

## Attendance POLICY



### R A Butler Academy Infant and Junior Schools

**NB: Addendum A gives information relating to the Covid-19 pandemic period (Sept 2020 - )**

Date of policy	July 2021
Review date	July 2022
Headteacher's signature	<i>Signed copy on file in HT office</i>
Chair of Governors' signature	<i>Signed copy on file in HT office</i>

## R A Butler Academy

### Pupil Attendance Policy

#### Introduction and Background

*R A Butler Academy* recognises that positive behaviour and good attendance are essential in order to raise standards of pupil attainment and to give every child/young person the best educational experience possible.

This policy is written with the above statement in mind and underpins our school ethos to:

- promote children's welfare and safeguarding
- ensure every pupil has access to the full time education to which they are entitled
- ensure that pupils succeed whilst at school
- ensure that pupils have access to the widest possible range of opportunities at school, and when they leave school

For our children to gain the greatest benefit from their education it is vital that they attend regularly and be at school, on time, every day the school is open unless the reason for the absence is unavoidable. **It is a rule of this school that pupils must attend every day, unless there are exceptional circumstances and it is the *headteacher*, not the parent, who can authorise the absence.**

Any absence affects the pattern of a child's schooling and regular absence will seriously affect their learning. Any pupil's absence or late arrival disrupts teaching routines and so may affect the learning of others in the same class. Ensuring a child's regular attendance at school is a parental responsibility and permitting absence from school without a good reason creates an offence in law and may result in prosecution.

This policy has been developed in consultation with school governors, teachers, the Local Authority and parents and carers. It seeks to ensure that all parties involved in the practicalities of school attendance are aware and informed of attendance matters in school and to outline the school's commitment to attendance matters. It details the responsibilities of individuals and groups involved and the procedures in place to promote and monitor pupil attendance.

Our policy aims to raise and maintain levels of attendance by:

- Promoting a positive and welcoming atmosphere in which pupils feel safe, secure and valued.
- Raising awareness of the importance of good attendance and punctuality
- Ensuring that attendance is monitored effectively and reasons for absences are recorded promptly and consistently.

#### Promoting Regular Attendance

Helping to create a pattern of regular attendance is the responsibility of parents, pupils and all members of school staff.

To help us all to focus on this we may:

- Give parents/carers details on attendance in our newsletters
- Report to parents/carers annually on their child's attendance with the annual school report.
- Contact parents/carers should their child's attendance fall below the school's target for attendance.
- Celebrate excellent attendance by displaying and reporting individual and class achievements
- Reward good or improving attendance

### **Understanding Types of Absence**

Every half-day absence from school has to be classified by the school (not by the parent/carer), as either AUTHORISED or UNAUTHORISED. This is why information about the cause of any absence is always required.

**Authorised absences** are mornings or afternoons away from school for a good reason like illness (although you may be asked to provide medical evidence for your child before this can be authorised), medical or dental appointments which unavoidably fall in school time, emergencies or other unavoidable cause.

**Unauthorised absences** are those which the school does not consider reasonable and for which no 'leave' has been given. This type of absence can lead to the Local Authority using sanctions and/or legal proceedings. Unauthorised absence includes:

- parents/carers keeping children off school unnecessarily e.g. because they had a late night or for non-infectious illness or injury that would not affect their ability to learn.
- absences which have never been properly explained
- children who arrive at school too late to get a mark on the attendance register
- shopping trips
- looking after other children or children accompanying siblings or parents to medical appointments
- their own or family birthdays
- holidays taken during term time without leave- 5 days unauthorised absence will lead to a penalty notice being triggered by the Local Authority
- day trips
- other leave of absence in term time which has not been agreed

### **School Attendance and the Law**

**There is no longer any entitlement in law for pupils to take time off during the term to go on holiday.** In addition, the Supreme Court has ruled that the definition of regular school attendance is "in accordance with the rules prescribed by the school".

The Education (Pupil Registration) (England) Regulations 2006 were amended in September 2013. All references to family holidays and extended leave have been removed. The amendments specify that headteachers may not grant any leave of absence during term time unless there are "exceptional circumstances" and they no longer have the discretion to authorise up to ten days of absence each academic year.

