

Selsdon Primary and Nursery School

Attendance and Punctuality Policy

September 2013

Action taken when pupils are absent

There are occasions when absence is unavoidable. These include:

- Illness.
- Medical or education appointments.

If a parent knows in advance of absence due to an appointment, the school office should be informed and the appointment card shown. A note of this will be made in the register.

If a child is ill the parent or carer should ring the school to inform us and on return present a written note explaining the absence.

Only the Assistant Headteacher or Attendance Officer can authorise absence.

The parent or carer will be sent a text message on the **first day of absence** if no information has been received and reasons noted. Letters will be sent to the parent or carers if no explanation has been given.

A letter is sent requesting explanation of absence. If no reply is received; the absence is counted as unauthorised. Two school weeks are allowed for responses after the letter is sent.

What happens if attendance is unacceptable?

The Early Intervention Manager along with the Assistant Headteacher or Attendance Officer reviews the attendance of all pupils monthly. If the attendance of a pupil falls below 90% the reasons for the absence are investigated.

The reasons for absence are discussed. If there are not extenuating circumstances the following procedure is instigated:

1. The Assistant Headteacher or Attendance Officer will write to the parent or carer (letter 1a). The situation is reviewed at the next month's check.
2. If no improvement is seen another letter is sent (letter 1b) and the Assistant Headteacher or Attendance Officer will request an appointment with the parent or carer. The situation is reviewed at the next month's check.
3. If no improvement is seen the Assistant Headteacher or Attendance Officer will write again (letter 1c) requesting an appointment and ask for medical certificates to be provided for each subsequent absence to be authorised.
4. If the attendance does not significantly improve, a referral to the Local Authority will be made. In non-improving situations a penalty notice may be served (see Appendix A).

Lateness

The school day starts at 8.55am. The classroom doors open at 8.45am and all school doors are closed at **8.55am**.

Pupils who arrive after this time must enter school through the main entrance. They must then be signed into the late book. KS2 children who arrive after 8.50am will be given 2 minutes detention for every minute that they are late.

Registers will close at 9.25am. Children who arrive after this time will be marked as 'U' (unauthorised absence). Any child receiving 5 U's in any half term may be issued with a Fixed Penalty Notice.

The procedure for consistent lateness is the same as for absence – i.e. at 10% lateness the Assistant Headteacher or Attendance Officer is informed by the Attendance Assistant.

1. Concerns raised in writing; one month given for improvement.
2. Appointment made with parent – one month is given for improvement.
3. If no improvement is seen the Assistant Headteacher or Attendance Officer will request another appointment.
4. If unacceptable improvement after a month referral to Education Welfare Officer made.

'Cause for Concern' registers for absence and punctuality are kept.

Punctuality Inspection

We also do regular punctuality inspections at the school entrance.

How will this information be collated?

A register of absence and punctuality referral is kept. The Early Intervention Officer and the Assistant Headteacher or Attendance Officer manage this register and meet regularly to decide necessary action.

Pupils Absence and Extenuating Family Circumstances

If parents or carers need to remove their child from school for any reason they must complete a Pupil Absence Request form, however the governors have instructed that **no absences for holidays will be authorised**. Permission will **only** be given if there are extenuating circumstances. If the absence is not authorised the parent or carer may be liable to a Fixed Penalty Notice.

Collection after school

School finishes at 3.15pm (KS1) and 3.20pm (KS2).

Teachers will keep the children with them until **3.25pm (KS1) & 3.30pm (KS2)**

After this time children are brought to the school office, and then taken to the After School Club and a charge will be made.

The trigger to action is set at 10% i.e. 3 times within a six-week block.

1. The Assistant Headteacher or Attendance Officer will write to the parent/carer.
2. The Assistant Headteacher or Attendance Officer will request an appointment with the parent/carer.

3. The Assistant Headteacher or Attendance Officer will again request appointment with parent/carer.
4. Governors will request an appointment with the parent/carer.

As with punctuality and attendance, progress is reviewed each month.

Registers

These are important legal documents, which must be completed carefully and promptly at the beginning of each morning and afternoon session.

Children entering the classroom via the school office are late and should be marked as such, even if the register has not been taken yet.

