



# Paston Ridings Primary School

# Attendance Policy 2021

based on 'Securing Good School  
Attendance' Model Policy from  
Peterborough LA

Status	Statutory
Date approved	15 September 2021
Date of next Review	Annually

## **Introduction**

Paston Ridings Primary School is committed to providing an education of the highest quality for all of its pupils/students and recognises that this can only be achieved by supporting and promoting excellent school attendance for all. This is based upon the belief that only by attending school regularly and punctually will children and young people be able to take full advantage of the educational opportunities available to them. High attainment depends on good attendance.

The whole school community – pupils/students, parents and carers, teaching and support staff and school governors – have a responsibility for ensuring good school attendance and have important roles to play. The purpose of the policy is to clarify everyone's part in this.

Ours is a successful school and your child plays their part in making it so. We aim for an environment which enables and encourages all members of the community to achieve excellence. For children to gain the greatest benefit from their education it is vital that they attend regularly and your child should be at school, on time, every day on which the school is open unless the reason for the absence is exceptional.

All staff (teaching and support) at our school have a key role to play in supporting and promoting excellent school attendance and will work to provide an environment in which all of our pupils/students are eager to learn, feel valued members of the school community and look forward to coming to school every day. Staff also have a responsibility to set a good example in matters relating to their own attendance and punctuality.

## **Attendance Leader**

A senior member of our staff will oversee, direct and co-ordinate the school's work in promoting regular and improved attendance and will ensure that the Attendance Policy is consistently applied throughout the school. This person, known as the Attendance Leader, will also ensure that up-to-date attendance data and issues are shared weekly with the Senior Leadership Team, are made regularly available to all staff, pupils/students and parents (who will regularly be reminded about the importance of good school attendance) and that a report is prepared for the governing body half termly. S/he will ensure that attendance issues are identified at an early stage and that support is put in place to deal with any difficulties.

It is very important therefore that you make sure that your child attends regularly and this Policy sets out how together we will achieve this.

## **Why Regular Attendance is so Important:**

### **Learning:**

Any absence affects the pattern of a child's schooling and regular absence will seriously affect their learning. Any pupil's absence disrupts teaching routines so may also affect the learning of others in the same class.

Ensuring your child's regular attendance at school is your legal responsibility and permitting absence from school without a good reason is an offence in law and may result in prosecution.

### **Safeguarding:**

Your child may be at risk of harm if they do not attend school regularly. Safeguarding the interests of each child is everyone's responsibility and within the context of this school, promoting the welfare and life opportunities for your child encompasses:-

Attendance	Behaviour Management
Health and Safety	Access to the Curriculum
Anti-Bullying	

Failing to attend school on a regular basis will be considered as a safeguarding matter.

Helping to create a pattern of regular attendance is everybody's responsibility – parents/carers, pupils and all members of school staff.

### **To help us all to focus on this we will:**

- Give you details on attendance in our regular newsletters;
- Report to you regularly on how your child is performing in school, what their attendance and punctuality rate is and how this relates to their attainment and rate of progress;
- Celebrate and reward good attendance;

### **The Law relating to attendance**

Section 7 of the Education Act 1996 states that 'the parent of every child of compulsory school age shall cause him / her to receive efficient full time education suitable:-

- (a) to age, ability and aptitude and
- (b) to any special educational needs he/ she may have

Either by regular attendance at school or otherwise'

The Isle of Wight Council v Platt case considered by the Supreme Court makes it clear that regular attendance shall mean attendance in accordance with the school rules. Therefore, any non-attendance which is not in accordance with the school rules will be deemed unauthorised. The school rules are the days the school is open for pupils to attend.

Under this judgement a child should attend 100% of the time unless there are exceptional circumstances that prevent this.

### **The Law relating to safeguarding**

Section 175 of the Education Act 2002 places a duty on local authorities and governing bodies to have regard to guidance issued by the Secretary of State with regard to safeguarding and promoting the welfare of children and students under the age of 18.

