

Date of policy: Summer Term 2022
Review date: Summer Term 2024

ATTENDANCE POLICY

Mission Statement

St Mary's C.E Primary School seeks to ensure that all its pupils receive a full-time education which maximises opportunities for each pupil to reach their potential.

The school will strive to provide a welcoming, caring environment, whereby each member of the school community feels wanted and secure.

All staff will work with pupils and their families to ensure each pupil attends school regularly and punctually.

The school will establish an effective system of incentives and rewards which acknowledges the efforts of pupils and parents to improve their attendance and timekeeping and will challenge the behaviour of those pupils and parents who give low priority to attendance and punctuality. To meet these objectives, St Mary's school will establish an effective and efficient system of communication with pupils, parents and appropriate agencies to provide mutual information, advice and support.

Aims

- To improve the overall percentage of pupils at school.
- Raise awareness of the importance of good attendance and punctuality for all those associated with the school.
- To provide support, advice and guidance to parents and pupils.
- Raise the levels of achievement.
- Promote opportunities to celebrate pupils' good attendance and punctuality.
- Ensure that attendance is monitored effectively and reasons for absences are recorded promptly and consistently.
- To promote effective partnerships with the Attendance Enforcement Team and the Startwell Team.

Absence

Children are expected to attend for the full 190 days of the academic year, unless there is a good reason for absence. There are two types of absence:

- Authorised (where the school approves the pupil absence)
- Unauthorised (where the school will not approve the absence)

Authorised absence includes:

Sickness, hospital appointments, dentist, clinic visits, (appointment letters need to be copied) religious holidays and funerals. *Medical appointments should be arranged outside the school day if possible. Where it is not possible a pupil should only miss part of the school day.*

Unauthorised absence includes:

Shopping, visiting relatives in both the UK and other countries, buying shoes, going for a haircut etc. When attendance drops below 90%, it will be unauthorised.

In the rare circumstance when the Headteacher is satisfied that there are genuine reasons for an absence in term time, the number of days absence must be agreed in advance. This will be an **authorised absence**.

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ATTENDANCE POLICY (continued)

Parents will be given their child's attendance report each term.

Holidays in term time

From 1st September 2013, the new law gives NO entitlement to parents to take their child on holiday during term time. Any application for leave must only be in exceptional circumstances and the Headteacher must be satisfied that the circumstances are exceptional and warrant the granting of leave.

Headteachers would not be expected to class any term time holiday as exceptional. Parents can be fined by the Local Authority for taking their child on holiday during term time without the consent of the school.

Response to Absence

If a child is absent, parents/carers must call the school on the first day stating the reason for the absence.

If no contact is made by parents/carers explaining the absence on the first day the school will try to phone to secure an explanation. Where the school is unable to make contact by phone, a home visit may take place.

If, after the child returns to school no explanation of absence is given by the parents/carers the school will write. The absence will be recorded as unauthorised after 4 weeks if no explanation can be obtained.

Regular register checks are carried out by the Attendance Officer. If attendance falls below 90% a letter will be sent home by the Attendance Officer requesting an improvement and offering support. If attendance rate does not improve, attendance targets will be set that need to be met. If they are not met, the Attendance Officer will liaise with the Attendance Enforcement Team who may contact parents/carers by letter, do a home visit or invite parents/carers to a formal meeting.

Lateness

School begins at 8.50am and all pupils are expected to be in school for registration at this time. Any child arriving later than 8.50am should enter via the main entrance, reporting to the school office. A record of children who are late is kept in the office.

The register will officially close at 9.30am. A child arriving after this time may be recorded as an unauthorised absence.

Pupils who are consistently late are disrupting not only their own education, but also that of others. Where persistent lateness gives cause for concern a meeting with the Attendance Officer will be arranged to discuss what support can be offered by the Pastoral Team.

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ATTENDANCE POLICY (continued)

What parents can do to help

- Let the school know as soon as possible if your child is away.
- Try to make appointments outside school time.
- Do not allow your child to have time off school unless it is really necessary.

If parents/carers are worried about their child's absence they should make an appointment to talk to their child's classteacher or the Headteacher to discuss it.

Rewards

Daily – Classteacher to inform the class of 100% attendance by honking the attendance horn.

