



**St. Peter's C of E Primary Academy**

**Executive Principal: Sarah Cockshott**

**Head of School: James Dean**

**Chair of Local Academy Committee: Michelle Painter**

# ATTENDANCE POLICY

Attendance for pupils at St. Peter's is very important and it is an expectation that parents will do all they can to ensure that their children attend regularly.

As part of parental responsibility is to ensure that their child attends school regularly and on time. It is a legal requirement that pupils attend school. Being punctual is teaching the children life skills and manners. Also it ensures that no child misses out on any aspect of their education.

## St. Peter's Primary Academy

### Principles

Promoting positive behaviour and excellent attendance is the responsibility of the whole academy community.

The academy will promote positive behaviour and good attendance through its use of curriculum and learning materials. Good attendance and behaviour by pupils will be recognised appropriately. All children should be at the academy, on time, every day the academy is open, unless the reason for the absence is unavoidable.

All children are sometimes reluctant to attend the academy. Any problems that arise with attendance are best resolved between the academy, the parents and the child. If a 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 may make things worse. Permitting absence from the academy without a good reason is an offence by the parent.

This attendance and behaviour policy includes procedural referral agreements that are designed to promote and safeguard the welfare of pupils. Academies have a duty in law to refer any absence where they have been unable to make contact with the parent/child or have general concerns about the absence to the Education Welfare Service.

Academies are required to take an attendance register twice a day, and this shows whether the pupil is present, engaged in an approved educational activity off-site, or absent. If a pupil of compulsory academy age is absent every half-day absence from the academy has to be classified by the academy, as either **AUTHORISED** or **UNAUTHORISED**. Only the academy can authorise the absence, not parents. This is why information about the cause of each absence is always required, preferably in writing.

**Authorised absences are mornings or afternoons away from the academy for a good reason like illness or other unavoidable cause.**

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

- **parents keeping children off the academy unnecessarily**
- **truancy before or during the academy day**
- **absences which have never been properly explained**
- **children who arrive at the academy too late to get a mark**

Parents whose children are experiencing difficulties should contact the academy at an early stage and work together with the staff in resolving any problems. This is nearly always successful. If difficulties cannot be sorted out in this way, the academy or the parent may refer the child to the Education Welfare Officer from the County Council. He/she will also try to resolve the situation with voluntary support, if other ways of trying to improve the child's attendance have failed, these Officers can issue Penalty Notices or use court proceedings to prosecute parents or to seek an Education Supervision Order on the child. The maximum penalty on conviction is a fine of £2500 and/or 3 months imprisonment.

Alternatively, parents or children may wish to contact the EWO themselves to ask for help or information. They are independent of the academy and will give impartial advice. Their telephone number is available from the academy office or by contacting the Local Education Authority.

## **Procedures**

The academy applies the following procedures in deciding how to deal with individual absences:

If a child is absent from academy parents are advised to contact the academy on the first day of absence, by 9.30am and give the reason. Usually absence is the result of illness. Telephone calls are an acceptable form of notification and a record is made of the call, who the caller was, the time of the call and the reason given for the absence. This information is used to inform the register coding. Should the academy not be informed by parents in any way about the reason for an absence, this is followed up by telephone call or letter to the parent and is dealt with by the Academy Office Team. This allows us to keep accurate records of authorised or unauthorised absences.

It is the academy that decides how to classify absences, not the parents.

## **Parents or Carers Responsibilities:**

- Parents have a legal duty to ensure that their children of compulsory academy age attend academy regularly.
- Inform the academy straight away if your child cannot attend and give the reason.
- Try to make medical, dental or other appointments outside the academy day
- Ensure the academy is aware of any circumstances at home that may be likely to affect their attendance
- Encourage good routines at home which promote a healthy lifestyle including enough sleep
- Talk to your child about academy and let the academy know if your child is worried about any issues such as difficulties with homework or friendship problems.
- Do not book holidays in term time – this will only be authorised in exceptional circumstances
- Seek advice from your G.P. if you are not sure how long to keep your child off academy with an illness
- Ensure academy has all your up to date contact details.
- Encourage your child to enjoy academy and make the most of all the opportunities available to them.

## **Leave of absence**

The Department for Education makes it clear that head teachers may not grant any leave of absence during term time unless there are **exceptional circumstances**. Head teachers now also determine the number of academy days a child can be away from academy if the leave is granted.

