


# Attendance (Pupil) Policy

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PARTNERSHIP OF SCHOOLS

### **Monitoring, evaluation and review**

The Board of Trustees will assess the implementation and effectiveness of this policy. The policy will be promoted and implemented throughout all Trust schools.

This Policy will be reviewed by the Standards Committee on a yearly cycle.

Adherence to the policy will be monitored by the Local School Committee.

Policy adopted:	Autumn Term 2025
Other related Policies	Behaviour and Relationships Antibullying Curriculum Framework Safeguarding inc Child Protection Looked After Children Pupil Premium
Next Review:	Autumn Term 2026

## Rationale

For a child to reach their full educational achievement a high level of school attendance is essential. We are committed to providing an education of the highest quality for all our children and we endeavour to provide an environment in which all pupils feel valued, safe and welcome. Parents and children play an important part in making our schools successful. Every child has a right to access the education to which they are entitled.

Securing good attendance cannot be seen in isolation. Effective practices for improvement of attendance work together with the curriculum and wider school policies. Securing good attendance is not the preserve of any individual. It is the partnership and commitment of all school staff, parents and governors in promoting excellent attendance and punctuality for all.

It is our duty to consistently strive to achieve a goal of 100% attendance for all children, whilst realising that for some of our children with complex needs, attendance levels may vary according to some of the wide-ranging physiological barriers to learning that they encounter. Every opportunity will be used to convey to children and their parents or carers the importance of regular and punctual attendance.

For our children to take full advantage of the educational opportunities offered it is vital that they are at school, on time, every day the school is open, unless the reason for the absence is unavoidable. Poor attendance is habitual. Prevention and early intervention is crucial to ensure children succeed in education and beyond. 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, all depend on good attendance.

This policy aims to show our commitment to meeting our obligations with regards to school attendance, including those laid out in the Department for Education's (DfE's) statutory guidance on [working together to improve school attendance \(applies from 19 August 2024\)](#), through our whole-school culture and ethos that values good attendance, including:

- Setting high expectations for the attendance and punctuality of all pupils
- Promoting good attendance and the benefits of good attendance
- Reducing absence, including persistent and severe absence
- Ensuring every pupil has access to the full-time education to which they are entitled
- Acting early to address patterns of absence
- Building strong relationships with families to make sure pupils have the support in place to attend school

This policy is based on the Department for Education's (DfE's) statutory guidance on [working together to improve school attendance \(applies from 19 August 2024\)](#) and [school attendance parental responsibility measures](#). The guidance is based on the following pieces of legislation, which set out the legal powers and duties that govern school attendance:

- Part 6 of the [Education Act 1996](#)
- Part 3 of the [Education Act 2002](#)
- Part 7 of the [Education and Inspections Act 2006](#)

- [The Education \(Pupil Registration\) \(England\) Regulations 2006 \(and 2010, 2011, 2013, and 2016 amendments\)](#)
- [The School Attendance \(Pupil Registration\) \(England\) Regulations 2024](#)
- [The Education \(Penalty Notices\) \(England\) \(Amendment\) Regulations 2013](#)

It also refers to:

- [School census guidance](#)
- [Keeping Children Safe in Education](#)
- [Mental health issues affecting a pupil's attendance: guidance for schools](#)

### **Promoting good attendance**

The foundation for good attendance is a strong partnership between the school, parents and the child. To help us all to focus on this we will:

- provide information on all matters related to attendance
- enable instant access to your child's attendance data
- report to you on how your child is performing in school, what their attendance and punctuality rate is and how this relates to their attainment
- celebrate good attendance
- supportive measures in place where challenges to attendance are identified
- recognize key risk factors

### **Analysing attendance**

We use data to monitor, identify and support individual pupils or groups of pupils when their attendance needs to improve. Persistently absent pupils are tracked and monitored carefully. We also combine this with academic tracking as increased absence affects attainment. We share information and work collaboratively with other schools in the area, local authorities, and other partners when absence is at risk of becoming persistent or severe.

The school will:

- Analyse attendance and absence data regularly to identify pupils, groups or cohorts that need additional support with their attendance, and
- Identify pupils whose absences may be a cause for concern, especially those who demonstrate patterns of persistent or severe absence
- Conduct thorough analysis of half-termly, termly, and full-year data to identify patterns and trends
- Look at historic and emerging patterns of attendance and absence, and then develop strategies to address these patterns

### **Using data to improve attendance**

**The school will:**

- Develop targeted actions to address patterns of absence (of all severities) of individual pupils, groups or cohorts that it has identified via data analysis
- Provide targeted support to the pupils it has identified whose absences may be a cause for concern, especially those who demonstrate patterns of persistent or severed absence, and their families (see section 8.4 below)

- Provide regular attendance reports to facilitate discussions with pupils and families, and to the governing board and school leaders (including special educational needs coordinators, designated safeguarding leads and pupil premium leads)
- Use data to monitor and evaluate the impact of any interventions put in place in order to modify them and inform future strategies
- Share information and work collaboratively with other schools in the area, local authorities and other partners where a pupil's absence is at risk of becoming persistent or severe, including keeping them informed regarding specific pupils, where appropriate

### **Reducing persistent and severe absence**

Persistent absence is where a pupil misses 10% or more of school, and severe absence is where a pupil misses 50% or more of school. Reducing persistent and severe absence is central to the school's strategy for improving attendance.

