

# Attendance Policy

Southend High School for Girls Academy Trust



## Southend High School for Girls Academy Trust

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## Policy Summary – Key Messages

- Good school attendance is linked to high academic achievement. At SHSG it is expected that all students aim for 97% (good) attendance each year. Our attendance policy is in line with the legal framework issued by the Department for Education.
- Good attendance and punctuality are promoted and rewarded. Attendance is tracked and monitored across the school and poor attendance is acted upon with interventions. The school will work with parents/carers, outside agencies and the Local Authority where appropriate to improve a student's attendance. There are specific actions and procedures outlined in the policy for when a student's absence drops below a particular threshold point or becomes persistent.
- Attendance is closely linked to safeguarding. Robust procedures are in place for following up absences, recording medical evidence for absence due to illness and recording reasons for absence.

## Introduction

It is a legal requirement for students of compulsory school age to attend school regularly. Southend High School for Girls recognises that good attendance is essential for students to succeed whilst they are at school. There are clear links between good attendance and high achievement. The school expects students to attend school every day, on time and ready to learn, so that they gain the greatest benefit from their education. We encourage excellent attendance and will investigate all unexplained and unjustified absenteeism. Should attendance or punctuality give cause for concern, we will work closely with parents /carers and provide appropriate support in order to improve attendance and / or punctuality. This policy underpins the school's ethos to promote student welfare and safeguarding; we want all our students to be *safe, happy and successful*.

## Aims

It is expected that all students aim for at least 97% attendance each year. At SHSG: Southend High School for Girls aims to:

- promote good attendance (where 97% is considered 'good') and reduce absence, including persistent absence.
- ensure every student has access to full-time education to which they are entitled.
- support parents to perform their legal duty to ensure their children of compulsory school age attend regularly.
- promote and support punctuality in attending lessons.
- maintain excellent records of attendance and punctuality.
- maintain a minimum attendance rate of 97% for the whole school (including the Sixth Form).
- ensure no student has more than 3 lates marks per term.
- promote a safe, positive environment in which students feel secure and valued.

- raise parents' and students' awareness of the importance of good attendance and good punctuality.
- Have robust procedures and monitor attendance issues effectively with an emphasis on early intervention and referral to external support as required

## Legislation and guidance

This policy meets the requirements of the [school attendance guidance](#) from the Department for Education (DfE), and refers to the DfE's statutory guidance on [school attendance parental responsibility measures](#). These documents are drawn from the following legislation setting out the legal powers and duties that govern school attendance:

- [The Education Act 1996](#)
- [The Education Act 2002](#)
- [The Education and Inspections Act 2006](#)
- [The Education \(Pupil Registration\) \(England\) Regulations 2006](#)
- [The Education \(Pupil Registration\) \(England\) \(Amendment\) Regulations 2010](#)
- [The Education \(Pupil Registration\) \(England\) \(Amendment\) Regulations 2011](#)
- [The Education \(Pupil Registration\) \(England\) \(Amendment\) Regulations 2013](#)
- [The Education \(Pupil Registration\) \(England\) \(Amendment\) Regulations 2016](#)
- [The Education \(Penalty Notices\) \(England\) \(Amendment\) Regulations 2013](#)

This policy also refers to the DfE's guidance on the [school census](#), which explains the persistent absence threshold.

## Monitoring Absence

**Southend High School for Girls Monitors absence in the following ways:**

- Rigorous procedures for calling home / home visits where a reason for absence cannot be established.
- Weekly and monthly punctuality and attendance reports run by Pastoral Support Officers\* to identify the students who are at risk of becoming persistently absent and are in need of intervention and support.
- A standing item in Senior Leadership Team meetings/line management meetings with Heads of Year to review student attendance.
- Data is used to track the attendance of individual pupils and identify any particular groups of children whose absences may be a cause for concern.

\*Throughout this policy the term 'Pastoral Support Officer' may also refer to the Sixth Form Administrator (for Sixth Form matters)

## Strategies for promoting attendance

We encourage good attendance and punctuality in the following ways:

- Individual rewards for students with excellent attendance records
- Setting school and individual attendance targets where necessary
- regular promotion of excellent attendance in assemblies and parents' evenings

- regular analysis of attendance figures and trends (individuals, year groups, whole school)
- reports to Governors
- contact with parents/carers on the first day of absence
- a working partnership with the Borough Schools' Attendance Service
- support for students and parents/carers where attendance and / or punctuality difficulties are emerging
- A member of the Senior Leadership Team is responsible for attendance and punctuality
- Key roles in school (Pastoral Support Officers) to deal with student attendance issues

## School procedures Years 7-11

### Attendance register

**See appendix 1 for full list of attendance codes from the Department for Education.**

Registers are taken:

- At morning registration by the Form Tutor.
- At the start of each and every lesson (within the first 15 minutes).
- The period 4 lesson mark counts as the student's afternoon registration mark. For Year 13 pm registration mark see the Sixth Form procedures section.

### Morning registration

The school day starts at 8.30am. Students and staff must be on site by this time. Students must be in their tutor room by 8.35am. The Form Tutor must take the register at 8.35am.

The student entrance gate will close at 8.30am daily. Any student not on site by 8.30am is late. The student will enter the school via reception and sign in on the touchscreen, supervised by their Pastoral Support Officer. The software will record a late mark (L). The student will receive a behaviour point.

