



# Attendance and Punctuality Policy

**Person responsible: Headteacher**  
**Ratified by the governing body: Summer 19**  
**Date for review: Summer 2021**

A handwritten signature in black ink, which appears to read 'A Renshaw', is positioned below the text.

**Reverend Anne-Marie Renshaw**  
**Chair of Governors**

## **ATTENDANCE AND PUNCTUALITY POLICY**

### **Introduction**

Messing Primary School recognises that positive behaviour and good attendance are essential in order to raise standards of pupil attainment and to give every child/young person the best educational experience possible.

This policy is written with the above statement in mind and this underpins our school aim to:

- promote children's welfare and safeguarding;
- ensure every pupil has access to the full time education to which they are entitled;
- ensure that pupils succeed whilst at school
- ensure that pupils have access to the widest possible range of opportunities at school and when they leave school.

Any absence affects the pattern of a child's schooling and regular absence will seriously affect their learning. Any pupil's absence or late arrival disrupts teaching routines and so may affect the learning of others in the same class. Ensuring a child's regular attendance at school is a parental responsibility and permitting absence from school without a good reason creates an offence in law and may result in prosecution.

This policy has been developed in consultation with school governors, teachers, local Headteacher Associations, the Local Authority and parents and carers. It seeks to ensure that all parties involved in the practicalities of school attendance are aware and informed of attendance matters in school and to outline the schools commitment to attendance matters. It details the responsibilities of individuals and groups involved and the procedures in place to promote and monitor pupil attendance.

Our policy aims to raise and maintain levels of attendance by:

- Promoting a positive and welcoming atmosphere in which pupils feel safe, secure and valued.
- Raising awareness of the importance of good attendance and punctuality
- Ensuring that attendance is monitored effectively and reasons for absences are recorded promptly and consistently.

Helping to create a pattern of regular attendance is the responsibility of parents, pupils and all members of school staff.

To help us all to focus on this we will:

- Give parents/carers details on attendance in our newsletters
- Report to parents/carers annually on their child's attendance with the annual school report.
- Contact parents/carers should their child's attendance fall below the school's target for attendance.
- Celebrate excellent attendance by displaying and reporting individual and class achievements
- Reward good or improving attendance

## **Understanding Types of Absence**

Every half-day absence from school has to be classified by the school (not by the parent/carer), as either AUTHORISED or UNAUTHORISED. This is why information about the cause of any absence is always required. Each half-day is known as a 'session'

**Authorised absences** are morning or afternoon sessions away from school for a genuine reason such as illness (although you may be asked to provide medical evidence for your child before this can be authorised), medical or dental appointments which unavoidably fall in school time, emergencies or other unavoidable cause.

**Unauthorised absences** are those which the school does not consider reasonable and for which no 'leave' has been given. This type of absence can lead to the Local Authority using sanctions and/or legal proceedings which may include issuing each parent with a Penalty Notice for £120, reduced to £60 if paid within 21 days or referring the matter to the Magistrates Court whereby each parent may receive a fine up to £2500 and/or up to 3 months in prison. If you are found guilty in court you will receive a criminal conviction.

Unauthorised absence includes, however is not exhaustive:

- parents/carers keeping children off school unnecessarily e.g. because they had a late night or for non-infectious illness or injury that would not affect their ability to learn.
- absences which have never been properly explained.
- children who arrive at school after the close of registration are marked using a 'U'. This indicates that they are in school for safeguarding purposes however is recorded as an absence for the session.
- shopping trips
- looking after other children or children accompanying siblings or parents to medical appointments.
- their own or family birthdays.
- holidays taken during term time without leave, not deemed 'for exceptional purposes' by the headteacher- may result in school applying to the local authority to issue a penalty notice or if you have previously been issued a Penalty Notice, the school may request a direct prosecution by the local authority.
- day trips
- other leave of absence in term time which has not been agreed

## **School Attendance and the Law**

**There is no longer any entitlement in law for pupils to take time off during the term to go on holiday.**

In addition, the Supreme Court has ruled that the definition of regular school attendance is "in accordance with the rules prescribed by the school".

The Education (Pupil Registration) (England) Regulations 2006 were amended in September 2013. All references to family holidays and extended leave have been removed. The amendments specify that headteachers may not grant any leave of absence during term time unless there are "exceptional circumstances" and they no longer have the discretion to authorise up to ten days of absence each academic year.

It is a rule of this school that a leave of absence shall not be granted in term time unless there are reasons considered to be exceptional by the headteacher, irrespective of the child's overall attendance. Only the headteacher or his/her designate (not the local authority) may authorise such a request and

all applications for a leave of absence must be made in writing on the prescribed form provided by the school. Where a parent removes a child when the application for leave was refused or where no application was made to the school, the issue of a penalty notice may be requested by this school.

**At Missing Primary exceptional circumstances' will be interpreted as:**

... being of unique and significant emotional, educational or spiritual value to the child which outweighs the loss of teaching time. The fundamental principles for defining 'exceptional' are events that are "rare, significant, unavoidable and short". By 'unavoidable' we mean an event that could not reasonably be scheduled at another time.

