

**St Joseph’s Catholic Primary School, Malmesbury**

**Attendance Policy**

A green shield with a cross and a church

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***‘Walking in the footsteps of Jesus, loving and serving together’***

St Joseph’s Catholic Primary School fully recognises its responsibilities for safeguarding and child protection.

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| **The key safeguarding responsibilities within each of the roles above are set out in Keeping Children Safe in Education (2023)** | | | | |
| **Children’s Social Care referrals:**  Multi-Agency Safeguarding Hub (MASH):  Out of hours: | | | 0300 456 0108  0300 456 0100 | |
| If you believe a child is **at immediate risk** of significant harm or injury, you **must** call the police on 999. | | | | |

## Rationale

Excellent education is vital to the lives of all children and society. Whilst life chances of children may not be equal from the outset, education can help redress this imbalance and ensure that every child has an opportunity to fulfil their potential.

School attendance is an essential foundation to enabling this potential and raising pupil attainment. School absence for whole and part days can seriously disrupt continuity of learning, self-worth and future life chances. Not only does a child miss out on taught lessons, but additionally may miss valuable opportunities to consolidate past learning and consequently face difficulties catching up academically and socially on their return or arrival in school.

The context of this policy recognises that cumulative absence rates mean that:

* 95% attendance is equal to half a day of lost learning every two weeks for a whole year
* 90% attendance is equal to a whole day of lost learning days every two weeks for a whole year
* 85% attendance is equal to one and a half days of lost learning every two weeks for a whole year
* 80% attendance is equal to one whole day of lost learning every week for a whole year

Poor or irregular attendance places children at risk, can contribute to contextual safeguarding and welfare concerns and in some cases can result in them being drawn into patterns of anti-social or criminal behaviour and exposure to exploitation.

To this end, the Department for Education (DfE) recognises that some pupils find it harder than others to attend school and that the best outcomes for pupils will be achieved when all parties work together to secure excellent attendance.

This policy represents our commitment to support pupils to achieve 100% attendance. It reflects how parents and the whole school community share the responsibility for supporting and promoting excellent school attendance and punctuality and sets out the:

* Principles, procedures and practice the school will undertake.
* Strategies to improve attendance and rewards and benefits of good attendance
* Sanctions and possible legal consequences of poor attendance and punctuality

For consistency, the term parent / parents refers so any adult who is the birth or foster parent, the carer or guardian of a child in St Joseph’s Catholic Primary School

## PURPOSE STATEMENT

## The purpose of this policy is to support multi agency working and ensure that this policy:

* Assists the Local Authority (LA), through the DfE, to work within a legal framework and discharge its duties with regard to ensuring that a child for whom they are responsible is receiving a suitable education by regular attendance at school or otherwise.
* Support schools to fulfil their legal responsibilities with regard to pupil attendance. In doing so, creating a framework which promotes consistent practices and procedures that improves school attendance across Wiltshire
* Provides information and a framework to help schools devising a whole School Attendance Policy.
* Identifies areas of responsibility.
* Promotes partnership between the LA, schools and parent/carers by offering guidance and assistance in meeting their responsibilities in this area.

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**Policy Aims**

We believe that the foundation for good attendance is based on a strong partnership between school, parents and the child. As a Catholic Primary School, where parents are seen the “first educators of the child” a positive and collaborative relationship is even more essential if we are to enable parents meet their faith and legal responsibilities.

For the 2022 – 2023 academic year, our school attendance target is 98%.

This means that we are expecting each pupil to have 100% attendance. Pupils who miss just 3 days of school in a school year will contribute to the school not achieving the attendance target set by the governing body.

To support this goal, we aim to provide clear communication with parents and pupils regarding our expectations of how to secure excellent attendance for pupils at our school.

At St Joseph’s Catholic Primary School, the school’s values are reflected in the aims of this policy by ensuring that:

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| Love | * It creates a learning environment where children love coming to come to school and love learning. As such we want children to choose to be in school over being at home * School staff see that enabling learning every day as their responsibility in fulfilling their obligations to live out the charism foundations of the school. |
| Excellence | * All children see the value and privilege of the opportunities from being in school and that by attending, this is the gateway to learning and as such the reward for future good attendance and punctuality. * Where necessary poor attendance is challenged relentlessly in the interests of the child and their future opportunities. |
| Resilience | * Recognizes that sometimes coming to school can seem like a challenge but as with all challenges, overcoming these is essential if children are to develop the tenacity to overcome the difficulties they will face in life * Where needed the school works with parents and children to help them develop the resilience to overcome barriers that may affect their attendance. |
| Service | * Beyond their legal responsibilities, parents see their child’s attendance as one of the keyways they can demonstrate and live out their Catholic faith as the “first educators of the child.” * School staff and governors see the enabling of good attendance as part of their responsibilities and privileges endowed upon them by parents who have ultimate responsibility for their child’s education. |
| Curiosity | * Children see access to good Catholic education as a gift and as such see unnecessary missed days at school as lost opportunities. |
| Respect | * The school will respectfully and compassionately work with parents and their child to achieve maximum attendance. |
| Inclusion | * All children, regardless of need, have a right to good quality education and recognising that missed learning can impact on a child’s life chances. * Sets high aspirations for attendance by providing regular information about attendance through whole school and personal communication with parents. |

## Roles and Responsibilities

The law says that ensuring a child receives education is a parent/carer’s legal responsibility (Section 444 of the 1996 Education Act). For most parents this means registering their child at a school. Permitting absence from school that is not authorised by the school creates an offence in law and parents/carers who do not secure their child’s regular attendance at school may be issued with a Penalty Notice or referred to the Wiltshire Education Welfare Service for prosecution in the magistrates’ court.

To avoid this happening we will work with parents and carers to address irregular or poor attendance to ensure full-time attendance.

Authorised absences are those that have been agreed by the St Joseph’s Catholic Primary School’s headteacher. Unauthorised absences are those where no valid reason has been provided for absence or those absences for which the headteacher has not agreed.

By law St Joseph’s Catholic Primary School is required to and will:

* + Take an attendance register twice a day (see registration section below). This will be at the start of the morning and afternoon session.
  + Report to the Local Authority any pupils who fail to attend regularly or who are absent for ten consecutive school days or more without known reason

## Partnership Working – roles and responsibilities

At St Joseph’s Catholic Primary School good attendance is the business of everyone in our school community. To support good attendance St Joseph’s Catholic Primary School believes it is essential that the school and parents work closely together to ensure children attend school regularly. The following section outlines what these responsibilities normally look like.

**School Staff responsibilities**

The governors and all staff are committed to supporting pupils achieve excellent attendance and regularly review school procedures and strategies to support this.

To ensure this:

Class teachers will:

* + Ensure the attendance register is taken twice a day. These registers show for every session, whether a pupil is present, absent, attending approved educational activity or unable to attend due to exceptional circumstances.
  + Share concerns with school leaders about pupils whose absence is affecting their educational, personal, social and emotional outcomes.

