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## Attendance Policy

Date of policy: October 2017

Date last review adopted by governing body: 8th July 2021

Frequency of review: Annual

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### 1. Introduction and background

Writtle Infant School recognises that positive behaviour and good attendance are essential in order to raise standards of pupil attainment and to give every child/young person the best educational experience possible.

For our children to gain the greatest benefit from their education it is vital that they attend regularly and be at school, on time, every day the school is open unless the reason for the absence is unavoidable. **It is a rule of this school that pupils must attend every day, unless there are exceptional circumstances and it is the Headteacher, not the parent, who can authorise the absence.**

Any absence affects the pattern of a child's schooling and regular absence will seriously affect their learning. Any pupil's absence or late arrival disrupts teaching routines and so may affect the learning of others in the same class. Ensuring a child's regular attendance at school is a parental responsibility and permitting absence from school without a good reason creates an offence in law and may result in prosecution.

### 2. Promoting regular attendance

Helping to create a pattern of regular attendance is the responsibility of parents, pupils and all members of school staff.

To help us all to focus on this we will:

- Promote a positive and welcoming atmosphere in which pupils feel safe, secure and valued.
- Raising awareness of the importance of good attendance and punctuality
- Ensuring that attendance is monitored effectively and reasons for absences are recorded promptly and consistently
- Report to parents/carers annually on their child's attendance with the annual school report.
- Contact parents/carers should their child's attendance fall below the school's target for attendance

### 3. Understanding types of absence

Every half-day absence from school has to be classified by the school (not by the parent/carer), as either AUTHORISED or UNAUTHORISED. This is why information about the cause of any absence is always required.

**Authorised absences** are mornings or afternoons away from school for a good reason like illness (although you may be asked to provide medical evidence for your child before this can be authorised), medical or dental appointments which unavoidably fall in school time, emergencies or other unavoidable cause.

**Unauthorised absences** are those which the school does not consider reasonable and for which no 'leave' has been given. This type of absence can lead to the Local Authority using sanctions and/or legal proceedings. Unauthorised absence includes:

- parents/carers keeping children off school unnecessarily e.g. because they had a late night or for non-infectious illness or injury that would not affect their ability to learn.
- absences which have never been properly explained
- children who arrive at school too late to get a mark on the attendance register
- shopping trips
- looking after other children or children accompanying siblings or parents to medical appointments
- their own or family birthdays
- holidays taken during term time without leave
- day trips
- other leave of absence in term time which has not been agreed

#### **4. School attendance and the law**

**There is no entitlement in law for pupils to take time off during the term to go on holiday.** In addition, the Supreme Court has ruled that the definition of regular school attendance is "in accordance with the rules prescribed by the school".

The Education (Pupil Registration) (England) Regulations 2006 were amended in September 2013. All references to family holidays and extended leave have been removed. The amendments specify that Headteachers may not grant any leave of absence during term time unless there are "exceptional circumstances" and they no longer have the discretion to authorise up to ten days of absence each academic year.

It is a rule of this school that a leave of absence shall not be granted in term time unless there are reasons considered to be exceptional by the Headteacher, irrespective of the child's overall attendance. Only the Headteacher or his/her designate (not the local authority) may authorise such a request and all applications for a leave of absence must be made in writing on the prescribed form provided by the school. Where a parent removes a child when the application for leave was refused or where no application was made to the school, the issue of a penalty notice may be requested by this school.

**At Writtle Infant School 'exceptional circumstances' will be interpreted as:**

... being of unique and significant emotional, educational or spiritual value to the child which outweighs the loss of teaching time.

### **We will usually not agree leave during term time:**

- at any time in September. This is very important as your child needs to settle into their new class as quickly as possible.
- during assessment and test periods in the school's calendar affecting your child.
- when a pupil's attendance record already includes any level of unauthorised absence or they have already been granted authorised leave within that academic year.

Note – this is at the Headteacher's discretion and in the case of, for example funerals, may be agreed on compassionate grounds. We do not provide homework if a parent chooses to take their child out of school for an unauthorised absence.

The Essex Code of Conduct for Penalty Notices has been reviewed by Essex County Council. These changes were effective from April 2019 and are found in Appendix 1.

Whilst any child may occasionally have time off school because they are ill, sometimes they can be reluctant to attend school. Any problems with regular attendance are best sorted out between the school, the parents and the child. If a parent thinks their child is reluctant to attend school then we will work with that family to understand the root problem and provide any necessary support. We can use outside agencies to help with this such as the School Nurse, Local Authority Officers or Child and Family Support Worker.

