



# ATTENDANCE POLICY

Date of review: October 2023  
Next review date: October 2024  
Staff responsible for policy: JMB

## 1. AIM

To secure maximum attendance of all students as part of the school's determination that all should achieve their potential.

## 2. GENERAL POLICY STATEMENT

There is clear evidence to prove the link between good attendance and attainment.

Attendance at school up to the last Friday in June in the academic year in which a student becomes sixteen is a legal requirement. It is the responsibility of parents/carers to ensure the attendance of their child.

Students should aim for 100% attendance and to be on time every day.

This school is determined to work with parents, students, external agencies and the Education Welfare Officer [EWO] to improve attendance and punctuality.

The school will implement existing legislation (DfE School Attendance: Guidance for mainstream schools, academies, independent school, and Local Authorities, August 2020). This includes rewarding good attendance, taking action against those whose record is poor and ensuring that the school is regarded by all students as a happy and worthwhile place to attend.

Absence from school or lateness in arriving should, where possible, be explained in advance by parents/carers.

Unexplained lateness, absence or truancy should be dealt with swiftly and should involve students and parents. Students will be expected to make up all work missed.

Those named as responsible for the policy will ensure that practice is effectively carried out and appropriately reviewed.

### 3. WHAT DOES PERCENTAGE ABSENCE LOOK LIKE IN DAYS?

An attendance of 90% is the equivalent to missing half a day per week during an academic year. This adds up to over a term in absence during Years 8 – 11.

Annual Attendance Percentage	Days attended	Days missed	Hours of lessons missed
100%	190	0	0
95%	180.5	9.5	47.5
90%	171	19	95
85%	161.5	28.5	142.5
80%	152	38	190
75%	142.5	47.5	237.5

There are **175 non-term time days** for holidays, appointments, shopping etc. A two week holiday in term time means the maximum attendance that can be achieved is 94.7%.

### 4. EXPECTATIONS OF PARENTS REGARDING NOTIFICATION OF ABSENCE

The school expects that parents/carers notify the school about student absences.

For planned absences such as medical appointments, attendance at a funeral etc. this should be done by contacting the school and speaking to the reception team.

For requests for leave during term time (e.g. in exceptional circumstances, family holiday etc.) parents/carers are required to fill out the form on the school website. It is here:

<https://website.droitwichspahigh.worcs.sch.uk/index.php/communications/online-forms-holiday-request-etc/>

NB: Please see the 'Leave During Term Time' paragraph in the ATTENDANCE CODING section for more information on how these requests will be processed.

For absence 'on the day' (e.g. illness) parents/carers should telephone the school and select option 1 from the menu and leave a voicemail.

## 5. ATTENDANCE CODING

in accordance with DfE guidance the following attendance codes will be used. NB: if codes are updated during the academic year then the school will immediately begin to work with the new guidance.

<b>Present</b>	<b>Authorised Absence</b>	<b>Unauthorised Absence</b>
	Either the school has given approval in advance or has accepted an explanation as justification	'Unauthorised' means 'where the school is not satisfied with the reasons given for the absence or for which no permission has been given.'
In school (/ and \)	Illness (I) (or I02 for COVID)	Truancy (O)
Educated off site (e.g. with the Medical Education Team)	Medical or dentist appointment (M)	Inappropriate reason for absence e.g. going shopping, birthday, visiting relatives, being late, looking after family members, no reason given. (O)
Attending an Interview (J)	A personal / family circumstance (C or H*)	
Educational Visit (V)	Exclusion (E)	Holiday not authorised by the school or in excess of the period determined by the Headteacher. (G)*
Work Experience or work related learning (W)	Traveller absence (T)	
Examinations (e.g. a music exam)	Religious Observance (R)	

### *\*Leave During Term Time*

Headteachers may not grant any leave of absence unless there are exceptional circumstances.

If the Headteacher does grant leave during term time the C or H code will be used (H being used for an agreed family holiday in the exceptional circumstances).

