



Wiltshire Council

Wootton Bassett Infants' School Attendance Policy

Appendix A – Local Authority Guidance

Appendix B – Attendance Monitoring Log

Appendix C - Attendance Registers: National Absence and Attendance Codes

Appendix D - Grounds for deleting registered pupils from school admission registers

Appendix E - Children Missing from Education or who may otherwise be at risk

Appendix F – Penalty Notice Code of Conduct

WOOTTON BASSETT INFANTS' SCHOOL

ATTENDANCE POLICY

Rationale

At Wootton Bassett Infants' school we understand that regular school attendance is the key to enabling children and young people to maximise the educational opportunities available to them and become emotionally resilient, confident adults who can realise their full potential and make a positive contribution to their community. School is the foundation for preparing children and young people for life as adults. We are committed to providing an education of the highest quality for all our pupils/students and endeavour to provide an environment where all pupils feel valued and welcome.

For our children to gain the greatest benefit from their education it is vital that they attend school regularly and punctually. Parents and the school community share the responsibility for supporting and promoting excellent school attendance and punctuality for all.

This policy represents our commitment to support pupils to achieve 100% attendance. It sets out the principles, procedures and practice the school will undertake. The sanctions and possible legal consequences of poor attendance and punctuality are also detailed.

This policy will be reviewed, amended as necessary and published annually in accordance with current legislation and guidance.

Aims of the Attendance Policy

- Ensure that children and young people make the best use of their educational opportunities by attending regularly, punctually and in a state of readiness for learning.
- Emphasise a commitment to promoting excellent attendance and punctuality.
- Establish a consistent framework to improve attendance for all pupils.
- Ensure that everyone within the school community understand the issues and procedures for attendance.
- Fulfil the statutory duties in relation to school attendance.
- To make use of school resources and/or external agencies to help manage any issues surrounding non-attendance. Such support could be from SENCo, ELSA, CAMHS, Educational Psychologist, EWO etc
- For attendance of every child to be between 95 – 100%
- To ensure any phased transitions are well managed with the aim for full time education to be provided at the earliest time. Where this is not possible, for the school to work with external agencies to ensure the child is being supported in the most effective way.

Attendance: The Legal Framework

- Under section 7 of the Education Act 1996, parents must ensure their children are educated. For most parents/carers this means registering their child at a school and ensuring their regular attendance. Failure to do so can result in the issue of a Penalty Notice or being prosecuted.
- By law schools are required:
 - To take an attendance register twice a day: at the start of the morning session and once during the afternoon.
 - To report to the LA pupils who fail to attend regularly or who are absent for ten consecutive

school days or more without known reason.

- By law the attendance register must show for every session, whether a pupil is present, absent, attending approved educational activity or unable to attend due to exceptional circumstances.
- DfE Guidance says that schools must have a policy on how long registers should be kept open; this should be for a reasonable length of time but not that registers are to be kept open for the whole session.
- Authorised absence is where the school has given approval in advance for a pupil of compulsory school age to be away or has accepted an explanation offered afterwards as a satisfactory justification for the absence. All other absences are unauthorised.
- Reference to the guidance contained in the Wiltshire LA Attendance Policy and the responsibility of the Education Welfare Service in discharging the statutory duties of the Local Authority in respect of non-attendance at school.

Partnership Working – roles and responsibilities.

School

- The Headteacher has the role in improving and maintaining good attendance.
- The class teacher has the role of ensuring accurate registration and in completing the register to pass on any concerns of non-attendance or lateness to the administration team.
- The Headteacher and/or Safeguarding Lead are responsible for maintaining attendance profile, staff meetings, monitoring, registration process, liaison with the EWO, parent/carer contact, school attendance meetings, attending Local Authority Attendance Meetings (LAAM)
- The Administrative staff are involved in first day contact procedures.
- The Governing Board are regularly informed of attendance figures.

Parents

- Ensuring your child arrives at school every day, on time, appropriately dressed and in a 'condition to learn' (i.e. not too tired or too hungry)
- Work in partnership with the school to help your child gain an appreciation of the importance of attending school regularly.
- Work in partnership with the school to take an active interest in your child's education.
- Work in partnership with the school and other agencies (as appropriate) to resolve problems relating to non-attendance or which may have a negative impact on your child's attendance.

Procedures

In-school procedures

- Registers are taken twice a day by the class teacher or designated adult in his/her absence (such as a supply teacher). The school registers are taken by 9:10am and 1pm using the SIMS system. If the child is not present at registration, no mark should be entered.
- In the morning, registers are verified by the school office no later than 9:20am. If a child arrives after the school gates are closed, they must be admitted by the school office at the main gate. They will be marked as late.
- In some cases, due to the nature of a child's needs, the school may make an agreement with parents about arriving slightly later or leaving slightly earlier to avoid a period of noise and heavy traffic. Where there is an agreement in place, this is documented and signed by both school and parent and is reviewed regularly.
- There is an agreed and consistent approach to non-attendance and lateness which is managed in the following way:

- The class teacher is responsible for ensuring consistency between classes when marking the register and monitors children who are arriving to school consistently late without justifiable cause or without an agreement in place.
- The school office is also responsible for monitoring lateness. As all gates are locked at 9:10am, any child arriving late must be admitted by the school office who is responsible for completing their registration mark and escorting them to their classroom.
- This information is fed to the Headteacher or Safeguarding Lead who will review information every six weeks.
- Where absence is causing a concern there are similar protocols in place. Class teacher and office staff monitoring attendance report any concerns to the Headteacher or Safeguarding Lead.

Home-school procedures

- Contact from the parent/carer is expected by 9:30am on the first day of absence and everyday thereafter, where appropriate. This contact should be made to the school office either via a phone call or email who will record the reason why in both the absence call log and in the notes on SIMS.
- This contact is specified in the home school agreement parents sign on arriving at school.
- Medical and dental appointments are encouraged to be taken out of school hours, but parents are asked to inform the school dates in advance where this has not been possible.
- Parent/carer informing the school of circumstances which are or may affect their child's attendance at school.

