



Attendance Policy
including the Essex Code of Conduct for Penalty Notices.

Date Policy was formally adopted	September 2018
Review Date	September 2019
Chair's Name	
Chair's Signature	

Core Values

Respect

Enjoyment

Care

Confidence

Challenge



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School Attendance and the Law.

Under the Education (Pupil Registration) (England) Regulations 2006, parents and carers are responsible for ensuring their children attend school regularly and punctually. Failure to do so could result in legal action being taken against them by the Local authority which could result in substantial fines.

The register is a legal document and schools must, under the Education (Pupil Registration) (England) Regulations 2006, take a register at the start of morning session and again during the afternoon. Since September 2006 schools have been required to use statutory registration codes.

Under the Education (Pupil Registration) (England) Regulations 2006, only the school (and not parents/carers) can authorise an absence. Where the reason for a pupil's absence cannot be established at the time the register is taken, then the absence shall be recorded as unauthorised. Unauthorised absences are also those that the school does not consider reasonable. This includes; keeping children off school for trivial reasons; truancy, absences which have never been properly explained and children who arrive at school too late to get a mark before registers close. Providing a note may not be sufficient if the reason given is not "unavoidable". Children should never be kept off school for reasons such as shopping, or a treat day out.

If a good reason for absence, i.e. illness or other unavoidable cause, is provided by the parent/carer, the school may decide to grant leave of absence, which will be recorded as authorised using the appropriate national code.

Time off for a family holiday is not a legal right and from September 2013 the Education (Pupil Registration) (England) Regulations 2006 have been changed. Headteachers are no longer permitted to grant leave of absence during term time unless there are very exceptional circumstances, such as a family needing to spend time together due to bereavement of an immediate family member or other traumatic event in the family.

When a child is identified as missing from education, school staff will follow the guidance in the 'Missing Education – Missing Out' Essex County Council Manual, to ensure the child is returned to education in a speedy and efficient manner.

During Spring 2016 the DfE consulted on Improving Information in Identifying Children Missing Education, which set out to improve communication and coordination between schools, including independent schools, and Local Authorities.

The outcome of the consultation lead to amendments to the Education (Pupil Registration) (England) Regulations 2006 being made on 22nd July 2016 which came into effect on 1st September 2016. The amendments can be viewed on Essex Info link. Regulations 5 and 12 are of particular significance.



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Under Regulation 12 schools are now legally required to notify their Local Authority of every new entry to the admission register and every deletion from the school register. Notifications must be received by the Local Authority **within five days**.

To enable schools to fulfil this new statutory duty, an online form has been devised for completion. This can be accessed via Essex Info Link (Statutory Notification of Admission/Deletion to/from Essex School Roll). The Education (Pupil Registration) (England) Regulations 2006 provide the original regulations, including regulation 8 which stipulates the grounds under which a school may remove a pupil from roll.

Principles

Your child should come to school every day

Some children need encouragement to attend regularly. Any problems are best sorted out between the school, the parents and the child. It is never better to cover up their absence or to give in to pressure to excuse them from school. This gives the impression that attendance does not matter and may make things worse. Parents are expected to contact school at an early stage and to work with the staff in resolving problems together. This is nearly always successful.

If problems cannot be sorted out in this way, the school may refer the child to the Missing Education and Child Employment Service (MECES) from the local education authority. He or she will also try to resolve the difficulties by agreement but, if other ways of trying to improve the child's attendance have failed, these officers can use court proceedings to prosecute parents or to seek an education supervision order on the child.

Parents may wish to contact the MECES themselves to ask their advice. They are independent of the school. Their telephone number is available from the school office or by contacting the Local Education Authority.

Procedures

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

Registration System Used – Manual registers are called in each class at the start of the morning and afternoon sessions. At the end of each week all register marks are transferred onto the school's computerised management information system and allocated an appropriate national registration code. This information forms part of a termly school census return to the Local Education Authority.

Lateness – Children must attend on time to be given a mark for a session, unless the lateness is unavoidable. Parents are expected to ensure that children are present at registration. Arriving more than 15 minutes after the start of the session without good reason is counted as unauthorised absence. This means that registers will be closed from 9am. If a pupil arrives at school late he/she should report to the school office where they will be entered into the appropriate class register. (This is very important as the registers are used to account for pupils in cases of emergency evacuation as well as end of school bus registers).



