



Lenham Primary School

Take Pride; Be Proud

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Attendance Policy

November 2020

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Signed: 	
Chair of Governors	

Statement of Intent

Lenham Primary School is committed to the continuous raising of achievement of all our pupils. Regular attendance is critical if our pupils are to be successful and benefit from the opportunities presented to them.

One of our basic principles is to celebrate success. Good attendance is fundamental to a successful and fulfilling school experience. We actively promote 100% attendance for all our pupils and we use a variety of weekly, termly and annual awards to promote good attendance and punctuality.

The Governors, Head Teacher and Staff in partnership with parents have a duty to promote full attendance.

Parental Responsibility

Parents (see appendix 1) have a legal duty to ensure that their child(ren) attend school regularly and arrive on time. Regular attendance is essential to the all-round development of the child and they should be allowed to take full advantage of educational opportunities available to them. Poor attendance undermines their education and sometimes, puts pupils at risk, encouraging anti-social behaviour.

It is the parents' responsibility to contact the school on the first day their child is absent, and each day thereafter, before registration. This is a safeguarding issue requirement so that all parties know that your child is safe. Parents should regularly update the school and inform on when their child is returning.

Pupils are expected to arrive in our flexible start times (these are communicated clearly with parents and are on the website). All pupils that arrive late must report, with their parent or guardian to the school office where the reason for lateness is recorded.

The Role of the School Staff

At Lenham Primary School there is a whole school responsibility and approach for improving school attendance, with specific staff taking individual responsibility.

The headteacher has overall responsibility for monitoring attendance issues.

Class teachers complete a register at the beginning of each morning and once during the afternoon session. Marking the attendance registers twice daily is a legal requirement. (The Education (Pupil Registration) (England) Regulations 2006) Teachers mark pupils present, absent or late. The class teacher notifies the Attendance Officer about children whose attendance is causing concern.

It is the responsibility of the Attendance Officer to ensure:

- Attendance and lateness records are up to date
- If no reason for absence has been provided, parents are contacted on the first day of absence by phone call.
- Where there has been no communication, the absence will be unauthorised unless a valid reason is given.

- The appropriate attendance code is entered into the register (National Attendance Codes)
- Parents informed annually of child's attendance figure or sooner if there is a cause for concern (i.e. absence below 95%)

Timeline of School Action for Poor Attendance

- 90 - 95% attendance - school intervention letters/meeting with parents – consider Penalty Notice or Early Help Notification.
- Below 90% - Where the absences have not been authorised consult with the Local Authority School Liaison Officer and a referral to Pupil Referral Unit (PRU), Inclusion and Attendance Service may be considered.

Children Missing Education

No child should be removed from the school roll without consultation between the Head Teacher and the PRU, Inclusion and Attendance Service when appropriate. Please see circumstances below:-

Where a child is missing from education, Local Authority guidance will be followed, by completing a Child Missing Education referral for the following circumstances:-

- If the whereabouts of the child is unknown and the school have failed to locate him/her.
- The family has notified the school that they are leaving the area but no Common Transfer Form (pupil file) has been requested by another school.

Lateness

At Lenham Primary School the register is taken at 8:55 a.m. and 1:00 pm. Pupils arriving after these times must enter school by the main entrance and report to reception where their name and reason for lateness will be recorded. The pupil will be marked as late before registration has closed (Code 'L').

The register will close at 9:15 a.m. and 1:15 .pm. Pupils arriving after the register has closed will be marked as late after registration (Code 'U') and this will count as an unauthorised absence for that session.

Frequent lateness after the register has closed (U) will be discussed with parents and could provide grounds for prosecution or a Penalty Notice. (See Appendix 1 for definition)

Penalty Notice Proceedings for Lateness – Penalty Notices are issued in accordance with Kent County Council's Education Penalty Notices Code of Conduct effective from January 2016.

- 10 incidents of late arrival after the registers have closed during any possible 100 school sessions for a Penalty Notice Warning Letter.

- The Penalty Notice Warning Letter sets out 15 school days during which no unauthorised absence is to be recorded
- If unauthorised absence is recorded during the 15 day period, Penalty Notice(s) will be issued (one per parent per child)
- Where a Penalty Notice is not paid within 28 days of issue the Local Authority will instigate court proceedings

Authorising Absence

Only the Head Teacher can authorise absence using a consistent approach. The Head Teacher is not obliged to accept a parent's explanation. A letter or telephone message from a parent does not in itself authorise an absence. If absences are not authorised, parents will be notified.

