Newton Tony Primary School CE VC Attendance Policy

'Love One Another As I Have Loved You' (John 15:12)

Newton Tony Primary School CE VC fully recognises its responsibilities for safeguarding and child protection

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Our School Vision

Our school is a safe, welcoming and nurturing school that offers a sense of belonging. We are situated in a small, rural village and we pride ourselves that we know each and every child. Our strength lies in putting the needs of the child at the heart of everything we do. We offer an exciting and stimulating curriculum, with high quality teaching that provides a rich, rewarding and enjoyable learning environment for all. Through a solid partnership working with parents, our church and His Majesty's Armed forces, we encourage children to become confident, caring and independent young learners. We believe that 'Everyone cares and Everyone counts'

Education is Everybody's business

Rationale

At Newton Tony Primary School CE VC we understand that regular school attendance is the key to enabling children and young people to maximise the educational opportunities available to them and become emotionally resilient, confident adults who are able to realise their full potential and make a positive contribution to their community. School is the foundation for preparing children and young people for life as adults.
We are committed to providing an education of the highest quality for all our pupils/students and endeavour to provide an environment where all pupils feel valued and welcome.

For our children to gain the greatest benefit from their education it is vital that they attend school regularly and punctually. Parents and the school community share the responsibility for supporting and promoting excellent school attendance and punctuality for all.

This policy represents our commitment to support pupils to achieve 100% attendance. It sets out the principles, procedures and practice the school will undertake. Strategies to improve attendance and rewards and benefits of good attendance. The sanctions and possible legal consequences of poor attendance and punctuality are also detailed.

Excellent education is vital to the lives of all children and to our society as a whole. Whilst it is known that the life chances of children may not be equal from the outset of their lives for various reasons, education can help to redress this imbalance and help to ensure that every child has the chance to fulfil their potential.

Regular attendance is an essential foundation of raising pupil attainment. Absence from school can seriously disrupt pupils' continuity of learning. Not only do they miss out on taught lessons, but many children find it difficult to catch up academically and socially when they return to school.

95% attendance equates to half a day off every two weeks for a whole year
90% attendance equates to a day off every two weeks for a whole year
85% attendance equates to one and a half days off every two weeks for a whole year
80% attendance equates to one whole day off every week for a whole year

A secondary age pupil whose attendance is 80% will have missed ONE WHOLE YEAR of education by the time they leave school. Poor or irregular attendance places children at risk, can contribute to contextual safeguarding and welfare concerns and in some cases can result in them being drawn into patterns of anti-social or criminal behaviour and exposure to exploitation. The Department for Education (DfE) recognises that some pupils find it harder than others to attend school and that the best outcomes for pupils will be achieved when all parties work together to secure excellent attendance .

Purpose

- To assist the Local Authority (LA), through the DfE, work within a legal framework and discharge its duties with regard to ensuring that a child for whom they are responsible is receiving a suitable education by regular attendance at school or otherwise.
- To support schools to fulfil their legal responsibilities with regard to pupil attendance.
- To provide information and a framework to assist schools in devising a whole School Attendance Policy.
- Identify areas of responsibility.
- Promote partnership working between the LA, schools and parent/carers by offering guidance and assistance in meeting their responsibilities in this area.
- Assist in creating a framework which promotes consistent practices and procedures that improve school attendance across Wiltshire.
- This policy has been produced by the Education Welfare Service. You may wish to request your link Education Welfare Officer to discuss this document with you.

Aims

We believe that the foundation for good attendance is based on a strong partnership between school, parents and the child. This includes clear communication with parents and pupils regarding our expectations of what is required to secure excellent attendance for pupils at our school.

At Newton Tony Primary School we will:

- Provide regular information about attendance through regular communications through text messages and emails.
- Include attendance information in reports about your child's performance in school and how any absence may be affecting their attainment
- Reward good attendance with individual certificates and a class termly attendance trophy
- Work with you and your child to achieve maximum attendance

At Newton Tony Primary School we expect:

- Pupils to arrive at school every day on time
- Parents to work with the school to ensure that their child attends regularly

Attendance: The Legal Framework – roles and responsibilities

The law says that ensuring a child receives education is a parent/carer's legal responsibility Section 444 of the 1996 Education Act). For most parents this means registering their child at a school. Permitting absence from school that is not authorised by the school creates an offence in law and parents/carers who do not secure their child's regular attendance at school may be issued with a Penalty Notice or referred to the Wiltshire Education Welfare Service for prosecution in the magistrates' court. To avoid this happening we will work with parents and carers to address irregular or poor attendance to ensure full-time attendance.

- Authorised absences are those that have been agreed by the headteacher.
- Unauthorised absences are those where no valid reason has been provided for absence or those absences which the headteacher has not agreed.

Partnership Working – roles and responsibilities

Do you know these facts about absence and attendance?

Research suggests that a pupil who misses 17 days of school a year will drop 1 GCSE grade in attainment. (DfE)

95% equates to half a day off every two weeks in a school year
90% equates to a day off every two weeks in a school year
85% equates to one and a half days off every two weeks in a school year
80% equates to one whole day off every week in a school year
A secondary age pupil whose attendance is 80% will have missed ONE WHOLE YEAR of education by the time they leave school

"Better attendance at school by pupils improves their educational achievements and, in turn, their lives and prospects. Even a small reduction in absence would result in many pupils receiving greater benefit from their education." The National Audit Office. At Newton Tony Primary school attendance is the business of everyone in our school community. The governors and all staff are committed to supporting all pupils to achieve excellent attendance and regularly review school procedures and strategies to support this.

We expect that parents and carers will work with us if school absence becomes a concern. Parents and carers can help to promote positive attendance by:

- Ensuring children arrive at school on time, before registers close, appropriately dressed and in a 'condition to learn' (ie not too tired or too hungry) and with the right equipment for the day
- Working in partnership with us to help their child(ren) gain an appreciation of the importance of attending school regularly
- Working in partnership with us to take an active interest in their child's education
- Working in partnership with us and other agencies (as appropriate) to resolve problems relating to non-attendance or which may have a negative impact on their child's attendance

Procedures

Our school attendance target is 98%.This means that we are expecting each pupil to have 100% attendance. Pupils who miss just 3 days of school in a school year will contribute to the school not achieving the attendance target set by the governing board.

Legally the school register must be taken twice a day. At Newton Tony Primary school the EYFS and KS1 registers are taken at 9.00am and the KS2 registers are taken at 8.30am (morning registration time) and all registers are taken once during the afternoon session at 12.45 pm. The registers will remain open for 10 minutes. Pupils arriving before registers close will be marked as late (L). Pupils arriving after the registers have closed will be coded U (Late after registers close) which counts as an unauthorised absence for the whole session.

Absence is recorded as unauthorised until a satisfactory reason is provided. If the reason given is not satisfactory and/or evidence of the reason cannot be provided, the absence will be coded as unauthorised absent. Ongoing and repeated lateness after the close of registration is considered as unauthorised absence and may be taken into account if any legal action is taken.