Office staff will:

* Maintain the school’s record of attendance and punctuality and will always follow up absence to assure themselves of the reasons for unconfirmed absence or to understand how the child is recovering.
* Act under the instruction of school leaders to follow up persistent absence, (verbally and in writing)
* Inform the educational welfare service of absences that exceed 10 sessions or 5 days within any 6 month period

School leaders will:

* + Monitor attendance and punctuality alongside office staff on a daily basis
  + Instruct office staff to follow up persistent or worrying absence
  + Contact the children’s services where there are concerns about the welfare of a child or where a child’s frequency of absence may significantly limit their life chances.
  + Work with parents in the first instance to take action to improve attendance and where attendance fails to improve, escalate this work to include the educational welfare service or wider children’s services
  + Report to governors at least three times a year what patterns are being observed with respect to school attendance and where actions have been identified, the outcomes of these. Where attendance becomes a concern, school leaders may increase the frequency of their reporting

**Parents’ responsibilities**

Parents can support the work they have entrusted to the school for the education of their child by:

* Ensuring children arrive at school on time, before registers close, appropriately dressed and in a ‘condition to learn’ (ie not too tired or too hungry) and with the right equipment for the day
* Working in partnership with us to help their child(ren) gain an appreciation of the importance of learning and as a result attending school regularly
* Working in partnership with the school to take an active interest in their child’s education and learning experiences
* Working in partnership with us and other agencies (as appropriate) to resolve problems relating to non-attendance or which may have a negative impact on their attendance and educational, personal, social and emotional outcomes

## School Organisation and Procedures

The school day:

* The school day starts at 08:50 and the school gates open at 08:30.
* The school day finishes at 15:20 (KS1) and 15:25 (KS2) and the gates open at 15:20.

Registration:

The school register is taken twice a day and remains open for 10 minutes to allow for unforeseen eventualities

* Morning register is taken at 08:50 and remains open until 09:00
* Afternoon register is taken at 13:00 and remains open until 13:10

Pupils arriving before registers close will be marked as late (L). Pupils arriving after the registers have closed will be coded U (Late after registers close). A U code means that the pupil is recorded and given an unauthorised absence for the whole session.

Absence is recorded as unauthorised until a satisfactory reason is provided. If the reason given is not satisfactory and/or evidence of the reason cannot be provided, the absence will be coded as unauthorised.

Ongoing and repeated lateness after the close of registration is considered as unauthorised absence and may be taken into account if any legal action is taken.

Frequent and consistent late arrival is also taken seriously as this constitutes and adds to cumulative loss in learning time.

We will contact parents to address and improve attendance and punctuality where:

* A pupil’s attendance is approaching 90% as we are required to contact the Education Welfare Service once attendance falls below 90%.
* A pupil has more than 3 weeks where they haven’t achieved full attendance in a term (In Wiltshire there are 6 terms in an academic year)
* A pupil has more than 4 recorded lates in a term
* A pupil has a regular pattern of absence or late arrival

**What we do when a child is marked as absent**

* On the first day of absence, contact will be made by the school to the parent/carer if we have not been informed about an absence. This is undertaken after the register closes (09:00)
* We will always contact the parent/carer if a child is absent and the parent/carer has not advised that the child will not be in school.
* Reconfirm absence if subsequent absences are reported by parent. Parents can expect contact on every occasion of an un-notified absence.

If we cannot speak directly with parents/carers then we will make contact with nominated emergency contacts to establish the reason for absence; this is in line with school safeguarding procedures

If after 3 days of absence, your child has not been seen and no contact has been made with the school, a home visit will be made by school staff, to ascertain the safety and well-being of your child and establish the reason for absence from school.

After 10 days of unexplained absence and no contact with the school, we are obliged to notify the local authority. This time period may be shorter than the 10 day period if we have serious concerns about the welfare of the child. In both cases the local authority will follow their procedures for Children Missing from Education (CME) and parents may expect contact and visits from an Education Welfare Officer to ascertain the well-being and safety of your child***.***

* Where attendance or punctuality falls below required levels (90%) the school will consider calling a meeting with the parent / carer and establish a Home / School agreement through a Parenting Contract (voluntary) This will include reference to regular and punctual attendance.
* Where attendance after the Parent Contract meeting has failed to improve and sustain attendance the school will contact the Educational Welfare Officer and follow the procedures outlined below with respect to informing the Local Authority, Penalty Notice Officer.
* Work with the parent, class teacher and EWO to agree procedures for a child’s return to full time education following long term absence
* Communicating our expectation that medical or dental appointments are taken out of school hours where possible
* Making contact with children’s services immediately when a child on a child protection plan has an absence from school. Other children who are SEND, on child in need or early help plans will be monitored as appropriate and actions taken to ensure good attendance and punctuality.
* Communicating our procedures for requesting pupil leave of absence for exceptional circumstances during term time –
* Setting clear expectations that a parent/carer will inform the school of circumstances which are or may affect their child’s attendance at school

Actions relating to unauthorised absence (late after register closes (U), no reason given (N), other unauthorised absence (O) or unauthorised holiday (G))

* Where a child has 8 unauthorised register marks (U,N,O or G) in any academic year, the school will warn and inform the parent / carer that further absence will trigger a penalty notice.
* Where 10 unauthorised register marks (U,N,C or G) are recorded in any given academic year the school will automatically inform the penalty notice officer.

**What parents and carers can do when a child is or could be absent or late in arriving:**

* Notify the school when their child is unable to attend, with a reason, on the first and subsequent days of the absence. Parents should make contact with school before the start of the school day. Please phone (the absence line/school office/ member of staff)
* Keep the school informed, in cases of ongoing absence. A note from a pupil’s home does not mean an absence becomes authorised. The decision whether or not to authorise an absence will always remain with the school
* Arrange medical or dental appointments outside of school hours unless there is urgent need for an appointment.
* Tell the school if their child is going to be late, the reason why and expected time of arrival.
* Only request leave of absence/holiday in term time if it is for an exceptional circumstance.

**Requesting absence from school**

Parents and carers can request an absence from school. This does however not necessarily mean that the absence will be authorised and consequently if the parent or carer keeps their child off school, the parent or carer may be asked to attend an attendance meeting or may be issued with a penalty notice.

Parents should always request absence using the school’s Leave of Absence Request forms. These must be completed in advance of the absence and contain as much information about why the absence must be taken in school time. If a request is for exceptional circumstances we will require written confirmation from a third party explaining the extenuating circumstances.

We require at least two weeks notice unless an absence is related to an emergency.

We do not give retrospective agreement for absence so any absence not advised in advance will be marked as unauthorised.

Requests will be considered by the headteacher and parents and carers will be advised if their request is agreed.

Any pupil who has taken a term time holiday will be required to provide medical evidence if they are ill in the period directly before or after the dates advised to school.

Parents/carers will be asked to provide “third party” evidence if a pupil does not return to school on the agreed date following a holiday e.g. proof of delayed or cancelled flights or other travel arrangements.

What absence requests might be authorised?

In accordance with Department for Education guidance, leave of absence from school including for holidays in term-time, may only be authorised in exceptional circumstances.

Examples of exceptional circumstances may include:

* The death or funeral of a person in the immediate family.
* The terminal illness of a person in the immediate family.
* Attendance at a significant religious event.
* Attending a Home Office appointment where the child is required to be present.
* Service personnel and other employees who cannot take leave outside term time at any point in the academic year.

Parents are required to complete a leave of absence request form which must detail the exceptional circumstances for which the leave has been requested. Where service personnel or other employees are requesting term time leave, the absence request form must include a written confirmation from the employer on headed paper or official e-mail confirming that leave cannot be taken during a school holiday period

What absence requests will not be authorised?