As per the regulations outline above, Headteachers will determine the number of school days a child can be away from school if the leave is granted. Such permission is granted in accordance with arrangements made by the governing body of the school. There is no automatic right to any holiday in term time.

To make a request for an absence from school or to notify the school of intentions to take a family holiday in term time parents/carers are required to complete an online form:

<https://website.droitwichspahigh.worcs.sch.uk/index.php/communications/online-forms-holiday-request-etc/>

Where possible, this request should be made at least two weeks before the requested absence begins. The Headteacher will review the request and reply in writing.

If parents decide to take their children out of school and go on holiday when they have not received approval from the Headteacher, they must inform the school that this is their intention by replying to the letter sent to them by the Headteacher. The absence will be coded as G (which counts as unauthorised) and these absences would contribute to potential EWO action through the number of sessions missed due to unauthorised absence. These absences may be subject to a prosecution via a penalty notice fine.

## 6. FABRICATED AND/OR INDUCED ILLNESS

In a very small number of cases there may be concerns that a child's medical difficulties may be fabricated or induced. Parents/carers may fabricate or induce illness in a number of ways:

- Fabrication of signs and symptoms. This may include fabrication of past medical history.
- Fabrication of signs and symptoms and falsification of hospital charts, tests and records including falsification of letters and documents.
- Induction of illness by a variety of means.

As with any other form of abuse, where schools are concerned that a child may be experiencing or be at risk of harm, advice will be sought from the Local Authority. In cases where Fabricated and/or Induced Illness is a consideration, evidence of medical difficulties such as medical appointment letters and multiagency working as part of the child's IHP will be required.

## 7. ROLES ASSOCIATED WITH ATTENDANCE

Job role	Current postholder	Role in this policy
Headteacher	JMB	<ul style="list-style-type: none"> <li>• Leadership of Attendance and Enrolment Team</li> <li>• Architect of data analysis in Power BI, Excel and Arbor</li> <li>• Strategy for maintaining and improving attendance.</li> </ul>
Deputy Headteacher – Students' Attitudes, Behaviour and Wellbeing	GLD	<ul style="list-style-type: none"> <li>• Ensuring that the Attendance and Enrolment Team know about students with changing enrolment (e.g. beginning some AP)</li> <li>• Oversight of safeguarding concerns raised by attendance at AP.</li> <li>• Oversight of process when parents request EHE.</li> </ul>
In House EWO	LJ	<ul style="list-style-type: none"> <li>• Working with identified students in PA (and their families) to improve their attendance.</li> <li>• Co-ordinating with external agencies to ensure families are getting support;</li> <li>• Instructing the external EWO which cases to pursue</li> </ul>
Co-ordinator for Vulnerable Learners	KJ	<ul style="list-style-type: none"> <li>• Working with identified students with broken weeks to encourage full attendance more regularly</li> <li>• Running 'The Link' (our provision to get students who are absent from school due to anxiety etc. back in to school)</li> </ul>
Attendance Administrators	CW + NM	<ul style="list-style-type: none"> <li>• Process parental/carer notifications of absence</li> <li>• Ensure registers are completed on time and accurately</li> <li>• Alert parents/carers to absence from school on the day and seek reasons as best as possible via telephone calls if required</li> <li>• Encourage parents to send their children in to school</li> <li>• Carry out safe and well checks</li> </ul>

## 8. PROCEDURES FOR DETECTING ABSENCE AND COLLECTING AND ANALYSING ATTENDANCE DATA

The attendance register is a legal document. It must be marked accurately and kept up to date. The school records attendance at registration and at all lessons using an electronic registration system (Arbor).

Every member of staff is issued with a laptop and is responsible for accurately recording attendance. Supply staff are provided with paper registers if we are not able to provide them with a laptop.

Appropriate action is taken when registers are not taken; including analysis of staff who regularly do not complete registers in a timely fashion.