It is a rule of this school that a leave of absence shall not be granted in term time unless there are reasons considered to be exceptional by the headteacher, irrespective of the child's overall attendance. Only the headteacher or his/her designate (not the local authority) may authorise

such a request and all applications for a leave of absence must be made in writing on the prescribed form provided by the school. Where a parent removes a child when the application for leave was refused or where no application was made to the school, the issue of a penalty notice may be requested by this school.

**At R A Butler Academy 'exceptional circumstances' will be interpreted as:**

... being of unique and significant emotional, educational or spiritual value to the child which outweighs the loss of teaching time. The fundamental principles for defining 'exceptional' are events that are "rare, significant, unavoidable and short". By 'unavoidable' we mean an event that could not reasonably be scheduled at another time.

**'Exceptional circumstances' will not apply and we will not agree leave during term time:**

- **at any time** in September. This is very important as your child needs to settle into their new class as quickly as possible.
- during assessment and test periods in the school's calendar affecting your child.
- when a pupil's attendance record already includes any level of unauthorised absence or they have already been granted authorised leave within that academic year.

Whilst any child may occasionally have time off school because they are ill, sometimes they can be reluctant to attend school. Any problems with regular attendance are best sorted out between the school, the parents and the child. If a parent thinks their child is reluctant to attend school then we will work with that family to understand the root problem and provide any necessary support. We can use outside agencies to help with this such as the School Nurse, Local Authority Officers or Child and Family Support Worker.

**Persistent Absenteeism (PA)**

A pupil is defined by the Government as a '**persistent absentee**' when they miss 10% or more schooling across the school year for whatever reason. Absence at this level will cause considerable damage to any child's education and we need a parent/carer's fullest support and co-operation to tackle this.

We monitor all absence, and the reasons that are given, thoroughly. If a child is seen to have reached the PA mark or is at risk of moving towards that mark we will inform the parent/carer. PA pupils are tracked and monitored carefully. We also combine this with academic tracking where absence affects attainment. All our PA pupils and their parents are subject to a school based meeting and the plan may include: allocation of additional support through the School Nurse, Local Attendance Adviser through the Missing Education and Child Employment Service (MECES), Home School Liaison Worker, Local Authority, Family Solutions or Social Care. We may also use circle time, individual incentive programmes, individual targets and participation in group activities to support us in raising attendance.

**Absence Procedures**

**If a child is absent from school the parent/carer must follow the following procedures:**

- Contact the school on the first day of absence before *9.10 am*. The school has an answer phone available to leave a message if nobody is available to take your call, or call into school personally and speak to the office staff
- Contact the school on every further day of absence, again before *9.10am*

- Ensure that your child returns to school as soon as possible

**If your child is absent we will:**

- Telephone or email you on the first day of absence if we have not heard from you
- Write to you if your child's attendance is below **90%**
- Invite you in to school to discuss the situation with our School Welfare Officer, Child and Family Support Worker or Headteacher if absences persist
- Refer the matter to the Local Authority (MECES) to request a formal School Attendance Meeting if attendance deteriorates following the above actions

**The Missing Education and Child Employment Service (MECES)**

Parents are expected to contact school at an early stage and to work with the staff in resolving any problems together. This is nearly always successful. If difficulties cannot be sorted out in this way, the school may refer the child to the Local Authority. Local Authority Officers work with schools, families and other professionals to reduce persistent absence and improve overall attendance. If attendance does not improve, legal action may be taken in the form of a Penalty Notice (see Annex A for the Essex Code of Conduct), prosecution in the Magistrates Court or the application of an Education Supervision Order, designed to strengthen parental responsibilities and ensure improved attendance.

**Lateness**

Poor punctuality is not acceptable. If a child misses the start of the day they can miss work and do not spend time with their class teacher getting vital information and news for the day. Late arriving pupils also disrupt lessons, can be embarrassing for the child and can also encourage absence. Good time-keeping is a vital life skill which will help our children as they progress through their school life and out into the wider world.

