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Name of Policy	Attendance Policy (includes term time leave of absence)
Date last reviewed	September 2017
Date to be reviewed	September 2019
Governor Committee	Standards
Key Member of staff	Headteacher
Statutory	No



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## 1 Introduction

**1.1** We expect all children on roll to attend every day, when the school is in session, as long as they are fit and healthy enough to do so. We do all we can to encourage the children to attend, and to put in place appropriate procedures. We believe that the most important factor in promoting good attendance is the development of positive attitudes towards school. To this end we strive to make our school a happy and rewarding experience for all children.

**1.2** Under the *Education (Pupil Registration) Regulations 1995* the governing body is responsible for making sure the school keeps an attendance register that records which pupils are present at the start of both the morning and the afternoon sessions of the school day. This register will also indicate the reason for an absence and whether it was authorised or unauthorised.

**1.3** Under Section 444 of the Education Act 1996, parents of a child of compulsory age are under a legal duty to ensure the regular attendance of that child at the school where her/she is a registered pupil. Failure to fulfil this duty may result in the Local Authority prosecuting the parents. If found guilty of the offence, each parent could be fined up to £2500, and/or sentenced to three months imprisonment. The parent may alternatively be subject to a fixed penalty fine of £50.

**1.4** The School Attendance Regulations 2006 have been amended with effect from 1<sup>st</sup> September 2013 changing the rules about term-time holidays. The amendments specify that Headteachers may not grant any leave of absence during term time unless they consider there to be **“exceptional circumstances”**. (see 4.0 for further points)

**1.5** Cambridgeshire County Council have amended the Penalty Notice code of conduct to take into account the Supreme Court Judgement (*Isle of Wight v John Platt*) which clarified the meaning of “regular” school attendance as outlined in Section 444 Education Act 1996. Given the wording within the judgement, this school **expects attendance at school to be 100%, unless there are exceptional or unavoidable reasons for absence**, which would then be authorised.

In light of this judgement, Cambridgeshire County council have removed the criterion of “historical holiday taken” as one of the criteria used to issue a Penalty Notice.

In short, the change is that they will now accept requests for Penalty Notices to be issued for **single event absences** of at least 3 consecutive school days or more where these absences are unauthorised because they are neither exceptional nor unavoidable. The absences must be recorded with a ‘G’ code in the attendance register. All other criteria remain unchanged. This will be implemented with effect from 1st September 2017. (See Appendix 1 for Cambridgeshire County council penalty notice information.)

## 2 Definitions

### 2.1 Authorised absence

An absence is classified as authorised when a child has been away from school for a legitimate reason and the school has received notification from a parent or guardian, for example if a child



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has been unwell and the parent writes a note or telephones the school to explain the absence.

Only the school can authorise an absence. Parents do not have this authority. Consequently not all absences supported by parents will be classified as authorised.

## **2.2 Unauthorised absence**

An absence is classified as unauthorised when a child is away from school without the permission of both the school and a parent.

Therefore the absence is unauthorised if a child is away from school without good reason, even with the support of a parent. These absences will affect the child's overall attendance record which is monitored by the Education Welfare Service and remains on their school file.

## **2.3 Lateness**

School starts at 8.55am. This is the time your child must be in the classroom, so you need to ensure your child is coming through the gate by 8.50am.

It is important to be on time as the first few minutes of the school day are either used for starter tasks, to give out instructions or organise school work for the rest of the day. If your child misses this short but vital session, their work for the whole day may be affected. Late arrivals are disruptive to the whole class and often embarrassing for your child.

Parents who arrive at school after the gates are closed must bring their child in through the office entrance giving a reason for the lateness. The child will be marked as 'L' (late) in the register.

## **3 When a child is absent.**

**3.1** When a child is absent, the class teacher will record the absence in the register, using the appropriate code, or, if the reason has not yet been established, recording 'N'. At 9.30 am each morning, office staff will check the class registers and begin contacting parents/carers of any child who is absent but whose absence has not been reported by a parent/carers. Calls to parents/carers will be made by 11 am.

**3.2** On the first day of a child's absence, parents are asked to contact the office before 9.30 a.m. to give the reason for the absence and to contact the office as early as possible on each subsequent day of absence.

**3.3** Medical or dental appointments should be made out of school hours. In emergencies where this is not possible, the child should only be out of school for the minimum amount of time necessary for the appointment. If a child has a medical or other necessary appointment, which cannot be taken out of school hours, parents should contact the office prior to the day of absence. If a child is absent due to illness for longer than 3 school days, medical evidence may be requested.