Examples of absence requests that will not be considered reasonable and which will not be authorised are:

* Going shopping with parents
* Special rewards
* Cheaper or less expensive holidays
* Holidays that have been defined by a parent as of educational value
* Holidays that are a prize from a competition
* Birthdays
* Minding other younger children in the family
* Attending the wedding of a family friend
* Staying at home because other members in the family are unwell unless not doing so will breach guidance and legislation relating to COVID-19 (Coronavirus)
* Day trips and holidays in term time unless there are exceptional circumstances that have been approved by the Head Teacher
* Arriving at school too late to get a present mark (After the close of registration)
* Death of a pet

In all cases, the examples of what can and cannot be authorised is none exhaustive list. Authorisation is at the Headteachers discretion and will or will not be agreed after consultation with the school’s Educational Welfare Officer.

The general principle remains, children should be in school in term time and lost days to learning can affect outcomes educationally, socially and emotionally. For this reason, on almost all occasions, absence requests will not be authorised.

What happens if an absence is unauthorised?

Where an unauthorised leave of absence is taken, the school will inform the educational welfare officer and the Penalty notice Officer where cumulative unauthorised absence is 10 sessions or more. Parents will then be issued with a penalty notice. This will be the sum of £120 per parent / carer for each child in the family that was absent from school. This sum will be reduced to £60 per parent/carer for each child if paid within 21 days of issue.  Failure to pay the fine after 28 days may lead to prosecution for the absence.

**Collecting your child from school**

All parents must ensure they are able to collect their child from school on time (15:20). If parents are unable to do this they must communicate the alternative arrangements with the school.

This communication should be verbally by phone and by the parent or as an e-mail to the school using the parents registered e-mail. We may ask a verbal communication to be confirmed by e-mail.

We will not release children in these circumstances to anyone who we have not been advised of.

If a child remains uncollected we will make every effort to contact the parent up until 15:30. We will then place the child in the school’s after school provision for which we will make a charge for the first and then subsequent hours.

Parents will be charged at the school’s ad-hoc rate for this provision (15:20 – 16:30 £4.55, 16:30 – 17:30 +£4.55 and 17:30 – 18:00 +£2.55)

**Monitoring attendance**

Daily, weekly and termly monitoring of the registers is made by the office staff, to analyse overall absence for each pupil and identify pupils with low attendance, a pattern of absences that may lead to Persistent Absence (PA), Severe Absence (SA) patterns and levels of broken weeks, lateness, authorised absence and unauthorised absence and reasons for absence.

A pupil is classed as a persistent absentee when they miss 10% or more schooling across the school year and as a severe absentee if they miss more than 50% of schooling for whatever reason, whether it be authorised or unauthorised, or a mixture of both. Absence at this level is doing considerable damage to a child’s educational prospects and we need parents’ full support and encouragement to tackle it. PA and SA pupils are tracked and monitored carefully through our pastoral system, and we combine this with tracking academic progress to assess the effect on the pupil’s attainment.

Absence for whatever reason disadvantages a pupil by creating gaps in learning. The head teacher and or SENDCo will be responsible for putting in place actions for each pupil of concern. Initially we will try to resolve the problem with parents/carers and this may involve requesting medical evidence in order for the school to authorise any further absence due to ill health and/or an attendance meeting with the designated teachers outlined above. We may ask parents to agree to a Parenting Contract which details how we will work together to improve attendance.

If absence continues the school may make a referral to the Local Authority for interventions that may include penalty notices and court action.

## Strategies and maintaining good attendance

School ethos

We are a caring school community where the needs of all pupils are carefully considered.

We promote a culture where education is valued and seen as gift. All staff are also part of a culture where all children are valued and as such we aim to provide and promote a welcoming and positive atmosphere where pupils feel safe, and know that their presence is valued.

Rewards and recognition

We take every opportunity to promote excellent attendance for all pupils. We celebrate excellent attendance by:

* Weekly house points within classes for houses who have highest attendance and punctuality
* Weekly class awards / certificates in celebration worship to recognise the class with the best attendance
* Termly award to children with 100% attendance
* Termly communication to parents whose child has 100% attendance

Collaboration

If there are specific issues which might impact on a child’s attendance we ask that parents see us as partners in this work and that they talk to us so that we can support them and their child. School contact should be initially through the class teacher but can also include senior school leaders (Paul Bacon and Karen Bathe) or the SENDCo. Following this we may put in place additional pastoral support (ELSA , Parent Support or talking therapies).

We are very keen to listen to the views of children and parents with regard to attendance matters and we welcome any feedback which helps us to shape how we work with families to address attendance issues and reward excellent attendance.

External advice and support

There may be times when we ask other agencies to become involved to help us understand and work with parents to encourage regular school attendance. (eg Wiltshire Council, school health, Ethnic Minority and Traveller Advisory Service, Medical Needs Reintegration Service) If we feel that this would be helpful we will discuss with you first.

**Consequences of persistent and severe absence**

We will always work with parents to address any attendance concerns. If we have been unable to resolve an issue, despite a number of interventions, then we will refer the matter to the local authority who may take further legal action.

The range of actions that the Education Welfare Service may take include:

* The issuing of a penalty notice. This carries a fine of £120, per parent, per child. This is reduced to £60 if paid within 21 days. If not paid within this time frame, court action will be initiated.
* Immediate court action under Section 444 of the Education Act 1996, which could lead to fines of up to £2,500, imposition of orders such as Parenting Orders or even imprisonment.
* Action under the Children Act 1989 to protect the welfare and development of the child

## Monitoring and Evaluation

In order to evaluate the effectiveness of procedures and strategies, the attendance policy will be monitored and reviewed on a regular basis.

This will take the form of:

* Daily, weekly and termly monitoring as specified above
* Monthly safeguarding reviews by the DSL team against vulnerable pupils
* Termly evaluation against the school’s attendance target and reporting to the EWS as appropriate
* Termly leadership reviews of pupil performance against academic outcomes
* Leadership reporting to the school’s governing body through ongoing curriculum and full governor meeting reports
* Annual leadership reviews of pupil performance against the school’s annual report on academic outcomes
* Governors annual reviews of performance

The annual review of the Attendance Policy will be undertaken each October alongside the Pupil Premium Policy and SEND Policy by school leaders including governors. This review is undertaken so that the school can assure itself that the policy continues to meet the needs of the school community and reflects current DfE and Local Authority guidance.

## Sharing our Attendance Policy with staff and parents

Staff are asked to familiarise themselves with this policy contents each year as part of the school’s start of year organisation.

Office staff are consulted on policy content at the review points each year

All new parents are introduced to the policy and information on attendance is included in the school prospectus. This is also accessible on the school website.

All parents are sent electronic copies of this prospectus at the start of each academic year and any changes to policy are highlighted in covering information at this time.

School attendance features are included in school newsletters and communications and we advise parents of changes to policy and procedures as and when needed

Our policy is available in other languages if required.

## The following Appendices provide school staff, governors and families with a resource of useful definitions and clarifications with respect to the principles and fundamentals that sit below and underpin this policy statement.

## APPENDIX A

## Roles and Responsibilities

## The following appendix details a reference point for this policies Roles and Responsibilities and is drawn from Local Authority and national guidance from the Department for education (DfE)

## INTRODUCTION

In May 2022 the DfE published new guidance “**Working together to improve school attendance: Guidance for maintained schools, academies, independent schools and local authorities”.** The guidance is effective from September 2022 and likely to become statutory from September 2023.

The guidance is clear that improving attendance is everybody’s business. It provides advice for local authorities, schools, governing bodies, trusts and parents to support and maintain high levels of school attendance.