**How we manage lateness:**

The school day starts at **8.45 am** when children can begin to come into school. Registers are taken at **8.55 am** and your child will receive a late mark if they are not in by that time. Children arriving after **8.55 am** are required to come in to school via the school office if accompanied by a parent or carer, the parent/carers will sign them into our 'Late Book' and provide a reason for their lateness which is recorded. The school may send home 'late notes' in order to keep parents and carers informed. Every day the school undertakes a 'Late Gate' check, greeting late arrivals at the main entrance to the school.

At **9.20am** the registers will be closed. In accordance with the Regulations, if your child arrives after that time they will receive a mark that shows them to be on site, but this will **not** count as a present mark and it will mean they have an unauthorised absence. This may mean that you could face the possibility of a Penalty Notice if the problem persists. If your child has a persistent late record you will be asked to meet with the School Welfare Officer and/or headteacher, but you can approach us at any time if you are having problems getting your child to school on time. We expect parents and staff to encourage good punctuality by being good role models to our children and celebrate good class and individual punctuality.

If leave of absence is authorised, the school will not provide work for children to do during their absence. Parents are however advised to read with their children and encourage them to write a diary while they are away.

### **Deletion from Roll**

For any pupil leaving *R A Butler Academy*, other than at the end of year 6 parents/carers are required to complete a 'Pupils moving from school' form which can be obtained from the school office. This provides school with the following information: Child's name, class, current address, date of leaving, new home address, name of new school, address of new school. This information is essential to ensure that we know and safeguard the whereabouts of all of our pupils.

### **Summary**

The school has a legal duty to publish its absence figures to parents and to promote attendance.

Equally, parents have a duty to make sure that their children attend school, on time, every day.

*All school staff and the Governing Body are committed to working with parents and pupils as the best way to ensure as high a level of attendance as possible.*

## Appendix A

### **ESSEX CODE OF CONDUCT PENALTY NOTICES FOR PARENTS OF TRUANTS AND PARENTS OF PUPILS EXCLUDED FROM SCHOOL ANTI SOCIAL BEHAVIOUR ACT 2003 SECTION 23**

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

The Government requires Local Authorities to issue a code of conduct

The Essex code has been agreed following consultation with:

- Essex Local Authority – Missing Education & Child Employment Service
- Representatives from Governing Bodies and Headteachers of Essex Schools
- Essex Police Service

in accordance with the Education (Penalty Notices) Regulation 2007, Anti Social Behaviour Act 2003) section 23 subsection (1) and Sections 103 to 105 of the Education and Inspections Act 2006; Education (Pupil Registration) (England) (Amendment) Regulations 2013  
Anyone issuing a penalty notice to a parent\* of a child of statutory school age on roll at an Essex school, must do so within the terms of this code.

#### **Legislation**

The Anti Social Behaviour Act 2003 inserts into the Education Act 1996 Section 444A and Section 444B enabling authorised personnel to issue penalty notices as an alternative to prosecution under Section 444 and enable parents to discharge potential liability for conviction for that offence by paying a penalty.

Section 444(1) of the Education Act 1996 provides that if a child of compulsory school age 'fails to attend regularly' at the school where he is a registered pupil, his parent is guilty of an offence. On the 6th April 2017, in the case of Isle of Wight Council v Platt the Supreme Court judgement ruled that the word 'regularly' means 'in accordance with the rules prescribed by the school'

Section 103 of the Education and Inspections Act 2006 places a duty on parents to ensure that their child is not present during school hours in a public place during the first 5 days of exclusions. Section 105 of the Act enables a penalty notice to be issued under Section 103.

#### **Authorisation to issue penalty notices**

Primary responsibility for issuing penalty notices rests with the Local Authority (LA). It has been agreed that the Missing Education & Child Employment Service, on behalf of Essex LA, will usually issue penalty notices. The Service will administer the scheme from any funds obtained as a result of issuing penalty notices.

