



## Attendance Policy

For children at our school to gain the greatest benefit from education it is essential that they attend school regularly and punctually. They should only be absent from school when it is absolutely necessary.

School absence will disrupt a child's learning and may affect their academic progress. It may also disrupt their friendships and impact on their social and emotional development.

School attendance is given a high profile throughout the school because we know how important it is. It is discussed at school assemblies, parents' evenings, staff meetings and governors' meetings. It is also included in school reports and newsletters.

### Reward Systems

Our school has a system of rewards for children whose attendance is 100% or excellent. These include individual certificates for 100% attendance and stickers for excellent attendance.

### Sickness

If your child is sick or has a medical appointment it is important that you inform the school as soon as possible. Parents are also asked to send in a note or contact the school to explain the reasons for any absence. If the sickness continues for more than a few days we would expect you to consult your doctor. If your child has on-going health problems the school nurse may be able to help.

### Action Plans

If a child's attendance becomes a source of concern school will write to the parents/carers and they may be invited to a meeting or school attendance panel. The meeting will give an opportunity to discuss any concerns and to agree an Action Plan or Parenting Contract to support the family.

### Persistent Absence

If a child's attendance falls below 90% they will be defined by the Department of Education as Persistently Absent. At this level their progress and development may be significantly impaired. The case may be referred to the Education Social Worker who would contact the family and offer to visit them at home to address any concerns and offer support.

### Lateness

Children need to be in school on time at 8:50am each day when the registration period begins. It's important that all children make a good start to the day and are ready to learn.

- All children who arrive after 8:50am are logged as being late before registration, an L in Sims. The minutes late are also noted in SIMS.
- Children who arrive after 10.45am are logged as late after registration, a U in SIMS, this is an unauthorised absence and notes for the reason of absence are noted.
- Children who have medical appointments and return to school before 10.45 are recorded as an L and notes made against their name. This is an authorised late. Whilst they are recorded as late, the minutes late are not recorded, therefore this does not impact on minutes late on their report. If

the absence was recorded as medical it would take them out for the whole session, albeit authorised, which would affect their overall attendance.

- Children who have medical appointments and return to school after 10.45am are recorded as an M and notes made against their name, this is an authorised absence but it will affect their overall attendance.

Children who arrive late are often embarrassed and may not be in the best frame of mind to begin learning. All lateness is recorded and more than 10 lates, children entering via the office, are recorded and monitored by the Educational Social Worker. Lateness means the children may miss out on something important. Similarly, the school keeps a record of all children who are collected late i.e. after 3.30pm.

### **Reporting to parents**

Parents are given a breakdown of their child's attendance record at Parents' Evening and in their annual report. This also includes the number of minutes late which are equated into hours or days where applicable.

### **Fixed Penalty Notices**

#### **Legal Basis:**

Section 23 of the Anti-Social Behaviour Act 2003 gives designated LEA officers, Head Teachers (and Deputy and Assistant Head Teachers authorised by them), and the Police the power to issue Fixed Penalty Notices in cases of unauthorised absence from school.

The Education and Inspections Act 2006 Section 103 places a duty on parents to ensure their child is not present during school hours in a public place during the first five days of each and every fixed period or permanent exclusion from school.

The power to issue the Fixed Penalty Notices must be applied fairly and consistently taking in to consideration the requirements of the Human Rights Act and Race Relations and Equal Opportunities Legislation.

The Education [Penalty Notices] [England] Regulations 2007, which were amended in 2012 set out the framework for the operation of Fixed Penalty Notice Schemes. The Local Authority has the prime responsibility for the introduction of a protocol with schools and Merseyside Police being partners agreeing to the protocol.

#### **Rationale:**

Regular and punctual attendance of pupils at school is both a legal requirement and essential for pupils to maximise their potential.

Parents are responsible for ensuring that their child of compulsory school age receives education that is suitable to the child's age, ability, aptitude and to any special educational needs the child may have at school or otherwise.

Wirral's Education Social Welfare Service seeks to ensure that every child and young person receives the maximum benefit from the education opportunities provided by the Local Authority.

The Service utilises a range of strategies and interventions, working in partnership with children and young people, parents and families, school staff and other agencies to overcome barriers to education and achieve improved outcomes.

An offence occurs if a parent or carer fails to secure a child's regular attendance at a school at which they are a registered pupil and when that absence is not authorised by the school and does not meet one of the statutory defences.