We will contact the parent/carer if a child is absent, and the parent/carer has not advised that the child will not be in school. Parents can expect contact on every occasion of an un-notified absence. The attendance manager will initially phone parents within 30 minutes of registers closing. If we cannot speak directly with parents/carers, then we will make contact with nominated emergency contacts to establish the reason for absence; this is in line with school safeguarding procedures.

If after 3 days of absence, your child has not been seen and no contact has been made with the school, a home visit will be made by school staff, to ascertain the safety and well-being of your child and establish the reason for absence from school.

After 10 days of unexplained absence and no contact with the school, we are obliged to notify the local authority. The local authority will follow their procedures for Children Missing from Education (CME) and parents may expect contact and visits from an Education Welfare Officer to ascertain the well-being and safety of your child.

If there are specific issues which might impact on your child's attendance it is important that you talk to us so that we can support, you and your child.

There may be times when we ask other agencies to become involved to help us understand and work with you to encourage regular school attendance. (e.g., Wiltshire Council, school health, Ethnic Minority and Traveller Advisory Service, Medical Needs Reintegration Service) If we feel that this would be helpful, we will discuss with you first.

Attendance Monitoring Procedure

Stage 1 (95% or below)	Monitoring begins by office staff.
Stage 2 (90% or below)	Parent contacted either face to face, by phone or by letter by either the Headteacher or Safeguarding Lead.
Stage 3 (85% or below)	Meeting with parent, invited by letter.
Stage 4 (No engagement)	School will inform the EWO.

See Appendix B

Attendance is monitored by a weekly report, run by the school office from SIMS. Any persistent absences/lateness or attendance below 85% is reported to the Headteacher and Safeguarding Lead.

Collecting your child from school

We ask that all parents/carers ensure that they can collect their children from school on time. School finishes at 3pm

If parents are unable to collect their child as usual, then they will need to communicate the alternative arrangements they have made with the school.

We will not release children in these circumstances to anyone who we have not been advised of.

If children remain uncollected from school the protocol is to contact the parents/carer by phone. If contact cannot be made directly with the parent/carer then we will contact nominated emergency contacts to establish the reason for absence; this is in line with school safeguarding procedures.

After this point we use the Wiltshire Council Policy for Children not collected at the end of the day.

Requesting leave of absence in exceptional circumstances

In accordance with Department for Education guidance, leave of absence from school including for holidays in term-time, may only be authorised in exceptional circumstances.

Parents are required to complete a leave of absence request form which must outline the exceptional circumstances for which the leave has been requested.

Leave of absence request forms must be completed in advance of the dates requested. We require 1 weeks' notice unless the absence is related to an emergency.

We do not give retrospective agreement for leave of absence so any absence not advised to the school in advance will be unauthorised.

Requests will be considered by the headteacher and parents and carers will be advised if their request is agreed.

Parents/carers will be asked to provide evidence if a pupil does not return to school on the agreed date following a holiday as a result of delayed or cancelled flights or other travel arrangements.

Where an unauthorised leave of absence is taken, parents may be issued with a penalty notice.

Consequences of persistent absence

At Wootton Bassett Infants' School we will always work with you to address any attendance concerns.

If we have been unable to resolve the issue, despite a number of interventions, then we may have to refer you to the local authority.

The Education Welfare Service has a range of actions available which include:

1) The parents/carers may be issued with a penalty notice, which carries a fine of £120, per parent, per child. This is reduced to £60 if paid within 21 days of issue. If not paid at all, court action will be initiated.

2) The local authority may initiate court action under Section 444 of the Education Act 1996, which could lead to fines of up to £2,500, imposition of orders such as Parenting Orders or even imprisonment.

3) In some cases, action may be taken under the Children Act 1989 to protect the welfare and development of the child.

Strategies for improving and maintaining good attendance.

Attendance is always encouraged and monitored throughout the school.

When a child requires individual support, a personalised approach to learning is offered. This could be through a phased transition, adapting pick up and drop off times, arranging meet and greets alongside a range of a class support.

An audit of attendance is made each term by the Headteacher and/or Safeguarding Lead.

Monitoring and Evaluations

The attendance policy will be reviewed annually by governors and school staff to ensure that it continues to meet the needs of the school community.

We will ensure that the policy reflects current DfE and Local Authority guidance so that parents may be assured of the standards that we strive to achieve.

WILTSHIRE LOCAL AUTHORITY GUIDANCE

Rationale

Excellent education is vital to the lives of all children and to our society. Whilst it is known that the life chances of children may not be equal from the outset of their lives for various reasons, education can help to redress this imbalance and help to ensure that every child has the chance to fulfil their potential.

Regular attendance is an essential foundation of raising pupil attainment. Absence from school can seriously disrupt pupils' continuity of learning. Not only do they miss out on taught lessons, but many children find it difficult to catch up academically and socially when they return to school.

95% attendance equates to half a day off every two weeks for a whole year.

90% attendance equates to a day off every two weeks for a whole year.

85% attendance equates to one and a half days off every two weeks for a whole year.

80% attendance equates to one whole day off every week for a whole year.

A secondary age pupil whose attendance is 80% will have missed ONE WHOLE YEAR of education by the time they leave school.

Poor or irregular attendance places children at risk, can contribute to contextual safeguarding and welfare concerns and in some cases can result in them being drawn into patterns of anti-social or criminal behaviour and exposure to exploitation.

Purpose

- To assist the Local Authority (LA), through the Department for Education (DfE), work within a legal framework and discharge its duties regarding ensuring that a child for whom they are responsible is receiving a suitable education by regular attendance at school or otherwise.
- To support schools to fulfil their legal responsibilities regarding pupil attendance.
- To provide information and a framework to assist schools in devising a whole School Attendance Policy.
- Identify areas of responsibility.
- Promote partnership working between the LA, schools, and parent/carers by offering guidance and assistance in meeting their responsibilities in this area.

