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# HEATH HAYES ACADEMY ATTENDANCE POLICY

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Headteacher .....Date.....

Chair of Governors.....Date .....

Due for renewal September 2019



## ATTENDANCE POLICY

### Introduction

This Policy has been agreed by the Governors and Staff of Heath Hayes Academy. It represents our commitment to striving for 100% attendance, which is achievable, and achieved by many children. It sets out the principles, procedures and practice the school will undertake. Strategies, sanctions and possible legal consequences of poor Attendance and Punctuality are also detailed, as well as rewards for, and benefits of good attendance. This policy will be reviewed, amended as necessary and published annually in accordance with current legislation and guidance.

### Principles

- Receiving a full-time, suitable education is a child's legal entitlement.
- It is parents'/carers' legal responsibility to ensure this happens.
- Attending school regularly aids intellectual, social and emotional development
- Attending school regularly safeguards the welfare of children whilst they are not in the care of their parents.
- All children whose attendance is poor will be treated as vulnerable.
- We will liaise with social worker's and family support workers for any vulnerable children when appropriate.

These principles are enshrined in British law, within the Education Act 1996, the Children Act 1989, and other associated pieces of legislation.

### Aims of the Policy

- To ensure that all children attend as near full-time as possible, in order to maximise their educational achievement and social development.
- To discharge the school's duty to safeguard its pupils to be best of its ability
- To ensure that all those responsible for children's education, including parents, carers, staff and governors understand and accept their responsibilities in relation to attendance.
- To minimise absence from school, thereby reducing levels of persistent absence.
- To improve the life chances of Heath Hayes Academy children and young people and prepare them to be fully contributing citizens when they reach adulthood.

### Policy objectives:

- **To safeguard the welfare, health, social and emotional development of children**
- **To reduce persistent absence**
- **To eliminate term leave of absence**
- **To promote commitment to education and high achievement**
- **To maximise the potential of every individual pupil**

### Promoting Attendance:

The Governors, Head teacher and staff will use all possible opportunities to promote the importance of good attendance and punctuality. These will include the home/school agreement, newsletters, rewards and incentives for good or significantly improving attendance.

The Head Teacher has the discretion to authorise leave of absence in term-time. However in this school that discretion will only be exercised in the **MOST EXCEPTIONAL** circumstances.

## RESPONSIBILITIES OF PARENTS/CARERS

### Your contact details



Please make sure that the contact details you have given to the school are kept up to date, so that in the event of an accident, emergency or any other need to contact you, we have the correct details.

### **Understanding types of absence coding**

Every half-day absence from school has to be classified by the school as AUTHORISED or UNAUTHORISED. This is why information about the cause of any absence is always required, in writing. Medical evidence may also be required in the form of a copy of a prescription, Appointment card, etc. Types of absence that are likely to be authorised are illness, medical or dental appointments which have to unavoidably fall in school time, i.e. emergencies.

Examples of types of absence that are not considered reasonable and which will not be authorised under any circumstances are:

- Going shopping with parents, Birthdays
- Minding other younger children in the family
- Staying at home because other members in the family are unwell
- Day trips and holidays in term time that have not been agreed
- Arriving at school too late to get a present mark
- Truancy
- Hair cut
- To get new shoes or uniform

### **Reluctant attenders/school refusal**

You should do everything possible to encourage your child to attend. However if the reason for their reluctance appears to be school-based, such as difficulty with work, or social issues, please discuss this with the school at the earliest opportunity and the school will do everything possible to sort the problem out. Colluding with your child's reluctance to attend is likely to make the matter worse.

School refusal/school phobia is a psychological condition that in most cases will have been medically diagnosed. Other arrangements may be put in place for a child with genuine school phobia.

## **SCHOOL PROCEDURES**

### **1. Registration and punctuality procedures**

Registers are taken twice a day, once at the start of the school day no later than at 8:45 a.m., and once during the afternoon at 1:15. The registers will remain open for 30 minutes. Pupils arriving before the end of the Registration period (08:55am) will be coded L (Late before registers close) which is a present mark and the number of minutes late will be recorded in the register. Pupils arriving after the registers have closed (09:15am) will be coded U (Late after registers close) which counts as an unauthorised absence.

Only the Head teacher or designated member(s) of staff acting on their behalf can authorise absence. If there is no known reason for the absence at registration, then the absence will be recorded as unauthorised, until a satisfactory reason is provided. If the reason given is not satisfactory in the school's view, and/or evidence of the reason cannot be provided, the absence will be coded as O (Unauthorised absent). Absence notes received from parents/carers will be kept for the remainder of the academic year; or longer if there are concerns that require further investigation or legal action. If a pupil is persistently late the Emotional and Well-Being Manager will arrange to meet with the family as soon as the pattern is identified.