Weekly – Classes that achieve 100% attendance for the week are given the attendance trophy and a certificate to put in their class window. The class will also be celebrated on the board in the hall and during our Friday school assembly. Attendance percentage, for the week, will be updated on the classroom door for parents to see.

End of Term – Children who achieve 96% and above attendance will receive an award.

Individual children with 100% attendance will have a special postcard sent home.

End of Year – Children who achieve 96% and above will receive an attendance certificate.

Children who achieve 100% throughout the year will receive a badge to keep on their uniform.

This policy and its practice was compiled with due regard to the Equality Act 2010.

Penalty Notices

Section 23 of the Anti Social Behaviour Act 2003 empowers designated LA officers, Headteachers and the Police to issue penalty notices in cases of unauthorised absences from school. The Education (Penalty Notices) (England) Regulations 2004 came in to force on 27th February 2004.

A Penalty Notice may be issued in the following circumstances:

- Overt truancy
- Parentally-condoned absences
- Holidays in term-time
- Excessive delayed return from extended holidays without prior school agreement
- Persistent late arrival at school (after the Register has closed at 9.30am)
- A warning to all parents is sent home at the beginning of each term explaining this (Appendix 1)

Rationale

Regular and punctual attendance at school is a legal requirement under Section 444 of the Education Act 1996. It is essential that parents maximise the educational opportunities available for their children and provide the best possible start in life.

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ATTENDANCE POLICY (continued)

Under previous legislation, parents of a registered pupil whose child failed to attend school regularly and whose absence was unauthorised committed an offence for which prosecution was the only available sanction. With the Education Penalty Notices Regulations 2007, penalty notices were introduced as an early intervention strategy as an alternative to the previous sanction by allowing parents an opportunity to discharge potential liability for conviction for the offence. From 1st September 2013, the fine is £60 to be paid within 21 days and increased to £120 to be paid within 28 days. If the penalty remains unpaid by the end of 28 days, the Local Authority must consider the commencement of proceedings for the offence to which the notice related. The prosecution is not for the non-payment of the notice³ but is for failure to ensure regular attendance at school.

Education Penalty Notices should be used as an early deterrent to prevent patterns of unauthorised absence developing and to supplement rather than replace the use of the wider powers already available. As with current legislative action, they are to be used for the enforcement of attendance and not for use as a punishment for absence.

Schools have the first responsibility to take effective action to improve attendance. Where there is clear evidence of underlying problems within the family that require more intensive support, an Early Help assessment would be advised. This could support the family to make changes that will improve school attendance and other outcomes. If attendance does not improve following this, a referral to the LA will be made which could lead to prosecution.

Penalty notices should be used where a parent is capable of securing an improvement in their child's school attendance but is unwilling to do so.

They can only be used for periods of unauthorised absence and the defences in law replicate those already in place for enforcement actions under the provisions of Section 444 of the Education Act 1996.

A separate penalty notice will be issued to each parent for every child who is not attending school. For each child there should be an Education Penalty Notice warning letter issued to each parent during an academic year.

Excluded Pupils

Section 102 (1) of the Education and Inspections Act 2006 empowers designated Local Authority Officers, Headteachers (and Deputy and Assistant Headteachers authorised by them) and the Police to issue penalty notices in cases where an excluded pupil is in a public place during school hours at any time during the first five days of any period of exclusion from school without justifiable cause.

If the pupil was subsequently to be found out in a public place again either during the same period of exclusion or during a further exclusion within the same academic year, then a penalty notice may be issued.

Non-payment of a penalty notice issued where a parent allows an excluded pupil during the first five days of any period of exclusion to be present in a public place without justifiable cause may result in a prosecution under Section 103 (3) of the Education and Inspection Act 2006.

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ATTENDANCE POLICY (continued)

Legislation

Section 23 of the Anti-Social Behaviour Act 2003 introduced new powers for the designated Local Officers, Headteachers and the Police to issue penalty notices for unauthorised absence from school.

The Education (Penalty Notices) (England) Regulations 2004 came into force on 27th February 2004. These were updated by the Education (Penalty Notices) (England) Regulations 2007 (as amended).

Penalty Notices must be issued in a manner that conforms to all requirements of the Human Rights Act and all Equal Opportunities legislation.