**We will not consider applications for leave during term time:**

- at any time in September. This is very important as your child needs to settle into their new class as quickly as possible.
- during assessment and test periods in the school's calendar affecting your child.
- when a pupil's attendance record already includes any level of unauthorised absence or they have already been granted authorised leave within that academic year.

Whilst any child may occasionally have time off school because they are ill, sometimes they can be reluctant to attend school. Any problems with regular attendance are best sorted out between the school, the parents and the child. If a parent thinks their child is reluctant to attend school then we will work with that family to understand the root problem and provide any necessary support. We can use outside agencies to help with this such as the School Nurse, Local Authority Attendance Compliance Team or a Child and Family Support Worker.

**Persistent Absenteeism (PA)**

A pupil is defined by the Government as a 'persistent absentee' when they miss 10% or more schooling across the school year for whatever reason. Absence at this level will cause considerable damage to any child's education and we need a parent/carer's fullest support and co-operation to tackle this.

We monitor all absence, and the reasons that are given, thoroughly. If a child is seen to have reached the PA mark or is at risk of moving towards that mark we will inform the parent/carer. PA pupils are tracked and monitored carefully. We also combine this with academic tracking where absence affects attainment. All our PA pupils and their parents are subject to a school based meeting and the plan may include: allocation of additional support through the School Nurse, Local Attendance Adviser, Home School Liaison Worker, Local Authority, Family Solutions or Social Care. We may also use circle time, individual incentive programmes, individual targets and participation in group activities to support us in raising attendance.

**Absence Procedures**

**If a child is absent from school the parent/carer must follow the following procedures:**

- Contact the school on the first day of absence **before 9.20 am**. The school has an answer phone available to leave a message if nobody is available to take your call, or call into school personally and speak to the office staff
- Contact the school on every further day of absence, again before 9.20am
- Ensure that your child returns to school as soon as possible and you provide any medical evidence if requested to support the absence.

### **If your child is absent we will:**

- Telephone or text you on the first day of absence if we have not heard from you however it is your responsibility to contact us
- Write to you if your child's attendance is below 95%.
- Invite you in to school to discuss the situation with our School Welfare Officer, Child and Family Support Worker or Headteacher if absences persist
- Refer the matter to the Local Authority for relevant sanctions if attendance deteriorates following the above actions

### **Attendance Compliance Team**

Parents are expected to contact school at an early stage and to work with the staff in resolving any problems together. This is nearly always successful. If difficulties cannot be sorted out in this way, the school may refer the child to the Local Authority. Local Authority Attendance Specialists work with schools, families and other professionals to reduce persistent absence and improve overall attendance. If attendance does not improve, legal action may be taken in the form of a Penalty Notice (see Annex A for the Essex Code of Conduct), prosecution in the Magistrates Court or the application of an Education Supervision Order, designed to strengthen parental responsibilities and ensure improved attendance.

### **Lateness**

Poor punctuality is not acceptable. If a child misses the start of the day they can miss work and do not spend time with their class teacher getting vital information and news for the day. Late arriving pupils also disrupt lessons, can be embarrassing for the child and can also encourage absence. Good time-keeping is a vital life skill which will help our children as they progress through their school life and out into the wider world.

### **How we manage lateness:**

The school day starts at **8.45 am** when children can begin to come into school. Registers are taken by **8.55 am** and your child will receive a late mark 'L' if they are not in by that time. Children arriving after the side door has closed are required to come in to school via the school office accompanied by a parent or carer, the parent/carer will sign them into our 'Late Book' and provide a reason for their lateness which is recorded. The school may send home 'late notes' in order to keep parents and carers informed. From time to time the Child and Family Support Worker, Headteacher or Deputy Headteacher will undertake a 'Late Gate' check, greeting late arrivals at the main entrance to the school.

At **9.20am** the registers will be closed. In accordance with the Regulations, if your child arrives after that time they will receive a mark that shows them to be on site 'U', but this will **not** count as a present mark and it will mean they have an unauthorised absence. This may mean that you could face the possibility of being issued with a Penalty Notice if the problem persists. If your child has a persistent late record you will be asked to meet with the School Welfare Officer and/or Child and Family Support Worker, but you can approach us at any time if you are having problems getting your child to school on time. We expect parents and staff to encourage good punctuality by being good role models to our children and celebrate good class and individual punctuality.

If leave of absence is authorised, the school will not provide work for children to do during their absence. Parents are however advised to read with their children and encourage them to write a diary while they are away.

### **Deletion from Roll**

For any pupil leaving Messing Primary School, other than at the end of year 6 parents/carers are required to complete a 'Pupils moving from school' form which can be obtained from the school office. This provides school with the following information: Child's name, class, current address, date of leaving, new home address, name of new school, address of new school. This information is essential to ensure that we know and safeguard the whereabouts of all of our pupils.

It is crucial that parents keep school updated with current addresses and contact details for key family members in case of emergency.

### **Summary**

The school has a legal duty to publish its absence figures to parents and to promote attendance.

Equally, parents have a duty to make sure that their children attend school, on time, every day.