**3.4** If there is any doubt about the whereabouts of a child, the class teacher should take immediate action by notifying the school office. The office staff will then be in contact as soon



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as possible with the parent or guardian, in order to check on the safety of the child. If no contact is made with the parent/carer and there are concerns about the child's well being, a home visit may be made or contact made with outside agencies.

#### **4 Requests for exceptional leave of absence**

**4.1** We believe that children need to be in school for **all** sessions, so that they can make the most progress possible. However, we understand that there are circumstances where a parent may request leave of absence for a special reason. The exceptional leave request form is available on the website or from the school office. The exceptional leave request form should be completed by the parent and returned to the school office at least one week before the first day of requested absence.

**4.2** Absences during term time as a result of term time holidays, interrupts continuity of teaching and learning, disrupts the educational progress of individual children and creates disruption in school. The school discourages parents from arranging holidays during term time and in line with the legal amendments made in September 2013, the Headteacher will only authorise absences for such holidays in exceptional circumstances.

**4.3** Requests for exceptional leave will always be looked at on an individual basis and a decision by the Headteacher will be made based on whether it is considered to be exceptional. Taking additional leave than that which has been agreed will be marked as unauthorised. Parents do not have any right or entitlement to expect term time leave to be granted and all leave is granted at the discretion of the Headteacher.

Exceptional circumstances might include the following:

- A parent or grandparent is seriously/terminally ill and the leave proposed is likely to be the last such holiday.
- There has recently been a death or other significant trauma in the close family and it is felt that an immediate holiday might help the child concerned better deal with the situation.
- The leave requested is a unique one off, never to be repeated occasion which can only take place at the time requested.

**4.4** If the school does not agree to the exceptional leave request and you still take your child out of school the absence will be unauthorised. This absence will then be referred to the Education Welfare Officer and it may result in a Penalty Notice being issued. The 2007 penalty notices regulations set out the procedures for issuing penalty notices (fines) to each parent who fails to ensure their children's regular attendance at school. These penalty notices will be enforced by the Local Authority and are as follows:

- Parents must pay £60 if they pay within 21 days
- Parents must pay £120 if they take between 22 and 28 days to pay

The amendments can be looked at in full by following the link below.



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<http://www.education.gov.uk/schools/pupilsupport/behaviour/attendance/a00223868/regulations-amendments>

**4.5** The school will not grant leave if:

A child's attendance record over the previous 20 week period is less than 95% - even if any previous absence was due to unavoidable causes such as illness;

The period of leave coincides with the start of term, or is near to or coincides with tests, SATs, exams or other significant events in the school calendar.

## **5 Attendance monitoring**

**5.1** Duxford (C of E) Community Primary school monitors attendance carefully and considers the attendance figures for other similar schools when setting their own priorities for the coming year.

**5.2** Through newsletters and by personal contact, parents are reminded about their responsibility to ensure their children attend school regularly.

**5.3** The EWO monitors attendance regularly and meetings are arranged/letters sent home as appropriate to encourage good attendance and remind parents/carers of the effects of low attendance.

**5.4** Parents will be encouraged to understand the full implications for both their children's academic progress and their social groupings when they miss school.

## **6 Monitoring and review**

**6.1** It is the responsibility of the governors to monitor overall attendance. The Governing Body also has the responsibility for this policy, and for seeing that it is carried out. The governors will therefore examine closely the information provided to them, and seek to ensure that our attendance figures are as high as they should be. The responsibility to authorise or requests for absence has been delegated to the headteacher. Letters are sent to all parents who request absence and the seriousness of unauthorised absence is clearly explained.

**6.2** The schools will keep accurate attendance records

**6.3** The rates of attendance will be included in the report to governors by the Headteacher and targets for improvement will be agreed with the LA.

**6.4** Class teachers are responsible for monitoring attendance in their class, and for bringing it to the attention of the headteacher/deputy. If there is concern about a child's absence, they will contact the school office immediately. If there is a longer-term general worry about the attendance of a particular child, this will be reported to headteacher, who will contact the parents or carer.