The Attendance Administrators will:

- Process the notifications of student absence that have been received through the voicemail and text messaging service including adding the correct codes and comments to Arbor.
- Closely monitor the AM tutor and period 1 registers for missing marks and pursue as necessary to get them completed by colleagues.
- Contact the offsite alternative provision providers (e.g. Bon Terre) and process emails from the MET to check that students are present on the days that they are scheduled to attend.
- Synthesise the planned and notified absences and today's registers to a point where an accurate absence notification can be sent to parents/carers.
- Process any direct responses to the absence notification as appropriate.
- Ensure that for any students who arrived to school after AM tutor time that their AM session mark is equal to L.
- For the students who were either late to AM tutor or who arrived in school during P1 or P2 (before 10.30am) place them in the break time detention and create a 'collection' list for those on collection duty.
- After waiting for a response to the absence notification and receiving no reply, telephone parents/carers of children who aren't in school today (except for children the In House EWO is already working with) to try and ascertain a reason for their absence. Add the correct codes and comments into Arbor.
- Process responses from tutors into outstanding N codes.
- Contact parents (via telephone) to ascertain reasons for absence where N marks remain (prioritising 'live' three day+ absences).
- Carry out 'safe and well checks' at students' houses if we have either not been able to make contact with parents and/or have concerns about a student's welfare.

With the support of the Headteacher, use Arbor to conduct statistical analysis of the attendance figures in order to identify:

- students for whom either recognition and/or automated parental/carer contact could either maintain good attendance or improve attendance and then:
  - send the communications after checking with HoH and the In House EWO for any known issues regarding the family / situation etc.
- students for whom human intervention e.g. HoH or EWO is the most appropriate intervention and then either:
  - take that case on personally;
  - pass it on to the in-house EWO;

as appropriate.

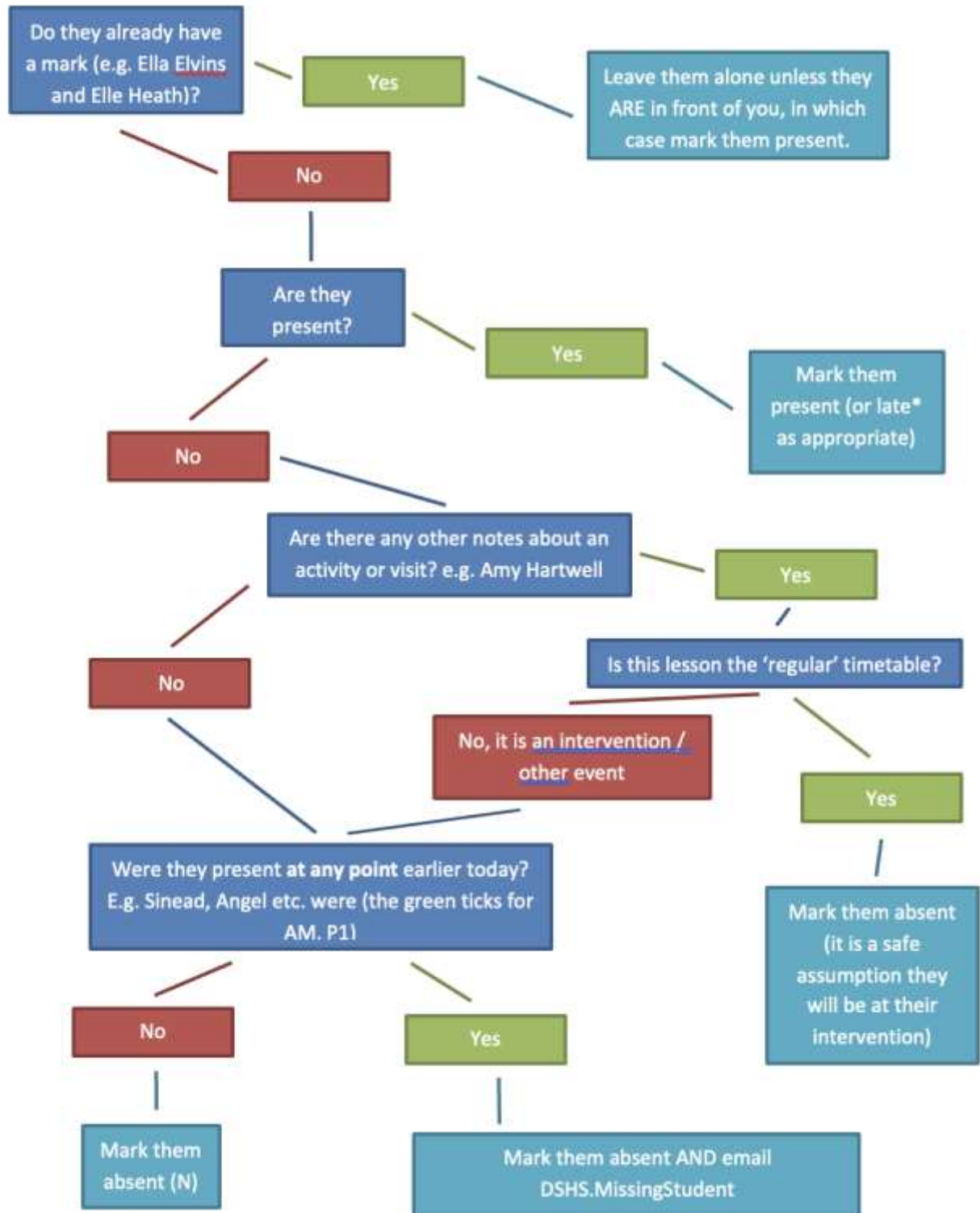
The In House EWO will:

- Make the ten day notification referrals to the LA.

## **9. ATTENDANCE AND SAFEGUARDING AND TRUANCY**

In addition to the above processes regarding detecting absence we also use attendance data to safeguard children.

The following flow chart will be used to inform decision making when completing registers and assist with identifying students who may have gone missing during the school day.



If students that were previously registered as present cannot be located on site then parents/carers will be contacted. If necessary, emergency services will be contacted. External agencies will also be contact if appropriate.

If a student is found to have deliberately missed lessons they will be punished with a lunchtime detention in the first instance. If this becomes a persistent problem they will spend time in the Refocus Room.

## 10. ATTENDANCE AND PART TIME TIMETABLES / ALTERNATIVE PROVISION

### *Part Time Timetables and or use of 'The Link'*

In rare circumstances students may either not be required to attend for the full school day every day and/or attend provision at another site. For example:

- a student may be returning from a serious medical procedure and require a part time timetable in the short term (see also the policy for Supporting Students with Medical Needs);
- a student may require a part time timetable as part of a programme of managing their illness (see also the policy for Supporting Students with Medical Needs);
- a student may begin on a part time timetable as part of an integration from a period at the Aspire Academy (or similar) or reintegration from a long exclusion / failed managed move;
- a student may have a reduced timetable to (re)gain momentum with attendance;
- a student may have a reduced timetable to stabilise his/her behaviour in an attempt to avoid a permanent exclusion.

It is important to note that all part time timetable arrangements are fixed in their longevity (e.g. a 2, 4 or 6 week plan with a review date) always with the intention to build a student up to full time attendance.

'The Link' is our primary method of encouraging students who have anxiety about returning to school to feel confident about doing so. By using the bungalow at the bottom of the drive away from the main buildings, varying start and end times, varying uniform requirements and using a graded/phased approach to reintegrate, we the intention is to build up student's ability to return to school full time.

Part time timetables will never be used as a form of exclusion. A Pastoral Support Plan will be written for students who are on a Part Time timetable/ engaged in Alternative Provision.

Where it is appropriate and increases the likelihood of success, work will be set and reviewed/assessed for students for the lessons that are missed due to the part time arrangements.

### *Alternative Provision*

Some students may benefit from more vocational provision e.g. at a college or alternative provision provider or a workplace. For example, a student may benefit from smaller groups and a change in environment at a provider such as Bon Terre. Alternatively, in rare circumstances, a student may undertake a work placement on one day a week.