*All school staff and the Governing Body are committed to working with parents and pupils as the best way to ensure as high a level of attendance as possible.*

## **Annex A**

# **ESSEX CODE OF CONDUCT PENALTY NOTICES FOR PARENTS OF TRUANTS AND PARENTS OF PUPILS EXCLUDED FROM SCHOOL ANTI-SOCIAL BEHAVIOUR ACT 2003 SECTION 23**

The purpose of this local code of conduct is to ensure that the powers are applied consistently and fairly across the Local Authority area to all Essex residents.

The Government requires Local Authorities to issue a code of conduct and any persons issuing Penalty Notices to a parent<sup>1</sup> must do so in accordance with this protocol. Essex County Council is legislatively responsible for administering the Penalty Notice scheme and will do so in accordance with a number of legislative and non-legislative requirements.

The Essex code has been agreed following consultation with;

- Essex County Council representatives – Attendance Compliance Team and Essex Legal Services.
- Representatives from Governing Bodies and Headteachers of Essex Schools
- Essex Police
- Persons accredited under Essex Police's Community Safety Accreditation Scheme (CSAS)

The Code of Conduct is in accordance with the following legislation;

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<sup>1</sup> All those defined as a parent under Section 576 Education Act 1996 are parents for the purpose of these provisions. This means that all natural parents, whether they are married or not; any person who, although not a natural parent, has parental responsibility (as defined in the Children Act 1989) for a child or young person; and any person who, although not a natural parent, has care of a child or young person. Having care of a child or young person means that a person with whom the child lives and who looks after the child, irrespective of what their relationship is with the child, is considered to be a parent in education law. Parent means each and every parent coming within the definition (whether acting jointly or separately) and should not be taken to mean that provisions only apply to parent in the singular. As with prosecutions under Section 444 Education Act 1996 a penalty notice may be issued to each parent liable for the offence.

The legal framework governing school attendance and the responsibilities of parents of excluded pupils, schools and the LA is set out in a succession of acts, regulations and other guidance.

### Education Act 1996

Under Section 7 of the Act: the parent is responsible for making sure that their child of compulsory school age receives efficient full time education that is suitable to the child's age, ability and aptitude and to any special educational needs that the child may have, this can be by regular attendance at school, or otherwise (the parent can choose to educate their child themselves). If it appears to the LA 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 under Section 437 of the Education Act 1996.

If a child of compulsory school age who is registered at a school fails to attend the school regularly the parent is guilty of an offence under Section 444(1) of the Education Act 1996. In addition, if it can be proved that a parent knew of the child's non-attendance and failed to act, then they may be found guilty under Section 444(1 A). This offence (known as the higher or aggravated offence) can lead to a warrant being issued compelling a parent to attend court and conviction may result in a higher level fine and/or a custodial sentence.

<sup>1</sup> All those defined as a parent under Section 576 Education Act 1996 are parents for the purpose of these provisions. This means that all natural parents, whether they are married or not; any person who, although not a natural parent, has parental responsibility (as defined in the Children Act 1989) for a child or young person; and any person who, although not a natural parent, has care of a child or young person. Having care of a child or young person means that a person with whom the child lives and who looks after the child, irrespective of what their relationship is with the child, is considered to be a parent in education law. Parent means each and every parent coming within the definition (whether acting jointly or separately) and should not be taken to mean that provisions only apply to parent in the singular. As with prosecutions under Section 444 Education Act 1996 a penalty notice may be issued to each parent liable for the offence.

On 6 April 2017, in the case of *Isle of Wight Council v Platt* [2017] UKSC 28, the Supreme Court ruled that the word 'regularly' means 'in accordance with the rules prescribed by the school.'

### Anti-social Behaviour Act 2003

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<http://www.legislation.gov.uk/ukpga/2003/38/contents>

The Act added two new sections (444A and 444B) to the Education Act. It introduced penalty



notices as an alternative to prosecution under Section 444; the issuing of penalty notices is governed by:

- The Education (Penalty Notices) (England) Regulations 2007
- The Education (Penalty Notices) (England) (Amendment) 2013

<http://www.legislation.gov.uk/ukxi/2013/757/contents/made>

### **Children Act 1989**

<http://www.legislation.gov.uk/ukpga/1989/41/section/36>

### **Crime and Disorder Act 1998**

<https://www.legislation.gov.uk/ukpga/1998/37/section/16>

### **Education and Inspections Act 2006**

<http://www.legislation.gov.uk/ukpga/2006/40/contents>

### **The Education (Pupil Registration) (England) Regulations 2006 (Amended 2013)**

<http://www.legislation.gov.uk/ukxi/2013/756/regulation/2/made>

## **AUTHORISATION TO ISSUE PENALTY NOTICES**

Primary responsibility for issuing penalty notices rests with the Local Authority (LA). It has been agreed that the Attendance Compliance Team, on behalf of Essex LA, will usually issue penalty notices. The Service will administer the scheme from any funds obtained as a result of issuing penalty notices.

Head Teachers (and Deputy Head Teachers and Assistant Head Teachers authorised by the head teacher) and police, and persons accredited by the community safety accreditation scheme are all able to issue the notices under the Act, although there is no requirement for them to do so.

In Essex it has been agreed that the Police and Head Teachers will not issue penalty notices to parents. Persons accredited through the Community Safety Accreditation Scheme<sup>2</sup> are authorised to do so.