Registers should be sent to the school office by 9.00am and 1:15 (KS1) and 1:45pm (KS2).

The office staff will bring the registers and the late book with them to the fire assembly point in the event of school evacuation.

Rewards Children with attendance over 96% will be put into a prize draw for a prize at the end of each term, with a further prize draw at the end of the year. There will be prizes of brand new scooters (end of term) and bicycles (end of year) on offer.

The class with the best attendance for the previous week will be celebrated in the Friday assembly and the class will be rewarded with extra playtime or a trip to the local park.

Attendance & Punctuality Policy

Appendix A

**CROYDON LOCAL AUTHORITY
DEPARTMENT FOR CHILDREN, FAMILIES & LEARNING**

**EDUCATION WELFARE SERVICE
Penalty Notice Code of Conduct**

September 2011

1. Legal Basis

- 1.1 **The Anti-social Behaviour Act 2003** contains provision for the issue of **Penalty Notices** for cases of unauthorised absence from school. **Section 23** of that Act empowers designated Local Authority officers, Head Teachers (including Deputy and Assistant Head Teachers nominated by them) and the Police to issue the aforementioned Penalty Notices.
- 1.2 Primary responsibility for producing and overseeing the Code of Conduct rests with the Local Authority (LA)
- 1.3 The education-related provisions of the Anti-Social Behaviour Act 2003 apply to all parents who fall within the definition set out in Section 576 of the Education Act 1996. This defines 'parent' as:
 - All natural parents, whether they are married or not.
 - Any person who, although they are 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. Having care of a child or young person means that a person with whom the child lives and who looks after the child, irrespective of what their relationship is with the child, is considered to be a parent in education law.

Throughout this document, references to 'parent' mean each and every person coming within the definition, whether acting jointly or separately, and should not be taken to mean that provisions only apply to 'parent' in the singular.

2. Reasons for Introduction

- 2.1 **Clear evidence exists to support the link between poor attendance at school and low achievement** (only 10% of persistent truants achieved 5 A - C GCSE's compared to 58% of regular attendees). Unemployment, low take up of further training, crime (66% of young offenders are truants), early age use of drugs and alcohol, poverty, low expectations and subsequently poor parenting skills are additional consequences of poor attendance at school.
- 2.2 There is now additional evidence from research conducted by the Department for Education (DfE) that overall grades achieved by individual

schools decline in line with the number of school days missed by pupils during the year. In 2005 89.5% of pupils with less than 7 days absence achieved 5+ GCSE's, grades A-C. By contrast, only 28% with absence of more than 20 days achieved the same levels.

- 2.3 Regular attendance at school is a legal requirement and **Section 444 (1) and 444 (1A) of the Education Act 1996** and **Section 36 of the Children Act 1989** already exist to enforce attendance through the Courts in appropriate circumstances. The legal responsibility for compliance with these Acts rests with the parents and courts have the powers to fine, imprison or impose various orders.
- 2.4 Where difficulties arise with school attendance, schools, together with Education Welfare Officers, are available to assist both family and school to resolve these difficulties. In addition, SEN support, mentoring, parenting support through a raft of voluntary agencies as well as support from Social Care exists to enable adults to parent effectively so that children can achieve to their full potential..
- 2.5 In the small minority of cases where parents are unwilling to ensure their children's regular attendance at school and to engage with support networks, sanctions are necessary. Such sanctions are not intended as punishment but rather as a means of persuading the parents to recognise their responsibilities, comply with the law and ensure their children's access to education.

3. Use of Penalty Notices

- 3.1 Penalty Notices will only be issued for cases of **unauthorised** absence or in the case of pupils who are **excluded** from school and are found in a public place without good reason. When a Penalty Notice is issued for cases of unauthorised absence, the defences in law against the offence remain the same as for the substantive offence under Section 444 (1) and 444 (1A) of the Education Act 1996. Any defence against conviction on this charge is very limited and the matter is dealt with in a Magistrates' Court.
- 3.2 Penalty notices are more effective with less entrenched cases and will not be used for cases meeting the EWS referral criteria of 80% or less attendance, which often require investigation to ensure complex issues are identified and support offered prior to legal action being considered.
- 3.3 Only one notice per child will be issued to a parent in any academic year, with no restriction on the number of warnings issued. Should the issue of a Penalty Notice fail to improve attendance, consideration will be given to a prosecution.
- 3.4 **N.B.** It is not a defence for the parent to say that s/he was unaware of the absences or the pupil being out unsupervised during an exclusion. Parents are expected to know where their children are on a daily basis and there is no duty, in law, on the school or the LA to advise them of their child's absence.