### **Reception Intake Induction period**

PCC, in line with the Admissions Code, offer all children in the September following their fourth birthday a full time place at school if requested by the parents/carers.

Our School uses a short induction period where Reception aged children are introduced to their formal education by the use of a reduced timetable and to assist in their transition to full-time education. You will be notified of the timetable for our Reception children for September in advance.

### **Understanding types of absence:**

Every half-day absence from school has to be classified by the school (not by parents/carers) as either **AUTHORISED** or **UNAUTHORISED**. This is why information about the cause of any absence is always required, preferably in writing.

**Authorised** absences are mornings or afternoons away from school for a good reason like illness, medical/dental appointments which unavoidably fall in school time, emergencies or other exceptional cause.

**Unauthorised** absences are those which the school does not consider reasonable and for which no "leave" has been authorised. This includes:

- parents/carers keeping children off school unnecessarily;
- truancy before or during the school day;
- absences which have never been properly explained;
- children who arrive at school too late to get a mark;
- shopping, looking after other children or birthdays;
- day trips and holidays in term time not authorised as an exceptional circumstance.

This type of absence can lead to the Peterborough City Council, School Attendance Team, using sanctions and/or legal proceedings.

Whilst any child may be absent from 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/carers and the child. If your child is reluctant to attend, it is never better to cover up their absence or to give in to pressure to excuse them from attending. This gives the impression that attendance does not matter and usually make things worse.

### **Persistent Absence (PA):**

A pupil becomes a 'persistent absentee' when they miss **10%** or more schooling within an agreed period of time for whatever reason. Absence at this level may cause considerable damage to any child's educational prospects and we need full parental support and co-operation to tackle this.

We monitor all absence thoroughly. Any case that is at risk of moving towards the PA level is given priority and you will be informed of this immediately.

PA pupils are tracked and monitored carefully through our pastoral system and we may also combine this with academic mentoring where absence affects attainment.

### **Circumstances where a Penalty Notice may be requested from the LA by the School:**

A Penalty Notice can be issued if one of the following criteria can be met

- Level of unauthorised absence leads to an unauthorised absence rate of **10%** or more within a minimum period of any 8 school weeks (A maximum of 2 penalty notices may be issued in any academic year);
- A single unauthorised absence event of at least 2 consecutive school days (4 consecutive sessions);
- Persistent late arrival at school after the register has closed contribute to a level of unauthorised absence at **10%** or above;

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- Lack of adherence to the dates agreed for any authorised leave of absence without reasonable justification;
- Pupils identified in a public place whilst excluded from school (during the first five days of the exclusion period) without reasonable justification.

For further information regarding Penalty Notices please refer to the **Peterborough City Council Code of Conduct** which is available on the Peterborough City Council Website.

### **Absence Procedures:**

#### **If your child is absent you must:**

- Contact us as soon as possible on the first day of absence;
- Call into school and select the option to speak to the Attendance and Admissions officer;
- Leave a message on the attendance line;
- Send an email to school on the first day of absence;

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

- Telephone, text or email you on the first day of absence if we have not heard from you;
- Invite you in to discuss the situation with us;
- Take legal action if there are persistent absences, which may be in the form of Penalty Notices issued to each parent/carer for each child.

### **Telephone numbers:**

There are times when we need to contact parents/carers about lots of things, including absence, so we need to have your contact numbers at all times. So help us to help you and your child by making sure we always have an up to date number – if we don't then something important may be missed. There will be regular checks on telephone numbers throughout the year.

### **The School Attendance Officer:**

Parents/Carers 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 Attendance Officer from Peterborough City Council, School Attendance Team. S/he will also try to resolve the situation by agreement but, if other ways of trying to improve the child's attendance have failed and unauthorised absences persist, these Officers can recommend that the Local Authority use sanctions such as Penalty Notices or prosecutions in the Magistrates Court

### **Lateness:**

Poor punctuality is not acceptable. If your child misses the start of the day they can miss work and do not spend time with their class teacher/form tutor 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.