The Pastoral Support Officers close the register at 09:00am and begin making first day absence calls. If a student arrives after 9:00am they must sign in on the touchscreen at reception. This is supervised by reception staff. The student will receive a 'U' code. A 'U' is classed as unauthorised absence.

The only exception where a student may arrive after 09:00am and not receive a U code is where there has been a significant delay caused by public transport or consortium buses which has affected a large number of students. In this instance, the Pastoral Support Officer will enter a standard present mark.

The Pastoral Support Officer sends a daily list of students with a late mark via email to the School Leadership Group.

### Afternoon registration

Students must arrive at period 4 by 13:25pm. If they arrive between 13:25 and 13:30 they receive a late mark 'L' in the register by the subject teacher. If the student arrives after 13:30 the subject teacher enters a 'U' code in the register and the minutes that the student is late by.

### **Curriculum Days**

On curriculum days where students are not in normal lessons a pre-populated paper register must be taken at the start of each period and taken by a student to the Pastoral Support Officer for that year group.

### **Clubs, Trips and Fixtures**

An accurate pre-poulated paper register must be taken at the start of each after school club/practice/fixture. This register must be passed to reception for after school activities. At the start of a trip/educational visit a paper register must be passed to the Pastoral Support Officers.

## **Sixth Form Procedures**

### **Attendance register**

See appendix 1 for full list of attendance codes from the Department for Education.

Registers are taken:

- At morning registration by the Form Tutor.
- At the start of each and every lesson (within the first 15 minutes).
- During their P4 lesson, if they have one
- Using the students thumb print:
  - Between 13.20 and 13.45 if students do not have a lesson P4
  - When students return to the school site if they have left for lunch

### **Morning registration**

Morning registration is the same for Sixth Form as for Year 7-11.

### **Lunch**

Students who are free period 3 can leave the school site from 12.15, signing out using the touchscreen in reception.

When students return from lunch they must sign in using the touchscreen in reception.

### **Afternoon registration**

Students who have a lesson period 4, must arrive at their lesson by 13:25pm. If they arrive between 13:25 and 13:30 they receive a late mark 'L' in the register by the subject teacher. If the student arrives after 13:30 the subject teacher enters a 'U' code in the register and the minutes that the student is late by.

Students who do not have a lesson period 4 must register on the touchscreen in reception between 13.20 and 13.45. This includes students who have signed in if

they have returned from lunch before 13.20. Students who register after 13.45 will have their pm registration attendance recorded as a 'U' code.

## Authorised absence

Reasons for authorised absence may include.

- The student is present at an approved off-site educational activity.
- The student has a medical or dental appointment.
- The Head Teacher has granted permission for a leave of absence request.
- The student is at a sporting fixture
- Religious observance
- The student is visiting post 18 providers, up to 5 days in year 12 and 5 days in year 13.

## Medical or dental appointments

Absences for medical or dental appointments will be authorised. Parents must notify the student's Pastoral Support Officer via email or in writing 3 school days in advance of the appointment. The school encourages parents to make medical and dental appointments out of school hours where possible. Where this is not possible, the pupil should be out of school for the minimum amount of time necessary.

## Granting approval for term-time absence

The Headteacher may grant leave of absence to students during term time if they consider there to be 'exceptional circumstances'. The school considers each application for term-time absence individually, taking into account the specific facts, circumstances and relevant context behind the request. A leave of absence is granted entirely at the Headteacher's discretion.

## Illness

If a student is too unwell to attend school parents must notify the school by calling the absence line by 9:00am on the first day that their child is unwell and every subsequent day of illness.

Absence due to illness will be authorised unless the school has a genuine concern about the authenticity of the illness.

## Providing medical evidence

The school may ask parents to provide medical evidence to authenticate their child's illness, such as a doctor's note, prescription, appointment card or other appropriate form of evidence. The school will not ask for medical evidence unnecessarily.

If the school is not satisfied about the authenticity of the illness, the absence will be recorded as unauthorised and parents will be notified of this in advance

Absence through illness/injury for 1 or 2 (consecutive) days can be covered by a parental note to be given to the Pastoral Support Officer. Illness for more than 2 consecutive days or a recurrent pattern of the same illness must be covered by

medical evidence. This can be a doctor's letter, prescription receipt or evidence of ongoing medical appointments for that illness/injury.

Medical evidence must be received within 5 days of the third consecutive day of absence or where a pattern of absence has been identified and the school has requested evidence from the parent. Code 'I' will be used in the register. If medical evidence is not received then it will be recorded as an unauthorised absence. Students sent home/kept at home in order to provide the '24hrs' clear from sickness/diarrhoea will also be marked with an 'I' code.

### First day absence calls

**If the school is not notified about why a student is absent the following steps will be taken:**

Every day between 09:00 and 10:00am The Pastoral Support Officers will call home to try to establish the student's whereabouts and the reason for the absence. Vulnerable students (a student regarded as high risk as defined in the SHSG CME policy (currently under a child protection plan or LAC), or significant safeguarding) will be prioritised.