The school will:

- Use attendance data to find patterns and trends of persistent and severe absence
- Consider potential safeguarding issues and, where suspected or present, address them in line with Keeping Children Safe in Education
- Hold regular meetings with the parents of pupils who the school (and/or local authority) considers to be vulnerable or at risk of persistent or severe absence, or who are persistently or severely absent, to:
  - Discuss attendance and engagement at school
  - Listen, and understand barriers to attendance
  - Explain the help that is available
  - Explain the potential consequences of, and sanctions for, persistent and severe absence
  - Review any existing actions or interventions
- Provide access to wider support services to remove the barriers to attendance, in conjunction with the local authority, where relevant
- Consider alternative support that could be put in place to remove any barriers to attendance and re-engage these pupils. In doing so, the school will sensitively consider some of the reasons for absence
- Implement sanctions, where necessary

### **Roles and responsibilities**

#### **Responsibilities of Local Governors/Trustees**

- Setting high expectations of all school leaders, staff, pupils and parents
- Making sure school leaders fulfil expectations and statutory duties, including:
  - Making sure the school records attendance accurately in the register, and shares the required information with the DfE and local authority

- Making sure the school works effectively with local partners to help remove barriers to attendance, and keeps them informed regarding specific pupils, where appropriate
- Recognising and promoting the importance of school attendance across the school's policies and ethos
- Making sure the school's attendance management processes are delivered effectively, and that consistent support is provided for pupils who need it most by prioritising staff and resources
- Making sure the school has high aspirations for all pupils, but adapts processes and support to pupils' individual needs
- Regularly reviewing and challenging attendance data and helping school leaders focus improvement efforts on individual pupils or cohorts who need it most
- Working with school leaders to set goals or areas of focus for attendance and providing support and challenge
- Monitoring attendance figures for the whole school and repeatedly evaluating the effectiveness of the school's processes and improvement efforts to make sure they are meeting pupils' needs using the available audit resources.
- Where the school is struggling with attendance, working with school leaders to develop a comprehensive action plan to improve attendance
- Making sure all staff receive adequate training on attendance as part of the regular continued professional development offer, so that staff understand:
  - The importance of good attendance
  - That absence is almost always a symptom of wider issues
  - The school's legal requirements for keeping registers
  - The school's strategies and procedures for tracking, following up on and improving attendance, including working with partners and keeping them informed regarding specific pupils, where appropriate
- Making sure dedicated training is provided to staff with a specific attendance function in their role, including in interpreting and analysing attendance data
- Holding the headteacher to account for the implementation of this policy

### **Responsibilities of the Headteacher**

- The implementation of this policy at the school
- Monitoring school-level absence data and reporting it to governors
- Benchmarking attendance data to identify areas of focus for improvement
- Supporting staff with monitoring the attendance of individual pupils
- Monitoring the impact of any implemented attendance strategies
- Issuing fixed-penalty notices, where necessary, and/or authorising AAO to be able to do so
- Working with the parents of pupils with special educational needs and/or disabilities (SEND) to develop specific support approaches for attendance for pupils with SEND, including where school transport is regularly being missed, and where pupils with SEND face in-school barriers

- Communicating with the local authority when a pupil with an education, health and care (EHC) plan has falling attendance, or where there are barriers to attendance that relate to the pupil's needs
- Notifying the Local Authority in relation to changes to the school register; such as when a pupil's name is added or deleted outside of standard transition times, providing details about pupils who fail to attend regularly including those who have been marked with unauthorised absence for a continuous period of 10 school days and those who the school believes will miss 15 days consecutively or cumulatively because of sickness.
- Communicating the school's high expectations for attendance and punctuality regularly to pupils and parents through all available channels

### **The designated senior leader responsible for attendance**

The designated senior leader (also known as the 'senior attendance champion') is responsible for:

- Leading, championing and improving attendance across the school
- Setting a clear vision for improving and maintaining good attendance
- Evaluating and monitoring expectations and processes
- Having a strong grasp of absence data and oversight of absence data analysis
- Regularly monitoring and evaluating progress in attendance
- Establishing and maintaining effective systems for tackling absence, and making sure they are followed by all staff
- Liaising with pupils, parents/carers and external agencies, where needed
- Building close and productive relationships with parents to discuss and tackle attendance issues
- Creating intervention or reintegration plans in partnership with pupils and their parents/carers
- Delivering targeted intervention and support to pupils and families
- ensure attendance is recorded accurately
- ensure attendance data is analysed regularly, using data to develop future actions to improve attendance
- ensure that issues are identified at an early stage and support is put in place to deal with any difficulties including working with outside agencies
- ensure attendance support and improvement is appropriately resourced, including where applicable through effective use of pupil premium funding
- Working with education welfare officers / Attendance Advisory officers to tackle persistent absence
- to benchmark data against local and national figures
- ensure school staff receive adequate training on attendance including:
  - the importance of good attendance and that absence is almost always related to risk and resilience factors
  - the law and requirements of schools including on the keeping of registers,
  - the school's strategies and procedures for tracking, following up and improving attendance

- the processes for working with other partners to provide more intensive support to pupils who need it.