3.5 Specific Conditions

Children Looked After: Croydon Council does not include Children Looked After in the Penalty Notice process. Where there are concerns over attendance with a child in Croydon Council or other Local Authority care, a review should be held to determine that appropriate provision is in place and whether changes need to be made to better engage the young person with their education.

Special Education Needs: For pupils in receipt of a Statement of Educational Needs and/or school action plus funding, an early review should be held before considering a Penalty Notice or other legal action. This is to determine that appropriate provision is in place and whether changes need to be made to better engage the young person with their education.

4. Key considerations prior to the issue of a Penalty Notice

- 4.1 In the case of absence from school, a penalty notice should be considered if the parent is judged capable of securing better attendance but is not willing to accept that responsibility and it is considered likely to improve the pupil's attendance.
- 4.2 This judgment is based on the parental response to warnings issued by the LA or the school regarding their child's poor attendance and their engagement with the school and/or the EWS in attempts to improve attendance.
- 4.3 Parents who do not heed warnings or respond to efforts to deal with their child's absences may be adjudged to have failed in their duty and will receive a Penalty Notice for each individual parent and for each child with unauthorised absence.
- 4.4 In order for the Local Code of Conduct to reflect due regard to the Human Rights Act and DfE Regulations and Guidance, the LA 's Code of Conduct has been amended in order to meet its statutory obligations.
- 4.5 LA's, schools and the police must demonstrate regard to the Human Rights Act and ensure they apply their powers fairly and consistently and in the case of penalty notices, the local code of conduct must be seen to fully comply with the Human Rights Act.
- 4.6 The purpose of the local Code of Conduct is to ensure that the powers are applied consistently and fairly and therefore the LA will only issue penalty notices on behalf of schools in the circumstances detailed below.
- 4.7 Under the Education (Pupil Registration) Regulations 2006 head teachers are able to use their discretion and may grant up to ten school days authorised absence for the purpose of family holidays during term time.
- 4.8 **It is for head teachers to determine if the request is reasonable. Legislation requires that each request is judged on a case by case basis considering attendance levels, attainment, cultural, social and emotional factors.**

- 4.9 The DfE expects that head teachers will use their discretion sparingly. Head teachers should not fetter their discretion by applying policies (for example, blanket bans) which might suggest that each application has not been considered on its individual merits.
- 4.10 The LA must have regard to a parents' ability to pay any Penalty Notices issued and, in situations where there is more than one non-attending child and/or parent in a family, the impact of multiple notices must receive careful consideration.. However, financial circumstances alone will not prevent the issue of a Notice.
- 4.11 Before a Penalty Notice is issued it must be evident that the matter is capable of proof in the Magistrates' Court so that in the event of non - payment of the charge the parent/carer can be prosecuted.

5. Cases where issuing a Penalty Notice may be considered:

5.1 Poor School Attendance: (Also see Paragraph 6.1)

- a) The pupil has 5 or more sessions of unauthorised absence in the 6 weeks (60 Sessions) prior to a notice being requested.
- b) The pupil has been stopped on a School Attendance and Exclusion Sweep (also known as Truancy Patrol) on more than one occasion, with no justified reason for absence. (See Section 6.3)

5.2 Unauthorised Holidays taken during term time: (Also see Paragraph 6.2).

- a) A holiday was taken in term time without the school's consent within 6 weeks of the date of the request for a penalty notice, and the pupil was absent from school for 10 sessions or more in the 20 weeks (200 Sessions) previous to the start of the holiday.

Or

- b) The school has already used its discretion in authorising one holiday for 10 sessions or more during the previous 12 calendar months, and a further unauthorised holiday has been taken in term-time within 6 weeks (60 Sessions) of the request for a penalty notice.

