

St Martin's CE Primary School

Friendship Love Honesty Hope Respect Responsibility

*A place of spirituality, diversity and opportunity;
Inspiring all, flourishing together.*



Attendance Policy

Policy written by:	Mrs B McManus
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Headteacher signature:	<i>Mrs B McManus</i>
Chair of Governors signature	<i>Mr M Oldham</i>

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Rationale

The purpose of this policy document is to set out ways in which attendance and punctuality is managed in our school and to ensure the school and parents work together to achieve and maintain high standards in this area.

The routines children develop around attendance and punctuality at school are the same as the expectations of any future employer in the world of work; high attainment, confidence with peers and staff and future aspirations depend on good attendance.

Good attendance is important because:

- Statistics show a direct link between under-achievement and absence below 96%
- Regular attenders make better progress, both academically and socially
- Regular attenders find school routines, school work and friendships easier to cope with
- Regular attenders find learning more satisfying
- Regular attenders are more successful in transferring between primary school, secondary school, higher education, employment or training

Effective attendance practice and protocols also support safeguarding.

Aims of this attendance policy:

We believe that the foundation for good attendance is based on a strong partnership between school, families and the child. This includes clear communication with parents, carers and pupils regarding our expectations of what is required to secure excellent attendance for the children at our school.

Attendance: The Legal Framework

- Under section 7 of the Education Act 1996, parents must ensure their children are educated. For most parents/carers this means registering their child at a school and ensuring their regular attendance. Failure to do so can result in the issue of a Penalty Notice or being prosecuted.
- By law schools are required:
 - To take an attendance register twice a day: at the start of the morning session and once during the afternoon.
 - To report to the LA pupils who fail to attend regularly or who are absent for ten consecutive school days or more without known reason
- By law the attendance register must show for every session, whether a pupil is present, absent, attending approved educational activity or unable to attend due to exceptional circumstances.
- DfE Guidance says that schools must have a policy on how long registers should be kept open; this should be for a reasonable length of time but not that registers are to be kept open for the whole session.

Responsibilities of the Headteacher

The head teacher is responsible for overseeing the improvement and maintenance of positive school attendance through assemblies; staff meetings; monitoring; registration processes; target setting; liaison with the EWO; parent/carer contact; school attendance meetings (SAMs); attending Local Authority Attendance Meetings (LAAMs).

Responsibilities of the Admin Team

- Follow the attendance flowchart above, daily.
- Ensure that all attendance is recorded correctly.
- Record all communication with parents on each pupils see CPOMS log.
- Support the Headteacher by sending out communication relating to attendance.
- Organising and running SAM meetings.
- Update the attendance tracker weekly with all pupil attendance statistics.
- Complete DART referrals as necessary.

