



Children's Attendance Policy

	Signature	Date
Chair of Committee	<input type="text"/>	<input type="text"/>
Headteacher	<input type="text"/>	<input type="text"/>
Committee Approval		Spring 2020
Next Review Date		Spring 2022

1. Introduction

Regular school attendance is essential if children are to achieve their full potential.

At Newtown we believe that regular school attendance is the key to enabling children to maximise the educational opportunities available to them and become emotionally resilient, confident and competent adults who are able to realise their full potential and make a positive contribution to their community.

Newtown values all children. As set out in this policy, we will work with families to identify the reasons for poor attendance and try to resolve any difficulties.

Newtown recognise that attendance is a matter for the whole school community. Our Attendance Policy should not be viewed in isolation; it is a strand that runs through all aspects of school improvement, supported by our policies on safeguarding, bullying, behaviour and inclusive learning. This policy also takes into account the Human Rights Act 1998 and the Equality Act 2010.

2. Legal Framework

Section 7 of the 1996 Education Act states that parents must ensure that children of compulsory school age receive efficient full-time education suitable to their age, ability and aptitude and to any special educational needs they may have, either by regular attendance at school or otherwise.

A child is of Compulsory School Age at the beginning of the term following their 5th birthday.

Under the Education Act 1996, the Local Authority has a statutory responsibility to ensure that parents secure education for children of compulsory school age and where necessary, use legal enforcement.

The Education (Child Registration) (England) Regulations 2006, require schools to take an attendance register twice a day, once at the start of the morning session and then again during the afternoon session.

The register must record whether the child was:

- present;
- absent;
- present at approved educational activity; or
- unable to attend due to exceptional circumstances.

3. Categorising absence

Where children of compulsory school age are recorded as absent, the register must show whether the absence is authorised or unauthorised. At Newtown we will do this for all children on roll to set expectations from the start of a child's relationship with the school.

Absence can only be authorised by the school and cannot be authorised by parents. All absences will be treated as unauthorised unless a satisfactory explanation for the child's absence has been received.

Parents should advise the school by telephone on every day of absence and provide the school with an expected date of return. This should be followed up in the form of a written note from the parent/carer. Alternative arrangements can be agreed with non-English speaking parents/carers.

Absence will be categorised as follows:

Illness: In most cases a telephone call or a note from the parent informing the school that their child is ill will be acceptable. Parents may be asked to provide medical evidence where there are repeated absences due to reported illness. This will usually be in the form of an appointment card, prescription etc.

Medical/Dental Appointments: Parents are advised where possible to make medical and dental appointments outside the school day. Where this is not possible, children should attend school for part of the day. Parents should show the appointment card or letter to school.

Other Authorised Circumstances: This will be on a case by case basis but may for example be a single day to attend a funeral of an immediate family member, competing in an out of school sporting or musical event. Only the Headteacher has the authority to authorise exceptional circumstances.

Excluded (no alternative provision made): Exclusion from attending school is counted as an authorised absence. The child's class teacher will make arrangements for work to be sent home if the exclusion is over five consecutive days.

Late Arrival: Registration begins at **8.45am**. Children arriving after this time will be marked as present but having arrived late. The register will close at **9am**. Children arriving after the close of register will be recorded as absent. This will not be authorised and will count as an absence for that school session.

On arrival after **8.45am**, children must be brought to the school office to ensure that they are included on the register so that we can be responsible for their health and safety whilst they are in school.

The absence will only be authorised if a satisfactory explanation for the late arrival can be provided, for example, attendance at a medical appointment. (Code M)

The absence will be recorded as **unauthorised** if the child has arrived late after the registers close without justifiable cause, for example, if they woke up late or were waiting for their uniform to dry. (Code U)

Unauthorised absence: Absence will not be authorised unless parents have provided a satisfactory explanation that has been accepted as such by the school.

Examples of unsatisfactory explanations include:

- A child's / family member's birthday
- Shopping for uniforms
- Having their hair cut
- Closure of a sibling's school for INSET (or other) purposes
- "Couldn't get up"
- Illness where the child is considered well enough to attend school
- Holidays

Leave of Absence and Extended Leave

Parents do not have an automatic right to remove their child from school during term time for the purpose of a holiday and are strongly advised not to do so. Parents should be aware that if their child is absent for 10 school days they will miss 5% of their education during that academic year and may lose their school place if it is a longer period.

