



HAMILTON
PRIMARY SCHOOL

Attendance Policy November 2016

Agreed by Governors: November 2016
Review: November 2019

ATTENDANCE POLICY

Hamilton Primary School recognises that positive behaviour and good attendance are central to raising standards and pupil attainment.

This policy is written with the above statement in mind and this policy underpins our school values of:

Honesty, Integrity, Courage, Respect, Responsibility, Fairness, Wisdom and Hope

PROMOTING REGULAR ATTENDANCE

Helping to create a pattern of regular attendance is everybody's responsibility – parents/carers, pupils and all members of school staff.

To aid in this communication we will:

- Report to parents/carers annually their child's total attendance compared with the number of sessions available during the year
- Contact parents/carers should their child's attendance fall below the schools target
- Promote, when necessary, ways to improve attendance
- Discuss poor attendance with the Educational Welfare Officer (EWO)

UNDERSTANDING TYPES OF ABSENCE

Every half day absence from school has to be classified by the school as either **authorised** or **unauthorised**. It is vitally important that the school is informed of the reason for absence so that they can decide which type of absence has occurred.

Authorised

These absences are morning or afternoons away from school for a good reason like:

Illness

Medical/Dental appointments which unavoidably fall in school time

Emergencies

Other unavoidable causes

Unauthorised

These absences are those which the school does not consider reasonable and for which no 'leave' has been given. This type of absence can lead to the Local Authority using sanctions and/or legal proceedings. The following list is not exhaustive:

- Parents/carers keeping children off school unnecessarily
- Truancy before or during the school day
- Absences which have never been properly explained
- Children who arrive at school too late for registration
- Shopping, looking after other children or birthdays
- Day trips and holidays in term time which have not been agreed

PROCEDURES

The school should be notified of all absences on the first day by 9.30am. Parents need to indicate the expected date of return. Parents who fail to contact the school will be contacted by the school, the school's Education Welfare Team or Social Services may have to become involved. This is to safeguard all children's welfare. On return to school the child should bring a brief note to ensure that the absence is recorded accurately. Where medical appointments occur during the day, children must be collected and must report back to the school office. It is only the school which can authorise absence in circumstances other than illness or medical appointments. Examples of unauthorised absence are holidays, birthday outings, long weekends, shopping trips and visits to London. Absence not clarified will be followed up by a letter and unaccounted absences will be unauthorised. Where a child's attendance is below that of 90% and further unauthorised absence is taken, then Governing body will consider issuing a penalty notice.

It is the school's policy not to authorise holiday during term time. The headteacher will grant leave of absence in exceptional circumstances and determine the number of school days a child can be away from school, if leave is granted. (See Appendix A)

A child who arrives late is given a late mark. This is authorised although not condoned for the 'late' child is put at a disadvantage in the class by missing out on the procedures and teaching for the session. Where there are 3 authorised late marks in a term the school will invite parents in for discussion.

The Educational Welfare Team will be involved in discussions with parents if there are unauthorised late marks for their child. The school has a responsibility to invoke a School Attendance Meeting (SAM) if a pupils attendance falls below 90%. If a child's attendance does not improve, then the Educational Welfare Team will issue a warning letter to parents detailing the possibility of the issuing of a penalty notice. Once a penalty notice has been issued Essex County Council's MECES team (Missing Education and Child Employment Service) will take the case forward. (See Appendix B)

The school has a legal duty to publish its absence figures to parents and to promote attendance. Equally, parents have a duty to make sure that their children attend.

All school staff are committed to working with parents and pupils as the best way to ensure as high a level of attendance as possible.

Appendix A

Authorising Term Time Absence – Examples of Exceptional Circumstances

Below is a list of some examples of exceptional circumstances. Each request will be looked at on a case by case basis.

- Parents who have an SEND child within the family requesting special time for 'respite' and it is evident that there are restrictions on the dates for the absence
- Where a holiday is recommended as part of a parent or child's rehabilitation from a medical issue. Evidence must be provided from qualified professionals such as a doctor.
- Service personnel returning from/scheduled to embark upon a tour of duty.
- Family wedding for one of the child's parents
- Family funeral (close family members only)
- Observing a religious festival
- Where a holiday is not possible during a school holiday period due to an employer being unable to grant the leave (Written evidence on company headed paper from a direct line manager would be required)
- Where a parent is part of the Armed Forces where leave is cancelled due to a deployment
- Where a parent is part of the Emergency Services where leave is cancelled due to a national or local event

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

The purpose of this local code of conduct is to ensure that the powers are applied consistently and fairly across the local authority area and that suitable arrangements are in place for the administration of the scheme. The Government requires Local Authorities to issue a code of conduct. The Essex code has been agreed following consultation with: Essex Local Authority – Education Welfare Service (EWS) Representatives from Governing Bodies and Headteachers of Essex Schools Essex Police Service in accordance with the Education (Penalty Notices) Regulation 2007, Anti Social Behaviour Act 2003) section 23 subsection (1) and Sections 103 to 105 of the Education and Inspections Act 2006; Education (Pupil Registration) (England) (Amendment) Regulations 2013. Anyone issuing a penalty notice to a parent* of a child of statutory school age on roll at an Essex school, must do so within the terms of this code.