Headteachers (and deputy headteachers and assistant headteachers authorised by the head teacher) and police, and persons accredited by the police are all able to issue the notices under the Act, although there is no requirement for them to do so. In Essex it has been

agreed that the Police will not issue penalty notices to parents of truants, but persons accredited by them may do so. Schools will not generally issue penalty notices but where a Headteacher (or their designated deputy) or accredited person decides that a penalty notice is to be served, they must email ME&CE.legal@essex.gov.uk to ascertain if there is any current legal action. A response will be sent within 24 hours. This will avoid a penalty notice being issued when the Local Authority is instigating legal intervention proceedings for irregular school attendance.

### **Circumstances in which a penalty notice may be issued**

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

- **Penalty notices for irregular school attendance /leave of absence \*\***

Penalty notices may be issued where there has been at least 10 sessions of unauthorised absence during the previous ten school weeks. This includes unauthorised late arrivals, coded U, which count as unauthorised absence for the whole session.

In addition to the above criteria, due to the importance of pupils settling into school at the commencement of the school year, penalty notices may also be issued if there have been any consecutive sessions of unauthorised leave of absence during the first two weeks of September due to a term-time holiday.

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

- **Pupil identified during a school attendance and exclusion sweep**

School attendance and exclusion sweeps take place in Essex and children stopped are often with parents condoning the absence.

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

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

Essex will issue no more than two penalty notices to a parent in a twelve month period for pupils identified on a school attendance and exclusion sweep. If the law continues

to be broken around school attendance the Missing Education and Child Employment Service legal intervention process will be used.

- **Excluded children**

When a child is excluded from school, the parent will be responsible for ensuring that their child is not found in a public place during normal school hours on the first five days of each and every fixed period or permanent exclusion. (Section 103 Education and Inspections Act) The excluding school must have issued notice to the parent informing them of their duty and warning that a penalty notice could be issued.

Where there is more than one person liable for the offence, a separate notice may be issued to each person.

Where a pupil is present in a public place in the first five days of a fixed period exclusion the Essex Local Authority would issue a penalty notice if the school is in their area. Where the child has been permanently excluded, it would be the authority where the child resides.  
Number of penalty notices which can be issued for exclusion

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

Number of penalty notices which can be issued for unauthorised leave of absence  
Essex will issue no more than two penalty notices to a parent in a twelve month period for unauthorised leave of absence. If the law continues to be broken around school attendance the Missing Education and Child Employment Service legal intervention process will be used.

### **Payment of Penalty Notice**

The penalty for each parent is £60 for each child if paid within 21 days of receipt of the notice, rising to £120 if paid after 21 days but within 28 days of receipt of the notice (service by post is deemed to have been effected, unless the contrary is proved, on the second working day after posting the notice by first class post).

All penalties are paid to the LA and revenue generated is retained to administer the system and contribute towards S444 prosecutions.

If the penalty is not paid in full by the end of the 28 day period Essex Missing Education and Child Employment Service will either prosecute for the offence to which the notice applies or withdraw the notice. The prosecution is not for non-payment of the notice but is a prosecution for irregular school attendance – Education Act 1996 Section 444 (1)

There is no statutory right of appeal against the issuing of a penalty notice.

### **Withdrawal of Penalty Notice**

A penalty notice can be withdrawn in the following circumstances:

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

### **Co-ordination between the LOCAL AUTHORITY and its local partners**

The Missing Education and Child Employment Service and its local partners will review this Code of Conduct regularly.

*\* All those defined as a parent under Section 576 Education Act 1996 are parents for the purpose of these provisions. This means that all natural parents, whether they are married or not; any person who, although not a natural parent, has parental responsibility (as defined in the Children Act 1989) for a child or young person; and any person who, although not a natural parent, has care of a child or young person. Having care of a child or young person means that a person with whom the child lives and who looks after the child, irrespective of what their relationship is with the child, is considered to be a parent in education law. Parent means each and every parent coming within the definition (whether acting jointly or separately) and should not be taken to mean that provisions only apply to parent in the singular.*