### *Processes to ensure safeguarding in relation to attendance*

In both of the instances above there is a procedure to follow to ensure that the student's timetable accurately reflects their expected attendance pattern on site with us and any expected attendance at offsite provision if appropriate.

The member of staff (likely to be a Head of House) instigating the change must, *after seeking the support of parents/carers*, complete the online 'Part Time Timetable / Alternative Provision Change Request' form on the Launchpad. The form ensures that the objectives of the change are clearly logged and a senior member of staff thinks the arrangement is appropriate (considering any additional vulnerability the student may have e.g. LAC, EHCP, CIN etc.) and, once verified, the request goes to the Attendance and Arbor Admin Officer to make the appropriate change to the student's timetable (including ensuring it is time bound to the original request).



In the case of alternative provision, this creates a register for the Attendance and Arbor Admin Officer to administrate and detect any absence (see PROCEDURES FOR DETECTING ABSENCE AND COLLECTING AND ANALYSING ATTENDANCE DATA).

In the case of part time timetables at the expiry of the arrangement (or if an indefinite end date has been provided) the form will persistently ask the requester if the arrangements are still appropriate (i.e. require the requester to review the case with a view to building towards full attendance).

If a part time timetable arrangement spans a whole session then the C code will normally be used for that session (unless a member of staff visits to support the child, in which case the B code would be used).

## **11. CHILDREN WHOSE HEALTH NEEDS PROHIBIT ATTENDANCE AT SCHOOL**

The school will aim to ensure that suitable education is arranged for students on roll who cannot attend school due to health needs. It will also ensure that students, staff and parents/carers understand what the school is responsible for when this education is being provided by the local authority.

### *Expected Absences of Less Than 15 Days*

The school will attempt to plan to deliver suitable education for children with health needs who cannot attend school.

Arrangements which the school could make include:

- Part-time timetables with review to build on improving attendance.
- Creation of an Individual Healthcare Plan (IHP)
- Sending work home through liaising with teaching staff
- Making a referral to the Medical Education Team (MET)
- Liaising with hospital schools and other agencies such as CAMHS, Early Help and Social Care
- Agreeing a time limited reduced timetable or alternative provision (see 10. ATTENDANCE AND PART TIME TIMETABLES / ALTERNATIVE PROVISION)
- Creation of a Pastoral Support Plan
- Providing online lessons / guidance (e.g. GCSEPod).

In the first instance, parents/carers will be invited in to meet key staff and an Individual Healthcare Plan will be drawn up in accordance with the school's "Supporting students with medical conditions policy". Where possible the student will be involved in this process. At this meeting a plan for reintegration back into school will be discussed with agreed review times. Issues around ensuring the child is being safeguarded will be discussed at this meeting.

### *Expected Absences of 15 Days or More*

#### *Hospital Admissions*

The school's In House EWO will liaise with the LA regarding the programme that should be followed while the student is in hospital.

#### *The Medical Education Team*

In Worcestershire the statutory duties for children unable to attend the school because of medical difficulties are discharged by the Medical Education Team. The Medical Education Team ensure that arrangements are in place for children and young people who are unable to attend school because of their medical needs so that they have appropriate and ongoing access to education. The Team consists of qualified teachers and teaching assistants who are skilled in teaching children /young people of statutory school age with a wide range of physical, emotional and psychological health needs.

The Medical Education Team service level agreement and referral form can be found on the Worcestershire Children First website: <https://www.worcestershire.gov.uk/WCFEducationServices/info/1/support-services/22/medical-education>

Where it is not appropriate or possible for the needs of children with medical difficulties to be met by the Medical Education Team and the school has not made alternative arrangements, Worcestershire Children First will work with schools and families to agree provision. The school will alert Worcestershire Children First when there is evidence to suggest that a child is unable to attend school and alternative provision is not yet in place to ensure they access full time education.

