



## **HAYES MEADOW ATTENDANCE POLICY**

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 the 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 22<sup>nd</sup> 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.
- 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 the highest levels 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 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](mailto: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 Monitoring**

Schools are required to take an attendance register twice a day, and this shows whether the pupil is present, engaged in an approved educational activity off-site, or absent. If a pupil of compulsory school age is absent, every half-day absence from school has to be classified by the school, as either **AUTHORISED** or **UNAUTHORISED**. Only school can authorise the absence, not parents. This is why information about the cause of each absence is always required.

**Authorised** absences are mornings or afternoons away from school for a good reason such as illness, hospital appointment or other unavoidable cause. If dental/medical appointments have to be taken during school time, pupils should attend school before and after appointments when possible.

**Unauthorised** absences are those which the school does not consider reasonable and for which no "leave" has been granted. This includes:

- Parents keeping children off school unnecessarily (including holidays)
- Absences which have not been properly explained
- Children who arrive at school too late to get a mark.

Registers are monitored daily by the Office Manager and weekly by the Head Teacher. The EWO and Head teacher meet ½ termly to review attendance and discuss individual children where attendance is causing concern. Whole school attendance is reported to the Governing Board at least termly. Individual attendance is reported to parents in termly reports and letters.



### **Definition of persistent absence :**

Persistent absentees are defined as those pupils missing around 10% or more of the typical amount of possible sessions across a given period.

### **School Specific Procedures related to :**

We expect all children on roll to attend every day, when the school is in session, as long as they are fit and healthy enough to do so. We do all we can to encourage the children to attend, and to put in place appropriate procedures. We believe that the most important factor in promoting good attendance is development of positive attitudes towards school. To this end, we strive to make our school a happy and rewarding experience for all children. We will reward those children whose attendance is very good. We will also make the best provision we can for those children who, for whatever reason, are prevented from coming to school.

### **If a child is absent**

When a child is absent unexpectedly, the class teacher will record the absence on SIMS, the school office will then endeavour to contact a parent or guardian if no reason has been given.

A note may be sent to the school prior to the day of absence, e.g. if a child has a medical appointment.

If there is any doubt about the whereabouts of a child, the class teacher should take immediate action by notifying the school office. The school will then be in contact straight away with the parent or guardian, in order to check on the safety of the child.

### **Repeated unauthorised absences**

The school will contact the parent or carer of any child who has an unauthorised absence. If a child has a repeated number of unauthorised absences, the parents or carers will be asked to visit the school and discuss the problem. If the situation does not improve, the school will then contact the LA support services and this may result in a fine being issued.

### **Promotion of Good Attendance**

We have a weekly whole school assembly promoting good attendance. The class with the highest attendance receive a certificate and trophy.

A reward is given each half term for the class with the highest attendance.

Individual 100% attendance certificates each term and each year.

Traffic Light letters are sent home to parents termly.



Monthly and Termly reports are taken from SIMS and analysed by the Office Manager and Head Teacher.

Vulnerable pupils are tracked and monitored.

Parents/Carers will be contacted on the first day of absence.

All staff are key in promoting attendance and reporting concerns to the Head teacher

### **Lateness**

The school day starts at 8.55am and we expect our children to be arriving on the school premises by this time.

Registers are marked by 9.00am and are closed at 9.25am, children arriving between these times will be marked with an 'L' (late), however children arriving after this time will be marked with a 'U' (unauthorised absence).

If a child is persistently late, parents will be asked to come into school to meet with the Head teacher. If a child has 10 days unauthorised absence or is late 10 times over a twelve week period, a penalty warning may be issued and potentially a fine.

The school works closely with the local Support Team and Educational Welfare where there is a cause for concern.

### **Leave of absence**

Requests for leave of absence must be made in writing (form available on the school website or from the school office) and for holidays to be considered. Authorisation will only be granted in exceptional circumstances, a family holiday is not considered to be an exceptional circumstance All unauthorised holiday will be considered for the issuing of a penalty notice.

### **Roles and responsibilities:**

Sarah Sivieri (Head teacher):

Overseeing attendance throughout the whole school. To promote high standards for all pupils so they can reach their full potential. Liaise with outside agencies i.e. EWO with pupil concerns, analysing SIMS attendance reports and tracking trends.



