep your child off school with an illness.
- Ensure school has all your up to date contact details.
- Encourage your child to enjoy school and make the most of all the opportunities available to them.

The importance of good attendance and its link to attainment

The Department of Education has published research into the effect that missing time from school can have on chances of succeeding in tests and exams (February 22nd 2015 Department of Education). The research is based on data from all schools in England going back several years.

The results are very clear - missing even small amounts of time from school can have a significant effect on achievement.

For example, at the end of the 2012/13 Academic year 94% of pupils who were present all the time achieved 5+ GCSE A* - C or equivalent. Where attendance dropped to between 85 and 90% only 75% of pupils achieved these results. This equates to an absence of around 1 week per year during Years 10 and 11 and clearly illustrates the impact of attendance on attainment.

The same pattern is also seen at primary school level, where pupils missing up to just 14 days of school in key stage 2 (normally age 11) are a quarter less likely to achieve level 5 or above in reading, writing or maths tests than those with no absence.

Admissions Register

School keeps an admission register which records the date that each child joined the school and their personal details including those of their parents and of their previous school.

All schools (including academies) must keep a record of attendance register entries for at least 3 years and inform their local authority of any pupil who is going to be deleted from the admission register.

A pupil can lawfully be deleted from the admission register on the grounds prescribed in regulation 8 of the Education (Pupil Registration) (England) Regulations 2006 where they ;

Have been taken out of school by their parents and are being educated outside the school system e.g. home education (see below on home educated children);

Have ceased to attend school and no longer live within reasonable distance of the school at which they are registered;
 Have a medical condition certified by the school medical officer that the pupil is unlikely to be in a fit state of health to attend school;
 Are in custody for a period of more than four months due to a final court order and the proprietor does not reasonably believe they will be returning to the school at the end of that period; or,
 Have been permanently excluded.

Elective Home Education

If school receives written notification from parents that they wish to home educate their child then we will inform the Local Authority via Entrust at enquiries@entrust-ed.co.uk of the decision to remove the child's name from the admissions register. Whilst school will not seek to prevent parents from choosing to electively home educate their child, neither will they seek to encourage them to do this - particularly as a way of avoiding exclusion or due to a poor attendance record.

Attendance data and targets

Information about individual school targets, projects and special initiatives

The school has adopted the following attendance targets and special projects:

- The school works in conjunction with the Uttoxeter Pyramid of Schools and the aim is to reach an overall attendance of 95% in order to give every child the very best chance of achieving their full potential and to be in line with the national attendance expectation.
- Mrs Sandbach will be responsible for attendance in school with the support of Ms Robson.
- School will contact parents on the first day of absence if parents have not followed the guidelines of informing the school by 9.30am.
- Attendance information will be provided to parents on an annual basis.
- The School rewards pupils who achieve 100% attendance over a school year.

This data included for two terms is available annually for the previous year in October whilst full year data is not available until March of the next year. This two terms data appears in school Raiseonline reports. Full year data is important and provides the full picture of attendance patterns for the school.

State Funded Primary Schools Two terms data (Autumn 2013 and Spring 2014)

	England Staffordshire	
School Target 2014-15		
Overall attendance %	96.1	96.3
Authorised absence (%)	3.2	3.2

Unauthorised absence (%) 0.7 0.5

Persistent Absence % (based on 15 % absence) 2.8 2.4

Attendance of 4 year olds 94.7 95.3

Definition of persistent absence:

Persistent absentees were defined as those pupils missing around 15 % or more of the typical amount of possible sessions across a given period. From September 2015 this definition changed to include pupils missing 10% or more of possible sessions. For the Academic Year 2015-16 only, data will be collected and published nationally for both measures to allow continued comparison.

Procedures

The school applies the following procedures in deciding how to deal with individual absences:

- Parents should telephone or email school by 9.30am if their child is absent from school and explain the reason for this absence.
- The Government has recently made amendments to the Education (Student Registration) (England) Regulations 2006 which came into force on 1st September 2013. **The new law gives no entitlement to Parents to take their child on holiday during term time.** Any application for leave must only be in **exceptional circumstances** and the Headteacher must be satisfied that the circumstances are exceptional and warrant the granting of leave; in these cases it is the Headteacher who determines the number of days a child can be away from school if leave is granted. Headteachers would not be expected to class any term time holiday as exceptional. **As a consequence of these changes we will no longer be able to approve requests for leave of absence for holidays during term time.**
- Request for support from the local EWO would be made if:-
 1. Irregular attendance or continuous absence over two weeks, which has not been resolved satisfactorily, following schools investigation.
 2. Regular late arrival at school, which has not been resolved satisfactorily, following schools investigation.
 3. Any social/welfare/behaviour concerns that impact on regular attendance of pupil.