5.3 In case of an Excluded Pupil

- a) The pupil is found unsupervised in a public place during school hours during the first 5 days of exclusion without good reason. Good reason might include attendance at a medical appointment, YOT appointment or other appointment with a statutory or voluntary agency.

6. To assist Head teachers in applying their powers fairly and consistently the LA expect the following check list be applied

6.1 Poor attendance

Although the LA does not condone any unauthorised absence, the criteria for

issuing a penalty notice have been set to take into account the level of unauthorised absence that the LA can confidently institute Magistrate Court proceedings in the event that the Penalty Notice remains unpaid.

Consider

- Has the parent been regularly contacted by the school to establish the reasons for absence or is there established parental non-engagement in response to phone calls, letters or invitations to school based meetings.
- Could there be underlying issues which need to be explored with the parents at a school based meeting to identify if any support is required.

6.2 Term-time family holidays

Consider

- The family's circumstances and the likely benefits to the child and family, taking into account social, emotional and cultural reasons;
- The likely detrimental impact on the child's social, emotional and intellectual development, attainment level and any SEN;
- Meeting parents to explore special or exceptional circumstances such as bereavement, funerals abroad, unavoidable cause (illness/flight delays) to determine the reasonableness of delay to return and allow parents the opportunity to provide appropriate evidence. This is to reduce the need for subsequent Local Authority Penalty Notice withdrawals based on retrospective evidence provided;
- Siblings in other Croydon schools. Liaise with other schools in individual cases to agree a consistent approach in considering term-time holiday request and penalty notice;
- The child's previous attendance record (less than 10 sessions of absence over a 20 week (200 Session period)).

The Local Authority advises schools that no term time leave should be authorised for children with attendance below 95% unless special or exceptional circumstances exist (95% is Ofsted recommended level for good pupil attendance). Notices can be issued without warning where schools can show that a child was taken on holiday during term time against or without consent of the Head Teacher and the parent was made aware of the possible consequences of an unauthorised holiday.

6.3 For pupils stopped during a School Exclusion and Attendance Sweep (Truancy Patrol)

Consider

- Ensuring that there are no genuine reasons for the absence and any

underlying issues which may need school based support.

- Arranging a parent meeting on the first occurrence of established unauthorised absence and advise of the risk of receiving a penalty notice.

Penalty notices for pupils stopped twice during a sweep will act as a trigger to consider a penalty notice.

7. School action prior to referring to the EWS for the issuing of a Penalty Notice

- 7.1
- A. The School's Governing Body has endorsed the operation of the penalty notice scheme;
 - B. The School's Attendance Policy clearly explains the criteria and process for addressing poor attendance;
 - C. The School has fully considered any extenuating circumstances and has established there are no justified causes for the absences;
 - D. A written notice has been sent to parents informing them of the consideration to refer to the Local Authority to issue a penalty notice;
- 7.2 While the Head teacher can delegate the authority for a school member of staff to make penalty notice referrals on their behalf, all referrals must be signed (or sent if via e-mail to ews.admin@croydon.gov.uk) by a Senior Member of the Leadership Team to confirm authorisation to ensure that referrals are made in line with the protocol.
- 7.3 It is good practice to ensure that parents are reminded on an annual basis of the school's policy on attendance, including the existence of Penalty Notices.

8. Procedure for the issuing of Penalty Notices by the Local Authority

- 8.1 It has been agreed that the Local Authority and schools who purchase school attendance support independantly may issue Education Related Penalty Notices in the London Borough of Croydon. This section therefore only related to Penalty Notices issued solely by the Local Authority.

Schools considering referring cases to the Local Authority for Penalty Notices for unauthorised absence to be issued will need to follow the process below.

8.2 Required documentation

- A fully completed penalty notice referral form;
- A Certificate of Attendance.

8.3 If Penalty Notice is in regards to unauthorised holiday:

- A holiday request form or letter from the child's parent;
- Record of discussion with the parent if extenuating circumstances raised for an unauthorised term-time holiday;
- A refusal of leave letter from the school, including a statement regarding the consequences if a pupil continues to be absent during this period, including the possible issuing of a Penalty Notice;

8.4 The above will be used as evidence in court should the penalty fine remain unpaid. The Parent(s) will be prosecuted for the period of absence accrued by their child(ren) due to an unauthorised holiday.