### **Administrative person responsible for attendance**

- ensure registers have been completed correctly
- carry out daily attendance checks including absence and lateness follow up
- Take calls from parents/carers about absence on a day-to-day basis and record it on the school system
- report absence of LAC children
- undertake home visits as appropriate
- Meet regularly with SLT to discuss:
  - overall weekly % of whole school
  - class % breakdown including Nursery and Reception
  - PP and Non-PP for whole school
  - persistent absence and group breakdown
- ensure all correspondence related to attendance is sent out in a timely manner
- complete attendance reports for local school committee/Trustees
- ensure all necessary statutory data returns to the local authority/DFE

### **Responsibilities of classroom staff**

- ensure that all children are registered accurately
- promote good attendance with all children at all appropriate opportunities
- liaise with the attendance leader on matters of attendance and punctuality
- communicate any concerns or underlying problems that may account for a child's absence
- support children with absence to engage with their learning once they are back in school
- understand risk and resilience factors which can influence attendance
- use consistent language with children through scripted practice

### **Responsibilities of parents/carers**

The law entitles every child of compulsory school age to an efficient, full-time education suitable to their age, aptitude, and any special educational need they may have. It is the legal responsibility of every parent to make sure their child receives that education either by attendance at a school or by education otherwise than at a school.

Where parents decide to have their child registered at school, they have an additional legal duty to ensure their child attends that school regularly. This means their child must attend every day that the school is open, except in a small number of allowable circumstances such as being too ill to attend or being given permission for an absence in advance from the school.

Ensuring your child's regular attendance at school is a parent/carer's legal responsibility (section 444 of the 1996 Education Act) and permitting absence from school that is not authorised by the school creates an offence in law.

### **Parents are expected to:**

- Make sure their child attends every **day** on time
- Call / inform the school to report their child's absence before **9am** on the day of the absence and advise when they are expected to return

- be clear about the reason for the absence to enable us to code the absence appropriately
- inform school of any unavoidable planned absences well in advance
- Provide the school with more than 1 emergency contact number for their child
- Ensure that, where possible, appointments for their child are made outside of the school day
- Keep to any attendance contracts that they make with the school and/or local authority
- Seek support, where necessary, for maintaining good attendance, by contacting Headteacher
- support the school with their child in aiming for 100% attendance each year
- only request leave of absence if it is for an exceptional circumstance
- work alongside the school in scenarios where attendance has become a concern

### **As a result, children will**

- attend every day unless they are too ill to do so
- arrive at school on time, recognising of course where it is beyond the control of those children who are reliant on school transport.

### **Recording attendance**

We will keep an electronic attendance register and place all pupils onto this register.

We will take our attendance register at the start of the first session of each school day and once during the second session. It will mark, using the appropriate national attendance and absence codes from the School Attendance (Pupil Registration) (England) Regulations 2024, whether every pupil is:

- Present
- Attending an approved off-site educational activity
- Absent
- Unable to attend due to exceptional circumstances

Any amendment to the attendance register will include:

- The original entry
- The amended entry
- The reason for the amendment
- The date on which the amendment was made
- The name and position of the person who made the amendment

See Appendix 1 for the DfE attendance codes.

We will also record:

- Whether the absence is authorised or not
- The nature of the activity where a pupil is attending an approved educational activity
- The nature of circumstances where a pupil is unable to attend due to exceptional circumstances

We will keep every entry on the attendance register for 6 years after the date on which the entry was made.

The school day starts at 8.35am and ends at 3.15pm

Pupils must arrive in school by 9.00am on each school day.

The register for the first session will be taken at 8.55am and will be kept open until 9.20am. The register for the second session will be taken at 1pm and will be kept open until 1.20pm.

## Unplanned absence

The pupil's parent must notify the school of the reason for the absence on the first day of an unplanned absence by 9am or as soon as practically possible, by calling the school office staff.

We will mark absence due to physical or mental illness as authorised, unless the school has a genuine concern about the authenticity of the illness.

Where the absence is longer than 5 days, or there are doubts about the authenticity of the illness, the school will ask for medical evidence, such as a doctor's note, prescription, appointment card or other appropriate form of evidence. We will not ask for medical evidence unnecessarily.

If the school is not satisfied about the authenticity of the illness, the absence will be recorded as unauthorised and parents will be notified of this in advance.

## Planned absence

We encourage parents to make medical and dental appointments out of school hours where possible. Where this is not possible, the pupil should be out of school for the minimum amount of time necessary.

The pupil's parent must also apply for other types of term-time absence as far in advance as possible of the requested absence. See below to find out which term-time absences the school can authorise.

## Lateness/punctuality

It is important to be on time at the start of the school day. If your child is late they can miss vital information, cause disruption to the lesson for others, and in addition feel uncomfortable, embarrassed and struggle with the transition at the beginning of the day

Our schools follow the guidance set out by the Department for Education which suggests that registers should be closed a maximum of 30 minutes after the start of the school day.

- all lateness is recorded daily. This information will be required by the courts, should a prosecution for non-attendance or lateness be necessary
- arrival after the close of registration will be marked as unauthorised absence and coded *U* in line with Department for Education guidance. This mark shows them to be on site, but is legally recorded as an absence
- if a pupil is late due to a medical appointment, they will receive an authorised absence if medical evidence is provided, coded *M*. Please be advised that, where possible, doctors and dentist appointments are to be made outside of school hours or during school holidays.

Parents, guardians or carers of pupils who have patterns of lateness will be contacted to discuss the importance of good timekeeping and how this might be achieved. Ongoing and repeated lateness is considered as **unauthorised absence and will be managed in the same way as poor attendance.**

## Absence Procedures

### First day absence

A child not attending school is considered a **safeguarding** matter. This is why information about the cause of any absence is always required. If your child is absent, you must contact us as soon as possible on the first day of absence.