## CIRCUMSTANCES IN WHICH A PENALTY NOTICE MAY BE ISSUED

Penalty Notices apply to pupils of statutory school age, which commences the term immediately following the child's 5<sup>th</sup> birthday and finishes on the last Friday in June of school year in which they turn 16.

Penalty notices will only be issued as a conclusion to a series of processes and when all attempts to address school attendance matters have been unsuccessful. If a previous Penalty Notice has been unsuccessful, rationale and justification should be provided as to why issuing another Penalty Notice would improve the attendance of the student. If schools are not aware of any previous or current legal interventions they must email [attendancecompliance@essex.gov.uk](mailto:attendancecompliance@essex.gov.uk). A response will be sent within 3 working days.

Parents cannot be penalised more than once for the same period of absence.

Domestic and European legislation and case law makes it clear that when serving a formal Notice in criminal proceedings, the recipient must be clearly and unambiguously identified. For the Purpose of issuing a Penalty Notice under this Code, the parent's first and last name must be cited on the Notice and any covering letter.

Essex partners have agreed to use Penalty Notices for the following circumstances however the offence under s444 Education Act 1996 is the same whether issued for unauthorised leave of absence (ULA) or irregular school attendance (ISA):

### Penalty notices for unauthorised leave of absence (ULA)<sup>3</sup>

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Penalty Notices may be issued where there have been at least 10 consecutive sessions of unauthorised absence for the purpose of a holiday, whereby a parent made an application to the School which the Head Teacher has deemed not for exceptional circumstances. In addition, a Penalty Notice may also be issued, whereby the parent did not submit a leave of absence request, however the school have reason to believe the absence was for the purpose of a holiday and should not be authorised as parent has not provided any additional evidence which the Head Teacher deems appropriate to support the absence.

In addition to the above criteria, due to the importance of pupils settling into school at the commencement of the school year, Penalty Notices may also be issued if there have been at least 6 consecutive sessions of unauthorised absence during the first two weeks of September due to a term-time holiday.

The Local Authority requests that for Penalty Notices to be issued, parents must be duly warned of the legal ramifications under separate cover if they remove their child from school for

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<sup>2</sup> Accredited companies at time of this publication are Attendance Solutions Essex, Aquinas School Attendance Provisions and NEMAT Support Services

<sup>3</sup> Truancy/unauthorised/irregular school attendance refers to absence from school without permission or good reason and the absence is unauthorised by the school.

the purpose of a holiday. Schools/Academies must reference the use of Penalty Notices within their Attendance Policy which must be available to all parents/carers online and/or in hard copy within the school, accessible to parents to read. Schools should remind parents of the protocol regarding leave of absence during term time.

### Penalty Notices for Irregular School Attendance (ISA)

Penalty Notices may be issued where there has been at least 10 sessions of unauthorised absence during the previous 10 school weeks.

Parents must have been issued with a Legal Action Warning Letter with accompanying Legal fact sheet and given opportunities to inform the school of any factors impacting on their ability to ensure their child attends school regularly. Warning letters are valid for 18 calendar weeks.

The Local Authority advises that the following template is used for irregular school attendance referrals as this has been specifically designed to enable the progression of cases if appropriate. This letter must be on headed paper from the school or accredited persons issuing the notice. The legal fact sheet must be included

[https://schools.essex.gov.uk/pupils/Attendance\\_Compliance/Documents/Legal%20Action%20Warning%20Letter%20for%20schools.docx](https://schools.essex.gov.uk/pupils/Attendance_Compliance/Documents/Legal%20Action%20Warning%20Letter%20for%20schools.docx) .

Failure to adequately issue warning to parents may result in the Penalty Notice being withdrawn or not issued.

All penalty notice referrals or notifications from Accredited Persons must be sent via Essex County Council's online portal and all relevant pre-referral work in accordance with the Local Authority requirements must be uploaded alongside the referral/notification.

3Truancy/unauthorised/irregular school attendance refers to absence from school without permission or good reason and the absence is unauthorised by the school. The Local Authority must be satisfied that the substantive offence in accordance with s.444 Education Act 1996 has been committed prior to issuing a Penalty Notice.

Evidence of attempts to address attendance concerns within the previous 8 weeks prior to requesting or notifying of a Penalty Notice must be submitted. Satisfactory evidence includes letters, notes of home visits, meetings, telephone calls etc.

*N.B. for ULA and ISA PN's consideration should always be given to whether it is appropriate to*

*issue to absent parents.*

#### Number of Penalty Notices which can be issued for Irregular school attendance/unauthorised leave of absence

Discretion will be used to enable up to two penalty notices to be issued to each parent for each child within a twelve month period. If the law continues to be broken around school attendance the Attendance Compliance Team may instigate legal proceedings.

#### Number of Penalty Notices which can be issued for pupils identified during a school attendance and exclusion sweep

School attendance and exclusion sweeps take place in Essex and children stopped are often with parents condoning the absence.

If the Head Teacher has not authorised the absence of a pupil stopped by a Local Authority Officer and Police Officer on a sweep and there has been at least 9 unauthorised absences for that pupil during the preceding 10 schools weeks, school will issue a legal action warning letter to the parent within 14 days. If there are any further unauthorised absences, during the following 18 calendar weeks a referral to the Attendance Compliance Team may be submitted for a Penalty Notice to be issued.