Assist in creating a framework which promotes consistent practices and procedures that improve school attendance across Wiltshire.

This policy has been produced by the Education Welfare Service. You may wish to request your link Education Welfare Officer to discuss this document with you

1 INTRODUCTION

- 1.1 The Local Authority (LA) supports the principles, practice and procedures outlined in the DfE School attendance document; School Attendance: Guidance For Maintained Schools, Academies, Independent Schools and Local Authorities. August 2020
- 1.2 We believe pupils can only take full advantage of their education by regular and punctual attendance at school or otherwise to ensure continuity of learning.
- 1.3 The Education Welfare Service, for the LA, has the responsibility to implement the statutory duties in relation to school attendance. It acknowledges that both the LA and schools must apply their powers fairly and consistently.

The Education Welfare Service has a key function in working closely with schools, families and teams within the Children's Services and other agencies, both statutory and voluntary, in order to promote excellent levels of attendance and punctuality at school or otherwise.

The Education Welfare Service acknowledges and supports the equal opportunity policies of the Council and recognises the need to strive against discrimination in all forms.

NOTE

- Each school needs to develop and regularly review a policy for its own circumstances but can use this guidance to create a whole school approach.
- There are key policies which are relevant to pupil attendance, registration procedures and following up on pupil absence which include.
 - Admissions
 - Anti-bullying
 - Special educational needs
 - Behaviour
 - Safeguarding
 - Exclusions
 - Teaching and learning
- A School Attendance Policy should be reviewed every two years in conjunction with the above policies. The active involvement of governors, parents/carers and all school staff are essential to the review process. Pupils, through pupil voice, can also make a useful contribution to policy development.

2 PARENTS AND CARERS

RESPONSIBILITIES

2.1 Parents are responsible in law for ensuring that their children of compulsory school age receive an efficient education suitable to their age, ability, aptitude, and any special educational needs which they may have. Most parents choose to fulfil this responsibility by registering children at a school.

2.2 Parents have a legal responsibility to ensure their child's regular attendance.

2.3 Parental Responsibilities:

- Ensure that their child attends school every day, on time, appropriately dressed and in a 'condition to learn'. (i.e., not too tired, or too hungry to learn.)
- Work in partnership with the school to help their child/children gain an appreciation of the importance of attending regular school attendance and punctuality.
- Work in partnership with the school to take an active interest in their child's school career, to support and reinforce school policies/arrangements on homework, behaviour, and approach to learning, to attend parents' evenings and other meetings where necessary.
- Work in partnership with the school and other agencies (as and when appropriate) to resolve issues relating to non-attendance.
- To acknowledge that they have been in receipt of, and will support, the school's Attendance Policy.
- Notify the school if their child is absent. Contact with the school needs to be made on the first day of absence, ideally first thing in the morning and before the school register closes. Parents should provide an explanation for the absence which should be confirmed in writing when the child returns to school.
- Parents are advised to avoid arranging medical or dental appointments during school hours unless there is an emergency.
- Parents must seek permission from their child's head teacher (or authorised representative) by submitting a written application in advance of any request for leave of absence. Schools should set their own requirement for notification times, but the LA recommends that requests should be made at least 2 weeks in advance of the requested absence. This could be for the purposes of a family holiday or family occasion, such as a wedding or funeral or for any other reason. Each request should be considered individually and should meet the circumstance of being 'exceptional' if authorisation is being considered.

NB. It is the head teacher's decision to register an absence as either authorised or unauthorised.

3 SCHOOLS

3.1 Schools are responsible for supporting the attendance of their pupils and for managing concerns or issues which may lead to non-attendance.

3.2 School responsibilities:

- To maximise attendance rates of all pupils as one of their key responsibilities
- To support parents in ensuring regular and punctual attendance.
- To identify and address promptly any issue which may lead to non-attendance or irregular attendance.
- To make sure parents understand the school's graduated response to non-attendance by clearly communicating the school's policy and the school's intention to work with parents to resolve issues before they become problematic. At the outset of intervention by the school, the parent should be given a formal written notification explaining the actions that may be taken including the consequences of failing to ensure their child's regular attendance. In particular that the case could result in a penalty notice and/or court proceedings.
- To be sensitive to the needs of the individual parent. This should be reflected in the ways in which attendance issues are addressed. For example, schools should recognise that some parents have difficulty understanding written communications. They should also recognise the reluctance of some parents to come into school and work sensitively and proactively with parents to ensure a consistent approach to attendance management,
- To produce a whole school attendance policy that is clear about improving attendance for all pupils which is consistently applied.
- To ensure that parents/carers are made aware that any authorisation for a leave of absence in term time will only be granted in exceptional circumstances, in line with the law, and where a leave of absence in term time is not agreed, or no application has been made, or the pupil does not return on the agreed date, that absence will be unauthorised, and the parent/carer may incur a penalty notice.

3.3 The School Attendance Policy should:

- Ensure legal requirements in respect of attendance are clearly communicated.
- Identify clear-cut channels of communication with parents.
- Provide up-to-date attendance data to support continued improvements to overall school and individual pupil attendance. This could be benchmarked across regional and national data to promote awareness of school performance and target setting within the whole school community.
- Identify and analyse authorised and unauthorised absences to support targeted interventions for improvement.
- Contain clear procedures to identify and follow up all absences and improve attendance.
- Identify a range of strategies to deal with absenteeism and lateness.
- Be alert to critical times e.g. return after a period of sickness, a return after a traumatic event (either at school or at home) or during the period leading to/from a phase transfer and be clear how these individual circumstances will be addressed.
- Be sensitive to individual pupils' needs (e.g. those with health needs) and work proactively with children, families and other agencies to promote full-time attendance at school
- Establish target setting for individual pupils, form groups, year groups whole school etc. which supports the aims of the policy.
- Establish systems for rewarding good/improved attendance and analyse impact of these.
- Establish procedures for re-integrating long-term absentees.
- Suggest differentiation and flexibility in the curriculum where issues have been identified that may be impacting on attendance. For example, where a pupil has been on a reduced educational provision. There are clear links here to school behaviour and SEND policies which should be referenced.