Parents wishing to take their child out of school during term time must send a completed Notification of School Absence form (Appendix 1) to the Headteacher **before** arrangements are made. **All term time holidays will be marked as unauthorised. In such cases the school will refer the matter to the County Attendance Team who may issue a Penalty Notice, see Appendix 2 for the procedures on Penalty Notices.**

Religious Observance

Newtown acknowledges the multi-faith nature of British society and recognises that on some occasions, religious festivals may fall outside school holiday periods or weekends and that this necessitates a consideration of authorised absence or special leave for religious observance. (Code R)

It is reasonable for a parent to allow their children not to attend school on any day of religious observance if recognised by the parent's religious body.

Parents are requested to complete a Notification of School Absence form if they intend their child to be absent, this should happen before the absence.

However, in the interests of fulfilling the academic requirements of the school and limiting the authorised absence rate of the school, it is identified as reasonable that no more than one day be designated for any individual occasion of religious observance/festival and no more than three days in total in any academic year. Absence in excess of this will be categorised as unauthorised.

Traveller Absence:

The aim for the attendance of Traveller children, in common with all other children, is to attend school as regularly and as frequently as possible.

To protect Traveller parents from unreasonable prosecution for non-attendance, the Education Act 1944, section 86, states that a Traveller parent is safe from prosecution if their child accrues 200 attendances (i.e. 200 half days) in a year. Traveller absence (Code T) is acceptable only when the family is engaged in a trade or business that requires them to travel and when the child is attending school as regularly as that trade permits.

It does not mean that part-time education for Traveller children is legally acceptable, nor does it relieve parents of their duties to ensure that their children are receiving suitable education when not at school.

When in or around Buckinghamshire, if a Traveller family can reasonably travel back to their base school (see below) then the expectation is that their child will attend full-time.

Newtown will be regarded as the base school if it is the school where the child normally attends when they are not travelling. However, the child must have attended in the last 18 months. Traveller children can register at other schools temporarily whilst away from their base school. In such cases, the child's school place at Newtown will be kept open for them whilst travelling. This is to protect them from unfairly losing their place at their school of usual attendance.

Newtown can operate effectively as the child's base school only if we are engaged in on-going dialogue with Traveller families. This means that parents must:

- advise of their forthcoming travelling patterns before they happen; and
- inform the school regarding proposed return dates

Newtown will authorise absence of Traveller children if we are satisfied that a family is travelling and has given indication that they intend to return.

Traveller children will be recorded as attending an approved educational activity when:

- The child is on roll and attending another visited school
- Undertaking supervised educational activity under the jurisdiction of another Local Authority's Traveller Education Service
- The child is undertaking computer based distance learning that is time evidenced

Where Traveller children are registered children at a school and are known to be present either at a site (official or otherwise) or in a house and are not attending school, the absence will be investigated in the same way as for any other child.

4. Deletions from the Register

In accordance with the Education (Child Registration) (England) Regulations 2006, children will be deleted from the register only when one of the following circumstances applies:

- The school is replaced by another school on a School Attendance Order
- The School Attendance Order is revoked by the Local Authority
- Permanent exclusion has occurred and procedures have been completed
- Death of a child
- Transfer between schools
- When a parent informs the school in writing that the child is to be withdrawn to be educated outside the school system
- Failure to return from an extended holiday after both the school and the local authority have tried to locate the child
- A medical condition prevents their attendance and return to the school before ending compulsory school-age
- In custody for more than four months (in discussion with The Youth Offending Team)
- 20 days continuous unauthorised absence have elapsed and both the Local Authority and school have tried to locate the child
- A child has left the school but it is not known where he/she has gone after both the school and the Local Authority have tried to locate the child

Newtown will follow Buckinghamshire Council's Children Missing Education Protocol when a child's whereabouts is unknown.

5. Roles and Responsibilities

Newtown believe that improved school attendance can only be achieved if it is viewed as a shared responsibility of the school staff, governors, parents, children and the wider school community.

The Headteacher will:

- Actively promote the importance and value of good attendance to children and their parents
- Comply with the Registration Regulations, England, 2006 and other attendance related legislation
- Implement systems to report, record and monitor the attendance of all children, including those who are educated off-site
- Have meetings with parents to discuss persistent attendance and lateness
- Analyse attendance data to identify causes and patterns of absence
- Work with other agencies to improve attendance and support children and their families
- Document interventions used to a standard required by the Local Authority should legal proceedings be instigated

Class Teachers will:

- Actively promote the importance and value of good attendance to children and their parents
- Form positive relationships with children and parents
- Contribute to a whole school approach which reinforces good school attendance; with good teaching and learning experiences that encourage all children to attend and to achieve
- Contribute to the evaluation of school strategies and interventions

We expect parents to:

- Talk to their child about school and what goes on there. Take a positive interest in their child's work and educational progress
- Instil the value of education and regular school attendance within the home environment
- Encourage their child to look to the future and have aspirations
- Contact the school if their child is absent to let them know the reason why and the expected date of return. Follow this up with a note on the child's return.