8.5 **Local Authority action on receipt of referral – Poor Attendance**

The LA will produce a Warning Letter for distribution to the parents/carers of pupils who have been identified as meeting the criteria. This letter will clearly set out the circumstances whereby a Penalty Notice can be issued and the consequences for failure to pay within the required time scale.

8.6 Warnings will be recorded on a database, potential duplication checked and cases monitored for actions to take place within the prescribed timescales.

8.7 Pupil's attendance/punctuality will be monitored for 30 Sessions (15 school days) following the issue of the letter. No further unauthorised absence should occur during these 30 sessions.

8.8 Should unauthorised absence occur, the decision whether to issue a Penalty Notice will be authorised by the Lead Attendance Officer (LAO) or an authorised person in their absence following consultation with the school.

8.9 An offence is committed by an individual parent for each individual child's unauthorised absence. To ensure each parent is aware of their legal duty, each parent will be written to individually and will receive a separate Warning Letter and Penalty Notice for each child they are responsible for.

8.10 Where a Penalty Notice is issued, it will be sent by the EWS via **First Class** post to the parent's last known address. The database will be checked before the issue of the Notice in order to avoid duplication.

8.11 **Local Authority action on receipt of referral - Unauthorised holidays**

Penalty Notices for unauthorised holidays during term-time will be issued without a Warning Letter. The school's letter confirming the refusal of the request will have acted as a warning and raised parental awareness of the unauthorised holiday and the risk of receiving a penalty notice.

8.12 Where a Penalty Notice is issued, it will be sent by the EWS via **First Class** post to the parent's last known address. The database will be checked before the issue of the Notice in order to avoid duplication.

8.13 Penalty Notices will be issued to the parents of pupils registered at Croydon schools, irrespective of their actual home address. This also means that follow-up prosecutions where parents fail to pay the Notice or to improve their children's attendance will extend to families resident outside the Borough. Croydon EWS will notify the 'home' authority of all pupils resident outside of Croydon if a prosecution is undertaken. Penalty Notices will not be issued to parents whose children are not on roll of a Croydon school

9. **Procedure for the issue of Penalty Notices by schools** (where schools are purchasing school attendance support independently)

- 9.1 Penalty Notices can only be issued in the circumstances described within this code of conduct.
- 9.2 A Warning letter must have been issued (in cases of unauthorised term time holidays the letter written to the parent refusing to authorise a holiday request acts as the warning) except for pupils being picked up in truancy sweeps; and pupils being found in a public place without good reason during the first five days of an exclusion.
- 9.3 The LA must have been consulted via email (ews.admin@croydon.gov.uk) in order to ensure a Penalty Notice has not already been issued during the course of the year
- 9.4 All Notices must be issued by either the Assistant Headteacher or Attendance Officer or a deputy or assistant head teacher authorised by the Assistant Headteacher or Attendance Officer and must be issued in line with the Education (Penalty Notices) (England) Regulations 2007. (<http://www.legislation.gov.uk/uksi/2007/1867/contents/made>)
- 9.5 All Notices issued by schools must adhere to the Croydon Local Authority Template, ensuring that the Notice includes the name of the issuing Assistant Headteacher or Attendance Officer (or nominated deputy), and the contact details for the Local Authority nominated officer (the Lead Attendance Officer) should any issues arise. A template Penalty Notice is included as appendix A.
- 9.6 All payments for Penalty Notices should be addressed to the London Borough of Croydon. (See Appendix A).
- 9.5 A copy of all Notices issued must be sent within 5 working days to the Lead Attendance Officer at the Local Authority who will be responsible for monitoring the issuing and payment of Notices, for ensuring they conform to the local Code of Conduct and that duplication does not occur. The Local Authority is also responsible for reporting figures regarding the issuing of penalty notices to the DfE. Copies of notices can be sent electronically via ews.admin@croydon.gov.uk or via post.
- 9.6 All parental appeals against a penalty notice being issued will be directed to the Local Authority who will impartially review the notice and ascertain if withdrawal is appropriate in line with legislative and borough protocol criteria. This statement must be included on all penalty notices issued by schools within Croydon (Appendix A)

In the first instance parents can contact the school if they are unsure why they have received a penalty notice and directed to the local authority if they still feel they have grounds for appeal.