If your child is absent, we will:

- telephone or text you on the first day of absence if we have not heard from you – this is because we have a duty to ensure your child's safety as well as their regular school attendance
- Identify whether the absence is approved or not
- Identify the correct attendance code to use and input it as soon as the reason for absence is ascertained – this will be no later than 5 working days after the session(s) for which the pupil was absent
- Where relevant, report the unexplained absence to the pupil's youth offending team officer
- Where appropriate, offer support to the pupil and/or their parents to improve attendance
- Identify whether the pupil needs support from wider partners, as quickly as possible, and make the necessary referrals
- invite you in to discuss the situation if absences persist and this is deemed appropriate
- refer the matter to the local authority attendance advisory officer if absence is unauthorised and falls below 90%
- if the child is subject to a child protection plan the procedures set out for day two unexplained absence will be implemented immediately.

### **Second day absence**

If your child is not seen and contact has not been established with any of the named parents/carers, on the second day of absence, we will make all reasonable enquiries to establish contact. This will include making enquiries to known friends, wider family and undertaking home visits. Where the school is unable to undertake a home visit, we will contact the police to request they undertake a welfare check. This action will be taken on day one if the child has complex needs or is subject to a child protection plan.

### **Ten days' absence**

We have a legal duty to report the absence of any pupil who is absent without an explanation for 10 consecutive days. If the child is not seen and contact has not been established with the named parent/carer then the local authority is notified that the child is *at risk of missing*. Children's Services staff will visit the last known address and alert key services to locate the child. So please help us to help you and your child by making sure we always have an up-to-date contact number. There will be regular checks on telephone numbers throughout the year.

### **Continued or ongoing absence**

If your child misses 10% or more schooling across the school year, for whatever reason, they are defined as a *persistent absentee*. Absence for whatever reason disadvantages a child by creating gaps in their learning. Research shows these gaps affect attainment when attendance falls below 95%. As such, we monitor all absences thoroughly and all attendance data is shared with the local authority and the Department for Education.

We are fully aware that some of our children may have acute health conditions which, despite the best efforts of parents and carers, lead to significant ongoing periods of absence. We will work closely with parents to ensure we develop support systems that enable each child to attend school as often as physically possible. Children should never be excluded from school or activities on medical grounds unless they are acutely unwell or hospitalised. If acutely unwell children will access hospital schools supported by their home school as appropriate. We will maintain close links with children and their families during any sustained periods of absence to ensure continuity of relationships and provision. Children in recovery can be supported by a flexible return to schooling which is manageable for them.

Families of children with acute physical and medical conditions that lead to pervasive absence will not follow the same systems and procedures laid out in this policy. Some children may experience periods of EBSNA (Emotionally Based School Non-Attendance). In these circumstances, the school will work alongside families and other agencies, where appropriate, to support the child with returning to the expected level of attendance.

### **Request for leave of absence**

The headteacher will only grant a **leave of absence** to a pupil during term time if the request meets the specific circumstances set out in the [2024 school attendance regulations](#). These circumstances are:

- Taking part in a regulated performance, or regulated employment abroad
- Attending an interview
- Study leave
- A temporary, time-limited part-time timetable
- Exceptional circumstances

A leave of absence is granted at the headteacher's discretion, including the length of time the pupil is authorised to be absent for.

Leave of absence will not be granted for a pupil to take part in protest activity during school hours. As a leave of absence will only be granted in exceptional circumstances, it is unlikely a leave of absence will be granted for the purposes of a family holiday.

The school considers each application for term-time absence individually, taking into account the specific facts, circumstances and relevant background context behind the request.

Any request should be submitted as soon as it is anticipated before the absence, and in accordance with any leave of absence request form, accessible via the school office. The headteacher may require evidence to support any request for leave of absence.

Other valid reasons for **authorised absence** include (but are not limited to):

- Illness (including mental-health illness) and medical/dental appointments (see sections 4.2 and 4.3 for more detail)
- Religious observance – where the day is exclusively set apart for religious observance by the religious body to which the pupil's parent(s) belong(s). If necessary, the school will seek advice from the parent's religious body to confirm whether the day is set apart
- Parent(s) travelling for occupational purposes – this covers Roma, English and Welsh gypsies, Irish and Scottish travellers, showmen (fairground people) and circus people, bargees (occupational boat dwellers) and new travellers. Absence may be authorised only when a traveller family is known to be travelling for occupational purposes and has agreed this with the school, but it is not known whether the pupil is attending educational provision
- If the pupil is currently suspended or excluded from school (and no alternative provision has been made)

Other reasons the school may allow a pupil to be absent from the school site, which are not classified as absences, include (but are not limited to):

- Attending an offsite approved educational activity, sporting activity or visit or trip arranged by the school
- Attending another school at which the pupil is also registered (dual registration)
- Attending provision arranged by the local authority

- Attending work experience
- If there is any other unavoidable cause for the pupil not to attend school, such as disruption to travel caused by an emergency, a lack of access arrangements, or because the school premises are closed

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

Parents of a child performer can seek leave of absence from school for their child to take part in a performance. They must contact the headteacher to discuss the nature and frequency of the work, whether the child has a valid performance license and whether education will be provided by the employer during any future leave of absence. It is, however, down to the headteacher'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.

### **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 headteacher'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. Permission for your child to leave early or arrive late to attend coaching and training sessions is also at the discretion of the headteacher 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.

### **Gypsy, Roma, Traveller and Showman families**

The 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.

### **Understanding types of absence**

Pupils are expected to attend school every day for the entire duration of the academic year, unless there is an exceptional reason for the absence.