There is no automatic right to any leave in term time.

Staffordshire County Council understands the challenges that some parents face when booking holidays particularly during academy holidays. However, the County Council believes that, in order to ensure children receive the best education and prospects, that they should be in academy during term time.

Each case will be considered individually and on its own merits. Parents need, therefore, to consider very carefully before making any request for leave of absence. In considering a request, the academy will take account of: -

the **exceptional** circumstances stated that have given rise to the request  
the stage of the child's education and progress and the effects of the requested absence on both elements  
the overall attendance pattern of the child  
frequency of similar requests  
whether the parent made the request in advance  
students/pupils on examination courses or due to take SATS will **not** normally be granted leave of absence.

Where parents have children in more than one academy a separate request must be made to each academy. The head teacher of each academy will make their own decision based on the factors relating to the child at their academy. However head teachers may choose to liaise with each other as part of their decision-making process.

Should the academy decide to grant leave of absence, but the child **does not return to academy at the time s/he was expected to** (i.e. following the expiry of the granted leave of absence period) and no information is available to the academy to explain/justify the continuing absence this absence will be recorded as unauthorised.

- Should the academy decide **not to grant leave of absence** and parents still take their child out of academy, the absence will be recorded as **unauthorised**. This unauthorised absence may be subject to a Penalty Notice fine of £60 **per parent per child**. This fine will increase to £120 if not paid within 21 days. Failure to pay the £120 fine within the period 22 to 28 days may lead to Court proceedings.
- A parent can receive more than one Penalty Notice per academic year.

Academies are obliged to inform parents that they may be subject to a Penalty Notice if their child's absence from academy is unauthorised. This is in line with Staffordshire County Council's Code of Conduct (January 2018)

The Local Authority will continue to monitor all academy absences during term time and support head teachers in challenging parents who ignore the law.

Generally the DfE states that parents include all those with day to day responsibility for a child.

## **Lateness**

Children are able to enter the playground from 8.45am. SLT and teaching staff will meet and line children up for 8.55am. Gates will be locked from this time.

Registration occurs between 8.55 – 9.05am and again between (1:05 Reception, 1:10 KS1 and 1:15 KS). Pupils are expected to attend full time once they are statutory academy age. Those arriving after the registration period has closed are marked as late on the class registers. Those arriving after 9.25 am or 1.30pm with avoidable lateness are marked as having unauthorised absence for the remainder of that academy session. Discretion is granted for an attendance where the child has arrived at the first reasonable opportunity after a medical appointment or where there have been genuine transport difficulties. In these circumstances parents will sign the child in. A parental signing out sheet is also used to record the time and reason why a child leaves academy earlier than the usual end of the academy day such as for a hospital appointment or a music examination.

There is no such concept as “authorised lateness”; the child is either present or unauthorised absent.

Persistent lateness means at least 10 sessions of unauthorised late arrival over a period of 12 academy weeks, excluding holidays. These late episodes do not need to be consecutive

We ask all parents to help us achieve our aim of 0% unauthorised absence. Absence request forms are available from the academy office. Children with 100% attendance are rewarded with a certificate at the end of the academy year.

The Department for Education collects data from the academy relating to both authorised and unauthorised absences and uses it in tables to compare academies. Although we are not aware of any child being absent from academy without their parents’ knowledge, any unauthorised absence in published tables is seen by most people to indicate levels of truancy. It is therefore important to provide accurate information to academy when your child is absent.

## **Summary**

The academy has a legal duty to publish its absence figures to parents and to promote attendance. Equally, parents have a duty to make sure that their children attend. Academy staff are committed to working with parents as the best way to ensure as high a level of attendance as possible.

Policy Reviewed: March 2018

## Appendix 1

# Staffordshire Local Authority Code of Conduct for issuing Penalty Notices Sept 2017

## Rationale

Regular and punctual attendance at academy is both a legal requirement and essential for pupils to maximise their educational opportunities. In recognition of this, the law makes it an offence for a parent or carer to fail to secure the regular attendance of their child at a academy at which the child is a registered pupil, without good reason or the agreement of the academy.

Penalty Notices are one of the sanctions available for this offence and offer a means of swift intervention, which can be used to combat attendance problems early, before they become entrenched.