Penalty Notices are one of a number of legal sanctions available to deal with these offences.

For the purposes of this protocol and other school attendance issues, a parent is as defined under section 576 of the Education Act 1996 i.e. All natural parents, whether they are married or not; any person who, although not a natural parent, has parental responsibility (as defined in the Children Act 1989) for a child or young person; and 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.

Also for the purposes of this protocol: School hours means a school session or a break between sessions on the same school day; a public place means any highways or other place to which the public have access but does not include a school; the days of an exclusion are known as the specified days and will be detailed in a notice given to the parent.

Compulsory school age is defined as commencing at the start of the term on or after a child's fifth birthday and concluding on the last Friday in June of the school year in which the pupil becomes 16 years of age.

### **Circumstances When Fixed Penalty Notices Will Be Issued:**

A Fixed Penalty Notice can be issued in cases of unauthorised absence or when an excluded pupil is found in a public place without good reason in accordance with this protocol.

Use of Fixed Penalty Notices will be restricted to **two** per pupil per parent in any academic year.

In cases where there is more than one poorly attending child in a family, notices may be issued for more than one child.

Penalty Notices may be considered appropriate in the following circumstances:

- Attendance below 90% before a holiday (and preferably with some unauthorised absence)
- Attendance below 90% with at least 10 days lost due to unauthorised absence. These do not need to be consecutive.
- 5 days or more unauthorised absence due to holidays in term time.
- Pupils stopped on Police Truancy Sweeps in some circumstances, for example, if this is repeated.
- The presence of an excluded child in a public place at any time during school hours in that child's first five days of a school exclusion without good reason.
- A pupil arrives late after the registers are closed (using a code U) on 10 or more separate occasions.

Headteachers may submit a written request to the Education Social Welfare Service using the appropriate proforma asking for a Fixed Penalty Notice or a Warning Letter to be issued to parents.

In the case of unauthorised absence school will provide written evidence that the pupil's attendance is below 90% and that 10 days or more of the absences are unauthorised. School will also provide evidence that the parents have failed to cooperate with a signed and agreed Action Plan or Parenting Contract aimed at improving attendance or failed to attend at least two meetings or School Attendance Panels without reasonable explanation. In considering whether to issue a Fixed Penalty Notice the Education Social Welfare Service will consider any exceptional or mitigating circumstances. In the first instance the response from the Education Social Welfare Service may be a Warning Letter emphasising that attendance must improve within 15 school days.

Further unauthorised absence within this 15 day period may lead to the issuing of a Fixed Penalty Notice. If there are no further unauthorised absences within the 15 days the Fixed Penalty Notice will not be issued. If there are further unauthorised absences after the 15 day period, schools are advised to arrange a further School Attendance Panel and a further Warning Letter may be issued if parents fail to attend or cooperate.

In the case of holidays in term time schools may be required to provide written evidence, for example, a copy of a letter or newsletter sent to all parents during the current academic year which clearly states that parents may receive a fixed penalty notice for an unauthorised holiday in term time. School will also need to provide a copy of the written holiday request submitted by parent and a copy of any response sent to the parent along with an attendance certificate. School Attendance Policies should clearly mention the unauthorising of holidays and the use of fixed penalty notices and this should be available on school websites. Schools can request either a warning letter or a fixed penalty notice to be issued. These requests should be submitted as soon as possible after the holiday has started and should not be submitted before a holiday or saved until the end of term. If the five days is cumulative the holidays must not be any more than 3 months apart.

In the case of excluded pupils in a public place Merseyside Police may submit a written request to the Education Social Welfare Service using the appropriate proforma asking for the parents of a pupil of compulsory school age to be issued with a Fixed Penalty Notice when the pupil is found in a public place during the first five days of a school exclusion without good reason. There may be times when it is necessary for an excluded pupil to be in a public place e.g. medical appointment or emergency. Consideration will be given to possible justification for the presence although ultimately it will be up to the Courts to decide if the notice is contested. To be justified there needs to be an element of unavoidable presence. Consideration will also be given to the number of times an excluded pupil is seen, the parents' actions or inactions, the justification put forward and the parents' overall attitude.

Referrals for notices relating to exclusions will only be accepted from Police and Police Community Support Officers. This provision is in addition to the independent powers of Merseyside Police and does not fetter their discretion. In consultation with the Anti-Social Behaviour Team consideration may also be given to the use of an Acceptable Behaviour Contract. In the first instance the response from the Education Social Welfare Service may be a Warning Letter emphasising that the parents may be served with a Fixed Penalty Notice if the offence is repeated.