- Try to avoid unnecessary absences. Wherever possible make appointments for the doctors, dentists etc. outside of school hours
- Ask the school for help if their child is experiencing difficulties
- Inform the school of any change in circumstances that may impact on their child's attendance
- Support the school; take every opportunity to get involved in their child's education, form a positive relationship with school and acknowledge the importance of children receiving the same messages from both school and home
- Encourage routine at home, for example, bed times, home work, preparing school bag and uniform the evening before
- Not keep their child away from school to go shopping, to help at home or to look after other members of the family
- Avoid taking their child on holiday during term-time.

6. Using Attendance Data

All children's attendance will be monitored and will be shared with the Local Authority and other agencies if a child's attendance is a cause for concern.

Every half term the office staff will provide the Headteacher with attendance data for the previous half term for each child in the school.

This child level data will be used to trigger school action as set out in the escalation of intervention (Appendix 3). The standard county attendance letters will be used for all children of compulsory age, amended letters will be used to non-statutory school aged children.

Attendance data will also be used to identify emerging patterns and trends to inform whole school strategies to improve attendance and attainment.

Newtown will share attendance data with the Local Authority as required. All information shared will be done so in accordance with the Data Protection Act 1998.

7. Support Systems

Newtown recognises that poor attendance is often an indication of difficulties in a child's life. This may be related to problems at home and or in school. Parents should make school aware of any difficulties or changes in circumstances that may affect their child's attendance and/or behaviour in school, for example, bereavement, divorce / separation. This will help the school identify any additional support that may be required.

Newtown also recognise that some children are more likely to require additional support to attain good attendance, for example, those children with special educational needs, those with physical or mental health needs, migrant and refugee children and looked after children.

The school will implement a range of strategies to support improved attendance. Strategies used will include:

- Discussion with parents and children
- Referrals to support agencies
- Friendship groups
- Reward systems
- Additional learning support
- Behaviour support
- Reintegration support packages

Support offered to families will be child centred and planned in discussion and agreement with both parents and children.

8. Legal Sanctions

Where intervention fails to bring about an improvement in attendance, Newtown will notify the County Attendance Team of the irregular attendance.

The County Attendance Team or school, may invite parents to attend a Parenting Contract Meeting and issue a formal warning of a Penalty Notice.

Parenting Contracts (Anti Social Behaviour Act 2003)

A Parenting Contract is a voluntary agreement between the Local Authority, school and the parent, it can also be extended to include the child and any other agencies offering support to resolve any difficulties leading to improved attendance.

The contract will outline attendance targets and will detail agreed actions that will help to achieve the target. The contract will be reviewed regularly.

The contract can be used as evidence in a prosecution should irregular attendance continue.

Penalty Notices (Anti Social Behaviour Act 2003) Penalty Notices will be considered when:

- Intervention has failed to bring about improvement and further unauthorised absence has occurred following written warning to improve.
- A child has taken leave of absence i.e. for the purpose of a holiday in term time and the absence has not been authorised by the school

A Penalty Notice gives the parent the opportunity to avoid a prosecution. A £60 fine, per parent/carer, per child must be paid within 21 days. The fine increases to £120 per parent / carer, per child if paid after 21 days but within 28 days of the date the Notice was issued.

Failure to pay the Penalty Notice may result in a prosecution under Section 444 of the Education Act 1996.

See Appendix 2 for more information on penalty notices.

Prosecution

The school will provide the Local Authority with evidence required for a prosecution under Section 444 of the Education Act 1996. This is to ensure that parents realise their own responsibilities in ensuring attendance at school and most importantly about returning children to education.



Newtown Early Years and Infant School
Berkhampstead Road, Chesham,
Buckinghamshire HP5 3AT
Telephone: 01494 783713
e-mail: office@newtown.bucks.sch.uk
www.newtown.education

Notification of school absence

Name of child:

Class:

Proposed dates of absence from: to:

Details and reasons for absence:

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.....
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.....

Signature of parent /carer:

Date:

As per our Attendance Policy which is available on the school website, no family holiday will now be authorised and a penalty notice may be issued. If a child is away for longer than 10 school days and we have not been informed their school place maybe in jeopardy.

Response from the school:

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.....