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

Revised July 2017 for implementation from 1st October 2017

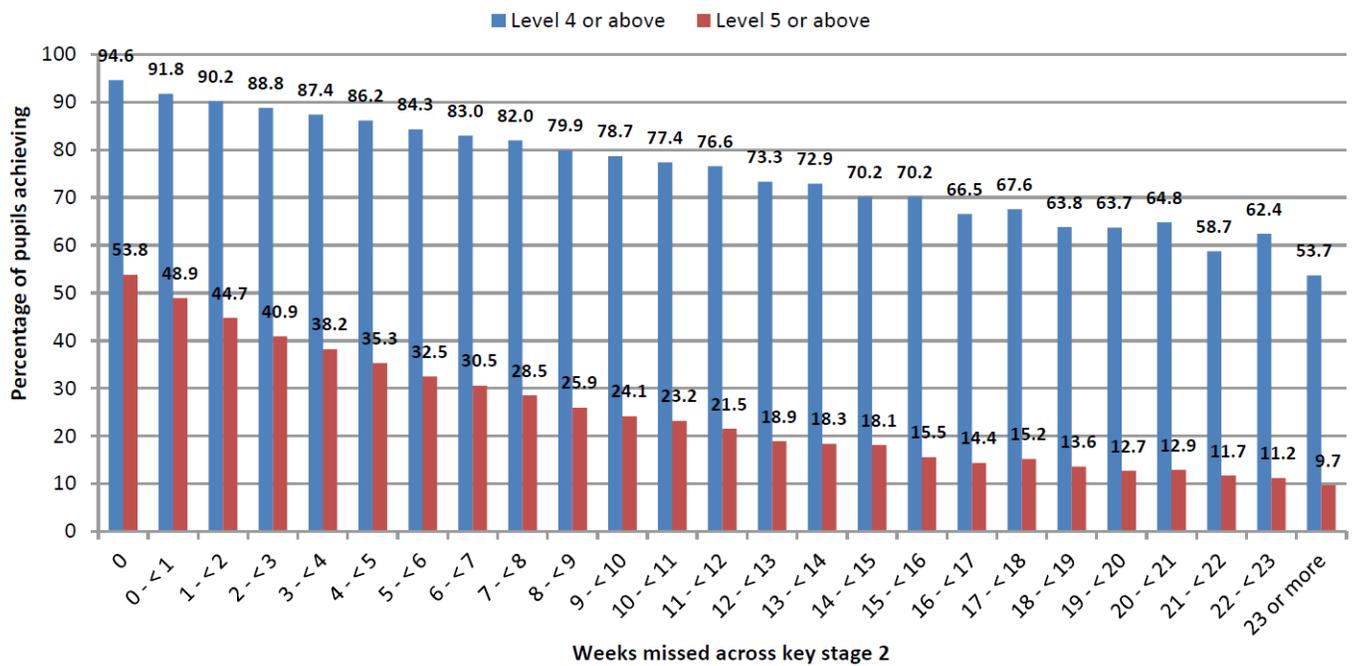
Revised November 2017

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

## Appendix B

DfE “The link between absence and attainment at KS2 - 2013/14 academic year”

The analysis of the link between overall absence ....and attainment when taking prior attainment and pupil characteristics into account showed that, for each KS2 and KS4 measure, overall absence had a statistically significant negative link to attainment – i.e. every extra day missed was associated with a lower attainment outcome.



## Appendix C

### RA BUTLER ACADEMY AN ATTENDANCE GUIDE FOR PARENTS

#### 1. When does my child need to be in School?

Your child should be at school in good time for registration. The morning register will be called promptly at **8.55 am** and the afternoon register at **1pm** (Early Years & Key Stage One), **1.25pm** (Key Stage Two)

#### 2. What happens if my child is late?

Registration finishes at 9.20am in the morning and **1.15/1.40pm** in the afternoon.