**Where the reason for absence for a student has not been identified by 10:00am**

**For a vulnerable student:**

Where the reason for absence for a vulnerable student has not been identified by 10:00am then the Pastoral Support Officer will endeavour to undertake a home visit, following the school's home visits policy. If the student lives a considerable distance from the school the Pastoral Support Officer will contact the social services team for the local authority where the student lives and request a welfare check. The purpose of the visit is to establish where the student is and that they are safe. Where a home visit has not been able to establish the whereabouts of the student social services and/or the Police will be notified. The school will then follow the advice of social services/ the Police.

**For other students:**

Where the reason for absence for a student has not been identified by 10:00am an email will be sent to all parent email addresses asking them to contact the school immediately. If there is still no response by 14:30pm then another call will be made. If still no response then a further follow up e-mail will be sent informing the parent that if the student is not in the following school day and we have not heard from the parent the school will undertake a home visit.

If the student is absent for the second consecutive school day without the school being notified of the absence the following steps will be taken:

- Prioritise the initial absence call
- The Pastoral Support Officer will undertake a home visit. The purpose of the visit is to establish where the student is and that they are safe. Where a home visit has not been able to establish the whereabouts of a student/was not

possible due to staffing constraints/distance a pupil is from the school, social services/Local Authority and/or the Police will be notified. The school will then follow the advice of social services/ the Police.

- If a child's whereabouts cannot be established for a period of 10 consecutive school days or they have been unauthorised for 10 days following an authorised absence then the SHSG CME policy will be followed.

## Leaving school during the day

### **A student may leave school during the day for the following reasons:**

- A written request has been given to the Pastoral Support Officer for the student to attend a medical or dental appointment 3 school days in advance of the appointment. Students in Years 7-11 must be collected from reception by a parent/carer. Years 12-13 may leave unaccompanied.
- A written request has been given to the Pastoral Support Officer for the student to attend a music examination or other approved appointment. Students in Years 7-11 must be collected from reception by a parent/carer. Years 12-13 may leave unaccompanied.
- A student is too unwell/injured to continue with the school day and a parent/carer collects them. This includes for both physical health and mental health issues. Parents must collect the students within a reasonable timescale. In certain circumstances the school reserves the right to insist that the student remains in school, after school hours, until the parent/carer collects.

Students must not contact parents directly if they feel unwell during school hours. They must report to Reception where First Aid staff on duty will contact parents. First Aid staff at reception will decide whether the student should try to return to lessons or go home.

The Director of Sixth Form can authorise Sixth Form students to go home unaccompanied. In this instance, the parent/carer will be informed that the sixth form student is making their way home by telephone and a follow up e-mail. The student will not be allowed to leave until the parent/carer has confirmed that this is acceptable.

In all circumstances, students must inform a member of staff that they are leaving the school and must sign out at reception using their thumb print.

## Unauthorised absence

### **Reasons for unauthorised student absence may include the following:**

- Holiday is taken that has not been authorised. Code 'G' in the register.
- No reason for absence has been provided with 4 weeks of the absence being taken.
- Medical evidence has not be provided for a known reason (illness) within the 5 day deadline of it being requested following the date of the 3<sup>rd</sup> consecutive

absence or following an unusual pattern of absence. It will be coded 'N' in the register.

- If the school is not satisfied with the reason given for the absence. This will include truancy. Code 'O' in the register.

## Poor attendance

Every fortnight the Pastoral Support Officers produce a list of students:

- (a) with attendance between 95%-93%. This list is shared with the Heads of Year.
- (b) With attendance below 93%. This list is shared with the Heads of Year.

### **Students with attendance between 95-93%**

The Pastoral Support Officers select which students should receive a level 1 attendance letter or a level 1 attendance phone call. The PSOs then make these calls/send the letters. Students are set the target to achieve an attendance level of 97% or higher during a 6-week monitoring period. All absences within this period must be supported with medical evidence. If targets are not met they will move on to a level 2 meeting (see below).

### **Students with attendance below 93%**

The Pastoral Support Officers select which students should receive a level 2 attendance letter.

The letter will be followed by a school meeting with the Pastoral Support Officer, parents and the Local Authority attendance officer. Parents may be offered Early Help support to help with wider issues that may be presenting as a barrier to their child attending school.

An action plan will be put into place which will include;

- Discussion of the barriers to attendance
- Strategies to improve attendance
- The student will be set the target to achieve an attendance level of 97% or higher during a 4 week monitoring period. All absences within this period must be supported with medical evidence.
- The LA taking responsibility for improving the student's attendance.

**If attendance is less than 90% or Level 2 targets are not met within the review period this will lead to:**

- A level 3 attendance meeting with the Pastoral Support Officer, the parents, the Head of Year and the Attendance Officer.

A revised action plan will be put into place and is likely to include:

- New targets
- Weekly home visits
- A target set for 6 weeks without any unauthorised absence

If the revised action plan fails then a pupil-planning meeting will be convened by the Local Authority. This is a pre-legal meeting and will result in a warning of court proceedings. If the family of the student fails to engage with this support then a final warning and ultimately a financial penalty could result.

## Persistent Absence

The persistent absence threshold is 10%. If a pupil's individual overall absence rate is greater than or equal to 10%, the pupil will be classified as a persistent absentee.