Every half-day absence from school must be classified by the school (not by the parents), as either **authorised** or **unauthorised**. Therefore, information about the cause of any absence is always required. Each half-day is known as a 'session'

- authorised absence: 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, absences cannot be authorised
- unauthorised absence: is when the school has not received a reason for absence or has not approved a child's leave of absence from school after a parent's request. This includes:
  - parents giving their children permission to be off school unnecessarily, such as for shopping, birthdays, to look after siblings, holidays;
  - absences which have not been explained.

A leave of absence will not be approved under any circumstance if it involves travel to places which are not recommended by the Foreign Office.

The school 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.

### **Notices to improve**

If the national threshold has been met and support is appropriate, but parents do not engage with offers of support, the school may offer a notice to improve to give parents a final chance to engage with support.

Notices to improve will be issued in line with processes set out in the local code of conduct for the local authority area in which the pupil attends school.

They will include:

- Details of the pupil's attendance record and of the offences
- The benefits of regular attendance and the duty of parents under [section 7 of the Education Act 1996](#)
- Details of the support provided so far
- Opportunities for further support, or to access previously provided support that was not engaged with
- A clear warning that a penalty notice may be issued if attendance doesn't improve within the improvement period, along with details of what sufficient improvement looks like, which will be decided on a case-by-case basis
- A clear timeframe of between 3 and 6 weeks for the improvement period
- The grounds on which a penalty notice may be issued before the end of the improvement period

### **Local Authority attendance support services (Essex)**

Local Authority Attendance Specialists work strategically by offering support to schools, families, and other professionals to reduce persistent absence and improve overall attendance.

Parents are expected to work with the school and local authority to address any attendance concerns. Parents should proactively engage with the support offered, aiming to resolve any problems together. This is nearly always successful. If difficulties cannot be resolved in this way, the school may consider more formal support and/or refer the child to the Local Authority. If attendance does not improve, legal action may be taken in the form of a Penalty Notice (see Annex for the Essex Code of Conduct), prosecution in the Magistrates Court or the application of an Education Supervision Order, designed to strengthen parental responsibilities and ensure improved attendance

### **Local Authority attendance support services (Greenwich)**

The Attendance Advisory Officer can fine parents for the unauthorised absence of their child from school, where the child is of compulsory school age. The decision to issue a Penalty Notice is made by the Attendance Advisory Service.

Pupils are only issued with Penalty Notices if they are already the subject of a referral to the Attendance Advisory Service. Any pupil who takes an unauthorised period of leave during term time is at risk of being referred to the AAS. Any prolonged unauthorised absence can automatically be referred to the Attendance Advisory Service.

This may take into account:

- A number of unauthorised absences occurring within a rolling academic year
- One-off instances of irregular attendance, such as holidays taken in term time without permission

If issued with a penalty notice, parents must pay £80 within 21 days or £160 within 28 days. The payment must be made directly to the local authority.

If the payment has not been made after 28 days, the local authority can decide whether to prosecute the parent or withdraw the notice.

### **School Attendance and the Law**

By law all children of compulsory school age must receive an appropriate full-time education (Education Act 1996). Parents have a legal duty to ensure their child attends school regularly at the school at which they are registered.

Parents may be recognised differently under education law, than under family law. Section 576 of the Education Act 1996 states that a 'parent', in relation to a child or young person, includes any person who is not a parent (from which can be inferred 'biological parent') but who has parental responsibility, or who has care of the child.

A person typically has care of a child or young person if they are the person with whom the child lives, either full or part time and who looks after the child, irrespective of what their biological or legal relationship is with the child.

Unauthorised absence may result in the school referring to the Local Authority for sanctions and/or legal proceedings. This may include issuing each parent with a Penalty Notice for £160, reduced to £80 if paid within 21 days or referring the matter to the Magistrates Court whereby each parent may receive a fine up to £2500 and/or up to 3 months in prison. If a parent is found guilty in court, they will receive a criminal conviction.

**Please note:** If you pay the Penalty Notice and your child has further unauthorised absences additional legal action will be taken.

### **Attendance and Punctuality in the Early Years**

Establishing good habits from the start will help your child to settle more quickly and build good habits for later life. Coming to school on time, every day helps to develop confidence.

Research has shown that, even at the earliest age, children with poor attendance and punctuality are at a disadvantage later in life. They generally find it harder to make and maintain friendships, they achieve less and they often suffer from poor self-esteem. Even if your child only has a part time Nursery place, regular attendance is vitally important.

### **Looked After Children and children with Social Care involvement**

As well as benefitting all children, good attendance at school also provides an additional safeguard for those who are vulnerable. Absence for pupils with a social worker, has been historically higher, with a quarter of children who have ever needed a social worker persistently absent compared to less than 10% of those who had never been in need. For this reason, we will ensure attendance of this group of children is monitored robustly.

The attendance of looked after children will be reported to their co-operate parent on a daily basis.

## **Further information**

### **Leavers**

If your child is leaving our school (other than when transferring to secondary school) parents are asked to:

- give the school office comprehensive information about their plans, including any date of a move and your new address and telephone numbers, your child's new school and the start date when known
- 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
- if a child fails to return after a period of 20 days unauthorised absence they will be reported to the local authority as a child missing in education and removed from the school role

### **Home Education**

Parents have the right to withdraw their child from school in favour of home education. Parents must inform the school of their decision to home educate in writing. Once the school receives this notification, they will then inform the local authority and take the child off of their role. It is important that the decision to home educate is discussed and considered carefully. Talk to the school about any difficulties your child may be having; once your child has been taken off role their place will be allocated and may not be available to your child if you change your mind at a later date.

