**Wiltshire Council**

# LOCAL AUTHORITY ATTENDANCE POLICY

# RECOMMENDATIONS FOR DEVELOPING A SCHOOL ATTENDANCE FRAMEWORK AND POLICY

**Revised August 2022**

# WILTSHIRE LOCAL AUTHORITY ATTENDANCE POLICY

## *EDUCATION IS EVERBODY'S BUSINESS*

**Rationale**

Excellent education is vital to the lives of all children and to our society as a whole. 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.

The Department for Education (DfE) recognises that some pupils find it harder than others to attend school and that the best outcomes for pupils will be achieved when all parties work together to secure excellent attendance .

**Purpose**

- To assist the Local Authority (LA), through the DfE, work within a legal framework and discharge its duties with regard to 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 with regard to 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.

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## 1 INTRODUCTION

In May 2022 the DfE published new guidance "**Working together to improve school attendance: Guidance for maintained schools, academies, independent schools and local authorities".** The guidance is effective from September 2022 and likely to become statutory from September 2023.

The guidance is clear that improving attendance is everybody's business. It provides advice for local authorities, schools, governing bodies, trusts and parents to support and maintain high levels of school attendance.

 1.1   The Local Authority (LA) supports the principles, practice and procedures outlined in the DfE School attendance document. 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.

 1.2   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.

 1.3   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.

 1.4   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. However, guidance and examples to support schools in 'Developing a Whole School Attendance Policy' can be found in **Appendix A.**

There are key policies which are relevant to pupil attendance, registration procedures and following up on pupil absence which include

- o Admissions
- o Anti-bullying
- o Special educational needs
- o Behaviour
- o Safeguarding
- o Exclusions
- o 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 is 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 (s7 Education Act 1996).

**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 including engaging with formal support offered to prevent the need for legal intervention.

- 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.** The DfE places the following expectations on schools as detailed in the DfE Guidance published May 2022: Summary table of responsibilities for school attendance: Guidance for maintained schools,academies, independent schools and local authorities

- To develop and maintain a whole school culture that promotes the benefits of high attendance
- To have a clear school attendance policy on the school website which **all** staff, pupils and parents understand
- To accurately complete admission and attendance registers
- To have robust daily processes to follow up absence (this should be understood by everyone in the school community and communicated to any cover staff to ensure procedures are consistently applied)
- To have a dedicated senior leader with overall responsibility for championing and improving attendance
- To be proactive in identifying pupils at risk of poor attendance and work with each identified pupil and parents to understand and address the reasons for absence. Schools should be sensitive to the needs of the individual pupil and 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 signpost and support access to services where out of school barriers to attendance are identified
- To work with partners in the multi-agency effort to improve attendance
- To hold formal conversations with parents where there is lack of engagement to improve attendance and be clear about the potential for legal intervention.
- To work with the local authority where legal intervention may be appropriate
- To work with other schools in the area such as schools previously attended and the schools of any siblings and to share effective practice where there are common barriers to attendance
- To maintain the same ambitions of attendance for pupils with medical conditions or SEND and work to maximise attendance
- Where a pupil is open to social care to notify the pupil's social worker if there are unexplained absences and if the pupil's name is to be deleted from the register

**3.3   The School Attendance Policy should detail:**

- The attendance and punctuality expectations of pupils and parents, including start and close of the day, register closing times and the processes for requesting leaves of absence and informing the school of the reason for an unexpected absence.
- The name and contact details of the senior leader responsible for the strategic approach to attendance in school.
- Information and contact details of the school staff who pupils and parents should contact about attendance on a day to day basis (such as a form tutor, attendance officer etc) and for more detailed

support on attendance (such as a head of year, pastoral lead or family liaison officer etc).
- The school's day to day processes for managing attendance, for example first day calling and processes to follow up on unexplained absence.
- How the school is promoting and incentivising good attendance.
- The school's strategy for using data to target attendance improvement efforts to the pupils or pupil cohorts who need it most.
- The school's strategy for reducing persistent and severe absence, including how access to wider support services will be provided to remove the barriers to attendance and when support will be formalised in conjunction with the local authority.
- The point at which Fixed Penalty Notices for absence and other sanctions will be sought if support is not appropriate, not successful, or not engaged with.
- Information for parents 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.

Whilst every pupil has a right to a full-time education and high attendance expectations should be set for all pupils, the attendance policy should account for the specific needs of certain pupils and pupil cohorts.

The policy should be applied fairly and consistently but in doing so schools should always consider the individual needs of pupils and their families who have specific barriers to attendance. In development and implementation of their policy, schools should consider their obligations under the Equality Act 2010 and the UN Convention on the Rights of the Child.

Schools where all or some of their pupils are boarders are expected to cover all of the above areas in their policies but will want to do so in a way that meets their specific needs.

The policy should be easily accessible to leaders, staff, pupils, and parents, including being published on the school's website. Parents should be sent it with any initial information when pupils join the school and reminded of it at the beginning of each school year and when it is updated.

As the barriers to attendance evolve quickly, the policy should be reviewed and updated as necessary. In doing so, schools should seek the views of pupils and parents

### 3.4 Other considerations for managing attendance

- Use 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
- Identify a range/toolkit of strategies to deal with absenteeism and lateness. Be alert to critical times eg 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
- Establish target setting for individual pupils, form groups, year groups whole school etc. which supports the aims of the policy
- 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
- Have clarity regarding 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
- Ensure that governors have all the information to assess school performance in terms of attendance

### 3.5 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    Academy trustees and governing bodies of maintained schools

### 4.1  Responsibilities for academy trustees and governing bodies of maintained schools

The DfE places the following expectations on academy trustees and governing bodies as detailed in the DfE Guidance published May 2022: *Summary table of responsibilities for school attendance: Guidance for maintained schools, academies, independent schools and local authorities* :

- Recognise the importance of school attendance and promote it across the school's ethos and policies
- Ensure school leaders fulfil expectations and statutory duties
- Regularly review attendance data, discuss and challenge trends and help school leaders focus improvement efforts in the individual pupils or cohorts who need it most
- Ensure school staff receive adequate training on attendance

  Multi-academy trust boards and governing bodies of federations are also expected to share effective practice on attendance management and improvement across schools.