Designated staff at MET (Worcester or Redditch) will follow their attendance policy, reporting and following up any absence with parents/carers and the Home School. School registers will then be updated to reflect the student's attendance to this provision. Contact will be made with the Local Authority as a matter of utmost priority to ensure there is no delay in provision being made for the child.

The school is committed to being part of half-termly review for every student attending MET so that the needs of the student and their family are scrutinised and actions formulated to facilitate reintegration into mainstream education when appropriate.

### *Reintegration*

Where reintegration is anticipated the school will:

- Plan for consistent provision during and after the period of education outside the school, allowing the student to access the same curriculum and materials that they would have used in school as far as possible;
- Enable the student to stay in touch with school life (e.g. through newsletters, emails, invitations to school events or internet links to lessons from their school);
- Create individually tailored reintegration plans for each child returning to school;
- Consider whether any reasonable adjustments need to be made.

## **12. ATTENDANCE IMPROVEMENT INTERVENTIONS**

### **12.1 AUTOMATED COMMUNICATIONS WITH PARENTS/CARERS AND STUDENTS**

With the exception of students who the attendance and enrolment team are already working intensively with, on a three-weekly cycle we will email parents to let them know their child's individual attendance and how that compares to their year group at DSHS and how it compares to their year group nationally. We will also indicate what the child's attendance will be if they attend all of the sessions in the upcoming three week cycle to give an indication of how much sustained attendance is needed to move the overall figure significantly upwards.

## 12.2 ATTENDANCE AND IN HOUSE EWO CONTACT

On a weekly basis the team will meet to see the impact of the last round of the three-weekly cycle and escalate any specific concerns.

The lists are designed to illustrate the highest priorities for contact, which will vary depending on the overall attendance figure in the school. The answers to following questions determine the priority order:

1. Safeguarding concern – is the length of absence (or regularity of absence) giving cause to suspect there could be a *new* safeguarding concern (not already covered by safe and well checks and/or other safeguarding procedures)
2. Is the student in a PA category of under 85%?
3. Is the student SEND and PP?
4. Is the student SEND or PP?
5. Is the student in a PA category of under 90%?
6. Is the student SEND and PP?
7. Is the student SEND or PP?

Following the contact the In House EWO will log the stage of intervention in Arbor. The stages of intervention are:

Stage name	Person	Actions	Next steps
1 – Attendance issue identified  (e.g. pattern or rapidly declining attendance)	n/a	Parents made aware in the three-weekly email that attendance is a concern.  Tutor and HOH informed.  Telephone call addressing concerning trend followed up with email.  Overall success criteria: increase in overall attendance and breaking of any pattern.	Success – follow up email congratulates in improvement.  Tutor and HOH informed.  Failure – stage 2
2 – Attendance is a cause for concern	Attendance administrators	Intervention logged in Arbor and ‘start of intervention email’ sent.  Tutor and HOH informed.  Regular phone contact (documented in Arbor). Barriers to attendance discussed.  Monitoring for ~3 weeks with interim rewards as appropriate.	Success – ‘end of intervention’ email.  Tutor and HOH informed.  Return to three-weekly automated contact. Future declines will mean stage 2 restarts.  Failure – stage 3