### **Children who are permanently excluded, suspended or with long term medical conditions that prevent school attendance**

If a child receives a fixed-term suspension this will be recorded as an E. If the suspension is for a period of 6 days or more, the local authority has a duty to provide education for the child. If the exclusion is permanent it is the local authorities duty to provide education for the child. The school has a duty to inform the local authority of all suspensions and exclusions.

If a medical condition prevents a child of statutory school age from attending school for 10 days or more (consecutive or cumulative), it is the duty of the local authority to liaise with medical practitioners to ensure appropriate education is available for the child. The school will inform the local authority of the absence.

If a child is not in school for 10 consecutive school days due to reasons linked EBSA (Emotional Based School Avoidance), it is the duty of the school to make a referral to social care.

### **Part-time timetables**

All pupils of compulsory school age are entitled to a full-time education. In very exceptional circumstances, where it is in a pupil's best interests, there may be a need for a temporary part-time timetable to meet their individual needs.

A part-time timetable must only be in place for the shortest time necessary and not be treated as a long-term solution. Any pastoral support programme or other agreement should have a time limit by which point the pupil is expected to attend full-time, either at school or alternative provision. There should also be formal arrangements in place for regularly reviews with the child and their parents. In agreeing to a part-time timetable, a school has agreed to a pupil being absent from school for part of the week or day and therefore must treat absence as authorised.

### **Deletion of names from Admission Register**

A pupil's name can only be deleted from the admission register for a reason set out in regulation 8 of the Education (Pupil Registration) (England) Regulations 2006 as amended. A pupil's name must not be removed for any other reason and doing so would constitute off-rolling.

If a child transfers to another school, we will delete their name from the admission register on the first day they are entered on the admission register of the new school.

We will liaise with our local authority before removing a child from role for any other circumstance including:

- the parent has notified the school in writing that a pupil is receiving education otherwise than at a school
- a child no longer lives a reasonable distance from the school
- a child is unlikely to return to school before ceasing to be of compulsory school age due to health reasons
- a child has not returned following a leave of absence -  
*Where a child has been granted a leave of absence and they have not attended school within the ten school days immediately after the end of the period granted, and the school has made all reasonable efforts to find out their location.*
- a child has been continually absent from school for 20 school days  
*Where a child has been continuously absent from the school for a period of 20 school days or more, the absence has not been authorised by the school and the school has made all reasonable efforts to find out their location.*
- A child has been permanently excluded from school  
*A child's name cannot be deleted from the admission register until the outcome of any consideration of reinstatement and independent review have been completed*

### **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 1**

### **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 to all Essex residents.

The Government requires Local Authorities to issue a code of conduct and any persons issuing Penalty Notices to a parent<sup>1</sup> must do so in accordance with this protocol. Essex County Council is legislatively responsible for administering the Penalty Notice scheme and will do so in accordance with a number of legislative and non-legislative requirements.

The Essex code has been agreed following consultation with;

- Essex County Council representatives – Attendance Compliance Team and Essex Legal Services.
- Representatives from Governing Bodies and Headteachers of Essex Schools
- Essex Police
- Persons accredited under Essex Police's Community Safety Accreditation Scheme (CSAS)

The Code of Conduct is in accordance with the following legislation;

**LEGISLATIVE FRAMEWORK FOR EDUCATION PENALTY NOTICES**

The legal framework governing school attendance and the responsibilities of parents of excluded pupils, schools and the LA is set out in a succession of acts, regulations and other guidance.

**Education Act 1996**

Under Section 7 of the Act: the parent is responsible for making sure that their child of compulsory school age receives efficient full-time education that is suitable to the child's age, ability and aptitude and to any special educational needs that the child may have, this can be by regular attendance at school, or otherwise (the parent can choose to educate their child themselves). If it appears to the LA that a child of compulsory school age is not receiving a suitable education, either by regular attendance at school or otherwise then they must begin procedures for issuing a School Attendance Order under Section 437 of the Education Act 1996.

If a child of compulsory school age who is registered at a school fails to attend the school regularly the parent is guilty of an offence under Section 444(1) of the Education Act 1996. In addition, if it can be proved that a parent knew of the child's non-attendance and failed to act, then they may be found guilty under Section 444(1 A). This offence (known as the higher or aggravated offence) can lead to a warrant being issued compelling a parent to attend court and conviction may result in a higher level fine and/or a custodial sentence.

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<sup>1</sup> 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.

On 6 April 2017, in the case of Isle of Wight Council v Platt [2017] UKSC 28, the Supreme Court ruled that the word 'regularly' means 'in accordance with the rules prescribed by the school.'

### **Anti-social Behaviour Act 2003**

<http://www.legislation.gov.uk/ukpga/2003/38/contents>

The Act added two new sections (444A and 444B) to the Education Act. It introduced penalty notices as an alternative to prosecution under Section 444; the issuing of penalty notices is governed by:

- The Education (Penalty Notices) (England) Regulations 2007
- The Education (Penalty Notices) (England) (Amendment) 2013

<http://www.legislation.gov.uk/uksi/2013/757/contents/made>

### **Children Act 1989**

<http://www.legislation.gov.uk/ukpga/1989/41/section/36>

### **Crime and Disorder Act 1998**

<https://www.legislation.gov.uk/ukpga/1998/37/section/16>

### **Education and Inspections Act 2006**

<http://www.legislation.gov.uk/ukpga/2006/40/contents>

### **The Education (Pupil Registration) (England) Regulations 2006 (Amended 2013)**

<http://www.legislation.gov.uk/uksi/2013/756/regulation/2/made>

### **AUTHORISATION TO ISSUE PENALTY NOTICES**

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

Head Teachers (and Deputy Head Teachers and Assistant Head Teachers authorised by the head teacher) and police, and persons accredited by the community safety accreditation scheme are all 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 and Head Teachers will not issue penalty notices to parents. Persons accredited through the Community Safety Accreditation Scheme<sup>2</sup> are authorised to do so.