Essex will issue no more than two penalty notices to a parent in a twelve month period for pupils identified on a school attendance and exclusion sweep. If the law continues to be broken around school attendance the Attendance Compliance Team will instigate legal proceedings.

#### Excluded children

When a child is excluded from school, the parent will be responsible for ensuring that their child is not found in a public place during normal school hours on the first five days of each and every fixed period or permanent exclusion. (Section 103 Education and Inspections Act)

The excluding school must have notified the parent informing them of their duty and warning that a penalty notice could be issued.

Where there is more than one person liable for the offence, a separate penalty notice may be issued to each person.

Where a pupil is present in a public place in the first five days of a fixed period exclusion the Essex Local Authority would issue a penalty notice if the school is in their area. Where the child has been permanently excluded, it would be the authority where the child resides.

#### Number of penalty notices which can be issued for exclusion

Essex will issue a maximum of 2 penalty notices per parent for each child during a 12 month period.

#### Number of penalty notices which can be issued for unauthorised leave of absence

Essex will issue no more than two penalty notices to a parent in a twelve month period for unauthorised leave of absence. If the law continues to be broken around school attendance, the Attendance Compliance Team will consider further legal interventions.

### **PAYMENT OF PENALTY NOTICE**

The penalty for each parent issued with a Penalty Notice is £120 for each child, however if paid within 21 days of receipt of the notice, it is reduced to £60. (Service by post is deemed to have been effected, unless the contrary is proved, on the second working day after posting the notice by first class post).

All penalties are paid to the LA and revenue generated is retained to administer the system and contribute towards s444 prosecutions following the non-payment of the Penalty Notice.

If the penalty is not paid in full by the end of the 28 day period, the Attendance Compliance Team will either prosecute for the offence to which the notice applies or withdraw the notice. The prosecution is not for non-payment of the notice but is a prosecution for irregular school attendance – Education Act 1996 Section 4441.

There is no statutory right of appeal against the issuing of a penalty notice.

### **WITHDRAWAL OF PENALTY NOTICE**

A penalty notice may be withdrawn by the local authority named in the notice under the following circumstances:

- Where the local authority deems it ought not to have been issued i.e. where it has been issued outside the terms of the local code of conduct or where the evidence does not support the issuing of a penalty notice
- It appears to the local authority that the notice contains material errors
- Where it has been issued to the wrong person named as the recipient.

#### CO-ORDINATION BETWEEN THE LOCAL AUTHORITY AND ITS LOCAL PARTNERS

The Attendance Compliance Team and its local partners will review this Code of Conduct bi-annually unless local needs require otherwise.

#### VERSIONS

Original Code of Conduct was introduced in September 2004.