		<p>NB: Attendance and Arbor Admin Officer will still chase Ns for this group.</p> <p>Overall success criteria: attendance within the period of x%</p>	
3 – Attendance is a serious cause for concern	In House EWO	<p>Intervention logged in Arbor and ‘start of intervention email’ sent.</p> <p>Tutor and HOH informed.</p> <p>Face to face parental meetings and regular phone contact (documented in Arbor). Possible alterations to curriculum (including The Link) if appropriate. PSP if appropriate.</p> <p>Monitoring for ~6 weeks with interim rewards as appropriate.</p> <p>Overall success criteria: attendance within the period of x%</p>	<p>Success – ‘end of intervention’ email.</p> <p>Tutor and HOH informed.</p> <p>Return to three-weekly automated contact. Future declines will mean stage 3 restarts.</p> <p>Failure – stage 4</p>
4 – Family in danger of prosecution due to poor attendance	In House EWO	<p>‘First notice’ of fine letter sent (assuming no background medical issues etc.)</p> <p>Tutor and HOH informed.</p> <p>Monitoring for 15 school days.</p> <p>Success criteria: 15 days of 100% attendance.</p>	<p>Success – ‘end of intervention’ email.</p> <p>Tutor and HOH informed.</p> <p>Return to three-weekly automated contact. Future declines will mean stage 5a begins.</p> <p>Failure – Parent fined. Stage 5a.</p>
5a – External Educational Welfare Officer takes over case	EWO	<p>Letter from EWO regarding intended prosecution.</p> <p>Tutor and HOH informed.</p> <p>Home visits</p> <p>Success criteria: Improvement in attendance to be negotiated case by case.</p>	n/a
5b – EWO prosecution	EWO	Prosecution	n/a

## 12.3 REWARDING GOOD ATTENDANCE

Good attendance is recognised by the automated emails referred to in 12.1.

Students are awarded praise points for working well in class, good homework, kindness etc. They are also given demerits for negative behaviours (e.g. disrupting the lesson, lateness etc.) Their 'net' point score along with the *attendance streak* is used to calculate how many 'Droitwich Dollars' they have to spend in the school reward shop.

An attendance streak is how many consecutive\* days a student has attended school. Bands of streaks have different levels of 'boost' applied to them.

Days	Droitwich Dollar (€) Boost
10 - 19	+10%
20 - 29	+20%
30 - 39	+30%
40 - 49	+40%
50 - 59	+50%
etc. upto...	
170 - 180	+170%
...and then...	
180 – 190	+200%

For example, if a student has a net behaviour point score of 25 and an attendance streak of 44 days then their 25 points gets a 40% boost so they have €35 to spend. If they miss tomorrow (without getting any more praise or demerit points) then their spending power returns to €25.

\* the detail behind the calculation can be found in the appendices.

We also use the reports created to identify students with rapidly improving attendance and maintenance of 100% attendance. They are rewarded with extra recognition including certificates and items from the school shop.

## 13. PUNCTUALITY

### *Punctuality to AM tutor time*

Students who are late to AM tutor time (or miss AM tutor time and then subsequently attend P1 or P2, either on time or late) without a valid reason (e.g. something M or C code) will be placed in 'Basics Detention' at break time on the day they are late.

Parents/carers will be notified via SMS or email that their child has been late and has been placed in detention.

Any student who arrives to school after break time without a valid reason (as above) will be placed in HoH detention on the same day.

### *Punctuality to lessons (and PM tutor time)*

Students who are late to lessons will be marked on the register as an L and given a stage 1 demerit for being late. Students who are persistently late will be given a stage 2 demerit for being late. This triggers a response from the Head of Department (which is likely to be a department detention). This process is in symmetry with the rest of the Policy for Students' Behaviour and Attitudes.

## 14. APPENDICES

### ATTENDANCE STREAK CALCULATION

One day is both sessions (AM and PM). i.e. if you are in for the morning but then absent for the PM then that isn't a day so you'd lose your streak

Some attendance codes count as present e.g. school visit, interview, approved sporting activity, work experience, study leave (Y12/13) i.e. your streak will continue if you have one of these.

Some absences pause the streak. Any COVID related absence; a school closure; the code C (authorised circumstances); absences related to a medical condition; the code for religious observance pause streaks. Pause means that the streak doesn't grow during these absences but the streak doesn't go back to zero.

Illness, family holiday, unauthorised absence etc. are examples of absences that will end a streak.

### INFORMATION ON PROSECUTION, SUPERVISION ORDERS AND PENALTY NOTICES.

This information is summarised from: 'School attendance parental responsibility measures: Statutory guidance for local authorities, school leaders, school staff, governing bodies and the police (January 2015)'

#### *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; and,
- 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.