* 1. The Local Authority (LA) supports the principles, practice and procedures outlined in the DfE School attendance document. We believe pupils can only take full advantage of their education by regular and punctual attendance at school or otherwise to ensure continuity of learning.
  2. The Education Welfare Service, for the LA, has the responsibility to implement the statutory duties in relation to school attendance. It acknowledges that both the LA and schools must apply their powers fairly and consistently.
  3. The Education Welfare Service has a key function in working closely with schools, families and teams within the Children’s Services and other agencies, both statutory and voluntary, in order to promote excellent levels of attendance and punctuality at school or otherwise.
  4. The Education Welfare Service acknowledges and supports the equal opportunity policies of the Council and recognises the need to strive against discrimination in all forms.

## NOTE

There are key policies which are relevant to pupil attendance, registration procedures and following up on

pupil absence which include

* Admissions
* Anti-bullying
* Special educational needs
* Behaviour
* Safeguarding
* Exclusions
* Teaching and learning
* A School Attendance Policy should be reviewed every two years in conjunction with the above policies. The active involvement of governors, parents/carers and all school staff is essential to the review process. Pupils, through pupil voice, can also make a useful contribution to policy development.

**RESPONSIBILITIES**

## PARENTS AND CARERS

* 1. Parents are responsible in law for ensuring that their children of compulsory school age receive an efficient education suitable to their age, ability, aptitude and any special educational needs which they may have. Most parents choose to fulfil this responsibility by registering children at a school.
  2. Parents have a legal responsibility to ensure their child’s regular attendance (s7 Education Act 1996).

## Parental Responsibilities:

* + - Ensure that their child attends school every day, on time, appropriately dressed and in a ‘condition to learn’. (i.e. not too tired or too hungry to learn.)
    - Work in partnership with the school to help their child/children gain an appreciation of the importance of attending regular school attendance and punctuality.
    - Work in partnership with the school to take an active interest in their child’s school career, to support and reinforce school policies/arrangements on homework, behaviour and approach to learning, to attend parents’ evenings and other meetings where necessary.
    - Work in partnership with the school and other agencies (as and when appropriate) to resolve issues relating to non-attendance including engaging with formal support offered to prevent the need for legal intervention.
    - To acknowledge that they have been in receipt of, and will support, the school’s Attendance Policy.
    - Notify the school if their child is absent. Contact with the school needs to be made on the first day of absence, ideally first thing in the morning and before the school register closes. Parents should provide an explanation for the absence which should be confirmed in writing, when the child returns to school.
    - Parents are advised to avoid arranging medical or dental appointments during school hours unless there is an emergency.
    - Parents must seek permission from their child’s head teacher (or authorised representative) by submitting a written application in advance of any request for leave of absence. Schools should set their own requirement for notification times but the LA recommends that requests should be made at least 2 weeks in advance of the requested absence. This could be for the purposes of a family holiday or family occasion, such as a wedding or funeral or for any other reason. Each request should be considered individually and should meet the circumstance of being ‘exceptional’ if authorisation is being considered.

*NB. It is the head teacher’s decision to register an absence as either authorised or unauthorised.*

## SCHOOLS

* 1. Schools are responsible for supporting the attendance of their pupils and for managing concerns or

issues which may lead to non-attendance.

* 1. **School Responsibilities.**

The DfE places the following expectations on schools as detailed in the DfE

Guidance published May 2022: Summary table of responsibilities for school attendance: Guidance for

maintained schools, academies, independent schools and local authorities

* To develop and maintain a whole school culture that promotes the benefits of high attendance
* To have a clear school attendance policy on the school website which **all** staff, pupils and parents understand
* To accurately complete admission and attendance registers
* To have robust daily processes to follow up absence (this should be understood by everyone in the school community and communicated to any cover staff to ensure procedures are consistently applied)
* To have a dedicated senior leader with overall responsibility for championing and improving attendance
* To be proactive in identifying pupils at risk of poor attendance and work with each identified pupil and parents to understand and address the reasons for absence. Schools should be sensitive to the needs of the individual pupil and parent. This should be reflected in the ways in which attendance issues are addressed. For example, schools should recognise that some parents have difficulty understanding written communications. They should also recognise the reluctance of some parents to come into school and work sensitively and proactively with parents to ensure a consistent approach to attendance management,
* To signpost and support access to services where out of school barriers to attendance are identified
* To work with partners in the multi-agency effort to improve attendance
* To hold formal conversations with parents where there is lack of engagement to improve attendance and be clear about the potential for legal intervention.
* To work with the local authority where legal intervention may be appropriate
* To work with other schools in the area such as schools previously attended and the schools of any siblings and to share effective practice where there are common barriers to attendance
* To maintain the same ambitions of attendance for pupils with medical conditions or SEND and work to maximise attendance
* Where a pupil is open to social care to notify the pupil’s social worker if there are unexplained absences and if the pupil’s name is to be deleted from the register

## The School Attendance Policy

## This should detail:

* The attendance and punctuality expectations of pupils and parents, including start and close of the day, register closing times and the processes for requesting leaves of absence and informing the school of the reason for an unexpected absence.
* The name and contact details of the senior leader responsible for the strategic approach to attendance in school.
* Information and contact details of the school staff who pupils and parents should contact about attendance on a day to day basis (such as a form tutor, attendance officer etc) and for more detailed support on attendance (such as a head of year, pastoral lead or family liaison officer etc).
* The school’s day to day processes for managing attendance, for example first day calling and processes to follow up on unexplained absence.
* How the school is promoting and incentivising good attendance.
* The school’s strategy for using data to target attendance improvement efforts to the pupils or pupil cohorts who need it most.
* The school’s strategy for reducing persistent and severe absence, including how access to wider support services will be provided to remove the barriers to attendance and when support will be formalised in conjunction with the local authority.
* The point at which Fixed Penalty Notices for absence and other sanctions will be sought if support is not appropriate, not successful, or not engaged with.
* Information for parents that any authorisation for a leave of absence in term time will only be granted in exceptional circumstances, in line with the law, and where a leave of absence in term time is not agreed, or no application has been made, or the pupil does not return on the agreed date, that absence will be unauthorised and the parent/carer may incur a penalty notice.

Whilst every pupil has a right to a full-time education and high attendance expectations should be set for all pupils, the attendance policy should account for the specific needs of certain pupils and pupil cohorts.

The policy should be applied fairly and consistently but in doing so schools should always consider the individual needs of pupils and their families who have specific barriers to attendance. In development and implementation of their policy, schools should consider their obligations under the Equality Act 2010 and the UN Convention on the Rights of the Child.

Schools where all or some of their pupils are boarders are expected to cover all of the above areas in their policies but will want to do so in a way that meets their specific needs.

The policy should be easily accessible to leaders, staff, pupils, and parents, including being published on the school’s website. Parents should be sent it with any initial information when pupils join the school and reminded of it at the beginning of each school year and when it is updated.