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Appendix 1

## **PENALTY NOTICES**

### **NON-SCHOOL ATTENDANCE**

#### **CAMBRIDGESHIRE COUNTY COUNCIL LOCAL AUTHORITY CODE OF CONDUCT**

##### **Introduction**

1. Under Section 23 of the Anti-Social Behaviour Act 2003 local education authority officers, headteachers and the police have the discretionary power to issue Penalty Notices in cases of unauthorised absence from school.
2. The new power provides an alternative to prosecution of parents under Section 444 of the Education Act 1996 and enables parents to discharge potential liability for conviction for that offence by paying a penalty of £60 if paid within 21 days or £120 if paid within 28 days.
3. Should the Penalty Notice remain unpaid or have been paid only in part at the end of the 28 day period Cambridgeshire County Council must prosecute the parents for the offence to which the notice relates, or, in specified circumstances (see section 29 below), withdraw the notice.
4. Penalty Notices may only be issued in Cambridgeshire in accordance with the terms of this Code of Conduct. The purpose of the Code of Conduct is to ensure that the power is applied fairly and consistently across the County Council and that suitable arrangements are in place for the effective and efficient administration of the scheme.
5. In implementing this Code of Conduct the County Council will liaise when appropriate with neighbouring education and police authorities.
6. This Code of Conduct has been drafted in accordance with the Education (Penalty Notices) (England) Regulations 2004: Statutory Instrument 2004 No 181 and guidance issued by the Department for Education and Skills.
7. In preparing this Code of Conduct the County Council has consulted with Cambridgeshire headteachers and the Chief Officer of Cambridgeshire Constabulary. This complies with The Education (Penalty Notices) (England) Regulations 2007.





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## **Circumstances in which Penalty Notices may be issued**

8. Penalty Notice may be considered as an alternative to prosecution for failure to ensure regular school attendance in any given period of unauthorised school attendance as below:

**A. UNAUTHORISED ABSENCE:** As the Government changed the PA (Persistent Absence) threshold to 90% (in effect from Sept. 2015), the Local Authority may issue a Penalty Notice in relation to a child whose attendance at school is less than 90% over a given period. To allow time and opportunity for early intervention work with the family, attendance will be monitored by school and Local Authority before enforcement actions are considered. Such a Fine is intended to offer a rapid intervention, which may be used to address non-school attendance before it becomes entrenched, following guidance in section 13.

**B. UNAUTHORISED TERM TIME LEAVE(includes Holiday):** Any parent who takes a child out of school for term time leave for 6 consecutive sessions (3 days) or more over a 4 week period, not authorised by the school (under exceptional circumstances rule), may receive a Penalty Notice. **Therefore Penalty Notices will be issued for single event absences of at least 3 consecutive school days or more where these absences are unauthorised because they are neither exceptional nor unavoidable. The absences must be recorded with a 'G' code in the attendance register.** Such cases will have to be supported by evidence of parents being warned about a potential Penalty Notice. *(The Supreme Court Judgement in the case between Isle of Wight Council v Platt (6<sup>th</sup> April 2017) clarified the meaning of regular school attendance in relation to Section 444 Education Act 1996. To attend school "regularly" means "in accordance with the rules prescribed by the school".)*

## **Procedural guidelines**

9. The key consideration in deciding whether to issue a Penalty Notice should be whether it is considered likely to be effective in helping the child to whom it relates to return to regular attendance.
10. Before issuing a Penalty Notice for unauthorised absence (refer to section 8A), due consideration should be given to other strategies which may help return the child concerned to regular school attendance. Such strategies might include:
- a) writing to the child's parents to remind them of their legal responsibilities;
  - b) meeting with the child's parents;
  - c) ensuring a first-day response to any absence;



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- d) setting targets for improvement;
- e) referral to the Education Welfare Officer;
- f) involvement of other services/agencies.

**NB. Above strategies do not apply to term time leave / holiday. (refer to section 8B)**

11. It is expected that schools will communicate with parents and issue a warning about potential Penalty Notice fine being issued for unauthorised absences. This warning can be in the form of communication sent to parents via school Newsletters, School Web page as well as any direct mail sent to individual parents.
12. Head teachers and police officers should only issue a Penalty Notice following consultation, discussion, reflection and joint decision with a County Council Education Welfare Officer.
13. The Education Welfare Officer will not agree to sanction the issuing of a Penalty Notice unless he/she considers that with regard to the offence to which it relates there is sufficient evidence to secure a conviction under Section 444 of the Education Act 1996. Evidence could be letters sent to parent, minutes of meetings and record of telephone conversations.
14. A maximum of three Penalty Notices may be served on any one parent over a 12-month period.
15. **There is no statutory right of appeal against the issuing of a Penalty Notice.** A parent should therefore, if possible, be given warning of the possibility of a notice being issued (refer section 13) in order to allow him/her to make representations should he/she wish to do so. If a head teacher refuses to authorise any absence or requests for holidays during term time and parents are not happy with the decision, they should make representations to the Governing Body of the school. They should not wait and make a representation to the County Council once a Penalty Notice has been issued.