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First Day of Absence Contact – If a child is unfit for school, parents should contact the school on the *first* day, in person, by phone or email (parents@rodings.essex.sch.uk), by 9.30am. If this is not done the office staff will attempt to contact the parent concerned to verify that the child is legitimately absent.

Illness and Other Legitimate Reasons – Absences for illness will be authorised if we receive a phone call, email or letter explaining the absences. An absence will also be authorised if it is the school that sends the child home for being unwell.

Where at all possible, medical appointments for pupils should be made for out of school hours. If the pupil is off school due to illness the school may require medical certification, such as a copy of a doctor's appointment card, prescribed medicine packaging or copy of prescription.

Monitoring and Evaluation

The Missing Education and Child Employment Service work within locally based teams with schools and families to promote good attendance. They carry out statutory duties on behalf of the Local Education Authority to ensure parents/carers fulfil their legal requirements in relation to school attendance.

MECES undertakes register reviews and discusses any attendance issues with the school. The school may refer a pupil to MECES where attendance remains a concern following school intervention. MECES will work with schools and families to address issues. However, if attendance fails to improve, legal action may be taken against parents/carers. From September 2013 (The Education (Penalty Notices) (England) 2007 has been amended and timescales for paying fines have been reduced. Fines will be £60 per parent, per child. If this is not paid within 21 days the fine will increase to £120 per parent, per child. Failing to meet these deadlines could lead to court proceedings and prosecutions.

Attendance Targets

Each school has an annual attendance target set by governors. It is expected that the whole school community will work together to achieve this target. Attainment is strongly linked to attendance, and research has shown that if pupils are to achieve their full potential, they must attend school regularly. Our target for Sept 18 – July 18 is a minimum of 97% attendance.