As the barriers to attendance evolve quickly, the policy should be reviewed and updated as necessary. In doing so, schools should seek the views of pupils and parents

* 1. **Other school considerations for managing attendance**
* Use up-to-date attendance data to support continued improvements to overall school and individual pupil attendance. This could be benchmarked across regional and national data to promote awareness of school performance and target setting within the whole school community
* Identify and analyse authorised and unauthorised absences to support targeted interventions for improvement
* Identify a range/toolkit of strategies to deal with absenteeism and lateness. Be alert to critical times eg return after a period of sickness, a return after a traumatic event (either at school or at home) or during the period leading to/from a phase transfer and be clear how these individual circumstances will be addressed
* Establish target setting for individual pupils, form groups, year groups whole school etc. which supports the aims of the policy
* Establish procedures for re-integrating long-term absentees
* Suggest differentiation and flexibility in the curriculum where issues have been identified that may be impacting on attendance. For example, where a pupil has been on a reduced educational provision. There are clear links here to school behaviour and SEND policies which should be referenced
* Have clarity regarding how the school will engage in effective Primary/Secondary liaison to ensure all pupils will continue to have good attendance and to identify any concerns
* Ensure that governors have all the information to assess school performance in terms of attendance

## 3.5 New Pupils Joining a School - Expected First Day of Attendance

Pupils join the school roll from the beginning of the first day on which the school has agreed, or has

been notified, that the pupil will attend and must be listed in both the admission and attendance

registers from that day. If a pupil has accepted a place at the school and fails to attend on the

agreed date, school must follow up the absence to ensure that the pupil does not lose their place

and that any safeguarding and missing from education concerns are addressed.

**4 GOVERNING BODIES**

**4.1 Governors Responsibilities**

* Have a nominated governor with oversight of attendance who will work closely with the designated senior leader for attendance in the schools and who will provide robust support and challenge to school leaders
* Ensure that attendance is dealt with strategically across other school strategies including behaviour, safeguarding and SEND
* Review attendance data at board meetings and think about the impact of attendance on pupil

progress and attainment – particularly in vulnerable groups

## 5 THE LOCAL AUTHORITY

5.1 **Responsibilities of the local authority**

The DfE places the following expectations on local authorities as detailed

in the DfE Guidance published May 2022: *Summary table of responsibilities for school attendance:*

*Guidance for maintained schools, academies, independent schools and local authorities*

* To rigorously track local attendance data
* To have a School Attendance Support Team which provides the following core functions free of charge to all schools regardless of type
* **Communication and advice –** bringing schools together to communicate messages, provide advice and share best practice between school and trusts within the area
* **Targeting Support Meetings** – hold termly (3 x per year) conversations with schools using attendance data to identify pupils and cohorts at risk of poor attendance and agree targeted actions and access to services for those pupils
* **Multi-disciplinary support for families** – provide access to early help support workers to work intensively with families to provide practical whole family support and unblock barriers to attendance
* **Legal intervention** – take forward legal intervention where voluntary support has not been successful or engaged with.
* **Monitor and improve the attendance of children with a social worker**

5.2 The local authority discharges its statutory duty to ensure regular school attendance through

Education Welfare Officers within the Education Welfare Service. In doing so it enables schools

and parents to meet their respective responsibilities.

5.3 The functions of the School Attendance Support Team will primarily sit within the Education

Welfare Service although strategic support for attendance may also be provided by other local

authority teams such as School Effectiveness.

* 1. The primary responsibility of the Education Welfare Service is to promote the excellent attendance

of all pupils in Wiltshire schools, thereby contributing to raising pupil attainment.

5.5 The Education Welfare Service will work in close partnership with all maintained schools

independent schools and academies *(subject to specific agreements)* in Wiltshire and other

statutory and voluntary agencies to promote regular school attendance and support schools to

discharge their responsibilities to ensure regular attendance.

* 1. All schools in Wiltshire will have a Targeting Support Meeting 3 times per academic year.

Attendance data will be used to prioritise schools with higher numbers of persistent (less than 90%

attendance) and severely absent (less than 50% attendance) pupils.

* 1. Whilst each school will have access to a link Education Welfare Officer, the allocation of that

resource will be targeted according to identified need using attendance data including persistent

absence data.

* 1. To enable the local authority to monitor and support the attendance of children with a social

worker, attendance oversight and discussion will be mandatory in assessment and subsequent

planning by social workers.

* 1. The local authority will use the full range of parental responsibility measures available to support

and enforce attendance where parents have not voluntarily engaged with the support from the school.

This will include the use of parenting orders, education supervision orders, penalty notices and

prosecution.

The Education Welfare Service wishes to work closely with schools to provide the following:

## Education Welfare Officer Consultation Visits

The link Education Welfare Officer will offer consultation visits to maintained schools and

academies (where agreements are in place) to meet with the designated member of staff. These

visits will be in addition to the Targeting Support Meetings.

The purpose of consultation is to:

* Identify pupils who are experiencing attendance difficulties by reviewing the attendance data of individual pupils or groups.
* Agree on actions that need to be taken either by the school and/or the Education Welfare

Service including referral thresholds.

* Feedback and exchange information in relation to work which has been undertaken by the Education Welfare Officer and/or the school and recording this in writing, a copy of which is given to the school.
* Identify areas of concern and of good practice in relation to attendance matters.
* Offer advice on strategies for improving attendance.

## Intervention

On receipt of a referral the Education Welfare Officer (EWO) will consider the most appropriate action to be taken. In the first instance this may involve arranging, by letter, a formal meeting to explain the actions that may be taken. It is good practice to make sure parents understand the consequences of failing to ensure their child’s regular attendance, in particular that the case could result in a penalty notice and/or court proceedings.

Intervention will be based on an assessment of needs and in conjunction with schools. This could be through the Early Support Assessment (ESA), and action planned appropriate to the individual circumstances of each case, but may include:

Holding formal Local Authority Attendance meetings and reviews between the school, parents and pupil in school or elsewhere

Offering specific support to parents and individual pupils, either at school or elsewhere.

Visiting the parent or pupil at home (where this is deemed appropriate or necessary).

Helping the pupil and parents to access appropriate support from other services and agencies

Supporting schools with implementing parenting contracts

The Education Welfare Officer may also signpost how pupils and families may receive additional support dependent upon need.

**Children Missing Out of Education**

Wiltshire LA has a Children Missing Out of Education (CMOE) panel which meets regularly throughout the academic year. The panel is made up of colleagues from Targeted Education Services, Children’s Social Care, Young People’s Service (YOT), Special Educational Needs and Disabilities team, Performance Management.

The purpose of the panel is to ensure that the LA is meeting its statutory obligations under s19 Education Act by ensuring that all pupils in Wiltshire have access to appropriate education and determining whether there is a LA duty to make provision in some cases.

The panel may also provide robust support and challenge to schools and professionals where it appears that pupils are not attending school regularly and in line with DfE guidance and best practice.

The panel will regularly review pupils who:

* Are known to have a reduced educational provision (REP) in place – particularly those who are subject to extended
* Have episodes of illness which exceeds 15 school days. It is important to note that Wiltshire secondary maintained and academy providers have a Service Level Agreement in place with the local authority which devolves funding for them to meet this element of the s19 Education Act duties.
* Experience multiple suspensions
* Do not appear to be in receipt of suitable education under arrangements made for them by their parents (Electively Home Educated)

## ATTENDANCE REGISTERS

* 1. Attendance registers are legal documents which may be required as evidence in court.
  2. Schools are required to take an attendance register at the start of the morning session and once during the afternoon session. The Education (Pupils’ Attendance Records) Regulations 1991 and the Education (Pupil Registration) (England) Regulations 2006 stipulate that schools should maintain an attendance register for each class containing the names of all pupils in the class.
  3. Taking the register is a key part of the school day and should be seen as such by both the staff and pupils

The following action must be taken:

On each occasion schools must record whether every pupil was present, absent, present at

approved educational activity or unable to attend due to exceptional circumstances.

