

# Wisbech Schools' PARTNERSHIP

Working Together



## Elm C of E Primary School & Pre-school Attendance Policy September 2019

This policy will be reviewed annually

### Part 1:

#### Introduction

*Throughout this policy, the term 'parent' is used as defined in section 576 of the Education Act 1996 as:*

- *parents of a pupil*
- *any person who is not a parent of a pupil but who has parental responsibility for the pupil*
- *any person who has care of a pupil*

If a child is registered at a school they must, by law, attend regularly and punctually. Children should only miss school if they are ill or for some other unavoidable reason.

If a child is absent and school does not receive an explanation for their absence, or considers the explanation unsatisfactory, the absence will be recorded as 'unauthorised', that is, as truancy.

*There are 190 days in a school year. This means there are 175 days in the year available to use for holidays. Every school day counts! Children of school-age who are registered at a school must, by law, attend that school regularly. When a child is absent from school, attainment is affected. He or she misses the lessons provided and is also less prepared for the lessons after his or her return to school. Absence does have a negative effect on social relationships and friendships.*

Wisbech Schools' Partnership: Attendance Matters

The national expectation for school attendance is 100%. The government regards this as the expected attendance for pupils; unless there are exceptional circumstances or unavoidable reasons for absence

(The Supreme Court judgement *Isle of White v Platt* 06/04/2017).

### **Key Information**

A child becomes of compulsory school age when they reach the age of five. Where a parent has elected to register their child at school, they must start school in the term following their 5<sup>th</sup> birthday; parents of many children choose to send them earlier. A child continues to be of compulsory school age until the last Friday in June in the school year that they reach the age of 16.

Most absences for acceptable reasons will be authorised:

- illness; specific reason given or evidence from GPs/hospitals.
- unavoidable medical or dental appointments
- day of religious observance
- exceptional family circumstances, such as bereavement
- an interview with a prospective employer or college

Absence may not be authorised for:

- shopping
- day trips
- birthdays
- looking after sick relatives
- family holiday
- transport problems, with the exception of Cambs. County Council transport i.e. taxi or bus
- Using pupils to translate during meetings and/or appointments

If a child is late, they will be marked as L for up to 30 minutes after start of day; the number of minutes late will be recorded on the school database. If they are more than 30 minutes late and there is no acceptable reason, they will be marked as U with the number of minutes recorded. The school will always record their information as this may be needed in Court as evidence.

More than 3 Lates within a four week period may generate a Late Letter; if lateness continues, parents will be invited to a meeting

If a child is not collected at the end of the day and no valid reason has been received after 45 minutes, the Cambridgeshire document Protocol for Dealing with Children Not Collected from School at the End of the School Day/Activity (March 2015) will be referred to.

## Home Visits

Home visits may be carried out by schools if they have concerns or have not had contact from families regarding a child's absence.

## Local Authority Attendance Officers (Previously Education Welfare Officers (EWOs)) / Legal Process

If a child's attendance is unsatisfactory and not improving despite support, the school will make a referral to legal panel for either a penalty notice or legal intervention. Before a referral is made, the school will follow a step by step System to identify the cause for concern and offer support to improve attendance and punctuality, see Appendix A.

The Local Authority Attendance Officer (LAAO) may contact the parents to carry out a PACE interview. (see prosecution process below)

## Rights and Responsibilities

Parents/Carers have a legal duty to ensure their child receives an appropriate education.

If a child is registered at a school, parents must ensure they attend.

What can parents do to ensure good attendance?

*Make sure your child arrives at school on time. This encourages habits of good timekeeping and lessens any possible classroom disruption. If your child arrives after the register has closed without a good reason, this will be recorded as an 'unauthorised' absence for that session.*

*If your child has to miss school, it is vital that you let the school know why ... on the first morning of the absence before 9am.*

*If you know, or think, that your child is having difficulties attending school, you should contact the school. It is better to do this sooner rather than later, as most problems can be dealt with very quickly.*

Education, Your Rights and Responsibilities: [www.cambridgeshire.gov.uk](http://www.cambridgeshire.gov.uk)

## School Closure

If a school is closed for Health & Safety reasons, e.g. snowy weather or heating breakdown, Cambridgeshire County Council (CCC) will publish details of closures once schools have confirmed if they are closed, open or partly open.

