



Attendance Policy

The Law: Penalty Notices and Legal Action

The Education Act 1996 Section 444 (1) 444(1A) states that the parent of every child of compulsory school age shall cause him/her to receive efficient full-time education suitable-
[a] to his/her age, ability and aptitude and
[b] to any special needs he/she may have.
either by regular attendance at school or otherwise.
Failure to do so may result in legal action taken against the parent under the above legislation.

In line with the evidence now published linking school attendance and pupil attainment, the school governors and staff firmly believe that all pupils benefit from regular school attendance. To this end we will do all we can to encourage parents/carers to ensure that the children in their care achieve maximum possible attendance. Any problems that prevent full attendance will be identified and acted on promptly.

We believe that there are times during a school career where pupils might be particularly disadvantaged through absence. For this reason we advise that pupils' continuity of learning is not disrupted during Standard Attainment Test year (Y6). In fact all times of examination are crucial to all pupils.

Expectations

We expect that all pupils will:

- attend school regularly (96% and above)
- attend school punctually arriving at 8.45am for an 8.55am start
- attend school appropriately prepared for the day in correct uniform and with the correct equipment
- Discuss promptly with their form Teacher or Head of School, any problems that deter them from attending school.

We expect that, in line with the school's Home/School Agreement, all parents/carers/persons that have day-to-day responsibility for the children and young people will:

- encourage daily school attendance and be aware of their legal responsibilities
- ensure that the child/children in their care arrive at school punctually, prepared for the school day
- ensure that they contact the school whenever the child/children is/are unable to attend school
- contact the school by 9 am on the first day of the child's/children's absence and send a note on their return to school explaining the reason for absence.
- contact the school promptly whenever any problem occurs that may keep the child away from school

We expect that school staff, in accordance with legal requirements, will:

- keep regular and accurate records of attendance for all pupils, at least twice daily
- monitor every pupil's attendance
- contact parents on each day of absence when a pupil fails to attend where no message has been received to explain the absence
- follow up on all unexplained absences to obtain notes authorising the absence
- encourage 100% attendance
- provide a safe learning environment
- provide a sympathetic response to any pupil's concerns



- make initial enquiries of parents/carers of pupils who are not attending regularly
- refer irregular or unjustified patterns of attendance to the Education Welfare Service.

The primary responsibility for ensuring that children and young people attend school rests with their parents/carers. However promoting attendance and tackling absence is the responsibility of schools and agencies within the local authority. We will consistently work towards a goal of 100% attendance for all children. Every opportunity will be used to convey to pupils, their parents or carers the importance of regular and punctual attendance including e.g. newsletters and end of term reports. We recognise that parents have a vital role to play and there is a need to establish strong home-school links whenever there is concern about attendance.

If there are problems which affect a pupil's attendance we will investigate, identify and work in partnership with parents and pupils to resolve those problems as quickly and efficiently as possible.

School attendance is subject to Education law and this school attendance policy is written to reflect these laws and the guidance produced by the Department for Education (DfE) as referenced throughout this policy.

Types of Absence

1. Any child who is absent from school at the morning or afternoon registration period must have their absence recorded as being authorised or unauthorised
2. Only the Head teacher/Executive Principal or a member of staff acting on their behalf can authorise absence. If there is no known reason for the absence at registration, then the absence must be recorded in the first instance as unauthorised

Unauthorised absence

If leave of absence is taken without consultation and school authorisation, then the absence, by definition, is unauthorised. Absence is also unauthorised if a child is away from school without authorisation, even with the support of a parent.

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 absence. If the situation does not improve, the school could then contact the Local Authority (LA) support services. The Education Welfare Officer (EWO) is made aware of any concerns regarding repeated absences.

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.

Frequent Absence

In cases where a pupil begins to develop a pattern of absences, the school will try to resolve any concerns with parents/carers. The Head teacher/Executive Principal (or nominated member of staff) will liaise with the schools allocated Education Welfare Officer to ensure necessary action is taken when incidents of poor attendance and/or punctuality are identified.

Where incidents of poor attendance and/or lateness are identified through monitoring parents/carers will be notified in writing that this is a cause for concern.

Leave of absence

Parents should not take their children on holidays in term time – it can be disruptive to both the child's learning and the school. The school holiday dates are published a year in advance (<http://www.lowbrookacademy.co.uk/calendar.aspx>) and we strongly advise parents/carers to book



their family holiday during these times.

Changes in the Education (Pupil Registration) (England) (Amendment) Regulations 2013

State that leave of absence shall not be granted unless—

(a) an application has been made in advance to the head teacher by a parent with whom the pupil normally resides; and

(b) the Head teacher/Executive Principal, or a person authorised by the Executive Principal, considers that leave of absence should be granted due to the exceptional circumstances relating to that application

The amendments made in 2013 to the Education (Pupil Registration) (England) Regulations 2006 make it clear that Head Teachers may not grant any leave of absence during term time unless there are exceptional circumstances.

Parents must complete a Term Time Absence Request form **at least one month** before the requested leave, whenever this is possible. No parents/carers can demand leave of absence for their child/children as a right.