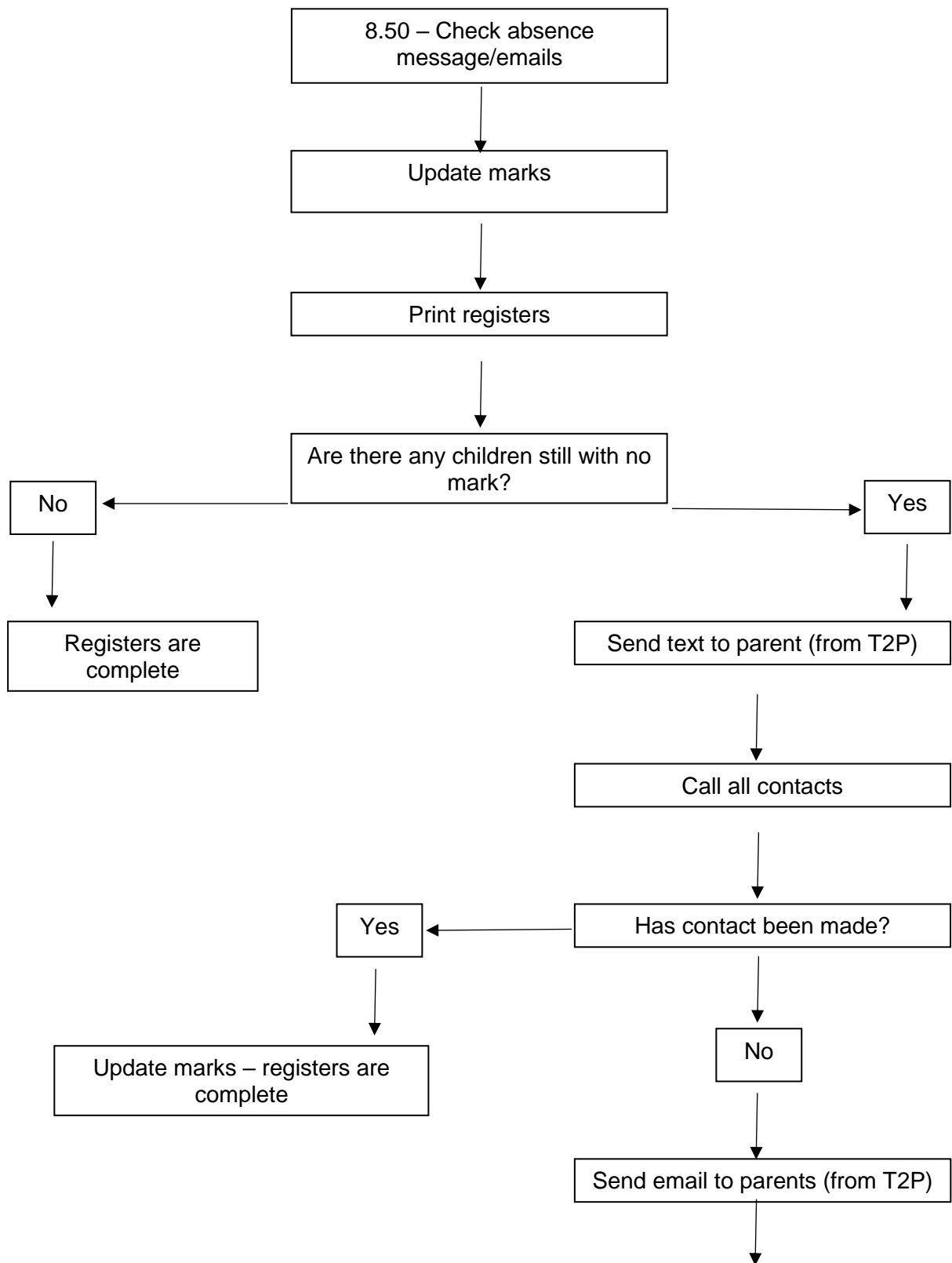
Responsibilities of Classroom Staff

- Ensure that all children are registered accurately on the school's online register system.
- Promote good attendance at all appropriate opportunities.
- Liaise with the admin office regarding pupils for whom attendance is a concern.
- Communicate any concerns or underlying problems that may account for a child's absence to senior leaders.
- Develop positive and supportive relationships with parents, to develop positive attitudes toward attendance.

Responsibilities of All Staff:

- Promote a welcoming and positive atmosphere in school, where children feel safe and that their presence is valued.
- Create attitudes towards high standards of attendance and punctuality, which pupils should retain throughout life.
- Ensure that attendance is maintained effectively and absences are followed up promptly.
- If absence/punctuality becomes a matter for concern, use strategies devised in order to raise parental awareness of the importance of attendance and punctuality, through phone calls, letters/pamphlets and meetings so that they make more effort to ensure their child attends school punctually and regularly.
- Involve other agencies when difficulties arise and the school needs extra support or help as appropriate.
- Adhere to school policy and deal consistently with absence and punctuality.
- Ensure good liaison when a pupil is changing school.

At St. Martin's CE Primary School we use the following flow chart each day, to ensure all pupils are accounted for:



If no contact by 12pm – record on CME tracking form and CPOMS

Responsibilities of Parents and Carers

Ensuring a child's regular attendance at school is a parent/carers legal responsibility (1996 Education Act Section 7) and permitting absence from school that is not authorised by the school creates an offence in law.

Parents/carers will ensure their child:

- Attends every day unless they are unwell or have an authorised absence.
- Arrives at school on time.
- Attend all registrations and lessons on time.
- Is registered at the school office by an adult if they are late.

Parents/carers must:

- Inform the school on the first day of absence by 9am that day and any subsequent days.
- Discuss with the school's Leadership Team any planned absences well in advance.
- Support the school with their child in aiming for 100% attendance each year.
- Make sure that any absence is clearly accounted for by phone or email on the first and subsequent days of absence, or by letter if a phone is unavailable.
- Avoid taking their child out of school for non-urgent medical or dental appointments.
- Only request leave of absence if it is for an exceptional circumstance.

Lateness/punctuality

It is extremely important that children arrive at school on time so that they can begin their learning alongside their peers.

The school day begins at 8:50am and register closes at 9:00am, promptly.

- Arrival after the close of registration will be marked as unauthorised absence code 'U' in line with Local Authority and Department for Education (DfE) guidance. This mark shows them to be on site, but is legally recorded as an absence.
- If a child is late due to a medical appointment, they will receive an authorised absence coded 'M'. Please be advised that, where possible, doctors and dentists appointments are to be made outside of school hours or during school holidays.
- On-going and repeated lateness is considered as unauthorised absence and is subject to legal action.