We will contact parents to address and improve attendance where:

- A pupil's attendance falls below 97%,
- A pupil has more than 3 weeks where they haven't achieved full attendance in a term (In Wiltshire there are 6 terms in an academic year)
- A pupil has more than 4 recorded lates in a term
- A pupil has a regular pattern of absence

Parents are asked to:

- Notify the school when their child is unable to attend, with a reason, on the first and subsequent days of absence. Parents should make contact with school before the start of the school day. Please phone the school office on 01980 629232.
- Keep the school informed, in cases of ongoing absence. A note from a pupil's home does not mean an absence becomes authorised. The decision whether or not to authorise an absence will always remain with the school.
- Arrange medical or dental appointments outside of school hours unless there is urgent need for an appointment.
- Tell the school if their child is going to be late, the reason why and expected time of arrival.
- Only request leave of absence/holiday in term time if it is for an exceptional circumstance.

The process for requesting leave of absence is explained further in this policy.

Some 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 unless not doing so will breach guidance and legislation relating to COVID-19 (Coronavirus)
Day trips and holidays in term time unless there are exceptional circumstances that have been approved by the Head Teacher
Arriving at school too late to get a present mark (After the close of registration)
Truancy
Death of a pet

We will contact the parent/carer if a child is absent and the parent/carer has not advised that the child will not be in school. Parents can expect contact on every occasion of an un-notified absence. The admin officer will initially phone parents within 30 minutes of registers closing. If we cannot speak directly with parents/carers then we will make contact with nominated emergency contacts to establish the reason for absence; this is in line with school safeguarding procedures.

If after 3 days of absence, your child has not been seen and no contact has been made with the school, a home visit will be made by school staff, to ascertain the safety and well-being of your child and establish the reason for absence from school.

After 10 days of unexplained absence and no contact with the school, we are obliged to notify the local authority. The local authority will follow their procedures for Children Missing from Education (CME) and parents

may expect contact and visits from an Education Welfare Officer to ascertain the well-being and safety of your child.

Collecting your child from school

We ask that all parents/carers ensure that they are able to collect their children from school on time. School finishes at 2.40pm for KS2 classes and 3.00pm for EYFS and KS1 classes. If parents are unable to collect their child as usual then they will need to communicate the alternative arrangements they have made with the school. We will not release children in these circumstances to anyone who we have not been advised of. If children remain uncollected from school, after 10 minutes they will be taken to the school after school club.

Monitoring attendance

Weekly monitoring of the registers will be made by the admin officer and attendance Lead (Head Techer) to analyse overall absence for each pupil and identify pupils with low attendance, a pattern of absences that may lead to Persistent Absence (PA), Severe Absence (SA) patterns and levels of broken weeks, lateness, authorised absence and unauthorised absence and reasons for absence.

A pupil is classed as a persistent absentee when they miss 10% or more schooling across the school year and as a severe absentee if they miss more than 50% of schooling for whatever reason, whether it be authorised or unauthorised, or a mixture of both. Absence at this level is doing considerable damage to a child's educational prospects and we need parents' full support and encouragement to tackle it. PA and SA pupils are tracked and monitored carefully through our pastoral system, and we combine this with tracking academic progress to assess the effect on the pupil's attainment. Absence for whatever reason disadvantages a pupil by creating gaps in his or her learning.

The Attendance Manager will be responsible for putting in place actions for each pupil of concern. Initially we will try to resolve the problem with parents/carers and this may involve requesting medical evidence in order for the school to authorise any further absence due to ill health and/or an attendance meeting with the Attendance Manager. We may ask parents to agree to a Parenting Contract which details how we will work together to improve attendance. However, if absence continues the school may make a referral to the Local Authority for interventions that may include penalty notices and court action.

Requesting leave of absence in exceptional circumstances

In accordance with Department for Education guidance, leave of absence from school including for holidays in term-time, may only be authorised in exceptional circumstances. Parents are required to complete a leave of absence request form which must outline the exceptional circumstances for which the leave has been requested.

Leave of absence request forms must be completed in advance of the dates requested. We require two weeks notice unless the absence is related to an emergency. We do not give retrospective agreement for leave of absence so any absence not advised to the school in advance will be unauthorised. Requests will be considered by the headteacher and parents and carers will be advised if their request is agreed.

Any pupil who has taken a term time holiday will be required to provide medical evidence if they are ill in the period directly before or after the dates advised to school. Parents/carers will be asked to provide evidence if a pupil does not return to school on the agreed date following a holiday as a result of delayed or cancelled flights or other travel arrangements. Where an unauthorised leave of absence is taken, parents will be issued with a penalty notice. This will be in the sum of £120 per parent/carer for each child, but is reduced to £60 per parent/carer for each child if paid within 21 days of issue.

Consequences of persistent and severe absence

At Newton Tony Primary school we will always work with you to address any attendance concerns. If we have been unable to resolve the issue, despite a number of interventions, then we may have to refer you to the local authority.
The Education Welfare Service has a range of actions available which include:

1)The parents/carers may be issued with a penalty notice, which carries a fine of £120, per parent, per child. This is reduced to £60 if paid within 21 days of issue. If not paid at all, court action will be initiated.

2) The local authority may initiate court action under Section 444 of the Education Act 1996, which could lead to fines of up to £2,500, imposition of orders such as Parenting Orders 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.

Strategies for improving and maintaining good attendance

At this school we take every opportunity to promote excellent attendance for all pupils. We will celebrate excellent attendance by celebration worships, certificates and class trophies. We are a caring school community where the needs of all pupils are carefully considered. Newton Tony Primary school provides and promotes a welcoming and positive atmosphere so that pupils feel safe, and know that their presence is valued. If there are specific issues which might impact on your child's attendance it is important that you talk to us so that we can support you and your child.

You can speak to our Attendance Lead, Miss Priestley (Head Teacher) by contacting them on 01980 629232 or head@newtontony.wilts.sch.uk

There may be times when we ask other agencies to become involved to help us understand and work with you to encourage regular school attendance. (eg Wiltshire Council, school health, Ethnic Minority and Traveller Advisory Service, Medical Needs Reintegration Service) If we feel that this would be helpful we will discuss with you first.

We are very keen to listen to the views of children and parents with regard to attendance matters and we welcome any feedback which helps us to shape how we work with families to address attendance issues and reward excellent attendance.

Monitoring and Evaluation

The attendance policy will be reviewed every two years or as required by governors and school staff to ensure that it continues to meet the needs of the school community. We will ensure that the policy reflects current DfE and Local Authority guidance so that parents may be assured of the standards that we strive to achieve.

Communicating the contents of the Attendance Policy

All new parents are introduced to the policy and information on attendance when they join the school. It is also accessible on the school website. School attendance will be communicated through text message and email and we will advise parents of any changes to policy and procedures.

Our policy is available in other languages if required.

WILTSHIRE LOCAL AUTHORITY GUIDANCE

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1 INTRODUCTION

In May 2022 the DfE published new guidance "**Working together to improve school attendance: Guidance for maintained schools, academies, independent schools and local authorities".** The guidance is effective from September 2022 and likely to become statutory from September 2023.

The guidance is clear that improving attendance is everybody's business. It provides advice for local authorities, schools, governing bodies, trusts and parents to support and maintain high levels of school attendance.

1.1 The Local Authority (LA) supports the principles, practice and procedures outlined in the DfE School attendance document. We believe pupils can only take full advantage of their education by regular and punctual attendance at school or otherwise to ensure continuity of learning.

1.2 The Education Welfare Service, for the LA, has the responsibility to implement the statutory duties in relation to school attendance. It acknowledges that both the LA and schools must apply their powers fairly and consistently.