It is likely that a persistent absentee will present with a range of inter-related complex factors that combine to make regular attendance of school a difficult challenge. In these situations, the school will:

- Provide a phased reintegration plan with the ultimate goal of the student attending school full time
- Make reasonable adjustments to accommodate additional learning needs of the student and ensure that these are built into the phased reintegration plan (if identified through SENDCO)
- Work with outside agencies to support the students and their family

## Phased re-integration plan

This is a generic plan that will be tailored for each PA student. The plan may be started at any point. The exit criteria need to be met before the new phase can be entered. Timescale for moving between phases will be set as appropriate for each student. Progress (both academic and personal) will be monitored by the Pastoral Support Officer, Head of Year and SENDCO. Periodic reviews will be set during the re-integration plan for this to happen.

- Phase 1 – Specialist staff work with the student in the home environment (for example Autism Outreach Worker, Mental health worker). Initially the intervention will target any barriers to learning presented by the student's mental health issues / autism related issues / physical illness issues. Introduce core subjects as other barriers recede. Referral to medical tuition team where appropriate. Exit criteria: 5 hrs per week tuition at home.
- Phase 2 – The Academic Intervention Tutor or Medical tuition team will work with the student in the home environment. Subjects chosen will be negotiated with the student, initially this will be core academic subjects only. Introduce out of hours. school visits. Exit criteria 5 hours home tuition plus 2 school visits per week.
- Phase 3 - Work with student in home environment using non-specialist staff for example SHSG Academic Intervention Tutor. Core academic subjects only. Directed study outside of sessions. Introduce school visits. Exit criteria 5 hours per week, plus homework, plus 2 'in hours' school visits.
- Phase 3 – Work one to one with the student in school. Phase out home tuition. Exit criteria: 5 half days per week.

- Phase 4 – Attend core lessons and spend rest of the time in independent study in the library or quiet study room. Exit criteria: one full timetable cycle of core lessons in class.
- Phase 5 – Attend all lessons (potentially on a reduced timetable) in class.

### **Register codes for persistent absence**

Persistent absence without medical evidence will result in a code O in the register unless:

There is an underlying health condition. Often a PA student will have one or a number of underlying health issues that impact their ability to attend school. It is the parent's responsibility to ensure that progress is being made to address the health issues at the same time as the school is progressing the phased reintegration plan and making any 'reasonable adjustments' required to accommodate the learning needs of the student.

In order to continue to mark the absence with an 'I' code up to date medical evidence will be required by the school that demonstrates that the barrier to attending in the illness. For example, a student with severe depression and anxiety may be under the treatment of EWHMS and in this case the school would require a letter from Emotional Wellbeing and Mental Health Services/NHS stating that severe anxiety prevents the student from attending school. Should this treatment end and the student not be following the reintegration plan then the parent would need to return to their GP in order to continue to progress the health issue. If this does not happen then the student will be marked as U.

Approved education offsite. A student receiving education offsite through either the phased reintegration plan or medical home tuition will receive a B code.

### [Legal procedures and penalty notices](#)

Appendix 2 lists information on Southend Borough Council's legal procedures relating to school absence and fixed penalty notices.

### [Roles and responsibilities](#)

#### **The Governing Body**

The Governing Body is responsible for monitoring attendance figures for the whole school on at least a termly basis. It also holds the Headteacher to account for the implementation of this policy.

#### **The Headteacher**

The headteacher is responsible for ensuring this policy is implemented consistently across the school, and for monitoring school-level absence data and reporting it to Governors.

The Headteacher also supports other staff in monitoring the attendance of individual pupils and issues fixed-penalty notices, where necessary.

#### **Pastoral Support Officers**

### Pastoral Support Officers:

- take calls from parents about absence and record it on the school system.
- Monitor and track attendance data at the school, year group and individual pupil level
- report concerns about attendance to the Head of Year/Assistant Headteacher responsible for attendance
- undertake home visits.
- produce reports for the Assistant Headteacher responsible for attendance.
- work with education welfare officers/the Local Authority to tackle persistent absence
- arrange calls and meetings with parents to discuss attendance issues
- Support the Head of Year and contribute to achievement celebration assemblies and produce attendance certificates.

### Form Tutors

Form Tutors are responsible for recording and submitting attendance data on SIMS on a daily basis, using the correct codes.

### [Links with other policies](#)

This policy should be read in conjunction with the school's Child Protection and Safeguarding policy, the Behaviour Policy and Children Missing Education Policy.

### [Appendix 1: attendance codes](#)

The following codes are taken from the DfE's guidance on school attendance.

Code	Definition	Scenario
/	Present (am)	Pupil is present at morning registration
\	Present (pm)	Pupil is present at afternoon registration
L	Late arrival	Pupil arrives late before register has closed
B	Off-site educational activity	Pupil is at a supervised off-site educational activity approved by the school
D	Dual registered	Pupil is attending a session at another setting where they are also registered
J	Interview	Pupil has an interview with a prospective employer/educational establishment
P	Sporting activity	Pupil is participating in a supervised sporting activity approved by the school

<b>V</b>	Educational trip or visit	Pupil is on an educational visit/trip organised, or approved, by the school
<b>W</b>	Work experience	Pupil is on a work experience placement

