



## Attendance Policy

### January 2018

This policy reflects our vision and aims by:

- encouraging staff, parents and children to maximise the learning experience in order that all pupils reach their full potential
- providing clear procedures for involving parents in issues relating to school attendance.

### Principles

Regular and punctual attendance is vitally important to ensure that all children have full access to the curriculum. Valuable learning time is lost when children are absent or late. Children should be at school, on time, every day the school is open, unless the reason for the absence is unavoidable. Permitting absence from school without a good reason is an offence by the parent/carer.

Some children may, at times, be reluctant to attend school. Any problems with regular attendance are best sorted out between the school, the family 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.

Every half-day absence has to be classified by the school, (not by the family), as either authorised or unauthorised. This is why information about the cause of each absence is always required.

### Authorised absences:

Mornings or afternoons away from school or late after close of registers, for a reason such as genuine illness or other unavoidable cause.

### Unauthorised absences:

Are those which the school does not consider reasonable and for which no "leave" has been given. This includes:

- parents keeping children off school unnecessarily
- truancy before or during the school day
- absences which have never been properly explained
- children who arrive at school after close of registers

Families are expected to contact school at an early stage and to work with staff resolving any problems together. If difficulties cannot be sorted out in this way, the school may refer the child to the East Sussex Behaviour and Attendance Service (ESBAS).

This service will also try to resolve the situation by agreement but, if other ways of trying to improve the child's attendance have failed, this service can use court proceedings to prosecute parents or to seek an Education Supervision Order on the child. The maximum penalty on conviction is a fine of £2500 and/or 3 months imprisonment.

Please see Appendix 1: Penalty Notice code of conduct

## Procedures

The school applies the following procedures in deciding how to deal with individual absences:

If a child is going to be absent from school it is the family's responsibility to contact the school by 9.00am on the first day of absence, if the child continues to be unwell it is expected that the school is kept informed by contacting the school daily. If a child has a sickness bug, we request that the child is kept away from school for 48 hours after the last bout of sickness; this will ensure that the bug is not spread amongst the children. If a parent doesn't contact the school to inform us of their child's absence we will endeavour to contact the parent. If we are unable to contact the parent/carer then we may carry out an attendance home visit.

If a child's attendance drops below 95%, we will send a letter home informing parents of the concerns and asking for an improvement in attendance. If there is no improvement over the next 5/6 weeks school will be in touch to invite the parents in for a meeting to discuss their child's attendance.

The school will not authorise holidays during term unless there are truly exceptional circumstances.

It is not usually appropriate for the school to authorise absences for shopping, looking after other children, day trips etc. Leave may, however, be granted in an emergency (e.g. bereavement) or for medical appointments which must be in school time.

Registration is at 8.50am. Lateness after the close of registration causes disruption in class. If unauthorised lateness is a cause for concern then a Late Warning Letter will be sent to the parents/carers. The child's attendance will then be monitored weekly over a period of 5 weeks.

### Promoting and Celebrating Good Attendance

Each week the two classes with the best attendance figures are mentioned in the school Celebration 'Funky Friday' Assembly and receive an award. At the end of terms 2, 4 and 6, children with 100% attendance/punctuality for the year so far are entered into the 'Attendance Randomiser' and the family of the child chosen by the randomiser is awarded with a prize that the family can share – such as a family ticket for the cinema. At the end of the year, children with 100% attendance/punctuality for the entire year are entered into the randomiser and the winner receives a prize for the family.

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 school and are on time. The school is committed to working with parents to ensure a high level of attendance is maintained.

The school has agreed an individual pupil attendance target of 95%; parents whose children fall below this target may receive a letter of concern.

At parent consultation evenings, parents will be notified of their child's current percentage of attendance.