### **CIRCUMSTANCES IN WHICH A PENALTY NOTICE MAY BE ISSUED**

Penalty Notices apply to pupils of statutory school age, which commences the term immediately

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<sup>2</sup> Accredited companies at time of this publication are Attendance Solutions Essex, Aquinas School Attendance Provisions and NEMAT Support Services

following the child's 5<sup>th</sup> birthday and finishes on the last Friday in June of school year in which they turn 16.

Penalty notices will only be issued as a conclusion to a series of processes and when all attempts to address school attendance matters have been unsuccessful. If a previous Penalty Notice has been unsuccessful, rationale and justification should be provided as to why issuing another Penalty Notice would improve the attendance of the student. If schools are not aware of any previous or current legal interventions they must email [attendancecompliance@essex.gov.uk](mailto:attendancecompliance@essex.gov.uk) . A response will be sent within 3 working days.

Parents cannot be penalised more than once for the same period of absence.

Domestic and European legislation and case law makes it clear that when serving a formal Notice in criminal proceedings, the recipient must be clearly and unambiguously identified. For the Purpose of issuing a Penalty Notice under this Code, the parent's first and last name must be cited on the Notice and any covering letter.

Essex partners have agreed to use Penalty Notices for the following circumstances however the offence under s444 Education Act 1996 is the same whether issued for unauthorised leave of absence (ULA) or irregular school attendance (ISA):

### **Penalty notices for unauthorised leave of absence (ULA)<sup>3</sup>**

Penalty Notices may be issued where there have been at least 10 consecutive sessions of unauthorised absence for the purpose of a holiday, whereby a parent made an application to the School which the Head Teacher has deemed not for exceptional circumstances. In addition, a Penalty Notice may also be issued, whereby the parent did not submit a leave of absence request, however the school have reason to believe the absence was for the purpose of a holiday and should not be authorised as parent has not provided any additional evidence which the Head Teacher deems appropriate to support the absence.

In addition to the above criteria, due to the importance of pupils settling into school at the commencement of the school year, Penalty Notices may also be issued if there have been at least 6 consecutive sessions of unauthorised absence during the first two weeks of September due to a term-time holiday.

The Local Authority requests that for Penalty Notices to be issued, parents must be duly warned of the legal ramifications under separate cover if they remove their child from school for the purpose of a holiday. Schools/Academies must reference the use of Penalty Notices within their Attendance Policy which must be available to all parents/carers online and/or in hard copy within the school, accessible to parents to read. Schools should remind parents of the protocol regarding leave of absence during term time.

### **Penalty Notices for Irregular School Attendance (ISA)**

Penalty Notices may be issued where there has been at least 10 sessions of unauthorised absence during the previous 10 school weeks.

Parents must have been issued with a Legal Action Warning Letter with accompanying Legal fact sheet and given opportunities to inform the school of any factors impacting on their ability to ensure

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<sup>3</sup> Truancy/unauthorised/irregular school attendance refers to absence from school without permission or good reason and the absence is unauthorised by the school.

their child attends school regularly. Warning letters are valid for 18 calendar weeks.

The Local Authority advises that the following template is used for irregular school attendance referrals as this has been specifically designed to enable the progression of cases if appropriate. This letter must be on headed paper from the school or accredited persons issuing the notice. The legal fact sheet must be included

[https://schools.essex.gov.uk/pupils/Attendance\\_Compliance/Documents/Legal%20Action%20Warning%20Letter%20for%20schools.docx](https://schools.essex.gov.uk/pupils/Attendance_Compliance/Documents/Legal%20Action%20Warning%20Letter%20for%20schools.docx) .

Failure to adequately issue warning to parents may result in the Penalty Notice being withdrawn or not issued.

All penalty notice referrals or notifications from Accredited Persons must be sent via Essex County Council's online portal and all relevant pre-referral work in accordance with the Local Authority requirements must be uploaded alongside the referral/notification.

The Local Authority must be satisfied that the substantive offence in accordance with s.444 Education Act 1996 has been committed prior to issuing a Penalty Notice.

Evidence of attempts to address attendance concerns within the previous 8 weeks prior to requesting or notifying of a Penalty Notice must be submitted. Satisfactory evidence includes letters, notes of home visits, meetings, telephone calls etc.

*N.B. for ULA and ISA PN's consideration should always be given to whether it is appropriate to issue to absent parents.*

### **Number of Penalty Notices which can be issued for Irregular school attendance/unauthorised leave of 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 Attendance Compliance Team may instigate legal proceedings.

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

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

If the Head Teacher has not authorised the absence of a pupil stopped by a Local Authority Officer and Police Officer on a sweep and there has been at least 9 unauthorised absences for that pupil during the preceding 10 school weeks, school will issue a legal action warning letter to the parent within 14 days. If there are any further unauthorised absences, during the following 18 calendar weeks a referral to the Attendance Compliance Team may be submitted for a Penalty Notice to be issued.

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 Attendance Compliance Team will instigate legal proceedings.