Parents of children who have patterns of lateness will be contacted to discuss the importance of good time keeping and how this might be achieved. If lateness persists, parents will be invited to attend the school and discuss the problem. Support may be offered as appropriate.

If the support offered is declined or not taken seriously and a child has 10 or more sessions (equivalent to 5 days) of unauthorised absence due to lateness recorded in any 10 week period, a penalty notice may be issued.

Recording attendance

The register is a legal document and may be used in a court of law.
A list of absence codes is available below in Appendix A.

Annual Pupil Reports

All authorised and unauthorised absences and lateness will be noted on the annual pupil report to parents.

Request for leave of absence

Regulations state that Head teachers may not grant any leave of absence during term time unless there are exceptional circumstances.

Exceptional circumstances are defined as rare, significant, or unavoidable and that the event could not reasonably be scheduled at another time. The Head teacher can determine the length of the authorised absence as well as whether absence is authorised at all. There is no legal entitlement for time off in school time to go on holiday and in the majority of cases holiday will not be authorised.

Parents/Carers wishing to apply for leave of absence need to fill in an application form in advance and before making any travel arrangements. As authorised absence will only be approved in very exceptional circumstances then as much detail needs to be recorded. Parents may be asked to submit supporting evidence. If needed, parents will be asked to attend a meeting to discuss the request.

If term time leave is taken without prior permission from the school, the absence will be unauthorised. If the child's absences for that academic year exceed 10 sessions, a penalty notice will be issued.

What to do if my child is unwell and cannot attend?

First Day Absence

Parents/carers will notify the school why your child is absent, this can be done by email, phonecall, or in person. This should be completed every day that your child is not at school. A child not attending school is considered to be a safeguarding matter, this is why information about the cause of any absence is always required.

Absence Days Two to Nine

Parents/carers must contact the school every day that their child is absent. Should we not have made contact by phone/email, we will continue to attempt to make contact with parents/carers via a home visit. If school is concerned the child is vulnerable and at risk of harm, we will refer the situation straight to the Multi Agency Safeguarding Hub (MASH).

Absence Day Ten

All parent/carer contacts will be contacted again. If no contact is made, the school will refer to the Education Welfare Service.

My child's attendance is below 90%, what will happen now

When attendance falls below 90% this is considered **persistent absence**, so a School Attendance Meeting (SAM) will be organised, you will be required to attend this meeting to discuss how we can support you to increase your child's attendance. Should you not attend this meeting, it will take place and you will be sent the minutes.

As the result of the SAM meeting, the following things may be put in place:

- Parent contract with the school
- Emotional based school avoidance work for the pupil
- Action plan to increase attendance
- Involvement of the Education Welfare Officer
- Penalty notices for unauthorised attendance
- Medical evidence required to authorise absence
-

Understanding types of absence – authorised and unauthorised

Children are expected to attend school every day for the entire duration of the academic year, unless there is an exceptional reason for the absence. There are two main categories of absences:

- **Authorised Absence:** is when the school has accepted the explanation offered as satisfactory justification for the absence, or given approval in advance for such an absence. If no explanation is received, an absence cannot be authorised
- **Unauthorised Absence:** is when the school has not received a reason for absence or has not approved a child's leave absence from school after a parent's request

The Head teacher can, if needed, change an authorised absence to an unauthorised absence and vice versa if new information is presented. Any changes will be communicated to parents/carers. An example of this would be where a parent states a child is unwell but on return to school there is evidence they have been on holiday.

Penalty Notices

In education law, parents/carers are committing an offence if they fail to ensure the regular attendance of their child of compulsory school age at the school at which the child is registered, unless the absence has been authorised by the school.

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.

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.

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.

Further information about the issuing of penalty notices can be found in Appendix B.

What can I do to encourage my child to attend school?

- Make sure your child gets enough sleep and gets up in plenty of time each morning.
- Ensure that he/she leaves home in the correct clothes and properly equipped.
- Show your child, by your interest, that you value his / her education.
- Be interested in what your child is doing in school, chat to them about the things they have learnt, what friends they have made and even what they had for lunch!

For many parents, your child attending school may be your first experience of being separated from them. This can seem daunting at first for both of you but consistency and a caring supportive home and school life will make the transition a quick and easy experience for you both.

My child is trying to avoid coming to school. What should I do?

Children are sometimes reluctant to attend school. Any problems with regular attendance are best sorted out between the school, the parents and the child. If a child is reluctant to attend, it is never better to cover up their absence or to give in to pressure to excuse them from attending. This gives the impression that attendance does not matter and may make things worse. In the first instance, please contact your child's class teacher to discuss your worries. Your child could be avoiding school for a number of reasons – difficulties with school work, bullying, friendship problems, family difficulties. It is important that we identify the reason for your child's reluctance to attend school and work together to tackle the problem.