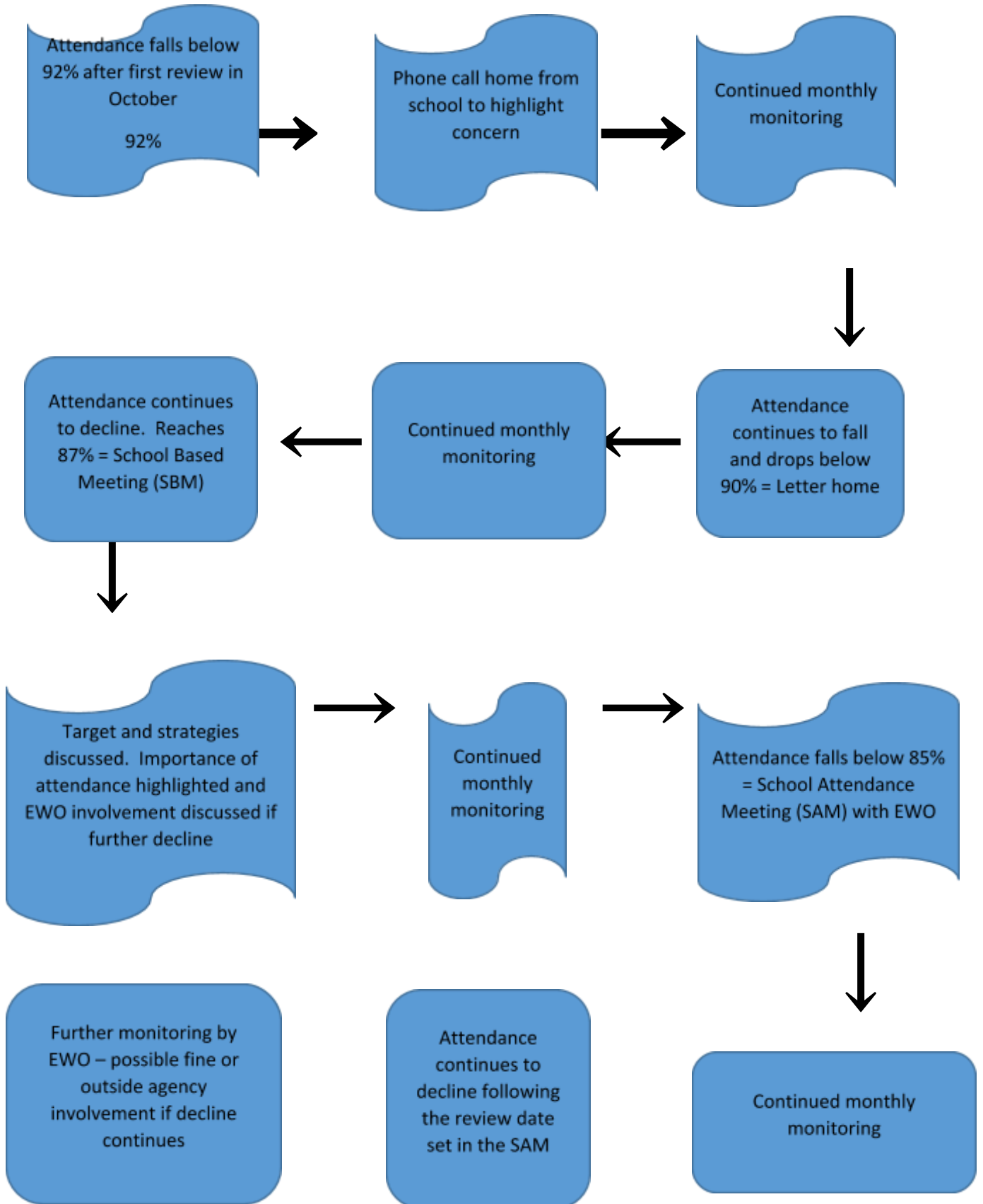
Summary

The school has a legal duty to publish its absence figures to parents and to promote attendance. You will receive information in your child's end of year report.

The school has a duty to make your child's time at school interesting and worthwhile. Parents have a duty to make sure that their children attend. The school is committed to working with parents as the best way to ensure as high a level of attendance as possible.



Attendance Protocol





ESSEX CODE OF CONDUCT PENALTY

NOTICES FOR PARENTS OF TRUANTS AND PARENTS OF PUPILS EXCLUDED FROM SCHOOL ANTI SOCIAL BEHAVIOUR ACT 2003 SECTION 23

The purpose of this local code of conduct is to ensure that the powers are applied consistently and fairly across the local authority area and that suitable arrangements are in place for the administration of the scheme. The Government requires Local Authorities to issue a code of conduct.

The Essex code has been agreed following consultation with: Essex Local Authority – Missing Education & Child Employment Service Representatives from Governing Bodies and Headteachers of Essex Schools Essex Police Service in accordance with the Education (Penalty Notices) Regulation 2007, Anti Social Behaviour Act 2003) section 23 subsection (1) and Sections 103 to 105 of the Education and Inspections Act 2006; Education (Pupil Registration) (England) (Amendment) Regulations 2013.

Anyone issuing a penalty notice to a parent* of a child of statutory school age on roll at an Essex school, must do so within the terms of this code. Legislation The Anti Social Behaviour Act 2003 inserts into the Education Act 1996 Section 444A and Section 444B enabling authorised personnel to issue penalty notices as an alternative to prosecution under Section 444 and enable parents to discharge potential liability for conviction for that offence by paying a penalty. Section 444(1) of the Education Act 1996 provides that if a child of compulsory school age 'fails to attend regularly' at the school where he is a registered pupil, his parent is guilty of an offence. On the 6th April 2017, in the case of Isle of Wight Council v Platt the Supreme Court judgement ruled that the word 'regularly' means 'in accordance with the rules prescribed by the school'.

Section 103 of the Education and Inspections Act 2006 places a duty on parents to ensure that their child is not present during school hours in a public place during the first 5 days of exclusions.

Section 105 of the Act enables a penalty notice to be issued under Section 103. Authorisation to issue penalty notices Primary responsibility for issuing penalty notices rests with the Local Authority (LA). It has been agreed that the Missing Education & Child Employment Service, on behalf of Essex LA, will usually issue penalty notices. The Service will administer the scheme from any funds obtained as a result of issuing penalty notices. Headteachers (and deputy headteachers and assistant headteachers authorised by the head teacher) and police, and persons accredited by the police are all able to issue the notices under the Act, although there is no requirement for them to do so. In Essex it has been agreed that the Police will not issue penalty notices to parents of truants, but persons accredited by them may do so. Schools will not generally issue penalty notices but where a Headteacher (or their designated deputy) or accredited person decides that a penalty notice is to be served, they must email ME&CE.legal@essex.gov.uk to ascertain if there is any current legal action. A response will be sent within 24 hours. This will avoid a penalty notice being issued when the Local Authority is instigating legal intervention proceedings for irregular school attendance.