For the purposed of the protocol, the legal definitions of 'parent' are:

- Any natural parent, whether married or not.
- Any parent who, although not a natural parent, has parental responsibility as defined in the Children Act (1989) for a child or young person.
- Any person who, although not a natural parent, has care of a child or young person.

If a Penalty Notice remains unpaid:

Prosecutors must take into account the '**Code for Crown Prosecutors**' that sets out a two-stage test that prosecutors should follow when they make decisions on case:

Is there enough evidence against the defendant?

When deciding whether there is enough evidence to charge, prosecutors must consider whether evidence can be used in court and is reliable. Prosecutors must be satisfied there is enough evidence to provide a 'realistic prospect of conviction' against each defendant.

Is it in the public interest for the CPS to bring the case to court?

A prosecution will usually take place unless the prosecutor is sure that the public interest factors tending against prosecution outweigh those tending in favour.

Issuing of Penalty Notices

For an Education Penalty Notice to be considered, the school is responsible for issuing an Education Penalty Notice warning letter to each parent at the beginning of the academic year and then subsequently each term (Appendix 1). For any mid-year admissions to the school, all parents will receive the Education Penalty Notice warning letter as part of their intake meeting.

Prior to requesting an Education Penalty Notice, schools should take all reasonable steps to ensure good attendance. In cases where a school has concerns about a pupil's attendance, the school must ensure contact has been made to parent(s) to try to resolve any issues and difficulties to prevent potential prosecution. An Education Penalty Notice should be used as a last resort.

An Education Penalty Notice may be issued following an Education Penalty Notice warning (Appendix1) being sent.

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ATTENDANCE POLICY (continued)

School would complete an Education Penalty Notice request form (Appendix 2) if a child falls within one or more of these categories within a 12 week period:

- 10 sessions (5 days) of unauthorised absence with under 90% attendance
- 20 sessions (10 days) of unauthorised absence
- Persistently arrives late for school after the close of registration

The Local Authority will consider issuing a Penalty Notice to each responsible parent.

The use of Penalty Notices shall be restricted to one per pupil, per parent in any single academic year.

Wigan Local Authority will consider requests to issue Penalty Notices only if:

- An Education Penalty Notice request form (Appendix 2) is completed with all necessary information and the supporting relevant documentation is provided.
- The period of absence is not being considered for proceedings according to Section 444 (1) or (1A) of the Education Act 1996.
- The issue of an Education Penalty Notice does not conflict with other intervention strategies in place by the Local Authority or by other agencies where the circumstances are known to the Local Authority.

To ensure consistent delivery of Education Penalty Notices, the request form (Appendix 2) will require completion by the school and the following documentation provided:

- A copy of the pupil's up to date attendance certificate showing a minimum of ten sessions (5 days) with below 90% attendance
- A chronology of intervention; i.e. details of meetings, letters, phone calls with the parent(s) and has parent(s) been informed that criteria has been met
- Evidence of the Education Penalty Notice warning being issued to the parent(s)
- Clear agreement and consent from Headteacher

The Local Authority will consider each request and may deem it appropriate to take one of the following actions:

- Advise schools to refer to supporting agencies
- Issue an Education Penalty Notice
- Advise the school to refer to the Attendance Service

Payment of Penalty Notices

The payment of an Education Penalty Notice will be £60 if paid within 21 days, increasing to £120 to be paid within 28 days.

Non-payment of Education Penalty Notices

If payment is not received within 28 days, the Local Authority will consider prosecution for the unauthorised absence to which the Education Penalty Notice relates.



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ATTENDANCE POLICY (continued)

Non-payment of an Education Penalty Notice may result in legal action being taken by the Local Authority. These actions will be considered where a significant improvement of school attendance is not apparent.

The instigation of legal proceedings for unauthorised absence from school under Section 444 (1) of the Education Act 1996 may also be considered where it is deemed to be appropriate.

In these circumstances, the school is required to provide the Local Authority with a signed school attendance record of the pupil.

Procedure for Withdrawal

Once an Education Penalty Notice has been issued, it can only be withdrawn in the following circumstances:

- It has been established that the notice was issued in error
- The notice had been issued to the wrong person
- The circumstances of the absence do not comply with the conditions of Wigan Council Local Authority's code of conduct and the Education (Penalty Notices) (England) Regulations 2007
- The parent / carer provides evidence that would constitute a statutory defence.

