



# Attendance policy

Date: September 2023

Review date: September 2024

## Attendance Policy

### Introduction

This Policy has been agreed by the Governors/Interim Executive Board and Staff of Bushbury Lane Academy.

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

## **Principles**

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

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

## **Aims of the Policy**

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

## **Policy objectives:**

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

## **Promoting Attendance:**

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

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

## **RESPONSIBILITIES OF PARENTS/CARERS**

### **Your contact details**

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

## **Understanding types of absence coding**

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

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

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

## **Reluctant attenders/school refusal**

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

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

## **SCHOOL PROCEDURES**

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

Registers are taken twice a day, once at the start of the school day at 9:00 a.m., and once during the afternoon session. Pupils arriving after the registers has closed will be coded L.

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

**For children who do not attend school:**

- Staff will telephone parents of children who are absent from school on the first day
- Attendance is monitored weekly
- Any child whose attendance falls below 95% will receive a notice to improve.
- Any child whose attendance falls below 90% will be required to attend an attendance clinic with myself.
- The Education Welfare Officer will be informed for any child who is persistently absent.
- Children are rewarded for attendance.

**For children who arrive after the register closes:**

- Their name, class and reason for the lateness will be kept on a system that will monitor their attendance
- Parents will receive a notice to improve
- If a child is persistently late, parents will be asked to attend a late clinic with myself.
- The Education Welfare Officer will be informed for any child who is persistently late.

**For children who are late being collected from school:**

- Children will be taken to the year 3 classroom
- Their name, class and reason for the lateness will be kept on a system that will monitor their attendance
- Parents will receive a notice to improve
- If a parent is persistently late collecting their child from school they will be asked to attend a meeting with myself
- The safeguarding team can be notified of any child who is not collected at the appropriate time.

**Continuing Absence Procedures**

In the event of an absence of three or more days without contact from the family, a home visit will be made. Any child who is absent without explanation for 5 consecutive school days (90%), who has a pattern of erratic attendance (90%), or persistent lateness after registers close will be referred to the Local Support Team in order that further investigations can be made. Such cases may be allocated to an Education Welfare Worker who will visit the home, set targets for improvement, signpost sources of support if needed, and ultimately the Education Welfare Worker may seek to take statutory action if there is no improvement, on behalf of the Local Authority.

**Frequent/Persistent Absence Procedures**

Regular trawls of the registers will be made by admin staff along with an Education Welfare Worker who is employed by the authority, to identify pupils with a pattern of absences that may lead to Persistent Absence (PA), that is to say absence of 10% or more in a half term. The Head teacher will be responsible for putting in place actions for each pupil of concern. Initially the school will try to resolve the problem with parents/carers, but if the pattern continues the school will refer to the School Health Adviser if the problem appears to be a medical one.

In cases where there appear to be issues requiring outside intervention to support the family and the child, referral may be made to the Local Support Team or First Response for support. Examples of unjustifiable reasons for absence from school would be:

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

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

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

- 1) An Education Welfare Worker may impose A Penalty Notice carries a fine of £60, per parent, per child, on behalf of the Local Authority. If the fine is not paid within 21 days it rises to £120 per parent, per child. If not paid within 28 days, court action will be initiated.
- 2) The Education Welfare Worker may seek to initiate court action under Section 444 of the Education Act 1996, which could lead to fines of up to £2,500, or even imprisonment.
- 3) In some cases, action may be taken under the Children Act 1989 to protect the welfare and development of the child.

### **Local Authority Code of Conduct Rationale:**

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

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

Parents and children will be supported by their school/alternative provision, the Local Support Teams for Targeted Services and, as appropriate, other Partner Agencies, to overcome barriers to regular attendance, through a range of intervention strategies.

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

### **Legal Framework:**

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

The Education Penalty Notices (England) Regulations 2007  
The Education and Inspections Act 2006.

The issuing of Penalty Notices must conform to all requirements of the Human Rights Act 1998 and the Equality Act 2010.

Section 444 of the Education Act 1996 makes it an offence if a parent fails to secure their child's regular attendance at school at which they are registered, if that absence is not authorised by the school. Penalty Notices supplement the existing sanctions currently available under s444 Education Act 1996 or s36 Children Act 1989 to enforce attendance at school where appropriate.

As a result, the Local Authority has responsibility for developing a local code of conduct that will govern how all of the partners named in the Anti-social Behaviour Act 2003, will issue Penalty Notices.

### **Penalty Notices**

Penalty Notices can now be issued for a range of attendance-related offences, including unauthorised leave in term time, poor attendance and poor punctuality, a child coming to the attention of the police in school time,

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

- A Penalty Notice can only be issued in cases of unauthorised absence.

- Use of a Penalty Notice or formal warning of a Penalty Notice for unauthorised absence will be restricted to one notice/ warning per parent of a pupil per academic year<sup>1</sup>.
- There will be no limit on the times a Penalty Notice for unauthorised leave of absence can be used in an academic year.
- In cases where there is more than one pupil in a family with unauthorised absences, Penalty Notices may be issued for more than one child.
- The presence of an excluded child in a public place at any time during school hours in the first five days of exclusion.