1.3 The Education Welfare Service has a key function in working closely with schools, families and teams within the Children's Services and other agencies, both statutory and voluntary, in order to promote excellent levels of attendance and punctuality at school or otherwise.

1.4 The Education Welfare Service acknowledges and supports the equal opportunity policies of the Council and recognises the need to strive against discrimination in all forms.

NOTE

Each school needs to develop and regularly review a policy for its own circumstances. However, guidance and examples to support schools in 'Developing a Whole School Attendance Policy' can be found in **Appendix A.**

There are key policies which are relevant to pupil attendance, registration procedures and following up on pupil absence which include

- Admissions
- Anti-bullying
- Special educational needs
- Behaviour
- Safeguarding
- Exclusions
- Teaching and learning

- A School Attendance Policy should be reviewed every two years in conjunction with the above policies. The active involvement of governors, parents/carers and all school staff is essential to the review process. Pupils, through pupil voice, can also make a useful contribution to policy development.

2 PARENTS AND CARERS

RESPONSIBILITIES

2.1 Parents are responsible in law for ensuring that their children of compulsory school age receive an efficient education suitable to their age, ability, aptitude and any special educational needs which they may have. Most parents choose to fulfil this responsibility by registering children at a school.

2.2 Parents have a legal responsibility to ensure their child's regular attendance (s7 Education Act 1996).

2.3 Parental Responsibilities:

- Ensure that their child attends school every day, on time, appropriately dressed and in a 'condition to learn'. (i.e. not too tired or too hungry to learn.)

- Work in partnership with the school to help their child/children gain an appreciation of the importance of attending regular school attendance and punctuality.

- Work in partnership with the school to take an active interest in their child's school career, to support and reinforce school policies/arrangements on homework, behaviour and approach to learning, to attend parents' evenings and other meetings where necessary.

- Work in partnership with the school and other agencies (as and when appropriate) to resolve issues relating to non-attendance including engaging with formal support offered to prevent the need for legal intervention.

- To acknowledge that they have been in receipt of, and will support, the school's Attendance Policy.

- Notify the school if their child is absent. Contact with the school needs to be made on the first day of absence, ideally first thing in the morning and before the school register closes. Parents should provide an explanation for the absence which should be confirmed in writing, when the child returns to school.

- Parents are advised to avoid arranging medical or dental appointments during school hours unless there is an emergency.

- Parents must seek permission from their child's head teacher (or authorised representative) by submitting a written application in advance of any request for leave of absence. Schools should set their own requirement for notification times but the LA recommends that requests should be made at least 2 weeks in advance of the requested absence. This could be for the purposes of a family holiday or family occasion, such as a wedding or funeral or for any other reason. Each request should be considered individually and should meet the circumstance of being 'exceptional' if authorisation is being considered.

NB. It is the head teacher's decision to register an absence as either authorised or unauthorised.

3 SCHOOLS

3.1 Schools are responsible for supporting the attendance of their pupils and for managing concerns or issues which may lead to non-attendance.

3.2 School Responsibilities. The DfE places the following expectations on schools as detailed in the DfE Guidance published May 2022: Summary table of responsibilities for school attendance: Guidance for maintained schools,academies, independent schools and local authorities

- To develop and maintain a whole school culture that promotes the benefits of high attendance
- To have a clear school attendance policy on the school website which **all** staff, pupils and parents understand
- To accurately complete admission and attendance registers
- To have robust daily processes to follow up absence (this should be understood by everyone in the school community and communicated to any cover staff to ensure procedures are consistently applied)
- To have a dedicated senior leader with overall responsibility for championing and improving attendance
- To be proactive in identifying pupils at risk of poor attendance and work with each identified pupil and parents to understand and address the reasons for absence. Schools should be sensitive to the needs of the individual pupil and parent. This should be reflected in the ways in which attendance issues are addressed. For example, schools should recognise that some parents have difficulty understanding written communications. They should also recognise the reluctance of some parents to come into school and work sensitively and proactively with parents to ensure a consistent approach to attendance management,
- To signpost and support access to services where out of school barriers to attendance are identified
- To work with partners in the multi-agency effort to improve attendance
- To hold formal conversations with parents where there is lack of engagement to improve attendance and be clear about the potential for legal intervention.

- To work with the local authority where legal intervention may be appropriate
- To work with other schools in the area such as schools previously attended and the schools of any siblings and to share effective practice where there are common barriers to attendance
- To maintain the same ambitions of attendance for pupils with medical conditions or SEND and work to maximise attendance
- Where a pupil is open to social care to notify the pupil's social worker if there are unexplained absences and if the pupil's name is to be deleted from the register

3.3 The School Attendance Policy should detail:

- The attendance and punctuality expectations of pupils and parents, including start and close of the day, register closing times and the processes for requesting leaves of absence and informing the school of the reason for an unexpected absence.
- The name and contact details of the senior leader responsible for the strategic approach to attendance in school.
- Information and contact details of the school staff who pupils and parents should contact about attendance on a day to day basis (such as a form tutor, attendance officer etc) and for more detailed support on attendance (such as a head of year, pastoral lead or family liaison officer etc).
- The school's day to day processes for managing attendance, for example first day calling and processes to follow up on unexplained absence.
- How the school is promoting and incentivising good attendance.
- The school's strategy for using data to target attendance improvement efforts to the pupils or pupil cohorts who need it most.
- The school's strategy for reducing persistent and severe absence, including how access to wider support services will be provided to remove the barriers to attendance and when support will be formalised in conjunction with the local authority.
- The point at which Fixed Penalty Notices for absence and other sanctions will be sought if support is not appropriate, not successful, or not engaged with.
- Information for parents that any authorisation for a leave of absence in term time will only be granted in exceptional circumstances, in line with the law, and where a leave of absence in term time is not agreed, or no application has been made, or the pupil does not return on the agreed date, that absence will be unauthorised and the parent/carer may incur a penalty notice.

Whilst every pupil has a right to a full-time education and high attendance expectations should be set for all pupils, the attendance policy should account for the specific needs of certain pupils and pupil cohorts.

The policy should be applied fairly and consistently but in doing so schools should always consider the individual needs of pupils and their families who have specific barriers to attendance. In development and implementation of their policy, schools should consider their obligations under the Equality Act 2010 and the UN Convention on the Rights of the Child.

Schools where all or some of their pupils are boarders are expected to cover all of the above areas in their policies but will want to do so in a way that meets their specific needs.

The policy should be easily accessible to leaders, staff, pupils, and parents, including being published on the school's website. Parents should be sent it with any initial information when pupils join the school and reminded of it at the beginning of each school year and when it is updated.

As the barriers to attendance evolve quickly, the policy should be reviewed and updated as necessary. In doing so, schools should seek the views of pupils and parents

3.4 Other considerations for managing attendance

- Use up-to-date attendance data to support continued improvements to overall school and individual

pupil attendance. This could be benchmarked across regional and national data to promote awareness of school performance and target setting within the whole school community
- Identify and analyse authorised and unauthorised absences to support targeted interventions for improvement
- Identify a range/toolkit of strategies to deal with absenteeism and lateness. Be alert to critical times eg return after a period of sickness, a return after a traumatic event (either at school or at home) or during the period leading to/from a phase transfer and be clear how these individual circumstances will be addressed
- Establish target setting for individual pupils, form groups, year groups whole school etc. which supports the aims of the policy
- Establish procedures for re-integrating long-term absentees
- Suggest differentiation and flexibility in the curriculum where issues have been identified that may be impacting on attendance. For example, where a pupil has been on a reduced educational provision. There are clear links here to school behaviour and SEND policies which should be referenced
- Have clarity regarding how the school will engage in effective Primary/Secondary liaison to ensure all pupils will continue to have good attendance and to identify any concerns
- Ensure that governors have all the information to assess school performance in terms of attendance

3.5 New Pupils Joining a School - Expected First Day of Attendance

Pupils join the school roll from the beginning of the first day on which the school has agreed, or has been notified, that the pupil will attend and must be listed in both the admission and attendance registers from that day. If a pupil has accepted a place at the school and fails to attend on the agreed date, school must follow up the absence to ensure that the pupil does not lose their place and that any safeguarding and missing from education concerns are addressed.

