



## Hovingham & St Hilda's CE (VC) Primary School's Confederation



### Attendance Policy (Pupils)

#### Introduction

We believe that every child at Hovingham and St. Hilda's Primary Schools has a fundamental right to be educated with good attendance being the key to personal development, learning and achievement in all areas. Parents, carers and teachers have a duty to encourage maximum attendance at school.

#### Context of the school attendance measures

Parents are responsible for making sure that their children of compulsory school age receive a suitable full-time education. This can be by regular attendance at school, at alternative provision, or otherwise (e.g. the parent can choose to educate their child at home).

A child reaches compulsory school age on or after their fifth birthday. If they turn 5 between 1 January and 31 March they are of compulsory school age on 31 March; if they turn 5 between 1 April and 31 August they are of compulsory school age on 31 August. If they turn 5 between 1 September and 31 December, then they are of compulsory school age on 31st December.

A child continues to be of compulsory school age until the last Friday of June in the school year that they reach sixteen. From September 2013 12 all 16 year-olds will be required to continue in education or training, until the end of the academic year in which they turn 17. From September 2015 they will be required to continue until their 18th birthday.

#### Rationale

At our schools we are committed to:

- valuing high attendance rates;
- good practice, which encourages children to take a pride in their attendance and punctuality rates;
- partnership with parents to ensure understanding, support and co-operation about high attendance rates;
- encouraging children to take full advantage of their educational opportunities by attending regularly;
- working in partnership with parents, carers, our adviser for behaviour and attendance and Educational Social Worker to address difficulties and recognise external factors which influence pupil attendance;
- identifying patterns of non-attendance at an early stage and working to resolve personal/social difficulties;
- following efficiently the school systems for accurate recording and monitoring of attendance and punctuality.

#### Definitions

##### A parent

A parent means:

All natural parents, whether they are married or not;

Any person who has parental responsibility for a child or young person; and,

Any person who has care of a child or young person i.e. lives with and looks after the child.

The local authority and school will need to decide who comes within the definition of parent in respect of a particular pupil when using the legal measures, but generally parents include all those with day to day responsibility for a child.

#### 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 has been unwell and the parent telephones and writes a note to the school to explain the absence.
- Only the school can make an absence authorised. Parents do not have this authority. Consequently not all absences supported by parents will be classified as authorised. For example, if a parent takes a child out of school to go shopping during school hours, this will not mean it is an authorised absence.

#### 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.

#### **Procedures**

- Children must attend school punctually and regularly.
- The Nursery at St. Hilda's starts at 9.00am
- Classes 1 and 2 start at 9.00am and children may arrive at school between 8.45 and 9.00am
- Registration period is 10 minutes after classes start.
- Any child arriving later than 10 minutes after the start of school for their class is late and is marked absent in the register. Parents whose children arrive late must notify a member of staff so that the child's late arrival can be noted in the register. The attendance and dinner registers are then amended with the child being marked present.
- All registers are closed at 9.10 am and any arrival after this time is marked as unauthorised absence (unless the child is late because of a valid, agreed prior appointment).
- If a child is absent, parents and carers are asked to telephone the school on the first day of absence by 9.10am and send a note of explanation when they return so that the absence is not recorded as "unauthorised "
- If we do not receive a telephone call or message on the first day of absence by 9.10am we telephone the child's parent or carer to ask why the child is not in school.
- If we have previous concerns about a child's welfare e.g. the child is on the child protection register or we believe could be in danger, we notify our ESW and/or the police or Social Services at the end of the first day of absence.

#### **5. Leave of absence in term time**

- From September 2013 the head teacher can only authorise leave of absence in term time under exceptional circumstances.
- The following are examples of the criteria for leave of absence, which may be considered as 'exceptional':
  - Service personnel returning from active deployment
  - Where inflexibility of the parents' leave or working arrangement is part of the organisational or company policy. This would need to be evidenced by the production or confirmation from the organisation/company
  - Where leave is recommended as part of a parents' or child's rehabilitation from medical or emotional problems. Evidence must be provided.

- When a family needs to spend time together to support each other during or after a crisis
- This is not an exhaustive list the head teacher will consider the individual circumstances of each case when making a decision on this matter. Leave is only acceptable against exceptional circumstances and will not be granted on the basis of attendance record, academic performance or the 'experience' offered by being out of school. Where a headteacher feels that there may be exceptional circumstances which does not fit the criteria, they may refer to the local authority for advice. The decision of the Headteacher is, however, final.

**Please note that the ability to access a reduced cost of a holiday does not constitute an exceptional circumstance.**

## **6. Strategies for improving punctuality and attendance**

Staff at the schools are committed to doing all they can to ensure children attend punctually and regularly. Our attendance rates are good and in order to ensure that they remain so we:

- keep a record of those who arrive late each day;
- keep a record of parents and carers who have telephoned to explain their child's absence; e.g. keep a record of parents and carers whom we have telephoned or left a message on the answering service;
- talk with parents and carers to identify whether support is needed for a particular problem;
- involve governors in our monitoring procedures;

## **7. Long-term absence**

- When children have an illness that means they will be away from school for over five days, the school will do all it can to send material home, so that they can keep up with their school work.
- If the absence is likely to continue for an extended period, or be a repetitive absence, the school will contact the support services, so that arrangements can be made for the child to be given some tuition outside school.