### **Excluded children**

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 notified 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 penalty 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 2 penalty notices per parent for each child during a 12-month period.

### **Number of penalty notices which can be issued for unauthorised leave of absence**

Essex will issue no more than two penalty notices to a parent in a twelve-month period for unauthorised leave of absence. If the law continues to be broken around school attendance, the Attendance Compliance Team will consider further legal interventions.

### **PAYMENT OF PENALTY NOTICE**

The penalty for each parent issued with a Penalty Notice is £160 for each child, however if paid within 21 days of receipt of the notice, it is reduced to £80. (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). A second offence in three years will attract a flat rate fine of £160 per pupil, per parent. Schools and local authorities cannot issue a third penalty notice in 3 years, and must consider other sanctions, which may include prosecution.

All penalties are paid to the LA and revenue generated is retained to administer the system and contribute towards s444 prosecutions following the non-payment of the Penalty Notice. If the penalty is not paid in full by the end of the 28-day period, the Attendance Compliance Team 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 4441.

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

### **WITHDRAWAL OF PENALTY NOTICE**

A penalty notice may be withdrawn by the local authority named in the notice under the following circumstances:

- Where the local authority deems 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
- It appears to the local authority that the notice contains material errors

- Where it has been issued to the wrong person named as the recipient.

### **CO-ORDINATION BETWEEN THE LOCAL AUTHORITY AND ITS LOCAL PARTNERS**

The Attendance Compliance Team and its local partners will review this Code of Conduct bi-annually unless local needs require otherwise.

#### Appendix 2: attendance codes

The following codes are taken from the DfE's [guidance on school attendance](#).

Code	Definition	Scenario
/	Present (am)	Pupil is present at morning registration

\	Present (pm)	Pupil is present at afternoon registration
L	Late arrival	Pupil arrives late before register has closed
<b>Attending a place other than the school</b>		
K	Attending education provision arranged by the local authority	Pupil is attending a place other than a school at which they are registered, for educational provision arranged by the local authority
V	Attending an educational visit or trip	Pupil is on an educational visit/trip organised or approved by the school
P	Participating in a sporting activity	Pupil is participating in a supervised sporting activity approved by the school
W	Attending work experience	Pupil is on an approved work experience placement
B	Attending any other approved educational activity	Pupil is attending a place for an approved educational activity that is not a sporting activity or work experience
D	Dual registered	Pupil is attending a session at another setting where they are also registered
<b>Absent – leave of absence</b>		
C1	Participating in a regulated performance or undertaking regulated employment abroad	Pupil is undertaking employment (paid or unpaid) during school hours, approved by the school
M	Medical/dental appointment	Pupil is at a medical or dental appointment
J1	Interview	Pupil has an interview with a prospective employer/educational establishment
S	Study leave	Pupil has been granted leave of absence to study for a public examination
X	Not required to be in school	Pupil of non-compulsory school age is not required to attend
C2	Part-time timetable	Pupil is not in school due to having a part-time timetable
C	Exceptional circumstances	Pupil has been granted a leave of absence due to exceptional circumstances
<b>Absent – other authorised reasons</b>		

<b>T</b>	Parent travelling for occupational purposes	Pupil is a 'mobile child' who is travelling with their parent(s) who are travelling for occupational purposes
<b>R</b>	Religious observance	Pupil is taking part in a day of religious observance
<b>I</b>	Illness (not medical or dental appointment)	Pupil is unable to attend due to illness (either related to physical or mental health)
<b>E</b>	Suspended or excluded	Pupil has been suspended or excluded from school and no alternative provision has been made
<b>Absent – unable to attend school because of unavoidable cause</b>		
<b>Q</b>	Lack of access arrangements	Pupil is unable to attend school because the local authority has failed to make access arrangements to enable attendance at school
<b>Y1</b>	Transport not available	Pupil is unable to attend because school is not within walking distance of their home and the transport normally provided is not available
<b>Y2</b>	Widespread disruption to travel	Pupil is unable to attend because of widespread disruption to travel caused by a local, national or international emergency
<b>Y3</b>	Part of school premises closed	Pupil is unable to attend because they cannot practicably be accommodated in the part of the premises that remains open
<b>Y4</b>	Whole school site unexpectedly closed	Every pupil absent as the school is closed unexpectedly (e.g. due to adverse weather)
<b>Y5</b>	Criminal justice detention	Pupil is unable to attend as they are: <ul style="list-style-type: none"> <li>• In police detention</li> <li>• Remanded to youth detention, awaiting trial or sentencing, or</li> <li>• Detained under a sentence of detention</li> </ul>
<b>Y6</b>	Public health guidance or law	Pupil's travel to or attendance at the school would be prohibited under public health guidance or law
<b>Y7</b>	Any other unavoidable cause	To be used where an unavoidable cause is not covered by the other codes

<b>Absent – unauthorised absence</b>		
<b>G</b>	Holiday not granted by the school	Pupil is absent for the purpose of a holiday, not approved by the school
<b>N</b>	Reason for absence not yet established	Reason for absence has not been established before the register closes
<b>O</b>	Absent in other or unknown circumstances	No reason for absence has been established, or the school isn't satisfied that the reason given would be recorded using one of the codes for authorised absence
<b>U</b>	Arrived in school after registration closed	Pupil has arrived late, after the register has closed but before the end of session
<b>Administrative codes</b>		
<b>Z</b>	Prospective pupil not on admission register	Pupil has not joined school yet but has been registered
<b>#</b>	Planned whole-school closure	Whole-school closures that are known and planned in advance, including school holidays