### 4.2  Considerations for governors

- Have a nominated governor with oversight of attendance who will work closely with the designated senior leader for attendance in the schools and who will provide robust support and challenge to school leaders
- Ensure that attendance is dealt with strategically across other school strategies including behaviour, safeguarding and SEND
- Review attendance data at board meetings and think about the impact of attendance on pupil progress and attainment – particularly in vulnerable groups

## 5    The local authority

### 5.1   Responsibilities of the local authority

The DfE places the following expectations on local authorities as detailed
in the DfE Guidance published May 2022: *Summary table of responsibilities for school attendance:
Guidance for maintained schools, academies, independent schools and local authorities*

- To rigorously track local attendance data
- To have a School Attendance Support Team which provides the following core functions free of charge to all schools regardless of type
- **Communication and advice –** bringing schools together to communicate messages, provide advice and share best practice between school and trusts within the area
- **Targeting Support Meetings** – hold termly (3 x per year) conversations with schools using attendance data to identify pupils and cohorts at risk of poor attendance and agree targeted actions and access to services for those pupils
- **Multi-disciplinary support for families** – provide access to early help support workers to work intensively with families to provide practical whole family support and unblock barriers to attendance
- **Legal intervention** – take forward legal intervention where voluntary support has not been successful or engaged with.
- **Monitor and improve the attendance of children with a social worker**

5.2    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.

5.3    The functions of the School Attendance Support Team will primarily sit within the Education Welfare Service although strategic support for attendance may also be provided by other local authority teams such as School Effectiveness.

5.4    The primary responsibility of the Education Welfare Service is to promote the excellent attendance of all pupils in Wiltshire schools, thereby contributing to raising pupil attainment.

5.5    The Education Welfare Service will work in close partnership with all maintained schools independent 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.

5.6    All schools in Wiltshire will have a Targeting Support Meeting 3 times per academic year. Attendance data will be used to prioritise schools with higher numbers of persistent (less than 90% attendance) and severely absent (less than 50% attendance) pupils.

5.7    Whilst each school will have access to a link Education Welfare Officer, the allocation of that resource will be targeted according to identified need using attendance data including persistent absence data.

5.8    To enable the local authority to monitor and support the attendance of children with a social worker, attendance oversight and discussion will be mandatory in assessment and subsequent planning by social workers.

5.9    The local authority will use the full range of parental responsibility measures available to support and enforce attendance where parents have not voluntarily engaged with the support from the school. This will include the use of parenting orders, education supervision orders, penalty notices and prosecution.

The Education Welfare Service wishes to work closely with schools to provide the following:

**Education Welfare Officer Consultation Visits**

The link Education Welfare Officer will offer consultation visits to maintained schools and academies (where agreements are in place) to meet with the designated member of staff. These visits will be in addition to the Targeting Support Meetings.

The purpose of consultation is 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 including referral thresholds.
- 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, in particular 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 Early Support Assessment (ESA), 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
Supporting schools with implementing parenting contracts

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

**Children Missing Out of Education**

Wiltshire LA has a Children Missing Out of Education (CMOE) panel which meets regularly throughout the academic year. The panel is made up of colleagues from Targeted Education Services, Children's Social Care, Young People's Service (YOT), Special Educational Needs and Disabilities team, Performance Management.
The purpose of the panel is to ensure that the LA is meeting its statutory obligations under s19

Education Act by ensuring that all pupils in Wiltshire have access to appropriate education and determining whether there is a LA duty to make provision in some cases.

The panel may also provide robust support and challenge to schools and professionals where it appears that pupils are not attending school regularly and in line with DfE guidance and best practice.

The panel will regularly review pupils who:

- Are known to have a reduced educational provision (REP) in place – particularly those who are subject to extended
- Have episodes of illness which exceeds 15 school days. It is important to note that Wiltshire secondary maintained and academy providers have a Service Level Agreement in place with the local authority which devolves funding for them to meet this element of the s19 Education Act duties.
- Experience multiple suspensions
- Do not appear to be in receipt of suitable education under arrangements made for them by their parents (Electively Home Educated)

## 6.0 ATTENDANCE REGISTERS

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

6.2 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.

6.3 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:

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.

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.

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 school staff and EWOs to determine quickly the basis of the authorised absence in question.

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**.

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

## 6.4    Keeping attendance registers

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. Missing marks 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.

Schools are being urged to keep registers electronically. Schools must use the national absence and attendance codes. This facilitates the process of providing attendance statistics, particularly through the DfE WONDE reporting and School Census systems 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.

Whenever a change is made, both the original entry in a register and any

subsequent amendment must be clearly distinguishable. For inspection purposes, registers must also show the reason for change, when it was made and who made it.

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

### Security and preservation of admission and attendance registers

Schools must have systems in place to ensure that both the admission and the attendance registers are secure in order 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 on a daily basis in order 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.

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.

## 7   USE OF LEGAL ACTION

71. 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.

7.2 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.

7.3 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.

7.4 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.

7.5  All cases are formally reviewed and considered for legal action if necessary.

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

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 an Education Supervision Order 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.