## **5. Persistent Absenteeism (PA)**

A pupil is defined by the Government as a '**persistent absentee**' when they miss 10% or more schooling across the school year for whatever reason. Absence at this level will cause considerable damage to any child's education and we need a parent/carer's fullest support and cooperation to tackle this.

We monitor all absence, and the reasons that are given, thoroughly. If a child is seen to have reached the PA mark or is at risk of moving towards that mark we will inform the parent/carer. PA pupils are tracked and monitored carefully. We also combine this with academic tracking where absence affects attainment. PA pupils and their parents may be subject to a school based meeting and the plan may include: allocation of additional support through the School Nurse, Attendance Compliance Adviser, Home School Liaison Worker, Local Authority, Family Solutions or Social Care. We may also use circle time, individual incentive programmes, individual targets and participation in group activities to support us in raising attendance.

## **6. Absence procedures**

**If a child is absent from school the parent/carer must follow the following procedures:**

- Contact the school on the first day of absence before 9.15 am. The school has an answer phone available to leave a message if nobody is available to take your call, or call into school personally and speak to the office staff. The school can also be emailed on [admin@writtleinfantschool.com](mailto:admin@writtleinfantschool.com) or [parents@writtleinfantschool.com](mailto:parents@writtleinfantschool.com).

- Contact the school on every further day of absence, again before 9.15am unless we have agreed this is not needed.
- Ensure that your child returns to school as soon as possible.

#### **If your child is absent we will:**

- Telephone on the first day of absence if we have not heard from you
- Continue to try the numbers available
- If there is no reply when ringing all the numbers and there has been no call back from the parents, then we may make a home visit and if there is no-one at home we may refer to the police/children's services and request a welfare call.
- If we believe someone is in but there is no reply we may call the police to ensure everyone is safe in the house
- Write to you if your child's attendance is below 90% unless we know there have been exceptional circumstances for example a stay in hospital
- Invite you in to school to discuss the situation with our Headteacher if absences persist
- Refer the matter to the Local Authority to request a formal School Attendance Meeting/Fine if attendance deteriorates following the above actions
- Parents are expected to contact school at an early stage and to work with the staff in resolving any problems together. This is nearly always successful. If difficulties cannot be sorted out in this way, the school may refer the child to the Local Authority. Local Authority Officers work with schools, families and other professionals to reduce persistent absence and improve overall attendance. If attendance does not improve, legal action may be taken in the form of a Penalty Notice (see Annex A for the Essex Code of Conduct), prosecution in the Magistrates Court or the application of an Education Supervision Order, designed to strengthen parental responsibilities and ensure improved attendance.

## **7. Lateness**

Poor punctuality is not acceptable. If a child misses the start of the day they can miss work and do not spend time with their class teacher getting vital information and news for the day. Late arriving pupils also disrupt lessons, can be embarrassing for the child and can also encourage absence. Good time-keeping is a vital life skill which will help our children as they progress through their school life and out into the wider world. The Headteacher keeps a tracker daily of children causing concern regarding lateness and appropriate action is taken, working alongside the parent to resolve any issues.

#### **How we manage lateness:**

The school day starts at **8.45am** when children can begin to come into school. Registers are taken once the second bell goes at **8.55am** and your child will receive a late mark if they are not in by that time. Children arriving after **8.55am** are required to come in to school via the school office if accompanied by a parent or carer, the parent/carers will sign them into our 'Late Book' and provide a reason for their lateness which is recorded. The school may send home 'late notes' in order to keep parents and carers informed.

At **9.15am** the registers will be closed. In accordance with the Regulations, if your child arrives after that time they will receive a mark that shows them to be on site, but this will not count as a present mark and it will mean they have an unauthorised absence. This may mean that parents could face the possibility of a Penalty Notice if the problem persists. If your child has a persistent late record you will be asked to meet with the Headteacher, but you can approach us at any time if you are having problems getting your child to school on time. We expect parents and staff to encourage good punctuality by being good role models to our children and celebrate good class and individual punctuality.

If leave of absence is authorised, the school will use discretion as to whether we provide work, for example if a child is off school for an operation we will. Parents are however advised to read with their children and encourage them to write a diary while they are away.