If your child arrives between **8.55am** and **9.20am** he/she will be marked **late**

If your child arrives after **9.20am** he/she will be marked as **absent (late after registers closed)**

If your child arrives after **1pm/1.25pm** he/she will be marked **late**

If your child arrives after **1.15/1.40pm** he/she will be marked **absent (late after registers closed)**

[Pupils who arrive after registration should report to the school office, and sign the Late Book. If a pupil is late regularly a meeting will be arranged with a member of staff to discuss reasons/ difficulties for lateness]

#### 3. Does the School need letters explaining my child's absence or will a phone call do?

We would expect a parent to telephone the school on the first day of absence. If you do not phone us, we will phone you. If we do not receive an explanation, or if the explanation is unsatisfactory, we will not authorise the absence, and this will be shown on your child's end of year report.

#### 4. What reasons will the school accept for absences?

- Illness
- Emergency dental/medical appointment (Please make routine appointments after school or during the Holidays)
- Day of religious observance
- Family bereavement

Except in the case of illness, you should ask for permission for your child to miss school well in advance, giving full details. In cases of recurring absences through illness you may be asked to produce a medical certificate.

#### 5. What is unacceptable?

The school will not authorise absence for day trips, visiting relatives, shopping, birthdays or looking after brothers or sisters etc.

#### 6. What happens if my child has an unauthorised absence?

Penalty notices may be issued in circumstances where a child has 10 unauthorised sessions (5 days) within a 6 week period. Please see Essex Code of Conduct for Penalty Notices

[https://www.essex.gov.uk/Publications/Documents/Code\\_Conduct.pdf](https://www.essex.gov.uk/Publications/Documents/Code_Conduct.pdf)

#### 7. Will the school contact me if my child is absent?

The school operates a first day response to absences: we will phone you if we have not heard from you. This is because we believe it is our responsibility to ensure your child's safety as well as their regular school attendance.

If we are concerned about aspects of your child's attendance or punctuality we will contact you to discuss the best way forward.

#### 8. I am thinking about sending my child on an extended absence for an overseas trip to visit relatives. What should I do?

The school recognises that such absence can be important for children to keep in touch with their extended family. Contact the headteacher as soon as possible to discuss the best time for such a visit.

The school would strongly recommend that such absences do not take place during your child's SATs (Years 2 and 6) examinations. You need to complete an application form for extended leave of absence and if the Headteacher then approves the visit, the school will set work for your child to complete while away. As far as possible we will ensure the work set reinforces the educational value of such a visit.

**9. What can I do to encourage my child to attend school?**

Make sure your child gets enough sleep and gets up in plenty of time each morning. Ensure that he/she leaves home in the correct clothes and properly equipped. Show your child, by your interest, that you value his/her education.

**10. My child is trying to avoid coming to school. What should I do?**

Contact your child's class teacher immediately and openly discuss your worries. Your child could be avoiding school for a number of reasons – difficulties with school work, bullying, friendship problems, family difficulties. It is important that we identify the reason for your child's reluctance to attend school and work together to tackle the problem.

## Appendix D – Legal Action Warning Letter

### PENALTY NOTICE / LEGAL ACTION WARNING

Dear

**Pupil's name:**                      **D.O.B:**

It is noted that you are the parent of, or have day to day care of                      , a child who is a registered pupil at this school and is not in regular attendance as required by the Education Act 1996, Section 7.

                    has been recorded as having                      school sessions (equivalent to                      school days) lost due to unauthorised absences between the dates of                      and                      .

It is recommended that you take immediate steps to ensure that the child named above attends school regularly. If this is not achieved and there are further unauthorised absences a referral will be made to the Missing Education and Child Employment Service and you may be prosecuted in the Magistrates Court under section 444 of the Education Act 1996 for failing to ensure regular attendance at school. However, depending upon the circumstances, you may be provided with an opportunity to discharge the offence by paying a penalty notice which imposes a fine of £60 if paid within 21 days, rising to £120 if paid between 22 days and 28 days. Should you fail to pay within the prescribed timescales, you will be prosecuted for the original offence.

Please note: If you have previously been the subject of a prosecution for any child in relation to irregular school attendance and the attendance of                      does not improve to a satisfactory level immediately, you may be required to attend a formal pre-court interview. This interview will be carried out under caution to investigate the circumstances.