4 Academy trustees and governing bodies of maintained schools

4.1 Responsibilities for academy trustees and governing bodies of maintained schools

The DfE places the following expectations on academy trustees and governing bodies as detailed in the DfE Guidance published May 2022: *Summary table of responsibilities for school attendance: Guidance for maintained schools, academies, independent schools and local authorities* :

- Recognise the importance of school attendance and promote it across the school's ethos and policies
- Ensure school leaders fulfil expectations and statutory duties
- Regularly review attendance data, discuss and challenge trends and help school leaders focus improvement efforts in the individual pupils or cohorts who need it most
- Ensure school staff receive adequate training on attendance

Multi-academy trust boards and governing bodies of federations are also expected to share effective practice on attendance management and improvement across schools.

4.2 Considerations for governors

- Have a nominated governor with oversight of attendance who will work closely with the designated senior leader for attendance in the schools and who will provide robust support and challenge to school leaders
- Ensure that attendance is dealt with strategically across other school strategies including behaviour, safeguarding and SEND
- Review attendance data at board meetings and think about the impact of attendance on pupil progress and attainment – particularly in vulnerable groups

5. The local authority

5.1 Responsibilities of the local authority

The DfE places the following expectations on local authorities as detailed in the DfE Guidance published May 2022: *Summary table of responsibilities for school attendance: Guidance for maintained schools, academies, independent schools and local authorities*

- To rigorously track local attendance data
- To have a School Attendance Support Team which provides the following core functions free of charge to all schools regardless of type
- **Communication and advice –** bringing schools together to communicate messages, provide advice and share best practice between school and trusts within the area.
- **Targeting Support Meetings** – hold termly (3 x per year) conversations with schools using attendance data to identify pupils and cohorts at risk of poor attendance and agree targeted actions and access to services for those pupils
- **Multi-disciplinary support for families** – provide access to early help support workers to work intensively with families to provide practical whole family support and unblock barriers to attendance
- **Legal intervention** – take forward legal intervention where voluntary support has not been successful or engaged with.
- **Monitor and improve the attendance of children with a social worker**

5.2 The local authority discharges its statutory duty to ensure regular school attendance through Education Welfare Officers within the Education Welfare Service. In doing so it enables schools and parents to meet their respective responsibilities.

5.3 The functions of the School Attendance Support Team will primarily sit within the Education Welfare Service although strategic support for attendance may also be provided by other local authority teams such as School Effectiveness.

5.4 The primary responsibility of the Education Welfare Service is to promote the excellent attendance of all pupils in Wiltshire schools, thereby contributing to raising pupil attainment.

5.5 The Education Welfare Service will work in close partnership with all maintained schools independent schools and academies *(subject to specific agreements)* in Wiltshire and other statutory and voluntary agencies to promote regular school attendance and support schools to discharge their responsibilities to ensure regular attendance.

5.6 All schools in Wiltshire will have a Targeting Support Meeting 3 times per academic year. Attendance data will be used to prioritise schools with higher numbers of persistent (less than 90% attendance) and severely absent (less than 50% attendance) pupils.

5.7 Whilst each school will have access to a link Education Welfare Officer, the allocation of that resource will be targeted according to identified need using attendance data including persistent absence data.

5.8 To enable the local authority to monitor and support the attendance of children with a social worker, attendance oversight and discussion will be mandatory in assessment and subsequent planning by social workers.

5.9 The local authority will use the full range of parental responsibility measures available to support and enforce attendance where parents have not voluntarily engaged with the support from the school.

This will include the use of parenting orders, education supervision orders, penalty notices and

prosecution.

The Education Welfare Service wishes to work closely with schools to provide the following:

Education Welfare Officer Consultation Visits

The link Education Welfare Officer will offer consultation visits to maintained schools and academies (where agreements are in place) to meet with the designated member of staff. These visits will be in addition to the Targeting Support Meetings.

The purpose of consultation is to:

- Identify pupils who are experiencing attendance difficulties by reviewing the attendance data of individual pupils or groups.
- Agree on actions that need to be taken either by the school and/or the Education Welfare Service including referral thresholds.
- Feedback and exchange information in relation to work which has been undertaken by the Education Welfare Officer and/or the school and recording this in writing, a copy of which is given to the school.
- Identify areas of concern and of good practice in relation to attendance matters.
- Offer advice on strategies for improving attendance.

Intervention

On receipt of a referral the Education Welfare Officer (EWO) will consider the most appropriate action to be taken. In the first instance this may involve arranging, by letter, a formal meeting to explain the actions that may be taken. It is good practice to make sure parents understand the consequences of failing to ensure their child's regular attendance, in particular that the case could result in a penalty notice and/or court proceedings.

Intervention will be based on an assessment of needs and in conjunction with schools. This could be through the Early Support Assessment (ESA), and action planned appropriate to the individual circumstances of each case, but may include:

Holding formal Local Authority Attendance meetings and reviews between the school, parents and pupil in school or elsewhere
Offering specific support to parents and individual pupils, either at school or elsewhere.
Visiting the parent or pupil at home (where this is deemed appropriate or necessary).
Helping the pupil and parents to access appropriate support from other services and agencies
Supporting schools with implementing parenting contracts

The Education Welfare Officer may also signpost how pupils and families may receive additional support dependent upon need.

Children Missing Out of Education

Wiltshire LA has a Children Missing Out of Education (CMOE) panel which meets regularly throughout the academic year. The panel is made up of colleagues from Targeted Education Services, Children's Social Care, Young People's Service (YOT), Special Educational Needs and Disabilities team, Performance Management.
The purpose of the panel is to ensure that the LA is meeting its statutory obligations under s19 Education Act by ensuring that all pupils in Wiltshire have access to appropriate education and determining whether there is a LA duty to make provision in some cases.
The panel may also provide robust support and challenge to schools and professionals where it appears that pupils are not attending school regularly and in line with DfE guidance and best practice.

The panel will regularly review pupils who:

- Are known to have a reduced educational provision (REP) in place – particularly those who are subject to extended
- Have episodes of illness which exceeds 15 school days. It is important to note that Wiltshire secondary maintained and academy providers have a Service Level Agreement in place with the local authority which devolves funding for them to meet this element of the s19 Education Act duties.
- Experience multiple suspensions
- Do not appear to be in receipt of suitable education under arrangements made for them by their parents (Electively Home Educated)

6.0 ATTENDANCE REGISTERS

6.1 Attendance registers are legal documents which may be required as evidence in court.

6.2 Schools are required to take an attendance register at the start of the morning session and once during the afternoon session. The Education (Pupils' Attendance Records) Regulations 1991 and the Education (Pupil Registration) (England) Regulations 2006 stipulate that schools should maintain an attendance register for each class containing the names of all pupils in the class.