- Establish clear lines of communication with outside agencies who will work with schools and families to improve attendance.
- Ensure that all staff, including supply or cover staff, adopt a consistent approach in dealing with absence and lateness.
- Detail how the school will engage in effective Primary/Secondary liaison to ensure all pupils will continue to have good attendance and to identify any concerns.
- Inform and involve Governors in developing a whole school approach to consistent management of attendance and ensure that governors have all the information to assess school performance in terms of attendance.
- Be reviewed at least every two years, though any changes in the law or guidance should be incorporated as soon as possible during the current academic year.

As with other school policies, the contents of this policy should be developed with and communicated to all parents (including new/prospective parents)

3.4 New Pupils Joining a School - Expected First Day of Attendance

Pupils join the school roll from the beginning of the first day on which the school has agreed, or has been notified, that the pupil will attend and must be listed in both the admission and attendance registers from that day. If a pupil has accepted a place at the school and fails to attend on the agreed date, school must follow up the absence to ensure that the pupil does not lose their place and that any safeguarding and missing from education concerns are addressed.

4 THE EDUCATION WELFARE SERVICE

Responsibilities of the Local Authority - Education Welfare Officers

- 4.1. The Local Authority discharges its statutory duty to ensure regular school attendance through Education Welfare Officers within the Education Welfare Service. In doing so it enables schools and parents to meet their respective responsibilities
- 4.2. The primary responsibility of the Education Welfare Service is to promote the excellent attendance of all pupils in Wiltshire, thereby contributing to raising pupil attainment.
- 4.3. The Education Welfare Service will work in close partnership with all maintained schools and Academies (*subject to specific agreements*) in Wiltshire and other statutory and voluntary agencies to promote regular school attendance and support schools to discharge their responsibilities to ensure regular attendance.
- 4.4. Whilst each school will have access to a link Education Welfare Officer, the allocation of that resource will be targeted according to identified need.
- 4.5. The Education Welfare Service wishes to work closely with schools to provide the following services:

Education Welfare Officer Consultation Visits

The link Education Welfare Officer will offer consultation visits to schools and Academies (where agreements are in place) to meet with the designated member of staff in order to:

- Identify pupils who are experiencing attendance difficulties by reviewing the attendance data of individual pupils or groups.
- Agree on actions that need to be taken either by the school and/or the Education Welfare Service.
- Feedback and exchange information in relation to work which has been undertaken by the Education Welfare Officer and/or the school and recording this in writing, a copy of which is given to the school.
- Identify areas of concern and of good practice in relation to attendance matters.
- Offer advice on strategies for improving attendance.

Intervention

On receipt of a referral the Education Welfare Officer (EWO) will consider the most appropriate action to be taken. In the first instance this may involve arranging, by letter, a formal meeting to explain the actions that may be taken. It is good practice to make sure parents understand the consequences of failing to ensure their child's regular attendance, that the case could result in a penalty notice and/or court proceedings.

Intervention will be based on an assessment of needs and in conjunction with schools. This could be through the Common Assessment Framework (CAF), and action planned appropriate to the individual circumstances of each case, but may include:

- Holding formal Local Authority Attendance meetings and reviews between the school, parents, and pupil in school or elsewhere
- Offering specific support to parents and individual pupils, either at school or elsewhere.
- Visiting the parent or pupil at home (where this is deemed appropriate or necessary).
- Helping the pupil and parents to access appropriate support from other services and agencies.

The Education Welfare Officer may also signpost how pupils and families may receive additional support dependent upon need.

5 ATTENDANCE REGISTERS

1.1 Attendance registers are legal documents which may be required as evidence in court.

1.2 Schools are required to take an attendance register at the start of the morning session and once during the afternoon session. The Education (Pupils' Attendance Records) Regulations 1991 and the Education (Pupil Registration) (England) Regulations 2006 stipulate that schools should maintain an attendance register for each class containing the names of all pupils in the class.

1.3 Taking the register is a key part of the school day and should be seen as such by both the staff and pupils.

The following action must be taken:

1.3.1 On each occasion schools must record whether every pupil was present, absent, present at approved educational activity or unable to attend due to exceptional circumstances.

1.3.2 If a day pupil of compulsory school age is absent the register must also show whether the absence was authorised by the school or not.

1.3.3 Authorised absence means that the school has either given approval in advance for the pupil to be away or that an explanation offered afterwards has been accepted as satisfactory justification. Consistent and accurate use of register codes within schools will allow teachers and EWOs to quickly determine the basis of the authorised absence in question.

1.3.4 The law requires absences not agreed in advance to be recorded as unauthorised unless and until a satisfactory explanation is forthcoming. National absence and attendance codes are indicated at **Appendix B**.

1.3.5 First day response to pupil absence is recommended.

1.3.6 Grounds for deleting registered pupils from school admission registers are detailed in Regulation 8 - see **Appendix C**

ABSENCE RELATED TO COVID-19 (Coronavirus)

At the time of writing this policy, the DfE has stated that all children are expected to be attending school with effect from the beginning of the Autumn Term September 2020.

The DfE has amended their guidance [School attendance: Guidance for maintained schools, academies, independent schools and local authorities August 2020](#)

There is also an addendum [Addendum: recording attendance in relation to coronavirus \(COVID-19\) during the 2020 to 2021 academic year](#).

All schools must ensure compliance with this during the academic year 2020-2021.