Parents and children should also be supported by their academy to overcome barriers to regular attendance, through a range of intervention strategies.

Therefore, Penalty Notices and other legal sanctions will only be used where parental co-operation with this process is either absent or deemed to be insufficient to resolve the problem. They will also be used as a means to support and challenge parents to meet their legal responsibilities and where there is a reasonable expectation that their use will secure improved academy attendance.

In April 2012, the Government accepted the Charlie Taylor report recommendation to challenge the culture of expectation to term time holiday and set out a clear expectation that term time leave should only be granted in exceptional circumstances.

The Education (Pupil Registration) (England) (Amendment) Regulations 2013 made an amendment to the Education (Pupil Registration) (England) Regulations 2006 to: clarify that leave of absence shall not be granted by academies unless there are “exceptional circumstances”.

The Supreme Court judgement on the *Isle of Wight v Platt* case on the 6<sup>th</sup> April 2017, has brought clarity to the issue of what regular attendance means and the use of penalty notices. Lady Hale gave the conclusion that “regularly” means “in accordance with the rules prescribed by the academy”, she went on to say that there are many examples where a very minor or trivial breach of the law can lead to criminal liability. For instance, it is an offence to steal a milk bottle, to drive at 31 miles per hour where the limit is 30. The answer in such cases is a sensible prosecution policy. In some cases, of which this is one, this can involve the use of fixed penalty notices, which recognise that a person should not have behaved in this way but spare them a criminal conviction.

With specific regard to leave during term time, the judgement stated (this interpretation is also consistent with the provision in section 444(3)(a) and (9)) that a child is not to be taken to have failed to attend regularly if he is absent with the leave of a person authorised by the governing body or proprietor of the academy to give it. Unlike sickness or unavoidable cause, leave is not a defence. It is part of the definition of the offence. A child is required to attend in accordance with the normal rules laid down by the academy authorities for attendance but the academy can make an exception in a case.

### **Legal Framework:**

Section 444 of the Education Act 1996 (as inserted by section 23 of the Anti-Social Behaviour Act 2003) empowers designated Local Authority (LA) officers, head teachers (as well as deputy and assistant head teachers authorised by them) and the Police to issue Penalty Notices in cases of unauthorised absence from academy.

- The Education (Penalty Notices) (England) Regulations 2007
- The Education and Inspections Act 2006.
- The issuing of Penalty Notices must conform to all requirements of the Human Rights Act 1998 and the Equality Act 2010.
- Section 444 of the Education Act 1996 makes it an offence if a parent fails to secure their child's regular attendance at academy at which they are registered, if that absence is not authorised by the academy. Penalty Notices supplement the existing sanctions currently available under s444 Education Act 1996 or s36 Children Act 1989 to enforce attendance at academy where appropriate.

The Regulations also require each local authority to publish a code of conduct for issuing penalty notices, after consultation with governing bodies, head teachers and the police. Guidance from the Secretary of State states that this "should set out the criteria that will be used to trigger the use of a penalty notice".

### **Circumstances where a Penalty Notice may be issued:**

- A Penalty Notice can only be issued in cases of unauthorised absence.
- The presence of an excluded child in a public place at any time during academy hours in the first five days of exclusion.

### **Penalty Notices may be considered appropriate if one of the following criteria is met:**

- There is unauthorised persistent absence. “Persistent” means at least 20 sessions of unauthorised absence over a period of twelve academy weeks, excluding holidays. These absences do not need to be consecutive.<sup>2</sup>
- There is a period of absence not authorised by the head teacher or in excess of the period authorised by the head teacher.(e.g. family holiday)
- Persistent late arrival at academy, i.e. after the register has closed. “Persistent” means at least 10 sessions of unauthorised late arrival over a period of 12 academy weeks, excluding holidays. These late episodes do not need to be consecutive.
- The presence of an excluded child in a public place at any time during academy hours in that child’s first five days of exclusion. An “excluded child” is one who has been excluded from academy for a given period under the Education and Inspections Act 2006.
- A Penalty Notice will not be issued in respect of children in the care of the LA with whom other interventions will be used.