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

The school day starts at **8.45am for EYFS and KS1 children and 8.50am for KS2 pupils.**

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We expect your child to be in class at that time.

Registers are marked **within 10 minutes of the start time** and your child will receive a late mark if they are not in by that time.

**20 minutes after the start time** the registers will be closed. In accordance with the Regulations, if your child arrives after that time they will receive a mark that will indicate that your child is in the school building, but will be marked with a 'U' Code which is recorded as an **unauthorised absence**. This may mean that you could face the possibility of a Penalty Notice if the problem persists.

If your child has a persistent late record you will be asked to meet with us to resolve the problem, but you can approach us at any time if you are having problems getting your child to school on time.

### **Leave of Absence:**

Taking leave of absence without exceptional circumstance in term time will affect your child's schooling as much as any other absence and we expect parents to help us by not taking children away in school time.

Remember that any savings you think you may make by taking a holiday in school time are offset by the cost to your child's education.

There is **no** automatic entitlement in law to time off in school time to go on holiday.

All applications for leave of absence **must** be made in advance. In making a decision about whether to authorise this leave the school will consider the circumstances of each application individually.

It is important that you understand that we may **only** authorise such absences in **exceptional circumstances**.

Any period of leave taken without the agreement of the school (with at least four weeks' notice) and/or different from that agreed by the school will be classed as unauthorised and may attract sanctions such as a Penalty Notice per parent/carer per child.

### **Deletions from Register**

Under Section 8.-(1) (h), (i), (ii), (iii) of the Education (Pupil Registration) (England) Regulations 2006 should your child fail to return to school by the time that registration ends on the 20<sup>th</sup> day of absence the school is permitted to delete your child's name from their register.

This is possible if your child(ren) have not returned by the date specified because the following applies under Section 8 (h) - that he/she/they will have been continuously absent from school for a period of not less than 20 school days and

(i) at no time was the absence during that period authorised by the proprietor in accordance with regulation 6 (2);

(ii) the proprietor does not have reasonable grounds to believe that the pupil(s) is/are unable to attend the school by reason of sickness, or any exceptional cause;

**Those people responsible for attendance matters in this school are:**

**Nicola Harradine – Attendance Lead / Deputy Headteacher**

**Ruth Pridmore – Attendance and Admissions Officer**

**Joanna Cook – Headteacher**

**Summary:**

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

Equally, parents/carers have a legal duty to make sure that their children attend.

All school staff are committed to working with parents/carers and pupils as the best way to ensure as high a level of attendance as possible and that every child's welfare and life opportunities are promoted.

**Date of Policy / Review:**

September 2021

## **Penalty Notices (Unauthorised Absence, Leave and Exclusion)**

### **Code of Conduct**

#### **1. Legal Basis**

1.1 This code ensures that penalty notices for unauthorised absence or exclusion are issued consistently and fairly in order to comply with the Human Rights Act and all Equal Opportunities legislation. For children attending schools in the Peterborough City Council area, it is only officers of Peterborough City Council who may issue a penalty notice. This will ensure consistent and equitable delivery, avoid duplication of issue, allow schools to maintain good relationships with parents and ensure that they reinforce other enforcement sanctions.

1.2 In cases of **unauthorised absence**, Section 444 of the Education Act 1996 states that if a child of compulsory school age who is a registered pupil at a school fails to attend regularly at the school then her/his parent/carer is guilty of an offence.

1.3 Compulsory school age is defined as beginning from the start of the first term commencing after the child's following their fifth birthday (or on their fifth birthday if it falls on a prescribed day). Therefore:

For children born between 1 September and 31 December, they reach compulsory school age on 31 December and must be receiving full-time education at the start of the Spring term (i.e. after the Christmas holidays, in January).