<b>Code</b>	<b>Definition</b>	<b>Scenario</b>
<b>Authorised absence</b>		
<b>C</b>	Authorised leave of absence	Pupil has been granted a leave of absence due to exceptional circumstances
<b>E</b>	Excluded	Pupil has been excluded but no alternative provision has been made
<b>H</b>	Authorised holiday	Pupil has been allowed to go on holiday due to exceptional circumstances
<b>I</b>	Illness	School has been notified that a pupil will be absent due to illness
<b>M</b>	Medical/dental appointment	Pupil is at a medical or dental appointment
<b>R</b>	Religious observance	Pupil is taking part in a day of religious observance
<b>S</b>	Study leave	Year 11 pupil is on study leave during their public examinations
<b>T</b>	Gypsy, Roma and Traveller absence	Pupil from a Traveller community is travelling, as agreed with the school
<b>Unauthorised absence</b>		
<b>G</b>	Unauthorised holiday	Pupil is on a holiday that was not approved by the school
<b>N</b>	Reason not provided	Pupil is absent for an unknown reason (this code should be amended when the reason emerges, or replaced with code O if no reason for absence has been

		provided after a reasonable amount of time)
<b>O</b>	Unauthorised absence	School is not satisfied with reason for pupil's absence
<b>U</b>	Arrival after registration	Pupil arrived at school after the register closed

<b>Code</b>	<b>Definition</b>	<b>Scenario</b>
<b>X</b>	Not required to be in school	Pupil of non-compulsory school age is not required to attend
<b>Y</b>	Unable to attend due to exceptional circumstances	School site is closed, there is disruption to travel as a result of a local/national emergency, or pupil is in custody
<b>Z</b>	Pupil not on admission register	Register set up but pupil has not yet joined the school
<b>#</b>	Planned school closure	Whole or partial school closure due to half-term/bank holiday/INSET day

## Appendix 2: Southend Borough Council's Code of Conduct under the Provision of the Education (Penalty Notices) Regulation 2004

**This is an amendment to Southend Borough Council's code of conduct and relates to penalty notices for absences.**

### **Code of Conduct under the Provision of The Education (Penalty Notices) Regulation 2004 and Subsection (1) Section 23 Anti-Social Behaviour Act 2003**

#### **RATIONALE**

Regular and punctual attendance of pupils at schools is, under section 7 of the Education Act 1996, a legal requirement. Parents being responsible for ensuring that any child of compulsory school age receives full-time education that is suitable to the child's age, ability and aptitude and to any special educational needs the child may have.

Compulsory school age is defined as: Your child is of "compulsory school age" on the 1st January, 1st April or 1st September following their 5th birthday. Children becoming 5 years

old between 1st January and 31st March are of compulsory school age at the beginning of the term after 1st April. Children becoming 5 years old between 1st April and 31st August are of compulsory school age from the beginning of the term after 1st September. Children becoming 5 years old between 1st September and 31st December are of compulsory school age from the beginning of the term after 1st January. Concluding on the last Friday in June of the child's year 11 in which the pupil becomes 16.

Under the provisions of subsection (1) of section 23 of the Anti-social Behaviour Act 2003, in certain cases of unauthorised absence a penalty notice may be issued to the parent(s)/carer(s) responsible. Under these provisions the penalty is £60 if paid within 21 days of receipt of the notice, rising to £120 if paid after 21 days but within 28 days of receipt.

Early Help and Family Support Service will ensure the administration of justice of the necessary process and in order to fully comply with Article 6 and 8 of The Human Rights Act 1998 and ensure the consistent, fair and transparent application of penalty notices throughout the borough. This Code of Conduct will govern the issuing of penalty notices across the borough.

## **GUIDANCE AND LEGISLATION**

*Persons authorised (Early Help Family Support – School Attendance Team) to issue Penalty Notices must have regard to The Education (Penalty Notices) (England) Regulations 2007 as subsequently amended or modified by The Education (Penalty Notices) (England) (Amendment) Regulations 2013 No. 757, any guidance issued by the Secretary of State in relation to School Attendance, Absenteeism and Penalty Notices, together with the following legislation: -*

The Race Relations (Statutory Duties) Order 2001

Disability Discrimination Act 1995

Data Protection Act 1998

Children Act 1989

Crime and Disorder Act 1998

Human Rights Act 1998

Special Needs Code of Practice 2003

Ensuring School Attendance:

Guidance on the Legal Measures to Secure Regular School Attendance 2003

Education Act 1996

On 6 April 2017, in the case of Isle of Wight Council v Platt [2017] UKSC 28, the

Supreme Court ruled that the word 'regularly' means 'in accordance with the rules prescribed by the school.'

We do not use the word regular but specify below 90% attendance.

### **Section 576 Education Act 1996: Definition of a Parent**

The education-related provisions of the Anti-social Behaviour Act 2003 apply to all parents who fall within the definition set out in this section 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 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.

### **PROCEDURE FOR THE ISSUE OF PENALTY NOTICES**

The issue of penalty notices will be strictly administered by Early Help Family Support – School Attendance Service to ensure independence of judicial intervention, proportionality and that the provisions of this code do not have a negative impact on the current forms of statutory intervention pursued by Early Help Family Support – School Attendance Service. No Penalty Notice may be issued without prior written warning.

#### **The key considerations are:**

Whether, given the facts of the case the investigating officer believes that the issuing of a penalty notice will be effective in helping to ensure that the parent secures the regular attendance of the child at a place of education.

The parent is judged capable of securing their child's regular attendance at school but is not taking responsibility for doing so, for example failing to engage in voluntary or supportive measures.