There will be children who may not return to school for several reasons:

- Ongoing high levels of vulnerability/susceptibility to complications from exposure to Covid-19. It is expected that schools will have received medical confirmation which clearly states that these pupils should not attend and that arrangements are made by schools to provide education to these children.
- Self-isolation. Where a pupil is required to self-isolate because they, or a member of their family, have a diagnosis or symptoms of Covid-19 then they will be recorded with code X.
- Parental anxiety. Schools should work proactively with parents to address concerns about Covid-19 in the school environment and encourage a swift return to school. School Health nurses may be able to support conversations with parents regarding attendance at school. If

children continue to be absent from school as a result of parental refusal, then the school must consider whether absence should be authorised and whether a referral to attendance management services (eg EWS) may be appropriate.

- Quarantine. A few children may be affected by quarantine rules following a holiday abroad. Children required to quarantine must be coded X in the attendance register.
- Child anxiety and refusal. The DfE recognises that some young people will be experiencing mental health issues as schools re-open to all pupils. Schools will need to work with families and health professionals to address any such concerns. Schools may need to adopt short-term flexible approaches to support these children to make a successful transition back to full-time education. These should be time limited and regularly reviewed with a view to them leading to a full return to school. This might include flexi-schooling arrangements, use of reduced educational provision, home liaison visits, joining pupils virtually into classes so that they can link with their peers using some of the meeting technologies available.

The Education Welfare Service is available to provide advice and guidance to schools for Covid-19 related absence.

Covid-19 guidance is subject to change as we move through the pandemic and schools should always refer to DfE latest guidance regarding school issues.

This guidance may also be affected by any requirement for local lockdown and schools should adhere to local authority and PHE advice in these circumstances.

1.4 Keeping attendance registers

1.4.1 Particular attention should be paid to accurate registration. Incomplete entries or inappropriate authorisation of absence can seriously impede the work of Education Welfare Officers and may compromise subsequent court proceedings. Blanks should not be left in registers. A pupil is either marked present or absent at the time of registration while the register remains open. The attendance register should not be left open throughout the session. A period of no more than 30 minutes is advised.

1.4.2 Schools may keep registers manually or electronically. Whichever is used, schools must use the national absence and attendance codes. This facilitates the process of providing attendance statistics, particularly through the School Census system as well as enabling schools and Local Authorities to benchmark themselves against each other and identify schools that might have good practice to consider adopting.

1.4.3 Whenever a change is made, both the original entry in a register and any subsequent amendment must be clearly distinguishable. For inspection purposes, manual and electronic registers must also show the reason for change, when it was made and who made it. Wherever electronic software is unable to record and display all this information, schools (on either screen or the printout) must make printed a copy of the register and annotate it.

1.4.4 Entries in manual registers must be made in ink and entries in electronic registers must have the same degree of permanence.

1.4.5 The governing body (which is responsible for the attendance register) must register with the Data Protection Registrar under the Data Protection Act 1998. Further advice can be found under www.ico.org.uk

1.5 Security and preservation of admission and attendance registers

1.5.1 Schools must have systems in place to ensure that both the admission and the attendance registers are secure to prevent unauthorised or improper access to the information. These

systems must also ensure that the integrity of the data is protected. It is good practice to back-up all electronic systems daily to ensure that staff can quickly recover from systems failure, but schools must back-up electronic registers at least once a month. These back-ups must be stored securely and open to inspection for three years.

1.5.2 At the end of each school year, schools must create “historical” copies of the admission and attendance registers which must show all of the information that was recorded in them that year. These copies must be stored for at least 3 years, but schools can keep them longer if they prefer.

6 USE OF LEGAL ACTION

6.1. If it becomes known to the LA that a parent has failed to register a child of compulsory school age at a school and he/she does not intend to educate the child otherwise than at school, the Education Welfare Service will, if necessary, serve a School Attendance Order under Section 437 of the Education Act 1996.

6.2 If a pupil who is registered at a school fails to attend that school regularly without a legitimate reason the Education Welfare Service may take legal action by laying a summons against the parents before the Magistrates’ Court under Section 444 of the 1996 Education Act, or by applying for an Education Supervision Order relating to the pupil under Section 36 of the Children Act 1989. Section 444AS and s444B of the 1996 Education Act (introduced by the Anti-Social Behaviour Act 2003) also enables the issue of Penalty Notices as an alternative to prosecution. A Parenting Order can be issued by Magistrates as an ancillary order to a section 444 prosecution.

6.3 Legal proceedings under Section 444 of the 1996 Education Act will usually only be used as part of a planned intervention aimed at effecting the pupil’s return to regular school attendance. However, in cases where parents wilfully withhold a pupil from school, or persistently refuse to co-operate with efforts aimed at effecting a return to satisfactory school attendance, the Education Welfare Service will take legal proceedings on the grounds that no other course of action is available. A decision about whether to recommend legal proceedings would normally be taken at a Court Assessment Interview chaired by a senior officer of the Education Welfare Service.

6.4 The Education Welfare Service will consider applying for an Education Supervision Order when a parent finds it difficult to exercise an effective influence over a child who has developed a pattern of poor attendance. Education Supervision Orders will not usually be applied for in relation to pupils in Years 10 and 11.

6.5 All cases are formally reviewed and considered for legal action if necessary. If, after legal action has been taken, the child still fails to attend school regularly the Education Welfare Service will keep the case open and will, if deemed appropriate take further legal action at a subsequent date.

6.6 Approval will be given by the appropriate Education Welfare Service Professional Lead and the County Solicitor before legal proceedings are commenced.

6.7 Before an application is made for an Education Supervision Order other possible means of dealing with the pupil's poor attendance will be explored. The Education Welfare Officer will consider and Education Supervision Order as a possible means of dealing with the child’s poor attendance and will be of the view that the Order will have a significant effect on the child’s attendance at school. In such cases social care will be consulted about the appropriateness of applying for such an Order.