## **8. School Attendance Orders**

If it appears to the local authority that a child of compulsory school age is not receiving a suitable education, either by regular attendance at school or otherwise, then they must begin procedures for issuing a School Attendance Order. The order will require the child's parents to register their child at a named school. If they fail to comply with the order the parent can be prosecuted.

## **9. Prosecutions by local authorities**

If a child of compulsory school age fails to attend regularly at a school at which they are registered or at a place where alternative provision is provided for them the parents may be guilty of an offence and can be prosecuted by the local authority. Only local authorities can prosecute parents and they must fund all associated costs. Local authorities should consider the Attorney General's Guidelines for Crown Prosecutors in all prosecution cases.

Local authorities must conduct all investigations in accordance with the Police and Criminal Evidence (PACE) Act 1984.

Local authorities have the power to prosecute parents who fail to comply with a school attendance order (section 443 of the Education Act 1996) or fail to ensure their child's regular attendance at a school (section 444 of the Education Act 1996).

Section 444 has two separate but linked offences: Section 444(1): where a parent fails to secure the child's regular attendance; and section 444(1A) where a parent knows that the child is failing to attend school regularly, and fails to ensure the child does so. Section 444ZA applies the offence to where parents fail to secure the regular attendance of their child at a place where alternative provision is provided. There are statutory defences for parents to use

under the Act. The fines available to the courts if parents are found guilty of the section 444 (1) offence include a level 3 fine of up to £1,000. If they are found guilty of the section 444 (1A) the fine is at level 4, up to £2,500 and the court can also sentence them to imprisonment for up to three months. Local authorities have the power to prosecute parents of pupils found in a public place during school hours after being excluded from school. The fine is a level 3 fine of up to £1,000

### **10. Education Supervision Orders**

The local authority must consider applying for an Education Supervision Order (ESO) before prosecuting parents<sup>16</sup>. A local authority may apply for an ESO instead of or as well as prosecuting parents. The order is placed on the child and the local authority is appointed by the court to supervise that child's education either at a school or at home for a specified period of time.

### **11. Penalty Notices**

Penalty notices are fines of £60/£120 imposed on parents. They are an alternative to the prosecution of parents for failing to ensure that their child of compulsory school age regularly attends the school where they are registered or at a place where alternative provision is provided. Penalty notices can be issued to each parent liable for the attendance offence or offences.

Penalties can be used where the pupil's absence has not been authorised by the school.

Penalties may also be issued where parents allow their child to be present in a public place during school hours without reasonable justification during the first five days of a fixed period or permanent exclusion. The parents must have been notified by the school at the time of the exclusion of this and the days to which it applies.

### **12. The Code of Conduct**

The *Education (Penalty Notices) Regulations 2007* set out the details of how the penalty notice scheme must operate. This includes a requirement that every local authority must draw up and publish a Code of Conduct for issuing penalty notices, after consulting all schools, including academies, and the police. The code should set out the criteria that will be used to trigger the use of a penalty notice. These could include: a number of unauthorised absences, perhaps within a rolling academic year; one-off instances of irregular attendance such as holidays taken during term time without the school's permission; and where an excluded child is found in a public place during school hours without a justifiable reason.

The local authority administers the scheme for all schools in its area, including academies and Free Schools.

### **13. Payment of Penalty Notice**

#### **From the 1<sup>st</sup> September 2013**

The penalty is £60 if paid within 21 days of receipt rising to £120 if paid after 21 days but within 28 days. The payment must be paid direct to the local authority. The parents can only be prosecuted if 28 days have expired and full payment has not been made.

There is no right of appeal by parents against a penalty notice. If the penalty is not paid in full by the end of the 28 day period the local authority must decide either to prosecute for the original offence to which the notice applies or withdraw the notice.

**Can schools decide whether parents should be prosecuted or not?** No. Only local authorities can make decisions on whether parents should be prosecuted for school attendance offences. All schools (including academies) have a duty to refer regular absence

(authorised and unauthorised) to the relevant local authority. This may include any evidence to show how they supported the pupil and parent to improve attendance. It is for each local authority to judge each referral on its own merits and make a decision on the next probable cause of action.

It is the statutory duty of local authorities to carry out investigations including witness statements leading up to prosecutions. Local authorities should conduct all investigations in accordance with PACE and Attorney General's Guidelines for Crown Prosecutors. Local authorities cannot delegate this function to schools (including academies) or charge them for this service.

#### **14. Monitoring and review**

- It is the responsibility of the governors to monitor overall attendance, and they will request an annual report from the headteacher. 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 school will keep accurate attendance records on file for a minimum period of three years.
- Class teachers will be responsible for monitoring attendance in their class, and for following up absences in the appropriate way. 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 the head teacher, who will contact the parents or guardian.
- This policy will be reviewed by the governing body every year, or earlier if considered necessary.