## **8. Deletion from Roll**

For any pupil leaving Writtle Infant School, parents/carers are required to complete a 'Pupils moving from school' form which can be obtained from the school office. This provides the school with the following information: Child's name, class, current address, date of leaving, new home address, name of new school, address of new school. This information is essential to ensure that we know and safeguard the whereabouts of all of our pupils. If we do not have this information we will refer the pupil to the Missing in Education team.

## **9. Equality Statement**

The governors and staff are committed to providing the full range of opportunities for all pupils regardless of gender, disability, and ethnicity, social, cultural or religious background. All pupils have access to the curriculum and the right to a learning environment which dispels ignorance, prejudice or stereotyping.

**APPENDIX 1**  
**ESSEX CODE OF CONDUCT**  
**PENALTY NOTICES FOR PARENTS OF TRUANTS AND PARENTS OF PUPILS**  
**EXCLUDED FROM SCHOOL**  
**ANTI-SOCIAL BEHAVIOUR ACT 2003 SECTION 23**

The purpose of this local code of conduct is to ensure that the powers are applied consistently and fairly across the Local Authority area to all Essex residents.

The Government requires Local Authorities to issue a code of conduct and any persons issuing Penalty Notices to a parent<sup>1</sup> must do so in accordance with this protocol. Essex County Council is legislatively responsible for administering the Penalty Notice scheme and will do so in accordance with a number of legislative and non-legislative requirements.

The Essex code has been agreed following consultation with;

- Essex County Council representatives – Attendance Compliance Team and Essex Legal Services.
- Representatives from Governing Bodies and Head Teachers of Essex Schools
- Essex Police
- Persons accredited under Essex Police’s Community Safety Accreditation Scheme (CSAS)

The Code of Conduct is in accordance with the following legislation;

## **1. LEGISLATIVE FRAMEWORK FOR EDUCATION PENALTY NOTICES**

The legal framework governing school attendance and the responsibilities of parents of excluded pupils, schools and the LA is set out in a succession of acts, regulations and other guidance.

### **Education Act 1996**

Under Section 7 of the Act: the parent is responsible for making sure that their child of compulsory school age receives efficient full time education that is suitable to the child's age, ability and aptitude and to any special educational needs that the child may have, this can be by regular attendance at school, or otherwise (the parent can choose to educate their child themselves). If it appears to the LA 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 Order under Section 437 of the Education Act 1996.

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<sup>1</sup> All those defined as a parent under Section 576 Education Act 1996 are parents for the purpose of these provisions. This means that all natural parents, whether they are married or not; any person who, although not a natural parent, has parental responsibility (as defined in the Children Act 1989) for a child or young person; and any person who, although not a natural parent, has care of a child or young person. Having care of a child or young person means that a person with whom the child lives and who looks after the child, irrespective of what their relationship is with the child, is considered to be a parent in education law. Parent means each and every parent coming within the definition (whether acting jointly or separately) and should not be taken to mean that provisions only apply to parent in the singular. As with prosecutions under Section 444 Education Act 1996 a penalty notice may be issued to each parent liable for the offence.

If a child of compulsory school age who is registered at a school fails to attend the school regularly the parent is guilty of an offence under Section 444(1) of the Education Act 1996. In addition, if it can be proved that a parent knew of the child's non-attendance and failed to act, then they may be found guilty under Section 444(1 A). This offence (known as the higher or aggravated offence) can lead to a warrant being issued compelling a parent to attend court and conviction may result in a higher level fine and/or a custodial sentence.

On 6 April 2017, in the case of *Isle of Wight Council v Platt* [2017] UKSC 28, the Supreme Court ruled that the word 'regularly' means 'in accordance with the rules prescribed by the school.'

### **Anti-social Behaviour Act 2003**

<http://www.legislation.gov.uk/ukpga/2003/38/contents>

The Act added two new sections (444A and 444B) to the Education Act. It introduced penalty notices as an alternative to prosecution under Section 444; the issuing of penalty notices is governed by:

- The Education (Penalty Notices) (England) Regulations 2007
- The Education (Penalty Notices) (England) (Amendment) 2013

<http://www.legislation.gov.uk/uksi/2013/757/contents/made>

### **Children Act 1989**

<http://www.legislation.gov.uk/ukpga/1989/41/section/36>

### **Crime and Disorder Act 1998**

<https://www.legislation.gov.uk/ukpga/1998/37/section/16>

### **Education and Inspections Act 2006**

<http://www.legislation.gov.uk/ukpga/2006/40/contents>

### **The Education (Pupil Registration) (England) Regulations 2006 (Amended 2013)**

<http://www.legislation.gov.uk/uksi/2013/756/regulation/2/made>

## **2. AUTHORISATION TO ISSUE PENALTY NOTICES**

Primary responsibility for issuing penalty notices rests with the Local Authority (LA). It has been agreed that the Attendance Compliance Team, on behalf of Essex LA, will usually issue penalty notices. The Service will administer the scheme from any funds obtained as a result of issuing penalty notices.