Sarah Clarke (Office Manager):

Maintaining SIMS attendance. Overseeing first day calling of absence and reporting concerns to Head teacher. Entering comments onto SIMS register with reason of pupil absence. Collating weekly, monthly and termly attendance reports and analysing reports with head teacher. Issuing traffic light letters to parents on a termly basis. Liaising with EWO and outside agencies over pupil concerns. Yearly register inspection with EWO.

### **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
- Example proformas such as school 'Leave of Absence' request or referral form for support from an external agency
- Example letters such as colour coded letters to parents related to levels of attendance



**Staffordshire Local Authority  
Code of Conduct for issuing Penalty Notices  
Sept 2017**

**Commencing on 01/01/2018**

## **Rationale**

Regular and punctual attendance at school is both a legal requirement and essential for pupils to maximise their educational opportunities. In recognition of this, the law makes it an offence for a parent or carer to fail to secure the regular attendance of their child at a school at which the child is a registered pupil, without good reason or the agreement of the school.

Penalty Notices are one of the sanctions available for this offence and offer a means of swift intervention, which can be used to combat attendance problems early, before they become entrenched.

Parents and children should also be supported by their school to overcome barriers to regular attendance, through a range of intervention strategies.

Therefore, Penalty Notices and other legal sanctions will only be used where parental co-operation with this process is either absent or deemed to be insufficient to resolve the problem. They will also be used as a means to support and challenge parents to meet their legal responsibilities and where there is a reasonable expectation that their use will secure improved school attendance.

In April 2012, the Government accepted the Charlie Taylor report recommendation to challenge the culture of expectation to term time holiday and set out a clear expectation that term time leave should only be granted in exceptional circumstances.

The Education (Pupil Registration) (England) (Amendment) Regulations 2013 made an amendment to the Education (Pupil Registration) (England) Regulations 2006 to: clarify that leave of absence shall not be granted by schools unless there are “exceptional circumstances”.

The Supreme Court judgement on the *Isle of Wight v Platt* case on the 6<sup>th</sup> April 2017, has brought clarity to the issue of what regular attendance means and the use of penalty notices. Lady Hale gave the conclusion that “regularly” means “in accordance with the rules prescribed by the school”, she went on to say that there are many examples where a very minor or trivial breach of the law can lead to criminal liability. For instance, it is an offence to steal a milk bottle, to drive at 31 miles per hour where the limit is 30. The answer in such cases is a sensible prosecution policy. In some cases, of which this is one, this can involve the use of fixed penalty notices, which recognise that a person should not have behaved in this way but spare them a criminal conviction.



With specific regard to leave during term time, the judgement stated (this interpretation is also consistent with the provision in section 444(3)(a) and (9)) that a child is not to be taken to have failed to attend regularly if he is absent with the leave of a person authorised by the governing body or proprietor of the school to give it. Unlike sickness or unavoidable cause, leave is not a defence. It is part of the definition of the offence. A child is required to attend in accordance with the normal rules laid down by the school authorities for attendance but the school can make an exception in a case.

### **Legal Framework:**

Section 444 of the Education Act 1996 (as inserted by section 23 of the Anti-Social Behaviour Act 2003) empowers designated Local Authority (LA) officers, head teachers (as well as 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
- The Education and Inspections Act 2006.
- The issuing of Penalty Notices must conform to all requirements of the Human Rights Act 1998 and the Equality Act 2010.
- Section 444 of the Education Act 1996 makes it an offence if a parent fails to secure their child's regular attendance at school at which they are registered, if that absence is not authorised by the school. Penalty Notices supplement the existing sanctions currently available under s444 Education Act 1996 or s36 Children Act 1989 to enforce attendance at school where appropriate.

The Regulations also require each local authority to publish a code of conduct for issuing penalty notices, after consultation with governing bodies, head teachers and the police. Guidance from the Secretary of State states that this "should set out the criteria that will be used to trigger the use of a penalty notice".

## **Circumstances where a Penalty Notice may be issued:**

- A Penalty Notice can only be issued in cases of unauthorised absence.
- The presence of an excluded child in a public place at any time during school hours in the first five days of exclusion.

### **Penalty Notices may be considered appropriate if one of the following criteria is met:**

- There is unauthorised persistent absence. “Persistent” means at least 20 sessions of unauthorised absence over a period of twelve school weeks, excluding holidays. These absences do not need to be consecutive.<sup>2</sup>
- There is a period of absence not authorised by the head teacher or in excess of the period authorised by the head teacher.(e.g. family holiday)
- Persistent late arrival at school, i.e. after the register has closed. “Persistent” means at least 10 sessions of unauthorised late arrival over a period of 12 school weeks, excluding holidays. These late episodes do not need to be consecutive.
- The presence of an excluded child in a public place at any time during school hours in that child’s first five days of exclusion. An “excluded child” is one who has been excluded from school for a given period under the Education and Inspections Act 2006.
- A Penalty Notice will not be issued in respect of children in the care of the LA with whom other interventions will be used.