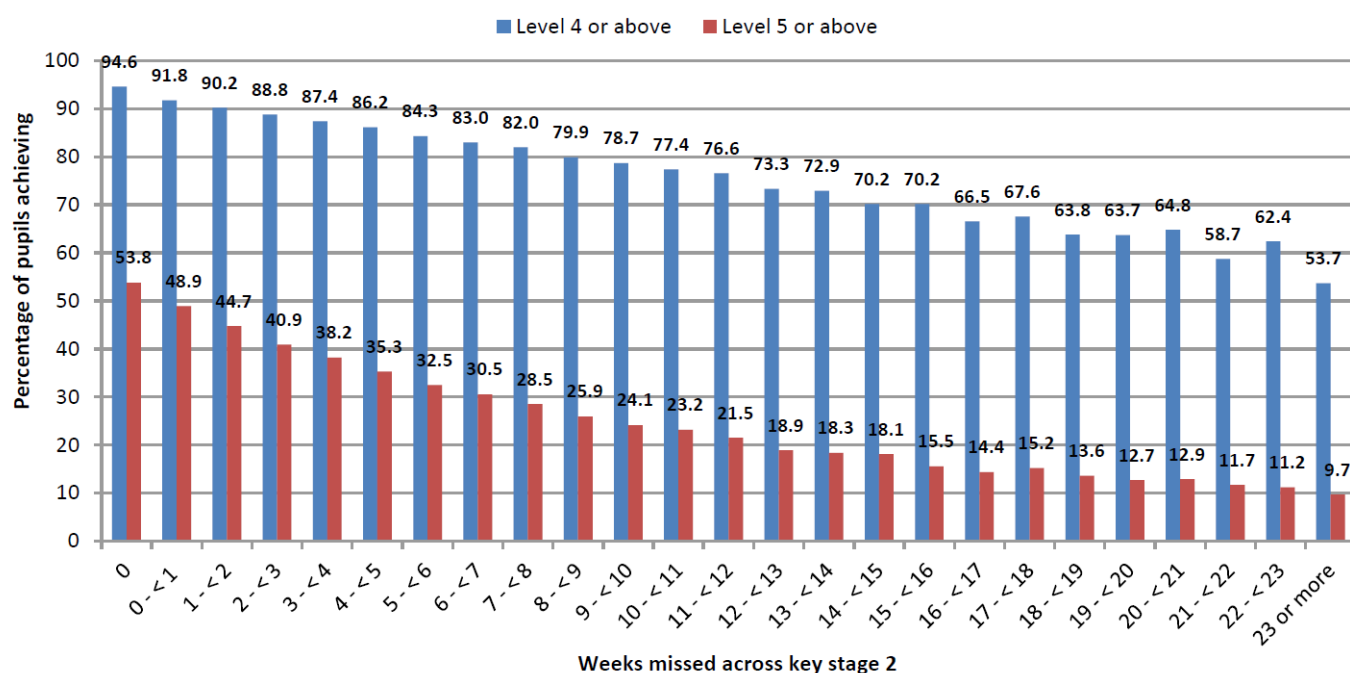
Most recent revision - November 2017

Revised March 2019 for implementation from April 2019

## Annex B

### DfE “The link between absence and attainment at KS2 - 2013/14 academic year”

The analysis of the link between overall absence ....and attainment when taking prior attainment and pupil characteristics into account showed that, for each KS2 and KS4 measure, overall absence had a statistically significant negative link to attainment – i.e. every extra day missed was associated with a lower attainment outcome.



### If a child is absent

- For safeguarding reasons, parents/carers should telephone or e mail the school at the start of the morning by 9.30, every day of their child’s absence.

- If a child has a sickness bug they should not return to school within 48 hours.
- If there is any doubt about the whereabouts of a child, the class teacher should take immediate action by notifying the school office. The school will then be in contact straight away with the parent or carer before 9.30am, in order to check on the safety of the child.
- If a parent/carer cannot be contacted the school will contact family members on the child's record.
- When the child returns to school, a note should be brought from a parent or carer to explain the absence if the office has not been notified.
- A note may be sent to the school prior to the day of absence. For example, if a child has a medical appointment.
- Where attendance has fallen below 93%, or the school is not satisfied that the absence is due to illness, the school may require that parents provide medical evidence to cover the absence. This may be:
  - An appointment card/slip
  - A text message confirming an appointment
  - A photocopy of the tear off slip retained by the parent when a prescription is issued
  - A photocopy of the label on any medication prescribed.
- You will be informed if an absence is unauthorised.
- Where attendance falls below the persistent absence threshold of 90% parents/carers will be invited into school so that we can find ways to support you with improving your child's attendance.
- If a child's absence continues and the school is unsure of the child's whereabouts, the school's 'Child Missing from Education' policy would be used.
- Under the Education Welfare Support Team's recommendations, the school will write to all families, at the end of each term, when attendance falls below 93% whatever the reasons for absence. This is to inform the parents of their child's attendance figure as well as monitoring poor attendance.

### **Requests for leave of absence**

We believe that children need to be in school for all sessions, so that they can make the most progress possible.

Parents do not have the right to withdraw their children from school for an annual holiday. Taking your child out of school during term time could be detrimental to your child's educational progress. There is no entitlement to parents to take their child out of school during term time, however, you may apply to the school for leave of absence if you believe there are exceptional circumstances. The Education (Pupil Registration) (England) (Amendment) Regulations 2013 does not allow Headteachers to grant leave of absence to a pupil unless the Headteacher considers that there are exceptional circumstances relating to the application. At Messing Primary exceptional circumstances will be interpreted as being of unique and significant emotional, educational or spiritual value to the child which outweighs the loss of teaching time.



We will not agree leave during term time:

- at any time in September. This is very important as your child needs to settle into their new class as quickly as possible.
- during assessment and test periods in the school's calendar affecting your child.
- when a pupil's attendance record already includes any level of unauthorised absence or they have already been granted authorised leave within that academic year.

A form is available on our website or may be requested from the office.

You will be informed in writing or personally if your request is unauthorised.

### **Penalty notices (see Appendix A)**

If a holiday is not authorised, and is taken without permission, the Education Welfare Service may issue a penalty notice to each parent, requiring them to pay a fine of £60 for each child to be paid within 21 days. If the penalty is not paid within the time scale the penalty will increase to £120. If the higher penalty is not paid within 28 days, the Education Welfare Service will then institute legal proceedings against you in the magistrate's court under Section 444 of the Education Act 1996 for failing to ensure your child attends school regularly.

All penalty notices will be issued on the basis of 10 unauthorised sessions absent within the previous 10 weeks. A session is a.m or p.m. This will include absences that are taken where a family chooses to go on holiday or take unauthorised leave for 5 or more days (10 or more sessions).

### **Long-term absence**

When children have an illness or injury that means they will be away from school for over five days, the school will do all it can to send material home (once taken medical advice), 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 may be made for the child to be given some tuition outside school. (Once taken medical advice)

### **Repeated unauthorised absences**

The school will contact the parent or carer of any child who has an unauthorised absence. If a child has a repeated number of unauthorised absences, the parents or carers will be asked to visit the school and discuss the problem. If the situation does not improve, the school will then contact the LA support services.

The governors, supported by the LA, reserve the right to consider taking legal action against any parents or carers who repeatedly fail to accept their responsibility for sending their children to school on a regular basis.