6.3 Taking the register is a key part of the school day and should be seen as such by both the staff and pupils

The following action must be taken:

On each occasion schools must record whether every pupil was present, absent, present at approved educational activity or unable to attend due to exceptional circumstances.

If a day pupil of compulsory school age is absent the register must also show whether the absence was authorised by the school or not.

Authorised absence means that the school has either given approval in advance for the pupil to be away or that an explanation offered afterwards has been accepted as satisfactory justification. Consistent and accurate use of register codes within schools will allow school staff and EWOs to determine quickly the basis of the authorised absence in question.

The law requires absences not agreed in advance to be recorded as unauthorised unless and until a satisfactory explanation is forthcoming. National absence and attendance codes are indicated at **Appendix B**.

Grounds for deleting registered pupils from school admission registers are detailed in Regulation 8 **-** see **Appendix C**

6.4 Keeping attendance registers

Particular attention should be paid to accurate registration. Incomplete entries or inappropriate authorisation of absence can seriously impede the work of Education Welfare Officers and may compromise subsequent court proceedings. Missing marks should not be left in registers. A pupil is either marked present or absent at the time of registration while the register remains open. The attendance register should not be left open throughout the session. A period of no more than 30 minutes is advised.

Schools are being urged to keep registers electronically. Schools must use the national absence and attendance codes. This facilitates the process of providing attendance statistics, particularly through the DfE WONDE reporting and School Census systems as well as enabling schools and Local Authorities to benchmark themselves against each other and identify schools that might have good practice to consider adopting.

Whenever a change is made, both the original entry in a register and any subsequent amendment must be clearly distinguishable. For inspection purposes, registers must also show the reason for change, when it was made and who made it.

The governing body (which is responsible for the attendance register) must register with the Data Protection Registrar under the Data Protection Act 1998. Further advice can be found under www.ico.org.uk

Security and preservation of admission and attendance registers

Schools must have systems in place to ensure that both the admission and the attendance registers are secure in order to prevent unauthorised or improper access to the information. These systems must also ensure that the integrity of the data is protected. It is good practice to back-up all electronic systems on a daily basis in order to ensure that staff can quickly recover from systems failure, but schools must back-up electronic registers at least once a month. These back-ups must be stored securely and open to inspection for three years.

At the end of each school year, schools must create "historical" copies of the admission and attendance registers which must show all of the information that was recorded in them that year. These copies must be stored for at least 3 years, but schools can keep them longer if they prefer.

7 USE OF LEGAL ACTION

71. If it becomes known to the LA that a parent has failed to register a child of compulsory school age at a school and he/she does not intend to educate the child otherwise than at school, the Education Welfare Service will, if necessary, serve a School Attendance Order under Section 437 of the Education Act 1996.

7.2 If a pupil who is registered at a school fails to attend that school regularly without a legitimate reason the Education Welfare Service may take legal action by laying a summons against the parents before the Magistrates' Court under Section 444 of the 1996 Education Act, or by applying for an Education Supervision Order relating to the pupil under Section 36 of the Children Act 1989. Section 444AS and s444B of the 1996 Education Act (introduced by the Anti-Social Behaviour Act 2003) also enables the issue of Penalty Notices as an alternative to prosecution. A Parenting Order can be issued by Magistrates as an ancillary order to a section 444 prosecution.

7.3 Legal proceedings under Section 444 of the 1996 Education Act will usually only be used as part of a planned intervention aimed at effecting the pupil's return to regular school attendance. However, in cases where parents wilfully withhold a pupil from school, or persistently refuse to co-operate with efforts aimed at effecting a return to satisfactory school attendance, the Education Welfare Service will take legal proceedings on the grounds that no other course of action is available. A decision about whether to recommend legal proceedings would normally be taken at a Court Assessment Interview chaired by a senior officer of the Education Welfare Service.

7.4 The Education Welfare Service will consider applying for an Education Supervision Order when a parent finds it difficult to exercise an effective influence over a child who has developed a pattern of poor attendance. Education Supervision Orders will not usually be applied for in relation to pupils in Years 10 and 11.

7.5 All cases are formally reviewed and considered for legal action if necessary.

7.6 Approval will be given by the appropriate Education Welfare Service Professional Lead and the Solicitor to the Council before legal proceedings are commenced.

Before an application is made for an Education Supervision Order other possible means of dealing with the pupil's poor attendance will be explored. The Education Welfare Officer will consider an Education Supervision Order and will be of the view that the Order will have a significant effect on the child's attendance at school. In such cases social care will be consulted about the appropriateness of applying for such an Order.

APPENDIX A

DEVELOPING A WHOLE SCHOOL ATTENDANCE POLICY – A STEP BY STEP APPROACH

The following steps are offered as guidelines to support schools in developing a policy framework. They are not intended to be prescriptive, but offer a general model of practice that can be adjusted to meet individual needs.

To reflect DfE guidance schools must insert the name of their designated senior leader with responsibility for attendance and may also want to name the lead governor in the policy.

Step One – Rationale for policy

A few statements which emphasise:

- The school's view of the importance of education
- Why the school believes regular attendance is important, in particular the link between regular attendance and raising attainment.
- Attendance and its relation to the values, ethos and curriculum of the school
- Equal opportunities and access for all pupils
- A partnership approach – some reference to shared responsibility
- That the policy is a vehicle for improving attendance

Step Two – Aims of the Attendance Policy

Examples could include some or all of the following:

- Ensure that children and young people make the best use of their educational opportunities by attending regularly, punctually and in a state of readiness for learning
- Emphasise a commitment to promoting excellent attendance and punctuality
- Establish a consistent framework to improve attendance for all pupils
- Ensure that everyone within the school community understand the issues and procedures for attendance
- Fulfil the statutory duties in relation to school attendance
- To encourage, recognise and reward good attendance

Step Three – Attendance: The Legal Framework – roles and responsibilities

A statement needs to be included which sets the attendance policy within the framework of the law and other relevant guidance.

This might include reference to the following:

- Under section 7 of the Education Act 1996, parents must ensure their children are educated. For most parents/carers this means registering their child at a school and ensuring their regular attendance. Failure to do so can result in the issue of a Penalty Notice or being prosecuted.

- By law schools are required:

    - To take an attendance register twice a day: at the start of the morning session and once during the afternoon.
    - To report to the LA pupils who fail to attend regularly or who are absent for ten consecutive school days or more without known reason

- By law the attendance register must show for every session, whether a pupil is present, absent, attending approved educational activity or unable to attend due to exceptional circumstances.

- DfE Guidance says that schools must have a policy on how long registers should be kept open; best practice is that this should be for a reasonable length of time but not that registers are to be kept open for the whole session.

- Authorised absence is where the school has given approval in advance for a pupil of compulsory school age to be away or has accepted an explanation offered afterwards as a satisfactory justification for the absence. All other absences are unauthorised.

- Reference to the guidance contained in the Wiltshire LA Attendance Policy and the responsibility of the Education Welfare Service in discharging the statutory duties of the Local Authority in respect of non-attendance at school.