### **Other conditions.**

- There will be no limit on the times a Penalty Notice for unauthorised leave of absence can be used in an academic year.
- In cases where there is more than one pupil in a family with unauthorised absences, Penalty Notices may be issued for more than one child
- Use of a Penalty Notice or formal warning of a Penalty Notice for unauthorised persistent absence / lateness will be restricted to one notice/ warning per parent of a pupil per academic year<sup>1</sup>.

<sup>1</sup> Continued poor attendance in the same academic year can be addressed by other statutory actions available to the Local Authority under the Education Act 1996.

<sup>2</sup> Once an unauthorised absence has been used as evidence in Court/Penalty Notice it cannot then be used again in another prosecution.

**Leave not authorised by the head teacher or in excess of the period determined by the head teacher.**

The Local Authority will only issue Penalty Notices requested by a academy in response to an unapproved leave of absence (including holiday related) resulting in unauthorised absence where the academy has provided the necessary paperwork.

This paperwork should comprise:

- A copy of any academy information available to parents which clearly states that parents may receive a Penalty Notice for unauthorised leave (holiday) in term time.
- A copy of the leave of absence (holiday) request form submitted by the parent (s), and a copy of the response sent to the parent(s) by academy. In the event the leave of absence (holiday) request is being denied the academy's response should state the reason why the request is unauthorised and should again advise parent (s) that they may receive a Penalty Notice if they take their child out of academy and that the Local Authority will be advised of the unauthorised leave of absence.
- In cases where the unauthorised leave of absence occurs without prior request from the parent (s), or is due to unauthorised absence beyond that which was agreed, the academy should include all correspondence sent to the parent(s) to explore the unauthorised absence.
- Relevant pupil attendance registration certificate signed by the Head teacher / Principal – or their nominated deputy – confirming that non-attendance during the period was unauthorised.
- Completed and signed penalty notice request form.

## **Pupil who has persistent unauthorised absences/lateness**

As part of this process the parent(s) will first be issued with a 20 day notice period, clearly advising that if unauthorised absence / lateness occurs in this 20 day period, a Penalty Notice may be issued. This is to allow the parents a further period to address their child's irregular attendance by working with the academy or other agencies. It is part of a scaled approach, and affords the parents an opportunity to avoid receiving a penalty notice. This is seen as good practice and integral to a proportionate response.

Therefore, the process is as follows:

- Academy completes and signs a penalty notice request form. (Appendix A).
- Academy provides pupil attendance registration certificate signed by the Head teacher / Principal – or their nominated deputy – confirming that non-attendance / lateness during the period was unauthorised.
- Academy provides an assessment and plan which demonstrates that the use of a Penalty Notice is now the appropriate action to improve the child's academy attendance / punctuality.
- The local authority issues a 20 day Warning Notice to the parent (s) advising them of the possibility of a Penalty Notice being issued and that the child must have no unauthorised absence / lateness during the set period.
- If there are unauthorised absences / lateness in the period and after due consideration of the facts of the case with the academy, issue a Penalty Notice through the post.

Please note:

Where the Penalty Notice is requested from an academy in response to a leave of absence (holiday) related unauthorised absence, or is in relation to an offence under section 103 of the Education and Inspections Act 2006, the formal warning letter and 20 day improvement period will not apply.

All Penalty Notices are entered onto a database maintained by Families First to ensure that no duplicate Penalty Notices are issued.

Use of a Penalty Notice or formal warning of a Penalty Notice for unauthorised persistent absence / lateness will be restricted to one notice/ warning per parent of a pupil per academic year.

## **Excluded Pupils**

The parent of the excluded pupil must ensure that the pupil is not present in a public place at any time during academy hours on a day that he / she is excluded, up to and including the first 5 days or, where that exclusion is for a fixed period of 5 days or less, any of the days to which the exclusion relates.

If the excluded pupil is present in a public place at any time during academy hours on a academy day specified above the parent commits an offence under section 103 of the Education and Inspections Act 2006 and is liable, on summary conviction, to a fine not exceeding level 3 on the standard scale.

In such cases the academy should provide:

- A copy of the letter required to be sent to parent(s) pursuant to s.104 of the Education and Inspections Act 2006 warning them to ensure that the child is not permitted to be present in a public place in the first five days of exclusion.
- Robust and reliable evidence in the form of a witness statement, stating how the child is known to the witness, where the child was seen including the date and time.