### **Other conditions.**

- There will be no limit on the times a Penalty Notice for unauthorised leave of absence can be used in an academic year.
- In cases where there is more than one pupil in a family with unauthorised absences, Penalty Notices may be issued for more than one child
- Use of a Penalty Notice or formal warning of a Penalty Notice for unauthorised persistent absence / lateness will be restricted to one notice/ warning per parent of a pupil per academic year<sup>1</sup>.

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<sup>1</sup> Continued poor attendance in the same academic year can be addressed by other statutory actions available to the Local Authority under the Education Act 1996.

<sup>2</sup> Once an unauthorised absence has been used as evidence in Court/Penalty Notice it cannot then be used again in another prosecution.

**Leave not authorised by the head teacher or in excess of the period determined by the head teacher.**

The Local Authority will only issue Penalty Notices requested by a school in response to an unapproved leave of absence (including holiday related) resulting in unauthorised absence where the school has provided the necessary paperwork.

This paperwork should comprise:

- A copy of any school information available to parents which clearly states that parents may receive a Penalty Notice for unauthorised leave (holiday) in term time.
- A copy of the leave of absence (holiday) request form submitted by the parent (s), and a copy of the response sent to the parent(s) by school. In the event the leave of absence (holiday) request is being denied the school's response should state the reason why the request is unauthorised and should again advise parent (s) that they may receive a Penalty Notice if they take their child out of school and that the Local Authority will be advised of the unauthorised leave of absence.
- In cases where the unauthorised leave of absence occurs without prior request from the parent (s), or is due to unauthorised absence beyond that which was agreed, the school should include all correspondence sent to the parent(s) to explore the unauthorised absence.
- Relevant pupil attendance registration certificate signed by the Head teacher / Principal – or their nominated deputy – confirming that non-attendance during the period was unauthorised.
- Completed and signed penalty notice request form. (Appendix A).

## **Pupil who has persistent unauthorised absences/lateness**

As part of this process the parent(s) will first be issued with a 20 day notice period, clearly advising that if unauthorised absence / lateness occurs in this 20 day period, a Penalty Notice may be issued. This is to allow the parents a further period to address their child's irregular attendance by working with the school or other agencies. It is part of a scaled approach, and affords the parents an opportunity to avoid receiving a penalty notice. This is seen as good practice and integral to a proportionate response.

Therefore, the process is as follows:

- School completes and signs a penalty notice request form. (Appendix A).
- School provides pupil attendance registration certificate signed by the Head teacher / Principal – or their nominated deputy – confirming that non-attendance / lateness during the period was unauthorised.
- School provides an assessment and plan which demonstrates that the use of a Penalty Notice is now the appropriate action to improve the child's school attendance / punctuality.
- The local authority issues a 20 day Warning Notice to the parent (s) advising them of the possibility of a Penalty Notice being issued and that the child must have no unauthorised absence / lateness during the set period.
- If there are unauthorised absences / lateness in the period and after due consideration of the facts of the case with the school, issue a Penalty Notice through the post.

Please note:

Where the Penalty Notice is requested from a school in response to a leave of absence (holiday) related unauthorised absence, or is in relation to an offence under section 103 of the Education and Inspections Act 2006, the formal warning letter and 20 day improvement period will not apply.

All Penalty Notices are entered onto a database maintained by Families First to ensure that no duplicate Penalty Notices are issued.

Use of a Penalty Notice or formal warning of a Penalty Notice for unauthorised persistent absence / lateness will be restricted to one notice/ warning per parent of a pupil per academic year.

## **Excluded Pupils**

The parent of the excluded pupil must ensure that the pupil is not present in a public place at any time during school hours on a day that he / she is excluded, up to and including the first 5 days or, where that exclusion is for a fixed period of 5 days or less, any of the days to which the exclusion relates.

If the excluded pupil is present in a public place at any time during school hours on a school day specified above the parent commits an offence under section 103 of the Education and Inspections Act 2006 and is liable, on summary conviction, to a fine not exceeding level 3 on the standard scale.