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

- There are at least 20 sessions (10 school days) lost due to unauthorised absence during the current and previous term. These absences do not need to be consecutive.<sup>2</sup>
- For unauthorised leave of absence, there must be a minimum of 2 sessions of unauthorised leave of absence (due to unauthorised leave in term or time been absent for longer than was agreed) within the total of 10 sessions of unauthorised absence required prior to issuing the penalty notice. These unauthorised absences do not need to be consecutive and should be calculated from the previous rolling calendar year.<sup>2</sup>
- Persistent late arrival at school, i.e. after the register has closed, in the current and previous term. "Persistent" means at least 20 sessions of late arrival. These late episodes do not need to be consecutive.
- The presence of an excluded child in a public place at any time during school hours in that child's first five days of exclusion. An "excluded child" is one who has been excluded from school for a given period under the Education and Inspections Act 2006.
- A Penalty Notice will not be issued in respect of children in the care of the LA with whom other interventions will be used.

#### **Who can the authority take statutory action against (Penalty Notice or Prosecution):**

Anybody with Parental Responsibility(PR)

The definition of a parent is set out in Section 576 of the Education Act 1996.

- All natural parents, whether they are married or not
- Any person with PR
- Any person who has day to day care of the child

#### **Applications for leave of absence in term time**

This school's policy is not to authorise leave for any child/ren during term time. Any applications for leave in term time must be made in writing to the Head teacher. There is no

---

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

automatic right to term time leave of absence, and your request is likely to be declined except in the most exceptional circumstances. Each application will be considered on its own merit, and the attendance record(s) of the child/ren concerned may also be taken into account when making a decision.

### **Leave not authorised by the head teacher**

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

This paperwork should comprise:

- A copy of the newsletter or letter sent to all parents during the current academic year which clearly states that parents may receive a Penalty Notice for an unauthorised holiday in term time. (The LA does not need a hard copy of this newsletter/letter each time a school applies for an unauthorised holiday Penalty Notice, just on the first occasion each academic year.)
- A copy of the leave of absence (Holiday) Request Form submitted by parent, and a copy of the response sent to the parent by school. In the event the leave of absence (holiday) request is being denied the school's response should state the reason why the request is unauthorised and should again advise parent that they may receive a Penalty Notice if they take their child out of school and that the school has referred the matter to the Local Support Team (representing the Local Authority).
- In cases where the unauthorised leave of absence occurs without prior request from the parents, or is due to unauthorised absence beyond what was agreed, the school should include all correspondence sent to the parents to explore the unauthorised absence.
- Relevant pupil Attendance of Registration Certificate signed by the Head teacher / Principal – or their nominated deputy – confirming that non-attendance during the period was unauthorised.
- Completed school unauthorised absence checklist and signed penalty notice request form. (Appendix A).

### **Excluded Pupils**

In the case of an excluded child, a copy of the letter required to be sent to parent(s) pursuant to s.104 of the Education and Inspections Act 2006 warning them to ensure that the child is not permitted to be present in a public place in the first five days of exclusion.



Robust and reliable evidence that the child was in a public place, which includes the date and time and a statement will be required from the witness will be necessary.

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

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

### **Who May Issue a Penalty Notice?**

A Penalty Notice may only be issued by:

- Authorised LA staff. In Staffordshire this will be members of the Local Support Teams.
- Head teacher / Principal and school staff authorised by them, may request the Local Support Team issue a Penalty Notice.
- A Police Officer during a truancy sweep under the provision of Crime and Disorder Act 1998 may request a Local Support Team (LST) to write a notice.

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

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

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

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

- The circumstances of the case meet the criteria specified in this Code of Conduct.

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

Targeted Services will respond to all requests within 10 school days of receipt or if part of ongoing casework, and where satisfied that all of the relevant criteria are met, will:

- Issue an initial warning to the parent (s) of the possibility of Penalty Notice being issued;
- Set a period of 20 school days within which the pupil must have no unauthorised absence and give the parent (s) an opportunity to respond; this information will be included in the formal written warning letter. (Appendix B).
- After due consideration of the facts of the case, only issue a Penalty Notice through the post at the end of the 20 day period, if the required level of improved school attendance has not been achieved.

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

All Penalty Notices will be entered onto a database maintained by Targeted Services to assure that no duplicate Penalty Notices are issued.

### **Truancy Sweep**

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

Information is given to anyone stopped on a truancy sweep, pupil and/or parent about the possible support and sanctions used to address non-attendance.

### **Procedure for withdrawing Penalty Notices:**

Once issued a Penalty Notice may be withdrawn if the Targeted Services is satisfied that:

- The Penalty Notice was issued to the wrong person;
- The use of the Penalty Notice did not conform to this Code of Conduct.
- The Penalty Notice was delivered to the wrong address;
- The evidence demonstrates that the Penalty Notice should not have been issued, e.g. medical evidence;
- The exceptional circumstances of the case warrant its withdrawal.

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

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

### **Non-payment of Penalty Notices:**

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

### **Policy and Publicity**

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

### **Reporting & Review:**

Targeted Services will:

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

### **Representation**

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

The parent will be advised when they receive the warning that they may make representation to the Strategic Lead of Targeted Services setting out reasons why they should not have been issued.

## USEFUL INFORMATION FOR PARENTS AND CARERS

### Introduction

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

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

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

### Learning

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

### Safeguarding

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

### Understanding absence percentages

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

95% equates to half a day off every two weeks

90% equates to a day off every two weeks

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

80% equates to one whole day off every week

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

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

**Legal References**

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

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

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