Legislation

The Anti Social Behaviour Act 2003 inserts into the Education Act 1996 Section 444A and Section 444B enabling authorised personnel to issue penalty notices as an alternative to prosecution under Section 444 and enable parents to discharge potential liability for conviction for that offence by paying a penalty. Section 103 of the Education and Inspections Act 2006 places a duty on parents to ensure that their child is not present during school hours in a public place during the first 5 days of exclusions. Section 105 of the Act enables a penalty notice to be issued under Section 103.

Authorisation to issue penalty notices

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

Headteachers (and deputy headteachers and assistant headteachers authorised by the head teacher) and police, community support officers and accredited persons are able to issue the notices under the Act, although there is no requirement for them to do so. In Essex it has been agreed that the Police will not issue penalty notices to parents of truants, but persons accredited by them may do so. Schools will not generally issue penalty notices but where a Headteacher (or their designated deputy) or accredited person decides that a penalty notice is to be served, they must

email EssexEWS.LegalIntervention@essex.gov.uk to ascertain if there is any current legal action. A response will be sent within 24 hours. This will avoid a penalty notice being issued when the EWS is instigating legal intervention proceedings for irregular school attendance.

Circumstances in which a penalty notice may be issued

Penalty Notices apply to pupils of statutory school age which finishes in year 11. Essex partners have agreed to use penalty notices for the following circumstances:

Penalty notices for unauthorised absence

Penalty notices may be issued where there have been at least ten unauthorised sessions of absences during a period of six school weeks. In respect of unauthorised leave of absence, the ten sessions must be consecutive.

Parent/carers will receive a warning letter at least ten days prior to the issue of a penalty notice.

Number of penalty notices which can be issued for unauthorised absence

Discretion will be used to enable up to two penalty notices to be issued to each parent for each child within a twelve month period. If the law continues to be broken around school attendance the EWS legal intervention process will be used.

Pupils identified during a school attendance and exclusion sweep

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

If the Headteacher does not authorise the absence of a pupil stopped by a Local Authority EWO (LAEWO) and Police Officer on a sweep and there has been at least 10 unauthorised absences for that pupil during the preceding 6 schools weeks, school will issue a warning letter to the parent within 14 days. If there are any further absences that are not authorised by the head teacher, during the next 6 schools weeks the school will complete a request, signed by the Headteacher (or their designated deputy), for issue of a penalty notice and send to the EWS. The EWS may then issue a penalty notice.

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

Essex will issue no more than two penalty notices to a parent in a twelve month period for pupils identified on a school attendance and exclusion sweep. If the law continues to be broken around school attendance the EWS legal intervention process will be used.

Excluded pupils

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

The excluding school must have issued notice to the parent informing them of their duty and warning that a penalty notice could be issued. Where there is more than one person liable for the offence, a separate notice may be issued to each person.

Where a pupil is present in a public place in the first five days of a fixed period exclusion the Essex Local Authority would issue a penalty notice if the school is in their area.

Where the child has been permanently excluded, it would be the authority where the child resides.

Number of penalty notices which can be issued for exclusion

Essex will issue a maximum of 5 penalty notices per parent for each child during a 12 month period.

Payment of Penalty Notice

The penalty for each parent is £60 for each child if paid within 21 days of receipt of the notice, rising to £120 if paid after 21 days but within 28 days of receipt of the notice (service by post is deemed to have been effected, unless the contrary is proved, on the second working day after posting the notice by first class post).

All penalties are paid to the LA who will produce an auditor's statement showing that income received has not exceeded enforcement as defined.

If the penalty is not paid in full by the end of the 28 day period Essex EWS will either prosecute for the offence to which the notice applies or withdraw the notice. The prosecution is not for non-payment of the notice but is a prosecution for irregular school attendance – Education Act 1996 Section 444 (1)

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

Withdrawal of Penalty Notice

A penalty notice can be withdrawn in the following circumstances:

- Where it ought not to have been issued i.e. where it has been issued outside the terms of the local code of conduct or where the evidence does not support the issuing of a penalty notice
- The notice contains material errors
- Where it has been issued to the wrong person or the parent can prove it was delivered to the wrong address

Co-ordination between the Local Authority and its local partners

The EWS and its local partners will review this Code of Conduct annually.

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

Introduced September 2004.

Revised December 2008

Revised February 2010

Revised September 2012

Revised July 2013 for implementation from 1st September 2013

Revised February 2014

Revised June 2015 for implementation from 1st September 2015