When an individual pupil's attendance level falls below 90% in any term without good reason, a referral to the EWS will be made by the school. Following investigation any unresolved issues could result in the parent receiving a Penalty Notice or ultimately a prosecution under the Education Act 1996 s.444.

It is not appropriate for the school to authorise absences for shopping, looking after other children, haircuts etc. Leave may be granted in an emergency (e.g. bereavement) or for medical appointments which must be in school time.

Where necessary, the school will use the Local Authority Fixed Penalty Protocol as a parental measure to improve pupil attendance in accordance with the Department of Education School Attendance Parental Responsibility Measures Statutory Guidance January 2015.

Legal Framework

- The Education Act 1996 ;
- The Education (Pupil Registration) (England) Regulations 2006 and amendments 2010, 2011 and 2013
- The Education (School Day and School Year) (England) Regulations 1999;
- The Education Act 2002; and The Changing of School Session Times (England) (Revocation) Regulations 2011. ;
- Crime and Disorder Act 1998;
- The Anti-social Behaviour Act 2003;
- The Education Act 2005;
- The Education and Inspections Act 2006;
- The Education (Parenting Contracts and Parenting Orders) (England) Regulations 2007;
- The Education (Penalty Notices) (England) Regulations 2007 and amendments; and
- The Education and Skills Act 2008.
- The Equality Act 2010

Appendices

- Staffordshire Code of Conduct for Issuing Fixed penalty notices
- Department for Education Guidance -Pupil Attendance including use of national codes to record attendance or reasons for absence in registers
- 'Leave of Absence' request form

Signatures and Date of Review :

Ms Robson
Headteacher

Terry Davies
Chair of Governors

Next Review: October 2016

Further Information

School Attendance Orders

If it appears to the local authority that a child of compulsory school age is not receiving a suitable education, either by regular attendance at school or otherwise, then they must begin procedures for issuing a School Attendance Order¹³. The order will require the child's parents to register their child at a named school. If they fail to comply with the order the parent can be prosecuted.

¹³ Under section 437 of the Education Act 1996.

¹⁴ Section 446 of the Education Act 1996 provides that proceedings can only be instituted by Local Authorities.

¹⁵ Section 103 of the Education and Inspections Act 2006.

¹⁶ Under section 447 of the Education Act 1996.

Prosecutions by local authorities

If a child of compulsory school age fails to attend regularly at a school at which they are registered or at a place where alternative provision is provided for them the parents may be guilty of an offence and can be prosecuted by the local authority. Only local authorities can prosecute parents and they must fund all associated costs. Local authorities should consider the *Attorney General's Guidelines for Crown Prosecutors* in all prosecution cases.

Local authorities must conduct all investigations in accordance with the *Police and Criminal Evidence (PACE) Act 1984*.

Local authorities have the power to prosecute parents who fail to comply with a school attendance order (section 443 of the Education Act 1996) or fail to ensure their child's regular attendance at a school (section 444 of the Education Act 1996)¹⁴.

Section 444 has two separate but linked offences: Section 444(1): where a parent fails to secure the child's regular attendance; and section 444(1A) where a parent knows that the child is failing to attend school regularly, and fails to ensure the child does so. Section 444ZA applies the offence to where parents fail to secure the regular attendance of their child at a place where alternative provision is provided. There are statutory defences for parents to use under the Act. The fines available to the courts if parents are found guilty of the section 444 (1) offence include a level 3 fine of up to £1,000. If they are found guilty of the section 444 (1A) the fine is at level 4, up to £2,500 and the court can also sentence them to imprisonment for up to three months. Local authorities have the power to prosecute parents of pupils found in a public place during school hours after being excluded from school¹⁵. The fine is a level 3 fine of up to £1,000.

Education Supervision Orders

The local authority must consider applying for an Education Supervision Order (ESO) before prosecuting parents¹⁶. A local authority may apply for an ESO instead of or as well as prosecuting parents. The order is placed on the child and the local authority is appointed by

the court to supervise that child's education either at a school or at home for a specified period of time.

Parenting Contracts

A parenting contract¹⁷ is a formal written signed agreement between parents and either the local authority or the governing body of a school and should contain:

¹⁷ Section 19 of the Anti-social Behaviour Act 2003

¹⁸ Section 19 of the Anti-social Behaviour Act 2003 provides that parenting contracts can be entered into where a child who is a registered pupil has engaged in behaviour connected with the school which is likely to cause significant disruption to the education of others, significant detriment to the welfare of the child himself or of other pupils or to the health and safety of staff or the pupil is at risk of exclusion.