Leave of absence taken without authorisation may be referred to the Education Welfare Service. This may result in a Fixed Penalty Notice. If a Fixed Penalty Notice is issued, a separate Notice will be issued to each parent for each child.

As at October 2015, the penalty is per parent per child and will be £60 if paid within 21 days, rising to £120 if paid between 22 & 28 days.

If the penalty notice is not paid each parent may be liable to prosecution at the Magistrates Court, where each parent may receive a criminal conviction and/or a fine up to the maximum of £1,000. Costs may also be incurred.

If a child is absent:

When a child is absent unexpectedly, the class teacher will record the absence in the register, and will inform the school office, who will contact a parent or carer via the school system.

Parents or carers should ensure that if a child is to be absent from school for any unavoidable reason such as sickness they should contact the school on the each morning of absence before 9am by phone, email or in person. Parents/carers should keep the school informed if the child remains absent for more than one day. This should be followed up with a letter explaining his/her absence on the child's return to school.

A note may be sent to the school prior to the day of absence, for example, if a child has a medical appointment.

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, in order to check on the safety of the child.

Lateness

Morning registration is at 8:55am and afternoon registration is at 12.45pm (KS1) and 1.00pm (KS2) daily. Children who arrive after registration but before 9:20am will be marked as L (before the register's closed) in the register. Children arriving after 9.30am are entered as U (after the register's closed), which is an unauthorised absence for the morning session. The children must sign in the late arrival book at the office. This is for both administrative and health & safety reasons. The school will monitor children who are persistently late and will talk to parents to address the situation, and ask for the support of the EWO if required.



Appendix A - Fixed Penalty Procedure

- ***What is a Penalty Notice?***

Under existing legislation, parents/carers commit an offence if a child fails to attend regularly and the absences are classed as unauthorised (those for which the school cannot or has not given permission). Depending on circumstances such cases may result in prosecution under Section 444 of the Education Act 1996.

A Penalty Notice is an alternative to prosecution, which does not require an appearance in Court whilst still securing an improvement in a pupil's attendance.

Payment of a Penalty Notice enables parents to discharge potential liability for conviction.

A Fixed Penalty Notice will be issued per parent for each child.

- ***What are the costs?***

Payment within 21 days of receipt of a Notice is £60 and £120 if paid after this but within 28 days.

- ***How are they issued?***

By post to your home.

- ***When are they used?***

RBWM considers that regular attendance at school is of such importance that Penalty Notices may be used in a range of situations where unauthorised absence occurs:

- Overt truancy (including pupils found during truancy sweeps);
- Inappropriate parentally-condoned absence;
- Leave of absence in term time without prior school permission;
- Persistent late arrival at school (after the Register has closed).

In most cases a pupil will have had a minimum of 10 school sessions (ie 5 school days) lost to unauthorised absence during the current term, or 10 sessions spanning a school holiday before a Penalty Notice is considered.

The Academy never takes such action lightly and would far rather work with parents/carers to improve attendance without having to resort to any enforcement actions. Attendance is of such importance to all of us however that the Authority will use the powers if this is the only way of securing a child's schooling.

- ***Is a Warning Given?***

You will receive a written warning of the possibility of a Notice being issued, which will tell you the extent of your child's absences and give you 15 school days in which to effect an improvement. In that time your child must have no unauthorised absences from school.

No warning is required to be given for issuing a Notice for leave of absence that has not been authorised by the Executive Principal e.g. Holidays unauthorised.

- ***Is there an appeal process?***

There is no statutory right of appeal once a notice has been issued, but on receipt of a warning you can make representations should you wish.



- **How do I pay?**

Details of payment arrangements will be included on the Penalty Notice.

You need to be aware that payment in part or by instalment is not an option with Penalty Notices.

- **What happens if I do not pay?**

You have up to 28 days from receipt to pay the Penalty Notice in full, after which the Authority is required under the Act to commence proceedings in the Magistrates court for the original offence of poor attendance by your child.

If proven, this can attract a range of fines up to £2,500 and/or a range of disposals such as Parenting Orders or Community Sentences depending upon circumstances.

- **Can I be prosecuted if I pay the Penalty Notice but my child is still missing school?**

Not for the period included in the Penalty Notice – payment discharges your liability in this respect. However it may be the case that a prosecution might be considered for further periods of poor attendance not covered by the Notice, depending upon the circumstances. If this is an issue, it is vital that you work closely with your child's school and support agencies such as Education Welfare.

- **Can I get help if my child is not attending regularly?**

Yes, the Local Authority and your child's school will give you advice and support if you need help to secure an improvement in your child's attendance.

It is very important that you speak with the school or with the Education Welfare Service at the earliest opportunity if you have any worries at all about securing your child's attendance.

Useful contacts:

Education Welfare Service

Town Hall
St Ives Road
Maidenhead
Berkshire
SL6 7YR

01628 683800

The Governing Body approved this policy on date: **19th January 2018**

Signed:

Chair of Governors

Signed:

Executive Principal