#### *Context of the school attendance measures*

Parents are responsible for making sure that their children of compulsory school age receive a suitable full-time education<sup>3</sup>. This can be by regular attendance at school, at alternative provision, or otherwise (e.g. the parent can choose to educate their child at home).

A child reaches compulsory school age on or after their fifth birthday. If they turn 5 between 1

January and 31 March they are of compulsory school age on 31 March; if they turn 5 between 1 April and 31 August they are of compulsory school age on 31 August. If they turn 5 between 1 September and 31 December, then they are of compulsory school age on 31st December.

A child continues to be of compulsory school age until the last Friday of June in the school year that they reach sixteen. From September 2013 all 16 year-olds will be required to continue in education or training, until the end of the academic year in which they turn 17. From September 2015 they will be required to continue until their 18th birthday.

#### *School Attendance Orders*

If it appears to the local authority 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. The order will require the child's parents to register their child at a named school. If they fail to comply with the order the parent can be prosecuted.

#### *Prosecutions by local authorities*

If a child of compulsory school age fails to attend regularly at a school at which they are registered, or at a place where alternative provision is provided for them, the parents may be guilty of an offence and can be prosecuted by the local authority. Only local authorities can prosecute parents and they must fund all associated costs. Local authorities should consider the Attorney General's Guidelines for Crown Prosecutors in all prosecution cases.

Local authorities must conduct all investigations in accordance with the Police and Criminal Evidence (PACE) Act 1984.

Local authorities have the power to prosecute parents who fail to comply with a school attendance order (section 443 of the Education Act 1996) or fail to ensure their child's regular attendance at a school (section 444 of the Education Act 1996).

Section 444 has two separate but linked offences: Section 444(1): where a parent fails to secure the child's regular attendance; and section 444(1A) where a parent knows that the child is failing to attend school regularly, and fails to ensure the child does so. Section 444ZA7 applies the offence to where parents fail to secure the regular attendance of their child at a place where the local authority or governing body has arranged alternative provision. 7

There are statutory defences for parents to use under the 1996 Act.

The fines available to the courts if parents are found guilty of the section 444 (1) offence include a level 3 fine of up to £1,000. If they are found guilty of the section 444 (1A) the fine is at level 4, up to £2,500 and the court can also sentence them to imprisonment for up to three months. Local authorities have the power to prosecute parents of pupils found in a public place during school hours after being excluded from school<sup>8</sup>. The fine is a level 3 fine of up to £1,000.

#### *Education Supervision Orders*

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.

### *Penalty Notices*

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<sup>15</sup>. The parents must have been notified by the school at the time of the exclusion of this and the days to which it applies.

### *The Code of Conduct*

The Education (Penalty Notices) Regulations 2007 set out the details of how the penalty notice scheme must operate. This includes a requirement that every local authority must draw up and publish a Code of Conduct for issuing penalty notices, after consulting all schools, including academies, and the police. The code should set out the criteria that will be used to trigger the use of a penalty notice. These could include: a number of unauthorised absences, perhaps within a rolling academic year; one-off instances of irregular attendance such as holidays taken during term time without the school's permission; and where an excluded child is found in a public place during school hours without a justifiable reason.

The local authority administers the scheme for all schools in its area, including academies and Free Schools.

### *Payment of Penalty Notice*

The penalty is £60 if paid within 21 days of receipt rising to £120 if paid after 21 days but within 28 days. The payment must be paid direct to the local authority. The parents can only be prosecuted if 28 days have expired and full payment has not been made.

There is no right of appeal by parents against a penalty notice. If the penalty is not paid in full by the end of the 28 day period, the local authority must decide either to prosecute for the original offence to which the notice applies, or withdraw the notice.

## **TEMPLATES / PRO FORMAS**

### *Request for Leave of Absence During Term Time Form*

This form can be found on the school website here:

<https://website.droitwichspahigh.worcs.sch.uk/index.php/communications/online-forms-holiday-request-etc/>