*Go to [www.cambridgeshire.gov.uk](http://www.cambridgeshire.gov.uk) Click on School term dates and closures, under the heading Children. Click on Closures, under Go To you will see a list of Cambridgeshire schools on the screen. Scroll down to find your child's school and check the status.*

*Closures are also broadcast on local radio:*

*Heart*

*KLFM*

*Radio Cambridgeshire*

*Look at the school's website; there may be a news flash. Where schools use electronic communication systems, they may send you a text. You could phone the school, if there is no reply go to the CCC website or phone the CCC Helpline on 01223 707399*

Wisbech Schools' Partnership: Attendance Matters

### **WSP Attendance Matters**

Attendance Matters is a newsletter which is sent out to families of children who attend schools within the Wisbech Schools' Partnership. The newsletter keeps families updated on the latest attendance information and news.

### **Persistent Absence**

A pupil is classified as a persistent absentee if they miss 10% or more of possible sessions.

### **Unauthorised Absences**

Penalty Notices may be issued if attendance has been below 90% over the previous 8 week period and where absence is unauthorised. Fines are £60 per parent, per child if paid within 21 days, increasing to £120 for the next 7 days. The fines are retained by the Local Authority, and are not returned to schools. If the penalty notices remain unpaid the case will progress to court.

### **Family Holidays/Leave**

Penalty Notices may be issued if a child has unauthorised absence/leave from school during term time.

### **Part 2:**

#### **Non-attendance and the Law**

All parents/carers have a legal duty to ensure that their child receives an education suitable to their age, ability, aptitude and any special needs. Most parents fulfil their legal obligation by registering their child at school.

Children must legally be in education between the school term after their 5th birthday and the last Friday in June in the school year they turn 16.

The Education and Skills Act 2008 increased the minimum age at which young people in England can leave learning. Raising the participation age means young people must stay in some form of Education, Training or Employment until they finish the academic year when they turn 18.

### **School Attendance Order**

Should parents fail to register their child at a school and do not make suitable alternative education arrangements, CCC may issue a School Attendance Order requiring them to register their child at a named school.

### **The Prosecution Process**

In the first instance, early intervention will be carried out by the school but, if attendance does not improve a Penalty Notice may be issued. If a penalty notice has previously been issued and there is still no improvement parents may be invited to a formal PACE (**Police and Criminal Evidence**) interview held under caution at the local Police Station.

- Parents may arrange to have a legal representative at this interview
- Before the interview begins, they will be formally cautioned under the Police and Criminal Evidence Act (PACE) 1984; the aim of this will be to establish if an offence has been committed under the Education Act 1996
- A record of the PACE interview will be available and shared with the Legal Panel who will make a final decision on which legal intervention is appropriate to the case
- The decision made will be communicated in writing

Should CCC decide to take legal action, parents will be served with a summons to appear before a Magistrates' Court. They will receive a copy of the relevant paperwork. Or their case may be laid before the courts using a Single Justice Prosecution (SJP)

The case, if not SJP will be heard by the magistrates; a court usher will be available to help.

The court clerk will read the charge; parents will be asked to plead 'guilty' or 'not guilty'. Should they plead not guilty, the case will be adjourned for a trial at a future date. Should they plead guilty, the case will be heard immediately.

The court will first hear the evidence from the prosecution.

Parents, or their legal representative, will then be able to make either the case for the defence (if they have pleaded not guilty), or (if they have pleaded guilty) explain any reasons why their child has not attended school regularly.

The magistrates will then decide how they intend to deal with the case.

Should parents fail to attend, the court may decide to hear the case in their absence or consider issuing a warrant for their arrest.

### **Possible Outcomes**

Should parents have pleaded guilty or be found guilty, the sentencing/disposal options available to the magistrates are:

- A fine of up to £2,500
- Conditional discharge; parents will be given a set amount of time in which to improve their child's attendance. Should they fail, CCC may bring a further prosecution against them and, if found guilty, they will be sentenced for both offences
- Absolute discharge; the case is proved but will not be subject to a penalty, although parents will receive a conviction
- Deferred sentence; a new court date will be arranged, during which time parents will be expected to have taken steps to improve their child's school attendance. Sentence will be passed at this new hearing
- Imprisonment; only for the more serious (aggravated) offence, can be for up to three months
- Parenting Order; the magistrates may order parents to attend parenting classes/engage with professionals allocated to the family or any order to support the family to improve the child's attendance and wellbeing.
- The court may also direct that CCC considers making an application for an Education Supervision Order. The LAO may also decide on this option as an alternative to prosecution. Applications for ESOs are heard in the Family Court and, if granted, parents will be directed by the court to co-operate with CCC to ensure that their child attends school regularly.

### **What happens next:**

Regardless of the outcome in court, parents will continue to receive support from the school.

Should the child return to school and attend regularly, no further legal action will be taken. If attendance fails to improve, the process will be repeated with the prospect of further court action and more serious consequences.

### **How we can help:**

Parents should contact their child's school if they would like support.