Although Fixed Penalty Notices will not routinely be issued during Truancy Sweeps it might be appropriate for a notice to be issued following pupils being stopped during a sweep in some circumstances. The Education Social Welfare Service will take into consideration whether the pupil has been stopped before on a Truancy Sweep, their level of school attendance, and whether absences have been authorised or unauthorised by school. The Education Social Welfare Service will also

consider requests from other Education Authorities for a Fixed Penalty Notice to be issued to the parents of a child who attends a Wirral school but lives in their area or is repeatedly stopped on their truancy sweeps. The decision on whether to issue a Fixed Penalty Notice or not will be taken by Education Social Welfare Service in accordance with this protocol. In the first instance the response from the Education Social Welfare Service may be a Warning Letter emphasising that the parents may be served with a Fixed Penalty Notice if the offence is repeated.

In the case of persistent lateness the school will have to demonstrate that the parent has been warned that as a result of arriving late after registers are closed on 10 separate occasions [and using Code U in the school register] a Fixed Penalty Notice may be issued. Schools should be clear about what time their registers close and again this should be included in Attendance Policies.

A Penalty Notice will not normally be issued where there has previously been a prosecution against the parent under Section 444 of the Education Act 1996. In such circumstances consideration of further legal interventions including prosecution should be considered.

#### **Exceptional Circumstances:**

Parents are discouraged from withdrawing their children from school in term time for family holidays because this may impact on their progress. Headteachers may only authorise holidays in term time in exceptional circumstances. The Department of Education has not issued any guidance to Headteachers on what constitutes "exceptional circumstances" in relation to requests from parents for family holidays taken in term time. In the absence of this each case is viewed on its own merits. Parents who believe their circumstances are exceptional are asked to request a Leave of Absence proforma from the School Office and return it to the Headteacher explaining their reasons to assist the Headteacher's decision. Parents who withdraw their children for unauthorised holidays in term time may be issued with a Fixed Penalty Notice. Unless attendance is below 90% before the holiday (preferably with some unauthorised) a FPN will not be issued.

#### **Procedure for Issuing Fixed Penalty Notices:**

In order to ensure consistent delivery, retain home-school relationships and ensure cohesion with other enforcement sanctions, only the Education Social Welfare Service will issue Fixed Penalty Notices.

Fixed Penalty Notices will only be issued by post and never hand delivered to meet Health and Safety Requirements by avoiding potential face-to-face confrontation. The Notice will be deemed to have been received on the second working day after posting unless it is shown otherwise.

#### **Procedure For Withdrawing Fixed Penalty Notices:**

Once issued a Fixed Penalty Notice may only be withdrawn in the following circumstances:

The Fixed Penalty Notice was issued to the wrong person

**Or**

It was issued outside of the terms of the local protocol

**Or**

It contains a material error

**Or**

It has not been paid in full, and the LA has not, and does not intend to, instigate proceedings

**Or**

The circumstances of the case warrant its withdrawal.

**Payment Of Fixed Penalty Notices:**

Arrangements for payment will be detailed on the Fixed Penalty Notice.

Payment of the Fixed Penalty Notice discharges the parent liability for the period in question and they cannot subsequently be prosecuted under Section 444 of the Education Act 1996 for the period covered by the Fixed Penalty Notice.

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

The Local Authority retains any revenue from the Fixed Penalty Notices to cover enforcement costs.

**Non-payment Of Fixed Penalty Notices:**

Non-payment of a Fixed Penalty Notice will result in the withdrawal of the notice and may trigger a prosecution of parents by the Education Social Welfare Service under Section 444 Education Act 1996.

**Right of appeal:**

In accordance with Department of Education Guidance there is no right of appeal but where a parent wishes to contest the issuing of a Fixed Penalty Notice they should contact the Education Social Welfare Service [as outlined on the Penalty Notice] and/or opt to face proceedings in the Magistrates' Court, where all of the issues relating to their Fixed Penalty Notice can be fully debated.

**Further advice and guidance**

Further advice and guidance may be found on the Department of Education website:

<http://www.education.gov.uk/schools/pupilsupport/behaviour/attendance>

Taken to Community Meeting dated.....

Approval at full Governing Body meeting dated.....

Signed (Chair of Governors).....