Step Four – Partnership Working – roles and responsibilities

This section might include a statement about the specific roles and responsibilities of staff in school and could include:

- Head teacher role in improving and maintaining good attendance
- Designated named member of senior staff as Attendance Leader
- Head and/or Attendance Leader to be responsible for maintaining attendance profile through assemblies, staff meetings, monitoring, registration process, target setting across year group, liaison with the EWO, parent/carer contact, school attendance meetings, attending Local Authority Attendance Meetings (LAAM)
- Class / form tutor roles (within workforce reform): accurate registration, follow up notes, parent/carer contact if agreed, target setting for class/individual pupils
- Governor or trustee with specific responsibility for attendance
- Administrative staff involved in first day contact procedures

In relation to parents/carers, a statement about the school's view of the role and contribution a parent can make to ensure good attendance is maintained. Examples might include:

- Ensuring their child arrives at school every day, on time, appropriately dressed and in a 'condition to learn' (i.e. not too tired or too hungry)
- Work in partnership with the school to help their child(ren) gain an appreciation of the importance of

attending school regularly
- Work in partnership with the school to take an active interest in their child's education
- Work in partnership with the school and other agencies (as appropriate) to resolve problems relating to non-attendance or which may have a negative impact on their child's attendance

Pupils also have a responsibility to make sure they follow school procedures made known to them for receiving their registration mark, in particular when arriving late.

Step Five – Procedures

This section should contain the procedures that are used to identify and follow up all absence together with clear channels for communicating these to staff, pupils and parents/carers. It is very important that all staff adhere to a consistent approach in dealing with absence and lateness, including supply teaching staff.

In-school procedures may include:

- Clear systems for accurate registration
- Identified period for the register to remain open (up to 30 minutes but can be shorter)
- Scheduled and unscheduled spot checks of registers outside of statutory requirements
- Agreed criteria and consistent approach to lateness
- Consistent use of register codes which are known to all staff (including supply staff)
- Identification of absence: how, by whom, how often
- The range of in-school strategies for dealing with pupil absence including post registration truancy and broken weeks
- Procedures for re-integration following long-term absence including catch up of missed work
- Procedures for involvement of the Education Welfare Service

Home-school procedures might include:

- First day of absence contact by the school to the parent/carer
- Expectation of first day contact by the parent/carer to the school by phone, in person or in writing which gives the reason for and expected length of absence
- Follow up written note which gives explanation for pupil absence
- Home/school agreement through Parenting Contract (voluntary) which includes reference to regular and punctual attendance and expectations of the parent/carer and the school
- Expectations with regard to medical or dental appointments taken out of school hours where possible
- Procedures for requesting pupil leave of absence for family holidays during term time –
- Parent/carer informing the school of circumstances which are or may affect their child's attendance at school

Step Six – Strategies for improving and maintaining good attendance

Strategies for ensuring good attendance encompass a range of measures and can be written into the policy. Such strategies might include:

- Incentives and rewards for individual pupils, classes or year groups with excellent or improving attendance
- Displays such as a centrally located attendance notice board
- Suggested differentiation and flexibility in the curriculum
- Sensitivity to the needs of individual pupils, understanding the reasons for absence and providing appropriate support
- Raising awareness of attendance at phase transfers

- Attendance audits which help to identify categories of non-attendance and enable targeting through specific strategies
- Governor involvement in implementing parent/community initiatives
- Pupil involvement/views on procedures and experiences in school which may affect attendance
- Regular attendance data monitoring which forms a baseline from which to action plan responses to specific issues
- Links with other policies – bullying, behaviour management, pastoral care, equal opportunities, special needs

Step 7 – Monitoring and Evaluation

In order to evaluate the effectiveness of procedures and strategies, the attendance policy needs to be monitored on a regular basis. Consideration could be given to:

- Monitoring – how, by whom and when – include links with the EWS
- Evaluation – set against specific targets, specific strategies
- Annual review by the school governing body
- Training implications – teaching staff, ancillary/office staff, coordination of whole school approach
- Resource implications – staffing, curriculum, using electronic systems for registration, school environment improvements, follow up attendance procedures

Step 8 – Communicating the contents of the Attendance Policy

As with other policies, the contents of the School Attendance Policy should be widely and openly disseminated to parents/carers, pupils, staff and governors. Ways of doing this might include:

- The policy given to all new parents/carers when their child is first registered at the school.
- Parents/carers attention being regularly drawn to the Attendance Policy through school prospectus, head teacher newsletters, Governor annual report to parents
- Aspects of the policy are raised regularly through school assemblies, staff training events
- The policy is made known to new staff as part of their induction and to those providing supply cover

APPENDIX B

ATTENDANCE REGISTERS: NATIONAL ABSENCE AND ATTENDANCE CODES

PRESENT

**Code / **: Present in school / = am \ = pm
Pupils must not be recorded as present if they are not in school during registration. If a pupil were to leave the school premises after registration, they will still be counted as present for statistical purposes.

Code L: Late arrival before the register is closed. Schools should actively discourage late arrival and be alert to patterns of late arrival. All schools are expected to set out in their attendance policy the length of time the register will be open, after which a pupil will be marked as absent. This should be the same for every session and depending on the structure of the school day not longer than either 30 minutes after the session begins, or the length of the form time or first lesson in which registration takes place. A pupil arriving after the register has closed should be recorded as absent using code U, or another absence code that it is more appropriate

AUTHORISED ABSENCE

The national absence codes must be used. Schools cannot add to the list of codes or use their own local codes. In order to be useful to schools in helping them identify patterns of absence, it is essential that

there is consistency of use by staff within each school.

C Leave of absence granted by the school in exceptional circumstances (not holiday) *(eg bereavement, performances, temporary part-time timetable, maternity leave)*
E Excluded but no alternative provision made (usually for short periods of suspension)
H Family holiday (agreed)
I Illness (NOT medical or dental etc appointments)
M Medical / Dental appointments
R Religious observance
S Study leave (Yr 11 only)
T Traveller absence *(where the family is known to be travelling or has informed of travelling **for the purposes of work**)*

APPROVED EDUCATION ACTIVITY

B Educated off site *(NOT dual registration and not for a pupil at home doing school work.)*
D Dual registration *(ie pupil attending other establishment)*
J Interview (with a prospective employer or another educational establishment)
P Approved sporting activity *(arranged by school)*
V Educational visit or trip *(arranged by school)*
W Work experience (Yr 10 and Yr 11)

UNAUTHORISED ABSENCE

G Family holiday *(NOT agreed or days in excess of agreement)*
N No reason yet provided for absence.
O Unauthorised absence
U Late (*after registers closed)*

UNABLE TO ATTEND DUE TO EXCEPTIONAL CIRCUMSTANCES

Y School site is closed or partially closed due to unavoidable cause **or** the transport provided by the school or local authority is not available and the pupil does not live within a safe walking distance **or** a local or national emergency has resulted in widespread travel disruption which prevents the pupil from attending school.
Pupil is in custody for less than 4 months and returning to school at the end of their custodial period.

ADMINISTRATIVE CODES

X Pupil not of compulsory school age not required to be in school

Z Prospective pupil not on the admission register (to set up registers in advance of pupils joining school

Planned or partial school closure (eg school holidays, teacher training, school used as polling station, staggered starts for different year groups

APPENDIX C

The Education (Pupil Registration) (Amendment) (England) Regulations 2016 places duties on all schools in England, including **academies** and **independent schools**. See: http://legislation.data.gov.uk/uksi/2016/792/made/data.html

These duties include providing the local authority (LA) with information about **pupils both leaving and**

joining the school at non-standard transition points, i.e. in-year moves or when a pupil leaves before the end of that school's final year of education e.g. a pupil leaving at the end of Y8 so not going into Y9 at that school.