#### **Authority to Issue a Penalty Notice**

16. An Education Welfare Officer / CCC Legal Panel may issue a Penalty Notice to the parent of a child who is a registered pupil at a school in Cambridgeshire or who is a registered pupil at a school in an authority, which has an agreement to that effect with Cambridgeshire County Council.
17. A headteacher or an authorised deputy or assistant headteacher may issue a Penalty Notice to the parent of a child who is registered at his/her school, in consultation with a CCC Legal Panel.
18. A police officer, including a community support officer or other accredited person, may issue a Penalty Notice.





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19. Head teachers and Police Officers should comply with the terms of this Code of Conduct when issuing a Penalty Notice and should provide a copy of any notice issued to the relevant Education Welfare Officer.

### **Form and Content of Penalty Notices**

20. A Penalty Notice should give the following particulars alleged to constitute the offence to which the notice relates and should contain:
- a) the name and address of the person to whom the notice is issued;
  - b) the name and address of the child who is failing to attend school regularly and the name of the school at which he/she is a registered pupil;
  - c) the name, title and official details of the authorised person issuing the notice;
  - d) the date of the offence and of the issue of the notice;
  - e) the amount of the penalty which is to be paid and details of the timescales and any variation involved;
  - f) the address of the County Council office at which the penalty is to be paid and to which any correspondence relating to the notice may be sent;
  - g) the method/methods by which payment may be made;
  - h) the specified period within which the penalty should be paid;
  - i) a statement that full payment within the specified period will discharge any liability for the offence;
  - j) an explanation of the consequences should the penalty not be paid in full before the expiry of the specified period;
  - k) an explanation of the grounds on which the notice may be withdrawn.
21. Should there be more than one person liable for the offence (Section 576 Education Act 1996) a separate notice should be issued to each person, per each child.
22. Should the offence involve more than one child a separate notice should be issued for each child, per each parent.

### **Service of Penalty Notices**

23. A Penalty Notice may be served by:
- a) giving it to the recipient; or
  - b) leaving it at the recipient's usual or last-known address; or
  - c) sending it to the recipient at that address by first-class post.
24. 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.



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### **Methods of Payment**

25. The preferred method of payment of a Penalty Notice would be on-line payment via the Cambridgeshire County Council website. However, alternatives methods are available on request. Late or part payments (including instalments) will not be accepted and no reminders will be sent.

### **Failure to Pay a Penalty Notice**

26. Should the recipient of a Penalty Notice fail to pay the full amount before the expiry of the period for paying it the County Council will either begin proceedings against the parent under Section 444 of the Education Act 1996 or withdraw the notice in accordance with specified conditions (see section 29 below).
27. An electronic record will be retained to monitor that the recipient of a Penalty Notice has or has not paid the amount due on or before the date specified and presented as evidence in any subsequent Section 444 Education Act 1996 proceedings.

### **Withdrawal of a Penalty Notice**

28. A Penalty Notice may be withdrawn by the County Council, regardless of whom within the authority issued it, if it is deemed that:
- a) the notice ought not to have been issued (i.e. where it has issued outside of the terms of this Code of Conduct or where no offence has been committed); or
  - b) the notice ought not to have been issued to the person named as the recipient.
29. Should a Penalty Notice be withdrawn:
- a) notice of the withdrawal should be given to the recipient;
  - b) any amount already paid by the recipient should be reimbursed;
  - c) any proceedings under Section 444 of the Education Act 1996 instituted against the recipient should be discontinued.

### **Retention of Receipts and Revenue Collection**

30. The County Council will retain all revenue from the issuing of Penalty Notices in order to cover the costs of issuing and enforcing notices and the cost of prosecuting those recipients of the notices who fail to pay.
31. The County Council will produce an annual audit statement as part of its usual audit procedures in order to show that income received from Penalty Notices does not exceed enforcement costs as defined above. Any surplus acquired will be surrendered to a consolidated fund.