When deciding upon the most appropriate action, the Local Authority has a duty to consider if the making of an Education Supervision Order would be appropriate. If an assessment of the situation indicates that this may be appropriate, and no improvement is achieved, you may be invited to a pupil planning meeting.

It is important for you to note that the above absences may be included if any further action is taken against you.

Another parent/carer or someone with day-to-day responsibility regarding the above named child may have also received this letter. Each adult holds separate responsibility and will also be required to take appropriate action to ensure there are no further unauthorised absences.

Further information on school attendance and Essex County Council's policies may be found at [www.essex.gov.uk](http://www.essex.gov.uk). Should you have any queries or wish to discuss your child's attendance, please contact the school.

The attached 'Legal information for Parents and Carers' provides you with further information on legal proceedings in relation to irregular school attendance.

Yours sincerely,

Telephone:

Fax:

Enc: Legal Information Fact Sheet

# School Attendance

## Information from Missing Education & Child Employment Service

### Legal information for Parents and Carers

#### The Education Act 1996

**By law** – all children of compulsory school age must receive an appropriate full time education suitable to their age, ability, aptitude or any special educational needs they may have. The school starting date is the beginning of the term after which the child reaches their 5<sup>th</sup> birthday. The school leaving date is the last Friday in June of the academic year in which the child reaches their 16<sup>th</sup> birthday.

**Parents / Carers** – are responsible for

- registering their child at a school or making other arrangements which provide an efficient education
- ensuring their child attends school regularly at the school at which they are registered
- applying for a planned absence of leave from school
- notifying the school when their child is absent unexpectedly

**Schools** – must either

- give permission for your child to be absent from school
- mark unexpected absences as authorised
- or mark the absence as unauthorised

**The Law** –says that parents/carers whose children are absent from school without good reason are committing an offence

**Your child** – may be referred to the Missing Education and Child Employment Service (MECES) because the school is concerned about the level of their attendance.

#### Warning Letters and School Attendance Meetings

Depending upon individual circumstances, you may be sent a letter warning that if there are further unauthorised absences within a certain period of time (specified on the letter) you will be issued with a penalty notice or prosecuted. Or you could be invited to attend a School Attendance Meeting (SAM), chaired by a Local Authority representative. The School Attendance Meeting is a formal meeting and parent/carers are cautioned that if there are further unauthorised absences following the SAM, a penalty notice will be issued or prosecution instigated.

#### Legal action available to Local Authorities includes:

##### Penalty Notices

Issued to each parent for each child for the sum of £60 to be paid within 21 days. If the penalty is not paid within this time it will increase to £120 which must be paid within the following 7 days (a total of 28 days from issue). If the higher payment is not paid the Missing Education & Child Employment Service will instigate legal proceedings. There is no right of appeal and payment will not be accepted after the 28<sup>th</sup> day.

##### Prosecution

In the magistrates court under section 444(1) of the Education Act 1996. This offence carries a fine of up to £1000 for each parent.

Or

In the magistrates court under section 444(1A) of the Education Act 1996. This offence carries a fine up to £2,500 and/or a 3 months custodial sentence for each parent if it is found that you knew about your child's absences and failed, without reasonable justification, to ensure attendance.

If you fail to attend court for the hearing the matter may either be dealt with in your absence or, occasionally, a warrant issued for your arrest. The magistrates will sentence you in accordance with their sentencing powers.

The magistrates may also consider imposing a Parenting Order which consists of two elements: a core element requiring the parent to attend guidance sessions to help them in dealing with their children and a control element requiring a parent to exercise control over ensuring attendance and communications with the relevant authorities

### **Education Supervision Order (ESO)**

Applied for by the Local Authority through the family court under the Children Act 1989 section 36. Such an order allows a supervising officer, appointed by the court, to provide advice, guidance and give directions to you and/or your child aimed at ensuring regular school attendance. If you do not comply with a reasonable direction you may be prosecuted for breaching the Order and you may also be prosecuted for failing to ensure regular school attendance

## **Defences to non-school attendance**

The legal reasons (defences) for non-school attendance are –

- the child is prevented from attending school due to sickness or other unplanned or unavoidable causes
- the child is absent due to a day of religious observance in the parent's/carer's religion
- the school has granted and authorised the leave
- the child lives more than 2 miles if under 8 years or 3 miles if over 8 years from the school and the local authority has failed to provide transport.