Head Teachers (and Deputy Head Teachers and Assistant Head Teachers authorised by the head teacher) and police, and persons accredited by the community safety accreditation scheme are all able to issue the notices under the Act, although there is no requirement for them to do so.

In Essex it has been agreed that the Police and Head Teachers will not issue penalty notices to parents. Persons accredited through the Community Safety Accreditation Scheme<sup>2</sup> are authorised to do so.

### **3. CIRCUMSTANCES IN WHICH A PENALTY NOTICE MAY BE ISSUED**

Penalty Notices apply to pupils of statutory school age, which commences the term immediately following the child's 5<sup>th</sup> birthday and finishes on the last Friday in June of school year in which they turn 16.

Penalty notices will only be issued as a conclusion to a series of processes and when all attempts to address school attendance matters have been unsuccessful. If a previous Penalty Notice has been unsuccessful, rationale and justification should be provided as to why issuing another Penalty Notice would improve the attendance of the student. If schools are not aware of any previous or current legal interventions they must email [attendancecompliance@essex.gov.uk](mailto:attendancecompliance@essex.gov.uk) . A response will be sent within 3 working days.

Parents cannot be penalised more than once for the same period of absence.

Domestic and European legislation and case law makes it clear that when serving a formal Notice in criminal proceedings, the recipient must be clearly and unambiguously identified. For the Purpose of issuing a Penalty Notice under this Code, the parent's first and last name must be cited on the Notice and any covering letter.

Essex partners have agreed to use Penalty Notices for the following circumstances however the offence under s444 Education Act 1996 is the same whether issued for unauthorised leave of absence (ULA) or irregular school attendance (ISA):

#### **Penalty notices for unauthorised leave of absence (ULA)<sup>3</sup>**

Penalty Notices may be issued where there have been at least 10 consecutive sessions of unauthorised absence for the purpose of a holiday, whereby a parent made an application to the School which the Head Teacher has deemed not for exceptional circumstances. In addition, a Penalty Notice may also be issued, whereby the parent did not submit a leave of absence request, however the school have reason to believe the absence was for the purpose of a holiday and should not be authorised as parent has not provided any additional evidence which the Head Teacher deems appropriate to support the absence. In addition to the above criteria, due to the importance of pupils settling into school at the commencement of the school year, Penalty Notices may also be issued if there have been at least 6

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<sup>2</sup> Accredited companies at time of this publication are Attendance Solutions Essex, Aquinas School Attendance Provisions and NEMAT Support Services

<sup>3</sup> Truancy/unauthorised/irregular school attendance refers to absence from school without permission or good reason and the absence is unauthorised by the school.



consecutive sessions of unauthorised absence during the first two weeks of September due to a term-time holiday.

The Local Authority requests that for Penalty Notices to be issued, parents must be duly warned of the legal ramifications under separate cover if they remove their child from school for the purpose of a holiday. Schools/Academies must reference the use of Penalty Notices within their Attendance Policy which must be available to all parents/carers online and/or in hard copy within the school, accessible to parents to read. Schools should remind parents of the protocol regarding leave of absence during term time.

### **Penalty Notices for Irregular School Attendance (ISA)**

Penalty Notices may be issued where there has been at least 10 sessions of unauthorised absence during the previous 10 school weeks.

Parents must have been issued with a Legal Action Warning Letter with accompanying Legal fact sheet and given opportunities to inform the school of any factors impacting on their ability to ensure their child attends school regularly. Warning letters are valid for 18 calendar weeks.

The Local Authority advises that the following template is used for irregular school attendance referrals as this has been specifically designed to enable the progression of cases if appropriate. This letter must be on headed paper from the school or accredited persons issuing the notice. The legal fact sheet must be included

[https://schools.essex.gov.uk/pupils/Attendance\\_Compliance/Documents/Legal%20Action%20Warning%20Letter%20for%20schools.docx](https://schools.essex.gov.uk/pupils/Attendance_Compliance/Documents/Legal%20Action%20Warning%20Letter%20for%20schools.docx) .