Please note if the case is contested the witness may be required to give evidence in court.

## **Who may issue / request a Penalty Notice**

A Penalty Notice may only be issued by authorised LA staff. In Staffordshire this will be members of Families First, Education Welfare.

A Penalty Notice may be requested by a head teacher / principal and academy staff authorised by them, a police officer during a truancy sweep under the provision of Crime and Disorder Act 1998.

## **Procedure for issuing Penalty Notices:**

The designated officers within Families First will be the only individuals permitted to issue Penalty Notices in the Staffordshire area. This will ensure consistent and equitable delivery, avoid duplication of issue and allow academies to maintain good relationships with parents and ensure that they reinforce other enforcement sanctions.

Penalty Notices will only be issued by post and never as an instant action, e.g. during a truancy sweep. This will enable officers to ensure that all evidential requirements are in place, duplication of issue is avoided and to limit the health and safety risks associated with delivering such notices by hand.

Where Academies, Police or neighbouring local authorities ask Staffordshire County Council to issue a Penalty Notice, their request will be investigated and actioned by Families First provided that:

- The circumstances of the case meet the criteria specified in this Code of Conduct.
- The pupil is registered at a Staffordshire Academy;
- All necessary evidence is provided to Families First to establish an offence under Section 444(1) of the Education Act 1996 has been committed.
- Issuing a Penalty Notice would not conflict with another intervention strategy already in place or another enforcement sanction already being processed; and
- There is an assessment and plan which demonstrates that the use of a Penalty Notice is now the appropriate action to improve the child's academy attendance (not required in the case of unauthorised leave of absence).

Families First will respond to all requests within 10 academy days of receipt.

## **Truancy Sweep**

A Penalty Notice will only be issued after due consideration, when all facts are known and the threshold for serving the notice has been met.

Information should be given to anyone stopped on a truancy sweep (pupil and/or parent) about the possible support and sanctions used to address non-attendance.

### **Criteria for withdrawing Penalty Notices:**

Once issued a Penalty Notice may be withdrawn if Families First is satisfied that:

- The Penalty Notice was issued to the wrong person;
- The use of the Penalty Notice did not conform to this Code of Conduct.
- The Penalty Notice contained material errors.
- The evidence demonstrates that the Penalty Notice should not have been issued e.g. medical evidence;

### **Representation**

There is no statutory right of appeal against the issuing of a Penalty Notice.

However, the parent will be advised when they receive the warning that they may make representation to the County Manager for Education within Families First if they believe one of the above criteria has been met. This will then be investigated and the parent(s) informed of the outcome either to withdraw or uphold the penalty notice.

Please note - in the case of a material error the penalty notice may be re-issued with the appropriate corrections made.

### **Payment of Penalty Notices:**

- Arrangements for payment will be detailed on the Penalty Notice; (Appendix B).
- Payment of a Penalty Notice discharges the parent's or carer's liability for the period in question and they cannot subsequently be prosecuted under other enforcement powers for the period covered by the Penalty Notice;
- Payment of a Penalty Notice within 21 days is £60 and payment after this time but within 28 days is £120; and
- The County Council retains any revenue from Penalty Notices to cover enforcement costs (collection or prosecuting in the event of non-payment).

Payments will not be accepted in part or by instalments.

### **Non-payment of Penalty Notices:**

Non-payment of a Penalty Notice will result in the withdrawal of the Penalty Notice and will trigger the fast-track prosecution process under the provisions of section 444(1) of the Education Act 1996.

### **Policy and Publicity**

- Identifying information about Penalty Notices issued to particular parents or specific children should not be made public;
- Issuing of Penalty Notices as a sanction is included in the Authority's Attendance Policy;
- Academy attendance policies should include information on the issuing of Penalty Notices and this should be available to parents;
- The LA will include information on the use of Penalty Notices and other attendance enforcement sanctions in promotional or public information material.

### **Reporting & Review:**

Families First will:

- Report at regular intervals to the head teacher forum groups (Primary, Secondary, Middle and Special) and Staffordshire Police on the deployment and outcomes of Penalty Notices;
- Make regular reports to Staffordshire County Council on attendance matters which will include Penalty Notice use; and
- Review Penalty Notice use at regular intervals and amend the Protocol as appropriate.