### **2. First Day Absence Contact**

Parents are expected to notify the school if their child is unable to attend for any unavoidable reason, such as illness, by 09:15am. If the school does not receive notification by this time it



will text/telephone on the first day of absence, to all numbers listed, to try to ascertain the reason for the absence. First day contact will be carried out as early as possible in the school day, in order to notify parents whose children may have set off for school, but not arrived, as quickly as possible.

### **3. Second Day Absence Contact**

If the child is still absent on the second day without contact from the family, a telephone call will be made to the home and all numbers listed. The family may be asked to come to school for a meeting.

### **4. Continuing Absence Procedures**

In the event of an absence of three or more days without contact from the family, a home visit will be made. Any child who is absent without explanation for 5 consecutive school days, who may have a pattern of erratic attendance, or persistent lateness after registers close may be referred to the Local Support Team in order that further investigations can be made. Such cases may also be referred to the authority for the implementation of statutory action against the parents/carers of the child, which could result in the parents then receiving a fine and a criminal record.

### **5. Frequent/Persistent Absence Procedures**

Regular checks of the registers will be made by admin staff along with an Education Welfare Worker who is employed by the authority, to identify pupils with absences that may lead to Persistent Absence (PA), that is to say absence of 10% or more in a half term. The Head teacher will be responsible for putting in place actions for each pupil of concern. Initially the school will try to resolve the problem with parents/carers, but if the absence continues the school will refer to the School Health Adviser if the problem appears to be a medical one. In cases where there appear to be issues requiring outside intervention to support the family and the child, a referral may be made to the Education Welfare Worker in order for them to ensure the child receives an appropriate education either via the Local Support Team or legal statutory action.

Examples of unjustifiable reasons for absence from school would be:

- Going shopping with parents, Birthdays
- Minding other younger children in the family
- Staying at home because other members in the family are unwell
- Day trips and holidays in term time that have not been agreed
- Arriving at school too late to get a present mark
- Truancy
- Death of a pet.
- Hair cut
- To get new shoes or uniform

### **6. Consequences of Poor Attendance /Punctuality**

For pupils whose attendance and/or punctuality fails to improve, after a range of interventions and support measures have been tried by the school, the ultimate consequences may be one of the following:

- 1) An Education Welfare Worker may impose a Penalty Notice, which carries a fine of £60, per parent, per child, on behalf of the Local Authority. If the fine is not paid within 21 days it rises to £120 per parent, per child. If not paid within 28 days, court action will be initiated. If found guilty in Magistrates Court, the parent/s will then have a criminal record.



- 2) The Education Welfare Worker may seek to initiate court action under Section 444 of the Education Act 1996, which could lead to fines of up to £2,500, or even imprisonment. If parent/s are found guilty in Magistrates Court, the parent/s will then have a criminal record.
- 3) In some cases, action may be taken under the Children Act 1989 to protect the welfare and development of the child.

## **Local Authority Code of Conduct**

### **Rationale**

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

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

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

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

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

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

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

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

### **Legal Framework:**

Section 444 of the Education Act 1996 (as inserted by section 23 of the Anti-Social Behaviour Act 2003) empowers designated Local Authority (LA) officers, head teachers (as well as deputy and assistant head teachers authorised by them) and the Police to issue Penalty Notices in cases of unauthorised absence from school.

- The Education (Penalty Notices) (England) Regulations 2007
- The Education and Inspections Act 2006.
- The issuing of Penalty Notices must conform to all requirements of the Human Rights Act 1998 and the Equality Act 2010.
- Section 444 of the Education Act 1996 makes it an offence if a parent fails to secure their child’s regular attendance at school at which they are registered, if that absence is not authorised by the school. Penalty Notices supplement the existing sanctions currently



available under s444 Education Act 1996 or s36 Children Act 1989 to enforce attendance at school where appropriate.

The Regulations also require each local authority to publish a code of conduct for issuing penalty notices, after consultation with governing bodies, head teachers and the police. Guidance from the Secretary of State states that this “should set out the criteria that will be used to trigger the use of a penalty notice”. Final Version Sept 2017 4



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

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

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

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

**Other conditions.**

- If a child is considered to be missing education we will adhere to the Staffordshire County Council’s Children Missing Education policy  
<https://www.staffordshire.gov.uk/education/welfareservice/missing/CME-Policy-v14-final.pdf>
- There will be no limit on the times a Penalty Notice for unauthorised leave of absence can be used in an academic year.
- In cases where there is more than one pupil in a family with unauthorised absences, Penalty Notices may be issued for more than one child
- Use of a Penalty Notice or formal warning of a Penalty Notice for unauthorised persistent absence / lateness will be restricted to one notice/ warning per parent of a pupil per academic year<sup>1</sup>.