It is not a defence where parents have chosen to register a child at a school outside the catchment area and no transport has been provided.

## **ADDENDUM A – Covid-19 Pandemic Period (Sept 2020 - )**

*See DfE Guidance for full opening – schools (published 2 July 2020)*

### **Attendance expectations**

In March when the coronavirus (COVID-19) outbreak was increasing, the DfE made clear no parent would be penalised or sanctioned for their child's non-attendance at school. Now the circumstances have changed and it is vital for all children to return to school to minimise as far as possible the longer-term impact of the pandemic on children's education, wellbeing and wider development.

Missing out on more time in the classroom risks pupils falling further behind. Those with higher overall absence tend to achieve less well in both primary and secondary school. **School attendance will therefore be mandatory again from the beginning of the autumn term.** This means from that point, the usual rules on school attendance will apply, including:

- parents' duty to secure that their child attends regularly at school where the child is a registered pupil at school and they are of compulsory school age;
- schools' responsibilities to record attendance and follow up absence
- the availability to issue sanctions, including fixed penalty notices in line with local authorities' codes of conduct

### **Pupils who are shielding or self-isolating**

We now know much more about coronavirus (COVID-19) and so in future there will be far fewer children and young people advised to shield whenever community transmission rates are high. Therefore, the majority of pupils will be able to return to school. We will note however that:

- a small number of pupils will still be unable to attend in line with public health advice because they are self-isolating and have had symptoms or a positive test result themselves; or because they are a close contact of someone who has coronavirus (COVID-19)
- shielding advice for all adults and children will pause on 1 August, subject to a continued decline in the rates of community transmission of coronavirus (COVID-19). This means that even the small number of pupils who will remain on the shielded patient list can also return to school, as can those who have family members who are shielding. Read the [current advice on shielding](#)
- if rates of the disease rise in local areas, children (or family members) from that area, and that area only, will be advised to shield during the period where rates remain high and therefore they may be temporarily absent (see below).
- some pupils no longer required to shield but who generally remain under the care of a specialist health professional may need to discuss their care with their health professional before returning to school (usually at their next planned clinical appointment). You can find more advice from the Royal College of Paediatrics and Child Health at [COVID-19 - 'shielding' guidance for children and young people](#).

Where a pupil is unable to attend school because they are complying with clinical and/or public health advice, we will immediately offer them access to remote education. We will monitor engagement with this activity.

Where children are not able to attend school as parents are following clinical and/or public health advice, absence will not be penalised.

### **Pupils and families who are anxious about return to school**

All other pupils must attend school. We will bear in mind the potential concerns of pupils, parents and households who may be reluctant or anxious about returning and put the right support in place to address this. This may include pupils who have themselves been shielding previously but have been advised that this is no longer necessary, those living in households where someone is clinically vulnerable, or those concerned about

the comparatively increased risk from coronavirus (COVID-19), including those from Black, Asian and Minority Ethnic (BAME) backgrounds or who have certain conditions such as obesity and diabetes.

If parents of pupils with significant risk factors are concerned, we will discuss their concerns and provide reassurance of the measures we are putting in place to reduce the risk in school. We will be clear with parents that pupils of compulsory school age must be in school unless a statutory reason applies (for example, the pupil has been granted a leave of absence, is unable to attend because of sickness, is absent for a necessary religious observance etc). In these situations we will deal with families on a 1:1 basis and work with the families to put in a return to school plan before any fines are imposed.

### **Measures for arriving at and leaving school**

To minimise contact between individuals and maintain social distancing where possible, we will operate staggered start and finish times as children arrive and leave school. Three different entry gates will be used, as well as a separate exit gate. A one-way system will be clearly marked for parents and children to follow.