GROUNDS FOR DELETING REGISTERED PUPILS FROM SCHOOL ADMISSION REGISTERS (Regulation 8(1) of the Education (Pupil Registration) (England) Regulations 2006)

A Where a pupil is subject to a school attendance order but another school is substituted by the LA or where the LA revokes it as the child will to receive efficient full-time education otherwise than at school.

B Where a pupil is registered at another school (except where it has been agreed the pupil should be registered at more than one school).

C Where a pupil is registered at more than one school and any other school at which the pupil is registered has agreed.

D Where a pupil has ceased to attend the school and it has received written notification from the parent that the pupil is receiving education otherwise than at school.

E Where a pupil (other than a boarder) has ceased to attend and no longer ordinarily resides at a place which is a reasonable distance from the school.

F Where a pupil granted leave of absence but:

(i) the pupil has failed to attend the school within the ten school days immediately following the end of the leave

(ii) the school does not have reasonable grounds to believe that the pupil is unable to attend the school by reason of sickness or any unavoidable cause; and

(iii) the school and the local authority have failed, after jointly making reasonable enquiries, to find the pupil.

G Where a pupil has been certified by the school medical officer as unlikely to be in a fit state of health to attend school before ceasing to be of compulsory school age, and neither he nor his parent has indicated to the school the intention to continue to attend the school after ceasing to be of compulsory school age.

H Where a pupil - that he has been continuously absent from the school for a period of not less than twenty school days and —

(i) at no time was his absence during that period authorised;

(ii) the school does not have reasonable grounds to believe that the pupil is unable to attend the school by reason of sickness or any unavoidable cause; and

(iii) the school and the LA have failed, after jointly making reasonable enquiries, to find the pupil.

I Where a pupil is legally detained for a period of not less than four months and the school does not have reasonable grounds to believe that the pupil will return to the school at the end of that period.

J Where the pupil has died.

K Where the pupil will cease to be of compulsory school age before the school next meets and—

(i) the pupil will cease to attend the school; or

(ii) the pupil does not meet the academic entry requirements for admission to the school's sixth form.

L Where a pupil at a school other than a maintained school, an academy, a city technology college or a city college for the technology of the arts, has ceased to be a pupil of the school.

M Where a pupil has been permanently excluded from the school.

N Where the pupil has been admitted to the school to receive nursery but is not being educated beyond this at the school.

O Where the pupil is a boarder at a maintained school or an academy and where charges for board and lodging remain unpaid by the pupil's parent at the end of the school term to which they relate.

Pupils not of compulsory school age (Regulation 8 (3))

The following are prescribed as the grounds on which the name of a pupil not of compulsory school age is to be deleted from the admission register:

3 (a) That he has ceased to attend the school, or, in the case of a boarder, that he has ceased to be a pupil of the school;

b) That he has been continuously absent from the school for a period of not less than twenty school days and (i) at no time was his absence during that period agreed by the proprietor; (ii) the proprietor does not have reasonable grounds to believe that the pupil is unable to attend the school by reason of sickness of any unavoidable cause; (iii) the proprietor of the school has failed, after reasonable enquiry, to ascertain where the pupil is;

c) that the pupil had died;

d) where the pupil has been admitted to the school to receive nursery education, he has not on completing such education transferred to a reception, or higher class at the school; or

e) that he has been permanently excluded from the school.

APPENDIX D

CHILDREN MISSING FROM EDUCATION OR WHO MAY OTHERWISE BE AT RISK

https://www.gov.uk/government/publications/keeping-children-safe-in-education--2

Aspects of Safeguarding and preventing Children Missing Education contained within the Education (Pupil Registration) (England) Regulations 2006:

https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/550416/Children_Missing_Education_-_statutory_guidance.pdf

Appendix E
Penalty Notice Code of Conduct

Wiltshire Council
Where everybody matters

Wiltshire Council

Penalty Notice - Code of Conduct

Rationale

1.1 Regular and punctual attendance of pupils at school is both a legal requirement and essential for pupils to maximise the educational opportunities available to them. Wiltshire Council's Education Welfare Service will investigate cases of irregular attendance from school and, where appropriate, instigate legal action. Penalty Notices offer a means of swift intervention to detail with unauthorised absence to avoid this becoming entrenched.

1.2 Under Section 7 of the Education Act 1996, parents are responsible for ensuring that their child of compulsory school age receives efficient, full time education that is suitable to the child's age, aptitude and ability and to any special educational needs the child may have. This may be by regular attendance at school or otherwise.

1.3 Parents are defined in Section 576 of the Education Act 1996: all natural parents, whether they are married or not; any person who has parental responsibility for a child; and any person who, although not a natural parent has care of a child. Having care of a child means that a person with whom a child lives and who looks after a child irrespective of what their relationship is with that child, is considered to be a parent in education law.

1.4 If a child of compulsory school age who is registered at a school fails to attend regularly at the school then the parent is guilty of an offence under Section 444(1) of the Education Act 1996. It is the commission of this offence that can trigger the use of a penalty notice. If a penalty notice is used by the Local Authority it provides the parent with an opportunity to discharge liability for the offence and avoid court proceedings.

1.5 Wiltshire Council may prosecute for offences under Section 444 (1) of the Education Act 1996. Possible defences available include the following:

- The pupil's absence was authorised by the school
- The pupil was ill or prevented from attending by unavoidable cause
- The absence was on a day exclusively set aside for religious observance by the religious body to which the parent belongs
- The school is not within walking distance of the child's home and the LA has made no suitable arrangements
- The parent can show that their trade or business requires them to travel, and the child has attended school as regularly as the nature of the trade of business allows, and the child has attended school for at least 200 sessions during the preceding twelve months

1.6 Under Section 103 Education and Inspections Act 2006 a parent of an excluded pupil must ensure that the pupil is not present in a public place at any time during school hours on a day which is one of the first five schools days to which the exclusion relates or, where that exclusion is for a fixed period of five days or less, any of the days to which the exclusion relates, and is stated in the notice under section 104 (Education and Inspections Act 2006) to be a day on which Section 103(2) applies. If the excluded pupil is present in a public place at any time during school hours on a school day falling within Section 103(2), the parent commits an offence (section 103(3)). A Penalty Notice may be issued by the Local Authority to offer the parent/s an opportunity to discharge liability for this offence.
Wiltshire council may prosecute for offences under Section 103 Education and Inspections Act 2006. A possible defence is reasonable justification for a parent to fail to comply with their duty under Section 103(2) of the act.

Legislation

2.1 The Education (Penalty Notice) (England) Regulations 2007 supports offences under section 444 of the Education Act 1996. Penalty Notices supplement existing sanctions

available under Section 444 of the Education Act 1996 or Section 36 of the Children Act 1989 to enforce attendance at school or alternative provision. There is no legal requirement to consider a Penalty Notice before proceeding to a section 444 prosecution.

2.2 Section 105 The Education and Inspections Act 2006 allows a penalty notice to be issued in respect of excluded pupils in a public place (as mentioned above).

2.3 The Anti-Social Behaviour Act 2003 (section 23) adds two sections (444A and 444B) to the Education Act 1996. These sections introduced penalty notices as an alternative to prosecution and enable parents to discharge potential liability for conviction for that offence by paying a penalty.