If a day pupil of compulsory school age is absent the register must also show whether the absence was authorised by the school or not.

Authorised absence means that the school has either given approval in advance for the pupil to be away or that an explanation offered afterwards has been accepted as satisfactory justification. Consistent and accurate use of register codes within schools will allow school staff and EWOs to determine quickly the basis of the authorised absence in question.

The law requires absences not agreed in advance to be recorded as unauthorised unless and until a satisfactory explanation is forthcoming. National absence and attendance codes are indicated at **Appendix B**.

Grounds for deleting registered pupils from school admission registers are detailed in Regulation 8 **-** see **Appendix C**

## Keeping attendance registers

Particular attention should be paid to accurate registration. Incomplete entries or inappropriate authorisation of absence can seriously impede the work of Education Welfare Officers and may compromise subsequent court proceedings. Missing marks should not be left in registers. A pupil is either marked present or absent at the time of registration while the register remains open. The attendance register should not be left open throughout the session. A period of no more than 30 minutes is advised.

Schools are being urged to keep registers electronically. Schools must use the national absence and attendance codes. This facilitates the process of providing attendance statistics, particularly through the DfE WONDE reporting and School Census systems as well as enabling schools and Local Authorities to benchmark themselves against each other and identify schools that might have good practice to consider adopting.

Whenever a change is made, both the original entry in a register and any subsequent amendment must be clearly distinguishable. For inspection purposes, registers must also show the reason for change, when it was made and who made it.

The governing body (which is responsible for the attendance register) must register with the Data Protection Registrar under the Data Protection Act 1998. Further advice can be found under [www.ico.org.uk](http://www.ico.org.uk/)

## Security and preservation of admission and attendance registers

Schools must have systems in place to ensure that both the admission and the attendance registers

are secure in order to prevent unauthorised or improper access to the information. These systems

must also ensure that the integrity of the data is protected. It is good practice to back-up all electronic

systems on a daily basis in order to ensure that staff can quickly recover from systems failure, but

schools must back-up electronic registers at least once a month. These back-ups must be stored

securely and open to inspection for three years.

At the end of each school year, schools must create “historical” copies of the admission and

attendance registers which must show all of the information that was recorded in them that year. These

copies must be stored for at least 3 years, but schools can keep them longer if they prefer.

## 7 USE OF LEGAL ACTION

71. If it becomes known to the LA that a parent has failed to register a child of compulsory school age

at a school and he/she does not intend to educate the child otherwise than at school, the Education

Welfare Service will, if necessary, serve a School Attendance Order under Section 437 of the

Education Act 1996.

* 1. If a pupil who is registered at a school fails to attend that school regularly without a legitimate reason the Education Welfare Service may take legal action by laying a summons against the parents before the Magistrates’ Court under Section 444 of the 1996 Education Act, or by applying for an Education Supervision Order relating to the pupil under Section 36 of the Children Act 1989. Section 444AS and s444B of the 1996 Education Act (introduced by the Anti-Social Behaviour Act 2003) also enables the issue of Penalty Notices as an alternative to prosecution. A Parenting Order can be issued by Magistrates as an ancillary order to a section 444 prosecution.
  2. Legal proceedings under Section 444 of the 1996 Education Act will usually only be used as part of a planned intervention aimed at effecting the pupil’s return to regular school attendance. However, in cases where parents wilfully withhold a pupil from school, or persistently refuse to co-operate with efforts aimed at effecting a return to satisfactory school attendance, the Education Welfare Service will take legal proceedings on the grounds that no other course of action is available. A decision about whether to recommend legal proceedings would normally be taken at a Court Assessment Interview chaired by a senior officer of the Education Welfare Service.
  3. The Education Welfare Service will consider applying for an Education Supervision Order when a parent finds it difficult to exercise an effective influence over a child who has developed a pattern of poor attendance. Education Supervision Orders will not usually be applied for in relation to pupils in Years 10 and 11.
  4. All cases are formally reviewed and considered for legal action if necessary.
  5. Approval will be given by the appropriate Education Welfare Service Professional Lead and the Solicitor to the Council before legal proceedings are commenced.

Before an application is made for an Education Supervision Order other possible means of dealing with the pupil's poor attendance will be explored. The Education Welfare Officer will consider an Education Supervision Order and will be of the view that the Order will have a significant effect on the child’s attendance at school. In such cases social care will be consulted about the appropriateness of applying for such an Order.

## APPENDIX B

**ATTENDANCE REGISTERS: NATIONAL ABSENCE AND ATTENDANCE CODES PRESENT**

**Code / \**: Present in school / = am \ = pm

Pupils must not be recorded as present if they are not in school during registration. If a pupil were to leave the school premises after registration, they will still be counted as present for statistical purposes.

Code L: Late arrival before the register is closed. Schools should actively discourage late arrival and be alert to patterns of late arrival. All schools are expected to set out in their attendance policy the length of time the register will be open, after which a pupil will be marked as absent. This should be the same for every session and depending on the structure of the school day not longer than either 30 minutes after the session begins, or the length of the form time or first lesson in which registration takes place. A pupil arriving after the register has closed should be recorded as absent using code U, or another absence code that it is more appropriate

## AUTHORISED ABSENCE

The national absence codes must be used. Schools cannot add to the list of codes or use their own local codes. In order to be useful to schools in helping them identify patterns of absence, it is essential that there is consistency of use by staff within each school.

C Leave of absence granted by the school in exceptional circumstances (not holiday) *(eg bereavement, performances, temporary part-time timetable, maternity leave)*

1. Excluded but no alternative provision made (usually for short periods of suspension)

H Family holiday (agreed)

I Illness (NOT medical or dental etc appointments)

M Medical / Dental appointments

R Religious observance

S Study leave (Yr 11 only)

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

## APPROVED EDUCATION ACTIVITY

B Educated off site *(NOT dual registration and not for a pupil at home doing school work.)*

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

J Interview (with a prospective employer or another educational establishment)

P Approved sporting activity *(arranged by school)*

1. Educational visit or trip *(arranged by school)*
2. Work experience (Yr 10 and Yr 11)

## UNAUTHORISED ABSENCE

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

N No reason yet provided for absence.

O Unauthorised absence

U Late (*after registers closed)*

**UNABLE TO ATTEND DUE TO EXCEPTIONAL CIRCUMSTANCES**

Y School site is closed or partially closed due to unavoidable cause **or** the transport provided by the

school or local authority is not available and the pupil does not live within a safe walking distance **or**

a local or national emergency has resulted in widespread travel disruption which prevents the pupil

from attending school.

Pupil is in custody for less than 4 months and returning to school at the end of their custodial period.

**ADMINISTRATIVE CODES**

X Pupil not of compulsory school age not required to be in school

Z Prospective pupil not on the admission register (to set up registers in advance of pupils joining

school

# Planned or partial school closure ( eg school holidays, teacher training, school used as polling

station, staggered starts for different year groups

## APPENDIX C

The Education (Pupil Registration) (Amendment) (England) Regulations 2016 places duties on all schools in England, including **academies** and **independent schools**. See: <http://legislation.data.gov.uk/uksi/2016/792/made/data.html>

These duties include providing the local authority (LA) with information about **pupils both leaving and joining the school** at non-standard transition points, i.e. in-year moves or when a pupil leaves before the end of that school’s final year of education e.g. a pupil leaving at the end of Y8 so not going into Y9 at that school.