That the notice has been issued only for an offence that the local authority is willing and able to prosecute and the action is proportionate to the level of absence

The Local Authority will always issue penalty notices by first class post.

The responsibility of the issuing of a penalty notice is within the statutory duties of the Early Help Family Support – School Attendance Service, via revenue collection mechanisms, will ensure that the issue of Penalty Notices are closely monitored with the relevant financial penalty being imposed and collected.

In the case where the penalty has not been paid within 28 days of issue, the case may be escalated to prosecution for non-school attendance.

No one parent may receive more than one single penalty notice resulting from the unauthorised absence of an individual child in any twelve-month period. A Penalty Notice will be issued to each parent of each child exhibiting the relevant patterns of unauthorised absence. Therefore within any twelve month period each parent can receive a separate Penalty Notice for each child that exhibits the relevant pattern of unauthorised absence and, where appropriate, in respect of more than one child.

## **CIRCUMSTANCES WHEN PENALTY NOTICES MIGHT BE ISSUED**

### **Unauthorised Absence/Truancy:**

Schools can refer into the Early Help Family Support – School Attendance Service when the referral criteria of below 90% attendance with 10% of unauthorised absence in the proceeding 8 weeks (during the current academic year) has been met.

Penalty notices may be issued following an Attendance Panel where there has been assessment of unacceptable levels of unauthorised absence of 10 school sessions or more within an 8 week period (term time)

In addressing the issue of parentally condoned absence, penalty notices may offer a prompt and potentially effective deterrent to unauthorised absence at a point, which may not be as easily accessed through existing enforcement provisions. Parent/carers will receive a warning letter prior to the issue of a Penalty Notice.

### **Unauthorised leave during Term Time**

Following amendments to the 2006 regulations in the Education (Pupil Registration Regulations) (England) (Amendment) Regulations 2013. These amendments described below came into force on 1st September 2013.

Amendments to the 2006 regulations remove reference to family holidays and extended leave as well as the statutory threshold of ten school days. The amendments make clear that head teachers may not grant any leave of absence during term time unless there are exceptional circumstances (*no definition is given within this legislation*). Head teachers should determine the number of sessions a child can be away from school if the leave is granted.

Schools must ensure that all literature provided to parents, such as Prospectus, Attendance and Behaviour Policies, Home School Agreements, Newsletters and website information includes the warning that parents may be issued with a penalty notice if a holiday is taken without permission.

If the decision is made not to authorise, a letter to the parent confirming that a leave of absence has not been authorised must be sent by the Head Teacher and include a warning that a penalty notice may be issued.

If a holiday is then taken without authorisation The Early Help Family Support Senior Practitioner will decide if the issuing of a penalty notice is appropriate.

The head teacher must have regard to the Department for Education's 'School Attendance, Statutory guidance and departmental advice, September 2013' when considering each request for a holiday.

#### **Penalty Notices for term time holidays can be issued if**

- **There have been 10 sessions (5 consecutive days) or more of unauthorised absence due to leave taken during an academic year;**

#### **AND**

- **Attendance is below 90% during the preceding 8 weeks before the leave was taken;**

A large proportion of penalty fines can go unpaid; officers before issuing such a notice shall assess the likelihood of securing a conviction if the notice is not paid.

As in other cases, the necessary warning letters will precede the issue of a notice.

**NB** Under normal circumstances a penalty notice will not be issued in cases where a parent has received a previous conviction in respect of his/her child's absence from school without agreement from a line manager.

#### **ADMINISTRATION OF THE PENALTY NOTICE SCHEME**

Penalty Notices shall be issued in a prescribed manner and revenue from such notices shall be collected by the Local Authority via a payment collection provider allowing for various methods of payment. The officer issuing a penalty notice shall maintain accurate and up to date records.

A prosecution under s 444(1) (A) Education Act 1996 will be undertaken when sufficiency of evidence exists to warrant statutory intervention, the failure to pay a Penalty Notice will be used in evidence for prosecution of non-school attendance. There is not an opportunity to pay fines in instalments and there is no right of appeal to the penalty notice.

For any person to be prosecuted the elements of s444 must be proven, the service cannot prosecute just because a notice has not been paid. The Rules of Evidence and Criminal Procedural Rules apply, any prosecution must meet the “evidential test” and the “public interest test” and must be proportionate otherwise a prosecution may not proceed.

### **WITHDRAWAL OF PENALTY NOTICE**

There are only five exceptions when a notice may be withdrawn;

- A: When it is issued to the wrong person
- B: When issued outside the terms of the code of conduct
- C: When an offence has not been committed
- D: If a parent can prove it was delivered to the wrong address
- E: Exceptional circumstances proven

## [Appendix 3: Southend Borough Council Children Missing Education Guidance for Schools](#)

### **Children Missing Education (CME)**

The DfE define a child missing from education as a child of compulsory school age who is not on a roll at a school or a child that has unauthorised leave for a long period of time from school and cannot be contacted. It is vital we identify and report children who may be missing education as these are children who are at risk and may be living a life of abuse.

Part 1 (Clause 4) of the Education and Inspections Act 2006 introduced a statutory duty on Local Authorities to make arrangements to establish the identities of Children Missing Education (CME).

The CME procedures introduced by the Council in September 2007 in response to the Act are being used by the majority of schools in the Borough. All schools have a responsibility for ensuring that they are aware of the guidance and have procedures in place for referring cases to the local authority.