Circumstances in which a penalty notice may be issued

Penalty Notices apply to pupils of statutory school age which finishes in year 11. Essex partners have agreed to use penalty notices for the following circumstances:

- Penalty notices for irregular school attendance /leave of absence **
- Penalty notices may be issued where there has been at least 10 sessions of unauthorised absence during the previous ten school weeks.
- In addition to the above criteria, due to the importance of pupils settling into school at the commencement of the school year, penalty notices may also be issued if there have been at least 6 consecutive sessions of unauthorised leave of absence during the first two weeks of September.

Number of penalty notices which can be issued for truancy/unauthorised absence

Discretion will be used to enable up to two penalty notices to be issued to each parent for each child within a twelve month period. If the law continues to be broken around school attendance the Missing Education and Child Employment Service legal intervention process will be used.

Pupil identified during a school attendance and exclusion sweep

School attendance and exclusion sweeps take place in Essex and children stopped are often with parents condoning the absence. If the Headteacher does not authorise the absence of a pupil stopped by a Local Authority Investigation Officer and Police Officer on a sweep and there has been at least 10 unauthorised absences for that pupil during the preceding 10 schools weeks, school will issue a warning letter to the parent within 14 days. If there are any further absences that are not authorised by the head teacher, during the next 6 schools weeks the school will complete a request, signed by the Headteacher (or their designated deputy), for issue of a penalty notice and send to the Missing Education and Child Employment Service . The Missing Education and Child Employment Service may then issue a penalty notice.

Number of Penalty Notices which can be issued for pupils identified during a school attendance and exclusion sweep.

Essex will issue no more than two penalty notices to a parent in a twelve month period for pupils identified on a school attendance and exclusion sweep. If the law continues to be broken around school attendance the Missing Education and Child Employment Service legal intervention process will be used.

Excluded children

When a child is excluded from school, the parent will be responsible for ensuring that their child is not found in a public place during normal school hours on the first five days of each and every fixed period or permanent exclusion. (Section 103 Education and Inspections Act) The excluding school must have issued notice to the parent informing them of their duty and warning that a penalty notice could be issued. Where there is more than one person liable for the offence, a separate notice may be issued to each person. Where a pupil is present in a public place in the first five days of a fixed period exclusion the Essex Local Authority would issue a penalty notice if the school is in their area. Where the child has been permanently excluded, it would be the authority where the child resides.



Number of penalty notices which can be issued for exclusion

Essex will issue a maximum of 5 penalty notices per parent for each child during a 12 month period.

Number of penalty notices which can be issued for unauthorised leave of absence

Essex will issue no more than two penalty notices to a parent in a twelve month period for unauthorised leave of absence. If the law continues to be broken around school attendance the Missing Education and Child Employment Service legal intervention process will be used. Payment of Penalty Notice The penalty for each parent is £60 for each child if paid within 21 days of receipt of the notice, rising to £120 if paid after 21 days but within 28 days of receipt of the notice (service by post is deemed to have been effected, unless the contrary is proved, on the second working day after posting the notice by first class post). All penalties are paid to the LA and revenue generated is retained to administer the system and contribute towards S444 prosecutions. If the penalty is not paid in full by the end of the 28 day period Essex Missing Education and Child Employment Service will either prosecute for the offence to which the notice applies or withdraw the notice. The prosecution is not for non-payment of the notice but is a prosecution for irregular school attendance – Education Act 1996 Section 444 (1) There is no statutory right of appeal against the issuing of a penalty notice.

Withdrawal of Penalty Notice

A penalty notice can be withdrawn in the following circumstances:

- Where it ought not to have been issued i.e. where it has been issued outside the terms of the local code of conduct or where the evidence does not support the issuing of a penalty notice
- The notice contains material errors.
- Where it has been issued to the wrong person or the parent can prove it was delivered to the wrong address.

Co-ordination between the LOCAL AUTHORITY and its local partners The Missing Education and Child Employment Service and its local partners will review this Code of Conduct annually.

* All those defined as a parent under Section 576 Education Act 1996 are parents for the purpose of these provisions. This means that 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. Parent means each and every parent 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.

** truancy/unauthorised absence is absence from school without permission or good reason and the absence is unauthorised by the school.



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As with prosecutions under Section 444 Education Act 1996 a penalty notice may be issued to each parent liable for the offence.

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