For children born between 1 January and 31 March, they reach compulsory school age on 31 March and must be receiving full-time education by the start of the Summer term (i.e. after the Easter holidays, in March or April).

For children born between 1 April and 31 August, they reach compulsory school age on 31 August and must be receiving full-time education at the start of the new school year (i.e. after the summer holidays, in September)

1.4 The education-related provisions of the Anti-social Behaviour Act 2003 apply to all parents who fall within the definition set out in section 576 of the Education Act 1996. 'Parent' means all natural parents, whether they are married or not; and includes 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, irrespective of Parental Responsibility has care of a child or young person. In essence, 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.

1.5 Sections 444A and 444B of the Education Act 1996 introduced penalty notices under Section 23 of the Anti-social Behaviour Act 2003. A penalty notice is an alternative to prosecution under Section 444 and enables parents to discharge potential liability for that offence by paying a penalty. There is no legal requirement for there first to have been a penalty notice before proceeding to prosecution. If a parent fails to pay the penalty notice the prosecution that follows will be for the offence not for the non-payment.

1.6 In cases of **exclusion**, Section 103 of the Education and Inspections Act 2006 places a duty on parents in relation to an excluded pupil. A parent has to ensure that their child is not present in a public place during school hours without reasonable justification during the first five days of any fixed period or permanent exclusion.

- 1.7 The days of exclusion when this duty applies are known as the 'specified days of exclusion' and will be detailed in a notice given to the parent under Section 104 of the 2006 Act (the designated notice). The Section 104 notice will also specify what the arrangements will be for the full-time education of the excluded pupil if the pupil is excluded for 6 days or more. The parent is responsible for the child during the first five days of the exclusion.
- 1.8 Section 105 of the 2006 Act allows for a penalty notice to be given to a parent guilty of an offence under Section 103. The penalty notice allows a parent to pay a penalty as a way of discharging any liability for the offence of failing to ensure that their child is not present in a public place on the days specified in a notice given to them.
- 1.9 In cases relating to exclusion the Local Authority will consider a request for a penalty notice from Headteachers, Deputy Headteachers, Police Officers and Police Community Support Officers. In cases of unauthorised absence the Local Authority will consider a request for a penalty notice from Headteachers and Deputy Headteachers.

## 2. Circumstances where a penalty notice may be issued by the LA

- 2.1 A penalty notice can be issued if one of the following criteria can be met:

Level of unauthorised absence leads to an unauthorised absence rate of **10%** or more within a minimum period of any 8 school weeks (A maximum of 3 penalty notices may be issued in any academic year);

A single unauthorised absence **event** of at least 2 consecutive school days (4 consecutive sessions);

Persistent late arrival at school after the register has closed contribute to a level of unauthorised absence at **10%** or above (**registers should be closed after a period of time agreed by the school but no more than 30 minutes after they have opened. We recommend that this should be no more than 20 minutes**);

Lack of adherence to the dates agreed for any authorised leave of absence without reasonable justification;

Pupils identified in a public place whilst excluded from school (during the first five days of the exclusion period) without reasonable justification.

- 2.2 Unauthorised absence contributing to an **unauthorised** absence rate of **10%** or above in a minimum eight school week period:

If there have been at least **8** sessions of unauthorised absence, usually containing more than one instance, which may include persistent late arrival (arrival after the register has closed and coded 'U'), or an unauthorised single absence event (usually a holiday) as described in 2.1 above, the school will complete a request for a penalty notice to be considered.

A meeting **must** have been attempted with the parents/carers to discuss any absences and a warning letter will have been sent to each parent/carer. The parents/carers will be required to ensure that their child attends over a 30 school day period (**15 days for Y11 in the spring term**) where there should be no unauthorised absences. If there are any unauthorised absences within this period each parent/carer must be notified then a penalty notice may be issued to each parent/carer from the point of the first unauthorised absence.