There is a fundamental principle that all officers of the Council and other partners have responsibility to report children missing education. If anybody is aware of any child or young person who does not appear to be accessing education they should make a referral.

### **School responsibilities**

When a parent/carer notifies the school that a pupil will be leaving it is the duty of the school to obtain the full name of the pupil, the full name and address of any parent with whom the pupil normally resides, at least one telephone number of the parent, and the pupil's future address and destination school. (This includes those under or over compulsory school age and must be shared with the local authority.)

### **Destination Known**

If a school is informed that a pupil is moving out of the borough and the parent/carer has provided the school with the destination details the school should wait **10 working days** before making a CME referral in order to give time for the pupil to start the destination school and the CTF to be requested.

### **Whereabouts unknown**

If the whereabouts of a pupil are not known then the school must complete their own checks within the initial **10 working day** period. These checks included the below but are not exhaustive:

- Conducting home visits
- Contacting the parent via letter/ phone/email
- Contact the emergency contacts that school hold for the pupil to try to ascertain the family whereabouts
- Contact local schools if they know a sibling attends.

Following the school making reasonable enquires you must complete the electronic CME referral form in full, with as much information that you hold regarding the family and their possible whereabouts.

### **Under and Over Compulsory School Age in a school based setting**

For a child under compulsory school age (nursery and/or reception), where the whereabouts are unknown the statutory duties sit with the school to make reasonable enquiries to locate the child. Southend local authority extends their duties to include under compulsory school age children within the CME referral criteria where the whereabouts are unknown or where children have not arrived at the expected destination.

For a post compulsory school age pupil you should make contact with the Connexions service regarding the young person's onward destination or likelihood of becoming a NEET(not in education, employment or training).

### **Moving Abroad**

Where a parent notifies a school that their family are going to move abroad, it is essential that the school takes effective safeguarding steps to ensure that the information that has been received is a true record of what the family intend to do. Good practice would be to meet with the family and ask the following questions:

- Do parents have a clear and settled plan?
- Can they provide a forwarding address in the new country?
- Does the child know where they are going and why?
- Does the child's understanding match what the parents have said?
- Is the child fearful of the move?
- What are friends of the child saying?

**For further information, please refer to 'Keeping children safe in education, statutory guidance for schools and colleges' (DfE)**

**If, after 10 days from leaving the school and a notification has not been received from the onward destination school, a CME referral should be made to the local authority where checks will be completed.**

### **Local Authority**

Following receipt of the CME the Local Authority will then make extensive enquiries to ensure that children are located. We work together with our local partner agencies to ensure that we complete all checks within our powers to find children who have been deemed "missing". When these checks return negative, we ask school to place the pupils name on a national database called School 2 School, which has a repository sometimes incorrectly referred to as the Lost Children Database. Entry onto this database means that, when a child is enrolled at their new destination, their records are available to the new establishments as you would have been unable to send them ourselves.

In addition to the Schools investigations, the following checks are completed by the Local Authority following the receipt of a CME referral:

- Checks on internal systems including youth offending service, Early help family support team, education systems and social care
- Phone calls to family
- Visits to home address
- Discussions with neighbours/known family members/letting agents
- Council tax enquiries
- Housing options team enquiries
- Benefit checks
- Health checks to see if family have accessed health services
- And police welfare/boarder checks
- Checks with other local authorities to see if the family are known in that area.

## **Removing pupils from the roll**

Once the child is traced at a new school / address or it can be confirmed that the child has left the country, The Local Authorities Lead Officer will liaise with school following the CME referral regarding the date the child may be removed from roll.

Children can only be removed from the admissions register in certain defined circumstances. These are set out in The Education (Pupil Registration) (England) Regulations 2006 section 8. Any other deletions are illegal and could result in court action against the person responsible.

### **When deletion is allowed**

The main circumstances in which a child, of compulsory school age, can be deleted are:

- Parents have notified the school of their intention to home educate
- Child has moved to another school and school had confirmed this
- Child has died
- Child has been permanently excluded from the school
- Child has reached school leaving age and is not continuing in school for 6<sup>th</sup> form
- Child has a long-term illness and will not return to school before the end of compulsory education
- Child in custody for more than 4 months
- Child has 20 consecutive school days of unauthorised absence; school and LA have exhausted all options of locating the child
- Failure of child to return from extended family holiday; school and LA have exhausted all options of locating the child

The main circumstances in which a child, not of compulsory school age (Nursery and reception class aged under 5 or 6<sup>th</sup> form in school) can be deleted are:

- Child has ceased to attend the school; (this relates to children where a parent has informed the school that they are removing the child from the nursery)
- Child has 20 school days continuous absence and
  - at no time was his absence during that period agreed by the school;
  - the school does not have reasonable grounds to believe that the pupil is unable to attend the school by reason of sickness or any unavoidable cause; **and**
  - the school has failed, after reasonable enquiry, to ascertain where the pupil is
- Child has died;

- Child has been admitted to the school nursery, but on completion of nursery provision has **not been offered a place for reception**) or
- Child has been permanently excluded from the school.

### Special schools

Pupils can only be deleted from the roll of a special school with consent of the local authority. The only exceptions to this are if the child has died or been permanently excluded.