2.4 If it appears that an offence under section 444(1) of the Education Act 1996 has been committed and none of the defences outlined above apply, then consideration can be given to issuing a penalty notice

2.5 Penalty Notices will require the parent of a child of compulsory school age whose attendance has been unsatisfactory to pay a penalty currently £120 if paid within 28 days, reduced to £60 if paid within 21 days as stated in the Education (Penalty Notices) (England) (Amendment) Regulations 2013, statutory instrument No 757. (Figures correct at the time of writing, subject to amendment by further Statutory Instrument)

2.6 This Code of Conduct complies with the requirements as set out in Sections 14 – 16 of the Education (Penalty Notices) (England) Regulations 2007

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

Procedure

3.1 In Wiltshire Penalty Notices will be issued by the Education Welfare Service by first class post. In any case where the Penalty Notice is not paid within the prescribed period and where it is not appropriate to withdraw the Penalty Notice the Education Welfare Service will instigate action through the
Magistrate's Court as required by legislation. Prosecution in such cases will be for the offence to which the Penalty Notice relates.

3.2 No parent shall receive more than three separate penalty notices resulting from the unauthorised absence of an individual child in any twelve-month period

3.3 Penalty Notices will be issued individually to each parent for each child according to each parent's liability for the offence or offences. An authorised officer has discretion when deciding to issue a penalty notice to one or more parents of a child. The specific circumstances in each individual case will be the determining factor.

3.4 The Education Welfare Service will receive requests to issue penalty notices from schools / academies
/ colleges in Wiltshire, Wiltshire Police and neighbouring Local Authorities. The Education Welfare Service will take forward these requests providing that:

- The circumstances of the case meet the criteria for the issue of a penalty notice as specified in this code
- All necessary information is provided to the Education Welfare Service in order to establish that an offence, under section 444 (1) of the Education Act 1996 for failure to secure regular attendance or section 103(3) of the Education and Inspections Act 2006 for failure to comply with a duty towards an excluded pupil, has been committed.

3.5 The Education Welfare Service willl ensure that the issuing of Penalty Notices is closely

monitored to make certain that they are not duplicated, not issued where prosecution proceedings for the same offence are being considered and that recipients pay the relevant fine within the time frames specified.

Criteria for the Issuing of a Penalty Notice

4.1 Penalty Notices can be issued where a pupil has accrued 10 unauthorised sessions within the six- month period prior to the request being made or evidence of an offence under s.103 (3) Education and Inspections Act 2006 is established.

4.2 The issue of a penalty notice will be preceded by having previously issued a formal warning letter to each parent / carer. The letter will:

- Raise concern regarding the level of the unauthorised absence and give advice regarding contact with the school and the Education Welfare Service
- Advise the parent of the powers of the Local Authority to issue penalty notices
- State the number of unauthorised absences accrued which give rise to the formal warning being issued
- Notify the parent that additional unauthorised absence may lead to a penalty notice if no improvement is effected within an agreed period – the standard period shall be fifteen school days except where exceptional circumstances apply e.g. deliberate parentally condoned absence or where a pupil has been located on a truancy sweep / located by the Police during school time and there are additional occurrences of unauthorised absence.

4.3 Penalty Notices will not be issued for pupils in the care of the Local Authority. Any attendance concerns will form part of the pupil's Personal Education Plan.

4.4 With effect from 22 March 2020 Wiltshire Council will **not** issue Penalty Notices for unauthorised absence **directly related** to the Covid-19 pandemic until such time as the Department for Education (DfE) deems appropriate.

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Circumstances in which a Penalty Notice will be issued:

5.1 If in the view of an Education Welfare Officer the issuance is deemed appropriate in cases where a parent or parents continually fail to provide an explanation or fails to provide a justifiable explanation for a pupil's absence and this is recorded as an unauthorised absence by the proprietor of the school. This could include late arrival after the register has closed which is recorded as an unauthorised absence where these total 10 or more sessions.

5.2 For pupils stopped during a truancy sweep or located by Police during school hours where there are found to be additional unauthorised absences totalling 10 or more sessions

5.3 Following a request from a School / College / Academy for intervention where the circumstances appear to have been totally avoidable (e.g. too tired after a late night, a birthday treat, family / friends visiting, shopping) where this is unauthorised and these total 10 or more sessions

5.4 Where a school/college/academy makes a notification for an instance of unauthorised leave of absence (holiday during term time) which totals 10 or more sessions continuous or aggregated within the previous six months and within the current academic year and where the proprietor has not given permission or where permission was not sought prior to the unauthorised leave of absence being taken

5.5 Following notification from a neighbouring Local Authority

5.6 For pupils who are stopped by Police in a public place during the first five school days of an Exclusion, whether for a fixed period or permanent exclusion or, where that exclusion is for a fixed period of five days or less, any of the school days to which the exclusion relates as specified in

section 103(2) of the Education and Inspections Act 2006 and is stated in the notice under section 104 to be a day on which the parent is subject to this subsection.

Procedure for withdrawing Penalty Notices

6.1 A Penalty Notice may be withdrawn by Wiltshire Local Authority if the Authority determines that:

- It ought not to have been issued
- It ought not to have been issued to the person named as the recipient
- It is materially defective

6.2 Where a penalty notice has been withdrawn in accordance with the above a notice of the withdrawal will be issued to the recipient and any amount paid by way of penalty in pursuance of that notice shall be repaid to the person who paid it. No proceedings shall be continued or instituted against the recipient for the offence in connection with which the withdrawn notice was issued or for an offence under section 444 (1A) of the Education Act 1996 arising out of the same circumstances.

6.3 A Penalty Notice cannot be withdrawn because of an inability to pay

6.4 If a Penalty Notice is not paid in full before the expiry of the period of paying it and Wiltshire Council has neither instigated proceedings for the offence to which the notice relates nor is contemplating such proceedings, then the notice will be withdrawn.

6.5 If a Penalty Notice has been issued for unauthorised absence **directly related** to the Covid-19 pandemic **after** 16 March 2020 this will be withdrawn by Wiltshire Council immediately.

6.6 If a Penalty Notice has been issued for unauthorised absence **directly related** to the Covid-19 pandemic **before** 16 March 2020 any action relating to this will be suspended until such time as the Department for Education (DfE) deems appropriate.

Appeals

7.1 There is no statutory right of appeal against the decision to issue a penalty notice and the sole authority to authorise absence rests with the Headteacher of the school / academy / college

7.2 The Education (Pupil Registration) (England)Regulations does not permit Headteachers to give authorisation for absence retrospectively.

Payment of Penalty Notices

8.1 The arrangements for the paying of penalty notices will be detailed on the Penalty Notice

8.2 Payment by way of instalment is not permitted. Payment should be made in full according to the dates as stipulated on the Penalty Notice

Non-payment of Penalty Notices

9.1 Non payment of a Penalty Notice will normally result in prosecution under the provisions of section 444 of the Education Act 1996 or prosecution under section 103 of the Education and Inspections Act 2006

Publicity

10.1 All schools / academies / colleges / alternative education provisions intending to use penalty notices must:

- Set out the establishment's process for managing absence
- Ensure that all parents / carers are aware of the process to request leave of absence during term time
- Make notifications to the Local Authority without delay when the particular criteria is reached
- Publish details regarding arrangements of managing absence within the establishment's Attendance Policy