## **The Missing Education and Child Employment Service**

Parents are expected to contact school at an early stage and to work with the staff in resolving any problems together. This is nearly always successful. If difficulties cannot be sorted out in this way, the school may refer the child to the Local Authority. Local Authority Officers work with schools, families and other professionals to reduce persistent absence and improve overall attendance. If attendance does not improve, legal action may be taken in the form of a Penalty Notice (see Annex A for the Essex Code of Conduct), prosecution in the Magistrates Court or the application of an Education Supervision Order, designed to strengthen parental responsibilities and ensure improved attendance.

- A pupil is considered to be a persistent absentee where attendance falls below 90%.
- A child with 89% attendance at the end of the year will have missed 21 days of school(over 4 weeks of learning missed)

## **Rewards for good attendance**

The class with the best attendance each half term will receive a reward, decided with the class. (If the class has a child with long term illness this will be taken into account.)

## **Attendance targets**

The school sets attendance targets each year. The targets are challenging yet realistic, and based on attendance figures achieved in previous years.

## **Lateness**

Poor punctuality is not acceptable. If a child misses the start of the day they can miss work and do not spend time with their class teacher getting vital information and news for the day. Late arriving pupils also disrupt lessons, can be embarrassing for the child and can also encourage absence. Good time-keeping is a vital life skill which will help our children as they progress through their school life and out into the wider world. The school's register time opens at 8.50am and closes at 9.20am.

## **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 them, and seek to ensure that our attendance figures are as high as they should be.

The school will monitor the pupils' attendance and every half term, write to parents whose children have an attendance which is lower than 93%. This is to inform the parents of their children's attendance figure and to support where appropriate.

Children who leave the school will be deleted from roll and any necessary information will be sent to the school where the child is going to attend.

Class teachers and office manager 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 headteacher, who will contact the parents/carer.

### **Deletion from Roll**

For any pupil leaving Messing Primary School, other than at the end of year 6 parents/carers are required to complete a 'Pupils moving from school' form which can be obtained from the school office. This provides school with the following information: Child's name, class, current address, date of leaving, new home address, name of new school, address of new school. This information is essential to ensure that we know and safeguard the whereabouts of all of our pupils.

### **Summary**

The school has a legal duty to publish its absence figures to parents and to promote attendance.

Equally, parents have a duty to make sure that their children attend school, on time, every day.

*All school staff and the Governing Body are committed to working with parents and pupils as the best way to ensure as high a level of attendance as possible.*

This policy will be reviewed by the governing body every two years, or earlier if considered necessary.

## **Annex A**

### **ESSEX CODE OF CONDUCT PENALTY NOTICES FOR PARENTS OF TRUANTS AND PARENTS OF PUPILS EXCLUDED FROM SCHOOL (OCTOBER 2017) ANTI SOCIAL BEHAVIOUR ACT 2003 SECTION 23**

The purpose of this local code of conduct is to ensure that the powers are applied consistently and fairly across the local authority area and that suitable arrangements are in place for the administration of the scheme.

The Government requires Local Authorities to issue a code of conduct

The Essex code has been agreed following consultation with:

- Essex Local Authority – Missing Education & Child Employment Service
- Representatives from Governing Bodies and Headteachers of Essex Schools
- Essex Police Service

in accordance with the Education (Penalty Notices) Regulation 2007, Anti Social Behaviour Act 2003) section 23 subsection (1) and Sections 103 to 105 of the Education and Inspections Act 2006; Education (Pupil Registration) (England) (Amendment) Regulations 2013

Anyone issuing a penalty notice to a parent\* of a child of statutory school age on roll at an Essex school, must do so within the terms of this code.

#### **Legislation**

The Anti Social Behaviour Act 2003 inserts into the Education Act 1996 Section 444A and Section 444B enabling authorised personnel to issue penalty notices as an alternative to prosecution under Section 444 and enable parents to discharge potential liability for conviction for that offence by paying a penalty.

Section 444(1) of the Education Act 1996 provides that if a child of compulsory school age ‘fails to attend regularly’ at the school where he is a registered pupil, his parent is guilty of an offence. On the 6th April 2017, in the case of Isle of Wight Council v Platt the Supreme Court judgement ruled that the word ‘regularly’ means ‘in accordance with the rules prescribed by the school’.

Section 103 of the Education and Inspections Act 2006 places a duty on parents to ensure that their child is not present during school hours in a public place during the first 5 days of exclusions. Section 105 of the Act enables a penalty notice to be issued under Section 103.

### **Authorisation to issue penalty notices**

Primary responsibility for issuing penalty notices rests with the Local Authority (LA). It has been agreed that the Missing Education & Child Employment Service, on behalf of Essex LA, will usually issue penalty notices. The Service will administer the scheme from any funds obtained as a result of issuing penalty notices.

Headteachers (and deputy headteachers and assistant headteachers authorised by the head teacher) and police, and persons accredited by the police are all able to issue the notices under the Act, although there is no requirement for them to do so. In Essex it has been agreed that the Police will not issue penalty notices to parents of truants, but persons accredited by them may do so. Schools will not generally issue penalty notices but where a Headteacher (or their designated deputy) or accredited person decides that a penalty notice is to be served, they must email ME&CE.legal@essex.gov.uk to ascertain if there is any current legal action. A response will be sent within 24 hours. This will avoid a penalty notice being issued when the Local Authority is instigating legal intervention proceedings for irregular school attendance.