If the monitoring period ends without further unauthorised absence the parent/carer may receive a letter explaining that a penalty notice will not be issued on this occasion. The letter will also contain an expectation that the improved attendance should continue and that if there are further unauthorised absences following this letter, a penalty notice may be issued or legal action under section 444 Education Act 1996 taken.

- 2.3 *Leave of absence in term time which has not been authorised by the school*

Amendments to the 2006 regulations remove references to family holiday and extended leave as well as the statutory threshold of ten school days. However, code G continues to refer to

holiday absence. The amendments make it clear that Headteachers **may not** grant **any** leave of absence during term time **unless there are exceptional circumstances**. Headteachers should determine the number of school days a child can be away from school if the circumstance is considered to be exceptional and the leave is granted.

All schools should have a clear policy and procedure for granting leave of absence. This information should be included within the school's Attendance Policy which should be easily accessible to parents and be drawn to their attention on an annual basis.

The following factors should be considered when deciding if a request for leave should be authorised or not:

- Whether there are **exceptional** circumstances relating to the request for leave;
- Whether the application was made in advance to the Headteacher by a parent/carer with whom the pupil normally resides;

**Schools must, wherever possible, check with sibling schools whether a Leave of Absence has been recorded on their records and add any siblings to the request.**

2.4 *Pupil is identified in a public place whilst excluded from school (during the first five days of the exclusion period) without reasonable justification*

It is important that parents/carers are notified of their responsibilities and possible consequences should they fail to meet them. The Section 104 Notice (exclusion letter from Headteacher) must therefore inform a parent/carer of their duty under Section 103.

There will be some circumstances where it may be necessary for a child to be in a public place during school hours on a day when they are excluded. For example, the child may have a pre-arranged medical appointment or there may be a medical emergency which needs immediate attention. In all cases it will be for the parent to prove reasonable justification. A justification which is capable of being reasonable will depend upon points of fact and proof and may ultimately be decided by the Courts.

**3. Circumstances where a penalty notice may not be issued by the LA.**

3.1 There are very few circumstances that the LA may refuse a request from a school to issue a penalty notice, however the following are examples, although not exhaustive:

- The penalty notice request form has not been completed correctly;
- The paperwork is inaccurate or missing;
- The Attendance Certificate is not coded correctly or has missing marks;

All of the above can be rectified by the school and resubmitted.

3.2 In very extreme cases the LA may refuse to issue a penalty notice to a parent/carer where records show that they have been to court and convicted of the lesser offence under Section 444 (1) on at least two previous occasions.

In these cases the recommendation of the LA is that the case is escalated either by the school or academy or referred to the LA for consideration of the higher offence, Section 444 (1a). This requires an interview under caution and can be carried out by the relevant trained officer in the school or academy or referred to the LA using the relevant referral form (Appendix 9a).

3.3 The LA may refuse to issue a PN to the parent/carer where casework does not support the request – these will be returned to the School/Academy for review/update.

#### 4. Procedure for issuing a penalty notice

- 4.1 These procedures apply to the parents/carers of children of compulsory school age who are registered at a maintained school, pupil referral unit, or an Academy and those attending alternative provisions.
- 4.2 As with prosecutions under Section 444 Education Act 1996, a penalty notice may be issued to each parent/carer liable for the offence or offences (where there is more than one child involved).
- 4.3 A penalty notice can only be issued to a parent/carer who is an individual. Where a child is in the care of the Local Authority or other agency, the Local Authority or other agency is not classified as a 'parent' for the purposes of considering whether to issue a penalty notice. A penalty notice cannot therefore be issued in these cases. (See section 1.4 for clarification of who is a 'parent').
- 4.4 The School Attendance Team may receive requests either online using the link <https://forms.peterborough.gov.uk/356855> or via email to the [PNInbox@peterborough.gov.uk](mailto:PNInbox@peterborough.gov.uk) to issue a penalty notice from Headteachers, Acting Headteachers, Deputy Headteachers, Police Officers and Police Community Support Officers.