WOOTTON BASSETT INFANTS'

Attendance Monitoring Log

Childs Name		Term		
Attendance %				
Unauthorised		Persistent Lates	Yes	No

Reason	
Pattern	

Stage 1 - 95% or below Monitor	
Monitored from	

Stage 2 – 90% or below Contact Parent/Carer			
(Circle as appropriate)	Face to face conversation	By phone	By letter
Summary of discussion			
Outcome			

Stage 3 – 85% or below Meet with parents			
Invitation letter sent on		Date of appointment	
Summary of discussion			
Outcome			

Stage 4 – No engagement Inform the EWO	
Informed on	
Parent Notified	
Summary	
Outcome	

APPENDIX C

ATTENDANCE REGISTERS: NATIONAL ABSENCE AND ATTENDANCE CODES

PRESENT

- Pupils present at morning registration should be recorded with an oblique stroke, with a stroke in the reverse direction for the afternoon session i.e. Λ
- The presence of a pupil who has arrived at school late, but while the register remains open should be marked by the symbol **L**.

AUTHORISED ABSENCE

The national absence codes must be used. Schools cannot add to the list of codes or use their own local codes. To be useful to schools in helping them identify patterns of absence, it is essential that there is consistency of use by staff within each school.

- C Other circumstances (*e.g. bereavement, agreed special occasions, performances, other approved absences not covered by other codes*).
- E Excluded
- F Extended family holiday (agreed)
- H Family holiday (agreed)
- I Illness (NOT medical or dental etc appointments)
- M Medical / Dental appointments
- R Religious observance
- S Study leave
- T Traveller absence (*where the family is known to be travelling or has informed of travelling for the purposes of work*)

APPROVED EDUCATION ACTIVITY

- B Educated off site (*NOT dual registration*)
- D Dual registration (*i.e. pupil attending other establishment*)
- J Interview (year 11 only)
- P Approved sporting activity (*arranged by school*)
- V Educational visit or trip (*arranged by school*)
- W Work experience

UNAUTHORISED ABSENCE

- G Family holiday (*NOT agreed or days more than agreement*)
- N No reason yet provided for absence
- O Unauthorised absence
- U Late (*after registers closed*)

For the academic year 2019- 2020 and 2020-2021 only:

- X Not attending in circumstances relating to coronavirus (COVID-19)

APPENDIX D

The Education (Pupil Registration) (Amendment) (England) Regulations 2016 places new duties on all schools in England, including **academies** and **independent schools**. See: <http://legislation.data.gov.uk/ukxi/2016/792/made/data.html>

These duties include providing the local authority (LA) with information about **pupils both leaving and joining the school** at non-standard transition points, i.e. in-year moves or when a pupil leaves before the end of that school's final year of education e.g. a pupil leaving at the end of Y8 so not going into Y9 at that school.

GROUNDINGS FOR DELETING REGISTERED PUPILS FROM SCHOOL ADMISSION REGISTERS (Regulation 8(1) of the Education (Pupil Registration) (England) Regulations 2006)

- A** Where a pupil is subject to a school attendance order but another school is substituted by the LA or where the LA revokes it as the child will to receive efficient full-time education otherwise than at school.
- B** Where a pupil is registered at another school (except where it has been agreed the pupil should be registered at more than one school).
- C** Where a pupil is registered at more than one school and any other school at which the pupil is registered has agreed.
- D** Where a pupil has ceased to attend the school and it has received written notification from the parent that the pupil is receiving education otherwise than at school.
- E** Where a pupil (other than a boarder) has ceased to attend and no longer ordinarily resides at a place which is a reasonable distance from the school.
- F** Where a pupil granted leave of absence but:
 - (i) the pupil has failed to attend the school within the ten school days immediately following the end of the leave
 - (ii) 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
 - (iii) the school and the local authority have failed, after jointly making reasonable enquiries, to find the pupil.
- G** Where a pupil has been certified by the school medical officer as unlikely to be in a fit state of health to attend school before ceasing to be of compulsory school age, and neither he nor his parent has indicated to the school the intention to continue to attend the school after ceasing to be of compulsory school age.
- H** Where a pupil - that he has been continuously absent from the school for a period of not less than twenty school days and —
 - (i) at no time was his absence during that period authorised;
 - (ii) 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
 - (iii) the school and the LA have failed, after jointly making reasonable enquiries, to find the pupil.
- I** Where a pupil is legally detained for a period of not less than four months and the school does not have reasonable grounds to believe that the pupil will return to the school at the end of that period.
- J** Where the pupil has died.
- K** Where the pupil will cease to be of compulsory school age before the school next meets and—
 - (i) the pupil will cease to attend the school; or

(ii) the pupil does not meet the academic entry requirements for admission to the school's sixth form.

- L** Where a pupil at a school other than a maintained school, an academy, a city technology college or a city college for the technology of the arts, has ceased to be a pupil of the school.
- M** Where a pupil has been permanently excluded from the school.
- N** Where the pupil has been admitted to the school to receive nursery but is not being educated beyond this at the school.
- O** Where the pupil is a boarder at a maintained school or an academy and where charges for board and lodging remain unpaid by the pupil's parent at the end of the school term to which they relate.

Pupils not of compulsory school age (Regulation 8 (3))

The following are prescribed as the grounds on which the name of a pupil not of compulsory school age is to be deleted from the admission register:

- 3 (a) That he has ceased to attend the school, or, in the case of a boarder, that he has ceased to be a pupil of the school;
- b) That he has been continuously absent from the school for a period of not less than twenty school days and (i) at no time was his absence during that period agreed by the proprietor; (ii) the proprietor does not have reasonable grounds to believe that the pupil is unable to attend the school by reason of sickness of any unavoidable cause; (iii) the proprietor of the school has failed, after reasonable enquiry, to ascertain where the pupil is;
- c) that the pupil had died;
- d) where the pupil has been admitted to the school to receive nursery education, he has not on completing such education transferred to a reception, or higher class at the school; or
- e) that he has been permanently excluded from the school.