Signature:

Date:

BUCKINGHAMSHIRE COUNCIL

CODE OF CONDUCT FOR ISSUING PENALTY NOTICES FOR UNAUTHORISED ABSENCE FROM SCHOOL

1. The Legal Basis

Regular and punctual attendance of children at school is, under section 7 of the Education Act 1996, a legal requirement. Therefore, parents are responsible for ensuring that their child of compulsory school age receives sufficient full-time education that is suitable to the child's age, ability and aptitude and to any special educational needs the child may have.

For the purpose of this legislation and Code of Conduct a 'parent' is defined under section 576 Education Act 1996 as: -

- All natural parents, whether they are married or not.
- Any person who, although they are not a natural parent, has parental responsibility (as defined in the Children Act 1989) for a child or young person
- Any person who, although not a natural parent, has the day to day care of a child or young person.

(Throughout this document, references to 'parent' mean each and every parent coming within the definition, whether acting jointly or separately.)

For the purpose of the legislation and Buckinghamshire Council's Code of Conduct, compulsory school age is defined as: -

- Commencing at the start of term on or after a child's fifth birthday and concluding on the last Friday in June of the academic year in which they turn 16.

The Anti-Social Behaviour Act 2003 came into effect on 27 February 2004. Under Section 23 of this Act, the Education Act 1996 was amended with the introduction of 2 new subsections under Section 444 (subsections 444A & 444B) which has made it possible for Penalty Notices to be used as an alternative to prosecution in cases of unauthorised absence from school. The responsibility for authorising absence rests with the school's Head Teacher.

The procedural guidance for the implementation of those subsections is contained within The Education (Penalty Notices) (England) Regulations 2007 (No 1867).

In respect of an excluded child The Education and Inspections Act 2006, Section 103 places a duty on parents in relation to an excluded child, to ensure that their child is not present in a public place during school hours without reasonable justification during the first five days of each and every fixed term and permanent exclusion. These days are known as the "specified days of exclusion". Section 104 of the Act requires schools to notify parents in writing that they are responsible for the child during these days.

The Education and Inspections Act 2006, Section 105 allows for a penalty notice to be issued to a parent guilty of an offence under section 103.

Under the Anti-Social Behaviour Act 2003, there is a general requirement to ensure that all the measures introduced take into account the Human Rights Act 1998, the Race Relations Amendment Act 2000, the Race Relations (Statutory Duties) Order 2001 and the Equality Act 2010.

2. The Context in Buckinghamshire

Attendance at school is essential for child attainment and for safeguarding the child.

Buckinghamshire Local Authority and schools have established a rigorous approach to addressing unauthorised absence from school. The new legislation governing Penalty Notices complements the measures already in place.

4. The Circumstances that Penalty Notices may be Issued

- Irregular school attendance;
- Overt truancy (including children found during truancy sweeps);
- Parentally-condoned absences;
- Unauthorised holidays in term-time;
- Being in a public place during the first five days of an exclusion

To ensure consistent delivery of Penalty Notices the following criteria will apply:

- In respect of Secondary School children that they have 85% attendance – with at least 10% un-authorised absence or below over the last 5 weeks.
- In respect of Primary School children that they have 95% attendance – with at least 5% unauthorised absence or below over the last 5 weeks.
- The usual response to a “first offence” is a written Formal Warning. This allows a parent fifteen days to improve the attendance of their child. If an unauthorised absence occurs within that period a Penalty Notice may be issued.
- In certain circumstances, including where ten sessions of absence comprise of unauthorised holidays in term time, a Penalty Notice can be issued without a Formal Warning having been issued previously.
- Where a child who has been excluded is present in a public place during the first five days. A penalty notice will be issued on the first occasion if appropriate.
- A Penalty Notice may also be issued without a Formal Warning if a Formal Warning has already been issued to the parent/carer previously.

5. The Procedure for Issuing Penalty Notices

Within Buckinghamshire, the responsibility for issuing Penalty Notices and managing arrangements for their payment and the collections of monies rests with the County Attendance Team. This ensures that all procedures relating to Penalty Notices are consistently applied, that enforcement action is not duplicated and that any subsequent court action is integrated into the existing attendance procedures.

Penalty notices will only be issued within the terms of the Code of Conduct. The County Attendance Team will ensure that penalty notices are properly issued and only issued for offences where the Buckinghamshire Council is willing and able to prosecute.

Penalty Notices will only be issued by post and never as an ‘on the spot’ action; this is to ensure that all evidential requirements have been met and that Health and Safety requirements are also met.