The Full guidance from the DfE can be found using the link below, this was issued in September 2016. This Statutory guidance sets out key principles to enable Local Authorities in England to implement their legal duty under Section 436a Education Action 1996 to make arrangements to identify as far as it is possible to do so, children missing education(CME)

[https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment\\_data/file/550416/Children\\_Missing\\_Education\\_-\\_statutory\\_guidance.pdf](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/550416/Children_Missing_Education_-_statutory_guidance.pdf)

Finally it should be noted that this guidance does not apply to young people who run away from home or care placement. This group is subject to separate arrangements detailed in the LSCB protocol “Children and Young People who go missing from home and care”

### CME Key Contact Details

#### Southend’s Named Officers for CME are

- Jane Arnold - Early Help and Family Support Manager
- Kirsty Edmonds – Early Help and Family Support Team Senior Practitioner

**Email:** [earlyhelp\\_contact\\_point@southend.gov.uk](mailto:earlyhelp_contact_point@southend.gov.uk) **Telephone:** 01702-215783 **Writing to:** Children Missing Education, Department for People, Civic Centre, Victoria Avenue, Southend on Sea SS2 6ER

## Appendix 4: Southend Borough Council Attendance Meeting and Parent Contract Template

Pupil Attendance Level 2 School Strategy Meeting

**Please make sure all parts of the contract are completed.**

School \_\_\_\_\_ Pupil Name \_\_\_\_\_  
 D.O.B. \_\_\_\_\_ Year Group \_\_\_\_\_

Address \_\_\_\_\_ Current

Attendance \_\_\_\_\_% Unauthorised Absence \_\_\_\_\_%

Parent / Carer full name \_\_\_\_\_ Parent / Carer D.O.B

\_\_\_\_\_

Parent / Carer full name \_\_\_\_\_ Parent / Carer D.O.B

\_\_\_\_\_

Social Care Involvement \_\_\_\_\_ Name of Social

Worker \_\_\_\_\_

	Parent / Pupil	School
<p><b>Due to non-attendance at the meeting we are unable to formulate a plan.</b></p> <p><b>Please attend the review meeting set out below.</b></p>	<p><b>What needs to be done to improve attendance?</b></p>	<p><b>What support can School offer?</b></p>
	<p>_____ to attend school every day and on time.</p> <p><b>Medical evidence to be provided for absences from school due to illnesses.</b></p>	<ul style="list-style-type: none"> <li>• <b>Possible referral to Early Help for Intensive Family Support via EHFSA</b></li> </ul>
<p><b>Attendance Target:</b> %</p>	<p><b>Number of weeks with in Review period:</b></p>	<p><b>Review Date:</b></p>
<p><b>If the above target is not met, or is not going to be met within the review period then one or more of the following actions may be taken:</b></p> <ul style="list-style-type: none"> <li>• <b>Local Authority Officer to commence home visiting</b></li> <li>• <b>Attendance Panel to be held with view to issuing a Penalty Notice</b></li> <li>• <b>Pupil Planning Meeting to be held</b></li> </ul>		

<b>to address concerns in a Legal Forum</b>		
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Signed by School \_\_\_\_\_ Date \_\_\_\_\_ Witnessed by LA  
Officer \_\_\_\_\_ Date \_\_\_\_\_

Decisions of this meeting may form part of the evidence in any future proceedings.

Parenting Contract for Attendance

**Please make sure all parts of the contract are completed.**

School \_\_\_\_\_ Pupil Name \_\_\_\_\_  
D.O.B. \_\_\_\_\_ Year Group \_\_\_\_\_

Address \_\_\_\_\_ Current  
Attendance \_\_\_\_\_ % Unauthorised Absence \_\_\_\_\_ %

Parent / Carer full name \_\_\_\_\_ Parent / Carer D.O.B.  
\_\_\_\_\_

Parent / Carer full name \_\_\_\_\_ Parent / Carer D.O.B.  
\_\_\_\_\_

Social Care Involvement \_\_\_\_\_ Name of Social  
Worker \_\_\_\_\_

	Pupil	Parent / Carer	School
What are the barriers?			
What can each person do to overcome barriers	to be in school everyday and on time.	<b>Medical evidence to be provided for absences from</b>	<ul style="list-style-type: none"> <li><b>Possible referral to Early Help</b></li> </ul>

and improve attendance?		<b>school due to illness.</b>  To ensure that is in school everyday and on time.	<b>for Intensive Family Support via EHFA</b>
<b>Attendance Target:</b> %		<b>Number of weeks with in Review period:</b>	<b>Review Date:</b>
<p><b>If the above target is not met, or is not going to be met within the review period then one or more of the following actions may be taken:</b></p> <ul style="list-style-type: none"> <li>• <b>Local Authority Officer to commence home visiting</b></li> <li>• <b>Attendance Panel to be held with view to issuing a Penalty Notice</b></li> <li>• <b>Pupil Planning Meeting to be held to address concerns in a Legal Forum</b></li> </ul>			

Signed by Pupil \_\_\_\_\_ Date \_\_\_\_\_ Signed by  
Parent/Carer \_\_\_\_\_ Date \_\_\_\_\_

Signed by School \_\_\_\_\_ Date \_\_\_\_\_ Witnessed by LA  
Officer \_\_\_\_\_ Date \_\_\_\_\_

If Parent/Carer fails to comply with this agreement, this contract may form part of the evidence in any future proceedings.