### **Circumstances in which a penalty notice may be issued**

Penalty Notices apply to pupils of statutory school age which finishes in year 11.

### **Penalty notices for irregular school attendance /leave of absence \*\***

- Penalty notices may be issued where there has been at least 10 sessions of unauthorised absence during the previous ten school weeks.
- In addition to the above criteria, due to the importance of pupils settling into school at the commencement of the school year, penalty notices may also be issued if there have been at least 6 consecutive sessions of unauthorised leave of absence during the first two weeks of September.

### **Number of penalty notices which can be issued for truancy/unauthorised absence**

Discretion will be used to enable up to two penalty notices to be issued to each parent for each child within a twelve month period. If the law continues to be broken around school attendance the Missing Education and Child Employment Service legal intervention process will be used.

### **Pupil identified during a school attendance and exclusion sweep**

School attendance and exclusion sweeps take place in Essex and children stopped are often with parents condoning the absence.

If the Headteacher does not authorise the absence of a pupil stopped by a Local Authority Investigation Officer and Police Officer on a sweep and there has been at least 10 unauthorised absences for that pupil during the preceding 10 schools weeks, school will issue a warning letter to the parent within 14 days. If there are any further absences that are not authorised by the head teacher, during the next 6 schools weeks the school will complete a request, signed by the Headteacher (or their designated deputy), for issue of a penalty notice and send to the Missing Education and Child Employment Service . The Missing Education and Child Employment Service may then issue a penalty notice.

### **Number of Penalty Notices which can be issued for pupils identified during a school attendance and exclusion sweep.**

Essex will issue no more than two penalty notices to a parent in a twelve month period for pupils identified on a school attendance and exclusion sweep. If the law continues to be broken around school attendance the Missing Education and Child Employment Service legal intervention process will be used.

### **Excluded children**

When a child is excluded from school, the parent will be responsible for ensuring that their child is not found in a public place during normal school hours on the first five days of each and every fixed period or permanent exclusion. (Section 103 Education and Inspections Act)

The excluding school must have issued notice to the parent informing them of their duty and warning that a penalty notice could be issued.

Where there is more than one person liable for the offence, a separate notice may be issued to each person.

Where a pupil is present in a public place in the first five days of a fixed period exclusion the Essex Local Authority would issue a penalty notice if the school is in their area. Where the child has been permanently excluded, it would be the authority where the child resides.

### **Number of penalty notices which can be issued for exclusion**

Essex will issue a maximum of 5 penalty notices per parent for each child during a 12 month period.

### **Number of penalty notices which can be issued for unauthorised leave of absence**

Essex will issue no more than two penalty notices to a parent in a twelve month period for unauthorised leave of absence. If the law continues to be broken around school attendance the Missing Education and Child Employment Service legal intervention process will be used.

### **Payment of Penalty Notice**

The penalty for each parent is £60 for each child if paid within 21 days of receipt of the notice, rising to £120 if paid after 21 days but within 28 days of receipt of the notice (service by post is deemed to have been effected, unless the contrary is proved, on the second working day after posting the notice by first class post).

All penalties are paid to the LA and revenue generated is retained to administer the system and contribute towards S444 prosecutions.

If the penalty is not paid in full by the end of the 28 day period Essex Missing Education and Child Employment Service will either prosecute for the offence to which the notice applies or withdraw the notice. The prosecution is not for non-payment of the notice but is a prosecution for irregular school attendance – Education Act 1996 Section 444 (1)

There is no statutory right of appeal against the issuing of a penalty notice.

### **Withdrawal of Penalty Notice**

A penalty notice can be withdrawn in the following circumstances:

- Where it ought not to have been issued i.e. where it has been issued outside the terms of the local code of conduct or where the evidence does not support the issuing of a penalty notice
- The notice contains material errors
- Where it has been issued to the wrong person or the parent can prove it was delivered to the wrong address

### **Co-ordination between the LOCAL AUTHORITY and its local partners**

The Missing Education and Child Employment Service and its local partners will review this Code of Conduct annually.

*\* All those defined as a parent under Section 576 Education Act 1996 are parents for the purpose of these provisions. This means that all natural parents, whether they are married or not; any person who, although not a natural parent, has parental responsibility (as defined in the Children Act 1989) for a child or young person; and any person who, although not a natural parent, has care of a child or young person. Having care of a child or young person means that a person with whom the child lives and who looks after the child, irrespective of what their relationship is with the child, is considered to be a parent*

*in education law. Parent means each and every parent coming within the definition (whether acting jointly or separately) and should not be taken to mean that provisions only apply to parent in the singular.*

*As with prosecutions under Section 444 Education Act 1996 a penalty notice may be issued to each parent liable for the offence.*

**\*\*** truancy/unauthorised absence is absence from school without permission or good reason and the absence is unauthorised by the school.

## **Annex B**

DfE “The link between absence and attainment at KS2 - 2013/14 academic year”

The analysis of the link between overall absence ....and attainment when taking prior attainment and pupil characteristics into account showed that, for each KS2 and KS4 measure, overall absence had a statistically significant negative link to attainment – i.e. every extra day missed was associated with a lower attainment outcome.