Failure to adequately issue warning to parents may result in the Penalty Notice being withdrawn or not issued.

All penalty notice referrals or notifications from Accredited Persons must be sent via Essex County Council's online portal and all relevant pre-referral work in accordance with the Local Authority requirements must be uploaded alongside the referral/notification.

The Local Authority must be satisfied that the substantive offence in accordance with s.444 Education Act 1996 has been committed prior to issuing a Penalty Notice.

Evidence of attempts to address attendance concerns within the previous 8 weeks prior to requesting or notifying of a Penalty Notice must be submitted. Satisfactory evidence includes letters, notes of home visits, meetings, telephone calls etc.

*N.B. for ULA and ISA PN's consideration should always be given to whether it is appropriate to issue to absent parents.*

### **Number of Penalty Notices which can be issued for Irregular school attendance/unauthorised leave of absence**

Discretion will be used to enable up to two penalty notices to be issued to each parent for each child within a twelve month period. If the law continues to be broken around school attendance the Attendance Compliance Team may instigate legal proceedings.

### **Number of Penalty Notices which can be issued for pupils identified during a school attendance and exclusion sweep**

School attendance and exclusion sweeps take place in Essex and children stopped are often with parents condoning the absence.

If the Head Teacher has not authorised the absence of a pupil stopped by a Local Authority Officer and Police Officer on a sweep and there has been at least 9 unauthorised absences for that pupil during the preceding 10 schools weeks, school will issue a legal action warning letter to the parent within 14 days. If there are any further unauthorised absences, during the following 18 calendar weeks a referral to the Attendance Compliance Team may be submitted for a Penalty Notice to be issued.

Essex will issue no more than two penalty notices to a parent in a twelve month period for pupils identified on a school attendance and exclusion sweep. If the law continues to be broken around school attendance the Attendance Compliance Team will instigate legal proceedings.

### **Excluded children**

When a child is excluded from school, the parent will be responsible for ensuring that their child is not found in a public place during normal school hours on the first five days of each and every fixed period or permanent exclusion. (Section 103 Education and Inspections Act)

The excluding school must have notified the parent informing them of their duty and warning that a penalty notice could be issued.

Where there is more than one person liable for the offence, a separate penalty notice may be issued to each person.

Where a pupil is present in a public place in the first five days of a fixed period exclusion the Essex Local Authority would issue a penalty notice if the school is in their area. Where the child has been permanently excluded, it would be the authority where the child resides.

### **Number of penalty notices which can be issued for exclusion**

Essex will issue a maximum of 2 penalty notices per parent for each child during a 12 month period.

### **Number of penalty notices which can be issued for unauthorised leave of absence**

Essex will issue no more than two penalty notices to a parent in a twelve month period for unauthorised leave of absence. If the law continues to be broken around school attendance, the Attendance Compliance Team will consider further legal interventions.

#### **4. PAYMENT OF PENALTY NOTICE**

The penalty for each parent issued with a Penalty Notice is £120 for each child, however if paid within 21 days of receipt of the notice, it is reduced to £60. (Service by post is deemed to have been effected, unless the contrary is proved, on the second working day after posting the notice by first class post).


All penalties are paid to the LA and revenue generated is retained to administer the system and contribute towards s444 prosecutions following the non-payment of the Penalty Notice.

If the penalty is not paid in full by the end of the 28 day period, the Attendance Compliance Team will either prosecute for the offence to which the notice applies or withdraw the notice. The prosecution is not for non-payment of the notice but is a prosecution for irregular school attendance – Education Act 1996 Section 4441.

There is no statutory right of appeal against the issuing of a penalty notice.

#### **5. WITHDRAWAL OF PENALTY NOTICE**

A penalty notice may be withdrawn by the local authority named in the notice under the following circumstances:

- Where the local authority deems it ought not to have been issued i.e. where it has been issued outside the terms of the local code of conduct or where the evidence does not support the issuing of a penalty notice
- It appears to the local authority that the notice contains material errors  Where it has been issued to the wrong person named as the recipient.

#### **6. CO-ORDINATION BETWEEN THE LOCAL AUTHORITY AND ITS LOCAL PARTNERS**

The Attendance Compliance Team and its local partners will review this Code of Conduct bi-annually unless local needs require otherwise.

#### **7. VERSIONS**

Original Code of Conduct was introduced in September 2004.

Most recent revision - November 2017

Revised March 2019 for implementation from April 2019