## GROUNDS FOR DELETING REGISTERED PUPILS FROM SCHOOL ADMISSION REGISTERS

**(Regulation 8(1) of the Education (Pupil Registration) (England) Regulations 2006)**

1. Where a pupil is subject to a school attendance order but another school is substituted by the LA or where the LA revokes it as the child will to receive efficient full-time education otherwise than at school.
2. Where a pupil is registered at another school (except where it has been agreed the pupil should be registered at more than one school).
3. Where a pupil is registered at more than one school and any other school at which the pupil is registered has agreed.
4. Where a pupil has ceased to attend the school and it has received written notification from the parent that the pupil is receiving education otherwise than at school.
5. Where a pupil (other than a boarder) has ceased to attend and no longer ordinarily resides at a place which is a reasonable distance from the school.
6. Where a pupil granted leave of absence but:
   1. the pupil has failed to attend the school within the ten school days immediately following the end of the leave
   2. the school does not have reasonable grounds to believe that the pupil is unable to attend the school by reason of sickness or any unavoidable cause; and
   3. the school and the local authority have failed, after jointly making reasonable enquiries, to find the pupil.
7. Where a pupil has been certified by the school medical officer as unlikely to be in a fit state of health to attend school before ceasing to be of compulsory school age, and neither he nor his parent has indicated to the school the intention to continue to attend the school after ceasing to be of compulsory school age.
8. Where a pupil - that he has been continuously absent from the school for a period of not less than twenty school days and —
   1. at no time was his absence during that period authorised;
   2. the school does not have reasonable grounds to believe that the pupil is unable to attend the school by reason of sickness or any unavoidable cause; and
   3. the school and the LA have failed, after jointly making reasonable enquiries, to find the pupil.
9. Where a pupil is legally detained for a period of not less than four months and the school does not have reasonable grounds to believe that the pupil will return to the school at the end of that period.
10. Where the pupil has died.
11. Where the pupil will cease to be of compulsory school age before the school next meets and—
    1. the pupil will cease to attend the school; or
    2. the pupil does not meet the academic entry requirements for admission to the school’s sixth form.
12. Where a pupil at a school other than a maintained school, an academy, a city technology college or a city college for the technology of the arts, has ceased to be a pupil of the school.
13. Where a pupil has been permanently excluded from the school.
14. Where the pupil has been admitted to the school to receive nursery but is not being educated beyond this at the school.
15. Where the pupil is a boarder at a maintained school or an academy and where charges for board and lodging remain unpaid by the pupil’s parent at the end of the school term to which they relate.

## Pupils not of compulsory school age (Regulation 8 (3))

The following are prescribed as the grounds on which the name of a pupil not of compulsory school age is to be deleted from the admission register:

3 (a) That he has ceased to attend the school, or, in the case of a boarder, that he has ceased to be a pupil of the school;

1. That he has been continuously absent from the school for a period of not less than twenty school days and (i) at no time was his absence during that period agreed by the proprietor; (ii) the proprietor does not have reasonable grounds to believe that the pupil is unable to attend the school by reason of sickness of any unavoidable cause; (iii) the proprietor of the school has failed, after reasonable enquiry, to ascertain where the pupil is;
2. that the pupil had died;
3. where the pupil has been admitted to the school to receive nursery education, he has not on completing such education transferred to a reception, or higher class at the school; or
4. that he has been permanently excluded from the school.

## APPENDIX D

**CHILDREN MISSING FROM EDUCATION OR WHO MAY OTHERWISE BE AT RISK**

<https://www.gov.uk/government/publications/keeping-children-safe-in-education--2>

Aspects of Safeguarding and preventing Children Missing Education contained within the Education (Pupil Registration) (England) Regulations 2006:

[https://www.gov.uk/government/uploads/system/uploads/attachment\_data/file/550416/Children\_Missi](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/550416/Children_Missing_Education_-_statutory_guidance.pdf) [ng\_Education\_-\_statutory\_guidance.pdf](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/550416/Children_Missing_Education_-_statutory_guidance.pdf)

**APPENDIX E**

**Penalty Notice Code of Conduct**

**Wiltshire Council**

**Penalty Notice - Code of Conduct**

## Rationale

* 1. Regular and punctual attendance of pupils at school is both a legal requirement and essential for pupils to maximise the educational opportunities available to them. Wiltshire Council’s Education Welfare Service will investigate cases of irregular attendance from school and, where appropriate, instigate legal action. Penalty Notices offer a means of swift intervention to detail with unauthorised absence to avoid this becoming entrenched.
  2. Under Section 7 of the Education Act 1996, parents are responsible for ensuring that their child of

compulsory school age receives efficient, full time education that is suitable to the child’s age, aptitude and ability and to any special educational needs the child may have. This may be by regular attendance at school or otherwise.

* 1. Parents are defined in Section 576 of the Education Act 1996: all natural parents, whether they are married or not; any person who has parental responsibility for a child; and any person who, although not a natural parent has care of a child. Having care of a child means that a person with whom a child lives and who looks after a child irrespective of what their relationship is with that child, is considered to be a parent in education law.
  2. If a child of compulsory school age who is registered at a school fails to attend regularly at the school then the parent is guilty of an offence under Section 444(1) of the Education Act 1996. It is the commission of this offence that can trigger the use of a penalty notice. If a penalty notice is used by the Local Authority it provides the parent with an opportunity to discharge liability for the offence and avoid court proceedings.
  3. Wiltshire Council may prosecute for offences under Section 444 (1) of the Education Act 1996. Possible defences available include the following:
     + The pupil’s absence was authorised by the school
     + The pupil was ill or prevented from attending by unavoidable cause
     + The absence was on a day exclusively set aside for religious observance by the religious body to which the parent belongs
     + The school is not within walking distance of the child’s home and the LA has made no suitable

arrangements

* + - The parent can show that their trade or business requires them to travel, and the child has attended school as regularly as the nature of the trade of business allows, and the child has attended school for at least 200 sessions during the preceding twelve months
  1. Under Section 103 Education and Inspections Act 2006 a parent of an excluded pupil must ensure that the pupil is not present in a public place at any time during school hours on a day which is one of the first five schools days to which the exclusion relates or, where that exclusion is for a fixed period of five days or less, any of the days to which the exclusion relates, and is stated in the notice under

section 104 (Education and Inspections Act 2006) to be a day on which Section 103(2) applies. If the excluded pupil is present in a public place at any time during school hours on a school day falling within Section 103(2), the parent commits an offence (section 103(3)). A Penalty Notice may be issued by the Local Authority to offer the parent/s an opportunity to discharge liability for this offence.

Wiltshire council may prosecute for offences under Section 103 Education and Inspections Act 2006. A possible defence is reasonable justification for a parent to fail to comply with their duty under Section 103(2) of the act.