Those people responsible for attendance matters are:

Angela Russell (Attendance Officer), Cherie Smith and Lisa Mills (Office staff), Darren Vallier and Jan Maclaine (Head teachers)

## Summary

The school has a duty to publish its absence figures to parents and to promote attendance. Equally, parents have a duty to make sure that their children attend. Staff are committed to working with parents as the best way to ensure as high a level of attendance as possible.

## CODE OF CONDUCT

Penalty Notices to Address Absences and Poor Attendance at School or Alternative Provision

## RATIONALE

1. The purpose of this Code of Conduct is to ensure that the associated powers are applied consistently and fairly across the local authority area and that suitable arrangements are in place for the administration of Penalty Notices
2. Regular and punctual attendance at school, or alternative provision, is both a legal requirement and essential for children and young people to maximise their educational opportunities.
3. An offence occurs if a parent/carer fails to secure a child's attendance at a school, or alternative provision, at which they are a registered pupil and that absence is not authorised by the school, or alternative provision.
4. Sanctions are used as a means of enforcing attendance where there is a reasonable expectation that their use will secure improvement. Sanctions of any nature will only be used where parental co-operation is either absent or deemed insufficient to resolve an attendance problem.

## AUTHORISATION

1. The primary responsibility for the issuing of Penalty Notices rests with the local authority. The Education Support, Behaviour and Attendance Service (ESBAS) will therefore issue all Penalty Notices in East Sussex. This ensures consistency and will prevent conflict with other enforcement sanctions.
2. Although professionals other than those within the local authority (e.g. head teachers, the police etc.) are accredited persons within the legislation, able to issue Penalty Notices, there is no requirement for them to do so. In East Sussex it has been agreed that the Police will not issue Penalty Notices. If a head teacher feels it is appropriate for a Penalty Notice to be issued, they will consult with, and then, instruct ESBAS. This will avoid a Penalty Notice being issued when the ESBAS is instigating legal intervention proceedings for irregular school attendance.
3. ESBAS will ensure that the issuing of Penalty Notices is closely monitored. In this way the local authority have the means to avoid the issuance of duplicate notices.
4. Penalty Notices will only be issued by post and not as "on the spot" action; this will satisfy that all evidential requirements are in place.
5. ESBAS will act upon requests to issue Penalty Notices from schools, academies, alternative education providers, and Sussex Police, provided that:
  - a. all relevant information is supplied in the specified manner;
  - b. the circumstances of the pupil's absence meets the requirements of this Code of Conduct;
  - c. the issuing of a Penalty Notice does not conflict with other intervention strategies in place or other enforcement sanctions already in process.

## WHEN A PENALTY NOTICE CAN BE ISSUED

The issuing of Penalty Notices is considered appropriate in the following circumstances:

1. Persistent unauthorised absence: where a minimum of 10 unauthorised absences have accrued within a 5 week period a Penalty Notice may be issued. In all cases a warning letter will be issued. This includes unauthorised lateness i.e. arrival at school after the register has been closed.

2. Specific period of unauthorised absence (for example a holiday): absence from school without permission or good reason and the absence is unauthorised by the school. If a Head Teacher does not authorise a request from a parent/carer for an absence s/he will respond to the request directly. This response will constitute a valid Warning to the parent. In all cases, a minimum of 10 sessions in total (5 school days) of absence must have been accrued before a Penalty Notice is issued.

3. During a Truancy Sweep by the ESBAS in conjunction with Sussex Police: if a child is found out of school or at home, and the absence is unauthorised, a Warning Notice will be issued. Following the Warning Notice, if a further 10 sessions of unauthorised absence is accrued a Penalty Notice may be issued.

4. An Excluded Pupil found in a public place during the school day: in all cases the ESBAS will check whether the pupil was excluded at the time. If the criteria is satisfied then a Penalty Notice will be issued (a school is not deemed by the Education & Inspections Act 2006 to be a public place for the purposes of this legislation).