If no explanation is received, absences will not be authorised.

Absence (leave) during term time can only be approved in "exceptional circumstances". The following reasons are examples of absence that will not be authorised:

- Persistent nonspecific illness e.g. poorly/unwell
- Absence of siblings if one child is ill
- Oversleeping
- Inadequate clothing/uniform
- Confusion over school dates
- Medical/dental appointments of more than half a day without very good reasons
- Child's/family birthday
- Shopping trip
- Family Holidays

Persistent unauthorised absence may result in an AS1 referral to the Local Authority School Liaison Officer for consideration of prosecution. The school will follow procedures prior to referral and parents will be notified in writing.

When a referral is made, the child's Registration Certificate, copies of all letters sent to parents and minutes of any meetings **MUST** be attached to the completed AS1 referral form with any other relevant information.

Local Authority Action may include:-

- Attendance Improvement Meeting
- Home visits
- Liaison with other agencies
- Fast Track to Prosecution
- Education Supervision Orders
- Parenting Contracts
- Parenting Orders
- Penalty Notices
- School attendance Orders

Penalty Notices Proceedings for Poor Attendance - Penalty Notices are issued in accordance with Kent County Council's Education Penalty Notices Code of Conduct effective from January 2016

- A Penalty Notice can only be issued in cases of persistent unauthorised absence or where an excluded child is found in a public place during school hours.
- Absence for 10 or more half day sessions (5 school days) without authorisation during any 100 possible school sessions – these do not need to be consecutive.
- The PRU, Inclusion and Attendance Service issue a warning letter setting out 15 school days during which no unauthorised absence is to be recorded
- If unauthorised absence is recorded during the 15 day period a Penalty Notice will be issued (one per parent per child)

Exceptional circumstances could include:

- Service personnel returning from a tour of duty abroad where it is evidenced the individual will not be in receipt of any leave in the near future that coincides with school holidays.
- Where an absence from school is recommended by a health professional as part of a parent or child's rehabilitation from a medical or emotional issue.
- The death or terminal illness of a person close to the family.
- To attend a wedding or funeral of a person close to the family.
- Any examples provided are illustrative rather than exhaustive. It is acceptable to take a student's previous record of attendance into account when the school is making decisions. The fundamental principles for defining 'exceptional' are rare, significant, unavoidable and short. And by 'unavoidable' it implies that an event could not reasonably be scheduled at another time. It is important to note that Head Teachers can agree the absence of a child in exceptional circumstances and this discretion can be used also to determine the length of the authorised absence.

Where Penalty Notices are imposed, the regulations state that the penalty will be £120 to be paid within 28 days, reduced to £60 if paid within 21 days. Penalty Notices are issued to each parent of each child. Failure to pay the penalty in full by the end of the 28 day period will result in prosecution by the Local Authority.

Child performers

The new regulations still enable a headteacher to grant leave of absence for a pupil to undertake employment during school hours for the purpose of taking part in a performance within the meaning of section 37 of the Children and Young Persons Act 1963.

Legislation sets out that a local authority licence must be obtained before a child can take part in a performance. Where the licence specifies the dates that a child is to be away from school to perform, then the headteacher should authorise these days. However, where the terms of the licence do not specify dates it is at the discretion of

the headteacher to authorise leave of absence. As a school we will be sympathetic to requests that are supported by a licence, as long as the headteacher is satisfied that this will not have a negative effect on a child's education.

Leave of Absence/Holiday

From September 2013 the Department for Education has amended the Pupil Registration Regulations, removing the Head Teacher's ability to authorise leave of absence for the purpose of a family holiday.

Section 444 of the Education Act 1996 says that parents are **guilty** of an offence of failing to secure regular attendance at school unless they can prove that the child was absent:

- with leave (the school has given permission)
- due to sickness or any unavoidable cause (the sickness or unavoidable cause must relate to the child, not the parent)
- religious observance
- failure by the Local Authority to provide transport

In law, these are the only acceptable reasons for a child being absent from school.

The Head Teacher may authorise absence in "exceptional circumstances" but this must be requested in advance and agreement to each request is at the discretion of the Head Teacher, acting on behalf of the Governing Body (Education (Pupil Registration) (England) Regulations 2006). Each case will be judged on its merits and the Head Teacher's decision is final. Once the decision not to authorise leave is taken, it cannot be authorised retrospectively.