No parent will receive more than two separate Penalty Notices resulting from the unauthorised absence of an individual child in any one academic year. Penalty Notices will be issued to each parent / carer of the child exhibiting the relevant patterns of unauthorised absence and, where appropriate, in respect of more than one child.

In cases where families contain more than one child with unauthorised absence, multiple issuing of Notices may be necessary but this will be the subject of careful consideration by the County Attendance Team and discussion with the Headteacher.

The County Attendance Team will consider requests from schools, the Police, other agencies such as Social Care or the Youth Offending Service and neighbouring authorities as appropriate for issue of a Penalty Notice.

6. The Procedure for payment of Penalty Notices:

Arrangements for payment will be provided with the Penalty Notice

Payment of a Penalty Notice discharges the parent of liability for the attendance period in question. S/he cannot subsequently be prosecuted for the period covered by the Penalty Notice.

Payment of a Penalty Notice within 21 days is £60 and payment after 21 days, but within 28 days, is £120.

The County Attendance Team will send a Certificate of Payment of Penalty Notice to the payee.

Buckinghamshire Council retains any revenue from Penalty Notices to cover enforcement costs (collection or prosecution in the event of non-payment).

7. Procedure to address Non-Payment of Penalty Notices

If after 28 days the notice remains unpaid, the County Attendance Team will send a Certificate of Non Payment of Penalty Notice to the parent/carer.

Non-payment of a Penalty Notice may trigger a prosecution under the provisions of section 444 of the Education Act 1996 on the basis that the parent has failed to secure regular school attendance. NB The prosecution is for the Non Attendance and NOT the non- payment of the Penalty Notice.

In respect of an excluded child, non-payment of the Penalty Notice may trigger a prosecution for the offence under Section 103 of the Education and Inspections Act 2006.

8. The Procedure for Withdrawing Penalty Notices

Guidance only allows a Penalty Notice to be withdrawn in the following circumstances:

- Proof has been established that the Penalty Notice was issued to the wrong person
- The issuing of the Penalty Notice did not conform to the terms of this Code of Conduct
- It ought not to have been issued i.e. no offence has been committed
- If a prosecution is not contemplated

Where a Penalty Notice is withdrawn in accordance with the above, a Notice of Withdrawal shall be given to the recipient. Any amount paid towards the Penalty Notice in pursuance of that notice shall be repaid to the payee.

No proceedings shall continue or be instigated against the recipient for the offence in connection with which the withdrawal notice was issued or for an offence under Section 444 (1/1A) of the Education Act 1996 arising out of the same circumstances or for an offence under Section 103 Education and Inspections Act 2006 arising out of the same circumstances.

9. Policy and Publicity

Buckinghamshire Council will provide information on the use of Penalty Notices in publicity campaigns outlining the importance of school attendance, and with its range of leaflets, which are available to parents.

All policies in schools relating to school attendance should include information on the utilisation of Penalty Notices and this sanction should be brought to the attention of all parents.

10. Reporting & Review

The County Attendance Team will report at regular intervals on the use and outcomes of Penalty Notices, review and amend the use of Penalty Notices at regular intervals and amend the strategy as appropriate.

If you wish to make any comment regarding this Code of Conduct please direct all communication to:

The County Attendance Team
County Hall
Walton Street
Aylesbury
Buckinghamshire
HP20 1UZ

countyattendanceteam@buckscc.gov.uk

Intervention Flow Chart

School will notify parent of the child's irregular school attendance and offer them the opportunity and support to improve.

If you receive a letter informing you of concerns regarding your child's attendance you should

- Speak with your child to see if there are any reasons why they are reluctant to attend
- Contact the school to discuss any difficulties you or your child may be experiencing.
 - Ensure your child attends school regularly

If there is no improvement and the parent has not provided a good reason for the absence, the school may refer to the County Attendance Team

The County Attendance Team will invite you to attend a Parenting Contract Meeting and may issue a

A Parenting Contract is a voluntary agreement between you and the Local Authority aimed at supporting you in improving your child's school attendance.

Whilst your involvement in a Parenting Contract is voluntary, if you fail to engage with the support offered and your child's attendance remains irregular, the County Attendance Team may issue a Penalty Notice or begin legal proceedings in the Magistrates' Court.

If you are issued with a Penalty Notice of £60 per parent/carer, per child this must be paid in full within 21 days otherwise the Penalty will increase to £120 per parent/carer, per child. If you fail to pay the Penalty by the 28th day, the County Attendance Team may instigate legal proceedings against you.

If you are found guilty of this offence you can be fined up to £2500 and/or be imprisoned for a period of three months.