The School Attendance Team may issue the penalty notice provided that it meets at least one of the criteria set out in 2.1 above. Requests from the school should be made **within 4 school weeks of the last date of absence or at the end of the monitoring period** via the online form <https://forms.peterborough.gov.uk/356855> or by scanning and emailing using the penalty notice Request Form and will be considered by the Local Authority in line with the Penalty Notice Code of Conduct (Appendix 6).

- 4.5 Where the penalty notice relates to Non School Attendance, the school **must** have been attempted to hold a meeting with the parent/carer, to which an Attendance Officer may be invited at the school's discretion.

Penalty notices will only be issued when the school or the Local Authority has given the parent/carer formal written warning of the possibility of a notice being issued. The exception to this is during Truancy Sweeps or where single absence events of at least 2 consecutive school days (4 consecutive sessions).

- 4.6 For a penalty notice to be issued in relation to a child found in a public place during the first five days of an exclusion, the school must have given the parent/carer notice of their duty under Section 103 of the Education and Inspections Act 2006. There is no monitoring period for the issue of these penalty notices.
- 4.7 In relation to an individual pupil, a parent/carer will not receive more than 3 separate penalty notices resulting from unauthorised absence or from a child being found in a public place during the first five days of each fixed period or permanent exclusion, in any academic year. Penalty notices will be issued to **each** parent/carer, in respect of **each** child concerned.
- 4.8 Penalty notices will only be issued to a parent/carer by first class post, at the address held by the School/Academy. **It is the School's/Academy's responsibility to inform the Attendance Service of any changes of address or circumstance that may affect the issuing of a penalty notice. Failure to provide this information may result in the notice being withdrawn at a cost to the school/academy (see Scale of Charges).**
- 4.9 In any case where the penalty is not paid within 28 days of issue, the School Attendance Team will instigate statutory action under Section 444 (1) of the Education Act 1996, unless the penalty notice has been withdrawn.

## **5. Procedure for withdrawing a penalty notice**

- 5.1 A penalty notice can only be withdrawn by The School Attendance Team where:
- it ought not to have been issued, i.e. it was issued outside of the terms of the local code of conduct; or
  - it has been issued to the wrong person;
  - it contains material errors;
- 5.2 Where a penalty notice is withdrawn in accordance with the above, a notice of the withdrawal shall be sent to the recipient and any amount already paid by way of penalty shall be repaid to the person who paid it.
- 5.3 Where a penalty notice has to be withdrawn due to errors on the part of the school, an administrative charge as per the current scale of charges will be levied upon the school by the Local Authority (see Appendix 11).

**Schools are responsible for informing their linked officer if they have requested a penalty notice and the parents/child moves address during the process.**

## **6. Payment of penalty notices**

- 6.1 Details of arrangements for the payment of penalties will be detailed on the penalty notices. Penalties should be paid in full, in one instalment, to the Local Authority and are retained to cover costs of issuing, enforcing or prosecuting recipients who do not pay.
- 6.2 The penalty is £120 if paid within 28 days of receipt of the notice, but reduced to £60 if paid within 21 days of receipt of the notice, as set out in The Education (Penalty Notices) (England) Regulations 2007. If the penalty is not paid in full by the end of the 28 day period the Local Authority, in accordance with the Department of Education, must either prosecute for the offence or withdraw the notice. Prosecution is for the offence to which it relates rather than for non-payment of the penalty notice.

The decision to prosecute ultimately lies with Peterborough City Council Legal Services, who will consider whether the prosecution is in the Public Interest.

**Peterborough City Council will retain all revenues (Section 105 of the Education and Inspections Act 2006) from the issuing of penalty notices in order to cover the costs of issuing and enforcing notices, the cost of prosecuting those recipients of the notices who fail to pay and to contribute to the continuation of providing attendance support and guidance to all schools. This is a legal requirement.**