Signed _____ Chair of Governors

Date _____

Appendix 1

Dear parents and carers

Under the Education Act 1996, parents and carers have a duty to make sure their children regularly attend school. If parents or carers fail to do this, they can be prosecuted.

Working within a code of Conduct, the Local Authority can issue a penalty notice to parents or carers if a child has missed a number of sessions without permission from the school. If your child falls within one or more of these categories within a 12-week period:-

- 10 sessions (5 days) of unauthorised absence with under 90% attendance
- 20 sessions (10 days) of unauthorised absence
- Persistently arrives late for school after the close of registration

You could receive a Penalty Notice of £60 which will increase to £120 if not paid with 21 days. The Penalty Notice will need to be paid in full before 28 days of the notice being served. Failure to pay the penalty notice may result in prosecution (a separate penalty notice may be issued to each parent for each child).

In law, an offence is committed if a parent fails to secure a child's regular attendance at school. Wigan Council Attendance Service, in conjunction with schools, will use these powers as an early deterrent to prevent patterns of unauthorised absence developing.

You may also receive a Penalty Notice for the offence of failing to secure regular school attendance under the following circumstances:-

- Your child is stopped on a truancy sweep
- You fail to ensure that your child is not in a public place during the first 5 days of a fixed term or permanent exclusion.

The Local Authority and schools are committed to providing the best possible future for your child. If you have concerns about your child's attendance at school or if you are experiencing any difficulties, please contact your school and ask for support.

PLEASE ENSURE THAT ALL ADULTS WHO ARE RESPONSIBLE FOR THE CHILD'S ATTENDANCE HAVE READ THIS WARNING NOTICE AS ALL ARE LIABLE FOR PROSECUTION IF A PENALTY NOTICE IS ISSUED.

Yours sincerely

Mrs G Talbot
Headteacher

Education Penalty Notice Request – Appendix 2

The Education (Penalty Notice) (England) Regulation 2004

The information on this form will be used in the consideration of issuing a Penalty Notice for unauthorised absence in term time under the above Act relating to unauthorised absence of a registered pupil at the school.

To the best of my knowledge the information submitted on this form is accurate and correct in line with Education Penalty Notice & GDPR Guidance.

Name of pupil:		DOB:		Year:	
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School :		Number of UA absences:	
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Childs Address:		Contact No:	
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Parents/Carers details

First Name:		Surname:	
Address:		Contact No:	

Parents/Carers details

First Name:		Surname:	
Address:		Contact No:	

Sibling details

Full Names:		DOB:	
Schools:		Att:	

Main reason for EPN request:	
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Family background, school, other agency involvement:

eg EH/ Child In Need/ Child Protection/ Mental health issues/ Anti-social behaviour/SEN/Encompass reports?
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Questions/evidence required	Yes/No
1. Has the attendance been discussed with parents? Please provide evidence of these interventions.	Y/N
2. Is the parents first language English? If no what language do they speak?	Y/N
3. Has school sent Education Penalty Notice Warning Letter to all parents/carers	Y/N
4. Has the child been spoken to by the school?	Y/N
5. Has parent been informed of the request to issue a fine?	Y/N
6. Would the school be prepared to support the prosecution if the penalty notice is not paid	Y/N
7. Has Lead Professional/Social Worker agreed to the request for an EPN fine?	Y/N
<p align="center"><u>PLEASE SUBMIT THIS FORM ALONG WITH AN UP TO DATE REGISTRATION CERTIFICATE AND COPIES OF ANY LETTERS SENT FROM THE PARENT OR BY THE SCHOOL</u></p>	
<p align="center"><u>Declaration:</u></p> <p align="center">I hereby certify that the information given in this form is true to the best of my knowledge. The information has been extracted from the schools register of attendance – copy of register attached. All personal data provided is up to date and has been checked within the last 3 months via data collection.</p>	
<u>Date:</u>	
<u>Name:</u>	
<u>Role within school:</u>	

The Council holds personal data in accordance with the General Data Protection Regulations (GDPR). We hold your personal data as set out in our Data Primary Privacy Notice and Attendance Service (statutory) privacy notice, which can be viewed on the Council's website www.wigan.gov.uk. If you would like any guidance please contact GDPRQueries@wigan.gov.uk