APPENDIX E

CHILDREN MISSING FROM EDUCATION OR WHO MAY OTHERWISE BE AT RISK

<https://www.gov.uk/government/publications/keeping-children-safe-in-education--2>

Aspects of Safeguarding and preventing Children Missing Education contained within the Education (Pupil Registration) (England) Regulations 2006:

https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/550416/Children_Missing_Education_-_statutory_guidance.pdf

Wiltshire Council

Penalty Notice - Code of Conduct

Rationale

- 1.1 Regular and punctual attendance of pupils at school is both a legal requirement and essential for pupils to maximise the educational opportunities available to them. Wiltshire Council's Education Welfare Service will investigate cases of irregular attendance from school and, where appropriate, instigate legal action. Penalty Notices offer a means of swift intervention to deal with unauthorised absence to avoid this becoming entrenched.
- 1.2 Under Section 7 of the Education Act 1996, parents are responsible for ensuring that their child of compulsory school age receives efficient, full time education that is suitable to the child's age, aptitude and ability and to any special educational needs the child may have. This may be by regular attendance at school or otherwise.
- 1.3 Parents are defined in Section 576 of the Education Act 1996: all natural parents, whether they are married or not; any person who has parental responsibility for a child; and any person who, although not a natural parent has care of a child. Having care of a child means that a person with whom a child lives and who looks after a child irrespective of what their relationship is with that child, is considered to be a parent in education law.
- 1.4 If a child of compulsory school age who is registered at a school fails to attend regularly at the school then the parent is guilty of an offence under Section 444(1) of the Education Act 1996. It is the commission of this offence that can trigger the use of a penalty notice. If a penalty notice is used by the Local Authority it provides the parent with an opportunity to discharge liability for the offence and avoid court proceedings.
- 1.5 Wiltshire Council may prosecute for offences under Section 444 (1) of the Education Act 1996. Possible defences available include the following:
 - The pupil's absence was authorised by the school
 - The pupil was ill or prevented from attending by unavoidable cause
 - The absence was on a day exclusively set aside for religious observance by the religious body to which the parent belongs
 - The school is not within walking distance of the child's home and the LA has made no suitable arrangements
 - The parent can show that their trade or business requires them to travel, and the child has attended school as regularly as the nature of the trade or business allows, and the child has attended school for at least 200 sessions during the preceding twelve months
- 1.6 Under Section 103 Education and Inspections Act 2006 a parent of an excluded pupil must ensure that the pupil is not present in a public place at any time during school hours on a day which is one of the first five school days to which the exclusion relates or, where that exclusion is for a fixed period of five days or less, any of the days to which the exclusion relates, and is stated in the notice under

section 104 (Education and Inspections Act 2006) to be a day on which Section 103(2) applies. If the excluded pupil is present in a public place at any time during school hours on a school day falling within Section 103(2), the parent commits an offence (section 103(3)). A Penalty Notice may be issued by the Local Authority to offer the parent/s an opportunity to discharge liability for this offence.

Wiltshire council may prosecute for offences under Section 103 Education and Inspections Act 2006. A possible defence is reasonable justification for a parent to fail to comply with their duty under Section 103(2) of the act.

Legislation

- 2.1 The Education (Penalty Notice) (England) Regulations 2007 supports offences under section 444 of the Education Act 1996. Penalty Notices supplement existing sanctions available under Section 444 of the Education Act 1996 or Section 36 of the Children Act 1989 to enforce attendance at school or alternative provision. There is no legal requirement to consider a Penalty Notice before proceeding to a section 444 prosecution.
- 2.2 Section 105 The Education and Inspections Act 2006 allows a penalty notice to be issued in respect of excluded pupils in a public place (as mentioned above).
- 2.3 The Anti-Social Behaviour Act 2003 (section 23) adds two sections (444A and 444B) to the Education Act 1996. These sections introduced penalty notices as an alternative to prosecution and enable parents to discharge potential liability for conviction for that offence by paying a penalty.
- 2.4 If it appears that an offence under section 444(1) of the Education Act 1996 has been committed and none of the defences outlined above apply, then consideration can be given to issuing a penalty notice
- 2.5 Penalty Notices will require the parent of a child of compulsory school age whose attendance has been unsatisfactory to pay a penalty currently £120 if paid within 28 days, reduced to £60 if paid within 21 days as stated in the Education (Penalty Notices) (England) (Amendment) Regulations 2013, statutory instrument No 757. (Figures correct at the time of writing, subject to amendment by further Statutory Instrument)
- 2.6 This Code of Conduct complies with the requirements as set out in Sections 14 – 16 of the Education (Penalty Notices) (England) Regulations 2007
- 2.7 The issuing of Penalty Notices must conform to all requirements of the Human Rights Act 1998 and Equality Act 2010

Procedure

- 3.1 In Wiltshire Penalty Notices will be issued by the Education Welfare Service by first class post. In any case where the Penalty Notice is not paid within the prescribed period and where it is not appropriate to withdraw the Penalty Notice the Education Welfare Service will instigate action through the Magistrate's Court as required by legislation. Prosecution in such cases will be for the offence to which the Penalty Notice relates.
- 3.2 No parent shall receive more than three separate penalty notices resulting from the unauthorised absence of an individual child in any twelve-month period
- 3.3 Penalty Notices will be issued individually to each parent for each child according to each parent's liability for the offence or offences. An authorised officer has discretion when deciding to issue a penalty notice to one or more parents of a child. The specific circumstances in each

individual case will be the determining factor.