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

2 Once an unauthorised absence has been used as evidence in Court/Penalty Notice it cannot then be used again in another prosecution. Final Version Sept 2017 5



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

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

This paperwork should comprise:

- A copy of any school information available to parents which clearly states that parents may receive a Penalty Notice for unauthorised leave (holiday) in term time.
- A copy of the leave of absence (holiday) request form submitted by the parent (s), and a copy of the response sent to the parent(s) by school. In the event the leave of absence (holiday) request is being denied the school's response should state the reason why the request is unauthorised and should again advise parent (s) that they may receive a Penalty Notice if they take their child out of school and that the Local Authority will be advised of the unauthorised leave of absence.
- In cases where the unauthorised leave of absence occurs without prior request from the parent (s), or is due to unauthorised absence beyond that which was agreed, the school should include all correspondence sent to the parent(s) to explore the unauthorised absence.
- Relevant pupil attendance registration certificate signed by the Head teacher / Principal – or their nominated deputy – confirming that non-attendance during the period was unauthorised.
- Completed and signed penalty notice request form. (Appendix A).
- Final Version Sept 2017 6



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

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

Therefore, the process is as follows:

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

Please note:

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

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

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

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### **Excluded Pupils**

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

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

In such cases the school should provide:

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

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

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

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

A Penalty Notice may be requested by a head teacher / principal and school staff authorised by them, a police officer during a truancy sweep under the provision of Crime and Disorder Act 1998. Final Version Sept 2017 8



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

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

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

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

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

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

### **Truancy Sweep**

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

Information should be given to anyone stopped on a truancy sweep (pupil and/or parent) about the possible support and sanctions used to address non-attendance. Final Version Sept 2017 9



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

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

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

### **Representation**

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

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

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

### **Payment of Penalty Notices:**

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

Payments will not be accepted in part or by instalments. Final Version Sept 2017 10

**Non-payment of Penalty Notices:**

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

**Policy and Publicity**

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

**Reporting & Review:**

Families First will:

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



## USEFUL INFORMATION FOR PARENTS AND CARERS

### Introduction

This is a successful school, and you and your child play a part in making it so. We aim to encourage all members of the school community to reach out for excellence. For children to gain the greatest benefit from their education it is vital that they attend regularly, and your child should be at school in good time for the start of the school day, every day the school is open, unless they are genuinely ill or there is some other unavoidable reason.

Some children are reluctant to go to school and say they do not feel well. It is for you as the adult, to judge whether they are genuinely unwell, or just unwilling. It will be better for them in the long run to go to school, rather than avoid it, as days off mean they will fall further behind and make them even more reluctant. Your job as the parent is to encourage them to attend.

Ensuring your child's regular attendance at school is YOUR legal responsibility and permitting absence without good reason is an offence in law and may result in legal action being taken, or a Penalty Notice being issued (see below).

### Learning

Any absence affects the child's learning, and the more they miss the harder it will be for them to catch up. Research has shown that for every percentage point of absence, attainment is significantly lower.

### Safeguarding

There is extensive research linking poor school attendance and exclusion with crime and anti-social behaviour, and risk of exploitation by unsuitable adults. For this reason, failure to attend regularly will be regarded as a safeguarding issue.

### Understanding absence percentages

You may wonder why a school would be concerned if your child's attendance is 95%. This may make it easier to understand:

95% equates to half a day off every two weeks

90% equates to a day off every two weeks

85% equates to one and a half days off every two weeks

80% equates to one whole day off every week

**A secondary age child whose attendance is 80% will have missed ONE WHOLE YEAR of education by the time they leave school**

Even the brightest and most enthusiastic learner will find it hard to keep up with their work with these levels of absence. That is why we encourage the highest attendance possible.

### Legal References

Section 7 of the Education Act 1996 states that *the 'parent of every child of compulsory school age shall cause him/her to receive efficient full time education suitable to his/her age, ability and aptitude, and to any special educational needs he/she may have, either by regular attendance at school, or otherwise.'*

Section 175 of the Education Act 2002 places a duty on local authorities and governing bodies to have regard to guidance issued by the Secretary of State with regard to safeguarding and promoting the welfare of children and students under the age of 18.

The Children Act 1989 provides for a number of actions that can be taken to protect children's safety and welfare, on the premise that the welfare of the child is paramount.