In such cases the school should provide:

- A copy of the letter required to be sent to parent(s) pursuant to s.104 of the Education and Inspections Act 2006 warning them to ensure that the child is not permitted to be present in a public place in the first five days of exclusion.
- Robust and reliable evidence in the form of a witness statement, stating how the child is known to the witness, where the child was seen including the date and time.

Please note if the case is contested the witness may be required to give evidence in court.

## **Who may issue / request a Penalty Notice**

A Penalty Notice may only be issued by authorised LA staff. In Staffordshire this will be members of Families First, Education Welfare.

A Penalty Notice may be requested by a head teacher / principal and school staff authorised by them, a police officer during a truancy sweep under the provision of Crime and Disorder Act 1998.

## **Procedure for issuing Penalty Notices:**

The designated officers within Families First will be the only individuals permitted to issue Penalty Notices in the Staffordshire area. This will ensure consistent and equitable delivery, avoid duplication of issue and allow schools to maintain good relationships with parents and ensure that they reinforce other enforcement sanctions.

Penalty Notices will only be issued by post and never as an instant action, e.g. during a truancy sweep. This will enable officers to ensure that all evidential requirements are in place, duplication of issue is avoided and to limit the health and safety risks associated with delivering such notices by hand.

Where Schools, Police or neighbouring local authorities ask Staffordshire County Council to issue a Penalty Notice, their request will be investigated and actioned by Families First provided that:

- The circumstances of the case meet the criteria specified in this Code of Conduct.
- The pupil is registered at a Staffordshire School;
- All necessary evidence is provided to Families First to establish an offence under Section 444(1) of the Education Act 1996 has been committed.
- Issuing a Penalty Notice would not conflict with another intervention strategy already in place or another enforcement sanction already being processed; and
- There is an assessment and plan which demonstrates that the use of a Penalty Notice is now the appropriate action to improve the child's school attendance (not required in the case of unauthorised leave of absence).

Families First will respond to all requests within 10 school days of receipt.

## **Truancy Sweep**

A Penalty Notice will only be issued after due consideration, when all facts are known and the threshold for serving the notice has been met.

Information should be given to anyone stopped on a truancy sweep (pupil and/or parent) about the possible support and sanctions used to address non-attendance.

## **Criteria for withdrawing Penalty Notices:**

Once issued a Penalty Notice may be withdrawn if Families First is satisfied that:

- The Penalty Notice was issued to the wrong person;
- The use of the Penalty Notice did not conform to this Code of Conduct.
- The Penalty Notice contained material errors.
- The evidence demonstrates that the Penalty Notice should not have been issued, e.g. medical evidence;

## **Representation**

There is no statutory right of appeal against the issuing of a Penalty Notice.

However, the parent will be advised when they receive the warning that they may make representation to the County Manager for Education within Families First if they believe one of the above criteria has been met. This will then be investigated and the parent(s) informed of the outcome either to withdraw or uphold the penalty notice.

Please note - in the case of a material error the penalty notice may be re-issued with the appropriate corrections made.

## **Payment of Penalty Notices:**

- Arrangements for payment will be detailed on the Penalty Notice; (Appendix B).
- Payment of a Penalty Notice discharges the parent's or carer's liability for the period in question and they cannot subsequently be prosecuted under other enforcement powers for the period covered by the Penalty Notice;
- Payment of a Penalty Notice within 21 days is £60 and payment after this time but within 28 days is £120; and
- The County Council retains any revenue from Penalty Notices to cover enforcement costs (collection or prosecuting in the event of non-payment).

Payments will not be accepted in part or by instalments.

## **Non-payment of Penalty Notices:**

Non-payment of a Penalty Notice will result in the withdrawal of the Penalty Notice and will trigger the fast-track prosecution process under the provisions of section 444(1) of the Education Act 1996.

### **Policy and Publicity**

- Identifying information about Penalty Notices issued to particular parents or specific children should not be made public;
- Issuing of Penalty Notices as a sanction is included in the Authority's Attendance Policy;
- School attendance policies should include information on the issuing of Penalty Notices and this should be available to parents;
- The LA will include information on the use of Penalty Notices and other attendance enforcement sanctions in promotional or public information material.

### **Reporting & Review:**

Families First will:

- Report at regular intervals to the head teacher forum groups (Primary, Secondary, Middle and Special) and Staffordshire Police on the deployment and outcomes of Penalty Notices;
- Make regular reports to Staffordshire County Council on attendance matters which will include Penalty Notice use; and
- Review Penalty Notice use at regular intervals and amend the Protocol as appropriate.