- 3.4 The Education Welfare Service will receive requests to issue penalty notices from schools / academies / colleges in Wiltshire, Wiltshire Police and neighbouring Local Authorities. The Education Welfare Service will take forward these requests providing that:
- The circumstances of the case meet the criteria for the issue of a penalty notice as specified in this code
 - All necessary information is provided to the Education Welfare Service in order to establish that an offence, under section 444 (1) of the Education Act 1996 for failure to secure regular attendance or section 103(3) of the Education and Inspections Act 2006 for failure to comply with a duty towards an excluded pupil, has been committed.
- 3.5 The Education Welfare Service will ensure that the issuing of Penalty Notices is closely monitored to make certain that they are not duplicated, not issued where prosecution proceedings for the same offence are being considered and that recipients pay the relevant fine within the time frames specified.

Criteria for the Issuing of a Penalty Notice

- 4.1 Penalty Notices can be issued where a pupil has accrued 10 unauthorised sessions within the six- month period prior to the request being made or evidence of an offence under s.103 (3) Education and Inspections Act 2006 is established.
- 4.2 The issue of a penalty notice will be preceded by having previously issued a formal warning letter to each parent / carer. The letter will:
- Raise concern regarding the level of the unauthorised absence and give advice regarding contact with the school and the Education Welfare Service
 - Advise the parent of the powers of the Local Authority to issue penalty notices
 - State the number of unauthorised absences accrued which give rise to the formal warning being issued
 - Notify the parent that additional unauthorised absence may lead to a penalty notice if no improvement is effected within an agreed period – the standard period shall be fifteen school days except where exceptional circumstances apply e.g. deliberate parentally condoned absence or where a pupil has been located on a truancy sweep / located by the Police during school time and there are additional occurrences of unauthorised absence.
- 4.3 Penalty Notices will not be issued for pupils in the care of the Local Authority. Any attendance concerns will form part of the pupil's Personal Education Plan.
- 4.4 With effect from 22 March 2020 Wiltshire Council will **not** issue Penalty Notices for unauthorised absence **directly related** to the Covid-19 pandemic until such time as the Department for Education (DfE) deems appropriate.

Circumstances in which a Penalty Notice will be issued:

- 5.1 If in the view of an Education Welfare Officer the issuance is deemed appropriate in cases where a parent or parents continually fail to provide an explanation or fails to provide a justifiable explanation for a pupil's absence and this is recorded as an unauthorised absence by the proprietor of the school. This could include late arrival after the register has closed which is recorded as an unauthorised absence where these total 10 or more sessions.
- 5.2 For pupils stopped during a truancy sweep or located by Police during school hours where there are found to be additional unauthorised absences totalling 10 or more sessions
- 5.3 Following a request from a School / College / Academy for intervention where the circumstances

appear to have been totally avoidable (e.g. too tired after a late night, a birthday treat, family / friends visiting, shopping) where this is unauthorised and these total 10 or more sessions

- 5.4 Where a school/college/academy makes a notification for an instance of unauthorised leave of absence (holiday during term time) which totals 10 or more sessions continuous or aggregated within the previous six months and within the current academic year and where the proprietor has not given permission or where permission was not sought prior to the unauthorised leave of absence being taken
- 5.5 Following notification from a neighbouring Local Authority
- 5.6 For pupils who are stopped by Police in a public place during the first five school days of an Exclusion, whether for a fixed period or permanent exclusion or, where that exclusion is for a fixed period of five days or less, any of the school days to which the exclusion relates as specified in section 103(2) of the Education and Inspections Act 2006 and is stated in the notice under section 104 to be a day on which the parent is subject to this subsection.

Procedure for withdrawing Penalty Notices

- 6.1 A Penalty Notice may be withdrawn by Wiltshire Local Authority if the Authority determines that:
- It ought not to have been issued
 - It ought not to have been issued to the person named as the recipient
 - It is materially defective
- 6.2 Where a penalty notice has been withdrawn in accordance with the above a notice of the withdrawal will be issued to the recipient and any amount paid by way of penalty in pursuance of that notice shall be repaid to the person who paid it. No proceedings shall be continued or instituted against the recipient for the offence in connection with which the withdrawn notice was issued or for an offence under section 444 (1A) of the Education Act 1996 arising out of the same circumstances.
- 6.3 A Penalty Notice cannot be withdrawn because of an inability to pay
- 6.4 If a Penalty Notice is not paid in full before the expiry of the period of paying it and Wiltshire Council has neither instigated proceedings for the offence to which the notice relates nor is contemplating such proceedings, then the notice will be withdrawn.
- 6.5 If a Penalty Notice has been issued for unauthorised absence **directly related** to the Covid-19 pandemic **after** 16 March 2020 this will be withdrawn by Wiltshire Council immediately.
- 6.6 If a Penalty Notice has been issued for unauthorised absence **directly related** to the Covid-19 pandemic **before** 16 March 2020 any action relating to this will be suspended until such time as the Department for Education (DfE) deems appropriate.

Appeals

- 7.1 There is no statutory right of appeal against the decision to issue a penalty notice and the sole authority to authorise absence rests with the Headteacher of the school / academy / college
- 7.2 The Education (Pupil Registration) (England) Regulations does not permit Headteachers to give authorisation for absence retrospectively.

Payment of Penalty Notices

- 8.1 The arrangements for the paying of penalty notices will be detailed on the Penalty Notice
- 8.2 Payment by way of instalment is not permitted. Payment should be made in full according to the dates as stipulated on the Penalty Notice

Non-payment of Penalty Notices

- 9.1 Non payment of a Penalty Notice will normally result in prosecution under the provisions of section 444 of the Education Act 1996 or prosecution under section 103 of the Education and Inspections Act 2006

Publicity

- 10.1 All schools / academies / colleges / alternative education provisions intending to use penalty notices must:
- Set out the establishment's process for managing absence
 - Ensure that all parents / carers are aware of the process to request leave of absence during term time
 - Make notifications to the Local Authority without delay when the particular criteria is reached
 - Publish details regarding arrangements of managing absence within the establishment's Attendance Policy