If the absence is not authorised and the holiday is taken anyway, the case may be referred to the PRU, Inclusion and Attendance Service who may issue a Penalty Notice to each parent for each child taken out of school. Failure to pay the penalty in full by the end of the 28 day period will result in prosecution by the Local Authority.

COVID 19

Although school attendance is mandatory from the start of the autumn term, there are some circumstances where pupils cannot attend school due to coronavirus (COVID-19).

To make sure schools record this accurately and consistently, we have made changes to the regulations to governing school attendance registers to add a new category of non-attendance – 'not attending in circumstances related to coronavirus (COVID-19)'.

This category must only be used to record sessions that take place in the 2020 to 2021 academic year where a pupil does not attend because their travel to, or attendance at, school would be:

- contrary to guidance relating to the incidence or transmission of coronavirus (COVID-19) from Public Health England (PHE) and/or the Department of Health and Social Care (DHSC)³
- prohibited by any legislation (or instruments such as statutory directions) relating to the incidence or transmission of coronavirus (COVID-19)

In line with the Secretary of State's expectation that no parent will be penalised for following official public health advice for their child not to attend a given session, this new category of non-attendance will not count as an absence (authorised or unauthorised) for statistical purposes.

We are following and implementing Government guidance. As a School we are asking to see evidence from any testing that takes place.

Appendix 1

Definition of a parent

A parent means

- All natural parents whether they are married or not
- Any person who has parental responsibility for a child or young person
- Any person who has care of a child or young person. i.e lives with and looks after the child

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

Definition of Penalty Notice

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

Penalty notices can only be issued by a head teacher or someone authorised by them (a deputy or assistant head), a local authority officer or the police. All schools and the police must send copies of penalties issued to the local authority. Penalty notices can be issued to each parent liable for the attendance offence or offences. Penalty notices can be used where the pupil's absence has not been authorised by the school. Penalty notices may also be issued where parents allow their child to be present in a public place during school hours without reasonable justification during the first five days of a fixed period or permanent exclusion. The parents must have been notified by the school at the time of the exclusion of this and the days to which it applies.

Definition of Education Supervision Order

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

Definition of Parenting Contract

A parenting contract is a formal written signed agreement between parents and either the local authority or the governing body of a school and should contain:

- A statement by the parents that they agree to comply for a specified period with whatever requirements are set out in the contract; and
- A statement by the local authority or governing body agreeing to provide support to the parents for the purpose of complying with the contract.

Parenting contracts can be used in cases of misbehaviour or irregular attendance at school or alternative provision. Parenting contracts are voluntary but any non-

compliance should be recorded by the school or local authority as it may be used as evidence in court where an application is made for a behaviour parenting order. The local authority or governing body should fund any support required to implement a parenting contract (such as referral to parenting classes) and provide information to parents about other types of support available, such as details of national and local agencies and helplines.

Definition of Parenting Order

Parenting orders are imposed by the court and the parents' agreement is not required before an order is made.

Parenting orders are available as an 'ancillary order' following a successful prosecution by the local authority for irregular attendance or breach of a school attendance order.

They are also available as a 'free-standing order' by direct application by the governing body of a school, or local authority to the Magistrates' Court, in cases either where exclusion has taken place or where there has been serious misbehaviour. An application for a parenting order for misbehaviour must be made within 40 school days of the date upon which the latest instance of serious misbehaviour occurred or, if applicable, the date on which the exclusion review process ends. If a parent has already entered into a parenting contract, an application can be made within 6 months of the date the contract was signed.

Parenting orders consist of 2 elements:

- A requirement for parents to attend counselling or guidance sessions (e.g. parenting education or parenting support classes) where they will receive help and support to enable them to improve their child's behaviour. This is the core of the parenting order and lasts for up to 3 months; and,
- A requirement for parents to comply with such requirements as is specified in the order. This element can last up to 12 months.

All parenting orders must be supervised by a 'responsible officer' from the school (behaviour orders only) or local authority. They are individually named in the parenting order.

Any breach by parents without a reasonable excuse could lead to a fine of up to £1,000. The police may enforce any breach of an order by a parent.

Parents have a right to appeal a parenting order to the Crown Court.