Leavers

If your child is leaving our school (other than when transferring to secondary school) parents are asked to give the school comprehensive information about their plans including any date of a move, your child's new school and the start date when known. This should be submitted to our school in writing. If pupils leave and we do not have the above information, then your child is considered to be a 'Child Missing in Education'. This requires schools and Local Authorities to then carry out investigations to try and locate your child, which includes liaising with Children's Services, the Police and other agencies. By giving us the above information, these investigations can be avoided.

Absence through child participation in public performances, including theatre, film or television work and modelling

Parents/carers of a child performer can seek leave of absence from school for their child to take part in a performance. They must contact the head teacher to discuss the nature and frequency of the work, whether the child has a valid performance licence and whether education will be provided by the employer during any future leave of absence. It is, however, down to the head teacher's discretion as to whether to authorise this and they will wish to discuss with you the nature and frequency of the absence and how learning will continue if absence occurs. Any absence recorded as part of a child's participation in a public performance is recorded as C, an authorised absence.

Gypsy, Roma, Traveller and Showman families

Absence of a child from a Traveller family that has left the area may be authorised if the absence is for work purposes only and it is believed that the family intends to return. To ensure the continuity of learning for Traveller children, dual registration is allowed. That means that a school cannot remove a Traveller child from the school roll while they are travelling. When the Traveller is away the home school holds the place open and records the absence as authorised through the T code. Distance learning packs for Traveller children are not an alternative to attendance at school.

Absence through competing at regional, county or national level for sport

Parents of able sportsmen and women can seek leave of absence from school for their child to take part in regional, county, national and international events and competitions. It is, however, down to the head teacher's discretion whether to authorise this and they will wish to discuss with you the nature and frequency of the absence and how learning will continue if absence occurs. Permission for your child to leave early or arrive late to attend coaching and training sessions is also at the discretion of the head teacher and is not likely to be approved if it is a regular event, unless the sports club or association is providing an education tutor as part of their coaching.

Record preservation

School registers are legal documents. We will ensure compliance with attendance regulations by keeping attendance records for at least three years. Computer registers will be preserved as electronic back-ups or microfiche copies.

Appendix A

Attendance Registers: National Absence and Attendance Codes Present

- Pupils present at morning registration should be recorded with an oblique stroke, with a stroke in the reverse direction for the afternoon session ie / \
- The presence of a pupil who has arrived at school late, but while the register remains open should be marked by the symbol L .

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	Other circumstances (eg bereavement, agreed special occasions, performances, other approved absences not covered by other codes).
E	Excluded
F	Extended family holiday (agreed)
H	Family holiday (agreed)
I	Illness (NOT medical or dental etc appointments)
M	Medical / Dental appointments
R	Religious observance
S	Study leave
T	Traveller absence (where the family is known to be travelling or has informed of travelling for the purposes of work)

Approved Educational Activity

B	Educated off site (NOT dual registration)
D	Dual registration (ie pupil attending other establishment)
P	Approved sporting activity (arranged by school)
V	Educational visit or trip (arranged by school)

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)

Appendix B

Penalty Notice: Code of Conduct

Rationale

- 1.1 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 deal with unauthorised absence to avoid this becoming entrenched.
- 1.2 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.
- 1.3 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.
- 1.4 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.
- 1.5 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 or business allows, and the child has attended school for at least 200 sessions during the preceding twelve months
- 1.6 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 school 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

- 2.1 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.
- 2.2 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).
- 2.3 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.
- 2.4 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
- 2.5 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)
- 2.6 This Code of Conduct complies with the requirements as set out in Sections 14 – 16 of the Education (Penalty Notices) (England) Regulations 2007
- 2.7 The issuing of Penalty Notices must conform to all requirements of the Human Rights Act 1998 and Equality Act 2010

Procedure

- 3.1 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.
- 3.2 No parent shall receive more than three separate penalty notices resulting from the unauthorised absence of an individual child in any twelve-month period
- 3.3 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.
- 3.4 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.
- 3.5 The Education Welfare Service will 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.

Circumstances in which a Penalty Notice will be issued:

- 5.1 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.
- 5.2 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
- 5.3 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

- 5.4 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
- 5.5 Following notification from a neighbouring Local Authority
- 5.6 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

- 6.1 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
- 6.2 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.
- 6.3 A Penalty Notice cannot be withdrawn because of an inability to pay
- 6.4 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

- 7.1 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
- 7.2 The Education (Pupil Registration) (England) Regulations does not permit Headteachers to give authorisation for absence retrospectively.

Payment of Penalty Notices

- 8.1 The arrangements for the paying of penalty notices will be detailed on the Penalty Notice
- 8.2 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

- 10.1 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.