¹⁹ Section 8 of the Crime and Disorder Act 1998 parenting orders for irregular attendance.

²⁰ Section 98 of the Education and Inspections Act 2006 states that where a school or local authority have reason to believe that a pupil has behaved in such a way as to cause, or be likely to cause, significant disruption to the education of other pupils or significant detriment to the welfare of that pupil or other pupils or to the health or safety of any staff. Or, where the pattern of behaviour (if continued) could lead to the pupil being excluded.

- A statement by the parents that they agree to comply for a specified period with whatever requirements are set out in the contract; and
- A statement by the local authority or governing body agreeing to provide support to the parents for the purpose of complying with the contract.

Parenting contracts can be used in cases of misbehaviour¹⁸ or irregular attendance at school or alternative provision. Parenting contracts are voluntary but any non-compliance should be recorded by the school or local authority as it may be used as evidence in court where an application is made for a behaviour parenting order.

The local authority or governing body should fund any support required to implement a parenting contract (such as referral to parenting classes) and provide information to parents about other types of support available such as details of national and local agencies and helplines.

Parenting Orders

Parenting orders¹⁹ are imposed by the court and the parents' agreement is not required before an order is made.

Parenting orders are available as an 'ancillary order' following a successful prosecution by the local authority for irregular attendance or breach of a school attendance order.

They are also available as a 'free-standing order' by direct application by the governing body of a school or local authority to the Magistrates' Court in cases either where exclusion has taken place or where there has been serious misbehaviour²⁰. An application for a parenting order for misbehaviour must be made within 40 school days of the date upon which the latest instance of serious misbehaviour occurred or, if applicable, the date on which the exclusion

review process ends. If a parent has already entered into a parenting contract, an application can be made within 6 months of the date the contract was signed.

Parenting orders consist of 2 elements:

- A requirement for parents to attend counselling or guidance sessions (e.g. parenting education or parenting support classes) where they will receive help and support to enable them to improve their child's behaviour. This is the core of the parenting order and lasts for up to 3 months; and
- A requirement for parents to comply with such requirements as is specified in the order. This element can last up to 12 months.

All parenting orders must be supervised by a 'responsible officer' from the school (behaviour orders only) or local authority. They are individually named in the parenting order.

Any breach by parents without a reasonable excuse could lead to a fine of up to £1,000. The police may enforce any breach of an order by a parent.

Parents have a right to appeal a parenting order to the Crown Court.

Consultation and co-operation

Local authorities, registered social landlords and youth offending teams can also enter into parenting contracts or apply for parenting orders in cases of criminal conduct and anti-social behaviour. In such cases, organisations should coordinate their action, including with schools.

Penalty Notices

Penalty notices²¹ are fines of £60/£120 imposed on parents. They are an alternative to the prosecution of parents for failing to ensure that their child of compulsory school age regularly attends the school where they are registered or at a place where alternative provision is provided. They can only be issued by a head teacher or someone authorised by them (a deputy or assistant head authorised by the head teacher), a local authority officer or the police. All schools and the police must send copies of penalties issued to the local authority. Penalty notices can be issued to each parent liable for the attendance offence or offences.

²¹ Section 23 of the Anti-social Behaviour Act 2003

²⁴ S.I. 2007/1867

²⁴ S.I. 2007/1867

²⁴ S.I. 2007/1867

Penalties can be used where the pupil's absence has not been authorised by the school.

Penalties may also be issued where parents allow their child to be present in a public place²² during school hours²³ without reasonable justification during the first five days of a fixed period or permanent exclusion. The parents must have been notified by the school at the time of the exclusion of this and the days to which it applies.

The Code of Conduct

The *Education (Penalty Notices) Regulations 2007*²⁴ set out the details of how the penalty notice scheme must operate. This includes a requirement that every local authority must draw up and publish a Code of Conduct for issuing penalty notices, after consulting all schools, including academies, and the police. The code should set out the criteria that will be used to

trigger the use of a penalty notice. These could include: a number of unauthorised absences, perhaps within a rolling academic year; one-off instances of irregular attendance such as holidays taken during term time without the school's permission; and where an excluded child is found in a public place during school hours without a justifiable reason. The local authority administers the scheme for all schools in its area, including academies and Free Schools.

Payment of Penalty Notice

The penalty is £60 if paid within 28 days of receipt rising to £120 if paid after 28 days but within 42 days. The payment must be paid direct to the local authority. The parents can only be prosecuted if 42 days have expired and full payment has not been made.

There is no right of appeal by parents against a penalty notice. If the penalty is not paid in full by the end of the 42 day period the local authority must decide either to prosecute for the original offence to which the notice applies or withdraw the notice.