### **PROCEDURE FOR WITHDRAWING A PENALTY NOTICE**

A Penalty Notice can only be withdrawn in the following circumstances:

1. It ought not to have been issued; or it ought not to have been issued to the person named as the recipient; or
2. It appears to the authority that the notice contains material errors.

### **PAYMENT OF PENALTY NOTICES**

The arrangements for the paying of Penalty Notices will be detailed on the Penalty Notice.

### **NON-PAYMENT OF PENALTY NOTICES**

The penalty is £60 if paid within 21 days of receipt of the Penalty Notice (assumed as 2 working days following the Notice being sent by first class mail), or £120 if paid after 21 days but within 28 days of receipt of the Notice. If the Penalty Notice is not paid in full by the end of the 28 day period, unless withdrawn, the local authority will prosecute for the offence to which the notice applies. The prosecution relates to irregular school attendance under the Education Act 1996 Section 444. Where a prosecution is an appropriate course of action a caution may be offered by the local authority as an alternative method of disposal.

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

### **MISC**

As with prosecutions under Section 444 Education Act 1996 a Penalty Notice may be issued to each parent liable for the offence. The local authority will not issue more than two Penalty Notices in any 12 month period in respect of each child of the family.

Penalty Notices should not be issued relating to a child public care. Where there are concerns over attendance of a looked after child (LAC) a review should be held.

In all cases of poor attendance, the school must review whether a pupil has special educational needs, whether these have been properly assessed and that the provision made is appropriate.

Revenue generated from the Penalty Notices will be used to cover the costs of issuing and enforcing notices, or the cost of prosecuting recipients who do not pay. Any surplus will be surrendered to the Secretary of State.

### **LEGISLATION**

1. Section 23 Anti Social Behaviour Act 2003 empowered authorised officers of a Local Authority, Head Teachers (and Deputy and Assistant Head Teachers authorised by the Head) and Police Officers (including Community Support Officers) to issue Penalty Notice a in cases of unauthorised absence from school, or alternative provision.

2. The Education (Penalty Notices) (England) Regulations 2004 came into force on 27th February 2004.

3. The Education (Penalty Notices) (England) Regulations 2004 require the Local Authority, in consultation with the above, to develop a code of conduct for the issuing of Penalty Notices. Any person issuing a Penalty Notice must do so within the terms of this code of conduct (“the Code of Conduct”).
4. The Education (Penalty Notices) (England) (Amendment) Regulations 2005 extends the issuing of Penalty Notices to alternative provision.
5. The Education (Penalty Notices) (England) (Amendment) Regulations 2012 confirms the increase in the amount of penalty where the offences are alleged to have been wholly or
6. The Education (Penalty Notices) (England) (Amendment) Regulations 2013 confirm that the penalty of £60 must be paid within 21 days or after that period increase to £120 to be paid within 28 days.
7. The Education (Pupil Registration) (England) (Amendment) Regulations 2013 remove all reference to family holiday and extended leave as well as the statutory threshold of ten school days. Amendments make clear that head teachers may not grant any leave of absence during term time unless there are exceptional circumstances. Head teachers should determine the number of school days a child can be away from school if the leave is granted.
8. The education provisions of the Anti-Social Behaviour Act 2003 apply to all parents who fall within the definition of a “parent” as set out in Section 576 of the Education Act 1996. This Act defines “parent” as; 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 their relationship with that child, is considered to be a parent in education law.
9. Penalty Notices supplement the existing sanctions currently available under Section 444 Education Act 1996 or Section 36 Children Act 1989 to enforce attendance at school or alternative provision.
10. Section 105 Education & Inspections Act 2006; gives authorisation to issue a Penalty Notice when a child has been excluded.
11. This Code of Conduct complies with the requirements set out in Sections 14- 16 of The Education (Penalty Notices) (England) Regulations 2007.
12. The issuing of Penalty Notices must have regard to and conform to all requirements of the Human Rights Act, Equality Act 2010 and Data Protection Act 1998.

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