## Legislation

* 1. The Education (Penalty Notice) (England) Regulations 2007 supports offences under section 444 of the Education Act 1996. Penalty Notices supplement existing sanctions available under Section 444 of the Education Act 1996 or Section 36 of the Children Act 1989 to enforce attendance at school or alternative provision. There is no legal requirement to consider a Penalty Notice before proceeding to a section 444 prosecution.
  2. Section 105 The Education and Inspections Act 2006 allows a penalty notice to be issued in respect of excluded pupils in a public place (as mentioned above).
  3. The Anti-Social Behaviour Act 2003 (section 23) adds two sections (444A and 444B) to the Education Act 1996. These sections introduced penalty notices as an alternative to prosecution and enable parents to discharge potential liability for conviction for that offence by paying a penalty.
  4. If it appears that an offence under section 444(1) of the Education Act 1996 has been committed and none of the defences outlined above apply, then consideration can be given to issuing a penalty notice
  5. Penalty Notices will require the parent of a child of compulsory school age whose attendance has been unsatisfactory to pay a penalty currently £120 if paid within 28 days, reduced to £60 if paid within 21 days as stated in the Education (Penalty Notices) (England) (Amendment) Regulations 2013, statutory instrument No 757. (Figures correct at the time of writing, subject to amendment by further Statutory Instrument)
  6. This Code of Conduct complies with the requirements as set out in Sections 14 – 16 of the Education (Penalty Notices) (England) Regulations 2007
  7. The issuing of Penalty Notices must conform to all requirements of the Human Rights Act 1998 and Equality Act 2010

## Procedure

* 1. In Wiltshire Penalty Notices will be issued by the Education Welfare Service by first class post. In any case where the Penalty Notice is not paid within the prescribed period and where it is not appropriate to withdraw the Penalty Notice the Education Welfare Service will instigate action through the

Magistrate’s Court as required by legislation. Prosecution in such cases will be for the offence to which the Penalty Notice relates.

* 1. No parent shall receive more than three separate penalty notices resulting from the unauthorised absence of an individual child in any twelve-month period
  2. Penalty Notices will be issued individually to each parent for each child according to each parent’s liability for the offence or offences. An authorised officer has discretion when deciding to issue a penalty notice to one or more parents of a child. The specific circumstances in each individual case will be the determining factor.
  3. The Education Welfare Service will receive requests to issue penalty notices from schools / academies

/ colleges in Wiltshire, Wiltshire Police and neighbouring Local Authorities. The Education Welfare Service will take forward these requests providing that:

* + - The circumstances of the case meet the criteria for the issue of a penalty notice as specified in this code
    - All necessary information is provided to the Education Welfare Service in order to establish that an offence, under section 444 (1) of the Education Act 1996 for failure to secure regular attendance or section 103(3) of the Education and Inspections Act 2006 for failure to comply with a duty towards an excluded pupil, has been committed.
  1. The Education Welfare Service willl ensure that the issuing of Penalty Notices is closely monitored to make certain that they are not duplicated, not issued where prosecution proceedings for the same offence are being considered and that recipients pay the relevant fine within the time frames specified.

## Criteria for the Issuing of a Penalty Notice

* 1. Penalty Notices can be issued where a pupil has accrued 10 unauthorised sessions within the six- month period prior to the request being made or evidence of an offence under s.103 (3) Education and Inspections Act 2006 is established.
  2. The issue of a penalty notice will be preceded by having previously issued a formal warning letter to each parent / carer. The letter will:
     + Raise concern regarding the level of the unauthorised absence and give advice regarding contact with the school and the Education Welfare Service
     + Advise the parent of the powers of the Local Authority to issue penalty notices
     + State the number of unauthorised absences accrued which give rise to the formal warning being issued
     + Notify the parent that additional unauthorised absence may lead to a penalty notice if no improvement is effected within an agreed period – the standard period shall be fifteen school days except where exceptional circumstances apply e.g. deliberate parentally condoned absence or where a pupil has been located on a truancy sweep / located by the Police during school time and there are additional occurrences of unauthorised absence.
  3. Penalty Notices will not be issued for pupils in the care of the Local Authority. Any attendance

concerns will form part of the pupil’s Personal Education Plan.

* 1. With effect from 22 March 2020 Wiltshire Council will **not** issue Penalty Notices for unauthorised absence **directly related** to the Covid-19 pandemic until such time as the Department for Education (DfE) deems appropriate.

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## Circumstances in which a Penalty Notice will be issued:

* 1. If in the view of an Education Welfare Officer the issuance is deemed appropriate in cases where a parent or parents continually fail to provide an explanation or fails to provide a justifiable explanation for a pupil’s absence and this is recorded as an unauthorised absence by the proprietor of the school. This could include late arrival after the register has closed which is recorded as an unauthorised absence where these total 10 or more sessions.
  2. For pupils stopped during a truancy sweep or located by Police during school hours where there are found to be additional unauthorised absences totalling 10 or more sessions
  3. Following a request from a School / College / Academy for intervention where the circumstances appear to have been totally avoidable (e.g. too tired after a late night, a birthday treat, family / friends visiting, shopping) where this is unauthorised and these total 10 or more sessions
  4. Where a school/college/academy makes a notification for an instance of unauthorised leave of absence (holiday during term time) which totals 10 or more sessions continuous or aggregated within the previous six months and within the current academic year and where the proprietor has not given permission or where permission was not sought prior to the unauthorised leave of absence being taken
  5. Following notification from a neighbouring Local Authority
  6. For pupils who are stopped by Police in a public place during the first five school days of an Exclusion, whether for a fixed period or permanent exclusion or, where that exclusion is for a fixed period of five days or less, any of the school days to which the exclusion relates as specified in section 103(2) of the Education and Inspections Act 2006 and is stated in the notice under section 104 to be a day on which the parent is subject to this subsection.

## Procedure for withdrawing Penalty Notices

* 1. A Penalty Notice may be withdrawn by Wiltshire Local Authority if the Authority determines that:
     + It ought not to have been issued
     + It ought not to have been issued to the person named as the recipient
     + It is materially defective
  2. Where a penalty notice has been withdrawn in accordance with the above a notice of the withdrawal will be issued to the recipient and any amount paid by way of penalty in pursuance of that notice shall be repaid to the person who paid it. No proceedings shall be continued or instituted against the recipient for the offence in connection with which the withdrawn notice was issued or for an offence under section 444 (1A) of the Education Act 1996 arising out of the same circumstances.
  3. A Penalty Notice cannot be withdrawn because of an inability to pay
  4. If a Penalty Notice is not paid in full before the expiry of the period of paying it and Wiltshire Council has neither instigated proceedings for the offence to which the notice relates nor is contemplating such proceedings, then the notice will be withdrawn.

6.5 If a Penalty Notice has been issued for unauthorised absence **directly related** to the Covid-19 pandemic **after** 16 March 2020 this will be withdrawn by Wiltshire Council immediately.

6.6 If a Penalty Notice has been issued for unauthorised absence **directly related** to the Covid-19 pandemic **before** 16 March 2020 any action relating to this will be suspended until such time as the Department for Education (DfE) deems appropriate.

## Appeals

* 1. There is no statutory right of appeal against the decision to issue a penalty notice and the sole authority to authorise absence rests with the Headteacher of the school / academy / college
  2. The Education (Pupil Registration) (England)Regulations does not permit Headteachers to give authorisation for absence retrospectively.

## Payment of Penalty Notices

* 1. The arrangements for the paying of penalty notices will be detailed on the Penalty Notice
  2. Payment by way of instalment is not permitted. Payment should be made in full according to the dates as stipulated on the Penalty Notice

## Non-payment of Penalty Notices

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

## Publicity

* 1. All schools / academies / colleges / alternative education provisions intending to use penalty notices must:
     + Set out the establishment’s process for managing absence
     + Ensure that all parents / carers are aware of the process to request leave of absence during term time
     + Make notifications to the Local Authority without delay when the particular criteria is reached
     + Publish details regarding arrangements of managing absence within the establishment’s

Attendance Policy.