10. Withdrawal of a Penalty Notice

- 10.1 The LA will withdraw any Notice issued if one or more of these conditions exist:
1. It is established that the Penalty Notice was issued to the wrong person.
 2. The Penalty Notice was issued outside of the terms of this local Code of Conduct
 3. The Notice is materially defective
 4. The penalty is not paid in full before the expiry date and the LA has

neither instituted proceedings against the recipient for the offence to which the notice relates nor is contemplating such proceedings.

Where either of the above occurs, written notice of the withdrawal shall be given to the recipient and any monies paid over shall be fully refunded.

10.2

The Decision to Prosecute will be taken in line with - Code for Crown Prosecutors

The Code is issued by the Attorney General which states that the decision to prosecute an individual is a serious step. Fair and effective prosecution is essential to the maintenance of law and order and therefore careful consideration will be given before agreeing to institute court proceedings under Section 444 of the Education Act 1996

General Principles:

- Each case is unique and must be considered on its own.
- The right person is prosecuted for the right offence which underlines the importance of having up to date information on school records of all those with parental responsibility as well as day-to-day care and supervision. It is essential that schools regularly up-date their contact details.
- There is sufficient evidence to provide a realistic prospect of conviction and consideration must be given to what the defence case may be and how that is likely to affect the prosecution case.
- Is the evidence reliable? It is therefore essential that schools ensure that they are satisfied with the accuracy of the register and registration codes used.

There are also Public Interest factors against prosecution which must be considered:

- The offence was committed as a result of a genuine mistake or misunderstanding.
- a prosecution is likely to have a very bad effect on the victim's physical or mental health.
- the defendant is elderly or is suffering from mental or physical ill-health.

At the point of considering issuing a penalty notice the above principles should be taken into account. However should these issues only come to the notice of the school or LA once the notice has been issued, a withdrawal will be considered in discussion with the and school's Education Welfare Officer and Attendance Lead

10.3 When a Notice is withdrawn, no proceedings under Section 444 of the Education Act 1996 shall be instituted against the recipient in respect of the period covered by the original Penalty Notice.

11. Payment

- 11.1 Arrangements for payment will be detailed on the Penalty Notice.
- 11.2 A Penalty Notice shall be for the sum of **£60** if paid within 28 days rising to **£120** thereafter until the final deadline of 42 days.
- 11.3 Part Payments or Payment plans are not acceptable and fines must be paid in full within 28/42 days.
- 11.4 Payment in full of the Penalty Notice discharges the parent's legal responsibility for the period of unauthorised absence outlined in the Notice and the parent cannot be subsequently prosecuted for that period.
- 11.5 Any revenue arising from the issue of Penalty Notices will be retained by the LA to offset the costs involved in their issue or any subsequent prosecutions arising from non-payment.
- 11.6 Where a notice has been issued directly by a school, the EWS will notify the school within 5 working days of payment being received.

12. Non Payment

- 12.1 The offence detailed in the Penalty Notice must be capable of proof in the Magistrates' Court so that in the event of non-payment of the charge the parent/carer can be prosecuted. Non-payment of Penalty Notices within the prescribed time limits will result in a prosecution under Section 444(1) of the Education Act 1996 for the original offence of failing to ensure the regular attendance of the child(ren) at school.
- 12.2 Only the Local Authority can institute court proceedings under Section 444 of the Education Act 1996 or in the event of non payment of a Penalty Notice issued as a result of an excluded pupil being found in a public place during school hours during the first five days of permanent or fixed term exclusion.
- 12.3 Where a notice has been issued directly by a school, the EWS will notify the school of nil receipt of a Penalty Notice Fine within 5 working days of the expiry date listed on the copy of the Penalty Notice filed with the EWS. The start and end date of any case laid at court by the LA for a summons must be within a six month period from the start date of the offence. The school is required to submit the relevant papers for prosecution within no later than six weeks prior to the period of offence expiring.
 - The LA must submit relevant papers to court within a 6 month (26 week) period from the start of the offence.